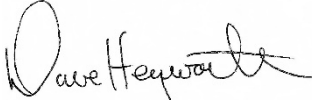




Hamilton

INFORMATION REPORT

TO:	Chair and Members Hamilton Municipal Heritage Committee
COMMITTEE DATE:	September 27, 2024
SUBJECT/REPORT NO:	Provincial Planning Statement, 2024, and its Cultural Heritage Resource Policies (PED23113(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alissa Golden (905) 546-2424 Ext. 1202
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	Per: 

COUNCIL DIRECTION

Not applicable.

INFORMATION

On August 20, 2024, Ontario’s Minister of Municipal Affairs and Housing issued a new Provincial Planning Statement under the *Planning Act*, attached as Appendix “A” to Report PED23113(a), that takes effect on October 20, 2024. The Provincial Planning Statement, 2024, will replace the existing Provincial Policy Statement, 2020, and Places to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). Under the *Planning Act*, planning decisions shall be consistent with policy statements, such as the new Provincial Planning Statement, which is intended to provide a streamlined province-wide land use planning policy framework that enables more housing to be built faster in a way that protects the environment, public health and safety and manages natural resources.

The City’s existing Official Plan policies remain in force and effect. The new Provincial Planning Statement represents a minimum standard for municipalities in the consideration of applications under the *Planning Act*; municipal policies can be more restrictive than the provincial policy framework. A statutory review of the City’s existing

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Official Plan policies is forthcoming to address to the Provincial Planning Statement and any policy changes would be recommended at that time.

Background

On April 6, 2023, Ontario's Ministry of Municipal Affairs and Housing posted Environmental Registry of Ontario # 019-6813 for the "Review of proposed policies adapted from the Growth Plan and Provincial Policy Statement to form a new provincial planning policy instrument". The draft policy document, known as the Proposed Provincial Planning Statement, dated April 6, 2023, was originally posted for comment on the Environmental Registry of Ontario until June 5, 2023. As described in the posting, the proposed Provincial Planning Statement, in part, is intended to update the cultural heritage policies to align with *Ontario Heritage Act* amendments through Bill 108 and Bill 23, with a focus on conserving protected heritage properties.

City Comments on Proposed Provincial Planning Statement

As part of the City's submission to the Province, Cultural Heritage Planning staff prepared comprehensive comments on the proposed Provincial Planning Statement, which were compiled as part of Report PED23145 to Planning Committee and Council addressing all of the relevant legislative changes resulting from the document, to be submitted to the Province. The comprehensive cultural heritage comments on the draft Provincial Planning Statement that were included in Report PED23145 are attached as Appendix "B" to Report PED23113(a). Key takeaways from staff's comments are as follows:

1. Diminishing the City's Ability to Conserve Significant Heritage Resources

The proposed revisions to the cultural heritage resource policies, and the corresponding removal of the definition of "significant" with regard to cultural heritage resources, would diminish the municipality's ability to evaluate and protect a significant built heritage resource or cultural heritage landscape through the development application process under the *Planning Act*. The definition of significant in the 2020 Provincial Policy Statement included a recognition that not all significant heritage properties have been identified, even with proactive inventory work, and there may still be significant resources that would be identified and evaluated through the *Planning Act* process that should be conserved.

This policy revision would require municipalities to designate properties containing cultural heritage resources to ensure that they are considered a "protected heritage property" and conserved through the *Planning Act* process. In the case of applications considered to be "prescribed events" as per Ontario

Regulation 385/21 of the *Ontario Heritage Act*, the City would be required to proactively designate prior to an application or within 90-days of a prescribed event being triggered. This policy change would also impact how cultural heritage landscapes are identified and require the City to re-evaluate landscapes identified in Official Plans and in the City's Inventory of Cultural Heritage Landscapes, to take alternative actions to ensure their conservation, such as designation under the *Ontario Heritage Act*.

2. Refocusing the City's Built Heritage Inventory Strategy

The City's Built Heritage Inventory Strategy is a proactive initiative for the identification of built heritage resources of cultural heritage value or interest. To date, the City's Strategy has focused on listing properties of heritage interest on the Municipal Heritage Register to provide interim protection from demolition, and flagging significant heritage properties that may be worthy of designation under Part IV of the *Ontario Heritage Act*. Recent staff Report PED22211(a) identified the need to re-evaluate and focus the Built Heritage Inventory Strategy work in light of the Bill 23 amendments to the *Ontario Heritage Act*, and to focus on Part IV designation of properties and the identification of new Heritage Conservation Districts for designation under Part V of the Act. The proposed Provincial Planning Statement further heightens the need to refocus the City's proactive heritage planning work to ensure that areas with concentrations of cultural heritage resources, like historical neighbourhoods and cultural heritage landscapes identified in the City's Urban and Rural Hamilton Official Plans and on the City's Cultural Heritage Landscape Inventory, are identified and protected to ensure they are conserved through the *Planning Act* process.

