

Request for Decision

Heritage Impact Assessment Guidelines

Presented To:	Planning Committee
Presented:	Monday, Mar 08, 2021
Report Date	Wednesday, Feb 10, 2021
Type:	Managers' Reports
File Number:	HER-2021-01-00

Resolution

THAT The City of Greater Sudbury directs staff to consult with the Municipal Heritage Advisory Panel, the Development Liaison Advisory Panel, and other stakeholders on the attached draft Heritage Impact Assessment Guidelines and return no later than the end of Q2, 2021 with recommended guidelines, as outlined in the report entitled "Heritage Impact Assessment Guidelines", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on March 8, 2021.

Relationship to the Strategic Plan / Health Impact Assessment

The protection and conservation of cultural heritage resources provides economic, environmental and social benefits and is consistent with Council's strategic objectives of creating a healthier community and strengthening community vibrancy.

Report Summary

This report presents a draft framework for Heritage Impact Assessment Guidelines. The intent of the guidelines is to outline the information requirements when development is proposed on or adjacent to protected heritage properties. The proposed draft guidelines are based on municipal best practices in Ontario and on advice from the Ontario Heritage Tool Kit.

Staff is seeking direction to consult with the Municipal Heritage Advisory Panel, the Development Liaison Advisory Panel and other key stakeholders prior to finalizing the guidelines.

Financial Implications

Signed By

Report Prepared By

Ed Landry
Senior Planner
Digitally Signed Feb 10, 21

Manager Review

Kris Longston
Manager of Community and Strategic Planning
Digitally Signed Feb 10, 21

Recommended by the Division

Alex Singbush
Manager of Development Approvals
Digitally Signed Feb 10, 21

Financial Implications

Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Feb 12, 21

Recommended by the Department

Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Feb 16, 21

Recommended by the C.A.O.

Ed Archer
Chief Administrative Officer
Digitally Signed Feb 24, 21

There are no financial implications associated with this report at this time.

Heritage Impact Assessment Guidelines

Planning Services Division

Report Date – February 1, 2021

BACKGROUND

Staff presented a Cultural Heritage Policy Discussion Paper as part of the five-year review of the City's Official Plan (See Reference 1). The November 4, 2013 report outlined the heritage planning framework in Ontario, cultural-heritage related comments received from the public as part of the five year review process and examples of cultural heritage official plan policies from other municipalities. The report presented some options and recommendations regarding potential changes to augment the existing heritage conservation policies in the City of Greater Sudbury Official Plan (OP).

The City of Greater Sudbury adopted the first phase of the five-year review OP on June 26, 2018 (See Reference 2). The OP was approved by the Province on April 25, 2019. The updated Heritage section includes a new policy 2, which states the following:

"A cultural heritage impact assessment will be required for development and intensification proposals or public works that include or are contiguous to a property designated under the Ontario Heritage Act or non-designated property included on the Municipal Heritage Register. The cultural heritage impact assessment will be undertaken in accordance with the policies of this plan. The City will determine the need for a cultural impact heritage assessment in consultation with the owner/applicant. A cultural heritage impact assessment will include the following elements:

- a. identification and evaluation of the cultural heritage resource;
- b. graphic and written inventory of the cultural heritage resource;
- c. assessment of the proposal's impact on the cultural heritage resource;
- d. alternatives to the proposal;
- e. identification and justification of the preferred option; and
- f. means to mitigate impacts, in accordance with Chapter 13.0, Heritage Resources;"

Provincial Policy Statement, 2020

A decision of Council on a planning matter shall be consistent with the provincial policy statements issued under the Planning Act that are in effect on the date of the decision (See Reference 3). Regarding Cultural Heritage, policy 2.6.1 of the Provincial Policy Statement, 2020 (2020 PPS) states that "*Significant built heritage resources and significant cultural heritage landscapes shall be conserved*".

Policy 2.6.3 states that "Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be conserved."

The PPS defines “protected heritage property” as “property designated under Parts IV [Individual Properties], V [Heritage Conservation Districts] or VI [Archaeological Value] 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.”

