

Policy Discussion Paper
CULTURAL HERITAGE RESOURCES

Preamble

As part of the Livable Oakville work program, the current general policies, land use policies and the structure of the Official Plan are being updated. The new structure will provide a framework in which to add new designations and policies from the six major studies (Midtown, Uptown, Kerr, Bronte, Employment Land and Residential Intensification) and which reflect the approved mission statement and guiding principles. Policy papers are being developed which will direct future land use policy relating to environmental sustainability and transportation, as well as urban design, parks and open space, culture and heritage, commercial and institutional uses.

This policy paper is focused on cultural heritage resources.

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INTRODUCTION

A report entitled “The Official Plan Review Issues Report” was presented to Council on June 2006 and identified key issues to be addressed in the development of the new Official Plan. Three areas relating to cultural heritage resources were identified in the report:

Direction 42: That the heritage resources policies in the Official Plan be amended so that they are consistent with the Ontario Heritage Act and the Provincial Policy Statement

Direction 42: That policies be added to the Official Plan to define the role of Heritage Oakville in the planning process and development matters that affect heritage resources.

Direction 43: That policies be added to the Official Plan regarding the designation of heritage properties and conservation districts.

This policy discussion paper reviews the Town’s current policies and summarizes the current issues relating to cultural heritage resources. It also addresses international, federal, provincial and regional policies relating to cultural heritage resources and provides some examples of approaches taken by surrounding municipalities in their Official Plans.

Based on the analysis of the current policies and the research completed, changes to the Town’s cultural heritage resources policies are recommended. The draft policies are intended to maximize the potential for addressing Cultural Heritage Resources within the Land use Planning Framework. The recommended draft policies will be provided under separate cover.

WHAT ARE CULTURAL HERITAGE RESOURCES?

Cultural heritage resources include a diversity of tangible and intangible elements which are of historical, associative, design, physical or contextual value to the community, province or nation. Cultural heritage resources can include:

- structures such as buildings, groups of buildings, monuments, fences and bridges;
- cultural heritage landscapes such as streetscapes, farmsteads, villages, cemeteries, parks, gardens, estates, watercourses and scenic vistas and corridors;
- archaeological sites including found artefacts; and
- traditions reflecting the social and cultural heritage of a community.

Oakville has inherited a rich legacy of cultural heritage resources, from its homes and stores built around the ports and main streets of Oakville and Bronte by shipbuilders, to the rural farmsteads and villages settled by the area's early pioneers, to the grand estates built in the early 20th century.

WHY CONSERVE CULTURAL HERITAGE RESOURCES

The conservation of Oakville's heritage is important for many reasons. The Town of Oakville's character and identity are rooted in our cultural heritage which enhances our quality of life and sense of place. Our heritage tells us who we are, where we have come from and what we have accomplished. Our cultural heritage is not just about the past; it is about the places, spaces and stories that we value today and that we want to build on for the future. Heritage resources are non-renewable and once lost can never be regained.

The conservation of built heritage also reduces landfill and contributes to the Town of Oakville's desire to be a more Livable and sustainable community. As our society becomes more aware of the need to be environmentally conscious, it is an undeniable fact that the greenest building is one that already exists. By harnessing the energy embodied in an existing heritage building rather than demolishing and building new structures, there is a substantial savings in energy and materials and a reduction in waste. Heritage conservation also contributes to a local-based economy by using local trades people and materials.

It is important when planning for cultural heritage resources to ensure that such features are clearly identified and protected. Heritage conservation and land use planning are inseparable. Respecting our cultural heritage helps to create interesting and inspiring new developments which enhance the sense of place distinctiveness of the local environment. Municipalities are further supported by the *Ontario Heritage Act* (2006) which provides municipalities with the legislative power to preserve these significant heritage resources.

