

**Excerpt of Cultural Heritage Comments on the Proposed Provincial Planning Statement from Appendix “D” to Report PED23145**

Summary of Proposed Change	Comments
<b>Chapter 1: Introduction</b>	
Proposed Vision	
<p>There is no longer a recognition on the value of cultural heritage in the overall Vision. The importance and value of cultural heritage in creating great communities is more than just providing a sense of place, it provides environmental, economic, and social benefits to communities and needs to be recognized in the vision although it is noted policies are still included under “Wise Management of Resources” section in Chapter 4.</p>	
<b>Chapter 2: Building Homes, Sustaining Strong and Competitive Communities</b>	
<b>2.5 Rural Areas in Municipalities</b>	
<p>Revises policy 2.5.2 (previously 1.1.4.3) to add “locally appropriate” when referring to rural characteristics to be considered for development in rural settlement areas.</p>	<p>The City is supportive of adding “locally appropriate” to this policy which helps support the City’s efforts to establish rural settlement area specific policies that reflect local conditions and priorities. “Locally appropriate” and “rural characteristics” should be defined in the proposed PPS. Defining these terms will help to clarify questions such as whether the conservation and enhancement of cultural heritage resources such as agricultural landscapes and historic settlement areas are considered “rural characteristics”</p>
<b>2.9 Energy Conservation, Air Quality and Climate Change</b>	
<p>Modifies the approaches for planning for the impacts of a changing climate under Section 2.9 (previously 1.8) with less focus on the location of certain land uses to minimize transportation congestion.</p>	<p>Specific reference should be made to the role of the retention and retrofitting existing buildings, including buildings of cultural heritage value, to achieve these goals.</p>
<b>Chapter 4: Wise Use and Management of Resources</b>	
<b>4.3 Agriculture</b>	
<p>Adds policy 4.3.3.3 which discourages non-residential lot creation in prime agricultural areas and prescribes criteria when it is permitted.</p>	<p>The City of Hamilton recommends including the facilitating the retention and conservation of a significant cultural heritage resource in the prescribed criteria for permissions for lot creation.</p>

Summary of Proposed Change	Comments
<b>4.6 Cultural Heritage and Archaeology</b>	
<p>4.6.1 Replacement of “significant” cultural heritage resources (including built heritage resources and cultural heritage landscapes) with “protected heritage property”.</p> <p>This change is in conjunction with the removal of the definition of <i>significant</i>, in regard to cultural heritage (definition e), and revisions to the definition of <i>protected heritage property</i>, <i>built heritage resource</i>, <i>cultural heritage landscape</i> from the <b>Definitions</b> section.</p>	<p>The change from “significant” to “protected heritage property” is not consistent with the language in Section 2 of the <i>Planning Act</i> outlining the provincial interest, which includes: (d) the conservation of features of <b>significant</b> architectural, cultural, historical, archaeological, or scientific interest; [emphasis added]</p> <p>The proposed change diminishes the City’s ability to conserve significant heritage resources.</p> <p>Through the revision of PPS, 2020 policy 2.6.1, now 4.6, and the corresponding removal of the definition of <i>significant</i> with regard to cultural heritage resources, the ability of the municipality to evaluate and protect a significant built heritage resource or cultural heritage landscape is diminished. The previous definition of <i>significant</i> included a recognition that not all significant heritage properties have been identified, even with proactive inventory work (as proposed with new policy 4.6.4(b)), and there may still be significant resources that would be identified and evaluated through the <i>Planning Act</i> process that should be conserved.</p> <p>This policy change will require municipalities to designate properties containing cultural heritage resources to ensure that they are <i>conserved</i> through the <i>Planning Act</i> process. In the case of applications considered to be “prescribed events” as per <i>Ontario Regulation 385/21</i> of the <i>Ontario Heritage Act</i>, this would require the City to proactively designate prior to an application or within 90-days of a prescribed event being triggered.</p>

Summary of Proposed Change	Comments
<p>4.6.1 Replacement of “significant” cultural heritage resources (including built heritage resources and cultural heritage landscapes) with “protected heritage property”. <b>(Continued)</b></p>	<p>The changes to the language in this policy will require a review and update of the City’s cultural heritage resource policies in the official plans, which currently include policies to ensuring that previously unidentified cultural heritage resources (built heritage resources and cultural heritage landscapes) are conserved, and allow the municipality to require Cultural Heritage Impact Assessments and Documentation and Salvage Reports for properties of heritage interest that are not yet <i>protected heritage property</i>.</p> <p>This policy revision, in conjunction with the removal of the definition of <i>significant</i> and the revision of the definition of <i>cultural heritage landscape</i>, will require the City to re-evaluate the Cultural Heritage Landscapes (CHL) identified on the Official Plans and in the City’s Inventory of CHLs, and to take alternative actions to ensure their conservation, such as designation under the <i>Ontario Heritage Act</i>. This is anticipated to have significant impacts on budget and staffing and may result in the loss of features and buildings within cultural heritage landscapes of interest without <i>Ontario Heritage Act</i> protections.</p> <p>Note: There are minor administrative changes to the definition of <i>protected heritage property</i>, but the intent of the definition remains the same.</p> <p>There is now stronger language around engaging with Indigenous groups early in the process when identifying, protecting, and managing archaeological resources. Staff support early engagement with Indigenous communities in the Planning process. Archaeological assessments for parks, trails, open space projects are regularly conducted by Environmental Services staff when identified by Planning staff to have archaeological potential.</p>