The City’s Official Plan policies on heritage conservation are consistent with the 2020 PPS. The OP also provides a higher standard to listed properties. Specifically, our policies contemplate that a Heritage Impact Assessment may be required for development proposed adjacent to a non-designated property listed on the Municipal Heritage Register.

Ontario Heritage Tool Kit

The Ontario Heritage Tool Kit includes Info Sheet # 5 “Heritage Impact Assessments and Conservation Plans” (See Attachment A). The advice provided in the information sheet has been incorporated into the draft HIA guidelines, including the minimum contents of an HIA, and the definitions of terms such as negative impact and mitigative/alternative approaches (See Attachment B).

Municipal Best Practices

Staff has reviewed Terms of Reference and other Heritage Impact Guidelines from municipalities such as Hamilton, Milton, Waterloo, Mississauga and the City of Kawartha Lakes. Best practices from these municipalities have been incorporated in the draft HIA, including the terms of reference of a HIA, and how and when to process HIAs. In the Greater Sudbury context, our SPART (Sudbury Planning Application Review Team) process can be used as an important step in the heritage conservation process.

Proposed Changes to Ontario Heritage Act

Staff recently reported on proposed changes to the Ontario Heritage Act (See Reference 4). As of the writing of this report, the changes are still not in effect. Staff will continue to monitor the proposed legislative and regulatory changes as these could have an effect on these guidelines. For example, the Province is proposing minimum requirements for complete applications, introducing new thresholds of impact on heritage resources, and changing the way appeals are managed.

SUMMARY AND NEXT STEPS

This report presented the framework for the proposed draft Heritage Impact Assessment Guidelines for the City of Greater Sudbury (See Attachment B). The draft proposed HIA is based on Official Plan policy, Provincial policy, and municipal best practices.

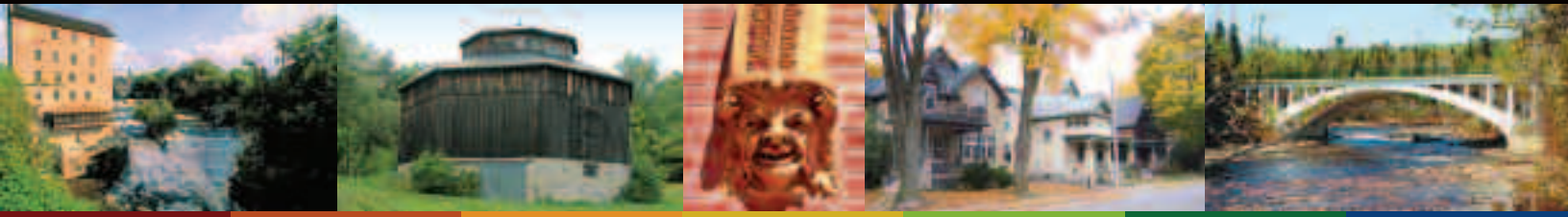
Staff should now be directed to consult with the Municipal Heritage Advisory Panel, the Development Liaison Advisory Panel, and other key stakeholders prior to finalizing the guidelines.

REFERENCES

1. “Cultural Heritage Policy Discussion Paper”, report presented at the November 4, 2013 Planning Committee Meeting
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=5&id=615>
2. City of Greater Sudbury Official Plan
<https://www.greatersudbury.ca/city-hall/reports-studies-policies-and-plans/official-plan/>
3. Provincial Policy Statement, 2020
<https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>
4. “Bill 108 and the Ontario Heritage Act”, report presented at the November 9, 2020 Planning Committee Meeting
<https://agendasonline.greatersudbury.ca/index.cfm?pg=feed&action=file&agenda=report&itemid=16&id=1458>

ATTACHMENTS

- A. Ontario Heritage Toolkit Info Sheet # 5 “Heritage Impact Assessments and Conservation Plans”
- B. Proposed Draft Heritage Impact Assessment Guidelines
- C. Policy Framework



InfoSheet #5

Heritage Impact Assessments and Conservation Plans

Winter 2006

Preserved Goldie Mill Ruins located in the City of Guelph



(Leanne Piper)

Heritage impact assessments and conservation plans as conditions of development and site alteration

With regard to cultural heritage and *archaeological resources*, the Provincial Policy Statement, 2005 issued under the authority of the Planning Act defines “*conserved*” as “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.”