EXISTING POLICY FRAMEWORK

International Policy

There are numerous international charters and documents relating to the conservation of cultural heritage resources, many which have been produced by or in collaboration with the International Council on Monuments and Sites (ICOMOS). Beginning with the Athens Charter in 1931 and the Venice Charter of 1964, these charters are the building blocks on which all subsequent charters and standards across the world related to heritage conservation have been built. The Town's Heritage Planning staff consults various international documents when establishing policies and reviewing planning

applications related to heritage. These texts include (but are not limited to) the following:

Venice Charter (1964)

Florence Charter (1981)

Appleton Charter for the Protection and Enhancement of the Built Environment (1983)

Charter on the Conservation of Historic Towns and Urban Areas (1987)

Charter for the Protection and Management of the Archaeological Heritage (1990)

Charter on the Built Vernacular Heritage (1999)

ICOMOS Charter – Principles for the Analysis, Conservation and Structural Restoration of Architectural Heritage (2003)

Federal Policy

Canada's Historic Places Initiative

The Historic Places Initiative was conceived in 1999 in order to foster greater appreciation of historic places, strengthen the country's capability to conserve these historic places, and provide financial incentives to allow for their preservation and rehabilitation. This initiative led to the development of two important tools, the Canadian Register of Historic Places and the Standards and Guidelines for the Conservation of Historic Places in Canada.

Canadian Register of Historic Places

The Canadian Register of Historic Places is a searchable online database containing information about recognized historic places of local, provincial, territorial and national significance. The Register does not place any legal restrictions on a property listed on the Register, rather the primary impact of listing is to serve as a pre-qualification for federal and provincial funding programs targeted at heritage properties that may be introduced in the future. In order to ensure that heritage properties in Oakville have full access to any future federal or provincial funding programs, the Town is undertaking a pro-active program of nominating Oakville heritage properties to the Register.

Standards and Guidelines for the Conservation of Historic Places in Canada

This federal document is a theoretical and practical guide that clearly and concisely outlines the principles and practices required for the long-term conservation of cultural heritage resources in Canada. The primary purposes of the document are to: provide sound, practical advice to achieve good conservation practice; develop a pan-Canadian set of standards and guidelines for heritage conservation; and to assist those seeking financial incentives for the conservation of cultural heritage resources.

The Standards and Guidelines may be adopted by a municipality to be used as guide in the assessment of interventions to cultural heritage resources such as designated properties or districts. In adopting the Standards and Guidelines, the Town of Oakville would be providing clear direction to owners on what is acceptable conservation work required to protect the Town's heritage assets.

Provincial Policy

The Province has approved a number of initiatives related to cultural heritage resource planning over the last few years, including:

- Environmental Assessment Act (1995);
- Municipal Act (2001);
- Provincial Policy Statement (2005);
- Greenbelt Act (2005);
- *Ontario Heritage Act* (2006); and
- Growth Plan for the Greater Golden Horseshoe (2006).

Environmental Assessment Act (1995)

The Environmental Assessment Act applies to public sector projects and certain private sector infrastructure projects (e.g. roads, water facilities). The Act defines a planning and design process which ensures that all environmental impacts are considered and that any effects are appropriately mitigated before any project is implemented. The environment is very broadly defined in section 1 (1) of the Act as “*the social, economic and cultural conditions that influence the life of humans or a community*” and “*any building, structure made by humans.*”

“Environment” includes archaeological artefacts and sites, built heritage, cultural heritage landscapes, and traditional knowledge activities and events. Accordingly, any project that falls under the jurisdiction of the Environmental Assessment Act must be comprehensively assessed for its impact on cultural heritage resources and those impacts mitigated before the undertaking commences. Recommended monitoring procedures can also be stipulated in the assessment.

Municipal Act (2001)

The Municipal Act enables municipalities to provide financial assistance where a property is designated under the *Ontario Heritage Act*. These may take the form of direct tax rebates or off-setting grants.

Provincial Policy Statement (2005)

The PPS equates building strong communities with managing and directing land use to achieve efficient development and land use patterns. The PPS states that Ontario’s cultural heritage and archaeological resources provide important environmental, economic and social benefits and contribute to the province’s long-term prosperity. It also states that when dealing with cultural heritage and archaeological resources, a coordinated, integrated and comprehensive approach is required.

The PPS Preamble clearly delineates the wise use and management of cultural heritage and archaeological resources as a provincial interest, and thus an important consideration for municipal planning policy development and decisions. Part IV of the PPS Preamble notes that “*cultural heritage and archaeological resources provide important environmental, economic and social benefits.*”

Subsection 2.6 of the PPS sets out cultural heritage and archaeological policies on built heritage resources, cultural heritage landscapes, archaeological resources, areas of archaeological potential, protected heritage properties, and lands adjacent to heritage properties:

“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.”

