

WITNESS STATEMENT OF MICHAEL MCCLELLAND

**LPAT Case Nos. PL171084
PL180158
PL180580
MM180022
MM170004**

LOCAL PLANNING APPEAL TRIBUNAL

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
Subject: Request to amend the Official Plan - Refusal of request by the Town of Oakville

Existing Designation: Private Open Space and Natural Area
Proposed Designation: Site Specific (to be determined) – including Residential, Mixed Use and Community Commercial

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Approval Authority File No.: OPA.1519.09
LPAT Case No.: PL171084
LPAT File No.: PL171084
LPAT Case Name: Clublink Corporation ULC v. Oakville (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
Subject: Application to amend Zoning By-law No. 2014-014 - Refusal of Application by the Town of Oakville

Existing Zoning: Private Open Space (O2), Private Open Space-Special (O2- Sp. 114), and Natural Area (N)
Proposed Zoning: Site Specific (to be determined)

Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses

Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Municipality File No.: Z.1519.09
LPAT Case No.: PL171084
LPAT File No.: PL171085

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision
Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses
Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Municipality File No.: 24T-17003/1519
LPAT Case No.: PL171084
LPAT File No.: PL171086

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
Subject: Proposed Plan of Subdivision - Failure of the Town of Oakville to make a decision
Purpose: To permit the redevelopment of the Subject Lands for a mix of residential, commercial and open space uses
Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Municipality File No.: 24T-17003/1519
LPAT Case No.: PL171084
LPAT File No.: PL171167

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Clublink Corporation ULC and Clublink Holdings Ltd.
Subject: Proposed Plan of Subdivision
Property Address/Description: 1333 Dorval Drive
Municipality: Town of Oakville
Municipality File No.: 24T-17003/1519
LPAT Case No.: PL171084
LPAT File No.: PL180034

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Proposed Official Plan Amendment No. 24
Municipality: Town of Oakville
LPAT Case No.: PL180158
LPAT File No.: PL180158
LPAT Case Name: ClubLink Corporation ULC et al. v. Oakville (Town)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: By-law No. 2018-016
Municipality: Town of Oakville
LPAT Case No.: PL180158
LPAT File No.: PL180159

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Proposed Official Plan Amendment No. 15
Municipality: Town of Oakville
LPAT Case No.: PL180580
LPAT File No.: PL180580

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Proposed Official Plan Amendment No. 16
Municipality: Town of Oakville
L.P.A.T. Case No.: PL180580
L.P.A.T. File No.: PL180581

PROCEEDING COMMENCED UNDER subsection 34.1(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Appeal of a decision of Council on an application to demolish a building or structure
Municipality: Town of Oakville
LPAT Case No.: MM180022
LPAT File No.: MM180022

PROCEEDING COMMENCED UNDER subsection 69(3) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: ClubLink Corporation ULC & ClubLink Holdings Ltd.
Subject: Appeal against the levying of an application fee
Municipality: Town of Oakville
LPAT Case No.: MM170004
LPAT File No.: MM170004

WITNESS STATEMENT OF MICHAEL MCCLELLAND

1. EXPERIENCE AND QUALIFICATIONS

- 1.1. I am a registered architect and am one of the two founding Principals of ERA Architects Inc. (“ERA”), a multi-disciplinary heritage consulting firm. I received my Bachelor of Architecture degree from the University of Toronto in 1981 and my fellowship from the Royal Architectural Institute of Canada in 2006. Prior to receiving my degree, I worked for the City of Vancouver from 1972 to 1974, as the assistant to the City Historian, compiling the first inventory of heritage buildings in the City. This began my interest in heritage architecture, and I have practiced professionally in that area since the completion of my university education.
- 1.2. From 1982 to 1988, I was employed by the City of Toronto as a Preservation Officer for the Toronto Historical Board. I was responsible for the review of all permit and development applications, including alteration and demolition applications, for heritage properties in the City of Toronto. In that capacity, I became very familiar with the language and the practical application of the Ontario Heritage Act (“OHA”).
- 1.3. Since 1990, I have been in private practice as a heritage architect and cultural heritage planning consultant. I founded ERA with my business partner in 1994. Presently, ERA has more than 100 staff members, including architects, landscape architects, art and architectural historians, and heritage and municipal planners, all working collectively and in a multidisciplinary setting on cultural heritage projects.
- 1.4. Over the last 30 years in private practice, I (directly and with ERA) have accepted and completed engagements for a wide range of individuals and organizations in both the public and private sectors. I estimate that my engagements have been roughly split, with approximately 40% being for the public sector/community interest (e.g., municipalities, community groups) and approximately 60% for the private sector/property owners (e.g., developers, individual property owners). Regardless of the engagement or by whom I have been retained, I view my role as ensuring the practical and real-life application of heritage conservation principles on a consistent basis.
- 1.5. I have extensive experience in heritage architecture and cultural heritage planning in urban settings, including work in and around the Greater Toronto Area, including the Town of Oakville. I also have extensive experience assisting with the conservation of heritage property in accordance with applicable law and policies. By way of example, I undertook the heritage architectural work for the Evergreen Brickworks, the Art

Gallery of Ontario, the Royal Ontario Museum, and for the Distillery Historic District. I remain as a heritage architecture advisor on each of these sites. I also completed urban heritage planning consultations for the Toronto Waterfront Culture Plan, and the downtown Hamilton Heritage Plan.

- 1.6. ERA's work has been recognized in the area of heritage planning and architecture. In 2016, ERA received the Margaret and Nicholas Hill Cultural Heritage Landscape Award from the Architectural Conservancy of Ontario ("ACO") for its work on Mouth of the Creek Park in Toronto. The ACO is a non-government volunteer organization dedicated to the conservation of built heritage in Ontario, and the Award is intended as a recognition of the recipient's work in heightening awareness and appreciation of Ontario's significant landscapes. ERA was also the heritage consultant for the 2018 winning landscape competition entry for our work at Nepean Point in Ottawa awarded by the National Capital Commission.
- 1.7. ERA has won several Lieutenant Governor's awards for excellence in heritage conservation with which I was personally involved. These include the Paradise Theatre rehabilitation (2020); the Senate of Canada Building (2019); the University of Toronto's Daniels Faculty (2018); Casey House (2017); and the Broadview Hotel (2016). ERA is a winner of numerous Heritage Toronto awards and Toronto Urban Design awards.
- 1.8. In addition to my decades of practical experience in the application of heritage principles for both the private and public sectors, I have been active in the broader heritage community and in writing and academia, some of which I have highlighted below.
- 1.9. My involvement includes being a founder of the Canadian Association of Heritage Professionals, a national professional organization serving qualified heritage professionals in Canada. I am also the past vice-president of the Canadian chapter of ICOMOS (the International Council on Monuments and Sites), which is part of UNESCO (the United Nations Educational, Scientific and Cultural Organization). ICOMOS is the agency that identifies world-wide heritage sites. I am currently on the Stewardship Council of the Washington DC based Cultural Landscape Foundation.
- 1.10. I have been a joint editor on a series of books on Toronto architectural history, including *Concrete Toronto*, *The Ward: The Life and Loss of Toronto's First Immigrant Neighbourhood*, and *The Ward Uncovered: The Archaeology of Everyday Life in Progress*. These books examine, among other matters, heritage issues in the larger urban context.

- 1.11. I have done numerous presentations or exhibitions in the area of heritage and heritage architecture, including acting in 2016 as Session Chair for ICOMOS Canada's presentation on Evolving Perspectives on Cultural Landscapes for the National Trust of Canada in Calgary; speaking at the Ontario Heritage Conference at Niagara-on-the-Lake in 2016, on the Role of the Heritage Professional in Heritage Conservation Practice; presenting in 2012 on the changes to the OHA, for the Land and Economic Development – Ontario Planning Forum in Toronto; and organizing the Cultural Landscape Foundation Conference in Toronto in 2015. These presentations and exhibitions are in addition to my teaching engagements at the University of Toronto, York University, Ryerson University, OCAD University, Carleton University, and the University of Waterloo, where I have lectured and undertaken project reviews from 2007 to the present.
- 1.12. In 2006 ERA produced a report for the City of Toronto on the Toronto Islands, in consultation with the Toronto Island Community Association Heritage Committee and the City Councillor. It was proposed that rather than develop a Heritage Conservation District the City should move forward with identifying the Toronto Islands as the city's first Cultural Landscape District. I have previously appeared before LPAT and the Conservation Review Board as an expert witness regarding other properties with cultural heritage landscapes, such as the David Dunlap site in Richmond Hill.
- 1.13. I have been previously qualified as an expert in heritage architecture, cultural heritage landscapes and cultural heritage planning before the Ontario Municipal Board (now the Local Planning Appeal Tribunal) and the Conservation Review Board on numerous occasions.
- 1.14. My qualifications and experience are further detailed in my resume, which is attached as **Appendix "A"**. My executed Acknowledgement of Expert's Duty form is attached as **Appendix "B"**.

2. RETAINER

- 2.1. ERA was retained by ClubLink Corporation ULC and ClubLink Holdings Limited ("ClubLink") in early 2015 to undertake a series of investigations and the preparation of reports with respect to the property located at 1313 and 1333 Dorval Drive in the Town of Oakville (the "Town") and known as the Glen Abbey Golf Club ("Glen Abbey" or the "Property"). The Property is approximately 93 hectares (229 acres – excluding the 3-acre RayDor Estate), with approximately 32 hectares (78 acres) of valleylands within the Sixteen Mile Creek valley and approximately 61 hectares (151 acres) of tablelands above the valley. I have personally been involved with this retainer since 2015.

- 2.2. ERA's retainer with ClubLink resulted in the production of the following reports:
- 2.2.1. Cultural Heritage Landscape Assessment & Heritage Impact Assessment ("CHLA/HIA"), prepared by ERA and dated November 9, 2016, which was first submitted to the Town on November 10, 2016 with ClubLink's *Planning Act* applications to permit the redevelopment of the Property for a mix of residential, commercial and open space uses (the "Applications"). Among other things, the CHLA/HIA assesses the cultural heritage value of the Property and demonstrates how the cultural heritage resources associated with the Property can be appropriately conserved as part of the proposed redevelopment of the Property.
 - 2.2.2. A Park and Open Space Concept Plan ("Park Plan"), including a Tree Canopy Plan, prepared by ERA and dated November 9, 2016, which was submitted to the Town on November 10, 2016 with the Applications and which outlines the implementation of the conservation strategies outlined in the CHLA/HIA; and,
 - 2.2.3. An Addendum to the CHLA/HIA ("Addendum"), prepared by ERA and dated November 20, 2017, which was submitted to the Town on November 21, 2017 in support of ClubLink's demolition application under Section 34 of the OHA. The Addendum provided my opinion on the Town's proposed heritage attributes in the Notice of Intention to Designate ("NOID") the Property and supplemented the CHLA/HIA's building condition assessments with condition assessments for buildings proposed to be demolished.
- 2.3. A review of the ERA reports will be included in my evidence.

3. SUMMARY HERITAGE OPINION

- 3.1. There is no disagreement that the Property has some cultural heritage value or interest. However, it is my opinion that the fundamental cultural heritage issues in this case arise from the following: In my opinion, the Town has inappropriately identified the entire Property as a significant cultural heritage landscape (CHL), it has not properly accounted for the potential of the Property to be used for a purpose other than a championship golf course and how the Property's cultural heritage value or interest could be conserved in that context, and the Town has inappropriately described the heritage attributes in the heritage designation by-law for the Property.
- 3.2. The Town's understanding of "significant" cultural heritage resources has resulted in the misidentification of the Property, in its entirety, as a significant CHL and the

identification of problematic attributes which include the “ongoing ability” to use the Property as a championship golf course. The result is that the heritage designation by-law is overly restrictive. This heritage designation by-law requires the Property owner to maintain the existing golf course in its current condition, in perpetuity.

- 3.3. The Town has identified the entirety of the golf course as a “designed” CHL of significance. It has consistently been my opinion that that is not the case.
- 3.4. Additionally, the problem with identifying an “ongoing” use as a heritage attribute is that, from a conservation perspective, the Town fails to properly consider how conservation would occur if the use were discontinued.
- 3.5. In my evidence I will explain the basis for my concerns with the Town’s identification of Glen Abbey as a designed CHL and its attributes. I will draw on the following:
 - 3.5.1. Legislation, policy, and guidance documents, including international charters such as the Burra Charter.
 - 3.5.2. I will also discuss current contemporary discourse on the role of conservation in society, including writings by Gustavo Araoz.
- 3.6. My Witness Statement will cover the following subject areas:
 - 3.6.1. The site and neighbourhood context;
 - 3.6.2. Glen Abbey as an organically evolved / continuing CHL;
 - 3.6.3. Reports prepared by ERA;
 - 3.6.4. A heritage policy review;
 - 3.6.5. International approaches / best practice frameworks;
 - 3.6.6. Reports prepared by the Town of Oakville and its consultants, including the Designation By-law No. 2017-138;
 - 3.6.7. A review of the Town’s Official Plan Amendments and Zoning By-law Amendment;
 - 3.6.8. A response to the applicable issues in the Issues List;
 - 3.6.9. A list of sources relied upon.

- 3.7. I adopt and rely on the evidence to be given by Brendan Stewart, with whom I worked on ERA's overall assessment and reporting on Glen Abbey.

4. SITE AND NEIGHBOURHOOD CONTEXT

- 4.1. My opinion is based on an understanding of Glen Abbey and the evolution of the Property and its urban context. I describe the site, context, and evolution in the following paragraphs, which are in part covered in the first ERA report – part 1.4 of the CHLA/HIA.
- 4.2. Located in the Town of Oakville, Ontario, the Property is situated south of Upper Middle Road and east of Dorval Drive and contains a portion of the Sixteen Mile Creek. The Property is surrounded by residential neighbourhoods to the west, south, and east. Part of the golf course is located within the natural heritage system of the Sixteen Mile Creek within the jurisdiction of Conservation Halton. The site area is a total of 232 acres (229 acres excluding the RayDor Estate) and comprises approximately 78 acres of natural heritage valley lands along the Sixteen Mile Creek which sit below 151 acres of table lands.
- 4.3. In the Property's immediate surroundings there are a number of suburban developments. These neighbourhoods and that larger context are described in more detail in paragraphs 4.25 – 4.34.
- 4.4. The Glen Abbey Golf Club is sited on lands with a long and rich history over several historical eras of Oakville's development. The relationships between these phases are interwoven and made evident through the adaptive reuse of the site's built and landscape features by successive occupants of the lands.

First Nations Era

- 4.5. Over thousands of years prior to European arrival, contact, and colonization, indigenous peoples occupied and used the lands around Sixteen Mile Creek. The arrival and establishment of British colonizers forecasted the survey and appropriation of these lands. In 1805, the Glen Abbey site and surroundings were acquired by the Crown as part of the Mississauga Purchase.

Agricultural Era

- 4.6. The table lands on the east and west sides of Sixteen Mile Creek were surveyed for 200-acre agricultural farm lots. Lots were acquired, cleared, and settled, typically with a farmhouse and agricultural outbuildings clustered at the lots' frontage onto a

concession or sideroad. The Glen Abbey lands were located in the Second Concession South of Dundas Street, bordered by four roads: Sixth Line to the east, Lower Middle Road to the south, Fourth Line to the west, and Upper Middle Road to the north, with the Sixteen Mile Creek ravine running through the centre.

- 4.7. By 1860, the lands between Sixth Line, Fourth Line, Upper Middle and Lower Middle Roads were occupied by ten farm lots, ranging in size between 50 and 150 acres. Two sawmills had been established along Sixteen Mile Creek: one on Hiram McCraney's 150-acre property, and another on Charles Culham's 100-acre property, located on today's Glen Abbey lands. The sawmill had been established by an earlier owner, Thompson Smith, in 1838, and was accessed by a road running north through Smith's farm to Upper Middle Road. The Smith / Culham farmhouse was located on a level stretch of ground between the top of bank, and the mill, on the flats.

Estate Era

- 4.8. Agricultural uses continued on the table lands above Sixteen Mile Creek for a half century. By the 1910s, expansion of Oakville's urban landscape was occurring through the development of early suburban neighbourhoods and the relocation of wealthy elite urbanites to rural locales to establish personal country estates.
- 4.9. Early 20th century country estates were characterized by an expansive combination of built and landscape features. Estate driveways were typically curvilinear, and their lands featured auxiliary buildings like gatehouses, stables, greenhouses, garden sheds and others, often designed in the architectural language of the main house. The main house was typically architect-designed, and often sited and designed to capitalize on views and natural landscapes, e.g., river valleys, or Lake Ontario. Formal gardens were often designed adjacent to the main house for axial view opportunities as well.
- 4.10. Early 20th century country estates would layer onto earlier eras of agricultural use, often by maintaining productive agricultural lands and/or livestock on site. In those cases, the main house would be a site of leisure, while working barns, stables and other utilitarian buildings might serve as a kind of folly on the estate landscape. Different examples in Oakville of estates on larger parcels of land include the RayDor Estate (located on the Property) and the Smye and Edgemere Estates.
- 4.11. A wealthy mining magnate, Andre Dorfman, established the RayDor Estate in 1937 when he amassed 300+ acres of four historic farm lots on the lands around Sixteen Mile Creek. Dorfman commissioned a 40-room residence from architects Marani, Lawson & Morris. The stone house was sited on the edge of the table lands overlooking the Sixteen Mile Creek river valley. The estate house was reached via a

long, curvilinear driveway off Lower Middle Road (later the QEW), which appears to have followed the eastward curve of the river valley until it looped up toward the estate house and continued northwestward past the house toward a set of auxiliary buildings, and ultimately to Fourth Line. The auxiliary buildings positioned near the end of the road included a staff house, stables and shed building located at the driveway's terminus off Fourth Line. These auxiliary buildings appear to have replaced the Carter / Booth farmhouse on this lot.

