



Cultural Heritage Landscapes Strategy

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Schedule B includes excerpts from applicable provincial legislation including the *Planning Act*, *Provincial Policy Statement (2005)* and the *Ontario Heritage Act*;

Schedule C is ‘*Cultural Heritage Landscapes – An Introduction*’ document produced by the Ontario Heritage Trust (revised 2012).

Executive Summary

A cultural heritage landscape is the recognizable imprint of human settlement and activities on land over time. The purpose of this Cultural Heritage Landscape Strategy is to provide a framework for the identification and protection of cultural heritage landscapes in the Town of Oakville and direction for protecting and managing these resources for the future.

These strategies are in accordance with and reflect the heritage conservation policies outlined in the Livable Oakville Plan, the *Planning Act* and *Provincial Policy Statement (2005)* and the *Ontario Heritage Act*.

This Cultural Heritage Landscapes Strategy sets the foundation for the primary identification of candidate cultural heritage landscapes by providing definitions of the types of cultural heritage landscapes. This strategy develops a formal process for identifying and addressing the conservation of cultural heritage landscape resources in the Town of Oakville.

1.0 INTRODUCTION

The purpose of this strategy is to provide a framework and strategy for cultural heritage landscape identification and preservation for the future. The objectives of this study are outlined in more detail in Section 1.1. This strategy is not intended to be an exhaustive study on the history of Oakville, nor is it an inventory of all potential cultural heritage landscapes in the Town.

The Town of Oakville has a diverse range of cultural heritage resources that are of historic significance and valued by its residents. They exist within both urban and rural contexts, and include built heritage features, archaeological sites, and landscape elements. Of those identified to date, heritage resources include: more than 140 heritage properties designated under Part IV of the *Ontario Heritage Act* and 4 heritage conservation districts designated under Part V of the *Ontario Heritage Act*. Within the spectrum of cultural heritage resources, cultural heritage landscapes are now being identified and documented by the Town of Oakville.

This document includes a background on cultural heritage landscapes. Attached as schedules to this study are several documents which expand upon and support this review and strategy document:

Schedule A includes excerpts related to heritage conservation from the Livable Oakville Plan (2009);

Schedule B includes excerpts from applicable provincial legislation including the *Planning Act*, the *Provincial Policy Statement* (2005) and the *Ontario Heritage Act*;

Schedule C is the Cultural Heritage Landscapes – An Introduction document produced by the Ontario Heritage Trust (revised 2012).

1.1 Objectives of Strategy

The Town of Oakville has been a leader in the conservation of cultural heritage resources, particularly built heritage features that are protected through Part IV and Part V of the *Ontario Heritage Act*. There are, however, a considerable amount of potential cultural heritage landscapes across Oakville, from Bronte Village to North Oakville that may not have any protection under existing legislation.

The Cultural Heritage Landscapes Strategy provides guidance on how to identify local cultural heritage landscapes and the preferred conservation tools to preserve them for the future.

The preservation of cultural heritage landscapes is the best way to maintain the subtle character of special areas in the Town of Oakville. However, there can be difficulty in identifying and managing such broad and diverse resources that may also involve a variety of land uses and ownership. It is necessary to ensure that such areas, rather than simply being picturesque, have true heritage significance and have retained their essential integrity. In order to do this, and thereby justify the preservation of such places in the face of many competing planning issues, it is necessary to develop a process for their examination, and criteria through which they can be identified and protected.

2.0 DEFINITION AND IDENTIFICATION OF CULTURAL HERITAGE LANDSCAPES

While any landscape that has been deliberately modified by humans is a cultural landscape, only those cultural landscapes that have a deep connection with the history of the community and are valued by the community can be identified as ‘cultural heritage landscapes’.