To conserve a cultural heritage resource, a municipality or approval authority may require a heritage impact assessment and/or a conservation plan to guide the approval, modification, or denial of a proposed *development* or *site alteration* that affects a cultural heritage resource. To ensure implementation of a conservation plan, a municipality may require an owner to post a letter of credit, bond or certified cheque as part of the *development* approval process.

This applies to all properties or geographic areas containing cultural heritage resources that are *significant* or “valued for the important contribution they make to our understanding of the history of a place, an event, or a people.” (PPS, 2005). Properties and geographic areas include: all listed, inventoried, mapped heritage properties by local, provincial or federal jurisdiction(s); *protected heritage property(s)*; newly identified cultural heritage sites which may need further evaluation; and areas that can be identified as having known archaeological sites or archaeological potential.

Using tools such as heritage impact assessments and conservation plans, municipalities and approval authorities can further enhance their own heritage preservation objectives.

PRINCIPLES IN THE CONSERVATION OF HISTORIC PROPERTIES

Respect for Documentary Evidence

Do not base restoration on conjecture.

Respect for Original Location

Do not move buildings unless there is no other means to save them.

Respect for Historic Material

Repair/conservate rather than replace building materials and finishes, except where absolutely necessary.

Respect for Original Fabric

Repair with like materials.

Respect for the Building's History

Do not restore to one period at the expense of another period.

Reversibility

Alterations should allow a resource to return to its original conditions.

Legibility

New work to be distinguishable from old.

Maintenance

With continuous care, future restoration will not be necessary.

A **heritage impact assessment (or equivalent study)** is a study to determine if any cultural heritage resources (including those previously identified and those found as part of the site assessment) or in any *areas of archaeological potential*, are impacted by a specific proposed *development* or *site alteration*. It can also demonstrate how the cultural heritage resource will be *conserved* in the context of redevelopment or *site alteration*. Mitigative or avoidance measures or alternative *development* or *site alteration* approaches may be recommended. For archaeological assessments, fieldwork must be undertaken by licensed professional archaeologists in accordance with the Ontario Heritage Act and its regulations. (refer to InfoSheet #3 entitled *Archaeological Resources and Areas of Archaeological Potential*).

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.

What is the content of a heritage impact assessment?

A heritage impact assessment generally contains, but is not limited to the following information:

1. Historical Research, Site Analysis and Evaluation

If the available identification and description of the significance and *heritage attributes* of the cultural heritage resource are inadequate for the purposes of the heritage impact assessment, or the cultural heritage resource is newly identified, research, site survey and analysis, and evaluation are required. An explanation of the methodology used must accompany a clear statement of the conclusions regarding the significance and *heritage attributes* of the cultural heritage resource.

2. Identification of the Significance and Heritage Attributes of the Cultural Heritage Resource

This is usually a summary of the cultural heritage value or interest and the *heritage attributes* contained in a heritage property municipal designation bylaw, heritage conservation easement agreement, or other listings. This summary should clearly articulate the cultural heritage value or interest and *heritage attributes* of the heritage resource. If the property is not a *protected heritage property* but is listed or is newly identified and may possess heritage significance, statements of cultural heritage value or interest and the *heritage attributes* should still be developed.

3. Description of the Proposed Development or Site Alteration

This description details the rationale and purpose for the *development* or *site alteration*, the proposed works and graphical layout, and how the *development* or *site alteration* fits with the objectives of the municipality or approval authority.

4. Measurement of Development or Site Alteration Impact

Any impact (direct or indirect, physical or aesthetic) of the proposed *development* or *site alteration* on a cultural heritage resource must be identified. The effectiveness of any proposed conservation or mitigative or avoidance measures must be evaluated on the basis of established principles, standards and guidelines for heritage conservation.

5. Consideration of Alternatives, Mitigation and Conservation Methods

Where an impact on a cultural heritage resource is identified, and the proposed conservation or mitigative measures including avoidance, are considered ineffective, other conservation or mitigative measures, or alternative *development* or *site alteration* approaches must be recommended.