- 4.12. As wealthy estate owners began to build on Oakville's historic farmland, accompanying recreational uses and facilities emerged. Just east of the Glen Abbey lands across Sixteen Mile Creek, the Oakville Golf Club was established in 1922 off of Sixth Line, allowing local estate owners to avoid commuting to Mississauga's Toronto Golf Club. Along the concession lines north of the railway and Lower Middle Road, polo grounds and a racetrack had also been established by the late 1930s.
- 4.13. In the post-WWII era, development pressure in Oakville (and across North America) drove the expansion of urban areas with new suburban neighbourhood developments. Unlike earlier suburban neighbourhoods, automobile access and expanding road and highway networks allowed neighbourhoods to sprawl from urban centres. Lower Middle Road was expanded as the Queen Elizabeth Way, facilitating access to the agricultural, estate, and recreational lands that had been previously located off rural roads.
- 4.14. Residential and industrial uses expanded in the area, including the Ford plant and Kent Gardens and Sunningdale neighbourhoods, all established in the early 1950s. Suburban residential neighbourhoods of this period typically included community amenities like public parks, though their planning and construction was not responsive to existing open spaces such as ravine systems.

Jesuit Era

- 4.15. In 1953, the Jesuit Fathers of Upper Canada purchased the Property from Andre Dorfman to serve as a retreat and house of philosophy and theology for student members of the order from the Toronto and Hamilton dioceses. The Fathers maintained a cattle farm on the site, consistent with the remnant agricultural uses that existed on many early 20th century country estates.

Country Club and Ski Era

- 4.16. In 1963, Clearstream Development Limited purchased the estate from the Jesuit Fathers and built the Upper Canada Country Club. This private golf course was

designed by Howard Watson, a well-known golf course architect. The course opened in 1965 with the RayDor Estate used as the clubhouse.

- 4.17. In 1967, the Upper Canada Country Club went out of business and reopened as the Clearstream Club. Two years later, in 1969, the ownership and name changed to Glen Abbey Golf & Country Club. The use of names to imply a caché or distinction for the site commenced with the use of the term 'Upper Canada' and continued with references to the Abbey (the historic Jesuit uses of the site), and the Glen (the Scottish term for a picturesque valley).
- 4.18. The Glen Abbey Golf & Country Club's opening coincided with the Property's acquisition by land development firm Home Smith Ltd. (a subsidiary of Great Northern Capital). The initial Home Smith 1971 development proposal planned for a large-scale community on 2,000 acres of land between Sixteen Mile and Fourteen Mile Creeks, west of the Glen Abbey Golf & Country Club. Home Smith's early plans included promotional material highlighting elements of the existing site: "*first residents of the Glen Abbey Community will be able to share in the enjoyment of these ideal facilities which overlook a sweeping vista of Sixteen Mile Creek valley,*" and "*during the winter there is a popular ski run operated on the valley slopes.*"
- 4.19. The proposal also noted that "*the woodlands, both in the river valleys and in the centre of the site, would be retained as a major asset to both the park system of the community and the residential neighbourhoods ...*"
- 4.20. Through the 1970s, Home Smith (under Great Northern Capital) further developed the proposal and negotiated planning permissions, and was eventually acquired by land development firm Genstar. During this time, the Glen Abbey Foundation, an organization established to operate the club, continued to lease the Glen Abbey Golf & Country Club from Home Smith.

Glen Abbey Golf Club Era

- 4.21. In 1972, the Glen Abbey Foundation offered Glen Abbey to the Royal Canadian Golf Association (RCGA) as a permanent venue for the Canadian Open. In 1973, the RCGA approached famed golfer and golf-course architect Jack Nicklaus to redesign the Glen Abbey golf course. The RCGA purchased the site in 1981 and sold it to ClubLink in 1999.
- 4.22. The reconstructed site opened as the Glen Abbey Golf Club in 1976. Jack Nicklaus' design featured a par-72 parkland-style 18-hole stadium golf course. The course sits on 229 acres, and five of the 18 holes are located on the Sixteen Mile Creek valley lands. The golf course's design revolved around an intent to maximize the spectator

experience for the Canadian Open. This was achieved through the design strategies that included:

- 4.22.1. A hub-and spoke layout concept for a portion of the table land holes, centred on a newly built clubhouse and 18th hole green area, allowing spectators to access a number of greens and tees from a central location.
 - 4.22.2. The use of spectator berms, mounded and sloping landforms that were located and designed to create unobstructed views of tournament play.
 - 4.22.3. A design to maximize the likelihood of dramatic play at the 18th (final) green.
- 4.23. Nicklaus' redesign retained and incorporated elements from the Property's earlier estate era. The RayDor Estate house became the headquarters of Golf Canada, as a new clubhouse was built in 1976 by architects Crang & Boake. Auxiliary buildings to the north were reused for golf-course maintenance, and the curvilinear estate driveway was adapted as a road through the course, connecting the Estate House, auxiliary buildings, and the new clubhouse which was built along its path.
 - 4.24. Glen Abbey Golf Club has evolved since its opening and I rely on the evidence of Andrew Keffer, Executive Director of Turf Operations for ClubLink, in this regard.
 - 4.25. The Glen Abbey neighbourhood planning permissions, which had been in negotiation since Home Smith's first submission in 1971, were resolved in the late 1970s following the Glen Abbey Golf Club's construction and re-opening, and development began under Genstar in 1981. Genstar concurrently sold the Glen Abbey Golf Club to the RCGA so as to be able to focus entirely on the neighbourhood development.
 - 4.26. Residential neighbourhoods, by a series of builders, were constructed to the west of the Glen Abbey Golf Club over the 1980s, with Abbeydale Court and Golfview Court being added in 2001/2002. While they looked to the Glen Abbey Golf Club for surface-level thematic branding (e.g. street names based off earlier eras or public announcements of the start of construction as "the championship season begins" (Globe and Mail, March 5, 1983)), the actual design and physical identity of the community was much more rooted in typical 1970s-80s approaches to suburban neighbourhood design, including the use of culs-de-sac, treed crescents, and brick construction.
 - 4.27. Announced in 1986, the Fairway Hills neighbourhood was built east of Dorval Drive, immediately adjacent to Glen Abbey. Fairway Hills was built by Glen Orchard Homes, and designed by architects Gabor & Popper, whose 1980s suburban residential work employed common stylistic features of the era, in communities like Woodbridge and Newmarket as well as Oakville.

- 4.28. The Fairway Hills neighbourhood was being planned at roughly the same time as the Glen Abbey Golf Club was being designed, but they weren't designed as an integrated concept. Nicklaus designed the golf course in the 1970s and Gabor and Popper designed the subdivision in the 1980s, and the differences in design are obvious. Fairway Hills was built up to the extent of the Golf Club's boundaries.
- 4.29. The Fairway Hills neighbourhood was designed around two culs-de-sac, a typical suburban neighbourhood layout in the 1980s, and seen throughout the rest of the Glen Abbey community. The houses turned inward toward the streets, not outward toward the Golf Club, and there appear to have been no design strategies intended explicitly to feature views of the Golf Club within the neighbourhood. The result is that 30 houses (23% of the neighbourhood) back onto the Golf Club, with potential for private views.
- 4.30. This approach can be contrasted with the Jack Nicklaus-designed Country Club at Muirfield Village in Ohio, wherein the surrounding neighbourhood was designed concurrently and with explicit intention for physical and visual integration between the residential community and the recreational asset.
- 4.31. The Fairway Hills neighbourhood and the Glen Abbey Golf Club are connected insofar as they were each established by land-developers, and were both owned at one point by Genstar – although not concurrently. Further, the Fairway Hills neighbourhood is branded at a surface level with an eye toward the Golf Club, using language like *"Greeneagle Drive"*, *"The Links Drive"* and *"Masters Green"*. However, from a design perspective, the two are not integrated.
- 4.32. In 2002, the last remaining land available for development adjacent to the Glen Abbey Golf Club was built out by Aspen Ridge Homes, for developer Country Club. The available land previously served as a Golf Club parking area at its northwest corner, and its loss has meant a loss generally of available parking at the Club.
- 4.33. Like the rest of the Fairway Hills neighbourhood, the Country Club Estates at Glen Abbey turned inward toward the street and away from the golf course.
- 4.34. As a developer, Country Club was experienced in the development of residential communities adjacent to golf courses. The 28-lot Country Club Estates at Glen Abbey was promoted as a 'themed' golf course neighbourhood, with space allotted in each garage for a golf cart. In line with the theme, purchasers were provided with a golf club membership at the Rattlesnake Point Golf Club, in Milton Ontario, not at Glen Abbey. Again, it appears that the neighbourhood's relationship to the Glen Abbey Golf Club was intended as thematic branding rather than a physical, visual or functional

connection.

5. GLEN ABBEY AS AN ORGANICALLY EVOLVED / CONTINUING CULTURAL HERITAGE LANDSCAPE

- 5.1. It is the broader history of the Property that led ERA to consider the significant landscape on the Property within the Sixteen Mile Creek valley and along the valley's edge as an organically evolved cultural heritage landscape.
- 5.2. By contrast, the Town's characterisation of Glen Abbey as a designed landscape, solely based on the current Glen Abbey Golf Club, fails to acknowledge the layers of history that have informed the Property's current form and identity, despite the fact that the RayDor estate house, outbuildings and driveway, and the ravine itself all existed prior to the current Golf Course. Understanding this historical layering of the site is key to the analysis contained in the Cultural Heritage Evaluation Report prepared by Letourneau Heritage Consulting (May 2017), in fulfillment of the Town's CHL Strategy Implementation Phase II.
- 5.3. The characterisation of Glen Abbey as a designed landscape further relies on the notion that the Glen Abbey Golf Club holds exceptional design value as a golf course, and associative value for its relationship to Jack Nicklaus. I rely on the evidence of Thomas McBroom that the Glen Abbey Golf Club is not considered to be a particularly high-quality, exceptionally designed golf course, and the evidence of Andrew Keffer that its relationship to Jack Nicklaus/Nicklaus Design through its original design has in fact eroded over time.
- 5.4. It is highly uncommon for 1970s golf courses to be designated, recognized or protected for cultural heritage value associated with high-quality 'architecture' or landscape design, both in Ontario and beyond. Golf courses which have been identified for their heritage value tend to be older golf courses from the pre-war period, the 'Golden Age' of golf (according to "Golf Courses as Designed Landscapes of Historic Interest" by the European Institute on Golf Course Architects), and are characterised by beautiful natural settings carefully adapted.
 - 5.4.1. In Ontario, out of approximately 672 golf courses total, there are only two other golf courses designated under Part IV of the Ontario Heritage Act: the Roseland Golf and Curling Club in Windsor (built in 1926 and designated in 2003) and the Lakeview Golf Course in Mississauga (built in 1907 and designated in 2010) Both are publicly owned.

- 5.4.2. In the United States, approximately 47 golf courses are included in the National Register of Historic Places, which contains about 88,000 listings. Only three of the recognized golf courses date to the post-WWII era, and none were built post-1970. None were designed by Jack Nicklaus.
- 5.4.3. Internationally, the 15th-century “Old Course” in St. Andrew’s Scotland, considered to be the oldest golf course in the world, is not inscribed on the World’s Heritage List.
- 5.5. It is my opinion that the heritage attributes identified in the Town’s designation by-law are based on the premise of Glen Abbey as a designed landscape that must be preserved, rather than an organically-evolved / continuing cultural heritage landscape that must be conserved but will continue to evolve, as it has over time.

6. ERA REPORTS

- 6.1. ERA was initially contacted by ClubLink to prepare a cultural heritage assessment of the Property. ERA was also asked to assess whether it would be possible to redevelop the Property while still conserving the cultural heritage value of the Property. Cultural heritage landscape assessments are a process of evaluation with the outcome that some landscapes can be determined to have significant cultural heritage value or interest.

Cultural Heritage Landscape Assessment / Heritage Impact Assessment (CHLA/HIA) (November 2016)

- 6.2. Our first step was to undertake the Cultural Heritage Landscape Assessment prior to any consideration of a redevelopment plan. Work on this study began in April 2015 and continued until November 2016, in consultation with ClubLink’s other consultants. Our direction was that heritage conservation considerations should lead the design discussions so that there could be minimal impact on identified heritage resources. This led to a Conservation Strategy and Heritage Impact Assessment document, which is Part 2 of the overall November 2016 CHLA/HIA.

The Conservation Planning Process

- 6.3. ERA’s analysis of the Property was guided by a Conservation Plan Process Diagram which identifies an understanding of the site as the initial step. This is followed by the steps of Strategy, Implementation, and Stewardship. The four steps are explained further below:

- 6.3.1. “Understanding” would consolidate information on the site’s history and context to inform a heritage evaluation;
 - 6.3.2. “Strategy” would develop a conservation approach, which would incorporate design principles, planning, policy tools and redevelopment viability factors;
 - 6.3.3. “Implementation” would develop the implementation tools for the Strategy, in this case a Park and Open Space Plan, which would layer onto the design principles, planning, policy tools and redevelopment viability factors with site information, conservation treatments and mitigation measures, expert consultant feedback and interpretation strategies; and
 - 6.3.4. “Stewardship” would consist of recommendations for long-term conservation and resource management on site.
- 6.4. ERA’s Conservation Plan Process Diagram was based on the three-part Conservation Decision-Making Process within Parks Canada’s *Standards & Guidelines for the Conservation of Historic Places in Canada* – understanding, planning, and intervening - and the Burra Charter Process, which outlines steps in planning for and managing a place of cultural significance. We added Stewardship as a final phase, in order to ensure that after the Implementation phase, the cultural resource would be sustainably conserved.

Part 1: History and Context

- 6.5. Part 1 of our CHLA/HIA outlines the history of the Property and examines it as a potential cultural heritage landscape. Today the site is a golf course with much of its character attributed to its topography and setting in the Sixteen Mile Creek valley. These features of the site have also shaped its earlier patterns of use. We documented and analyzed this layered history which includes six interrelated phases: 1. First nations, 2. Agricultural Era, 3. Estate Era, 4. Jesuit Seminary, 5. Country Club and Ski Hill, 6. Glen Abbey Golf Club.
- 6.6. Using this research, Part 1 of the CHLA/HIA also evaluates the potential cultural heritage value of the Property. In Ontario, cultural heritage landscapes are evaluated against *Ontario Regulation 9/06*. The Town of Oakville’s Cultural Heritage Landscapes Strategy additionally sets out UNESCO’s 1992 categories of cultural landscapes as a framework for evaluation. These categories are: 1. Designed Landscape, 2. Organically Evolved Landscape (with the sub-categories a) Relict landscape and b) Continuing landscape), and 3. Associative Landscape.
- 6.7. Cultural heritage landscapes are an evolving concept in the field of cultural heritage conservation and there are currently no criteria specifically established to evaluate

this form of cultural heritage in Ontario. UNESCO's categories, though adopted by many countries, are also challenging to use in practice in Ontario because there is no thorough agreement amongst experts of how to use those categories – designed, evolving or associative. For example, two of the three experts hired by the Town of Oakville have described Glen Abbey as all three of the cultural heritage landscape categories or a blend of two, while Julian Smith has said that each category is distinct and discrete.

- 6.8. Using Regulation 9/06 to evaluate the site's layered history, but noting the limitations of this tool, we concluded that a portion of the Property met the criteria. Following from this evaluation, we identified portions of the Property as an Organically Evolved/Continuing Cultural Heritage Landscape.
- 6.9. Located in the Sixteen Mile Creek valley and on a portion of the table lands close to the valley, ERA concluded that the Property's cultural heritage value is attributed to:
 1. Its natural topography and setting;
 2. The layered historical uses informed by this setting; and
 3. The architectural and landscape remnants of these former and continuing uses.
- 6.10. The Property's layered history has produced an evolution of design layers and patterns of use. The cultural heritage landscape identified by ERA encompasses the valley – which significantly shaped the Property's uses over time – and a portion of the valley's edge where the physical remnants include the RayDor Estate, its approach drive and stables – all of which were adaptively reused during the Jesuit Era and Country Club and Ski Hill Era.
- 6.11. The cultural heritage landscape identified by ERA also encompasses portions of the Glen Abbey golf course, including the clubhouse area and the grounds of the 18th green. This evaluation and identification of a cultural heritage landscape then informed the preparation of a draft Statement of Significance and heritage attributes.
- 6.12. ERA's draft Statement of Significance included the following heritage attributes:

“General Attributes of the Cultural Heritage Landscape

The layered and evolving character of the landscape, reflecting different patterns of use by numerous social and cultural groups over time; uses have included cultivation of land for agricultural purposes, habitation, recreation, and public gathering

The varied uses of the land and the physical remnants of these uses, including the RayDor Estate and its approach drive, the stables & shed buildings as well as the evolving adaptive reuse of these buildings by successive inhabitants and users of the landscape

The interconnected, physical and visual relationship between the valley and the valley's edge, punctuated by paths, trees, shrubs and open spaces

Pedestrian connections between the valley's edge and the valley landscape, and among built structures along the valley's edge

Attributes of the Valley's Edge

The arrangement and contextual relationship of built structures, and their connection via pathways on the valley's edge

The vista across the valley from the vicinity of the 11th hole tee block area

The modified and managed slope adjacent to the 11th hole tee block area at the valley's edge, which provides user access to and a vista of the valley

The evolving use of the landscape, including for sport and recreation, as well as for agriculture, business, and human habitation

The siting of the stables building in proximity to the valley's edge

The symmetrical form and massing of the stables building, with its centre structure and two side bays attached by links; its hipped roof with wood ventilators, the building's shingled cladding, and the classical revival wood trim and details

The open forecourt space to the south west of the stables building which allows open views of its primary façade

The social and spectating function of the 18th hole green area from the spectator berms

Attributes of the Valley

The semi-wild wooded valley slopes, the river, and the continuity of the landscape within the Sixteen Mile Creek Valley to the north and south

The geographic and topographical condition of the valley, including the flat valley bottom, and steep rise to the valley's edge

Pedestrian connections between the valley's edge and the valley, and through the valley landscape"

- 6.13. This assessment and its conclusions were comparable to the Town's 2015 *Phase I Summary Report*, prepared by Laurie Smith Heritage Consulting screening report. The report identified the Property as falling within all three UNESCO categories and that the preliminary Regulation 9/06 evaluation included assessment of different layers from the site history. Our research expanded on these layers, which were also identified in Town reports prepared following the submission of ClubLink's Redevelopment Applications.