2.1 Definitions of the Types of Cultural Heritage Landscapes

Best practices in heritage conservation have established three categories of cultural heritage landscapes that provide a starting point for the identification and classification of cultural heritage landscapes. The Ontario Heritage Trust has provided a summary of the three categories described by the United Nations Educational, Scientific and Cultural Organization (UNESCO), which are further described in Schedule C. The categories are:

2.1.1. Designed Landscape - the “clearly defined landscape designed and created intentionally by man.”



Example of a designed landscape: Fulford Place, Brockville, Ontario. Historic residence and grounds of Senator George Taylor Fulford, now owned and operated by the Ontario Heritage Trust. Gardens designed by Frederick Olmstead. Photo courtesy of Susan Schappert.

2.1.2. Organically Evolved Landscape - that “results from an initial social, economic, administrative, and/or religious imperative and has developed in its present form in response to its natural environment”. Within this category two sub-categories are identified:

a) *Relict landscape*, “in which an evolutionary process came to an end at some time in the past”, and for which “significant distinguishing features, are, however still visible in material form.”



Example of a relict landscape: Winthrop Street Cemetery, circa 1723, Provincetown, Massachusetts. Pioneer cemetery no longer accepting burials. Photo courtesy of Susan Schappert.

b) *Continuing landscape* which “retains an active social role in contemporary society closely associated with the traditional way of life, and which the evolutionary process is still in progress.”



Example of a continuing landscape: Urban streetscape in Lisbon, Portugal. Historic buildings within a continually evolving streetscape. Photo courtesy of Susan Schappert.

2.1.3. Associative Cultural Landscape – which is “justifiable by virtue of the powerful religious, artistic, or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent.”



Example of an associative cultural landscape: Mount MacKay, also known as Thunder Mountain or “Anemki-waucheu” in Ojibway, Thunder Bay, Ontario. Historically and contemporarily used for sacred Ojibway ceremonies. Photo courtesy of Susan Schappert

2.2 Provincial Policy Statement Definition

The *Provincial Policy Statement* (2005) also provides a definition of ‘cultural heritage landscapes’:

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

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

Significant: means... (g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(g) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

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

These *Provincial Policy Statement* definitions can work in conjunction with the types of cultural heritage landscapes described in Sections 2.1.1, 2.1.2. and 2.1.3.

2.3 Identification of Cultural Heritage Landscapes

Identification of cultural heritage landscapes in the Town of Oakville may happen through different methods, including the following:

- **Proactively by the Town:**
Proactive identification of cultural heritage landscapes could be an ongoing process for heritage planning staff in their day-to-day work. For example, site visits to properties that are already listed on the Oakville Register of Properties of Cultural Heritage Value or Interest for a built heritage feature may reveal associated landscape features that were previously unknown. As well, in doing updates and amendments to existing heritage designation by-laws, heritage planning staff may become aware of heritage attributes that were not part of the original designation by-law and could be included as part of the amendment.

When a new potential cultural heritage landscape resource is discovered by heritage planning staff, if warranted staff will initiate the appropriate conservation strategy as described in Section 4.0.

- **Proactively from the community through communication to the Town:**
Members of the local historical societies, residents and other interested parties frequently contact heritage planning staff to confirm the heritage status of properties. When a member of the public brings forward this information, heritage planning staff will investigate the potential for a cultural heritage landscape and if warranted, initiate the appropriate conservation strategy as described in Section 4.0.
- **Reactively through the development process:**
Properties that are listed on the Oakville Register of Properties of Cultural Heritage Value or Interest, either as designated or non-designated, have the protection of the requirement for a Heritage Impact Assessment as part of the Town's planning and development processes. When heritage planning staff is aware of the potential for a

cultural heritage landscape, a heritage impact assessment for a cultural heritage landscape should be completed. See Section 4 for further details regarding heritage impact assessments.

