

For Information Only

Cultural Heritage Policy Discussion Paper

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Recommendation

For information only.

Purpose of report:

The purpose of this report is to review the current Heritage Resources section of the Official Plan as part of the ongoing Official Plan five year review. The scope of the report will include the current heritage planning framework in Ontario, cultural heritage related comments received from the public as part of the five year review process and examples of Cultural Heritage Official Plan policies from other municipalities. Based on this review, this report will present some options and recommendations regarding potential changes to augment the existing heritage conservation policies in the City of Greater Sudbury Official Plan.

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Cultural Heritage Policy Discussion Paper

November 4th, 2013



Revisit. Review. Revise.
Revisitez. Réexaminez. Révissez.

Official Plan Review ★ Révision du Plan officiel



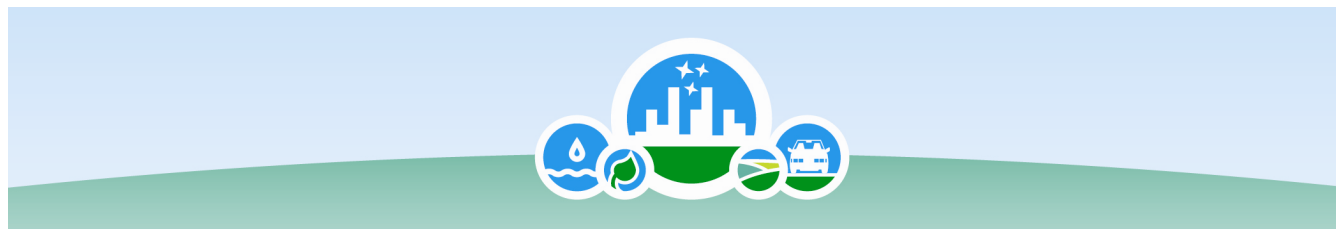
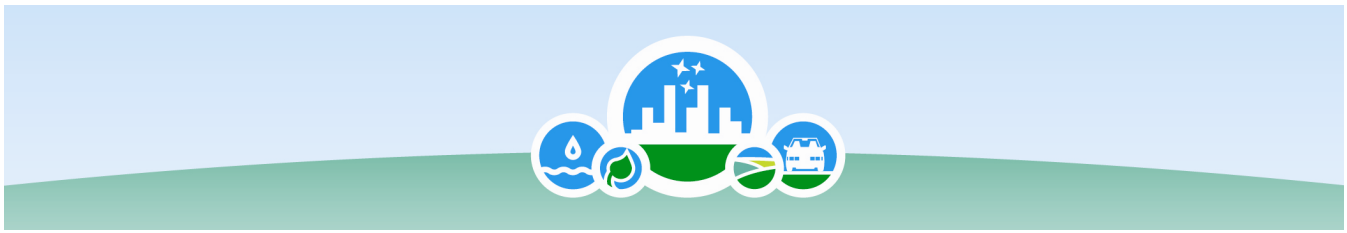


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Purpose of Report

The purpose of this report is to review the current Heritage Resources section of the Official Plan (OP) as part of the ongoing five year review. The scope of this review will include the current heritage planning framework in the Province, comments received as part of the five year review process and examples from other municipalities. Based on this review, this report will present some options and recommendations regarding changes to augment the existing heritage conservation policies.

Planning Framework

The planning framework for cultural heritage identification and preservation in Greater Sudbury is formed by the 2005 Provincial Policy Statement (PPS), the Ontario Heritage Act, and the City's OP.

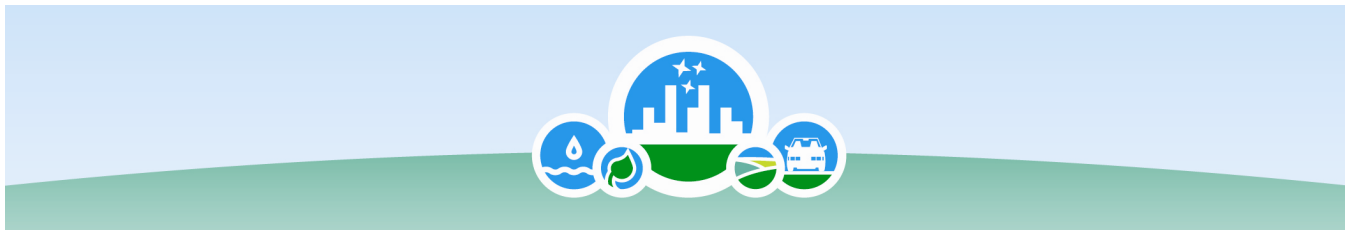
2005 Provincial Policy Statement

Cultural heritage matters are addressed in Section 2.6 of the PPS (Appendix A), specifically:

- 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- 2.6.2 *Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.*
- 2.6.3 *Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.*

The 2005 PPS defines built heritage resources as “...one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.”

The 2005 PPS defines cultural heritage landscape as “...a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways and industrial complexes of cultural heritage value.”



The 2005 PPS defines significant cultural heritage and archaeological resources as “...resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.”

The 2005 PPS defines heritage attributes as “...the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.”

The 2005 PPS defines protected heritage property as “...real property designated under Parts IV, V, or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.”¹

2012 Draft PPS

The Provincial Policy Statement is also in the midst of its own required 5 year review. The draft of the new PPS was released in 2012 and contains some proposed changes to the section dealing with cultural heritage and archaeology. These changes mainly consist of:

- Not permitting development or site alteration on properties containing archaeological resources unless they have been conserved;
- Not permitting development and site alteration on adjacent lands to protected heritage property except where the proposal has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved;
- Encouraging municipalities to consider and promote archaeological management plans and cultural heritage plans; and
- Encouraging municipalities to consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

The draft PPS is also proposing some changes to various definitions regarding cultural heritage resources, namely:

- Including references to Aboriginal communities
- Specifying that cultural heritage landscapes “may” have been modified by human activities and also include other areas recognized by federal or international designation authorities.
- Expanding heritage attributes to include a property’s natural landforms, vegetation, water features, and its visual setting;
- Expanding the definition of protected heritage properties to include UNESCO World Heritage Sites and sites identified by Provincial and/or Federal bodies.²

¹ 2005 Ontario Provincial Policy Statement

² Provincial Policy Statement Review – Draft Policies September 2012



Ontario Heritage Act

The Ontario Heritage Act provides the legislative framework for protecting cultural heritage in Ontario. The Act provides a number of ways for municipalities to preserve cultural heritage properties, namely:

- Designating individual properties under Part IV of the Act;
- Designating areas as heritage conservation districts under Part V of the Act;
- Designating archaeological resources under Part VI of the Act; and
- Entering into easements with owners of designated properties.

The Ontario Heritage Act was comprehensively amended in April of 2005, approximately the same time that the current OP was being finalized.

Some of the more important changes to the Ontario Heritage Act in 2005 included the ability for municipalities to list cultural heritage resources that have not been designated on Municipal Heritage Registers.³

What is a Heritage Register?

Section 27 of the Ontario Heritage Act requires the clerk of every local municipality to keep a current register of properties of cultural heritage value or interest situated in the municipality (Appendix B). This register is the official list or record of cultural heritage properties that have been identified as being important to the community. The register must include all the properties in the municipality that are designated under Part IV (individual designation) and Part V (heritage conservation districts).

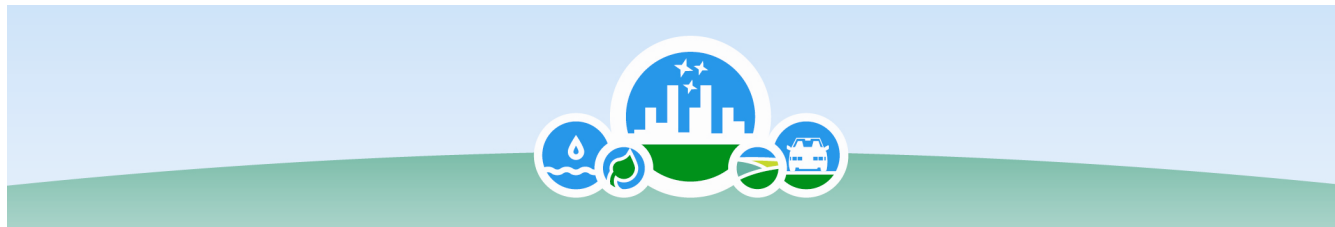
Currently in the City of Greater Sudbury there are seven buildings and structures that are designated, six under Part IV of the Ontario Heritage Act, one under the Heritage Railway Stations Protection Act (Appendix C) and no Heritage Conservation Areas designated under Part V.

Changes to the Ontario Heritage Act in 2005 now allow municipalities to include on their municipal heritage register properties of cultural heritage value that have not been designated. This process, known as listing, is a means to formally identify properties that may have cultural heritage value or interest to the community. This register is an important tool in planning for their conservation and provides a measure of interim protection for these properties by requiring owners of listed properties to give Council at least 60 days notice of their intent to demolish or remove a building or structure on the property.