Part 2: Impact Assessment

- 6.14. Part 2 of the CHLA/HIA, the Heritage Impact Assessment, included a condition assessment of the buildings on the Property (supplemented in the Addendum), an overview of the proposed redevelopment, an adaptive re-use and feasibility analysis for the Property's built heritage resources, and an impact assessment.
- 6.15. The CHLA/HIA described a conservation strategy built on a creative landscape-driven approach that was built out in more detail in ERA's Park Plan. Embedded within the redevelopment proposal are design strategies informed by the Property's history and context and which conserve the identified cultural heritage value of the Property. The Park Plan involved close collaboration with ClubLink's consultant team, including SGL Planning and Design Inc. I will rely on the evidence of Brendan Stewart for a detailed description of the Park Plan.
- 6.16. Summarized in the CHLA/HIA, the Park Plan incorporated "Six Big Ideas" that were intended to serve as the site's heritage conservation strategy. The "Six Big Ideas" employed a combination of conservation treatments, mitigation measures and interpretation strategies that were proposed to enrich the Park Plan, and to make key historical and contextual themes legible to the public. The "Six Big Ideas" were:
- 6.16.1. The Greenway Park: an interpretive landscape inspired by the linear trail and park systems that structure adjacent neighbourhoods. The Greenway Park would link portions of the open space system to form a distinctive circuit, reminiscent of a golf course.
- 6.16.2. Valley's Edge Open Space: a continuous open space along the valley's edge, with two defined areas – the RayDor Estate approach, and the rolling fairways. The RayDor Estate's curvilinear entrance drive would be incorporated into new parkland through its adaptive reuse as a multi-use trail, while the rolling fairways (central and western portions of the valley's edge)

would maintain the gently rolling topography of the Glen Abbey Golf Club, providing flexible play fields, passive recreation, and views toward nature.

- 6.16.3. The Great Belvedere: an interpretation of spectator viewing opportunities on the existing golf course, through a scenic overlook of the valley landscape from the edge of the table lands. The Great Belvedere was proposed, but not confirmed, to be located in the vicinity of the signature 11th hole tee.
 - 6.16.4. The Village Market: the adaptive reuse of the RayDor Estate stables to create a village market, retail facility and urban square.
 - 6.16.5. The Social Hub & Central Park: a large open space on the site of Glen Abbey's clubhouse and 18th hole green, which was proposed to act as a focal point for the neighbourhood, and the heart of its park-and-open-space system.
 - 6.16.6. Oakville's Valley Open Space: the 78 acres of the site within Sixteen Mile Creek's Regional Natural Heritage System were proposed to be conveyed to a public authority with potential for re-naturalization and future public access, providing significant public benefit that would contribute to the Town's environmental and cultural goals.
- 6.17. The CHLA/HIA concluded with an overview of heritage interpretation strategies and impact mitigation measures that would complement the "Six Big Ideas".
- 6.17.1. The heritage interpretation strategies would include interpretive landscape design to reference golf course landscapes and the linear trail systems in surrounding neighbourhoods; a circuit of markers that would interpret the various eras, themes and narratives of the Property's history; measurements along the trail that would reference the intangible engagement with the land inherent in golf play; a recreational circuit embedded into the Park and Open Space plan that would reference the circuitous pattern of a golf course; two community orchards that would reference the Property's agricultural era, and a landscape management plan that would allow a new era of users to steward the neighbourhood's landscapes as they have over time.
 - 6.17.2. Mitigation measures were proposed throughout the "Six Big Ideas" and heritage interpretation strategy to account for the proposed demolition of the RayDor estate staff house. These included an interpretive marker, interpretive plantings in the vicinity of the stables and staff house, and a recommendation to site public art in its vicinity, which would allow for further interpretation opportunities.

6.18. The CHLA/HIA included the following recommended next steps:

6.18.1. An Interpretation Plan.

6.18.2. Follow-up studies for the valley lands, which would evaluate the potential for re-naturalization, public access, and heritage interpretation strategies that could cover the layered history of human uses in the Sixteen Mile Creek valley.

6.18.3. Four strategies for cultural heritage landscape conservation and management:

- That an Organically Evolved/Continuing Cultural Heritage Landscape be identified in the valley and along the valley's edge.
- That the stables building and its immediate vicinity be designated under Part IV of the OHA;
- That the existing Designation By-law associated with the RayDor Estate be amended to reflect its property boundaries;
- That a Landscape Management Plan be prepared by the proponent in collaboration with relevant Town departments, as a condition of subdivision plan approval.

Park and Open Space Plan Concept Plan (November 2016)

6.19. ERA prepared a Park Plan, which was submitted along with the CHLA/HIA to accompany ClubLink's Applications. As noted above, I will defer to the evidence of Brendan Stewart for a detailed description of the Park Plan.

CHLA/HIA Addendum (November 2017)

6.20. On November 20, 2017, ERA issued an Addendum to the 2016 CHLA/HIA, to accompany ClubLink's application to demolish the Glen Abbey Golf Club under s. 34 of the *Ontario Heritage Act*

6.21. The Addendum was prepared in part to respond to the Notice of Intention to Designate the Property, issued by the Town of Oakville on August 24, 2017.

6.22. The Addendum responded to the concern that the Town's then-proposed heritage designation would not support the sustainable conservation of the Property's cultural heritage resources in the long term. The Addendum expressed ERA's opinion that the Notice of Intention to Designate, and particularly the Town's proposed Description of

Heritage Attributes, had not been properly prepared, and had not been written in accordance with the Ontario Heritage Act, the PPS, or the Ontario Heritage Tool Kit.

- 6.23. The Addendum noted that the approach in the Town's Description of Heritage Attributes appeared to run counter to the Ontario Heritage Tool Kit's guidance on drafting Descriptions of Heritage Attributes for Designation By-laws:

"The Description of Heritage Attributes lists the key attributes of the property. It is not an exhaustive account of the property's heritage attributes. The identification of heritage attributes is a selective process. Only those principal features or characteristics that together characterize the core heritage values of the property should be included."

- 6.24. The Addendum noted that attributes like *"the spatial organization of each tee, hazard, plantings, fairway and green..."* was contrary to such direction.
- 6.25. Further, the Addendum noted that attributes like *"the historic use and ongoing ability of the property to be used for championship, tournament and recreational golf"* included problematic references to the future and ongoing use of the Property. The attributes imply that an operating championship golf course would be required to be maintained on the Property on a permanent basis. The attributes also fail to recognize that the Property has a much longer history of use for purposes other than a golf course, including estate residential, recreational, educational, religious and agricultural uses.
- 6.26. This Addendum includes a fuller description and critique of the Town's list of attributes. The critique of each attribute is also included in chart form in **Appendix "C"** of this Witness Statement.

7. POLICY REVIEW

- 7.1. In the following paragraphs, I review policy, legislation, and best practice related to the conservation of CHLs as the basis for ERA's project approach to the Property.

Provincial Policy Statement (2014 and 2020)

- 7.2. The *Provincial Policy Statement* (PPS) provides policy direction on matters of provincial interest related to land use planning and development and includes important direction related to cultural heritage conservation. The document is to be read in its entirety (as per section 4.2), so that heritage policies are considered in conjunction with the broader planning policies and objectives included in the

statement. This larger context of the PPS is seen in Part IV: Vision for Ontario's Land Use Planning System:

"The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs. ... Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change."

- 7.3. The Vision for Ontario's Land Use Planning System also states: "[t]he Province's... cultural heritage... resources provide important environmental, economic and social benefits", and links their wise use and management to Ontario's long-term prosperity, environmental health, and social well-being.

- 7.4. Section 1.2.1 states:

"A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including: (c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources."

- 7.5. Section 1.1.1 speaks to the ways Ontario will sustain healthy, liveable and safe communities. Section 1.1.3.3 specifically addresses the intent to provide a range of housing options through intensification and redevelopment:

"Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs."

- 7.6. Additionally, section 1.7.1 states that long-term economic prosperity should be supported by various interests including: *“(e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.”*
- 7.7. In section 1.7.1, this cultural planning objective is balanced with a series of others, including:
- “(b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce” and “(c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities”.*
- 7.8. Section 2.0 states: *“Ontario’s long-term prosperity, environmental health, and social well-being depend on.... protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.”*
- 7.9. Policy 2.6.1 states: *“Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”*
- 7.10. This leads to several definitions in the PPS. In the 2020 PPS, the definition for significance was altered. The 2014 definition read:
- “In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.”*
- 7.11. This definition was changed in the 2020 PPS to read:
- “In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.”*
- 7.12. The PPS continues to distinguish quite clearly between *cultural heritage landscapes* and *significant cultural heritage landscapes*. This distinction in the PPS that *cultural heritage landscapes* need to be ‘*significant cultural heritage landscapes*’ for the requirement to conserve the *cultural heritage landscape* to apply is important to consider. It implies that there will be *cultural heritage landscapes* that do not need to be conserved. In my opinion, the Town has not properly used the “criteria” in the OHA

nor demonstrated how the Glen Abbey Golf Club is, in its entirety, a *significant cultural heritage landscape*.

7.13. The PPS (2020) defines the term “conserved” as:

“The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

7.14. The definition of “conserved” with reference to ‘mitigative measures’ implies that conservation is not an isolated activity in regard to ‘heritage value or interest’, and that other matters may need to be considered or mitigated, as does the earlier reference to the necessary consideration of linkages among policy areas. This broader understanding of conservation, which might include mitigation and/or alternative development approaches, is only implementable if the heritage value or interest has been properly, clearly and reasonably evaluated. In my opinion, the Town has not properly, clearly and reasonably evaluated the cultural heritage value or interest of the Property.

7.15. “Heritage Attributes” are defined in the 2020 PPS as:

“The principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g., significant views or vistas to or from a protected heritage property).”

7.16. The 2014 PPS defined “Cultural Heritage Landscape” as:

“A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial

complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g., a National Historic Site or District designation, or a UNESCO World Heritage Site)."

7.17. The 2020 PPS defines "Cultural Heritage Landscape" as:

"A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms."

7.18. It is my opinion that the ClubLink redevelopment proposal, which includes and incorporates a cultural heritage conservation strategy, is consistent with the PPS from a cultural heritage perspective and conserves the *significant built heritage resources* and the *significant cultural heritage landscape* identified by ERA on the Property.

The Growth Plan for the Greater Golden Horseshoe (2019)

7.19. As stated in section 1.2, the Growth Plan for the Greater Golden Horseshoe is "the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life."

7.20. Like the PPS, the Growth Plan is expected to be read in its entirety, and the relevant policies applied in each situation, as per section 1.2.3.

7.21. The Growth Plan speaks to the idea that cultural heritage resources should be conserved to achieve a public benefit. The Vision for the Greater Golden Horseshoe states: "*Our cultural heritage resources and open spaces in our cities, towns and countryside will provide people with a sense of place*", while section 1.2.1 identifies the Guiding Principles of the Growth Plan, which include, among other things, *to conserve and promote cultural heritage resources to support the social, economic and cultural well-being of all communities, including First Nations and Metis communities.*"

7.22. Section 4 speaks to the protection of "*what is valuable*", and references "*irreplaceable cultural heritage resources*", noting:

“[i]t is necessary to plan in a way that protects and maximizes the benefits of these resources that make our communities unique and attractive places to live”. It notes that “a balanced approach to the wise use and management of all resources, including those related to water, natural heritage, agriculture, cultural heritage, and mineral aggregates, will be implemented in the GGH”.

7.23. Policy 4.2.7.1 (Cultural Heritage Resources) provides that “*Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*”

7.24. Policy 4.2.7.2 (Cultural Heritage Resources) provides that:

“Municipalities will work with stakeholders, as well as First Nations and Metis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.”

7.25. The Growth Plan definition for “*conserved*” is essentially consistent with the definition in the PPS, and maintains the reference to “*mitigative measures*” discussed above. The Growth Plan adopts the PPS definition for “*cultural heritage landscape*”.

7.26. The Growth Plan follows fairly consistently along the same direction as the PPS in relation to cultural heritage, with the policies identified above. Likewise, it is my opinion that the ClubLink redevelopment proposal conforms to the cultural heritage policies of the Growth Plan.

The Ontario Heritage Act

7.27. Among other things, the OHA establishes procedures related to heritage properties, such as how a municipality may designate, how a landowner may apply to alter a designated property or demolish a building or structure on a designated property, and what municipalities must do to utilize the various provisions of the Act.

7.28. In Part IV, the OHA defines “*property*” as “*real property*”. Section 26(1) states ‘*In this Part “property” means real property and includes all buildings and structures thereon*’.

7.29. Heritage Attributes are defined in the OHA as a component of real property. The definition for Heritage Attributes states:

“In relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest.”

7.30. The OHA does not prohibit either the alteration of a designated heritage property, nor does it prohibit the demolition of buildings or structures on a designated heritage property. Rather, the OHA sets out a process by which the owner of a designated heritage property may seek the consent of the municipality to alter the property if the alteration is likely to affect the property's heritage attributes (Section 33), or to demolish or remove a building or structure on the property (Section 34).

7.31. Section 34(1) states:

“No owner of property designated under section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situated and receives consent in writing to the demolition or removal.”

Ontario Heritage Tool Kit (2006)

7.32. The Tool Kit is a series of booklets published by the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries designed to assist municipal councils, staff, Municipal Heritage Committees, land use planners, heritage professionals, heritage organizations, property owners, and others with understanding heritage conservation in Ontario. The booklet on *Designating Heritage Properties* provides guidance on preparing a list of heritage attributes in Section 3 (Description of Heritage Attributes):

“Heritage attributes are those attributes (i.e., materials, forms, location and spatial configurations) of the property, buildings and structures that contribute to the property's cultural heritage value or interest, and which should be retained to conserve that value.

Heritage attributes include, but are not limited to: Style, massing, scale or composition; Features of a property related to its function or design; Features related to a property's historical associations; Interior spatial configurations, or exterior layout; Materials and craftsmanship; or Relationship between a property and its broader setting.

The Description of Heritage Attributes lists the key attributes of the property. It is not an exhaustive account of the property's heritage attributes. The identification of heritage attributes is a selective process. Only those principal features or characteristics that together characterize the core heritage values of the property should be included.”

- 7.33. It is my opinion that ERA followed the guidance of the Tool Kit in preparing its reports for ClubLink. It is also my opinion that the Town's description of heritage attributes in its heritage designation by-law for the Property does not follow the guidance of the Tool Kit in being "selective" and only including the "principal features or characteristics that together characterize the core heritage values of the property". I also have fundamental concerns with other aspects of the Town's description of the heritage attributes, including reference to the "ongoing ability" of the Property to be used for golf and hosting major golf tournaments.

Halton Regional Official Plan (2015 Office Consolidation)

- 7.34. The Halton Regional Official Plan lays out policy direction for the Region of Halton, recognizing that Halton is located in a strategic position with the Greater Toronto and Hamilton Area. The Halton Regional Official Plan notes: "*Halton expects further urbanization and changes to its landscape within the planning period between now and 2031.*"

- 7.35. Section 26 states:

"Halton will undertake the necessary steps to ensure that growth will be accommodated in a fashion that is orderly, manageable, yet sensitive to its natural environment, heritage and culture. To maintain Halton as a desirable and identifiable place for this and future generations, certain landscapes within Halton must be preserved permanently."

- 7.36. Section 27 goes on to identify three principal categories of land use within its future landscape: settlement areas, a rural countryside, and a natural heritage system that is integrated within both.

- 7.37. Section 30 notes:

"Although the best means of preserving landscapes is by public ownership, the Region believes that this is impractical or unnecessary in most cases... Regional Council therefore advocates the principle of 'land stewardship' – that all land owners are entitled to reasonable use and enjoyment of their land but they are also stewards of the land and should give proper regard to the long term environmental interests in proposing any land use change to their area... In its approach to making planning decisions, Council will refer to the concept of sustainable development and the principles of sustainability, i.e. seeking a balance among the environmental, economic and social interests."

- 7.38. Further to this point, Section 72 states:

“The objectives of the Urban Area are: (1) to accommodate growth in accordance with the Region’s desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently.”

- 7.39. Additionally, Section 146 speaks to the following objectives of the Region, among others:

“(3) to preserve certain landscapes as part of Halton’s Cultural Heritage Resources; ... (5) to promote the concept of a Regional trail system by providing the needed connections, through acquisitions or easements, between local trails and/or inter-regional trails.”

- 7.40. And Section 147 states:

“It is the policy of the Region to: (2) establish, jointly with the Local Municipalities and local historical organizations, criteria for identifying and means for preserving those rural and urban landscapes that are unique, historically significant and representative of Halton’s heritage.”

- 7.41. Section 165 identifies the Region’s goal for Cultural Heritage Resources: *“to protect the material, cultural and built heritage of Halton for present and future generations”*. Section 166 expands, noting that the objectives of the Region are: *“(1) to promote awareness and appreciation of Halton’s heritage; and (2) to promote and facilitate public and private stewardship of Halton’s heritage.*

- 7.42. It is my opinion that the ClubLink redevelopment proposal conserves a significant CHL on the Property as identified in ERA’s CHLA/HIA, and that the proposed conservation strategy promotes and facilitates public and private stewardship of Halton’s heritage.

Livable Oakville Plan (2015 Office Consolidation)

- 7.43. The Livable Oakville Official Plan’s Mission Statement in section 2.1 is:

“To enhance the Town’s natural, cultural, social and economic environments by ensuring that environmental sustainability, cultural vibrancy, economic prosperity and social well-being are incorporated into growth and development decisions.”