2.4 Evaluation of Cultural Heritage Landscapes

Once a potential cultural heritage landscape area has been identified, it should be evaluated using the criteria provided in Criteria for Determining Cultural Heritage Value or Interest (Ontario Regulation 9/06), made under the *Ontario Heritage Act*. The criteria are grouped into three categories as follows:

1. The property has design value or physical value because it,
 - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii. displays a high degree of craftsmanship or artistic merit
 - iii. demonstrates a high degree of technical or scientific achievement

2. The property has historical value or associative value because it,
 - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. The property has contextual value because it,
 - i. is important in defining, maintaining or supporting the character of an area,
 - ii. is physically, functionally, visually or historically linked to its surroundings, or
 - iii. is a landmark.

The evaluation of a cultural heritage landscape may be part of a preliminary review or an in-depth study, both of which are further described as part of the processes in Section 4.0.

All potential cultural heritage landscapes shall be evaluated using these criteria, in order to provide consistency in the Town's approach to evaluation of potential resources.

3.0 LEGISLATION AND PROCESS

Because cultural heritage landscapes can encompass many different types of resources – buildings and structures, trees and plantings, roads and pathways, vistas and viewpoints (and more) – there can be difficulty in determining the most appropriate way to preserve and protect them.

The following provides an outline of the different tools and legislation that the Town may use when protecting and preserving identified cultural heritage landscapes.

3.1 *Ontario Heritage Act*

The *Ontario Heritage Act* provides a mechanism to protect properties of cultural heritage value by designation under Part IV or Part V of the Act. A cultural heritage landscape could be protected under either one of these tools, depending on the scale and scope of the landscape in question. Excerpts from the *Ontario Heritage Act* are included in Schedule B.

The *Ontario Heritage Act* may be used as a tool to protect cultural heritage landscapes in the following ways:

1. *As a listed property on the Oakville Register of Properties of Cultural Heritage Value or Interest:*

Listing on the Oakville Register of Properties of Cultural Heritage Value or Interest (known as the Heritage Register) can be a preliminary tool to use in protecting a potential cultural heritage landscape. Listing on the Heritage Register does not require the completion of a full background research report or heritage impact assessment.

This step provides limited protection of the cultural heritage landscape and is most suitable used as an interim/temporary method to prevent demolition of the cultural heritage landscape until Council has time to determine the appropriate preservation tool if necessary.



Example of a listed potential cultural heritage landscape: the Glenorchy Bridge remnants at Fourth Line.

2. *As a Part V heritage conservation district:*

This protection option would be most suitable for large areas that encompass multiple properties and features, on both private and public owned land. Heritage conservation districts have common character, elements or themes that are identified through physical changes to areas of land. Essentially, every heritage conservation district is a cultural heritage landscape, whether or not it has been specifically referred to as a cultural heritage landscape in the designation by-law or district plan.

While an entire heritage conservation district is considered a cultural heritage landscape, there is also the possibility that smaller, distinct cultural heritage landscapes exist within the whole. For example, within a heritage conservation district that consists of a residential area next to a lake, the shoreline may have additional significance and specific features that are not common to the whole (but do contribute to its character).

Guidelines within the heritage conservation district plan provide a consistent approach to the conservation of heritage features in the area to manage change to the buildings, natural features, streets and public realm and viewsapes. The guidelines can also provide specific information tailored to areas of interest within the heritage conservation district as well, in order to protect any smaller cultural heritage landscape(s) within the entire district.



Example of a cultural heritage landscape designated under Part V of the Ontario Heritage Act: the Old Oakville Heritage Conservation District.

3. *As a Part IV individual designation:*

This option is most suitable for cultural heritage landscapes that have smaller geographic areas and are defined by a small number of legal parcels of land (the general recommendation is for no more than 3 parcels, although exceptions may be made if appropriate). For example, a historic estate house and its surrounding outbuildings and gardens that are all on one legal parcel of land are best protected through a Part IV designation. These designations require the creation of a statement

of cultural heritage value or interest and a listing of the physical heritage attributes of the cultural heritage landscape.



Example of a cultural heritage landscape designated under Part IV of the Ontario Heritage Act: elements of the cultural heritage landscape of the Lambert-Smye Estate.