What is the process to list non designated buildings on the register?

Council's approval is required to add cultural heritage properties that have not been designated to the register. In cases like the City of Greater Sudbury where a Municipal Heritage Advisory Panel has been established, Council must consult with the Panel before a non-designated property is added to or removed from the register.

³ Ontario Heritage Act R.S.O 1990



The Municipal Heritage Advisory Panel is currently in the process of researching properties of cultural heritage value for inclusion on the Register. Since the requirement for maintaining a Registry was a result of changes to the Ontario Heritage Act in 2005, it is recommended that Section 13 of the OP be amended to include reference to it as part of the Five Year Review process.⁴

City of Greater Sudbury Official Plan

The current OP addresses Cultural Heritage in Chapter 13 - Heritage Resources (Appendix D). The OP stresses the importance of preserving Greater Sudbury's Heritage as these highly visible cultural assets will strengthen the City's identity and appeal, instill a sense of pride in local citizens, and attract the interest of visitors. The OP also identifies the Ontario Heritage Act as the legislative tool to preserve historic buildings, districts and archeological sites.

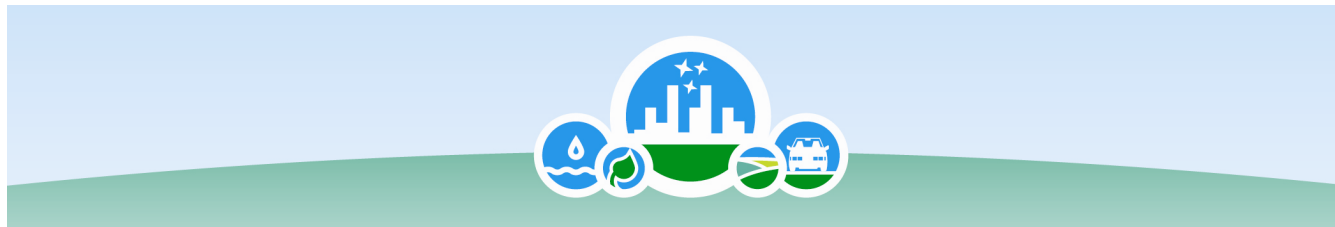
The Heritage Resources section of the OP also includes several policies, namely:

- Discouraging or precluding the demolition or inappropriate alteration of any heritage resource designated under the Ontario Heritage Act.
- Requiring that heritage buildings involved in planning applications be retained for their original purpose and in their original location wherever possible. If this is not possible, consideration may be given for the relocation of the structure;
- Encouraging adaptive reuse projects that conserve the architectural integrity of heritage buildings and structures.
- Ensuring that development adjacent to designated heritage buildings or structures is compatible with the built form and scale of the designated property;
- Protecting the CPR Station and CPR Telegraph Office from inappropriate development;
- Protecting heritage districts and cultural heritage landscapes from inappropriate uses;
- Permitting the transfer of surplus density rights from sites with heritage buildings to adjacent properties to facilitate the preservation of the of the heritage resource;
- Mapping the archaeological potential of the City and requiring that any archaeological resources located on a proposed development site be preserved or conserved and that the appropriate authorities be contacted in the event that human remains are uncovered.

In addition to the Heritage policies of the OP, there are also a number of heritage work programs identified, including:

1. Identifying and preparing an inventory of heritage resources.
2. Consider establishing a Municipal Heritage Committee to assist and advise on heritage matters
3. Consider establishing heritage design guidelines
4. Consider establishing a grant program for designated heritage properties
5. Support the creation of a Municipal Archives.

⁴ Listing Cultural Heritage Properties on the Municipal Register – Ministry of Culture, Spring 2007



Some of the above programs have been accomplished, including the establishment of a Municipal Heritage Advisory Panel and the creation of a Municipal Archives, while others are currently being worked on, namely an inventory of properties for inclusion on the Register.

Comments received as part of the Official Plan Review Process

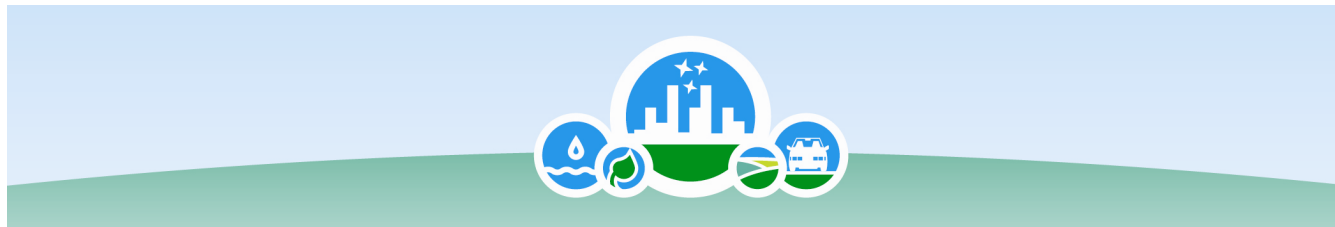
As part of the OP Review process, several letters (Appendix E) were received regarding designating the Robinson Lake and Lilly Creek area as a cultural heritage landscape. These letters site the historical importance of this area as a travel route for first nations and early European explorers and later on as part of a thriving logging industry. The letters also cite the importance of several natural heritage features in the area including geological features, lake and wetland features, in addition to birds and other wildlife.

Natural Heritage vs Cultural Heritage

The letters received as part of the OP review process make reference to natural heritage features as well as cultural heritage features. Both are important and both may be found occupying the same areas, however, they are not the same. Possibly the simplest way to differentiate between the two is that natural heritage features are important or unique for scientific or ecological reasons, whereas cultural heritage features are important or unique for the contributions they make or made to human culture in a particular area. Depending on whether they are naturally or culturally significant is also important to determine which legislation is applicable for their protection (i.e. the Ontario Heritage Act or the Endangered Species Act). For example, a tree may have both natural and cultural heritage value if it is a rare species and also serves as an important landmark in the community. However, in order for the tree to be designated under the Ontario Heritage Act, it would have to meet one or more of the listed criteria for determining cultural heritage value or interest:

1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit, or
 - iii. demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark. O. Reg. 9/06, s. 1 (2).⁵

⁵ Ontario Heritage Act R.S.O 1990



While there are important differences between natural and cultural heritage features, both are currently afforded protection through the City's OP. Additionally, the protection and conservation of the natural heritage elements mentioned in the letters have already been covered as part of the OP Review in the *Greater Sudbury Natural Heritage Report* that was presented to Planning Committee on June 24th of this year.

Cultural Heritage Landscapes

As discussed above, comments received through the OP review have expressed a desire to protect the Lilly Creek and Robinson Lake areas as a cultural heritage landscape. Also mentioned, the 2005 PPS states that cultural heritage landscapes shall be conserved and that cultural heritage landscapes are geographical areas that may have been modified by human activities and is valued by a community.

The Ontario Ministry of Culture has published an info sheet on heritage resources in the land use planning process, which includes a section on cultural heritage landscapes (Appendix F). This document highlights that municipalities and approval authorities can incorporate more detailed cultural heritage landscape conservation objectives and policies reflecting local heritage places, landscapes and districts into OPs, land use planning documents, and related development approval procedures or decisions.

What are Cultural Heritage Landscapes?

There are generally three main types of cultural heritage landscapes:

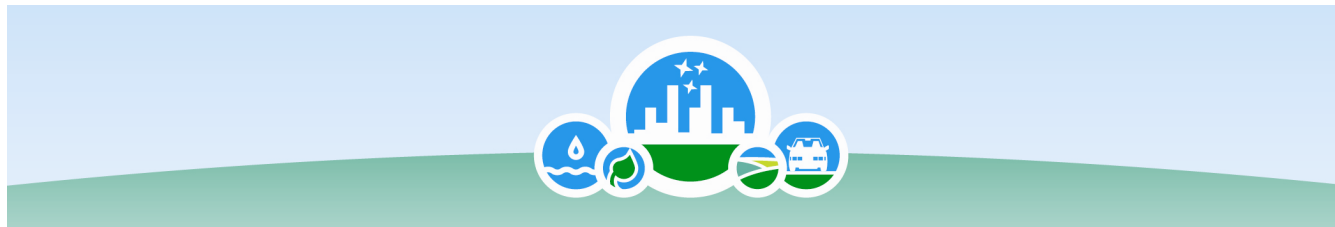
- Designed Landscapes: those which have been intentionally designed e.g. a planned garden or in a more urban setting, a downtown square.
- Evolved Landscapes: those which have evolved through the use by people and whose activities have directly shaped the landscape or area. This can include a 'continuing' landscape where human activities and uses are still on-going or evolving e.g. residential neighbourhood or mainstreet; or in a 'relict' landscape, where even though an evolutionary process may have come to an end, the landscape remains historically significant e.g. an abandoned mine site or settlement area.
- Associative Landscapes: those with powerful religious, artistic or cultural associations of the natural element, as well as with material cultural evidence e.g. a sacred site within a natural environment or a historic battlefield.⁶

How are Cultural Heritage Landscapes identified?

