

## Proposed Text Amendments – Cultural Heritage

Grey highlighted strikethrough text = text to be deleted

**Bolded text** = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required	
			Provincial Conformity	Comments
Volume 1, Chapter A – Introduction				
A.1.1	<p>A.1.1 The City of Hamilton is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas. This land is covered by the Dish With One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. This land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and we recognize that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.</p> <p>Hamilton is a dynamic city with unique geographic attributes. Its varied landscape includes an urban area which is the centre</p>	<p>A.1.1 The City of Hamilton is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas. This land is covered by the Dish With One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. This land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and we recognize that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.</p> <p>Hamilton is a dynamic city with unique geographic attributes. Its varied landscape includes an urban area which is the centre</p>	✓ Matter of Interest	Including the City of Hamilton Land Acknowledgement within the Geographic setting acknowledges the first occupants of this land and recognizes that the City must understand the importance of stewarding this land for future generations.

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	for employment uses, community services, and residential dwellings. ...	for employment uses, community services, and residential dwellings. ...		
<b>Volume 1, Chapter B – Communities</b>				
B.3.4	<p><b>B.3.4 Cultural Heritage Resources Policies</b></p> <p>Wise management and conservation of <i>cultural heritage resources</i> benefits the community. <i>Cultural heritage resources</i> may include tangible features, structures, sites, or landscapes that, either individually or as part of a whole, are of historical, architectural, archaeological, or scenic value. <i>Cultural heritage resources</i> represent intangible heritage, such as customs, ways-of-life, values, and activities. The resources may represent local, regional, provincial, or national, <b>or Indigenous</b> heritage interests and values. ...</p>	<p><b>B.3.4 Cultural Heritage Resources Policies</b></p> <p>Wise management and conservation of <i>cultural heritage resources</i> benefits the community. <i>Cultural heritage resources</i> may include tangible features, structures, sites, or landscapes that, either individually or as part of a whole, are of historical, architectural, archaeological, or scenic value. <i>Cultural heritage resources</i> represent intangible heritage, such as customs, ways-of-life, values, and activities. The resources may represent local, regional, provincial, national, or Indigenous heritage interests and values. ...</p>	<p>√ PPS definitions of “built heritage resource” and “cultural heritage landscape”</p> <p>Growth Plan Policy 4.2.7.2</p>	Provincial Policy Statement (PPS), 2020 definitions of “built heritage resource” and “cultural heritage landscape” specify that an Indigenous community may identify the significance of a heritage resource.
B.3.4.1.3 (New)	<p>Add new policy goal to Section B.3.4.1 – Policy Goals and re-number subsequent policy goals.</p> <p><b>B.3.4.1.3 Encourage meaningful engagement with indigenous communities regarding cultural heritage and archaeological resources, in consultation with the Province.</b></p>	B.3.4.1.3 Encourage meaningful engagement with indigenous communities regarding cultural heritage and <i>archaeological resources</i> , in consultation with the Province.	<p>√ PPS Policy 2.6.5</p>	
B.3.4.2.1 j)	Add new subsection j) within Policy B.3.4.2.1 – General Cultural Heritage Policies.	B.3.4.2.1 j) Incorporate the conservation practices and principles of the Standards and Guidelines for the Conservation of	<p>√ PPS Policy 2.6.1</p>	Referencing current documents used for assessing Cultural Heritage value.