6. Implementation and Monitoring

This is a schedule and reporting structure for implementing the recommended conservation or mitigative or avoidance measures, and monitoring the cultural heritage resource as the *development* or *site alteration* progresses.

7. Summary Statement and Conservation Recommendations

This is a description of:

- the significance and *heritage attributes* of the cultural heritage resource;
- the identification of any impact that the proposed *development* will have on the cultural heritage resource;
- an explanation of what conservation or mitigative measures, or alternative *development* or *site alteration* approaches are recommended to minimize or avoid any impact on the cultural heritage resource;
- if applicable, clarification of why some conservation or mitigative measures, or alternative *development* or *site alteration* approaches are not appropriate.

NEGATIVE IMPACTS

Negative impact on a cultural heritage resource include, but are not limited to:

Destruction of any, or part of any, *significant heritage attributes* or features;

Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance;

Shadows created that alter the appearance of a *heritage attribute* or change the viability of a natural feature or plantings, such as a garden;

Isolation of a *heritage attribute* from its surrounding environment, context or a *significant* relationship;

Direct or indirect obstruction of *significant* views or vistas within, from, or of built and natural features;

A change in land use such as rezoning a battlefield from open space to residential use, allowing new *development* or *site alteration* to fill in the formerly open spaces;

Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an *archaeological resource*.

MITIGATION OR AVOIDANCE

Methods of minimizing or avoiding a negative impact on a cultural heritage resource include, but are not limited to:

- Alternative *development* approaches
- Isolating *development* and *site alteration* from *significant* built and natural features and vistas
- Design guidelines that harmonize mass, setback, setting, and materials
- Limiting height and density
- Allowing only compatible infill and additions
- Reversible alterations
- Buffer zones, site plan control, and other planning mechanisms

For more information contact:

Ontario Ministry of Culture

400 University Avenue, 4th Floor

Toronto, ON M7A 2R9

General_Info@mcl.gov.on.ca

(416) 212-0644

1 (866) 454-0049

web page:

<http://www.culture.gov.on.ca>

Additional information on the Provincial Policy Statement, 2005 is available on the Ministry of Municipal Affairs and Housing web page:
<http://www.mah.gov.on.ca>

What is the content of a conservation plan?

A Conservation Plan generally contains, but is not limited to the following information:

1. **Identification** of the conservation principles appropriate for the type of cultural heritage resource being *conserved*;
2. **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;
3. **Recommendations** for conservation measures and interventions, short or long term maintenance programs, implementation, and the qualifications for anyone responsible for the conservation work;
4. **Schedule** for conservation work, inspection, maintenance, costing, and phases of rehabilitation or restoration work;
5. **Monitoring** of the cultural heritage resource and the *development* of a long term reporting structure.

Who is qualified to prepare a heritage impact assessment and conservation plan?

Heritage impact assessments and conservation plans for *built heritage resources* and *cultural heritage landscapes* must be prepared by qualified individuals, such as architectural and landscape consultants with knowledge of accepted standards of historical research, identification, evaluation, and methods of conservation and mitigation. For properties containing *archaeological resources* or *areas of archaeological potential*, only licensed professional archaeologists can carry out technical assessments and alter known archaeological sites.

Further information on heritage impact assessments and conservation plans will be available in future technical guides and manuals developed by the Ministry of Culture.

*Note: This InfoSheet was developed to assist participants in the land use planning process and to understand the PPS, 2005 policies related to the conservation planning of cultural heritage and *archaeological resources*. The information in the InfoSheet should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter.

Header photos: Elora Mill (Copyright 2006 Ontario Tourism), Cunnington-Osborne Farm Complex, Caledon (Sally Drummond), Whig-Standard Building, Kingston (Marcus Létourneau), Victoria Park Heritage Conservation District, Kitchener (Ministry of Culture), Black Bay Bridge, Thunder Bay (Ministry of Culture)

ATTACHMENT B - DRAFT HERITAGE IMPACT ASSESSMENT GUIDELINES

What is a Heritage Impact Assessment?

A Heritage Impact Assessment (HIA) is a study to determine if any cultural heritage resources are impacted by a specific proposed development or site alteration. It can also demonstrate how the cultural heritage resource will be conserved in the context of redevelopment or site alteration. Mitigative, avoidance measures, alternative development, and/or site alteration approaches may be recommended. HIAs are an important planning tool in the land development process.