Cultural heritage landscapes are identified through:

- Historical Research – Consulting maps, land records, photographs, publications, primary and other sources;
- Site Survey and Analysis – Windshield surveys, intensive surveys, site surveys and analysis of the various features and characteristics which make up the cultural heritage landscapes as well as delineation of landscape boundaries
- Evaluation – Applying criteria for evaluating design, history, and context of the entire subject area.⁷

⁶ Heritage Resources in the Land Use Planning Process, Ministry of Culture 2006



The PPS defines “cultural heritage landscapes” and it defines “significant”. For cultural heritage landscapes to be significant, they must be “valued for the important contribution they make to our understanding of the history of a place, an event, or a people.”

In many of the municipalities reviewed the research and identification of cultural heritage landscapes was a program element of the OP, and undertaken by the Municipal Heritage Committee. This should be the approach taken with respect to identifying cultural heritage landscapes in Greater Sudbury as well.

How do you conserve Cultural Heritage Landscapes in land use planning?

The Planning Act allows municipalities and approval authorities to adopt OP objectives and cultural heritage policies and approval procedures. For the conservation of significant cultural heritage landscapes, planning tools can include, but are not limited to:

- Heritage conservation district policies, guidelines & studies
- Area design guidelines
- Height and setback restrictions / site plan control
- Landscape impact assessments
- Secondary plan policies for special areas
- Special zoning by-laws with heritage criteria overlay
- Subdivision development agreements
- Community improvement plans
- Stewardship
- Financial incentives
- Landscape conservation plans
- Park area / corridor area management plans⁸

Based on the above, it can be seen that cultural heritage landscapes are identified and protected through a number of land use planning tools based in the OP in comparison to designated properties or heritage districts, which rely considerably more on the Ontario Heritage Act. A review of other municipal OPs shows that they identify cultural heritage landscapes as “Areas of Heritage Character” through Official Plan Amendments and afford them special policies including:

- Requirements for Heritage Impact Assessments as a condition of development approvals;
- Maintenance of buildings and the visual character of the area, and
- Protection of street end and lake views.

⁷ Heritage Resources in the Land Use Planning Process, Ministry of Culture 2006

⁸ Heritage Resources in the Land Use Planning Process, Ministry of Culture 2006



Another important consideration with respect to cultural heritage landscapes is that unlike individual properties or conservation districts, they may cover large areas. Not all elements of the cultural heritage landscape may be significant and as a result any policies should specify the exact elements that are significant and need to be preserved. Research and identification of the cultural heritage resources in a cultural heritage landscape must be undertaken prior to designating an area under the Ontario Heritage Act or in an OP. A conservation plan (or equivalent study) may be required as a long term strategy for conserving a significant cultural heritage landscape.

Robinson Lake / Lilly Creek as a cultural heritage landscape

Based on the above, before designating a specific cultural heritage landscape it is important to first undertake the necessary historical research and investigations to identify any features in the area that may be significant from a cultural heritage perspective. Should there prove to be sufficient rationale to designate the area as a cultural heritage landscape, OP policies and guidelines could be developed in order to protect the features that were identified. All of which would be subject to Council approval.

While this type of work is outside of the scope of the Official Plan Review process, introducing a program element to identify and protect cultural heritage landscapes in the Official Plan is a good first step towards achieving this goal and would also be in conformity with the PPS. The current OP mentions that cultural heritage landscapes will be protected and maintained, however, this could be improved by introducing a program to identify, research and protect them through Official Plan policy and through designation under the Ontario Heritage Act where feasible.

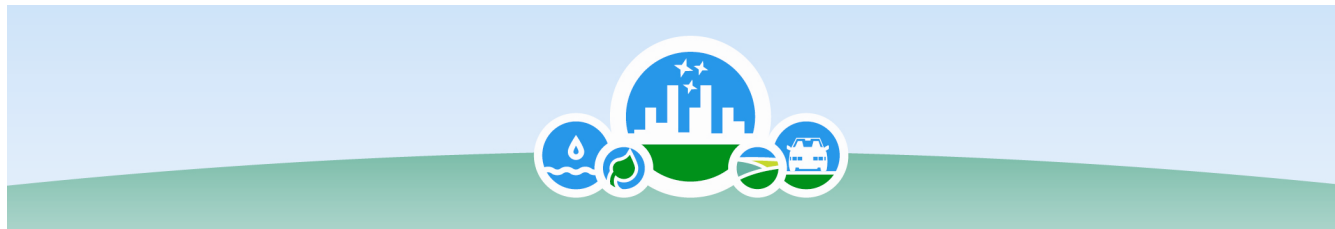
Heritage policies from other municipalities

As part of reviewing the Heritage Section of the OP, staff reviewed similar sections from the OPs of other northern Ontario municipalities, as well as those of some southern Ontario municipalities, namely Kingston and Cambridge. Based on this review, there are a few areas where the City's current heritage policies could be augmented both to be consistent with the proposed PPS and to build on the heritage advancements already made in the City.

Cultural Heritage Landscapes

Both Cambridge and Kingston's OPs contain policies related to identifying and preserving cultural heritage landscapes, including:

- That the City will develop guidelines for cultural heritage landscapes, including identifying, documenting and protecting;
- That the City will in co-operation with the Municipal Heritage Committee identify and inventory cultural heritage landscapes;
- That significant cultural heritage landscapes will be designated under the Ontario Heritage Act



- That where areas are not designated under the Ontario Heritage Act, they will be recognized as heritage character areas in the Official Plan which will include policies for their protection. These policies include requiring a heritage impact assessment when development is proposed in heritage character area.

Cultural Heritage Impact Assessments

As a means of protecting heritage resources, some municipalities require a cultural heritage impact assessment to be conducted whenever a development proposal includes or is adjacent to a designated property, a cultural heritage landscape or a property of cultural heritage value that has been listed on the Municipal Heritage Register. Heritage impact assessments typically cover elements such as:

- a) Identification and evaluation of the heritage resource
- b) Graphic and written inventory of the cultural heritage resource
- c) Assessment of the proposal's impact on the cultural heritage resource
- d) Means to mitigate impacts,
- e) Alternatives to the proposal, and
- f) Identification of and justification for the preferred option

These impact assessments are required to be undertaken by a professional who is qualified to evaluate the cultural heritage resource under review. They are reviewed by the Heritage Committee who then forwards a recommendation to Council for consideration. Based on the nature and size of the proposed development, the Municipal Heritage Committee or Council may waive or scope the Heritage Assessment.

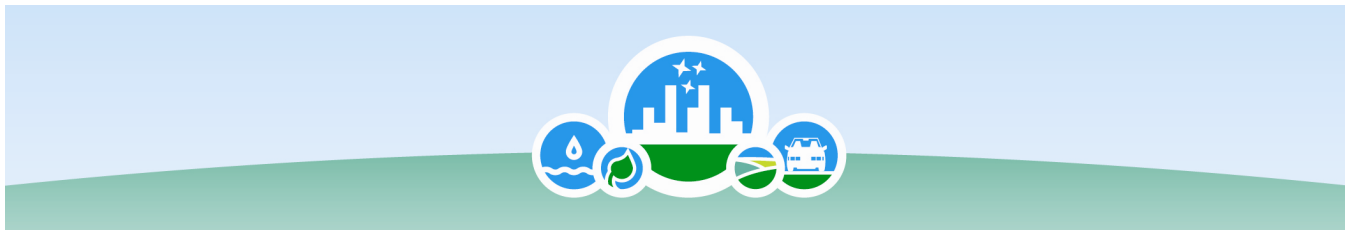
Archival Requirements

The City of Kingston OP contains policies that in the event that a built heritage resource has to be demolished, salvaged, dismantled, relocated or irrevocably damaged, the proponent is required to undertake archival documentation and provide this information to the City for archival purposes. This documentation must be provided by a qualified person and include the following in addition to any other matters specified by the City:

- a) Architectural measured drawings;
- b) Land use history; and
- c) Photographs, maps and other available material about the cultural heritage resource in its surrounding context.

Conclusion and Recommendations

Based on a review of the current planning framework for Heritage Resources, the work that has been done since the adoption of the current OP, the heritage policies of other municipalities and comments received during the Official Plan Review process, there are some areas where the current Heritage Resources section of the OP could be improved.



The OP could be updated to include a reference to a Register of Cultural Heritage Resources and the fact that the City will prepare, maintain and update this registry. This registry would contain all properties designated under the Ontario Heritage Act, along with those that have been identified by the City as having significant cultural heritage value. The OP could be updated to introduce a programming element for the identification and protection of Cultural Heritage Landscapes. This section could reference that after a detailed study of the area; the cultural heritage landscape may be designated under the Ontario Heritage Act where appropriate, or designated under the Official Plan as a cultural heritage character area.