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	<b>B.3.4.2.1 j) Incorporate the conservation practices and principles of the Standards and Guidelines for the Conservation of Historic Places in Canada and the Eight Guiding Principles In The Conservation Of Built Heritage Properties, prepared by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries.</b>	Historic Places in Canada and the Eight Guiding Principles In The Conservation Of Built Heritage Properties, prepared by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries.		
B.3.4.2.7	3.4.2.7 The City shall ensure these non-designated and non-registered <i>cultural heritage properties</i> are identified, evaluated, and appropriately <del>protected from harm</del> <b>conserved</b> through various legislated planning and assessment processes, including the <u>Planning Act, R.S.O., 1990 c. P.13</u> , the <u>Environmental Assessment Act</u> and the <b>Funeral, Burial and Cremation Services Cemeteries Act</b> .	3.4.2.7 The City shall ensure these non-designated and non-registered <i>cultural heritage properties</i> are identified, evaluated, and appropriately <i>conserved</i> through various legislated planning and assessment processes, including the <u>Planning Act, R.S.O., 1990 c. P.13</u> , the <u>Environmental Assessment Act</u> and the <u>Funeral, Burial and Cremation Services Act</u> .	✓ PPS Policies 2.6.1 & 4.4.1  Growth Plan Policy 4.2.7.1	Replacing the phrase "protected from harm" to "conserved" for clarity.  The former Cemeteries Act was consolidated into the Funeral, Burial and Cremation Services Act in 2002.
B.3.4.2.8	B.3.4.2.8 To ensure consistency in the identification and evaluation of these non-designated and non-registered <i>cultural heritage properties</i> , the City shall use the criteria for determining cultural heritage value or interest established by provincial regulation under the <u>Ontario Heritage Act</u> and set out in Policy B.3.4.2.9.	B.3.4.2.8 To ensure consistency in the identification and evaluation of these non-designated and non-registered <i>cultural heritage properties</i> , the City shall use the criteria for determining cultural heritage value or interest established by provincial regulation under the <u>Ontario Heritage Act</u> .	✓ Matter of Interest	As criteria for the evaluation of cultural heritage resources has been identified by the Province in O.Reg 9/06, UHOP Policy B.3.4.2.9 may be removed from the Urban Hamilton Official Plan. See Comments for proposed changes to B.3.4.2.9 for more information.
B.3.4.2.9	Cultural Heritage Evaluation Criteria B.3.4.2.9 <del>For consistency in all heritage conservation activity, the City shall use, and require the use by others, of the following criteria to assess and identify cultural</del>	Cultural Heritage Evaluation Criteria B.3.4.2.9 The City may establish guidelines to further refine the criteria established by provincial regulation under the <u>Ontario Heritage Act</u> as set out in	✓ Matter of Interest	As criteria for the evaluation of cultural heritage resources has been identified by the Province in O.Reg 9/06, UHOP Policy B.3.4.2.9 can be removed from the Urban Hamilton Official Plan.

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	<p><del>heritage resources that may reside below or on real property:</del></p> <p><del>a) — prehistoric and historical associations with a theme of human history that is representative of cultural processes in the settlement, development, and use of land in the City;</del></p> <p><del>b) — prehistoric and historical associations with the life or activities of a person, group, institution, or organization that has made a significant contribution to the City;</del></p> <p><del>c) — architectural, engineering, landscape design, physical, craft, or artistic value;</del></p> <p><del>d) — scenic amenity with associated views and vistas that provide a recognizable sense of position or place;</del></p> <p><del>e) — contextual value in defining the historical, visual, scenic, physical, and functional character of an area; and,</del></p> <p><del>f) — landmark value.</del></p> <p><b>The City may establish guidelines to further refine the criteria established by provincial regulation under the <u>Ontario Heritage Act</u>, as set out in Policy B.3.4.2.8 and that is consistent with the provincial criteria.</b></p>	Policy B.3.4.2.8 and that is consistent with the provincial criteria.		The <u>Ontario Heritage Act</u> provides the City with the authority to refine the criteria defined by the Province.
B.3.4.2.10	<p>Delete Policy B.3.4.2.10 in its entirety and re-number subsequent policies.</p> <p><del>B.3.4.2.10 — Any property that fulfills one or more of the foregoing criteria listed in Policy B.3.4.2.9 shall be considered to possess</del></p>	N/A	√ Matter of Interest	As existing UHOP Policies B.3.4.2.9 and B.3.4.2.10 be deleted, new Policy B.3.4.2.9 be added, and subsequent policies up to and including B.3.4.2.14 be renumbered accordingly.