Policy Context

The City of Greater Sudbury Official Plan (Section 13.0) requires a Heritage Impact Assessment for development and intensification proposals or public works that include or are contiguous to a property designated under the *Ontario Heritage Act* or non-designated property included on the Municipal Heritage Register. The City's Official Plan permits an HIA to be scoped or waived by the City.

The Provincial Policy Statement (PPS, 2020) issued under the Ontario Planning Act encourages municipalities to use HIAs in the planning process.

See Appendices for more information on the policy context.

When is a Heritage Impact Assessment required?

A Heritage Impact Assessment is required for certain applications involving the following types of properties:

- A. Applications on Designated Property
- B. Applications contiguous to Designated Property
- C. Applications on properties listed on the Municipal Heritage Register
- D. Applications contiguous to properties listed on the Municipal Heritage Register

A. Applications on Designated Property

The types of applications that may trigger the need for an HIA for development or intensification proposals that **include** a property **designated** under the Heritage Act include (but are not limited to) the following:

- Site Plan Control
- Zoning By-law Amendment
- Official Plan Amendment
- Draft Plan (Subdivision and Condominium)
- Consent or Minor Variance application under s. 45 of the Planning Act
- Building Permit
- Demolition Permit

- Site Alteration

B. Applications contiguous to designated property

The types of applications that may trigger the need for an HIA for development or intensification proposals that **are contiguous** to a property **designated** under the Heritage Act include (but are not limited to) the following:

- Site Plan Control
- Zoning By-law Amendment
- Official Plan Amendment
- Draft Plan (Subdivision and Condominium)
- Consent or Minor Variance application under s. 45 of the Planning Act

C. Applications on properties listed on the Municipal Heritage Register

The types of applications that may trigger the need for an HIA for development or intensification proposals that **include** a property that is listed on the Municipal Heritage Register as a **non-designated** property, include (but are not limited to) the following:

- Site Plan Control
- Zoning By-law Amendment
- Official Plan Amendment
- Draft Plan (Subdivision and Condominium)
- Consent or Minor Variance application under s. 45 of the Planning Act
- Building Permit
- Demolition Permit
- Site Alteration

D. Applications contiguous to properties listed on the Municipal Heritage Register

The types of applications that may trigger the need for an HIA for development or intensification proposals that **are contiguous** to a property that is listed on the Municipal Heritage Register as a **non-designated** property, include (but are not limited to) the following:

- Site Plan Control
- Zoning By-law Amendment
- Official Plan Amendment
- Draft Plan (Subdivision and Condominium)
- Consent or Minor Variance application under s. 45 of the Planning Act

At the Director of Land Use Planning's discretion, an HIA may be scoped or waived based on the potential negative impacts of the proposed development on a heritage resource.

Notification

An HIA is most effective when it is conducted early in the development application process and should form part of a complete application. The findings, conclusions and recommendations of the HIA should be reflected in the final development concept advanced to the City.

To this end, City of Greater Sudbury staff will endeavor to inform property owners and/or their representative of the need for an HIA early in the development process, as part of the established SPART review.

Qualified Heritage Conservation Professional

An HIA must be prepared by a qualified heritage conservation professional, such as a heritage planner, heritage architect and/or heritage landscape architect, with demonstrated knowledge of accepted heritage conservation standards, and experience with historical research and identification/evaluation of cultural heritage value. The professional should be registered with the Canadian Association of Heritage Professionals and in good standing. The qualifications and background of the professional completing the HIA must be included in the report.

Principles

Content and recommendations of the HIA should be based on accepted conservation principles and guidelines, including those outlined in:

- Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada*
- Ontario Ministry of Heritage, Sport, Tourism and Culture Industries' *Eight Guiding Principles in the Conservation of Historic Properties*
- The Ontario Heritage Tool Kit

Minimum Content Requirements

A heritage impact assessment generally contains, but is not limited to the following information:

- 1. New Regulatory Minimum Requirements [Pending Provincial Legislation]**
- 2. Historical Research, Site Analysis and Evaluation**

If the available identification and description of the significance and heritage attributes of the cultural heritage resource are inadequate for the purposes of the heritage impact assessment, or the cultural heritage resource is newly identified, research, site survey and analysis, and evaluation are required. An explanation of the methodology used must accompany a clear statement of the conclusions

regarding the significance and heritage attributes of the cultural heritage resource.