The OP could be updated to require Cultural Heritage Impact Assessments whenever a development proposal includes or is adjacent to a property listed on the Register of Cultural Heritage Resources. These assessments should be conducted by a qualified person and include, at a minimum, identification and evaluation of the heritage resource, an inventory of the resource, assessment of the proposal's impact on the resource, means to mitigate the impact, alternatives to the proposal and identification and justification for the preferred option. This section could also include the option to scope or waive the requirement for a Cultural Heritage Impact Assessment based on the nature of the development proposal.

Finally, the OP could be updated to include a requirement that in the event that a Cultural Heritage resource has to be altered or removed, the proponent must undertake archival documentation of the resource and provide it to the City for archival purposes.

2.6 CULTURAL HERITAGE AND ARCHAEOLOGY

- 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- 2.6.2 *Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted.*
- 2.6.3 *Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

Mitigative measures and/or alternative development approaches may be required in order to conserve the *heritage attributes* of the *protected heritage property* affected by the adjacent *development* or *site alteration*.



APPENDIX B

Municipal Registry InfoSheet



Listing Cultural Heritage Properties on the Municipal Register

Identifying properties of cultural heritage value is an essential part of municipal heritage conservation. This note explains the importance of listing heritage property on the municipal register in planning for and managing cultural heritage resources at the local level.

What is the municipal register of cultural heritage properties?

Section 27 of the Ontario Heritage Act requires the clerk of every local municipality to keep a current, publicly accessible register of properties of cultural heritage value or interest situated in the municipality.

The municipal register is the official list or record of cultural heritage properties that have been identified as being important to the community.

The register must include all properties in the municipality that are designated under Part IV (individual designation) and Part V (district designation) of the Ontario Heritage Act. For properties designated under Part IV, the register must include:

- a) a legal description of the property;
- b) the name and address of the owner; and
- c) a statement explaining the cultural heritage value or interest of the property and a description of its heritage attributes.

For districts designated under Part V, the register must include a map or description of the area of each district.

As of 2005, the Ontario Heritage Act also allows municipalities to include on the municipal register properties of cultural heritage value that have not been designated. This is commonly known as "listing." See subsection 27 (1.2) of the Ontario Heritage Act.

Listing is a means to formally identify properties that may have cultural heritage value or interest to the community. It is an important tool in planning for their conservation and now provides a measure of interim protection.

Why list property on the register?

While the legislation does not require municipalities to list properties on the register, listing is strongly recommended. A comprehensive register of cultural heritage properties, including both designated and listed properties, has the following benefits:

- The register recognizes properties of cultural heritage value in the community
- The register promotes knowledge and enhances an understanding of the community's cultural heritage
- The register is a planning document that should be consulted by municipal decision makers when reviewing development proposals or permit applications
- The register provides easily accessible information about cultural heritage properties for land-use planners, property owners, developers, the tourism industry, educators and the general public
- The register provides interim protection for listed property (see below)

The Ministry of Culture is interested in your experience with municipal registers and listings. If you have comments or suggestions, please contact the Ministry of Culture at (416) 212-0644 or Toll Free at 1-866-454-0049 or info.mcl@ontario.ca.

Interim protection for listed properties

Changes to Ontario's Building Code Act, which took effect January 1, 2006, brought new, accelerated building permit review timeframes. These include, for example, 10 days for a house and 20 days for a large building.

Building permit review timeframes allow municipalities and municipal heritage committees little time to assess properties facing demolition or alteration that are potentially of cultural heritage value to the community.

Amendments to the Ontario Heritage Act made in June 2006 address this issue. These changes now provide interim protection for listed properties (see subsections 27 (3)-(5) of the Ontario Heritage Act). Owners of listed properties must give the council of the municipality at least 60 days notice of their intention to demolish or remove a building or structure on the property.

This allows time for the municipality to decide whether to begin the designation process to give long term protection to the property.

What is the process to list non-designated properties on the register?

Municipal council's approval (normally given by resolution) is required to add cultural heritage properties that have not been designated to the register. In municipalities with a municipal heritage committee, council must consult with its committee before a non-designated property is added to or removed from the register.

For a non-designated property to be entered on the register, the only information required is a description sufficient to identify the property without the chance of confusion, such as the property's street address.

Although detailed research and evaluation of the property is not required, a brief rationale should be provided explaining why it may be important to the community.

A municipality is not required to consult with property owners or the public to list non-designated properties in the register. However, notifying owners of the listing of properties is recommended. For example, when the Toronto Preservation Board (Municipal Heritage Committee) recommends a property's inclusion on the Register, property owners are notified and invited to attend the Toronto Preservation Board meeting to discuss the matter.

Discussion with the broader community may also be helpful. The City of Kenora, for example, held a public forum to help decide which significant heritage buildings should be included in its register.

Requests to list a property on the municipal register may come from property owners, municipal heritage committees, municipal heritage or planning staff, local historical societies or residents' associations.

Where to start...

Across Ontario, municipal planners and municipal heritage committees are working to develop comprehensive, up-to-date municipal registers that include both designated and listed properties.

Questions to think about:

- Has your municipality previously established an inventory or list of properties of cultural heritage value?
- Was this list adopted by council?
- Were property owners advised?
- Does the list consider the full range of properties of cultural heritage value, including landscapes?

Depending on the answers to the questions posed above, the municipality may simply choose to “roll” all or part of an existing list into the register. Or it may wish to undertake a new process to identify properties for listing.

To decide which properties should be listed on the register, the municipality may want to consider the criteria for designation set out in Ontario Regulation 9/06 under the Ontario Heritage Act (Criteria for Determining Cultural Heritage Value).

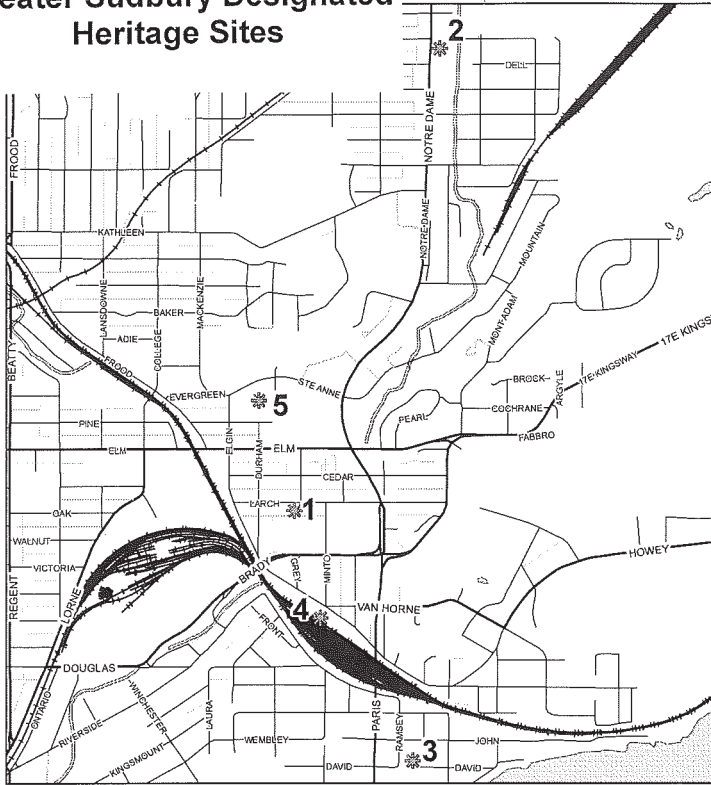
For more information on the municipal register and listing, please refer to the Heritage Property Evaluation Guide in the Ontario Heritage Tool Kit at:
www.culture.gov.on.ca/english/culdiv/heritage/Toolkit/HPE_Eng_large.pdf

The Ontario Heritage Act is at:
www.e-laws.gov.on.ca/DBLaws/Statutes/English/90o18_e.htm.

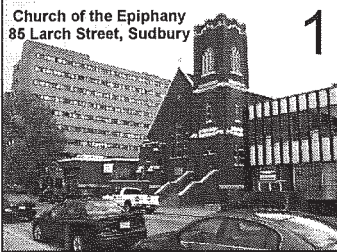
The information contained in this InfoSheet should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter.