4. *As a Part IV designation within a Part V heritage conservation district:*

Layers of protection can exist on designated properties. Changes to the *Ontario Heritage Act* in 2005 allowed properties that carry a Part IV individual designation to become part of an area designated under Part V of the Act as a heritage conservation district.

The layering of protection recognizes that there are special characteristics of the Part IV property that are independent of the heritage conservation district, but also that the property does contribute to the character of the surrounding area. This layering of protection means that Part IV designated properties have a specific designating by-law, but are also subject to the guidelines of the heritage conservation district plan to ensure consistent protection of heritage character within the area.

The layering of these two protections is most common for properties that were designated under Part IV of the Act prior to becoming part of a heritage conservation district, and not vice versa. It is not generally recommended that a property within an existing heritage conservation district be considered for a Part IV individual designation unless circumstances require a specific listing of heritage attributes on a cultural heritage landscape that are not/cannot be included within the district plan.



Example of a Part IV designated property within a Part V heritage conservation district: the Merrick Thomas House and the Old Post Office in Lakeside Park, part of the Old Oakville Heritage Conservation District.

3.2 *Planning Act* and the *Provincial Policy Statement* (2005)

Under the *Planning Act* there is recognition of cultural heritage features as considerations in the planning process. Specifically section 2 of the *Planning Act* establishes a number of matters of provincial interest that must be considered by appropriate authorities in the planning process. Subsection 2(d) provides that:

The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as, ...

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; ..

The *Provincial Policy Statement*, as previously discussed in Section 2.2, provides a definition of cultural heritage landscapes and states that 'cultural heritage landscapes shall be conserved'. Excerpts from the *Planning Act* and the *Provincial Policy Statement* can be found in Schedule B.

Conservation of a cultural heritage landscape under the *Planning Act* is most suitable for large areas where there are common historic characteristics, but likely not enough for a heritage conservation district. Conservation under the *Planning Act* would require an amendment to the official plan to include appropriate policies to preserve the features of the cultural heritage landscape (see further details under Section 3.2.1 'Livable Oakville Plan').

3.2.1 Livable Oakville Plan

The Livable Oakville Plan was adopted by Town of Oakville on June 22, 2009, and approved by the Ontario Municipal Board on May 10, 2011, and is fully in force except for two site specific appeals (at the time of the writing of this strategy). The Livable Oakville Plan states that the Town may designate cultural heritage landscapes in accordance with applicable legislation and recognized heritage protocols.

In order to conserve a cultural heritage landscape under the *Planning Act*, an official plan amendment must be made to list the important characteristics of each individual defined and specific cultural heritage landscape and provide the regulations that would conserve the landscape features through any applications made under the Act.

The Livable Oakville Plan as approved is consistent with the *Provincial Policy Statement* (2005) and the *Growth Plan for the Greater Golden Horseshoe* (2006). A Cultural Heritage Resources Policy Discussion Paper (2009) was developed as part of the Livable Oakville process and resulted in the policies in Livable Oakville that specifically relate to the conservation of cultural heritage resources found in Section 5.3 (see Schedule A).

Conservation of a cultural heritage landscape under the *Planning Act* (through an official plan amendment) is best used for large areas that have common physical characteristics with historic associations, but may lack the intensity of historic built form that is needed for a

heritage conservation district under the *Ontario Heritage Act*. More information on this conservation tool can be found in Section 4.0.

4.0 CONSERVATION STRATEGIES

There are many benefits in the recognition and conservation of the remaining cultural heritage landscapes in the Town as they ensure that local history is still visible for future generations. Cultural heritage landscapes provide a wider understanding of the context of how built resources, natural heritage and land uses function together as a whole. Instead of protecting just a farmhouse, for example, the protection of additional features that could include outbuildings (barns, sheds), landscape features (fencing, walls), transportation routes (driveways, pathways) and natural heritage features (mature trees, hedges) would provide a clearer understanding of how an historic farm would have worked. This would in turn provide information on the 'big picture' societal and contextual values of the landscape.