- 7.44. Section 2.2.1 includes three guiding principles, which balance the preservation, enhancement and protection of distinct character and cultural heritage with the direction of growth to locations that can accommodate it, and the achievement of long-term economic security with a diverse range of employment opportunities.
- 7.45. Section 3, Urban Structure, acknowledges that Oakville’s urban structure has been shaped by successive layers of natural and cultural heritage, including the lake, creek valleys and tributaries that were used as traveling routes for centuries, and historic routes like the grid of former township roads.
- 7.46. The Livable Oakville Official Plan states in section 5 that the purpose of conserving cultural heritage resources is *“so that they may be experienced and appreciated by existing and future generations, and enhance the Town’s sense of history, sense of community, identity, sustainability, economic health and quality of life.”*
- 7.47. In section 5.1.1, the general objectives for cultural heritage are:
- “(a) to safeguard and protect cultural heritage resources through use of available tools to designate heritage resources and ensure that all new development and site alteration conserve cultural heritage resources and areas of cultural heritage significance; and (b) to encourage the development of a Town-wide culture of conservation by promoting cultural heritage initiatives as part of a comprehensive economic, environmental, and social strategy where cultural heritage resources contribute to achieving a sustainable, healthy and prosperous community.”*
- 7.48. Section 5.2.1 notes that *“the Town will protect and conserve cultural heritage resources”*, and may designate *“(b) cultural heritage resources; ... and (e) cultural heritage landscapes”*.
- 7.49. Section 5.3.1 states:
- “The Town shall encourage the preservation and continued use of cultural heritage resources identified on the register and their integration into new development proposals through the approval process and other appropriate mechanisms.”*
- 7.50. And section 5.3.3 notes that *“significant cultural heritage resources shall be conserved”* and acknowledges that they *“may be integrated into new development”*.
- 7.51. Finally, section 5.3.12 states: *“The Town shall identify, evaluate and conserve cultural heritage landscapes in accordance with the Cultural Heritage Landscape Strategy.”*

- 7.52. It is my opinion that the ClubLink redevelopment proposal conforms to the cultural heritage policies of Livable Oakville, in that the significant cultural heritage resource identified by ERA (a CHL within the valley and along the valley's edge) will be conserved and integrated into new development. Further, the ClubLink redevelopment proposal provides for the continued use and appreciation of the cultural heritage resource by members of the public.
- 7.53. A discussion of the Town's Cultural Heritage Landscapes Strategy follows.

Town of Oakville Cultural Heritage Landscapes Strategy (2014)

- 7.54. Oakville's Cultural Heritage Landscapes Strategy indicates that it *"sets the foundation for the primary identification of candidate cultural heritage landscapes by providing definitions of the types of cultural heritage landscapes"* and *"develops a formal process for identifying and addressing the conservation of cultural heritage landscape resources"*.

- 7.55. In Part 4.0, the CHL Strategy states:

"It is important to note that for any property or project, several of these various conservation strategies may be applicable. In the conservation of cultural heritage landscapes, the preservation of completely intact cultural heritage landscapes may not be possible or desirable in order to foster appropriate change and growth."

- 7.56. Part 4.2.2 considers options for the conservation of cultural heritage landscapes:

"Seek opportunities to incorporate cultural heritage landscapes, in whole or part, into new developments where possible. Cultural heritage landscapes may not be as easy to integrate within new developments as individual heritage resources. However, with creative planning and a clear understanding of both the importance of the cultural heritage landscape and the heritage attributes (built and natural) that define it, some developments may be able to incorporate the heritage attributes of the cultural heritage landscape within the development without losing or destroying the essential character of the cultural heritage landscape. Where this potential exists, the development should follow the prioritized conservation strategies outlined below."

In some cases, it may not be possible to incorporate the cultural heritage landscape in a new development without destruction of the essential character

of the cultural heritage landscape. In this case, establishing a buffer to the cultural heritage landscape may be considered for planning and protection purposes, and to retain the visual qualities of the site. The setback, location, and type of buffer can vary depending on the nature of the cultural heritage landscape, but may include natural features or lands that either fall within historic viewsheds, contribute to the historic setting or were formerly part of the active uses of the land.

Prioritized Conservation Strategies: *Where new development is taking place in the location of an identified cultural heritage landscape, the following is a list of possible outcomes for the landscape as a whole, beginning with the most ideal option:*

- *Retain the identified heritage attributes of the landscape in situ and manage the new development in a manner that is compatible with and respectful of the heritage resources of the landscape. The grading plan for the new development should be designed or adjusted to accommodate the existing grading around the heritage attributes of the landscape. Significant viewsheds to and from the cultural heritage landscape should be carefully considered and the development should be planned to provide the least impact possible on the cultural heritage landscape.*
- *If in situ retention of all heritage attributes within the cultural heritage landscape is not possible, relocate one or more of the affected attributes within the landscape to maintain the connection between the attribute and the cultural heritage landscape as a whole. It is recommended that should relocation be required, the cultural heritage landscape assessment should provide a suitable location for the heritage resource within the cultural heritage landscape. Relocation is a last resort method of conserving heritage resources and should only be utilized when all other options have been exhausted.*
- *If retention in situ or relocation is not possible, document the resource through photography and historical research. Additionally, materials which are found to have cultural heritage significance should be removed and salvaged for future investigations and as a remnant of the lost resource. Documentation is the last resort method of conserving heritage resources and shall only be utilized when all other options have been exhausted.”*

- 7.57. Part 4.2.3 of the Strategy proposes a wide range of planning tools for conserving cultural heritage landscapes, including under the OHA and the Planning Act.
- 7.58. Oakville's Cultural Heritage Landscapes Strategy 2014 was one of the key documents informing the CHLA. Its emphasis on early identification of heritage resources, the recognition that not everything may be conserved, and the need for creative planning and a clear understanding of both the importance of the cultural heritage landscape and its heritage attributes were important for our understanding of the Property and are consistent with our working methods in other conservation projects.

The Standards & Guidelines for the Conservation of Historic Places in Canada (2010)

- 7.59. The Standards and Guidelines for the Conservation of Historic Places in Canada ("Standards and Guidelines") are a standard best practice manual produced by Parks Canada that proposes uniform heritage conservation standards to be considered in a pan-Canadian context. These Standards and Guidelines reflect contemporary conservation practice, so for example they reference 'values-based conservation'. The following quotations from the Introduction to the Standards and Guidelines (page viii) illustrate the question of values which is now a focal point in heritage conservation:

"The Standards and Guidelines for the Conservation of Historic Places in Canada is a tool to help users decide how best to conserve historic places. But to do so first requires an understanding of the historic place in question and why that place is significant. In other words, what is it about the historic place that is important to conserve? For the answer, we look to its values.

Conservation practitioners operate in what is referred to as a 'values-based context' using a system that identifies and manages historic places according to values attributed through an evaluation process. These values generally include the aesthetic, historic, scientific, cultural, social and/or spiritual importance of a place, and: may be singular or multiple; are subjective, wide-ranging, and can overlap; can be differently assigned by different groups, and may even change over time."

- 7.60. The Standards and Guidelines reflect a contemporary conservation approach including a decision-making process which involves Understanding, Planning and Intervention (from Chapter 1: The Conservation Decision-Making Process). These phases are described as follows:

***"Understanding** an historic place is an essential first step to good conservation practice. This is normally achieved through research and investigation. It is*

important to know where the heritage value of the historic place lies, along with its condition, evolution over time, and past and current importance to its community.

Planning *is the mechanism that links a comprehensive understanding of an historic place with interventions that respect its heritage value. Planning should consider all factors affecting the future of an historic place, including the needs of the owners and users, community interests, the potential for environmental impacts, available resources and external constraints. The most effective planning and design approach is an integrated one that combines heritage conservation with other planning and project goals, and engages all partners and stakeholders early in the process and throughout.*

Intervening *on an historic place, that is, any action or process that results in a physical change to its character-defining elements, must respect and protect its heritage value. Interventions can include:*

- *Preservation actions that are part of the ongoing maintenance of an historic place;*
- *Rehabilitation activities related to a new use or code upgrades;*
- *Restoration activities associated with the depiction of an historic place at a specific period in its history.”*

7.61. I believe that the approach to conservation as diagrammed in the Standards and Guidelines has informed the ClubLink redevelopment proposal, especially its emphasis on a values-based approach and a process for decision-making.

8. INTERNATIONAL APPROACHES / BEST PRACTICE FRAMEWORKS

8.1. Values-based conservation has evolved in contemporary heritage conservation practice into a complex field. Just as the Standards and Guidelines confirm, values may be singular or multiple; are subjective, wide-ranging, and can overlap; values can be differently assigned by different groups, and may even change over time. The foundational basis for Canada’s Standards and Guidelines was the Burra Charter from Australia.

8.2. The Burra Charter, the Australia ICOMOS (International Council on Monuments and Sites) charter for places of cultural significance, recognizes that complex and multiple

values may exist on a site, that these different values may be relative, and that in turn these values may require different approaches to conservation. The Charter's statement on *Values* contains the following two articles:

“5.1 Conservation of a place should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.

5.2 Relative degrees of cultural significance may lead to different conservation actions at a place.”

- 8.3. This direction towards relative values in heritage has led conservation professionals like Gustavo Araoz, former President of ICOMOS, to describe contemporary heritage conservation as having experienced a paradigm shift, where professionals are required to provide greater clarity and precision in their determination of heritage value.
- 8.4. These commentaries are appropriate to consider in the local context because they allow us to understand the contemporary role of heritage planning and to fully appreciate the need to identify heritage resources with care.
- 8.5. Through changes to Provincial legislation and policy, it is possible to see ways in which revisions to the OHA and PPS provide greater clarity, and more specificity to heritage issues in order to recognize these different values and to avoid vague and imprecise use of heritage-related regulations.

9. THE TOWN'S REPORTS AND DESIGNATION BY-LAW

- 9.1. To understand the Town's Designation By-law for the Property, it is necessary to review the Town's reports that were prepared to inform a potential designation by-law, and their associated Statements of Significance and attributes. It is my opinion that these reports provide conflicting assessments of the Property's cultural heritage value.
 - 9.1.1. The Phase One Cultural Heritage Landscapes Strategy Report was prepared by Laurie Smith Heritage Consulting in 2015. This review identified the Glen Abbey Golf Club as an inventoried property. The Report did not include Statements of Significance for any of the properties reviewed, so no heritage attributes were proposed for Glen Abbey, but it did include a preliminary 9/06 review and typology review where Glen Abbey was found

to be a designed cultural landscape, an organically evolved cultural landscape and an associative cultural landscape.

- 9.1.2. A Cultural Heritage Evaluation Report (CHER) was prepared by Letourneau Heritage Consulting in May 2017, in fulfillment of the Town's Cultural Heritage Landscape Strategy Implementation (Phase II). The CHER characterized the Property as a significant cultural heritage landscape, with a layered history although not clearly distinguishing between a designed and an organically evolved landscape, and identified seven heritage attributes, much fewer than were eventually included in the designation.
 - 9.1.3. A final report entitled Cultural Heritage Landscape Values and Attributes of the Glen Abbey Property was prepared by Julian Smith & Associates Architects in August 2017. The report characterized the Property as a designed cultural heritage landscape, stating that designed and evolved landscapes are both significant and mutually exclusive. It stated that this is an important distinction which leads to all subsequent conclusions of the report, which identified 16 heritage attributes for Glen Abbey.
- 9.2. I will discuss the reports prepared by Letourneau Heritage Consulting and Julian Smith & Associates Architects, and point out where their opinions led to different conclusions than the ERA reports. I will present these in more detail, but would note the following:
- 9.2.1. The Letourneau report states in its summary that Glen Abbey is an evolved and designed landscape, and that Phase III of the Cultural Heritage Strategy Implementation should consider a wide range of conservation measures and tools including, but not limited to, those available under the Ontario Heritage Act and other legislation and policy.
 - 9.2.2. The Julian Smith Peer Review report states that Glen Abbey is, in its present form, an internationally significant golf course. This statement contradicts the evidence of Tom McBroom.
- 9.3. The Town's Designation By-law No. 2017-138 ultimately incorporated a Statement of Significance with a set of heritage attributes that built directly off the attributes proposed by Julian Smith & Associates Architects, but were far more numerous. The Designation By-law includes 25 heritage attributes, written in ways that in my opinion are vague and overreaching.
- 9.4. My analysis of the list of heritage attributes in the Town's Designation By-law is covered in **Appendix "C"**, excerpted from ERA's Addendum.

10. REVIEW OF THE TOWN'S OFFICIAL PLAN AMENDMENTS AND ZONING BY-LAW AMENDMENT

OPA 15

- 10.1. The stated purpose of OPA 15 is *“to incorporate into the Livable Oakville Plan modifications to the text and schedules in order to provide for a town-wide urban structure.”*
- 10.2. Section 3 states that the urban structure *“provides for the long-term protection of ... cultural heritage resources”* (emphasis added). At the same time, Section 3.10 indicates that Heritage Conservation Districts and cultural heritage landscapes are shown on Schedule A1, Urban Structure and that *“other cultural heritage resources are important features of the Town but due to their size are not identifiable at the scale of the urban structure”*. Further, as additional HCDs and CHLs are *“protected and registered under the OHA, they shall be added to Schedule A1, Urban Structure.”*
- 10.3. In my opinion, it is not clear what the Town intends by reference to the *“long-term protection of ... cultural heritage resources”*, particularly when Town Council, at the same meeting, also adopted OPA 16 which deleted various references to the term *“protect”* and replaced them with *“conserve”*.
- 10.4. Policy 2.6.1 of the PPS states: *“Significant built heritage resources and significant cultural heritage landscapes shall be conserved”*. As discussed above, *“conserved”* is a defined term. Under the PPS, *“conserved”* is defined with respect to retaining the *“cultural heritage value or interest”* of built heritage resources, cultural heritage landscapes, and archaeological resources, and the conservation of cultural heritage resources can be achieved by many means. Thus, if the *“protection”* of cultural heritage resources is intended to be something different than *“conservation”*, it is my opinion that the proposed policy is not consistent with the PPS, nor is it clear.
- 10.5. For the same reasons, it is my opinion that reference to *“protection”* of cultural heritage resources in OPA 15 is not in conformity with the Growth Plan. Section 4.2.7 of the Growth Plan addresses cultural heritage resources: *“Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.”* The Growth Plan uses the PPS definition of *“conserve”* and does not mandate the *“protection”* of heritage resources, whatever that may mean.
- 10.6. Both the PPS (Section 2.6) and the Growth Plan (Section 4.2.7) use the defined term *“conserved”* in relation to *“significant cultural heritage landscapes”* and *“cultural heritage resources”*. Thus, if the term *“protection”* in OPA 15 is intended by the Town

to mean something beyond the requirement in the PPS and Growth Plan to “conserve”, in my opinion the proposed policies in OPA 15 are contrary to provincial cultural heritage policy.

- 10.7. Moreover, the Town asserts that the entirety of the Glen Abbey property constitutes a significant cultural heritage landscape and identifies the Property on the proposed Schedule A1. It is my opinion that the entirety of the property is not a significant cultural heritage landscape. Consequently, to the extent that OPA 15 purports to provide for the “*long-term protection*” of the existing Glen Abbey golf course, it is my opinion that such a policy would not be consistent with the PPS or conform to the Growth Plan. In particular, the PPS and the Growth Plan speak to “*conserving*” cultural heritage resources, which may occur within the context of a redevelopment of the Property.
- 10.8. The Town’s Cultural Heritage Landscapes Strategy contemplates development on the location of identified cultural heritage landscapes and recommends consideration of the most appropriate conservation tool on a case-by-case basis. Section 4.0 states: “*In the conservation of cultural heritage landscapes, the preservation of completely intact cultural heritage landscapes may not be possible or desirable in order to foster appropriate change and growth.*” By contrast, it appears that through its proposed policies in OPA 15 the Town’s position is much less flexible than suggested in the Cultural Heritage Landscapes Strategy document.

OPA 16

- 10.9. The stated purpose of OPA 16 is:

“To update the Town’s cultural heritage policies and associated definitions in the Livable Oakville Plan to be consistent with applicable Provincial legislation and policies, and to support the implementation of the Ontario Heritage Act and the Town’s Cultural Heritage Landscape Strategy.”

- 10.10. It is my opinion that aspects of OPA 16 are inconsistent with the PPS and fail to conform with or conflict with the Growth Plan. Aspects of OPA 16 are also inconsistent with the Town’s Cultural Heritage Landscapes Strategy and run counter to best practices in heritage conservation.
- 10.11. Proposed policies 5.3.4 and 5.3.5 both reference a “*cultural heritage landscape conservation plan*” in the context of heritage conservation. The term “*conservation plan*” is found within the definition of “*conserved*” in both the PPS and the Growth Plan. In particular, the implementation of recommendations in a conservation plan is

identified in the PPS and the Growth Plan as one means by which the cultural heritage value or interest of cultural heritage landscapes may be retained under the OHA.

10.12. According to the Ontario Heritage Tool Kit, Heritage Resources in the Land Use Planning Process, InfoSheet #5 (2005), pg. 1-4:

“A conservation plan (or equivalent study) is a document that details how a cultural heritage resource can be conserved. The conservation plan may be supplemental to a heritage impact assessment, but it is typically a separate document. The recommendations of the plan should include descriptions of repairs, stabilization and preservation activities as well as long term conservation, monitoring and maintenance measures. ... A Conservation Plan generally contains, but is not limited to the following information:

- **Identification** of the conservation principles appropriate for the type of cultural heritage resource being conserved;
- **Analysis** of the cultural heritage resource, including documentation of the resource, descriptions of cultural heritage value or interest, assessment of resource conditions and deficiencies, discussion of historical, current and proposed use;
- **Recommendations** for conservation measures and interventions, short- or long-term maintenance programs, implementation, and the qualifications for anyone responsible for the conservation work;
- **Schedule** for conservation work, inspection, maintenance, costing, and phases of rehabilitation or restoration work;
- **Monitoring** of the cultural heritage resource and the development of a long-term reporting structure.”