3. Identification of the Significance and Heritage Attributes of the Cultural Heritage Resource

This is usually a summary of the cultural heritage value or interest and the heritage attributes contained in a heritage property municipal designation bylaw, heritage conservation easement agreement, or other listings. This summary should clearly articulate the cultural heritage value or interest and heritage attributes of the heritage resource. If the property is not a protected heritage property but is listed or is newly identified and may possess heritage significance, statements of cultural heritage value or interest and the heritage attributes should still be developed.

4. Description of the Proposed Development or Site Alteration

This description details the rationale and purpose for the development or site alteration, the proposed works and graphical layout, and how the development or site alteration fits with the objectives and Official Plan policies of the City.

5. Measurement of Development or Site Alteration Impact

Any impact (direct or indirect, physical or aesthetic) of the proposed development or site alteration on a cultural heritage resource must be identified. The effectiveness of any proposed conservation or mitigative or avoidance measures must be evaluated on the basis of established principles, standards and guidelines for heritage conservation.

Negative impact on a cultural heritage resource include, but are not limited to:

- Destruction of any, or part of any, significant heritage attributes or features;
- Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance;
- Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
- Isolation of a heritage attribute from its surrounding environment, context or a significant relationship;

- Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features;
- A change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces;
- Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource.

6. Consideration of Alternatives, Mitigation and Conservation Methods

Where an impact on a cultural heritage resource is identified, and the proposed conservation or mitigative measures including avoidance, are considered ineffective, other conservation or mitigative measures, or alternative development or site alteration approaches must be recommended.

Methods of minimizing or avoiding a negative impact on a cultural heritage resource include, but are not limited to:

- Alternative development approaches
- Isolating development and site alteration from significant built and natural features and vistas
- Design guidelines that harmonize mass, setback, setting, and materials
- Limiting height and density
- Allowing only compatible infill and additions
- Reversible alterations
- Buffer zones, site plan control, and other planning mechanisms

7. Implementation and Monitoring

This is a schedule and reporting structure for implementing the recommended conservation or mitigative or avoidance measures, and monitoring the cultural heritage resource as the development or site alteration progresses.

8. Summary Statement and Conservation Recommendations

This is a description of:

- the significance and heritage attributes of the cultural heritage resource;
- the identification of any impact that the proposed development will have on the cultural heritage resource;
- an explanation of what conservation or mitigative measures, or alternative development or site alteration approaches are recommended to minimize or avoid any impact on the cultural heritage resource;
- if applicable, clarification of why some conservation or mitigative measures, or alternative development or site alteration approaches are not appropriate;
- how the City's Official Plan policies on heritage have been considered.

Process and Review

Notice

Planning applications will be reviewed by staff, in consultation with the land owner/applicant as part of the SPART process, where applicable.

Staff will notify the property owner(s) and their representative in writing that an HIA is required as part of a complete planning act application. The HIA Guidelines will be included with the Notice.

Completeness

The HIA will be assessed by staff for completeness. Staff will provide the author of the HIA with instructions regarding any additional information or analysis required before the HIA is considered complete.

Review

Complete HIAs will be reviewed by City staff. To be accepted, the HIAs must demonstrate, to the satisfaction of the Director of Land Use Planning, that the requirements of the Official Plan and of these guidelines have been met.

City staff may request to meet with the owner/applicant to discuss the HIA and its recommendations.

Peer Review

In certain cases, the City may seek a peer review of the HIA by a qualified heritage conservation professional. The peer review will be carried out by a consultant retained by the City, at the expense of the applicant.

Acceptance

Authors of complete HIAs carried out to the satisfaction of the Director of Land Use Planning will be provided with comments in writing along with a notification of acceptance or rejection of the HIA.