APPENDIX C

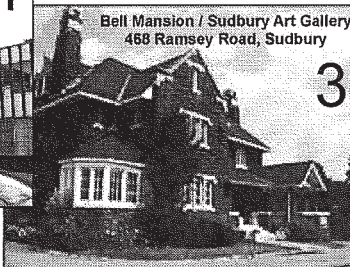
Greater Sudbury Designated Heritage Sites



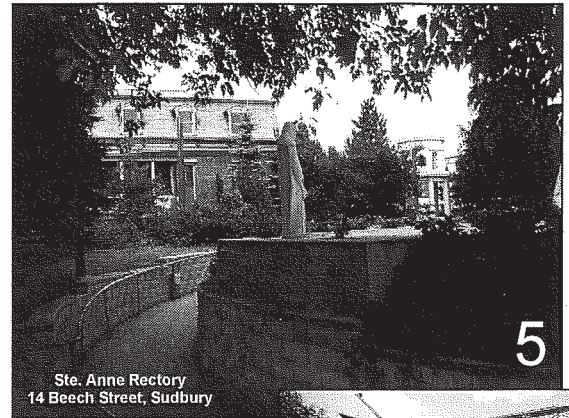
Church of the Epiphany
85 Larch Street, Sudbury



Bell Mansion / Sudbury Art Gallery
468 Ramsey Road, Sudbury



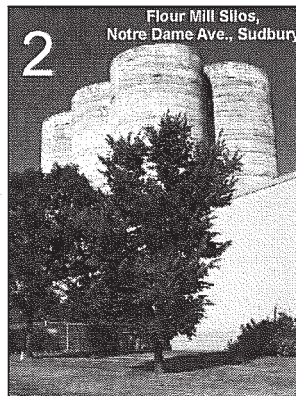
Greater Sudbury Designated Heritage Sites



Ste. Anne Rectory
14 Beech Street, Sudbury



Belanger Homestead
725 Notre Dame Street, Azilda



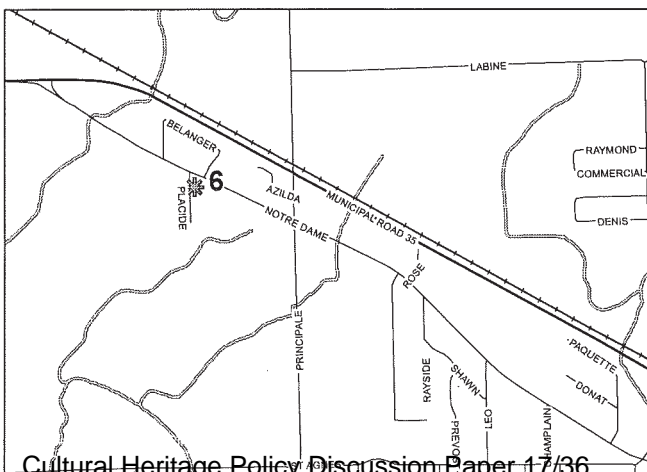
Flour Mill Silos,
Notre Dame Ave., Sudbury



Capreol Railway Station
26 Bloor Street, Capreol



CP Rail Station
233 Elgin Street, Sudbury



13.0 Heritage Resources



The preservation of Greater Sudbury's heritage resources is directly linked to the identified need to improve quality of place. These highly visible cultural assets will strengthen the City's identity and appeal, instill a sense of pride in local citizens, and attract the interest of visitors.

Heritage buildings also strengthen the diversity of our built form and contribute to an aesthetically pleasing urban environment. With its concentration of older buildings, the *Downtown* retains a number of underutilized properties that offer opportunities for rehabilitation and the potential to create a powerful symbol of revitalization.

Policies aimed at protecting heritage resources are consistent with Healthy Community determinants that form the underlying foundation of this Plan, and will bolster quality of place initiatives that are tied to the *Economic Development Strategic Plan*.

13.1 OBJECTIVES

It is the objective of the heritage resources policies to:

- a. promote the conservation, restoration and rehabilitation of all heritage resources;
- b. ensure that heritage features are passed on for the enjoyment and care of future generations;
- c. prevent the demolition or inappropriate alteration of heritage resources;
- d. identify a range of features so they can be conserved and integrated into the community, including, buildings, sites and artifacts of historical, archaeological and architectural significance; and,
- e. involve the public in heritage resource decisions affecting the City.

13.2 HERITAGE STRUCTURES, DISTRICTS AND CULTURAL LANDSCAPES

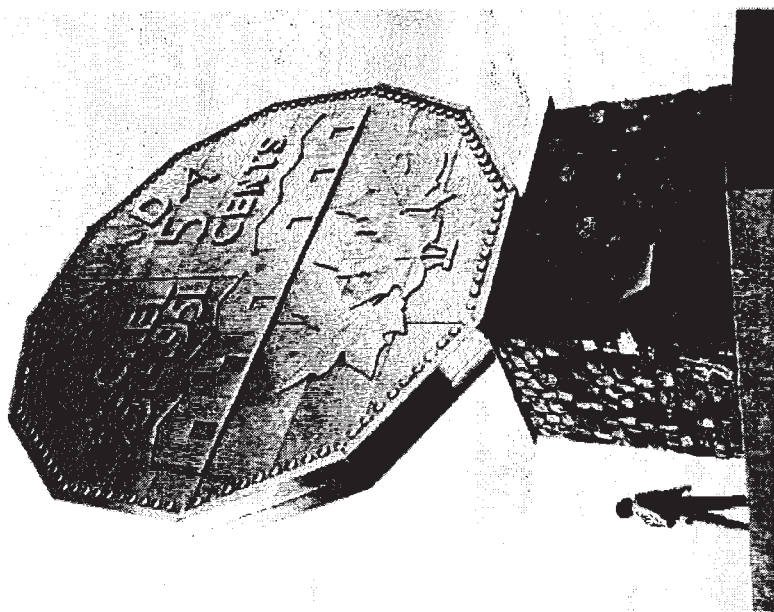
The *Ontario Heritage Act* is the legislative tool with which municipalities in Ontario can identify and preserve historic buildings, districts and archaeological sites. The Act sets out a prescribed process and criteria for designations, as well as the decision framework for the alteration and demolition of designated properties as determined by Council.

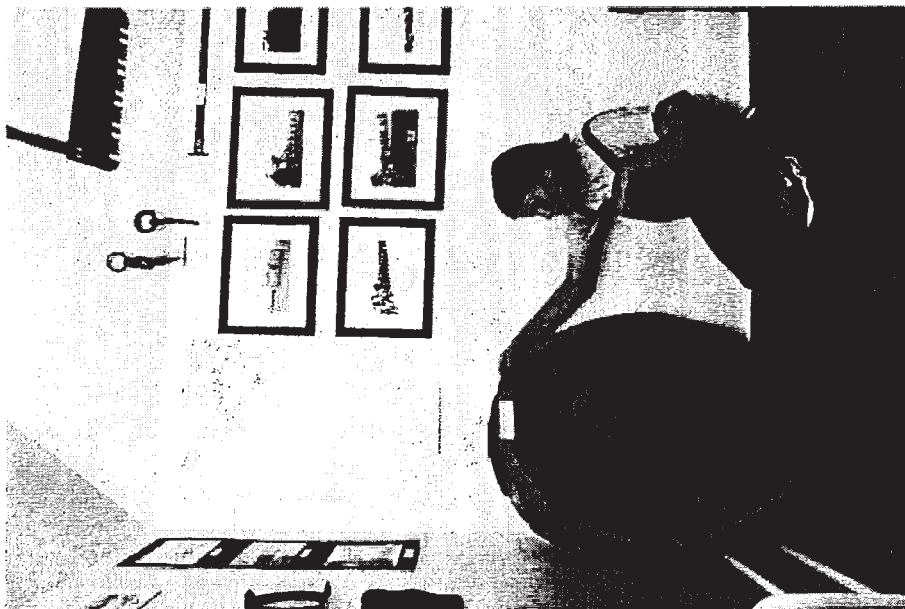
Council, in cooperation with property owners, may designate, by by-law under the *Ontario Heritage Act*, individual buildings and structures as heritage properties.

Certain areas that retain a special character or historical association worth preserving may also be designated under the *Ontario Heritage Act* as heritage conservation districts. These districts may include entire neighbourhoods and their related elements, as well as cultural heritage landscapes closely tied to the history of place.

Policies

1. Council will discourage or preclude the demolition or inappropriate alteration of any heritage resource designated under the *Ontario Heritage Act* by the City or Province.
2. Heritage buildings and structures involved in planning applications will be retained for their original use and in their original location wherever possible to ensure that their heritage value is not compromised. If it is not possible to maintain structures in their original location, consideration may be given for the relocation of the structure.
3. Adaptive reuse projects that conserve the architectural integrity of heritage buildings and structures are encouraged as a means of enhancing the long-term preservation of heritage resources and promoting the rehabilitation of underutilized properties.





4. Development adjacent to a designated heritage building or structure may be permitted provided that it is compatible with the scale, character and form of the designated property.
5. In order to protect the railway heritage connected to the founding of the community of Sudbury, the CPR Station and CPR Telegraph Office on Elgin Street will be preserved and protected from inappropriate development.
6. Heritage districts and cultural heritage landscapes will be protected, maintained and incorporated, specifically through the regulation of uses that detract from the traditional landscape.
7. Where an area is designated as a heritage district, partial demolition, alterations, renovations, repairs, or additions may be allowed provided that the proposed changes are compatible and consistent with the building and its heritage attributes. Infill buildings must also be compatible with the surrounding buildings and streetscape. In both cases, compatibility may include building materials, colour, height, scale and design.
8. Council may permit the transfer of surplus density rights from sites with heritage buildings to adjacent or nearby properties in order to facilitate the preservation, retention or adaptive reuse of a particular heritage resource. Unused density may be transferred to another site provided that:
 - a. the relevant property is designated under the *Ontario Heritage Act*; and,
 - b. the downzoning of the donor site and up-zoning of the recipient site takes place.