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.

The conservation strategies are as follows:

4.1 Processes to Identify Cultural Heritage Landscapes:

4.1.1. On-going identification of cultural heritage landscapes and their addition to the Heritage Register.

Listing cultural heritage landscapes on the Oakville Register of Cultural Heritage Value or Interest (known as the Heritage Register) provides some protection against demolition in the event that an application to demolish a structure on the cultural heritage landscape is submitted. Protection for natural heritage features on the landscape is more limited, as demolition applications are not required for natural heritage.

A cultural heritage landscape will be recommended to Council for inclusion in the Heritage Register if it has the potential to meet at least one of the three criteria outlined in Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest).

Some cultural heritage landscapes may span one or more defined property lines; all properties that contain heritage resources (natural or built) associated with the landscape should be listed on the Heritage Register. The statement of potential cultural heritage value should include a description of the entire landscape and associated properties on the Heritage Register. If only specific portions/attributes of the property are of interest, these shall be specified in the listing description to provide clarity for the property owner and for the Town.



Example of a listed cultural heritage landscape: 148 Morrison Road, Ray Lawson Park. This property is listed on the Oakville Register of Properties of Cultural Heritage Value or Interest for its c. 1912 barn and associated landscape, now part of a Town park.

4.1.2. Require heritage impact assessments for cultural heritage landscapes as necessary. The Town may require heritage impact assessments for properties that are listed or designated on the Oakville Register of Properties of Cultural Heritage Value or Interest, or for properties adjacent to designated resources. The Town also has a terms of reference for how to complete heritage impact assessments for built heritage in Oakville. However, terms of reference for heritage impact assessments for cultural heritage landscapes is required.

A heritage impact assessment for cultural heritage landscapes would be slightly wider in scope than the heritage impact assessment for built heritage. A heritage impact assessment for a cultural heritage landscape should be undertaken when there is potential impact to a property with cultural heritage landscape value or attributes that have been identified in the designation by-law or in the description of the property on the Heritage Register.

Heritage impact assessments for cultural heritage landscapes should be undertaken by heritage planning staff or by a consultant with appropriate credentials and experience. Consultants for these assessments should be members of the Canadian Association of Heritage Professionals, or be able to demonstrate their experience working with heritage features, both built and natural, to the satisfaction of heritage planning staff.

Heritage impact assessments for cultural heritage landscapes should provide an analysis of the heritage resources of the landscape, as well as a careful consideration and explanation of the potential impact of the proposed development (if there is one) on the cultural heritage landscape. Cultural heritage landscapes may also require community consultation as part of

the assessment, especially when the cultural heritage landscape encompasses multiple properties or publicly owned properties.



Example of a potential candidate for a heritage impact assessment for a cultural heritage landscape: Bronte Harbour.

4.2 Processes to Protect Cultural Heritage Landscapes:

4.2.1 Guide proposed development to ensure compatibility with and respect of identified cultural heritage landscapes.

A new development which is adjacent to or in the immediate vicinity of an identified cultural heritage landscape should as much as possible be physically and visually compatible with, and also respectful of and distinguishable from, the heritage resources of the landscape. The cultural heritage landscape should therefore be treated in such a way that all nearby work is not only sympathetic to individual heritage resources within the landscape, but also the landscape as a whole.

A key to preserving cultural heritage landscape resources within new developments is to work with the applicants proposing to re-develop the land from the earliest part of the process as possible.

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:

- 1) 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.
- 2) 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.
- 3) 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.

- 4) 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.

4.2.2. 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:

- i. 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.
- ii. 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.

- iii. 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.

4.2.3. Conservation and protection by using the most appropriate planning tool.

Designation provides increased protection against demolition of heritage features and encourages the recognition and celebration of our cultural heritage landscapes. Designation ensures that the legal property containing heritage resources, be it a residence or landscape, is protected under provincial legislation. This provides a legal means to ensure that not only the heritage resources are protected, but also that adjacent development considers, and is sensitive to, the designated heritage resources.