These policies set a minimum standard for conservation of all types of cultural heritage resources, but do not preclude other “less significant” resources from being protected. Further, the PPS specifies that the Town must require archaeological assessments for any proposed development or site alteration in areas of archaeological potential. Areas of archaeological potential are determined by provincial guidelines. Criteria for determining significance of the resources are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

The PPS also calls for a co-ordinated, integrated and comprehensive approach in dealing with cross-jurisdictional land use planning matters, including “*managing natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources*” (Part V, Section 1.2). This is of particular relevance to the preservation and protection of archaeological resources and cultural heritage landscapes, which may span several geographical and political jurisdictions.

Greenbelt Act (2005)

The Greenbelt Act led to the creation of the Greenbelt Plan to protect 1.8 million acres of agricultural land in the Golden Horseshoe. The Greenbelt Plan includes policies on the identification and protection of cultural heritage resources at the municipal level which address the maintenance, development and use of these resources in a manner that benefits the local community. The Greenbelt Plan recommends that cultural

heritage resources be included in municipal plans and planning processes in an integrated manner, emphasizing connections between arts, heritage, cultural industries, libraries, archives and other cultural activity. It is also suggested that municipalities work with aboriginal groups and other stakeholders to implement these strategies.

Ontario Heritage Act (2006)

The *Ontario Heritage Act* provides a framework for the protection and conservation of the Province's cultural heritage resources. It provides the legislative basis and a variety of tools for the protection of cultural heritage resources, including archaeological sites, defines the municipal and provincial roles in cultural heritage resource conservation and provides municipalities with a variety of powers as discussed below. The Town of Oakville's Official Plan must be consistent with the *Ontario Heritage Act*.

Property designation: Municipalities are enabled to protect heritage property in two ways, either designated individually under Part IV of the Act or designated collectively as groups of properties, referred to as "heritage conservation districts", under Part V of the Act. Both designations may include a wide range of heritage features including buildings, archaeological sites, cemeteries, trees, monuments, and landscapes.

To designate a property under Part IV of the Act, a municipality must identify the heritage attributes of the property which make it worthy of designation in accordance with Ontario Regulation 9/06 which requires that the property be of some historical, associative, design, physical and/or contextual value.

Both designations require that property owners obtain municipal approval for additions, alterations, and demolition of any of the designated properties or features. The *Ontario Heritage Act* also enables a municipality to prescribe and enforce minimum standards for the maintenance of designated property.

Municipal Register: Municipalities are obligated under Section 27 (1) of the *Ontario Heritage Act* to keep a register of all properties designated under Part IV of the Act. Properties that have not been formally designated, but have been recognized by a Council to be "of cultural heritage value or interest" may also be placed on the register. Municipalities are able to protect these 'listed' non-designated heritage properties from demolition or removal for a period of up to 60 days. All 'listed' properties must have the potential to meet at least one of the criteria defined in Ontario Regulation 9/06 in order to be considered for the register.

Prevention of demolition: The *Ontario Heritage Act* empowers municipal councils to prevent the demolition of a building or structure on a designated heritage property. Councils may also pass by-laws to buy, lease, or expropriate designated heritage properties that may be at risk.

Heritage easements: The *Ontario Heritage Act* permits municipal councils and provincial authorities (e.g. the Ontario Heritage Trust) to enter into voluntary legal agreements with heritage property owners. Such easements or covenants may apply to

all or a portion of a property and are usually entered into as part of a grant or loans program or development approvals. Easements can set out requirements for the retention or maintenance of a property or of specific heritage features, including permitted changes and alterations to the heritage resource or the context in which it is located. Easements are registered on title and run with the property, hence binding all present and future owners.

Grants and loans: The *Ontario Heritage Act* allows municipalities to provide grants and loans for the conservation and maintenance of designated heritage properties and those with heritage conservation easements registered on title.

Ministry of Culture and the administration of archaeology: The Ontario Ministry of Culture administers archaeological in Ontario, as mandated by Part VI of the *Ontario Heritage Act*. The Ministry is responsible for licensing archaeologists, reviewing reports on work conducted under these licenses, and maintaining a database of known archaeological sites.

Municipal Heritage Committee: Section 28 (1) of the *Ontario Heritage Act* allows a municipal council to establish a municipal heritage committee to advise and assist the council on heritage matters. The primary role of the committee is to study and evaluate the cultural heritage value of potential heritage resources and to review proposals and applications which affect heritage properties and areas. Recent amendments to the Act also allow for a council to delegate authority to approve applications to a municipal official.