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	cultural heritage value. The City may further refine these criteria and provide guidelines for their use as appropriate.			
B.3.4.2.14	<del>B.3.4.2.14</del> <b>13</b> Where <i>cultural heritage</i> resources are to be affected, the City may impose conditions of approval on any <del>planning application</del> <b>Planning Act, R.S.O., 1990 c. P.13 application</b> to ensure their continued protection <b>prior to site alteration or soil disturbance</b> . In the event that rehabilitation and reuse of the resource is not viable and this has been demonstrated by the proponent, the City may require that affected resources be thoroughly documented for archival purposes, <b>and heritage features salvaged, where feasible or appropriate</b> , at the expense of the applicant prior to demolition.	B.3.4.2.13 Where <i>cultural heritage</i> resources are to be affected, the City may impose conditions of approval on any Planning Act, R.S.O., 1990 c. P.13 application to ensure their continued protection prior to <i>site alteration</i> or <i>soil disturbance</i> . In the event that rehabilitation and reuse of the resource is not viable and this has been demonstrated by the proponent, the City may require that affected resources be thoroughly documented for archival purposes, and heritage features salvaged, where feasible or appropriate, at the expense of the applicant prior to demolition.	√ PPS Policy 2.6.3	
B.3.4.2.14 (New)	<b>B.3.4.2.14 Prior to <i>site alteration</i> or <i>soil disturbance</i> relating to a <u>Planning Act, R.S.O., 1990 c. P.13</u> application, any required <i>cultural heritage impact assessment</i> must be approved, in writing by the City, indicating that there are no further cultural heritage concerns with the property or concurring with the final resource management strategy to be implemented. The City may also require a higher standard of conservation, care and protection for <i>cultural heritage resources</i> based on prevailing</b>	B.3.4.2.14 Prior to <i>site alteration</i> or <i>soil disturbance</i> relating to a <u>Planning Act, R.S.O., 1990 c. P.13</u> application, any required <i>cultural heritage impact assessment</i> must be approved, in writing by the City, indicating that there are no further cultural heritage concerns with the property or concurring with the final resource management strategy to be implemented. The City may also require a higher standard of conservation, care and protection for <i>cultural heritage resources</i> based on prevailing conditions and circumstances within the City.	√ PPS Policy 2.6.3	

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	<b>conditions and circumstances within the City.</b>			
B.3.4.4.2 (New)	<p>Insert new Policy B.3.4.4.2 and renumber subsequent policies accordingly.</p> <p><b>B.3.4.4.2 The City shall develop and maintain an Archaeological Management Plan to guide the conservation and management of archaeology within the City, in accordance with Section F.3.1.3 – Archaeological Management Plan.</b></p>	B.3.4.4.2 The City shall develop and maintain an Archaeological Management Plan to guide the conservation and management of archaeology within the City, in accordance with Section F.3.1.3 – Archaeological Management Plan.	<p>√</p> <p>PPS Policies 2.6.4</p> <p>Growth Plan Policies 4.2.7.3</p>	The City has developed an Archaeological Management Plan that will be continuously updated to reflect information from ongoing archaeological assessments.
B.3.4.4.5 (Existing)	<p>B.3.4.4.56 Prior to <i>site alteration</i> or <i>soil disturbance</i> relating to a <u>Planning Act, R.S.O., 1990 c. P.13</u> application, any required archaeological assessment must be approved, in writing by the City, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented. The City may also require a higher standard of conservation, care and protection for <i>archaeological resources</i> based on prevailing conditions and circumstances within the City and the results of any <i>dialogue engagement</i> with First Nations <b>Indigenous communities</b> and their interests.</p>	B.3.4.4.6 Prior to <i>site alteration</i> or <i>soil disturbance</i> relating to a <u>Planning Act, R.S.O., 1990 c. P.13</u> application, any required archaeological assessment must be approved, in writing by the City, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented. The City may also require a higher standard of conservation, care and protection for <i>archaeological resources</i> based on prevailing conditions and circumstances within the City and the results of any engagement with Indigenous communities and their interests.	<p>√</p> <p>PPS Policy 2.6.5</p>	
B.3.4.4.6 (Existing)	B.3.4.4.67 The City considers the following <i>archaeological resources</i> to be of particular interest, value and merit:	B.3.4.4.7 The City considers the following <i>archaeological resources</i> to be of particular interest, value and merit:	<p>√</p> <p>Matter of Interest</p>	