10.13. The Standards and Guidelines provide guidance on the decision-making process for heritage conservation in Canada. The document outlines an approach based on preserving the values associated with heritage resources; it anticipates diverse scenarios and creates a framework for balancing multiple planning objectives, with consideration of factors “including the needs of the owners and users, community interests, the potential for environmental impacts, available resources and external constraints.”

10.14. The Standards and Guidelines do not provide specific guidance on conservation plans, but identify conservation plans as documents where project objectives are

defined. Objectives are informed by a decision-making process where conservation is understood as a means of managing change, not an end in itself. In other words, project objectives are defined in response to specific proposals. In the case of Glen Abbey, if the Town's proposal is to preserve the site in its current state, the full social, environmental and economic implications should be understood by the Town and articulated in a proposal for the site.

- 10.15. The Town-initiated Cultural Heritage Landscape Conservation Plan for Glen Abbey, which was approved by Council on January 30, 2018 (but was subsequently quashed by the Courts), identified preservation as the conservation treatment for Glen Abbey. The Standards and Guidelines recommend three different treatments or approaches to addressing conservation – preservation, rehabilitation, and restoration. Preservation is an artefact-oriented approach focused on physical conservation, while restoration is usually reserved for museological settings. Rehabilitation is more aligned with objectives related to continuing and evolving uses and presumes that physical resources will evolve in response to changing needs. In my opinion, most conservation plans will identify rehabilitation as the primary treatment, allowing a place to adapt to contemporary requirements.
- 10.16. By selecting preservation as the conservation treatment, in my opinion the Town was determining that the Property should not be permitted to evolve unless otherwise approved by the Town. I also had significant concerns with the Town-initiated CHL Conservation Plan for Glen Abbey as it was based on the Town's identification of the entire Property as a significant CHL and the Town's heritage designation by-law, which I do not support. To my knowledge, the Town has not undertaken a new CHL Conservation Plan for Glen Abbey since its previous CHL Conservation Plan was quashed.
- 10.17. Throughout my extensive time in private practice, I have been involved in the production of numerous heritage conservation plans on sites throughout Ontario, all of which have been prepared in the context of rehabilitation projects. These conservation plans have been produced for a diversity of property types, including private residential lots, large-scale public buildings, industrial and institutional campuses, places of worship, estate lots and park landscapes.
- 10.18. In my experience, a conservation plan, as the term is used in the PPS and the Growth Plan, is typically prepared by a heritage professional on behalf of the owner of a property that includes a cultural heritage resource in the context of a development proposal and/or approval for the property. The conservation plan usually follows and elaborates on a Heritage Impact Assessment, which assesses the proposed development and lays out a general strategy and options for conservation. The intent of the conservation plan is to provide direction and guidance for a range of owner-led

actions regarding the ongoing management of the property so that the cultural heritage value or interest is retained.

- 10.19. Further, the use of a “*conservation plan*” does not necessarily imply that the cultural heritage resource will be retained in its existing form. Indeed, conservation plans have been used to conserve cultural heritage values or interests where significant alterations to the heritage attributes of the resource are undertaken, and do not preclude even the demolition or removal of buildings or structures having cultural heritage value.
- 10.20. The Town’s Cultural Heritage Landscape Strategy anticipates development on identified cultural heritage landscapes, and, as part of the development application process, advises in Section 4.2.1 that “*Staff may require a conservation plan*” following submission of a heritage impact assessment. The Strategy indicates that the conservation plan would be produced by the owner or developer:

“The following is a basic overview of the strategy when attempting to conserve a cultural heritage landscape which is located in an area which is proposed to be developed:

- *Staff will meet with the developers and/or applicants as soon as possible in the process in order to ensure all parties understand the significance of the [potential] cultural heritage landscape and the possible outcomes for it. This may happen at a pre-consultation meeting for a planning application or a heritage permit application.*
- *Staff will require a heritage impact assessment for a cultural heritage landscape from the owner or developer which outlines how the landscape and its components will be affected by the proposed development.*
- *Staff may require a conservation plan which outlines various options for treatment of the landscape, including conservation, restoration, expansion, relocation, and use, as well as any costs associated with these projects.*
- *Staff will prepare and present a report to the Heritage Oakville Advisory Committee which outlines the applicant’s proposal, reviews the cultural heritage landscape assessment, conservation plan, and other important information and will make a recommendation regarding the proposed conservation strategies.”*

- 10.21. The Strategy indicates that a conservation plan “*outlines various options for treatment of the landscape, including conservation, restoration, expansion, relocation, and use*”. I interpret this to mean that a range of conservation treatments may be appropriate.
- 10.22. Further, and as previously discussed, Section 2.6.1 of the PPS states: “*Significant built heritage resources and significant cultural heritage landscapes shall be conserved*”. “*Conserved*” is a defined term.
- 10.23. Whereas the reference to a “conservation plan” in the PPS and Growth Plan definitions of “conserved” is generally understood among heritage professionals, and the reference to a “conservation plan” in the Town’s Cultural Heritage Landscapes Strategy is generally consistent with that understanding, the type of cultural heritage landscape conservation plan that the Town prepared for the Glen Abbey property was, in my opinion, inappropriate. Likewise, if the type of cultural heritage landscape conservation plan contemplated by the Town in OPA 16 is similar to that of the former Cultural Heritage Landscape Conservation Plan for the Glen Abbey property prepared by the Town, it is my opinion that the proposed policies in OPA 16 are similarly inappropriate.
- 10.24. OPA 16 also references the identification of cultural heritage landscapes on Schedule A1, Urban Structure, which is proposed to be implemented through OPA 15, for which I have already identified various concerns.
- 10.25. The definition of “*cultural heritage landscape*” proposed in OPA 16 is inconsistent with the definition of that term in the PPS, 2020. Among other things, unlike the PPS definition, the proposed OPA 16 definition includes a lengthy list of potential examples, including specific reference to “golf courses”.
- 10.26. Meanwhile, although the proposed definition of “heritage attributes” in OPA 16 uses the same language as the definition of that term in the PPS, the references to “*protected heritage property*” in the PPS definition are to that term as defined in the PPS as follows: “Protected heritage property means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.” Conversely, in OPA 16, the proposed definition of “heritage attributes” uses the undefined term “protected heritage property”.

10.27. The stated purpose of OPA 24 is to provide:

“The framework to recognize special policy areas for heritage conservation districts and cultural heritage landscapes;

Land use designations and policies to support the protection, management and use of the Glen Abbey Golf Course cultural heritage landscape in a manner that ensures its cultural heritage value or interest and heritage attributes, as established by By-law 2017-138 designating the property under section 29 of the Ontario Heritage Act, are retained.”

10.28. It is my opinion that aspects of OPA 24 and Zoning By-law 2018-016 are inconsistent with the PPS and fail to conform with or conflict with the Growth Plan. Aspects of OPA 24 and ZBL 2018-016 are also inconsistent with the Town’s Cultural Heritage Landscapes Strategy and run counter to best practices in heritage conservation.

10.29. Section 26.6.1 of OPA 24 (Glen Abbey Golf Course Special Policy Area) states:

“The following additional policies support the protection, management and use of the cultural heritage landscape in a manner that ensures its cultural heritage value or interest, and heritage attributes are retained.”

10.30. For reasons already stated, I do not support the Town’s identification of the “*Glen Abbey Golf Course cultural heritage landscape*”, nor do I support the Town’s description of the Property’s heritage attributes “*as established by By-law 2017-138*”.

10.31. In my opinion, a requirement to “*retain*” Glen Abbey’s “*heritage attributes*” is inconsistent with the PPS, which distinguishes between a property’s “*heritage attributes*” and its “*cultural heritage value or interest*”. The definition of “*conserved*” in the PPS states that it is the cultural heritage value or interest that needs to be retained to meet the requirements of the definition, and not “*heritage attributes*”.

10.32. For the same reasons, it is my opinion that the stipulation in OPA 24 that Glen Abbey’s “*heritage attributes*” be “*retained*” is not in conformity with the Growth Plan.

10.33. Since Section 33 of the OHA explicitly contemplates alterations to a designated heritage property that are “*likely to affect the property’s heritage attributes*”, it is improper, in my opinion, for the Town to implement the PPS and Growth Plan by stipulating that heritage attributes be “*retained*”.

- 10.34. Similarly, under Section 34 of the OHA, the owner of a designated heritage property may seek the consent of the municipality to demolish or remove a building or structure on the property, which may affect or even result in the removal of heritage attributes.
- 10.35. In my opinion, it is not uncommon for the cultural heritage value or interest of a property to be retained even where one or more of the property's heritage attributes will not be retained. For example, I am familiar with instances where a designated heritage property may be altered and/or a building or structure on the property may be demolished or removed such that the "*heritage attributes*" may be impacted, or even eliminated altogether, and yet the "*cultural heritage value or interest*" may still be retained. As contemplated in the PPS/Growth Plan's definition of "*conserved*", the manner in which the cultural heritage value or interest will be retained in these circumstances may be reflected in the recommendations of a conservation plan and/or a heritage impact assessment, which are documents that are often prepared by heritage professionals on behalf of development proponents at the request of the municipality.
- 10.36. The proposed requirement to retain identified heritage attributes of the Property under OPA 24 also runs counter to the Standards & Guidelines. The Standards & Guidelines provides a values-based heritage conservation framework in which cultural heritage value is understood to be carried within character-defining elements and identified through a principled heritage evaluation process. The goal of conservation is to conserve value as identified through this process, not to "*retain*" a collection of individual attributes. I disagree with the way the Town has characterized attributes (discussed below) and the implication that the retention of these attributes is necessary to conserve the cultural heritage resource.
- 10.37. Further, the Town's CHL Strategy anticipates development on the location of an identified cultural heritage landscape which may involve alterations to and/or demolition or removal of identified heritage attributes. Section 4.2.2 (iii) states:
- "If retention in situ or relocation [of identified heritage attributes] is not possible, document the resource through photography and historical research. Additionally, materials which are found to have cultural heritage significance should be removed and salvaged for future investigations and as a remnant of the lost resource."*
- 10.38. As indicated by the Town's CHL Strategy, and outlined in the PPS, cultural heritage resources can be "conserved" in various ways, including ways that allow for alterations, removal and/or other impacts to identified heritage attributes.

- 10.39. Additionally, in my opinion and as reviewed in **Appendix “C”**, the description of the heritage attributes in the Town’s Designation By-law 2017-138 for the Property are flawed and contrary to the PPS. Among other things, the designation description contains attributes that appear to attempt to regulate, or even mandate, the use of the Property on a perpetual basis. These include: *“the historic use and ongoing ability of the property to be used for championship, tournament, and recreational golf”*. (Emphasis added) While heritage attributes may reference use, it is my opinion that land use cannot be regulated (and certainly not mandated) under the OHA, outside an agreement such as a Heritage Easement Agreement.
- 10.40. Furthermore, best-practice approaches to heritage conservation assume changes in use may occur over time. In the case of Glen Abbey, the Town has described the heritage attributes in such a way that the operation of a championship golf course is the only contemplated use on the Property. The proper approach is to conserve the cultural heritage value of the Property even if the current golf course use ceases to exist. To my knowledge, the Town has no conservation strategy should ClubLink decide to cease operating the golf course in the future.
- 10.41. In my opinion, some of the Town’s identified heritage attributes for Glen Abbey are vague and/or overreaching. For example, the following is listed as an attribute: *“the carefully-designed visual unfolding of each hole as part of the golfing experience, both aesthetic and functional.”*
- 10.42. This attribute is overreaching and ill-defined as none of the carefully designed *“visual unfoldings”* are described or evaluated and it is unclear what the distinction between an aesthetic and functional experience means in the context of an attribute. In my opinion, the majority of the attributes are not written in accordance with the OHA, the PPS, or the Ontario Heritage Tool Kit.
- 10.43. The Town has identified 25 heritage attributes, one of which identifies: *“the spatial organization of each tee, hazard, plantings, fairway and green ...”*. In my opinion, this all-encompassing approach runs counter to the Ontario Heritage Tool Kit’s guidance on drafting Descriptions of Heritage Attributes. The identification of heritage attributes is a selective process. Only those principal features or characteristics that together characterize the core heritage values of the property should be included.
- 10.44. In my opinion, the Town’s identified heritage attributes are individually flawed for other reasons. For example, the attributes refer to the Glen Abbey Golf Course, whereas a portion of the lands subject to the designation by-law (i.e., part of 1301 Greeneagle Drive) does not have any association with the golf course. Another heritage attribute is described as the *“close and ongoing association of the course design with Jack Nicklaus/Nicklaus Design”*. In my opinion, a heritage designation under the OHA

cannot be used by the Town to dictate that the Property must be used to operate a golf course or host particular tournaments, nor can it require ClubLink, as the owner of the Property, to establish and/or maintain an association with a specific individual or firm. I also understand from Andrew Keffer that ClubLink has not had any association with Jack Nicklaus/Nicklaus Design in relation to Glen Abbey for more than 15 years.

- 10.45. Zoning By-law 2018-016 is a Town-initiated site-specific zoning by-law amendment for the Property. According to the Town, it is: *“required to implement the Official Plan and regulate the use of the property, and the erection, location and use of buildings and structures thereon, to ensure that the cultural heritage value or interest of the property and its heritage attributes are retained”*. For the reasons stated above, I do not believe that the Town has properly identified the cultural heritage value or interest of the Property, nor do I believe that the Town has properly described the heritage attributes of the Property or that the heritage attributes must be retained.

11. RESPONSE TO ISSUES

Issue 1: Do the Applications conserve the significant cultural heritage landscape within the subject lands, as designated under section 29 of the *Ontario Heritage Act* by Town By-law No. 2017-138, as required by:

- (a) the Provincial Policy Statement, including Part III, Part IV, and sections 1.2.1(c), 1.7.1(e), 2.0, 2.6, and 6.0;
- (b) the Growth Plan, including sections 1.2, 1.2.1, 4.1, 4.2.7, and 7;
- (c) the Region of Halton Official Plan (Halton OP), including sections 26, 29, 30, 31, 72(1), 146, 147(2), 165, 166, 167, 170, 224, and 224.1;
- (d) Livable Oakville Plan, including sections 2.1, 2.2.1, 3, 5, and 29.5?

11.1. It is my opinion that the heritage attributes identified by the Town in the designation by-law are flawed, and do not correctly identify the heritage attributes nor the cultural heritage landscape that must be conserved in order to conserve Glen Abbey’s cultural heritage value or interest.

11.2. However, in the CHLA/HIA, ERA identified a different significant cultural heritage landscape than the one identified in By-law 2017-138, with different attributes. It is my

opinion that the significant cultural heritage landscape identified by ERA was identified more consistently with best practices in cultural heritage landscape conservation.

- 11.3. It is my opinion that the conservation strategy that ERA recommended in the CHLA/HIA (which was built out in the Park Plan) would conserve the significant cultural heritage landscape that ERA had identified, and would meet the above policy requirements for cultural heritage landscape conservation.

Issue 2: Do the Applications have appropriate regard for matters of provincial interest with respect to the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest as required by Section 2(d) of the *Planning Act*?

- 11.4. Yes. It is my opinion that the Applications have appropriate regard for matters of provincial interest, including Section 2(d), in that they effectively conserve the features of significant architectural, cultural and historical interest that ERA identified on the Property.

- 11.5. I have a fundamental disagreement with the Town as to which features are those of significant architectural, cultural and historical interest that must be conserved in order to conserve the Property's cultural heritage value.

Issue 3: In determining that the Applications should be refused, did the Town appropriately apply the policies of the Provincial Policy Statement and Growth Plan regarding intensification and the efficient use of land and infrastructure given the policy requirement in those documents that the significant cultural heritage landscape on the property shall be conserved?

- 11.6. No. It is my opinion that the proposed Applications do conserve the significant cultural heritage landscape on the Property, which was identified by ERA.

- 11.7. The PPS and the Growth Plan each indicate that the conservation of cultural heritage resources must be considered together with other planning objectives, including intensification and the efficient use of land and infrastructure – see paragraphs 7.2 and 7.20.

- 11.8. In my opinion, the conservation of the significant cultural heritage landscape on the Property does not mean the “*preservation*” of the significant cultural heritage

landscape identified by the Town, which would inhibit any potential for the Property to evolve in the future.

Issue 4: Would the replacement of the Glen Abbey Golf Course with the mixed-use development proposed by the Applications fail to preserve the character of the Glen Abbey community, as required by the policies of the Livable Oakville Plan, including sections 2.2.1 and 4.3, and is it consistent with the policies of the Provincial Policy Statement that support conserving features that define community character including cultural heritage landscapes, including section 1.7.1(e)?

11.9. Livable Oakville provides the following policies on the preservation of community character:

Section 2.2.1, as a Guiding Principle: “Preserving and creating a livable community in order to (a) preserve, enhance and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods; (b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated; and (c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.

Section 4.3: “It is the policy of the Plan that the key focus for development and redevelopment to accommodate intensification will be the locations identified as Growth Areas. Lands outside of Growth Areas are predominantly stable residential communities which consist of established neighbourhoods. While the Plan encourages intensification generally throughout the built up area, it also recognizes that some growth and change may occur in these areas provided the character of the areas is preserved and the overall urban structure of the Town is upheld...”

11.10. It is my opinion that the replacement of the Glen Abbey Golf Course with the proposed redevelopment would not fail to preserve the character of the Glen Abbey community.

11.11. Unlike golf courses and adjacent residential communities that were designed interdependently, the Glen Abbey community today has little physical and visual relationship with the Glen Abbey Golf Club. See paragraphs 4.28 – 4.33.