Growth Plan for the Greater Golden Horseshoe (2006)

The Places to Grow Act (2005) provides the legal framework for provincial designation of a geographic area of the province as a growth plan area and the Growth Plan for the Greater Golden Horseshoe (2006), which addresses population growth, economic expansion, and the protection of valuable environmental and agricultural lands. Municipal decisions under the Planning Act and Condominium Act must conform to the Growth Plan and municipal official plans must be brought into conformity with it by June, 2009.

The Growth Plan envisions complete communities and supports the protection and conservation of cultural heritage and archaeological resources, noting that these resources are essential for the long-term economic prosperity, quality of life, and environmental health of the region. The Growth Plan takes a balanced approach to the wise use and management of all cultural heritage resources as areas of Ontario experience future growth and intensification. This Plan does not override the cultural heritage policies of the PPS; rather, the intent is to work in conjunction with these policies.

The Growth Plan outlines a vision and strategy for where and how the region should grow over the next 30 years. Given that the Greater Golden Horseshoe comprises a broad array of unique cultural heritage features and sites, the Growth Plan states that

these valuable assets must be wisely protected and managed as part of planning for future growth. Recognizing that there exists a variety of policy and planning initiatives, the Plan seeks to build on these by advocating “a culture of conservation.”

Section 4.2.4 of the Growth Plan states that “municipalities will develop and implement official plan policies and other strategies that support the following conservation objectives: cultural heritage conservation, including the conservation of cultural heritage and archaeological resources where feasible, as built-up areas are intensified.”

Ontario Heritage Tool Kit (2006)

The Ontario Heritage Tool Kit is a package of guides published by the Ministry of Culture which are designed to help municipal councils, staff and heritage committees understand the heritage conservation process in Ontario.

Eight Guiding Principles (2007)

The Ministry of Culture has developed eight guiding principles for the conservation of built heritage properties, which are based on international charters established over the past century. The principles outline goals for good practice in heritage conservation around the world.

Cemeteries Act (2007)

The Cemeteries Act governs all burials and the management of cemeteries and burial places in Ontario. In the event that human burials are uncovered during land development or construction activity, an archaeological assessment and appropriate mitigation measures may be warranted.

Regional Policy

Region of Halton Official Plan

The Region of Halton’s Official Plan states in Section 165 that it is a goal of the Region to “protect the material, cultural, natural and built heritage of Halton for present and future generations.” The Region has noted that growth will be accommodated in a manner that is sensitive to heritage and culture and that the preservation of certain landscapes as part of Halton’s heritage resources is a principal objective of the Region. Additionally, the Official Plan outlines the Region’s objectives to promote awareness and appreciation of Halton’s heritage, as well as the public and private stewardship of heritage resources.

Town of Oakville Policy

Livable Oakville Mission Statement and Guiding Principles

As the first step in developing a new Official Plan, a long term vision in the form of a mission statement and a set of guiding principles for the Official Plan was developed based on the Town’s overall vision “to be the most livable town in Canada.” The

mission statement and guiding principles were adopted by Town Council on June 23, 2008 (OPA 281). All new policies incorporated into the new Official Plan must uphold the mission statement and guiding principles which are attached as Appendix A to this report.

Town of Oakville Official Plan

The Official Plan goal in relation to cultural heritage resources is:

- To preserve the heritage of such resources as archaeological sites, buildings, and structures of historic and/or architectural significance, value or interest.

The objectives in relation to cultural heritage resources are outlined in the existing Official Plan as:

- To encourage growth and development patterns which promote the protection and sympathetic treatment and use of heritage resources;
- To ensure that all avenues for the conservation of a heritage resource could be explored; and
- To integrate structures of historic and/or architectural significance into development proposals where appropriate.

The Official Plan further outlines heritage conservation strategies as they relate to individual and district designated properties. It also provides guidance on heritage impact assessments, impacts on archaeological resources, incentives for heritage properties, heritage conservation easement agreements, as well as right-of-way, development and land use policies as they relate to heritage.

Town of Oakville Environmental Strategic Plan (2005)

The Environmental Strategic Plan outlines future directions for environmental initiatives to help improve the environment in Oakville. Heritage conservation is consistent with the visions and goals of the Strategic Plan, specifically with Goal 1 to “sustain and enhance our natural resources.”