Programs

1. The City will prepare and maintain an inventory of heritage resources. Council will support the designation and conservation of those resources listed in the inventory and implement the provisions of the *Ontario Heritage Act*.

2. Council will consider the establishment of a Municipal Heritage Committee to assist and advise them on heritage matters.
3. The establishment of heritage design guidelines that assist in the design and review of adaptive reuse proposals shall be considered by Council. Guidelines may also be established for developments adjacent to heritage properties.
4. Council may establish a grant program for designated heritage properties. The intent of this program would be to help alleviate some of the financial burden placed upon property owners in the maintenance and conservation of heritage resources or the adaptive reuse of a designated heritage property.
5. This Plan supports the creation of a Municipal Archives that could be utilized as a community resource and serve as an introduction to local heritage resources for children and youth.

13.3 ARCHAEOLOGICAL RESOURCES

Archaeological heritage resources may include the remains of any building, structure, activity, place, or cultural feature or object, which, because of the passage of time, are on or below the surface of land or water and are of significance to the understanding of the history of a people or place.

Policies

1. Disturbance of known archaeological sites is discouraged by this Plan. This Plan encourages mapping the archaeological resource potential of the City of Greater Sudbury in order to better determine where an archaeological resource assessment will need to be conducted by an licensed archaeologist. *Until such mapping is completed, development applications will be screened for archaeological potential in accordance with provincial standards.* (2007 MMAH Mod #29)
1. Where a development may cause an impact to archaeological resources or areas of archaeological potential, an assessment will take place in accordance

with provincial guidelines. Archaeological resources that are located on a proposed development site will be conserved through either removal and documentation or on-site preservation. Only developments that maintain the heritage integrity of the site will be permitted where archaeological resources are preserved on-site.

- *3. The appropriate authorities will be contacted if an identified human cemetery, marked or unmarked human burial is discovered during land use development.*
(2007 MMAH Mod #30)

Program

1. Council shall consider preparing a comprehensive inventory of archaeological resources, which may include archaeological potential mapping and specific guidelines to assist in cultural heritage conservation.

APPENDIX E
Natural Heritage
Letters of Request

Copy to Helen

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DEC 13 2011

KL

CLERK'S

Written submission to the City of Greater Sudbury Official Plan Review

I wish to present at the Special Meeting January 23, 2012 open to the public to discuss the considered updates to the Official Plan. Please let me know when I will be speaking.

- Under Section 13.0 Heritage Resources I note that this section will be enhanced by inclusion of the words Natural Heritage. Our heritage resources are the natural heritage as well as the cultural heritage and archaeology. This will provide continuity and consistency in our Official Plan. Our plan identifies Heritage Resources but does not refer to Schedule 3 of the Plan –Natural Heritage. The effect of this amendment will be to strengthen our inclusion of natural heritage in the planning of our city. (i.e.: add Schedule 3 Natural Heritage to Policy #1 on page 151)
- Within the policy section of Heritage Resources my comments refer to Policy 6 and Policy 7. Policy 6 is inclusive and refers to both heritage districts and cultural heritage landscapes. Policy 7 describes heritage districts and specifics pertinent to heritage districts only. It would be clearer if Policy 6 dealt with Cultural Heritage Landscapes and then followed with explanation.
- Lily Creek Waterways should be included as a cultural heritage landscape based on the following. Greater Sudbury was created through a meteor impact (thus our city of Lakes). The lumber industry followed next and all our waterways played an important role. The Lily Creek waterways which provided canoe access for the initial explorers are both significant due to meteor impact, and lumber history. Our heritage includes the meteor impact

history and the initial forestry exploration connected to the geological and lumbering heritage of our city.

- Policy 7 could then begin with heritage districts and then use the rest of the existing paragraph. Page 152)

The effect of these two amendments will be to strengthen the City's identity and appeal, instil a sense of pride in local citizens and attract the interest of visitors. Greater Sudbury is world known for the environmental recovery and stewardship. It is only fitting that a waterway be our first Cultural Heritage Landscape. The waterway provides a direct link from the Ramsey Lake boardwalk to the Connect the Creek Trail System and along Kelly Lake section of the Trans Canada Trail.

Respectfully Submitted,



Paula Worton

43 Cranbrook Crescent,
City of Greater Sudbury
ON P3E 2N4

Phone:

Email:

December 21, 2011

To Whom It May Concern:

RE: Official Plan Review- Cultural Heritage Landscape- P. Worton

This proposed change to the Official Plan is important because natural heritage conservation allows us to save something important for years to come. For the past 30 years I have been involved with the Robinson Playground Association. I saw the changes to the areas. The natural beauty of the landscape makes this playground and areas an enjoyable park all year round.

The Lily Creek and Robinson Lake and Kelly Lake are natural areas that are enjoyed by young and old alike. We need to pass on what we can to our grandchildren and tell them where we came from.

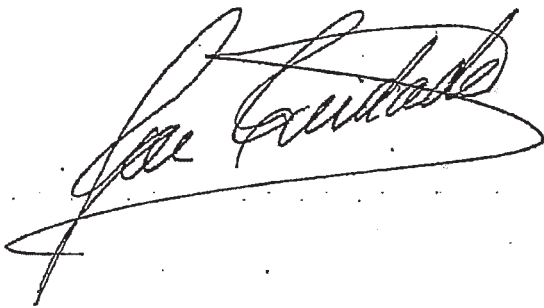
Sincerely Yours,

Joseph Caridade

208 Cranbrook Crescent, Sudbury

P3E 2N3

Robinson Playground Association

A handwritten signature in dark ink, appearing to read 'Joe Caridade', written over a horizontal line.

RECEIVED

JAN 05 2012

COMMUNITY AND
STRATEGIC PLANNING



Laurentian University
Université Laurentienne



**Cooperative
Freshwater Ecology Unit**
**Unité Conjointe
D'écologie D'eau Douce**

City of Greater Sudbury
Official Plan Review
200 Brady
Street Box 5000 Station A
Sudbury ON P3A 5P3
Attn: Eric Taylor, Planning

January 3, 2012

I support the idea of creating a special status to recognize the cultural heritage landscape value of the Lily Creek Waterway within the Official Plan of Sudbury.

Sudbury is rapidly shedding its image as a single industry hard rock mining town and is emerging as "Sudbury - City of Lakes" a place where our aquatic natural resources are recognized as shaping the cultural and economic life of the city. For example, a Google search of the phrase "City of Lakes" produces more than 200 million hits, with Sudbury's aquatic legacy as a lake city listed as number 3 in this global compilation of data.

The citizens of Sudbury place very high value on their lakes, especially the heavily used lakes where so many people live and recreate. However, the love of our aquatic systems extends well beyond the densely occupied core city lakes. In recent years, Sudbury citizens have developed a broad awareness, concern and willingness to protect and restore the vast array of lakes within the city boundary, a list that includes more than 300 lakes. The establishment of nearly 50 lake stewardship groups, the support of the Picture Our Lakes Calendar contest, the public inputs to the source water protection program, and the recent advances to ban phosphorus from lawn treatments are only a few of the obvious signs of the support for progressive approaches to lake management in Sudbury. Among this list of accomplishments I would also put strong emphasis on the role of the official plan process. For example, it is pretty unique that 7 core OMOE monitoring lakes (Clearwater, Lohi, Middle, Hannah, Daisy, Swan, Sans Chambre) are recognized in the Official Plan as "clean air lakes" to assess the effectiveness of the industrial emission programs.

Now we need to take the next step in the Official Planning process and begin to recognize the importance of watershed connectivity and key natural features such as stream channels and wetlands that provide such valuable ecological services. If we don't we will continue to have plenty of examples (e.g. Still Lake flooding below the former wetland occupied by Walmart on Long Lake Road) of flooding or drought events or

wildlife destruction that could have been prevented by proper watershed planning and protection of key watershed features. One of these unique features is of course the Lily Creek waterway and the significant wetland complexes that connect Ramsey Lake to Kelly Lake and beyond.

The Lily Creek waterway system has great historic and cultural significance to our city as the travel route for First Nation and early European explorers as they entered what was eventually to become the heart of our city. The rich marshes below Ramsey and those surrounding Robinson and Kelly Lake are also key elements in the aquatic health and diversity (fish, birds, mammals, etc.) of the city. The waterway is currently in remarkable good shape (at least from Ramsey to Kelly), given the long history of air pollution and land degradation in the area. We should therefore move quickly, through the upcoming revisions of the Official Plan, and recognize it as a special area, a cultural heritage area, where the natural assets are fully protected.

I would be happy to provide whatever data or advice I can give to assist in this matter.

Sincerely:



Dr. John Gunn
Canada Research Chair Stressed Aquatic Systems
Director, Vale Living with Lakes Centre
Cooperative Freshwater Ecology Unit
Biology Department, Laurentian University
935 Ramsey Lake Rd.
Sudbury, ON. P3E 2C6

e.
t.