Summary of Proposed Change	Comments
<p>Proposed policy 4.6.4 a) revises previous PPS, 2020 policy 2.6.4</p>	<p>The proposed revisions include the removal of language that encouraged the development of cultural plans in the conservation of cultural heritage resources and adds language to encourages planning authorities to develop and implement “proactive strategies for identifying properties for evaluation under the <i>Ontario Heritage Act</i>.” This policy revision is consistent with the City’s Built Heritage Inventory (BHI) Strategy, which is a proactive initiative for the identification of built heritage resources of cultural heritage value or interest. To date, the City’s BHI 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 <i>Ontario Heritage Act</i>. Recent staff Report PED22211(a) identified the need to re-evaluate and focus the BHI Strategy work in light of the Bill 23 amendments to the <i>Ontario Heritage Act</i>, 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. Staff will be reporting back with recommended actions for refocusing the BHI Strategy and for new HCD work moving forward.</p>
<p>Proposed policy 4.6.5 Revises previous PPS, 2020 policy 2.6.5</p>	<p>The proposed revisions include the addition of “early” to the direction for planning authorities to engage with Indigenous communities when identifying, protecting, and managing cultural heritage resources, including archaeology, built heritage resources and cultural heritage landscapes. The revised language also directs planning authorities to “ensure” that the interests of Indigenous communities are considered, rather than they “consider their interests”.</p> <p>Early engagement is already a best practice in the City of Hamilton and is already reflected in the City’s Archaeology Management Plan (AMP) and Indigenous Archaeological Monitoring Policy.</p>

## Chapter 7: Definitions

- **Adjacency** - The definition of *adjacency* for the purposes of policy 4.6.3 (cultural heritage resources) has been revised to remove the language that allowed municipalities to further define adjacency in their official plans. The revised definition of adjacency will now only apply to those lands contiguous to a *protected heritage property*. The City’s official plans currently have a definition of adjacency that includes within 50 metres of a protected heritage property, which allows for consideration of properties across municipal right-of-ways. These definitions in the City’s official plans will need to be revised.
- **Archaeological Resources** – There are minor administrative changes to the definition of *archaeological resources*, but the intent of the definition remains the same.
- **Areas of Archaeological Potential** – There are minor administrative changes to the definition of *areas of archaeological potential*, but the intent of the definition remains the same.
- **Built Heritage Resource** – The definition of *built heritage resource* has been revised to remove the following:

*Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.*

The removal of this language from the definition is consistent with the corresponding policy change of new policy 4.6.1 which removes reference to a significant built heritage resources and requires a BHR to be a protected heritage property in order to be conserved through the development process. This will require the City to re-evaluate Inventoried and Listed (Registered) properties identified on the Official Plans and to take alternative actions to ensure their conservation, such as designation under the *Ontario Heritage Act*.

- **Conserved** - The definition of *conserved* has been strengthened to indicate that mitigative measures and alternative development approaches “should” be included in related heritage studies required as part of the development application process, rather than “can”.
- **Cultural Heritage Landscape** - The definition of *cultural heritage landscape* has been revised to remove the following:

*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.*

The removal of this language from the definition is consistent with the corresponding policy change of new policy 4.6.1 which removes reference to a significant cultural heritage landscape and requires a CHL to be a protected heritage property in order to be conserved through the development process. This will require the City to re-evaluate the CHLs identified on the Official Plans and to take alternative actions to ensure their conservation, such as designation under the *Ontario Heritage Act*.

- **Heritage Attribute** - The definition of *heritage attributes* has been updated to clarify its relationship to attributes identified as part of designation under the *Ontario Heritage Act*.
- **Protected Heritage Property** - There are minor administrative changes to the definition of *protected heritage property*, but the intent of the definition remains the same.
- **Significant** - The definition of *significant*, in regard to cultural heritage, (definition e) has been removed from the Definitions section. This is in conjunction with the removal of significant from new **Section 4.6 Cultural Heritage and Archaeology**. The definition of Significant in the PPS, 2020, was:

*e) 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. Criteria for determining significance for the resources identified in sections (c)-(d) 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.*

Through the removal of the definition of significant and the corresponding policy from previous PPS 2.6.1, the ability of the municipality to evaluate and protect a significant built heritage resource or cultural heritage landscape is diminished. The previous definition include 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.