Town of Oakville Strategic Plan (2007)

The Strategic Plan outlines the Town’s vision to be “the most livable town in Canada.” The first mission statement within the Plan is to “create and preserve Canada’s most livable community that enhances the natural, cultural, social and economic environments.” Cultural heritage is also referred to in the Plan’s strategy to “enhance Town’s ability to identify and protect Heritage properties.”

Town of Oakville Urban Forest Strategic Management Plan (2008)

This document is a strategic management plan for Oakville’s urban forest south of Dundas Street. It represents a revamped and more effective approach to the management and stewardship of the Town’s “green infrastructure” than is possible with current practices. The plan sets out the steps necessary to achieve short-, medium- and long-term goals for the urban forest over a 20-year period to be considered within the framework of the Town’s Official Plan.

Further protection for trees is contained in the Town of Oakville's Private Tree Protection By-law (2008-156), adopted by Council on October 1, 2008. This by-law includes specific provisions for the protection of trees deemed to have heritage significance.

North Oakville East Secondary Plan (2008)

The North Oakville East Secondary Plan contains policies and guidelines for the conservation of significant heritage resources and cultural heritage landscapes in the area of Oakville north of Highway #5 and east of Sixteen Mile Creek.

North Oakville West Secondary Plan (Draft)

The North Oakville West Secondary Plan (Draft) contains policies and guidelines for the conservation of significant heritage resources and cultural heritage landscapes in the area of Oakville north of Highway #5 and west of Sixteen Mile Creek including the distinctive concentration of heritage resources in Palermo.

Town of Oakville Cemetery Strategic Plan (2009)

The Oakville Cemeteries Strategic Plan was developed by the Cemetery Services Division to guide the management of Town-owned Cemeteries, seven of which are designated as heritage properties under the *Ontario Heritage Act*. These include: Munns Cemetery, Bronte Cemetery, Cox Estate Cemetery, Oakville St. Mary's Cemetery, St. Jude's Cemetery, Palermo Cemetery and Merton Cemetery.

Town of Oakville Cultural Plan (Draft)

Oakville's Cultural Plan was developed by the Town's Recreation and Culture Department. The purpose of the Plan is to provide a guiding vision for culture for the Town and establish a mandate which integrates and connects the many forms of culture that exist in the community. The Plan addresses policies regarding strategic partnerships, planning, facility development, and investment in culture.

Other Municipal Policy

A review of approaches taken in the Official Plans in other municipalities has been undertaken with respect to cultural heritage resources policies. Staff also consulted directly with numerous municipalities throughout the Greater Toronto Area and southwestern Ontario.

The City of Hamilton produced a background paper on the City's cultural heritage resource policies in anticipation of their new Official Plan. This paper reviews the Town's heritage policies and examines present legislation for the protection of cultural heritage resources. The policy directions which were recommended in this paper, and subsequently implemented in the City of Hamilton's Official Plan, have been reviewed by Oakville staff.

The City of Brampton has developed the cultural heritage portion of their Official Plan with a strong emphasis on the identity of the City and its historical roots as the “Flowertown of Canada.” The Official Plan takes a comprehensive approach, identifying and outlining policies for built heritage, cultural heritage landscapes, heritage districts, areas with cultural heritage character, archaeological resources and Town-owned heritage properties.

The City of Guelph’s Official Plan has an extensive section on cultural heritage resources, but also includes references to cultural heritage resources and their policies throughout the various sections of the plan. These sections include urban design, urban fringe areas, urban/rural boundary areas, community improvement and renewal, commercial and mixed use, open space, subdivision control and development control, property conditions, among others.

The Town of Newmarket’s Official Plan has been brought into conformity with current legislation and policy. The plan contains a number of the most up-to-date policies available in areas such as Archaeology for a lower tier municipality.

DISCUSSION

Background Context

The Town of Oakville is strengthened by its rich history and culture, preserved and celebrated by residents and visitors alike. Oakville's cultural heritage resources contribute significantly to the identity of the Town. Throughout the Town there are many heritage resources and areas that provide physical and cultural links to the original settlement of the area and to specific periods and events in the development of the Town.

In many cases these properties and/or districts have been recognized by designation under the *Ontario Heritage Act*. Beginning in 1948 with the conservation of the Old Post Office, Oakville has consistently been a pioneer in the conservation and celebration of its heritage. The Town was one of the first municipalities in Ontario to establish a heritage plaque program, one of the first to designate a property under the *Ontario Heritage Act* (Erchless Estate) and one of the first to defend a designation before the Conservation Review Board.