FI ✓
PB
MS

December 9, 2011

Sudbury Ornithological Society,

c/o 10 Selma Avenue,

Lively, On P3Y 1N2

City of Greater Sudbury,

Planning Department,

200 Brady St., P.O. Box 5000, Stn.A,

Sudbury, On P3A 5P3

Attention please: Eric Taylor

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DEC 13 2011

PLANNING SERVICES

Dear Mr. Taylor,

We would like to endorse the unique idea Mrs. P. Worton has proposed with regards to a change in the Official Plan, Natural Heritage, of the Greater City of Sudbury. Paula Worton suggests:

"I propose that the city identify in the plan that the Lily Creek Waterways from Ramsey Lake outflow to Kelly Lake (where it joins with Junction Creek) be designated as a Cultural Heritage Landscape because of the important role it played in the initial exploration of Sudbury's forests."

From our perspective, official recognition through Cultural Heritage Landscape can help the local wildlife as well. As you may know Kelly and Robinson Lakes and the inflow of Lily and Junction Creeks are significant waterways for migratory, resident (breeding) and overwintering waterfowl and other birds. Bordering, mature trees and riparian habitat are extremely important to nesting birds in the summer to provide cover and a food source to rear young. It is extremely important that these areas maintain their integrity with the slow but progressive rehabilitation of the water quality through efforts Vale, the City and residential stewardships have afforded. With the creation of the Junction Creek Stewardship and public awareness the recognition of the beauty and importance of the waterways that flow through our city can only be enhanced. The developed trail systems along these areas have already clearly indicated the importance of these areas by the city and Rainbow Routes, for the public. Official recognition of these areas can only increase the public stewardship for these waterways and an inheritance for future generations.

We ask that you seriously consider this addition to the official plan.

Thank-you.

Yours sincerely,

Chris Blomme



YMCA Sudbury
1936 | 2011

December 23, 2011

City of Greater Sudbury Official Plan Review
200 Brady street PO Box 5000, Station A
Sudbury
P3A 5P3.

Attention: Eric Taylor

To whom it may concern:

The City of Greater Sudbury waterways in the south end are a beautiful addition to our community. As a child I spent many hours in and around Lily Creek, Robinson Lake, Robinson Creek, and Kelly Lake.

I am writing this letter to support proposed changes that Lily Creek, Robinson Lake, Robinson Creek, and Kelly Lake be identified as a Significant Natural Feature. I support the request that the city identify in the official plan that the Lily Creek Waterways from Ramsey Lake outflow to Kelly Lake be designated as a Cultural Heritage Landscape because of the important role it played in the initial exploration of Sudbury's forests.

As our community continues to grow and prosper our Cultural Heritage must also continue to be preserved and protected.

Thank you

Nancy Dube
General Manager

YMCA Employment Services
& Newcomer Services
Services d'emploi et Services pour
nouveaux arrivants du YMCA
10, rue Elm Street, #112, Sudbury,
ON P3C 5N3

YMCA Sudbury

140 Durham Street,
Sudbury, ON P3E 3M7



ET ✓
GPB
MS

December 9, 2011

To whom It may concern:

I am writing this letter in support of Paula Worton's proposal that the Lily Creek Waterway from Ramsey Lake outflow to Kelly Lake (where it joins with Junction Creek) be designated as a Cultural Heritage Landscape in the Official Plan.

This proposal recognizes the natural, historic and cultural values of this waterway and the adjacent landscape. From the history of exploration and lumber milling, to the much loved Lily Creek boardwalk in the present day, to the habitat and natural services it provides, to the many recognized natural assets and sites of geological interest along this waterway – all of these are encompassed in a designation of a Cultural Heritage Landscape.

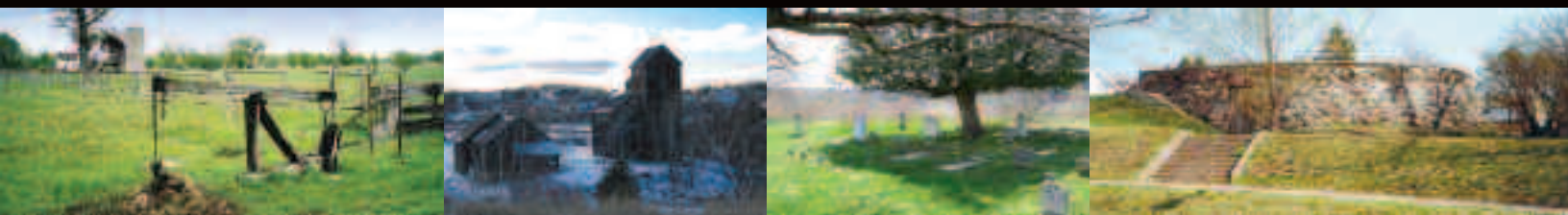
The natural environment is very much a part of the history of Greater Sudbury, as well as the quality of life we continue to enjoy. It is fitting to recognize and build awareness of these connections through the designation of Cultural Heritage Landscapes, beginning with this proposal for Lily Creek.

Sincerely,
Naomi Grant
Chair, Coalition for a Liveable Sudbury
Member, Green Space Advisory Panel

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PLANNING SERVICES



Provincial Policy Statement (PPS, 2005)

Cultural Heritage and Archaeology Policies 2.6

InfoSheet #2

Winter 2006

Cultural Heritage Landscapes

WHAT IS THE PROVINCIAL POLICY STATEMENT 2005 DIRECTION FOR THE CONSERVATION OF SIGNIFICANT CULTURAL HERITAGE LANDSCAPES?

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

A policy for the conservation of significant cultural heritage landscapes

The Provincial Policy Statement (PPS, 2005) policy 2.6.1 for the conservation of *significant cultural heritage landscapes* is not new, but it is strengthened by the direction under Section 3 of the Planning Act that land use planning decisions by municipalities and approval authorities “shall be consistent with” the PPS, 2005.

Municipalities and approval authorities can incorporate more detailed *cultural heritage landscape* conservation objectives and policies reflecting local heritage places, landscapes and districts into Official Plans, land use planning documents, and related *development* approval procedures or decisions.

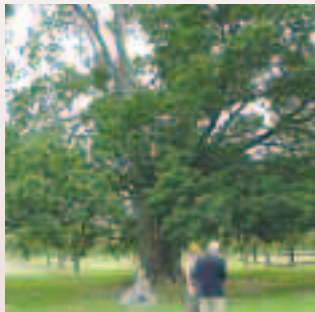
The PPS, 2005 expands the definition of *cultural heritage landscape* as “a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. A landscape involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a *significant* type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways and industrial complexes of cultural heritage value.”

Types of cultural heritage landscapes

There are generally three main types of *cultural heritage landscapes*. The following are taken from the Operational Guidelines adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Committee in 1992, and are widely accepted as the three primary landscape types:

- **Designed landscapes:** those which have been intentionally designed e.g. a planned garden or in a more urban setting, a downtown square.

A natural feature with cultural association, such as specimen trees or plantings being part of a larger *cultural heritage landscape*.



(Ministry of Culture)

- **Evolved landscapes:** those which have evolved through the use by people and whose activities have directly shaped the landscape or area. This can include a ‘continuing’ landscape where human activities and uses are still on-going or evolving e.g. residential neighbourhood or mainstreet; or in a ‘relict’ landscape, where even though an evolutionary process may have come to an end, the landscape remains historically *significant* e.g. an abandoned mine site or settlement area.
- **Associative landscapes:** those with powerful religious, artistic or cultural associations of the natural element, as well as with material cultural evidence e.g. a sacred site within a natural environment or a historic battlefield.

Identifying cultural heritage landscapes

Cultural heritage landscapes are identified through:

- **Historical Research**
Consulting maps, land records, photographs, publications, primary and other sources
- **Site Survey and Analysis**
Windshield surveys, intensive surveys, site surveys and analysis of the various features and characteristics which make up the *cultural heritage landscape* as well as delineation of landscape boundaries
- **Evaluation**
Applying criteria for evaluating design, history, and context of the entire subject area

An inventory or map of properties or geographic areas that contain *significant cultural heritage landscapes* can be compiled by local, provincial or federal jurisdiction(s). Some of these properties and geographic areas may become a *protected heritage property* under the Ontario Heritage Act.

A municipal heritage committee can be appointed under the Ontario Heritage Act by a municipal Council to identify heritage resources, including both heritage conservation districts and *cultural heritage landscapes* within their community. For more information on identifying *cultural heritage landscapes*, see the “Heritage Property Evaluation: A Guide to Identifying, Researching and Evaluating Cultural Heritage Property in Ontario Communities” (Ministry of Culture).

Defining significance

The PPS defines “*cultural heritage landscapes*” and it defines “*significant*”. For *cultural heritage landscapes* to be *significant*, they must be “valued for the important contribution they make to our understanding of the history of a place, an event, or a people.”