Based on the policies included in the proposed Provincial Planning Statement, staff anticipate significant staffing and resource impacts to be able to ensure previously unprotected (undesignated) significant heritage resources are conserved through the *Planning Act* process. These heritage resources include properties of heritage interest on the Inventory of Heritage Properties, Inventory of Cultural Heritage Landscapes and Municipal Heritage Register that are not "protected heritage property".

2024 Provincial Planning Statement

From April 10 to May 12, 2024, the Province undertook public consultation on updated policies, incorporating feedback received from the previous 2023 consultation on the proposed Provincial Planning Statement (ERO #019-6813). On August 20, 2024, the Province of Ontario released the final version of the Provincial Planning Statement, 2024, attached as Appendix "A" to Report PED23113(a), which is set to take effect on October 20, 2024. The Province considered the feedback received on the proposed Provincial Planning Statement and noted in their Environmental Registry of Ontario post

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that, “[s]ome municipalities and stakeholders in the cultural heritage sector expressed concerns that cultural heritage protections would be weakened.”

The Province identifies key changes informed by the April-May 2024 consultation on the Provincial Planning Statement, including the reintroduction of the definition of “significant” for the purposes of cultural heritage resources and archaeology, reverting to the previous definition in the existing Provincial Policy Statement, 2020. The Provincial Planning Statement, 2024, requires that protected heritage property be conserved, but also encourages planning authorities to develop and implement proactive strategies for conserving significant built heritage resources and cultural heritage landscapes.

The Cultural Heritage and Archaeology policies contained in Section 4.6 of the new Provincial Planning Statement, 2024, are as follows [*italics identify defined terms in the document*]:

- “1. *Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.*
2. Planning authorities shall not permit *development and site alteration* on lands containing *archaeological resources* or *areas of archaeological potential* unless the *significant archaeological resources* have been conserved.
3. Planning authorities shall not permit *development and site alteration* on *adjacent lands* to *protected heritage property* unless the *heritage attributes* of the *protected heritage property* will be conserved.
4. Planning authorities are encouraged to develop and implement:
 - a) archaeological management plans for conserving *archaeological resources*; and
 - b) proactive strategies for conserving *significant built heritage resources* and *cultural heritage landscapes*.
5. Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting, and managing *archaeological resources, built heritage resources and cultural heritage landscapes.*”

City Comments on 2024 Provincial Planning Statement

The final Provincial Planning Statement, which comes into effect on October 20, 2024, addresses some of the concerns and comments previously identified by staff, as follows:

- Reintroduction of the previous definition of “adjacent lands”, with regards to cultural heritage, enabling municipalities to otherwise define adjacency in their official plans; and,
- Reintroduction of the definition of “significant”, with regards to cultural heritage. This definition assists in interpreting subsection 3(d) of the *Planning Act* which identifies the “conservation of features of significant architectural, cultural, historical, archaeological or scientific interest” as matters of provincial interest that the municipality shall have regard to, among other matters, in carrying out its responsibilities under the Act.

Although only “protected heritage property” (i.e., property designated or subject to easement under the *Ontario Heritage Act*) is required to be conserved under the new Provincial Planning Statement, the inclusion of the definition of significant does assist municipalities in requiring that unprotected significant cultural heritage resources are evaluated and conserved through the *Planning Act* process.

Next Steps

Policy 4.6.4(b) of the Provincial Planning Statement, 2024, encourages municipalities to develop and implement proactive strategies for conserving significant built heritage resources and cultural heritage landscapes. Staff will be reporting back before the end of 2024 with recommendation actions for refocusing the Built Heritage Inventory Strategy and for new district designation work moving forward. Staff will also be reporting back to the Hamilton Municipal Heritage Committee before the end of 2024 on the progress of the City’s Part IV heritage designation work in response to the Bill 23 changes to the *Ontario Heritage Act*, another important component of a proactive strategy for the conservation of significant cultural heritage resources.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23113(a) – Provincial Planning Statement, August 20, 2024
Appendix “B” to Report PED23113(a) – Excerpt of Cultural Heritage Comments on the Proposed Provincial Planning Statement from Appendix “D” to Report PED23145

AG:sd