The Town of Oakville has had particular success in the designation of heritage properties and areas. Old Oakville was the third heritage district to be established in Ontario and the first in an urban context. Further heritage conservation districts in 1987 and 1994 have resulted in a large portion of the historic residential area of Old Oakville being protected under the *Ontario Heritage Act*. Oakville has long followed a pro-active policy of achieving heritage designations with more than 120 properties being designated as of 2008, including most of the historic commercial buildings along Lakeshore Road.

With so many pioneering initiatives, policies and by-laws in heritage conservation, some more than 30 years old, Oakville recognizes the need to revisit its existing conservation tools to ensure that they are effective in meeting the challenges of the present day. In planning the development of the community, care must be taken to ensure the long term preservation of the Town's heritage resources.

An essential way in which a municipality can effectively protect its heritage resources is by ensuring that it has in place and uses all tools available for conserving and protecting heritage resources in the community. One of the most important tools for achieving this is the Official Plan and by ensuring that its policies are consistent with current provincial policy and legislation and are reflective of the strong desire of the community to conserve, protect and celebrate its heritage.

Heritage Oakville

Heritage Oakville, the Town's municipal heritage committee, was established by Council in 1976. The establishment of an Oakville Heritage Planning Division in recent years has allowed staff to implement the heritage planning initiatives of the Town and to work with Heritage Oakville in fulfilling its mandate. The Act allows for a council to delegate authority to approve heritage applications to a municipal official. This is a power which should be considered as a means of streamlining heritage approval processes and making more effective use of Heritage Oakville, staff and Council resources.

The role of Heritage Oakville should be clarified through a study and subsequent by-law to enable the committee to advise Council effectively on heritage policy and implementation and to be consistent with current provincial legislation and the current municipal structure. This would provide improved integration of the heritage considerations in the evaluation of development applications and public works and a more effective and efficient review process.

Cultural Heritage Resources

The *Ontario Heritage Act* has a broad ranging interpretation of cultural heritage resources whereby a "property of cultural heritage value or interest" may be designated. This supports the protection and conservation of landscape and archaeological features in addition to historic buildings. Cultural heritage resources can include both tangible and intangible elements which are of significance to a community.

Register of Cultural Heritage Resources

The Oakville Register of Properties of Cultural Heritage Value or Interest contains all designated and listed properties and may be consulted by property owners and the legal community. In establishing a complete Register, the Town is able to more effectively identify cultural heritage resources and areas and to evaluate their relative significance.

Designation

The Official Plan should reflect and include the municipal objective to designate and protect under the *Ontario Heritage Act* individual properties and heritage conservation districts. The Official Plan should also establish policies which support a pro-active environment of designation where the preservation and reuse of heritage properties is encouraged.

Listed

The Official Plan should reflect the municipal objective to identify and protect under the *Ontario Heritage Act* properties of potential cultural heritage significance which merit inclusion in the Oakville Register of Properties of Cultural Heritage Value or Interest.

Heritage Interest

In addition to the Register, the Town maintains a listing of properties of "heritage interest." These properties may not meet the minimum criteria for listing on the Oakville

Register as defined under the *Ontario Heritage Act*; however they may have sufficient heritage value to contribute to the understanding of the heritage of Oakville.

Evaluation of Heritage Resources

Heritage Planning staff has developed the document *Evaluation of Heritage Resources in the Town of Oakville* in order to outline the processes by which heritage properties are evaluated. In accordance with the *Ontario Heritage Act*, a property considered for designation must meet at least one of the criteria (historical or associative, design or physical, and contextual) outlined in Ontario Regulation 9/06. In order to be included on the Register as a listed property, a property must have the *potential* to meet at least one of the criteria of Ontario Regulation 9/06.

In addition to Ontario Regulation 9/06, Heritage Planning staff uses an evaluation checklist to determine the cultural heritage significance of a property by attaching a numerical score to the property's architectural, historical and contextual value. While this evaluation system is helpful to municipal staff in analyzing heritage resources, the *Ontario Heritage Act* and its Ontario Regulation 9/06 remains the principle mechanism for evaluating cultural heritage resources.

Cultural Heritage Landscapes

The Town must also provide a framework for the identification and protection of significant cultural heritage landscapes in the municipality. These landscapes form a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. Cultural heritage landscapes can include a grouping(s) of individual heritage features such as structures, spaces, roads, Main Streets, spaces, archaeological sites and natural elements, which together form a significant type of heritage form.