11.12. I find the designation by-law attributes describing the relationship between the Glen Abbey Golf Club and adjacent neighbourhoods to be problematic and unsupported:

11.12.1. *“The nature of the open space within the surrounding residential neighbourhoods related to a distinct sporting culture with a unique type of parkland setting”* is both vague and fails to identify what aspects of real property are expected to be conserved.

11.12.2. *“The visual and historical connections to the surrounding residential neighbourhood”* are vague, and limited at best in the case of visual connections.

11.13. Regardless, ERA’s work on the Park Plan was designed to ensure that aspects of the local community character would be preserved, and even enhanced. I defer to my colleague Brendan Stewart’s evidence on the ways the Applications’ open space was designed to respond to the character of adjacent and nearby communities.

Issue 47: Do the Applications conform with the cultural heritage resources policies of the Regional Official Plan, recognizing that the site has been designated under Section 29 of the *Ontario Heritage Act*?

11.14. Yes, the Applications do conform with the cultural heritage resource policies of the Regional Official Plan.

11.15. See paragraph 7.42.

Issue 89: Does the proposed development maintain, protect and enhance the existing neighbourhood character to conform to the Town’s Official Plan, including the criteria in Section 11.1.9?

11.16. See my response to Issue 4. Also, Section 11.1.9 i) refers only to heritage buildings, structures and uses within a Heritage Conservation District, and the Property is not within a Heritage Conservation District.

Issue 92: If a Draft Plan of Subdivision is to be approved, what are the appropriate conditions of approval?

11.17. I recommend the following be imposed as conditions of Draft Plan of Subdivision approval:

- 11.17.1. The preparation of a Landscape Management Plan by the proponent in collaboration with the relevant municipal / regional departments and agencies;
- 11.17.2. The preparation of an Interpretation Plan (as described in section 14.1 of the CHLA / HIA); and
- 11.17.3. The preparation of a Restoration and Management Plan for the Sixteen Mile Creek valley, which would address the implementation of public access, re-naturalization and heritage interpretation in the valley.

Issue 93: Do OPA 24 and/or Zoning By-law 2018-016 require the Town's identified heritage attributes of the Glen Abbey Property to be "retained" and, if so, does this requirement render OPA 24 and/or Zoning By-law 2018-016:

- (a) Inconsistent with the Provincial Policy Statement, 2020 ("PPS"), and in particular, policy 2.6.1 and the definitions of "Conserved" and "Heritage attributes", as well as the following policies: 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.5, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8?**
- (b) Not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan"), and in particular, policy 4.2.7.1 and the definition of "Conserved", as well as the following policies: 2.2.1.2(a), (c) and (d), 2.2.1.3(c), 2.2.1.4, 2.2.2.3, 2.2.6.1(a) and 2.2.6.2(b)-(d)?**
- (c) Contrary to the *Ontario Heritage Act*?**
- (d) Contrary to principles of good planning?**

11.18. Yes. The requirement to retain heritage attributes is inconsistent with the PPS and Growth Plan policies, and their definitions for the term "conserved". Both policy documents speak to the conservation of heritage value, rather than the specific retention of heritage attributes.

11.19. Regarding the OHA, see the response to Issue 97 below.

11.20. See paragraphs 10.27 – 10.38.

Issue 97: Does Zoning By-law 2018-016 set restrictions which are intended to protect the Town’s identified heritage attributes of the Glen Abbey property in a manner that is contrary to and/or duplicative of the protections available under the *Ontario Heritage Act*?

11.21. Yes. The OHA provides in sections 33 and 34 for the possibility that alterations and/or demolitions to a property designated under Part IV of the OHA may occur that would likely affect or even remove a property’s heritage attributes, but prohibits such alterations and/or demolitions in the absence of obtaining municipal consent (or approval from the LPAT, where applicable). Thus, so long as the Property remains designated under Part IV of the OHA, these restrictions will apply to the Property.

Issue 98: Do OPA 24 and Zoning By-law 2018-016 fail to properly balance policy objectives in a way that is:

(a) Inconsistent with the PPS, and in particular, Part I and Part III and policy 4.2?

(b) Not in conformity with the Growth Plan, and in particular, policies 1.2.3 and 5.2.1.1?

11.22. Yes. The PPS and the Growth Plan speak to the balancing of planning objectives, including but not limited to the conservation of cultural heritage resources. In order to achieve such a balance, the direction provided on cultural heritage resources requires the conservation of heritage value and heritage resources, not the specific retention of each and every heritage attribute. This higher-level approach allows for flexibility in the conservation of heritage resources so that it might be balanced with other planning priorities and objectives.

11.23. See paragraphs 10.27 – 10.38.

Issue 108: Is the proposed text in the new section 3 that provides for the “long-term protection of... cultural heritage resources”, together with the proposed identification of properties as “Cultural Heritage Landscapes” on proposed new Schedule A1, which are described in policy 3.10 as being “protected and registered under the Ontario Heritage Act”:

(a) Lacking in clarity?

(b) Inconsistent with the PPS, and in particular, Part I, policy 2.6.1 and the definition of “conserved”?

(c) Not in conformity with the Growth Plan, and in particular, policy 4.2.7.1 and the definition of “conserved”?

(d) Contrary to principles of good planning?

11.24. It is my opinion that the use of the phrases “*long-term protection of... cultural heritage resources*” and “*protected and registered under the Ontario Heritage Act*” is lacking in clarity, as well as inconsistent with the PPS, not in conformity with the Growth Plan, and contrary to the principles of good heritage planning.

11.25. The PPS and the Growth Plan use the defined term “*conserved*” with respect to retaining the “*cultural heritage value or interest*” of cultural heritage resources, including CHLs. “*Protect*” is not a standard term, nor one that I consider to be clear, in the context of cultural heritage planning.

11.26. See paragraphs 10.1 – 10.8.

11.27. Further, the term “*conserved*” in the PPS and Growth Plan acknowledges the potential that conservation may occur in the context of the redevelopment of a Property – which in my opinion is in accordance with the principles of good heritage planning. It is not clear that “*protect*” speaks to the same approach.

Issue 109: Is the proposed identification of the Glen Abbey property, and/or other properties located outside of a Heritage Conservation District, as “Heritage Conservation Districts / Cultural Heritage Landscapes” on proposed new Schedule A1 inappropriate, lacking in clarity and/or contrary to principles of good planning? If so, should the Glen Abbey property, and/or other properties located outside of a Heritage Conservation District, be identified as “Heritage Conservation Districts / Cultural Heritage Landscapes” on Schedule A1?

11.28. It is my opinion that the identification of the entirety of the Glen Abbey property as a significant Cultural Heritage Landscape is inappropriate and contrary to principles of good heritage planning.

11.29. Further, the proposed combining of Heritage Conservation Districts / Cultural Heritage Landscapes in Schedule A1 is lacking in clarity, in that appears to insinuate that these sites are all “protected and/or registered” using the framework of the OHA, when in

reality the PPS provides for diverse planning tools (including but not limited to designation under the OHA) for the conservation of significant cultural heritage landscapes.

- 11.30. Additionally, the PPS distinguishes between cultural heritage landscapes and *significant* cultural heritage landscapes. It is my opinion that there are cultural heritage landscapes all throughout Oakville, and beyond, that are not *significant* and do not merit conservation. As such, I find it lacking in clarity and inappropriate that Schedule A1: Urban Structure identifies cultural heritage landscapes (which may or may not be significant and may or may not be designated under the OHA) in the same category as Heritage Conservation Districts, which are always designated under Part V of the OHA.
- 11.31. It is my opinion that the Glen Abbey property, and other properties located outside of a Heritage Conservation District, should not be identified as “*Heritage Conservation Districts / Cultural Heritage Landscapes*” in Schedule A1.

Issue 110: Does the proposed text in the new section 3 referencing the “long-term protection of... cultural heritage resources” lack clarity and/or fail to properly balance policy objectives in a way that is:

- (a) Inconsistent with the PPS, and in particular, Part I, Part III and policy 4.2?**
- (b) Not in conformity with the Growth Plan, and in particular, policies 1.2.3 and 5.2.1.1?**
- (c) Contrary to the *Ontario Heritage Act*?**
- (d) Contrary to principles of good planning?**

11.32. Yes, the proposed text in the new section 3 lacks clarity, fails to properly balance higher-order policy objectives and disregards the integrated policy framework set out in the Plan.

11.33. See my response to Issue 108.

Issue 112: Are proposed policies 5.3.4 and 5.3.5, which refer to “cultural heritage landscape conservation plans”:

- (a) Lacking in clarity?**

(b) Inconsistent with the Provincial Policy Statement, 2020 (“PPS”), and in particular, Part I and policies 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8 and the definition of “conserved”?

(c) Not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”), and in particular, policies 2.2.1.2(a), (c) and (d), 2.2.1.3(c), 2.2.1.4, 2.2.2.3, 2.2.6.1 and 2.2.6.2, and the definition of “conserved”?

(d) Contrary to the *Ontario Heritage Act*?

(e) Contrary to principles of good planning?

11.34. Both the OHA (elaborated in the Ontario Heritage Tool Kit) and principles of good heritage planning, as directed by the Standards and Guidelines for the Conservation of Historic Places in Canada, lay out the appropriate context for the preparation of conservation plans – which is not consistent with the provision for municipally-led CHL conservation plans, and certainly not the type of conservation plan that the Town previously prepared for the Glen Abbey property. See paragraphs 10.9 – 10.23.

11.35. It is unclear in proposed policies 5.3.4(c) and 5.3.5 in OPA 16 what the Town intends by reference to a “*cultural heritage landscape* conservation plan”. In my opinion, if it is the type of municipally-led conservation plan that the Town previously prepared for the Glen Abbey property, such reference would be contrary to the PPS, the Growth Plan, the OHA and principles of good heritage planning.

Issue 113: Is the proposed identification of “Cultural Heritage Landscapes” on proposed new Schedule A1, which are described in policy 5.3.4 as being “protected or registered under the Ontario Heritage Act”, and when considered in conjunction with the proposed policies in OPA 15:

(a) Lacking in clarity?

(b) Inconsistent with the PPS, and in particular, Part I, policy 2.6.1 and the definition of “conserved”?

(c) Not in conformity with the Growth Plan, and in particular, policy 4.2.7.1 and the definition of “conserved”?

(d) Contrary to principles of good planning?

11.36. Yes, this is lacking in clarity, inconsistent with the PPS, not in conformity with the Growth Plan, and contrary to the principles of good heritage planning.

11.37. See my responses to Issues 108 and 109.

Issue 114: Does the proposed identification of “Cultural Heritage Landscapes” on proposed new Schedule A1, when considered in conjunction with the proposed policies in OPA 15, lack clarity and/or fail to properly balance policy objectives in a way that is:

(a) Inconsistent with the PPS, and in particular, Part I, Part III and policy 4.2?

(b) Not in conformity with the Growth Plan, and in particular, policies 1.2.3 and 5.2.1.1?

(c) Contrary to principles of good planning?

11.38. Yes, the proposed identification of “*Cultural Heritage Landscapes*” on proposed new Schedule A1, when considered in conjunction with the proposed policies in OPA 15, lacks clarity and fails to properly balance policy objectives as directed by the PPS and the Growth Plan.

11.39. See my responses to Issues 108 and 109.

Issue 115: Are the proposed definitions of “cultural heritage landscape” and “heritage attributes” in OPA 16 inconsistent with the PPS, and in particular, Part I and the corresponding definitions in section 6.0?

11.40. Yes, the definition of “*cultural heritage landscape*” proposed in OPA 16 is inconsistent with the definition in the PPS, 2020. Meanwhile, although the proposed definition of “heritage attributes” in OPA 16 uses the same language as the definition in the PPS, the references to “*protected heritage property*” in the PPS definition are to that defined term. Conversely, in OPA 16, the proposed definition of “heritage attributes” uses the undefined term “protected heritage property”. To provide clarity and to ensure consistent interpretation with the PPS, OPA 16 should include the PPS definition of “*protected heritage property*”.

11.41. See paragraphs 10.25 – 10.26.

Issue 116: Is it possible to demolish/remove the Glen Abbey golf course and, at the same time, to “conserve” any “significant built heritage resources” and/or “significant cultural heritage landscapes” that may exist on the property?

11.42. It is my opinion that a site’s cultural heritage value can be conserved even without the retention of all of its heritage attributes. See paragraphs 10.31 – 10.38.

11.43. In ERA’s CHLA/HIA, we identified a series of heritage attributes of the significant cultural heritage landscape (along the valley’s edge and valleylands) that are proposed to be conserved in the Applications, despite the application to demolish the Glen Abbey golf course. Examples include:

11.43.1. The layered and evolving character of the landscape, reflecting different patterns of use by numerous social and cultural groups over time; uses have included cultivation of land for agricultural purposes, habitation, recreation and public gathering;

11.43.2. The varied uses of the land and the physical remnants of these uses, including the RayDor Estate and its approach drive, the stables & shed buildings as well as the evolving adaptive reuse of these buildings by successive inhabitants and users of the landscape;

11.43.3. The interconnected, physical and visual relationship between the valley and the valley’s edge, punctuated by paths, trees, shrubs and open spaces;

11.43.4. Pedestrian connections between the valley’s edge and the valley landscape, and among built structures along the valley’s edge;

11.43.5. The symmetrical form and massing of the stables building, with its centre structure and two side bays attached by links; its hipped roof with wood ventilators, the building’s shingled cladding, and the classical revival wood trim and details;

11.43.6. The semi-wild wooded valley slopes, the river, and the continuity of the landscape within the Sixteen Mile Creek valley to the north and south.

11.44. Other attributes are proposed to be conserved through interpretation, as described in ERA’s Park Plan. Thus, it is possible to demolish/remove the golf course and, at the same time, to conserve the significant built heritage resources and the significant cultural heritage landscape that ERA has identified on the Property and, in my opinion,

the proposed redevelopment of the Property that incorporates ERA's cultural heritage conservation strategy does just that.

Issue 117: Would the demolition/removal of the Glen Abbey golf course to accommodate the proposed redevelopment of the property, as proposed by ClubLink, represent an appropriate balancing of the public and community interests against the private property rights of ClubLink, as the owner of the property?

11.45. Yes it would.

11.46. In addition, I defer to the evidence of Brendan Stewart, who will speak to the Applications achieving both private property owner interests and a net gain in public and community benefit from a cultural heritage perspective.

11.47. Among other things, Mr. Stewart will address the fact that the Park Plan was intentionally designed to increase public access to, and enjoyment of, the built heritage resources and the CHL that ERA identified on the Property.

Issue 118: Were the Town's reasons for designating the Glen Abbey property and adjacent lands under By-law No. 2017-138, including the by-law's "Statement of Cultural Heritage Value or Interest" and the "Description of Heritage Attributes":

(a) Factually inaccurate?

(b) Lacking in clarity?

(c) Done for improper purposes?

(d) Ignorant of the interests of ClubLink, as the owner of the property;

(e) Contrary to the *Municipal Act, 2001* and the *Ontario Heritage Act*;

(f) Inconsistent with the Provincial Policy Statement, 2020, including policies supporting intensification and the efficient use of land and infrastructure within existing built-up areas, policies to conserve significant cultural heritage resources, and the direction that all applicable policies are to be considered and applied (including Part I, Part III, sections 1.1, 1.4, 1.6, 1.7, 1.8, 2.6 and 4.2);

(g) Not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019, including policies supporting intensification and the efficient use of land and infrastructure within existing built-up areas, policies to conserve significant cultural heritage resources, and the direction that all applicable policies are to be considered and applied (including section 1.2.3, 2.1, 2.2.1, 2.2.2, 2.2.6, 3.1, 3.2, 4.2.7 and 5.2.1); and

(h) Unreasonable and inappropriate?

11.48. Yes. See paragraphs 6.20 – 6.26, as well as various points throughout my Witness Statement.

Issue 119: Should the Tribunal approve ClubLink’s application to demolish/remove the Glen Abbey golf course (including all buildings identified in the application and related infrastructure) and order the Town to consent to the demolition/removal?

11.49. Yes. The demolition application should be approved in order to allow the proposed redevelopment of the Property to proceed, which in my opinion will conserve the cultural heritage value of the Property by implementing ERA’s cultural heritage conservation strategy.

Issue 120: If the Tribunal orders the Town to consent to the demolition/removal, should the Tribunal impose any terms and conditions and, if so, what are the appropriate terms and conditions?

11.50. See paragraph 11.17 for ERA’s recommendations on the appropriate conditions of approval.

Issue 122: Was the Town’s refusal of the demolition of the Glen Abbey golf course consistent with the overarching goal of the OHA to conserve, protect, and preserve Ontario’s heritage?

11.51. No, it was not. It is my opinion that the redevelopment of the Glen Abbey Golf Club proposed in the Applications incorporates a conservation strategy that will successfully conserve the cultural heritage value of the significant cultural heritage landscape at Glen Abbey, as identified by ERA. In order to implement that proposal, the existing golf course must be demolished. In general terms, it is my opinion that the demolition of a building or structure on a property designated under Part IV of the

OHA is not inconsistent with the goals of the OHA, given that section 34 of the OHA makes specific provision for such demolition. In this instance, Town staff recommended that Council refuse the demolition application based on its opinion that “as the proposed demolition/removal fails to conserve the cultural heritage value of the Glen Abbey golf course designed cultural heritage landscape, it is not consistent with and does not conform to provincial and local policy”, and Council adopted that recommendation. For the reasons expressed in this Witness Statement, I disagree with Town staff’ conclusion, and I also disagree with the Town’s identification and description of the “golf course designed cultural heritage landscape”.

12. SOURCES RELIED UPON

Araoz, G.

2011. *Preserving Heritage Places Under a New Paradigm*. Journal of Cultural Heritage Management and Sustainable Development. Vol.1, No. 1.

Creative Golf Design, Golf Course Architects & Consultants.

2017. *Glen Abbey Golf Course: Heritage Review*.

Glen Orchard Homes.