Final Submission

An accepted HIA will accompany the final application made under the Planning Act or Heritage Act and will be considered as part of the complete application. The HIA will be circulated to the Municipal Heritage Advisory Panel for comment, where required under the Heritage Act. The HIA's recommendations may be secured through development-related legal agreements and regulations at the discretion of the City or authority having jurisdiction.

Appendix C – Policy Framework

City of Greater Sudbury Official Plan

The City of Greater Sudbury establishes goals objectives and policies to manage and direct physical change and its effect on the social, economic and natural environment for the twenty-year planning period. It provides a policy framework to help conserve Greater Sudbury's heritage resources.

Section 13.0 of the Official Plan speaks to Heritage Resources, as follows:

"The conservation of Greater Sudbury's heritage resources, including built heritage, archaeological resources, and cultural heritage landscapes are directly linked to the identified need to improve quality of place. These valuable cultural assets will strengthen the City's identity and appeal, instill a sense of pride in local citizens, and attract the interest of visitors.

Heritage buildings also strengthen the diversity of our built form and contribute to an aesthetically pleasing urban environment. With its concentration of older buildings, the Downtown retains a number of underutilized properties that offer opportunities for rehabilitation and the potential to create a powerful symbol of revitalization.

Policies aimed at protecting heritage resources are consistent with Healthy Community determinants that form the underlying foundation of this Plan, and will bolster quality of place initiatives that are tied to the Economic Development Strategic Plan.

13.1 OBJECTIVES

It is the objective of the heritage resources policies to:

- a. promote the conservation, restoration and rehabilitation of all heritage resources;
- b. ensure that heritage features are passed on for the enjoyment and care of future generations;
- c. prevent the demolition or inappropriate alteration of heritage resources;
- d. identify a range of features so they can be conserved and integrated into the community, including, buildings, sites, landscapes and artifacts of historical, archaeological and architectural significance; and,
- e. involve the public in heritage resource decisions affecting the City.

13.2 HERITAGE STRUCTURES, DISTRICTS AND CULTURAL LANDSCAPES

The Ontario Heritage Act is the legislative tool with which municipalities in Ontario can identify and preserve historic buildings, districts and archaeological sites. The Act sets out a prescribed process and criteria for designations, as well as the decision framework for the alteration and demolition of designated properties as determined by the City. It also requires the City to keep a register of property situated in the municipality that is of cultural heritage value or interest.

The City, in cooperation with property owners, may designate individual property, by by-law under Part IV of the Ontario Heritage Act, individual buildings and structures as heritage properties.

Areas or groupings of properties of cultural heritage value or interest may also be designated under Part V of the Ontario Heritage Act as heritage conservation districts. These districts may include entire neighbourhoods and their related elements, as well as cultural heritage landscapes closely tied to the history of place.

Policies

1. The City will prepare, publish and periodically update a Register of the City's cultural heritage resources in accordance with the Ontario Heritage Act. This Register will also contain non-designated properties that have been identified by the City as having significant cultural heritage value or interest.
2. A cultural heritage impact assessment will be required for development and intensification proposals or public works that include or are contiguous to a property designated under the Ontario Heritage Act or non-designated property included on the Municipal Heritage Register. The cultural heritage impact assessment will be undertaken in accordance with the policies of this plan. The City will determine the need for a cultural impact heritage assessment in consultation with the owner/applicant. A cultural heritage impact assessment will include the following elements:
 - a. identification and evaluation of the cultural heritage resource;
 - b. graphic and written inventory of the cultural heritage resource;
 - c. assessment of the proposal's impact on the cultural heritage resource;
 - d. alternatives to the proposal;
 - e. identification and justification of the preferred option; and
 - f. means to mitigate impacts, in accordance with Chapter 13.0, Heritage Resources;
3. The City may prevent the demolition or inappropriate alteration of any heritage resource designated under the Ontario Heritage Act by the City or Province.
4. Heritage buildings and structures involved in planning applications will be retained for their original use and in their original location wherever possible to ensure that their heritage value is not compromised. If the original use is no longer feasible, adaptive reuse of buildings and structures, will be encouraged where the heritage attributes will not be compromised. If it is not possible to maintain structures in their original location, consideration may be given for the relocation of the structure.