Lost Historical Sites

The cataloguing and recognition of lost historical sites is an essential element in a strong cultural heritage program. Knowledge of lost architectural sites can enrich our appreciation of the past and local architectural traditions and craftsmanship. In areas such as Bronte and Palermo, where significant proportions of cultural heritage resources have been lost or compromised, the recognition and interpretation of these lost historical sites can provide important linkages to the past.

Pioneer Cemeteries

The Cemetery Strategic Plan (2008) recognizes the cultural heritage significance of cemeteries in the Town, ensuring that future needs for cemeteries are met while preserving the sites and commemorating this important part of Oakville's past. The Town's Cemetery Services Division has also commenced a heritage monument restoration program in which all heritage monuments are being catalogued and prioritized for future detailed restoration.

The Town has also been a leader in the conservation of cemeteries through the designation of each of the Town's pioneer cemeteries under the *Ontario Heritage Act*.

Policies in the Official Plan should allow for the continuation of the preservation and promotion of these important historical and cultural sites.

Heritage Trees

The Town of Oakville contains areas of distinctive character which are distinguished by mature heritage trees. This unique natural setting of Oakville, combined with outstanding stewardship within the community to protect these natural heritage resources, has generated a culture of conservation related to heritage trees. The Official Plan should reflect the Town's goal to continue to recognize and conserve this part of our cultural heritage.

Archaeological Resources

Part VI of the *Ontario Heritage Act* outlines the Province's guidelines for the conservation of resources of archaeological value. The Official Plan will provide policies for the protection, conservation and mitigation of sites which are determined to be of archaeological value or areas of archaeological potential.

Heritage Conservation Easements and Acquisitions

The Official Plan should consider policies and regulations for governing Heritage Conservation Easements, as outlined in section 22 of the *Ontario Heritage Act*. Policies should also be included for acquisitions of heritage properties by the Town for future rehabilitation and redevelopment.

Conservation of Cultural Heritage Resources and Areas and Development

Given the responsibility of the Town to conform to the Growth Plan, the new Official Plan must create a culture of conservation and include policies to conserve cultural heritage resources while allowing intensification in areas and districts of cultural heritage value. Creating a policy balance between cultural heritage conservation and intensification will be a challenge, but one well rewarded with intensified areas possessing a high degree of livability and high quality design.

Heritage Permit Applications

A Heritage Permit is required to undertake changes to properties designated under Part IV or Part V of the *Ontario Heritage Act*. Section 33 of the *Ontario Heritage Act* outlines the process by which to ensure that any changes to a designated property do not alter the property in such a way that the reasons for designation are diminished. Heritage Planning staff has developed a Heritage Permit Application Guide and Application Form to be reviewed and completed by owners and agents wishing to make alterations to a designated property. These applications requirements should be updated and reinforced.

Infill and Development in Downtowns

Guidelines for new infill and development specifically for downtown areas must be addressed in the Official Plan in order to ensure that cultural heritage resources existing in these areas are conserved. There are three traditional downtown areas in Oakville, including Old Oakville, Kerr Street and Bronte Village.

Cultural Heritage Impact Assessments

In areas of known or potential cultural heritage value or interest, the Town must require cultural heritage impact assessments for the following types of applications:

- Plans of subdivision/condominium;
- Consents;
- Site specific Official Plan amendments;
- Site specific zoning by-law amendments;
- Variances; and
- Site plans.
- Heritage Permits

The Town must also require evaluations of impacts prior to development and site alteration of sites adjacent to properties on the heritage register and when there is the possibility that development or site alteration could impact built heritage resources and cultural heritage landscapes on or in the vicinity of the property in question. Policies should be provided in the implementation section of the Official Plan to outline these requirements.

Retention of Heritage Resources On-Site and Relocation

In addition to the conservation and protection of heritage properties, the Official Plan should include criteria on the retention of heritage structures in their original locations. To address circumstances where buildings cannot be retained on-site, policies should be established to guide the relocation of heritage structures in order to ensure their conservation and long-term success.

Mitigation measures

The new Oakville Official Plan policies will refine requirements for assessments and mitigation measures where a heritage resource is to be lost, particularly with respect to the protection of specific types of cultural heritage resources based on significance, value or interest.