4.2.3.1. Designation under Part IV or Part V of the Ontario Heritage Act.

In accordance with the *Ontario Heritage Act*, an extensive evaluation of the cultural heritage landscape must be undertaken in order to determine if it merits designation. The criteria used to evaluate a property for designation is Ontario Regulation 9/06, and a property must meet one or more of its criteria in order to be designated. These criteria are described in the previous section.

Designation under Part IV of the *Ontario Heritage Act* would be most suitable for cultural heritage landscapes that are/were located entirely within one registered parcel of land. These types of landscapes could include estate houses, farm complexes, parks, natural heritage features.



Example of a designated cultural heritage landscape: Gairloch Gardens, formerly an estate residence, now a Town-owned park and art gallery.

Designation under Part V of the *Ontario Heritage Act* may be the most appropriate tool to use to protect multiple properties that share a common identity and characteristics as defined within the cultural heritage landscape. The Town's four heritage conservation districts are all examples of cultural heritage landscapes, as they include not just the built structures, but also natural heritage features, lot patterns and setbacks, transportation routes and other associated patterns of development. Heritage conservation district designation would not only identify heritage attributes within the landscape, but also provides a plan and guidelines to manage future change.

4.2.3.2. *Conservation under subsection 2(d) of the Planning Act.*

Alternatively, protection of a cultural heritage landscape could be achieved by conservation under the *Planning Act*. Cultural heritage landscape conservation under the *Planning Act* may be more appropriate for cultural heritage landscapes that span a large number of properties and may have more general characteristics to protect rather than a set of specific heritage attributes.

Conservation of a cultural heritage landscape under the *Planning Act* would require an official plan amendment. Each cultural heritage landscape would need to have its own specific OPA to include the appropriate policies tailored specifically to each cultural heritage landscape. Any applications then made for development within the boundary of a specific cultural heritage landscape would require consideration of the heritage character of the area as defined in the OPA. A heritage impact assessment for a cultural heritage landscape may be required to determine the impact of proposed development on the cultural heritage landscape. However, unlike designation under the *Ontario Heritage Act*, a heritage permit application would not be required as consideration of the potential impacts would be considered and resolved as part of the planning process.

An example of this could be the conservation of the entire Downtown Oakville Commercial Business Area as a cultural heritage landscape to protect the historic street grid and transportation patterns, as well as the predominantly low profile 2-3 storey height of existing buildings. This would result in the requirement for future planning applications within the cultural heritage landscape to consider and assess how their proposed changes assist in contributing to the conservation of the cultural heritage landscape.

All cultural heritage landscapes that are conserved under the *Planning Act* shall use Ontario Regulation 9/06 as the evaluation criteria. This is to ensure consistency with the Town's evaluation and identification process for cultural heritage landscapes.