1986, March 8. *Coming Soon: Fairway Hills*. (Globe and Mail, pg. E25)

ERA Architects Inc.

2016. *Cultural Heritage Landscape Assessment & Heritage Impact Assessment: Proposed Redevelopment of the Glen Abbey Golf Club, Oakville*.

ERA Architects Inc.

2016. *Park and Open Space Concept Plan: Proposed Redevelopment of the Glen Abbey Golf Club, Oakville*.

ERA Architects Inc.

2017. *Cultural Heritage Landscape Assessment & Heritage Impact Assessment - Addendum: Proposed Redevelopment of the Glen Abbey Golf Club, Oakville*.

European Institute of Golf Course Architects.

2017. *Golf Courses as Designed Landscapes of Historic Interest*. Historic England.

Harman, M.

2002, June 7. *Hot Pocket: On the lookout for large lots*. (Globe and Mail, pg. G6)

Home Smith Ltd.

1971. *Glen Abbey: A Proposed New Community in Oakville.*

ICOMOS Australia

2013. *The Burra Charter.*

Julian Smith & Associates Architects.

2017. *Cultural Heritage Landscape Values and Attributes of the Glen Abbey Property.*

Julian Smith & Associates Architects.

2017. *Peer Review of the Cultural Heritage Landscape Assessment and Heritage Impact Assessment of ERA Architects Inc.*

Laurie Smith Heritage Consulting.

2016. *Cultural Heritage Landscapes Strategy Implementation – Phase I: Summary Report.*

Laurie Smith Heritage Consulting.

2017. *Inventory Report: 1333 Dorval Drive, RayDor Estate & Glen Abbey.*

Letourneau Heritage Consulting inc.

2017. *Cultural Heritage Landscapes Strategy Implementation – Phase II: Cultural Heritage Evaluation Report, 1333 Dorval Drive (Glen Abbey Golf Course), Oakville, Ontario.*

Ministry of Municipal Affairs and Housing.

2014. *Provincial Policy Statement.*

Ministry of Municipal Affairs and Housing.

2020. *Provincial Policy Statement.*

Ministry of Municipal Affairs and Housing.

2019. *A Place to Grow: Growth Plan for the Greater Golden Horseshoe.*

Ministry of Tourism, Culture and Sport.

2005. *Ontario Heritage Act – Ontario Heritage Amendment Act.*

Ministry of Tourism, Culture and Sport.

2006. *Ontario Heritage Tool Kit – Designating Heritage Properties.*

Ministry of Tourism, Culture and Sport.

2006. *Ontario Heritage Tool Kit – Heritage Resources in the Land Use Planning Process.*

Parks Canada.

2010. *Standards and Guidelines for the Conservation of Historic Places in Canada.*

Regional Municipality of Halton.

2009. *Halton Region Official Plan (Interim Office Consolidation 2015).*

Town of Oakville.

2009. *Livable Oakville: Town of Oakville Official Plan (Office Consolidation 2015).*

Town of Oakville.

2014. *Cultural Heritage Landscapes Strategy.*

Town of Oakville.

2017. *By-law No. 2017-079: Official Plan Amendment No. 15.*

Town of Oakville.

2017. *By-law No. 2017-089: Official Plan Amendment No. 16.*

Town of Oakville.

2017. *By-law No. 2017-138: Heritage Designation By-law for the Glen Abbey Golf Course property.*

Town of Oakville.

2017. *Scope of Work: Cultural Heritage Landscape Conservation Plan for the Glen Abbey property.*

Town of Oakville.

2018. *Cultural Heritage Landscape Conservation Plan for the Glen Abbey Heritage Property.*

Town of Oakville.

2018. *By-law No. 2018-016: Official Plan Amendment No. 24.*

Town of Oakville.

2018. *By-law No. 2018-019: To govern cultural heritage landscape conservation plans within the Town of Oakville and to delegate certain powers to designated officials.*



Michael McClelland

**APPENDIX A:
MICHAEL MCCLELLAND CV**



Founding Principal
ERA Architects Inc.

PROFESSIONAL EXPERIENCE

1994 to present:
Founding Principal, ERA Architects Inc.

PROFESSIONAL AFFILIATIONS

Ontario Association of Architects (OAA);
Alberta Association of Architects (AAA);
Toronto Society of Architects (TSA);
Royal Architectural Institute of Canada (RAIC);
Society for the Study of Architecture in Canada;
Canadian Association of Heritage Professionals (CAHP);
Association of Preservation Technology (APT);
Docomomo Ontario;
International Council on Monuments and Sites (ICOMOS);
Ontario Museums Association (OMA);
Lambda Alpha International (LAI);
Friends of Allan Gardens (FOAG);
The Cultural Landscape Foundation (TCLF);
Centre for Urban Growth + Renewal (CUG+R).

A registered architect and founding Principal of ERA Architects, Michael McClelland OAA, AAA, FRAIC, CAHP has specialized in heritage conservation, heritage planning, and urban design for over 30 years. Having begun his career in municipal government, most notably for the Toronto Historical Board, Michael continues to work with a wide range of public and private stakeholders to build culture through thoughtful, values-based heritage planning and design. Michael is a frequent contributor to the discourse surrounding architecture and landscape in Canada, and has edited a number of books on urban conservation including *East West - a Guide to where people live in Downtown Toronto*; *Concrete Toronto - a guidebook to concrete architecture from the fifties to the seventies*; *The Ward - the Life and Loss of Toronto's first Immigrant Neighbourhood*, and *The Ward Uncovered - the Archaeology of Everyday Life*.

FEATURE PROJECT EXPERIENCE

Heritage Architectural Work

2005 - Present	Evergreen Brick Works
2007 - Present	Royal Ontario Museum's ROM Renaissance
2004 - 2009	Art Gallery of Ontario's Transformation AGO
1996 - Present	Distillery Historic District
2013 - Present	Cadillac Fairview's TD Centre

Planning Studies

2000 - 2003	Toronto Waterfront Culture Plan
2008	South Rosedale and North Rosedale Heritage District Studies
2013	Downtown Hamilton Heritage Plan
2007 - Present	Tower Renewal Project, Toronto.

PEER REVIEWS

2021	Town of Collingwood
2019 - Present	City of Kingston
2018 - Present	Town of Niagara on the Lake
2019	City of London
2018	City of St. Catharines
2017	City of Ottawa
2016	Town of Newmarket, Town of Halton Hills
2015	City of Kingston, Town of Meaford
2014	Bank of Canada
2011	City of Niagara Falls, City of Ottawa, City of St. Catharine
2010	City of Ottawa
2005	City of St. Catharines
2004	City of Oakville, City of Toronto - Union Station, MaRS masonry peer review
2003	Federal Heritage Building Review Office (FHBRO)

CONSERVATION REVIEW BOARD (CRB) HEARINGS

2021	Randwood, Niagara on the Lake
2009	David Dunlap Observatory Lands (Richmond Hill)
2007	Walbridge House (483 King Avenue East, Newcastle)
2005	89 Kingsway Crescent (Etobicoke)

ONTARIO MUNICIPAL BOARD (OMB) & LOCAL PLANNING APPEAL TRIBUNAL (LPAT) HEARINGS

2020	317 Queen St. East (hearing)
2020	445 Adelaide St. West (hearing)
2019	St. Lawrence Heritage Conservation District (hearing)
2018	2 Toronto St. (mediation)
2017	St. Lawrence Heritage Conservation District (mediation)
2017	19 Duncan (mediation)
2017	308 - 314 Jarvis Street (mediation)
2017	30 Widmer
2017	Distillery District (mediation)
2016	155 Main Street West (Grimsby)
2016	33 Avenue Road (mediation)
2016	170 Spadina Avenue
2015	172 Finch Avenue (mediation), Old Prospect Road (Rockcliffe, Ottawa), 412 Church Street
2014-2018	9 Avenue Road, City of Toronto OP Heritage Policies (mediation), 262 Bessborough (mediation), 484 Spadina
2013	11 Thornwood, 17 Euclid (Unionville), 101 King Street East & 54-70 Colborne Street, and 1884 Queen Street East
2012	David Dunlap Observatory (Richmond Hill), Bramalea City Centre (Mississauga), 27 Chestnut Park, 11 Superior, 154 Front St. East
2011	David Dunlap Observatory (mediation), Mississauga Square One (mediation)
2010	251 King Street East, 21 Avenue Road, 10 Prince Arthur mediation
2009	82 Robert Street, David Dunlap Observatory (CRB)
2008	Distillery District Port Dalhousie Revitalization (St. Catharines)
2007	Bronte Quadrangle (Oakville), 269 Riverside Drive, Admiral Collingwood (Collingwood) (mediation)
2006	200 Russell Hill Road, 6 and 8 St. Thomas, Bronte Quadrangle (Oakville), 3371 Trafalgar Road (Oakville), Bridgepoint Health
2005	North Rosedale HCD, 14795 Niagara River Parkway (Niagara-on-the-Lake), Blythwood HCD
2004	10 Prince Arthur, 233 McRae, 56 Blythwood, Glenerin Inn (Mississauga) 100 Yorkville
2003	South Rosedale Heritage District
2001	10 Market Street
1999	181 Front Street (Oakville)
1998	Dundas Square and 14 Prince Arthur
1995	East Annex Heritage District

1994 Lowertown West Heritage District (Ottawa)

PRESENTATIONS, EXHIBITIONS, ETC.

- 2021 Panelist, The Future of Ontario Place Colloquium, Toronto
Presenter, Brutalism and Modern Architecture, University of Guelph, Guelph
Presenter, Plants and Design: Allan Gardens, University of Toronto, Toronto
- 2019 Presenter, Concrete Modernism, University of Guelph, Guelph
Producer, The Ward Cabaret, Harbourfront Centre, Toronto
Panelist, Additions to Historic Buildings: A Vital Dialogue for Practitioners, National Trust Conference, Winnipeg
Panelist, Rethinking Brutalism, Remembering Shoreline Symposium, Buffalo NY
Panelist, Waterfront for All Symposium, Toronto
Juror, Legacy Art Project Terry Fox, Toronto
- 2018 Presenter, Architecture + Design Now lectures, University of Lethbridge
Panelist, American Institute of Architecture conference, New York City
Panelist, Building a Better City conference, Ottawa
Producer, The Ward Cabaret, Luminato Festival, Toronto
Speaker, Urban Land Institute Symposium tours, Toronto
Panelist, Can We Redefine Brutalism, Post-War Architecture & Urban Renewal, APT Conference, Buffalo
- 2017 Juror, Hamilton & Burlington Society of Architects Awards, Hamilton
Presenter and Panelist, Adapting Heritage Conference and Newfoundland Association of Architects Lecture Series, St. John's, Nfld
Presenter, Trends in Heritage Policy and its Potential Impact on Educational Institutions, Higher Education Symposium: Futureproofing Real Estate, Toronto
Panelist, Art=Waterfront, Waterfront For All Conference, Toronto
Presenter, 3 Cities: Toronto, Heritage Montreal Symposium Montreal
Presenter, Architecture Conservancy of Ontario Conference, Everyday Modern Architecture, Toronto
Panelist, York University Public Art Symposium, Artists and City Building, Toronto
Panelist, Toronto's Natural Parklands in the new Millennium: The Role of Natural Parklands in Building a Great City, Toronto
Panelist, Society of the Study of Architecture in Canada, Roundtable on Modernism, Niagara on the Lake
Project Lead, Archaeology In The Ward: The Armoury Street Dig exhibits, Toronto City Hall, Toronto
- 2016 Moderator, Symposium – Re: Practice, Ryerson University, Toronto
Presenter, The London Architecture Series, Architectural Conservancy Ontario, London
Session Chair, Facades, Conservation and Cultural Heritage Value –Part 2, National Trust for Canada, Calgary
Session Chair, ICOMOS Canada Evolving Perspectives on Cultural

- Landscapes, National Trust for Canada, Calgary
 Presenter, Symposium – Renewing Modernism: Emerging Principles for Practice, APT (Kansas City)
 Presenter, Designing Parks Workshop, TSA and OALA
 Presenter, Heritage Preservation and Development, Lambda Alpha International
 Presenter, Second Wave of Modernism III: Leading with Landscape, The Cultural Landscape Foundation, Toronto
 Panelist, The Ward: Slums to Skyscrapers, Pages UnBound Festival, Toronto
 Panelist, The Role of the Heritage Professional in Heritage Conservation Practice, Ontario Heritage Conference, Niagara-on-the-lake
 Presenter, Conserving the Modern, National Capital Commission, Ottawa
- 2014 Lecture, Architecture and Value, Carlton Forum Lecture Series, Ottawa
 Jury Member, Hamilton Burlington Society of Architects Design Awards, Hamilton
 Presenter, La Revalorisation des tours d’habitation, Colloque annuel du Conseil du patrimoine:nouvelles approches, autres outils et expériences d’ailleurs, Montréal
 Presenter, Heritage and the Authentic City: Conservation and Craftsmanship in Sustainable City Building, Hamilton Burlington Society of Architects, Hamilton
 Panelist, Exploring the Benefits of Engaging in Public Interest Design, Design Exchange, Toronto
- 2013 Presenter, Society of American City and Regional Planning Historians, Toronto
 Panelist, Remaking Cities Conference, Pittsburgh, Pennsylvania
 Panelist, Vernacular Architecture Forum Annual Conference, Gaspé, Quebec
 Panelist, Cultural Heritage Landscapes Workshop, Université de Montréal, Montréal
 Presenter, Conserving Modern Heritage, Getty Colloquium, Los Angeles
- 2012 Presenter, Heritage Impact Assessment Workshop, Cambridge
 Presenter, Changes to the Ontario Heritage Act, Land and Economic Development – Ontario Planning Forum, Toronto
 Presenter, Conserving the History of Heritage, Ontario Heritage Conference, Kingston
 Panelist, Neighbourhood Intensification: the Future of Toronto, Urban Land Institute
- 2011 Presenter, Port Hope ACO Annual General Meeting
 Presenter, Intersecting the Contemporary with the Traditional, Willowbank National Historic Site
- 2010 Sessional Lecturer, Heritage and the Urban Design of Place, Urban Design Studio, Daniels U of T
 Contributor, North York’s Modernist Architecture Revisited

- Preserving Modern Architecture in Québec, Canada and Elsewhere, Montréal
 Presenter, 2010 NHASO Conference, Willowbank, Queenston
 Presenter, Cultural Mapping – Big, Medium, Small, Heritage Canada Conference St. John's Nfld.
 Panelist, Preservation through Transformation, ACO/CHO Conference, Chatham Kent
 Panelist on Heritage, Planning and Development Forum, Langdon Hall, Cambridge
 Keynote, Toronto-Frankfurt Colloquium on Urbanism and Housing, Ryerson University
 Exhibit, People per Hectare, Harbourfront Architecture Gallery
- 2009 Panelist, Heritage Conservation Planning, Hong Kong University, Hong Kong
 Panelist, Modern Heritage, Priorities, Progress and Prognosis, APTi, Los Angeles
 Panelist, Downtown Renewal and Heritage Planning, Manitoba Planning Conference
 Contributor, North York 's Modernist Architecture
 Moderator, Heritage Canada Conference
 Presenter, Tower Renewal, TEDxToronto, Toronto
 Presenter, APSA, Cities, Climate Change, and Multilevel Governance: Ryerson University
 Participant, Sheppard Neighbourhood Charrette, Parc Downsview Park
 Presenter, The Concept of Place, Placing Creativity Conference, Martin Institute for Prosperity
 Presenter, Concrete Toronto: an experiment in cultural production, SSAC Conference
 Exhibit, Found Toronto, Harbourfront Architecture Gallery
 Presenter, Mayor's Tower Renewal, Association of Ontario Land Economists
- 2008 Moderator, Tower Renewal, Canadian Apartment Investment Conference
 Panelist, Urban Attractiveness in the Toronto Region, OECD Metropolitan Review of Toronto
 Presenter, Tower Renewal in China, Chongqing and Beijing
 Facilitator, Metrolinx Design Charrette, Office for Urbanism
 Presenter, Concrete Toronto, International Readings at Harbourfront Centre
 Presenter, Toronto Futures Colloquia, University of Waterloo
 Presenter, Conserving the Modern, Parks Canada
- 2007 Panelist, How to Effectively Advocate on Behalf of Your Clients, Construct Canada
 Keynote speaker, Greater Toronto Apartment Association Forum
 Presenter, The Tower Renewal Project, New Ideas for Old Buildings, CUI Roundtable Breakfast
 Panelist, Toronto's Changing Landscapes, Ontario Museum Association
 Moderator, Ourtopias – Ideal Cities and the Role of Design in Remaking

- Urban Space DX National Design
Conference
Panelist, Heritage Conservation and Urban Design, CIP Conference,
Québec City
Panelist, Heritage Conservation and Development, APA Conference,
Philadelphia Presenter, Heritage Preservation, University of Manitoba,
Winnipeg
Presenter, The Fluid and the Fixed in Urban Form, University of
Waterloo
- 2006–7 Course Director, University of Victoria, Conserving Historic Structures
- 2006 Presenter and Panelist, IIDEX 2006, Toronto
Panelist, Smart Growth and Heritage, CAPHC Annual Conference
Instructor, Past Perfect – Guidelines and Standards for Historic Places,
RAIC and Parks Canada
Halifax, Ottawa and Toronto
Presenter, the Work of ERA Architects, Hamilton and Burlington
Society of Architects
Presenter, The AGO/ROM Renovations, William Morris Society
Toronto
Instructor, University of Victoria, Cultural Resource Management
Program Presenter, Respectful Rehabilitation, City Program Simon
Fraser
University, Vancouver
Presenter, Urbanizing the Avenues, Mid-Rise Symposium, City of
Toronto
- 2005 Presenter, Cultural Landscapes in the City, ICOMOS Canada
Conference
Panelist and Advisor, Incubating Innovation: City Building – the Art of
Creating Beautiful Places, Creative Places + Spaces: Risk Revolution
Conference Advisor, Ryerson University Architecture Program
Committee Moderator, the Legacy of Ron Thom, Trent Conference on
Preserving the Modern
- 2004 Presenter, Art Deco Society of Vancouver, Vancouver Museum
- 2003–4 Juror, Design Exchange National Post Awards
- 2003 Presenter, Sharon Temple, Alliance of National Historic Sites
Conference 2002 Advisor, Academic Committee,
U. of T. Building Science Certificate Program
Member, Union Station Selection Committee for the City of Toronto
- 2001 Moderator, Intervention and the Historic House, Art Gallery of Ontario
Course Director, Architectural Preservation and Conservation
Workshop, Ryerson University
- 2000 Presenter, Commemorative Integrity, National Historic Sites Alliance
for Ontario
- 1999–2002
Member, Council of the Ontario Association of Architects, Toronto
Centre
Member, Communications/Competition Task Force, OAA
- 1998–2000
Member, Architectural Advisory Committee, New City Hall