Community Improvement Plans and Other Policies

The Town may establish community improvement plans and other policies to guide development and site alteration in specific areas of the community. The Town has recently approved the North Oakville East Secondary Plan and is currently finalizing the North Oakville West Secondary Plan. Both of these plans contain policies and guidelines with respect to the conservation and management of cultural heritage resources. Community Improvement Plans and other policies should be consistent with the most up-to-date provincial and municipal policies and legislation related to heritage conservation.

Town-Owned Cultural Heritage Resources

Municipalities which are leaders in heritage conservation in Ontario are also leaders in the stewardship of heritage resources under their own ownership. The Town of Oakville must lead the community in the management of its cultural heritage resources by

providing good examples of proper heritage stewardship in the care and management of its municipally owned heritage properties.

While proper maintenance and conservation may have a higher up-front cost than cheaper alternatives, in the long term, the implementation of a well-planned and timely heritage sensitive maintenance plan that is consistent with *Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada* would be the most effective and cost effective way of maintaining municipally owned heritage resources.

Public Undertakings

The Environmental Assessment Act and other legislation require a municipality to identify and evaluate cultural heritage resources to be affected by any municipal or provincial public works. The Official Plan should reflect the requirements for these assessments and promote the enhancement of areas of cultural heritage resources as part of municipal projects.

Incentives

Incentives to owners of heritage properties play a large role in the conservation of cultural heritage resources. Financial incentive programs can be in the form of grants, loans, and tax relief to owners and long-term lessees of properties. Other incentives include bonusing which can assist in the retention of cultural heritage resources. The new Official Plan enables consideration of the most appropriate and effective means for using incentives to achieve the Town's objectives with respect to the conservation of heritage resources.

Town of Oakville Cultural Plan (Draft)

The Official Plan should consider the recommendations of the Oakville Cultural Plan (Draft), the purpose of which is to provide a guiding vision for culture for the Town and establish a mandate which integrates and connects the many forms of culture that exist in the community. The Cultural Plan addresses policies regarding strategic partnerships, planning, facility development, and investment in culture. The recommendations of the Culture Plan (Draft) should be considered in the development of Official Plan policies that relate to culture.

Education and Outreach

Awareness of local history and heritage is a key factor in the development of a successful heritage conservation plan. Increased awareness raises appreciation for the significance of cultural heritage and encourages good stewardship of heritage resources. Heritage conservation can inspire innovation and creativity in the design of new buildings and communities as well as promote economic stimulation and increased tourism. Communities which are the most successful at educating and promoting their history, heritage and character are usually the most successful in creating a diverse and thriving cultural environment. To support these efforts the Town may develop a heritage master plan to provide direction to all aspects of cultural heritage conservation and other heritage matters in Oakville.

Oakville Museum and Other Heritage Bodies

There are various authorities and agencies throughout the Town who are involved with the collection and conservation of the history and heritage of the municipality. By collaborating in various initiatives to conserve, record and interpret the history of the Town, Oakville can enrich its heritage resources and the quality of its archival records of the community.

RECOMMENDATION

New policies for cultural heritage resources are needed in the Town to ensure consistency across the Town and clearly defined criteria for the location of such uses. A clearly defined set of policies that are consistent with provincial requirements and which uphold the Plan's guiding principles have been developed. The recommended new Official Plan policies for cultural heritage resources are attached to this paper as Appendix "A" – Cultural Heritage Resources Policies.

APPENDIX A

MISSION STATEMENT AND GUIDING PRINCIPLES

1.0

MISSION STATEMENT

1.1

To enhance the Town's natural, cultural, social and economic environments environmental sustainability, cultural vibrancy, economic prosperity and social well-being are incorporated into growth and development decisions.

2.0

GUIDING PRINCIPLES

2.1

Preserving and Creating a Livable Community

- Preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods.
- Direct growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated.
- Achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.

2.2

Providing Choice Throughout the Town

- Enable the availability and accessibility of a wide range of housing, jobs and community resources to meet the diverse needs of the community through all stages of life.
- Provide choices for mobility by linking people and places with a sustainable transportation network consisting of roads, transit, walking and cycling trails.
- Foster the Town's sense of place through excellence in building and community design.

2.3

Achieving Sustainability

- Minimize the Town's ecological footprint.
- Preserve, enhance and protect the Town's environmental resources, natural features and areas, natural heritage systems and waterfronts.
- Achieve sustainable building and community design.