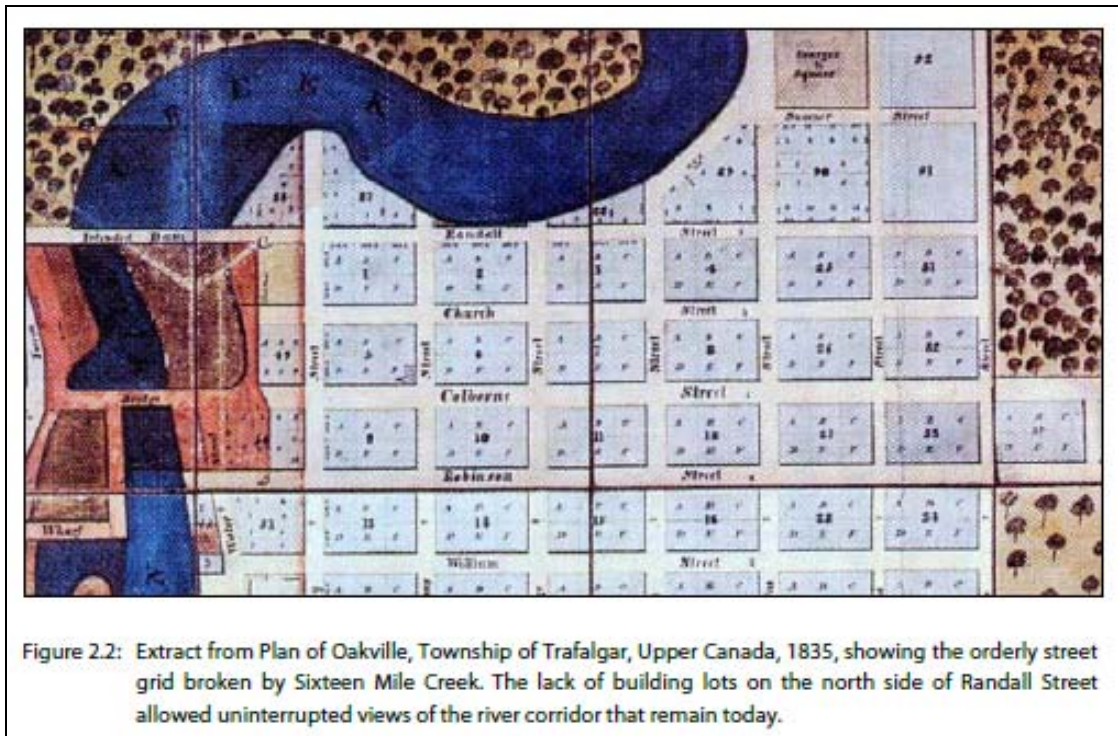


Figure 2.2: Extract from Plan of Oakville, Township of Trafalgar, Upper Canada, 1835, showing the orderly street grid broken by Sixteen Mile Creek. The lack of building lots on the north side of Randall Street allowed uninterrupted views of the river corridor that remain today.

Example of an area that could be potentially be protected as a cultural heritage landscape through an official plan amendment: Downtown Oakville and its historic street grid.

4.2.4. Conduct consultation regarding both proactive and reactive assessments of cultural heritage landscapes.

Cultural heritage landscapes may encompass multiple properties, both publicly and privately owned. As part of heritage impact assessments of cultural heritage landscape that are undertaken proactively (i.e. by the Town) or reactively (i.e. as part of a development application), community consultation or consultation with property owners/other interested parties may be required. This determination will be made by heritage planning staff prior to a heritage impact assessment for a cultural heritage landscape being undertaken, in order for any required consultation to be included as part of the assessment process. Community consultation may take the form of surveys, public meetings, stakeholder workshops or other appropriate communication strategies.

Some applications under the *Planning Act*, as well as heritage conservation district designation under Part V of the *Ontario Heritage Act*, require public consultation as part of their legislated process. Community consultation regarding cultural heritage landscapes will take place as part of these processes, providing that information is made available for discussion regarding the cultural heritage landscape.



Example of a designated area that required extensive community consultation as part of the designation process:
Downtown Oakville, historic photo of Lakeshore Road.

5.0 CONCLUSIONS AND RECOMMENDATIONS

The purpose of the study is to provide a strategy for how to define, identify and protect cultural heritage landscapes for the future.

The Town of Oakville contains cultural heritage landscapes which should be conserved. Without the conservation of these landscapes, the significant history of Oakville will not be maintained for future generations.

As part of the implementation of this study, the following recommendations are being made:

1. That this study be adopted for use as a reference tool and as a guide for managing cultural heritage landscape assessments and identification;
2. That staff create a terms of reference for heritage impact assessments for cultural heritage landscapes; and,
3. That a review of Town-owned properties that may contain cultural heritage landscapes be undertaken and staff directed to report back to Council with appropriate recommendations.