- 1998–9 Chair, Toronto Society of Architects
- 1998 Presenter, Conservation in Context, Eric Arthur Colloquium
Presenter, the new Toronto – towards profitability and sustainability,
Design Exchange Conference
- 1997 Advisor, Heritage Advisory Committee for the City of Toronto
Transition Team
Presenter, Institute for Contemporary Canadian Craft Conference,
Montréal /CCA
- 1995–9 Chair, Grange Council, Art Gallery of Ontario
- 1995–8 Director, Association for Preservation Technology (International)

PUBLICATIONS

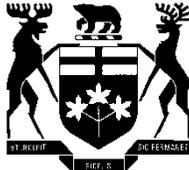
- 2018 Co-editor, *The Ward Uncovered: The Archaeology of Daily Life*, Coach House Press
- 2017 Contributor, *Time Frames: Conservation Policies for Twentieth-Century Architectural Heritage*, Routledge
Co-author, *Towers: a Comparison in Evaluation, Context, and Conservation*, *Journal of Architectural Conservation*, vol. 23, 1-2.
- 2015 Co-editor, *The Ward: The Life and Loss of Toronto's First Immigrant Neighbourhood*, Coach House Press
- 2014 Contributor, Ontario Place, Toronto, *docomomo United States Newsletter*
Contributor, *La sauvegarde de l'architecture modern*, Université de Quebec
- 2013 Author, *Sites of Value: Designating Modern Cultural Landscapes in Ontario*,
Ground Magazine n. 23
Co-author, *The slabs vs. the points: Toronto's two tower booms*, *Satellite Magazine* n3
- 2011 Contributor, *Reassessing the Recent Past*, *APT Bulletin*
- 2010 Contributor, *North York's Modernist Architecture Revisited*
Mentor, *A Guidebook to Contemporary Architecture in Toronto*, Douglas & McIntyre
- 2009 Contributor, *North York's Modernist Architecture* reprint
- 2008 Contributor, *Mayor's Tower Renewal Opportunities Book*, City of Toronto
Contributor, *Innovative Strategies – Ideas for Sustainable Communities*, Centre for Civic Governance
- 2007 Co-editor, *Concrete Toronto, a guidebook to concrete architecture from the fifties to the seventies*, Coach House Press
- 2006 Contributor, *Toronto*, Geoffrey James, Douglas & McIntyre
- 2005 Writer, *Distilling the Distillery*, *Canadian Architect*, Feb. 2005
- 2004 Contributor, *Preserving Modern Landscape Architecture, Making Postwar Landscapes Visible*, National Parks Service Historic Landscape Initiative
- 2003 Writer, *The Distillery District: Spirits Are Soaring at the Gooderham and Worts Site*, *Heritage Canada Magazine*, Fall 2003
- 2002 Contributor, Introduction, *Toronto Modern*, 2nd ed.
Signatory, *Wave Hill Charter for Modern Cultural Landscapes*, Wave Hill/Columbia University
Writer, *The Value of Tax Incentives for Heritage Buildings, Perspectives*, Spring 2002

- 2001 Contributor, Eric Ross Arthur: Conservation in Context, TRAC
Co-author: Canada's Urban Waterfront: a Cultural and Heritage
Infrastructure Plan
- 2000 Writer, Excursions in the Cultural Landscape, Canadian Architect,
Sept
2000
Co-editor: East/West: a Guide to Where People Live in Downtown
Toronto, Coach House Books
- 1999 Presenter, Essay in Common Ground, Contemporary Craft,
Architecture, and the Decorative Arts, a Canadian
Museum of Civilization publication with the Institute for
Contemporary
Craft
- 1990 Writer, ICOMOS Canada, Vernacular Architecture Newsletter, vol. 2,
1989-91 Member, Curatorial Committee, Viewpoints - 100 Years of
Architecture
in Ontario, OAA

TEACHING ENGAGEMENTS

- 2007 - Present Lectures and project reviews for various courses,
University of Toronto,
York University,
Ryerson University,
OCAD University.

**APPENDIX B:
ACKNOWLEDGEMENT OF EXPERT'S DUTY**



Ontario

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement local

ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
PL171084, PL180158, PL180580, MM180022, MM170004	Town of Oakville

1. My name is Michael McClelland.
I live at the City of Toronto, in the Province of Ontario.
2. I have been engaged by or on behalf of **ClubLink Corporation ULC and ClubLink Holdings Limited** to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
 - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date May 17, 2021

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Signature

**APPENDIX C:
HERITAGE ATTRIBUTES ANALYSIS (DES. BY-LAW NO. 2017-138)
(EXCERPT FROM ERA CHLA / HIA ADDENDUM, NOV. 2019)**

RESPONSE TO THE TOWN'S NOTICE OF INTENTION TO DESIGNATE (NOID) THE PROPERTY

ERA is concerned that the NOID will not support the sustainable conservation of the site's cultural heritage resources in the long term. ERA is also of the opinion that the NOID, and particularly the Town's proposed Description of Heritage Attributes, has not been properly prepared and has not been written in accordance with the *Ontario Heritage Act*, the Provincial Policy Statement (PPS), or the Ontario Heritage Tool Kit (OHTK).

"Heritage attributes", as defined by the *Ontario Heritage Act* "means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings, and structures that contribute to their cultural heritage value or interest."

"Heritage attributes", as defined by the PPS "means the principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features and its visual setting (including significant views or vistas to or from a *protected heritage property*)."

The Town has included 25 attributes in its Description of Heritage Attributes in the NOID, one of which broadly identifies: "the spatial organization of each tee, hazard, plantings, fairway and green...". This approach runs counter to the OHTK's guidance on drafting Descriptions of Heritage Attributes for Designation by-laws: "[t]he *Description of Heritage Attributes* lists the key attributes of the property. It is not an exhaustive account of the property's heritage attributes. The identification of heritage attributes is a selective process. Only those principal features or characteristics that together characterize the core heritage values of the property should be included."

Please see the following chart for ERA's initial comments on each of the Town's proposed heritage attributes for the property.

Town of Oakville: Notice of Intention to Designate		
	Attribute	Comments
Attributes supporting historical and associative value of the Property		
1	The historic use and ongoing ability of the property to be used for championship, tournament and recreational golf;	Problematic reference to the future and ongoing use of the property. This attribute implies that an operating golf course use is required to be maintained on the property on a permanent basis. This attribute also fails to recognize that the property has a much longer history of being used for purposes other than a golf course, including residential, recreational, educational, religious and agricultural uses.
2	The historic use and ongoing ability to host championship and other major tournaments, such as the Canadian Open;	Problematic reference to the future and ongoing use of the property. This attribute implies that a golf course is required to be a permanent use on the property and that it must be maintained to a standard suitable for championship and other major tournaments, such as the Canadian Open, despite the fact that Golf Canada has confirmed its intention to identify an alternative long-term home for the Canadian Open tournament.
3	The close and ongoing association of the course design with Jack Nicklaus/Nicklaus Design;	This is an associative value, not an attribute and, in any event, it is not factually accurate. ClubLink advises that there is no “close and ongoing association” between the Glen Abbey Golf Club and Jack Nicklaus/Nicklaus Design and, in fact, that Nicklaus Design has not had any involvement with ClubLink in relation to the Glen Abbey Golf Club since 2005. Further, the attribute implies that there will be a permanent association between the owner of the property and a named individual or firm, which in our view is beyond the authority of a designation under Part IV of the Ontario Heritage Act.
4	The elements of the property constructed during the RayDor Estate Era and with Andre Dorfman, a nationally significant figure in the development of the mining industry in Canada	Incomplete as specific “elements” should be identified. The original RayDor Estate house is already designated under Part IV of the Ontario Heritage Act (By-law 1993-112) and the reasons for the existing designation explicitly pertain only to the exterior portion of the original RayDor Estate house, and does not extend outward to include the golf course. In any event, the associated main Stables building and two adjacent sheds and their immediate vicinity are proposed to be retained in ClubLink’s redevelopment proposal and ERA has recommended that they be conserved through a Part IV designation under the Ontario Heritage Act.

Attributes supporting design and physical value of the Property:		
5	The pioneering stadium-style golf course design with its unique hub and spoke layout;	Incomplete as the golf course in its entirety is not an attribute; specific elements of value should be identified. The “stadium-style” features are expressed differently throughout the course. The attribute is also problematic if it implies that a golf course use is required to be permanently maintained on the property in order to retain the “golf course design” and its “layout”.
6	The organization of the various open parkland holes, water holes and valley holes to provide a dramatic championship sequence;	Vague and incomplete; “various” needs greater definition. The attribute is also problematic if it implies that a golf course use is required to be permanently maintained on the property in order to retain the “organization of the various ... holes”. Further, as noted above, Golf Canada has confirmed its intention to find an alternative long-term venue for the Canadian Open so it is unclear how a “dramatic championship sequence” would be understood in the long-term even if the golf course use were to continue.
7	The spatial organization of each tee, hazard, plantings, fairway and green as evidence of Nicklaus’s design philosophy of strategy and risk/reward;	Overreaching; needs greater definition as it implies that every element of the course is of equal importance and does not acknowledge that golf courses evolve. The spatial organization of various elements of the golf course has been modified over time and continues to undergo change to compensate for changes to golf play, player preference, and in response to improvements to equipment and technological advancements.
8	The carefully-designed visual unfolding of each hole as part of the golfing experience, both aesthetic and functional;	Overreaching; needs greater definition. Also, given the reference to the “golfing experience”, this attribute is problematic in that it implies that an operating golf course is required to be permanently maintained on the property.
9	The integrated spectator experience, including the hub and spoke layout, central clubhouse and spectator mounds;	Unclear and overreaching; needs greater definition; “spectator experience” is an associative value while the “central clubhouse” is identified as a physical attribute. Duplication with Attribute #5 should be clarified. Also, given the reference to the “spectator experience”, this attribute is problematic in that it implies that an operating golf course, and presumably one that hosts major tournaments, is required to be permanently maintained on the property.

10	The circulation patterns during championship, tournament and recreational play, for golfers, spectators and visitors;	Not an attribute; lacks clarity and needs greater definition. Circulation patterns could be understood in relation to recreational or tournament play with reference to the routing of the holes, or pedestrian and vehicular circulation during championship and tournament play. The routing of the various holes for tournament play is not consistent with circulation patterns for recreational play. Further, the attribute is problematic in that it implies that an operating golf course, and specifically one that hosts championship and tournament events, is required to be permanently maintained on the property.
11	The ecology of the river valley as a delicate balance between natural features and the landscape of golf;	Lacks clarity; “delicate balance” requires definition; a reference to “ecology” must consider the ecological impact of the golf course on the natural environment and balance that impact with a recognition that the entire valleyland portion of the property is proposed to be re-naturalized and conveyed to a public authority as a condition of approval of the proposed redevelopment.
12	The landforms and their role in shaping a new era in golf course design;	Vague and incomplete as it is unclear what constitutes the “landforms” in this context.
13	The subtle use of water features to achieve both aesthetic pleasure and challenging hazards;	Lacks clarity; “subtle” requires definition. Further, the attribute is problematic in that the reference to water features, which presumably includes the constructed ponds on the tableland portion of the property, as “challenging hazards” implies that an operating golf course is required to be permanently maintained on the property.
14	The clubhouse designed by Crang and Boake Inc., and its relationship to both the landscape of the 18th hole and the overall hub-and-spoke layout;	It should be noted that Glenn Piotrowski designed the 1994-95 expansion to the original clubhouse. The clubhouse should not be identified as an attribute simply based on its original designers. The clubhouse as originally designed may have contributed to its context but the additions significantly alter the integrity of the building. However, if the current golf course use ceases to exist and a viable and suitable use and operator for the clubhouse building can be found within the context of the Parks and Open Space Concept Plan, retention may be appropriate.
15	The Ray-Dor Estate house exterior designed by architects Marani, Lawson & Morris, including the carved stone exterior, red clay tile roof, leaded casement windows, main entrance with ornamental surround and solid oak door, hipped dormers and stone chimneys with clay pots;	The original RayDor Estate house is already protected through a Part IV Designation dating from 1993. The Designation By-law indicates that the designation does not include the modern addition. The proposed attribute lacks clarity with respect to both the 1993 Designation By-law and the Estate house’s additions. In any event, as previously noted, the RayDor Estate house is proposed to be conserved as part of ClubLink’s redevelopment proposal for the property, as outlined in ERA’s HIA (November 2016).

16	The outbuildings associated with the RayDor Estate, including the stable buildings, designed by architects Marani, Lawson & Morris	Certain outbuildings, including the main Stables building and two adjacent sheds, associated with the RayDor Estate are proposed to be retained and ERA has recommended that they be protected through a Part IV Designation as outlined in ERA's HIA (November 2016).
Attributes supporting contextual value of the property:		
17-22	<p>The key views that represent that designed cultural heritage landscape as experienced from the public realm and within the course:</p> <ul style="list-style-type: none"> • The visual overview from the Smith Triller viaduct • The view from the 11th hole with a long shot into the valleylands • The spectator's view of the green of the 18th hole • The golfer's view of the green of the 18th hole from the bunkers (the Tiger Woods shot) • The long view up the valleylands from the 14th hole • The water vistas and picturesque landscape of the 9th hole 	<p>It is noted that many of the identified views are considered from the perspective of a golfer or golf spectator who would experience these views during either recreational or tournament play, which is problematic in that it implies that an operating golf course, and presumably one that hosts tournaments, is required to be maintained on the property on a permanent basis. Also, the attributes fail to recognize that the views one would experience would be significantly different depending on various factors such as the time of year, whether the golf course is hosting a major tournament, etc. These attributes also fail to recognize that views change and evolve just as landscapes do. For example, the golfer's view of the green of the 18th hole from the bunkers has been altered since the 'Tiger Woods shot' by the growth of trees and vegetation; similarly, the spectator's view of the green of the 18th hole during championship play has changed over time as a result, for example, of the increased use of corporate tents surrounding the 18th hole green when Glen Abbey has hosted the Canadian Open.</p> <p>Despite the above comments regarding the Town's identified "key views", it is noted that some of the views in these locations are proposed to be maintained as part of ClubLink's proposed redevelopment of the property. For example, regarding the visual overview from the Smith Triller Viaduct, an expansive view of the valleyland portion of the property from the public realm will be retained and, indeed, opportunities for views from within the valleyland portion of the property would be enhanced through the conveyance of these lands to a public authority. Similarly, with respect to a view into the valleylands from the top of the valley at the tee-off location for the 11th hole, which is currently only accessible to a small segment of the population, it is proposed that a viewing platform (the "Great Belvedere") be established that would allow all members of the public to enjoy a view into the valleylands from this location.</p>

23	The nature of the open space within the surrounding residential neighbourhoods related to a distinct sporting culture with a unique type of parkland setting	Vague and unclear. Appears to refer to attributes beyond the property's boundaries. This attribute is problematic if the implication is that in order to maintain a "distinct sporting culture" within the surrounding residential neighbourhoods the property must be maintained as an operating golf course on a permanent basis. By contrast, in our opinion, it would be appropriate to ensure that the use of the property since the 1970s as a well-known golf course designed by Jack Nicklaus that has hosted several Canadian Open championships, as well as its prior use for other recreational activities, continues to be recognized in an appropriate manner regardless of the future use of the property. It may also be misleading to refer to the property as a "parkland setting" in the attribute, if the implication is that the property serves as "parkland" for the surrounding residential neighbourhoods. The property is currently under private ownership and there is no existing right for residents in the surrounding neighbourhoods to enter onto the property without the owner's consent. By contrast, as part of the redevelopment proposal, the majority of the property would be conveyed to a public authority and would allow for public access to large portions of the property for active or passive recreation.
24	The visual and historical connections to the surrounding residential neighbourhood	Vague and unclear; requires greater definition to identify what the "visual and historical connections" are, and whether they require the property to be maintained as an operating golf course in order for the cultural heritage value or interest to be conserved.
Attributes supporting the overall cultural heritage value or interest of the property		
25	Jack Nicklaus's unique integration of land use, traditional practices, land patterns, spatial organization, visual relationships, circulation, ecological features, vegetation, landforms, water features, and built features	Overreaching and lacks specificity; does not conform to the Province's guidance on identifying principal attributes only, and fails to acknowledge the ongoing evolution of a golf course and its surroundings, including changes that have been made to Glen Abbey Golf Club since the course was originally constructed in the 1970s. Also, the attribute is problematic if it implies that an operating golf course is required to be maintained on the property on a permanent basis.

An initial review of the Town's Statement of Cultural Heritage Value or Interest suggests it is similarly problematic in that it places heavy emphasis on the property's "continuing" connection to the Canadian Open and as host to tournament, championship, and recreational golf. Golf Canada has confirmed that it is seeking an alternative long-term venue for the Canadian Open to better accommodate contemporary tournament play, which has advanced significantly since Jack Nicklaus designed the Glen Abbey Golf Club in the 1970s.