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	c) undisturbed or rare <del>Native</del> <b>Indigenous</b> archaeological sites;	c) undisturbed or rare <i>Indigenous</i> archaeological sites;		
B.3.4.4.9 (Existing)	B.3.4.4.9 <del>10</del> Where a marked or unmarked cemetery or burial place is encountered during any archaeological assessment or excavation activity, the provisions of the <del>Cemeteries</del> <b>Funeral, Burial and Cremation Services Act</b> and associated regulations, and the policies of this Plan shall apply. <b>Both the Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services must be contacted immediately.</b>	B.3.4.4.10 Where a marked or unmarked cemetery or burial place is encountered during any archaeological assessment or excavation activity, the provisions of the <u>Funeral, Burial and Cremation Services Act</u> and associated regulations, and the policies of this Plan shall apply. Both the Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services must be contacted immediately.	√ Matter of Interest	
B.3.4.4.10 (Existing)	B.3.4.4.10 <del>11</del> Where a marked or unmarked cemetery or burial place is found, the nearest <del>First Nation</del> <b>Indigenous community</b> shall be notified.	B.3.4.4.11 Where a marked or unmarked cemetery or burial place is found, the nearest <del>First Nation</del> <b>Indigenous community</b> shall be notified.		
B.3.4.5.2	3.4.5.2 The City shall encourage the retention and conservation of <del>significant</del> <i>built heritage resources</i> in their original locations. In considering planning applications under the <u>Planning Act, R.S.O., 1990 c. P.13</u> and heritage permit applications under the <u>Ontario Heritage Act</u> , there shall be a presumption in favour of retaining the <i>built heritage resource</i> in its original location.	3.4.5.2 The City shall encourage the retention and conservation of <i>built heritage resources</i> in their original locations. In considering planning applications under the <u>Planning Act, R.S.O., 1990 c. P.13</u> and heritage permit applications under the <u>Ontario Heritage Act</u> , there shall be a presumption in favour of retaining the <i>built heritage resource</i> in its original location.	√ PPS Definitions	New 2020 PPS definitions of "built heritage resources" and "significant" appear to both encompass both registered and designated properties and using "significant" before the term "built heritage resources" seems redundant in a practical sense.

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B.3.4.5.5	B.3.4.5.5 Where a <i>built heritage resource</i> is to be unavoidably lost or demolished, the City shall ensure the proponent undertakes one or more of the following mitigation measures, in addition to a thorough inventory and documentation of the features that will be lost: c) displaying graphic and textual descriptions of the site’s history and former use, buildings, and structures; <del>and,</del> d) <b>incorporation of salvaged materials in the design of the new development;</b> <b>and,</b> e) generally reflect the former architecture and use in the design of the new development, where appropriate and in accordance with Section B.3.3 – Urban Design Policies.	B.3.4.5.5 Where a <i>built heritage resource</i> is to be unavoidably lost or demolished, the City shall ensure the proponent undertakes one or more of the following mitigation measures, in addition to a thorough inventory and documentation of the features that will be lost: c) displaying graphic and textual descriptions of the site’s history and former use, buildings, and structures; d) incorporation of salvaged materials in the design of the new development; and, e) generally reflect the former architecture and use in the design of the new development, where appropriate and in accordance with Section B.3.3 – Urban Design Policies.	√ PPS Policy 2.6.3	Incorporating salvaged materials in the design of new <i>development</i> is a mitigation method that may be considered, when a <i>built heritage resource</i> may be lost or demolished.
Volume 1, Chapter F – Implementation				
F.1.17.8 (New)	Insert new Policy F.1.17.8, as follows: <b>F.1.17.8 The City will engage with Indigenous communities and coordinate on land use planning matters.</b>	F.1.17.8 The City will engage with Indigenous communities and coordinate on land use planning matters.	√ PPS 1.2.2	The City and Indigenous communities have a shared interest in land use planning matters and stewardship.
F.3.1.3.1	F.3.1.3.1 The City recognizes there are <i>areas of archaeological potential</i> and <i>archaeological resources</i> that remain unidentified and have yet to be subjected to a detailed assessment by a licensed archaeologist. <b>The Archaeology Management Plan shall outline the City’s roles and responsibilities to guide the</b>	F.3.1.3.1 The City recognizes there are <i>areas of archaeological potential</i> and <i>archaeological resources</i> that remain unidentified and have yet to be subjected to a detailed assessment by a licensed archaeologist. The Archaeology Management Plan shall outline the City’s roles and responsibilities to guide the	√ PPS Policies 2.6.4  Growth Plan Policies 4.2.7.3	Hamilton’s Archaeological Management Plan was adopted by Council in 2016 and the document references that private landowners and consultants shall consult with the Plan.



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	conservation and management of archaeology within the City of Hamilton, and to provide policy and protocol for implementation, ensuring that the management of archaeology is systematic and consistent across the City. To assist land owners and to provide for appropriate development, the City shall prepare an archaeology management plan.	conservation and management of archaeology within the City of Hamilton, and to provide policy and protocol for implementation, ensuring that the management of archaeology is systematic and consistent across the City.		
F.3.1.3.2	Delete Policy F.3.1.3.2 in its entirety. <del>F.3.1.3.2 — Until such time as an archaeology management plan is complete, archaeological resource sites or areas of archaeological potential shall be identified and evaluated in accordance with provincial guidelines and City policies and protocols.</del>			Cultural Heritage Topic Area