Typically, the significance of a *cultural heritage landscape* is identified by evaluation criteria that define the characteristics that have cultural heritage value or interest to local, provincial or federal jurisdictions. Criteria to define local cultural heritage significance is prescribed in a regulation made pursuant to section 29(1) (a) of the Ontario Heritage Act.

For a *protected heritage property* under the Ontario Heritage Act, the designation bylaw and/or heritage conservation easement agreement should state the significance of the *cultural heritage landscape*, and identify its *heritage attributes*. These are known as statements of cultural heritage value or interest.

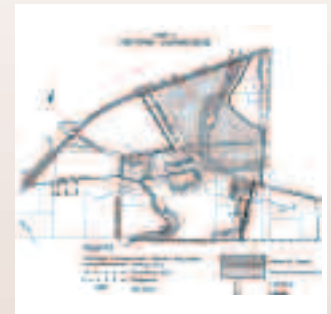
The PPS, 2005 defines *heritage attributes* as “the principal features, characteristics, context, and appearance that contribute to the cultural heritage significance of a *protected heritage property*.” *Significant cultural heritage landscapes* are often protected as, or are part of, a heritage conservation district that is described in a heritage conservation district plan under the Ontario Heritage Act.

Cultural heritage landscapes

The identification, listing, evaluation and protection of *cultural heritage landscapes* is an ongoing process. The PPS, 2005 policies and land use planning processes are applicable to *cultural heritage landscapes* that have significance to the jurisdiction. *Cultural heritage landscapes* include:

- a property with a *significant cultural heritage landscape* listed by local, provincial or federal jurisdictions using evaluation criteria;
- a *protected heritage property*, which means:
 - real property designated under Part IV (individual property), Part V (heritage conservation districts), or Part VI (archaeology) of the Ontario Heritage Act
 - a heritage conservation easement property under Parts II or IV of the Ontario Heritage Act
 - property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss
(Municipal jurisdiction(s) or the Ontario Heritage Trust can also confirm if a property is a *protected heritage property*)
- a *significant cultural heritage landscape* that is newly identified, as part of a proposal for *development* or *site alteration*

An example where boundaries were delineated and landscape elements were identified is the Blair heritage conservation district in the City of Cambridge.



(City of Cambridge)

An example of a more traditional Part V OHA designated heritage conservation district containing landscape attributes is the Town “Square” in Goderich.



(Town of Goderich)

EXAMPLES OF CULTURAL HERITAGE LANDSCAPES:

A former industrial site where main and secondary buildings, technological artifacts, infrastructure, transport networks and open spaces are in an arrangement that depicts the working of the site.

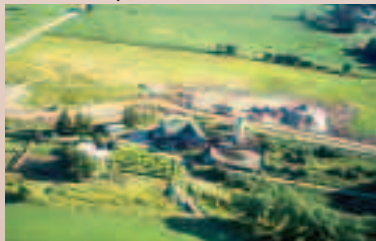
A unique grouping of a building and formal garden within a larger heritage conservation district.

A riverscape with bridges and trails.



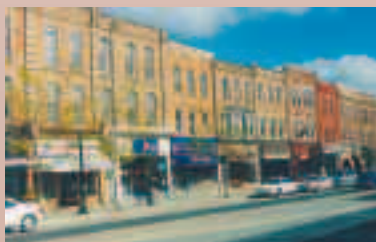
(Ministry of Culture)

A farmscape.



(City of Waterloo)

Other geographic areas or special places of cultural heritage value or interest such as main streets.



(St. Catharines)

Defining cultural heritage landscape boundaries

Within a *cultural heritage landscape*, there are often heritage buildings, structures, ruins, trees, plantings, *archaeological resources* and other features or attributes that collectively illustrate a historical theme or activity. There is usually evidence of change over time, through site evolution and/or natural regeneration. There are also historic and/or visual qualities that can include viewsheds or site lines from within the landscape area, as well as specific observation points from outside its boundaries. Defining the *cultural heritage landscape* boundaries can involve a range of considerations, including but not limited to the use of: roadways; rights-of-way; river corridors; fences; edges of tree lines and hedge rows; property lines; landforms; and lakeshores. It is therefore important for boundaries of a *cultural heritage landscape* to be clearly defined for conservation purposes within a land use planning context.

What is meant by “conserved”?

In the PPS, 2005 *conserved* “means the identification, protection, use and/or management of cultural heritage and *archaeological resources* in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.”

The conservation of a *significant cultural heritage landscape* considers not only the preservation of specific features which make up the landscape, but also the relationships of such features inside and outside its boundaries. Consideration should also be given to the surrounding context within which a *cultural heritage landscape* is located and the need for conservation strategies such as buffer zones.

The Ontario Heritage Act enables municipalities to identify, list and protect properties with cultural heritage value or interest. It also gives municipalities and the Ontario Heritage Trust the ability to hold heritage conservation easements on real property. The Ontario Heritage Trust, an agency of the Ministry of Culture, is dedicated to identifying, preserving, protecting and promoting Ontario’s rich and varied heritage resources.

Conserving cultural heritage landscapes in land use planning

The Planning Act allows municipalities and approval authorities to adopt Official Plan objectives and cultural heritage policies and approval procedures. For the conservation of *significant cultural heritage landscapes*, planning tools include, but are not limited to:

- Heritage conservation district policies, guidelines, & studies
- Area design guidelines
- Height and setback restrictions / site plan control
- Landscape impact assessments
- Secondary plan policies for special areas
- Special zoning by-laws with heritage criteria overlay
- Subdivision development agreements
- Community improvement plans
- Stewardship
- Financial incentives
- Landscape conservation plans
- Park area / corridor area management plans

In light of the above planning tools, municipalities and/or planning approval authorities, through their Official Plan and other planning policy documents, can further identify, protect and manage *significant cultural heritage landscapes* within their jurisdiction.

To conserve a *significant cultural heritage landscape*, a municipality or approval authority may require a heritage impact assessment (or equivalent study) to evaluate proposed *development* or *site alteration* to demonstrate that a *significant cultural heritage landscape* will be *conserved*. Mitigative (avoidance) measures or alternative *development* or *site alteration* approaches may be required.

A conservation plan (or equivalent study) may be required as a long term strategy for conserving the *significant cultural heritage landscape*. (See InfoSheet #5 on heritage impact assessments and conservation plans.)

A cultural heritage landscape may be scenic and contain notable natural features, but is primarily important for its *significant* historical associations.



(Ministry of Culture)



(Ministry of Culture)

For more information on *cultural heritage landscapes* contact:

Ontario Ministry of Culture

400 University Avenue, 4th Floor
Toronto, ON M7A 2R9

General_Info@mcl.gov.on.ca

(416) 212-0644

1 (866) 454-0049

web page:

<http://www.culture.gov.on.ca>

Additional information on the Provincial Policy Statement, 2005 is available on the Ministry of Municipal Affairs and Housing web page:

<http://www.mah.gov.on.ca>

*Note: This InfoSheet was developed to assist participants in the land use planning process and to understand the PPS, 2005 policies related to the conservation planning of cultural heritage and *archaeological resources*. The information in the InfoSheet should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter.



InfoSheet #3

Archaeological Resources and Areas of Archaeological Potential

Winter 2006

WHAT IS THE PROVINCIAL POLICY STATEMENT 2005 POLICY FOR THE CONSERVATION OF ARCHAEOLOGICAL RESOURCES AND AREAS OF ARCHAEOLOGICAL POTENTIAL?

2.6.2 *Development and site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if the *significant archaeological resources* have been *conserved* by removal and documentation, or by preservation on site. Where *significant archaeological resources* must be preserved on site, only *development and site alteration* which maintain the heritage integrity of the site may be permitted.

A policy for the conservation of archaeological resources and areas of archaeological potential

Provincial Policy Statement (PPS, 2005) 2.6.2 for the conservation of *archaeological resources* and *areas of archaeological potential* is not new, but it is strengthened by changes to the Planning Act requiring that planning decisions by municipalities and approval authorities “shall be consistent with” provincial policy statements.

Municipalities and approval authorities are to incorporate more detailed archaeological conservation objectives and policies reflecting local *archaeological resources* and *areas of archaeological potential* into their official plans, land use planning documents and related *development* approval processes.

The PPS, 2005 defines *archaeological resources* as including “artifacts, archaeological sites, and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.”

Identifying archaeological resources and areas of archaeological potential

The identification of *archaeological resources* is based on archaeological assessment by a licensed professional archaeologist. Archaeological licensing and reporting are governed by the Ontario Heritage Act and its regulations. Licensed archaeologists must comply with Ministry of Culture standards and guidelines when carrying out and reporting on archaeological fieldwork. The Ontario Heritage Act prohibits anyone from disturbing an archaeological site without a licence.

The Ministry of Culture maintains a database of archaeological site locations and a register of archaeological fieldwork reports. A municipality or approval authority may obtain site locations and mapping for land use planning purposes, after a data sharing agreement with the province is ratified.