The City will also encourage methods of conservation including:

- a) repairing or conserving building materials and finishes and other components that are part of a property's heritage attributes;
 - b) retaining and maintaining the visual settings and other physical relationships that contribute to the cultural heritage value of the property;
 - c) retention of a built heritage resource as a heritage monument for viewing purposes only;
 - d) salvaging elements of the resource for incorporation into a new building or structure for future conservation work or displays; and,
 - e) documentation for the City's archives.
5. Adaptive reuse projects that conserve the architectural integrity of heritage buildings and structures are encouraged as a means of enhancing the long-term conservation of heritage resources and promoting the rehabilitation of underutilized properties.
6. In order to protect the railway heritage connected to the founding of the community of Sudbury, the CPR Station and CPR Telegraph Office on Elgin Street will be preserved and protected from inappropriate development.
7. Heritage conservation districts and cultural heritage landscapes will be protected, maintained and incorporated, specifically through the regulation of uses that detract from the traditional landscape.
8. Where an area is designated as a heritage conservation district, partial demolition, alterations, renovations, repairs, additions, development or intensification may be allowed at the City's discretion and may be subject to a cultural heritage impact assessment.
9. The City may permit the transfer of surplus density rights from sites with heritage buildings to adjacent or nearby properties in order to facilitate the conservation, retention or adaptive reuse of a particular heritage resource. Unused density may be transferred to another site provided that:
- a) the relevant property is designated under the Ontario Heritage Act; and,
 - b) the downzoning of the donor site and up-zoning of the recipient site takes place.
10. Retrofits for achieving energy efficiency will only be undertaken in a heritage building where it is demonstrated that retrofitting can be accomplished without compromising the heritage integrity of the building;
11. In attaining accessibility goals, the City will endeavour to provide access solutions in a manner that respects the cultural heritage value or interest of a protected property. The City recognizes that standardized designs may not always suffice and that each heritage property will require unique accessibility

plans to ensure that alterations do not adversely affect the heritage attributes. The City encourages this practice for privately -owned heritage buildings that are open to and used by the public;

12. The City will support the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging adaptive reuse of older and existing building stock;
13. The City will make every effort to identify, conserve and protect known cultural heritage resources and areas of archaeological potential when undertaking municipal public works, such as roads and infrastructure projects, carried out under the Municipal Class Environmental Assessment process. When necessary, the City will require archaeological assessments and heritage impact assessments and satisfactory measures to mitigate any negative impacts to cultural heritage resources ;
14. The City will encourage local utility companies to place equipment and devices in locations which do not detract from the visual character of cultural heritage resources and do not have a negative impact on the architectural integrity of those resources; and,
15. In the event that demolition, salvage, dismantling relocation and/or irrevocable damage to a cultural heritage resource is determined through heritage impact assessment or other City review process to be unavoidable, thorough archival documentation is required to be undertaken by the proponent and made available to the City for archival purposes. This documentation must be prepared by a qualified person and include at least the following as appropriate or additional matters as specified by the City:
 - a) architectural measured drawings;
 - b) a land use history; and,
 - c) photographs, maps and other available material about the cultural heritage resource in its surrounding context.

Programs

1. The City may undertake a study to identify and evaluate areas and landscapes of potential cultural heritage value or interest. Landscapes of cultural heritage value or interest may be designated pursuant to the Ontario Heritage Act, or as areas of cultural heritage character and recognized for their specific heritage character in this Plan.
2. The City may establish heritage design guidelines and/or cultural heritage impact assessment guidelines that assist in the design and review of adaptive reuse proposals.

3. The City may establish a grant program for designated heritage properties. The intent of this program would be to help alleviate some of the financial burden placed upon property owners in the maintenance and conservation of heritage resources or the adaptive reuse of a designated heritage property.

13.3 ARCHAEOLOGICAL RESOURCES

Archaeological resources may include artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Policies

1. Disturbance of known archaeological sites and areas of archaeological potential are discouraged by this Plan. This Plan encourages mapping the archaeological resource potential of the City of Greater Sudbury in order to better determine where an archaeological resource assessment will need to be conducted by a licensed archaeologist. Until such mapping is completed, development applications will be screened for archaeological potential in accordance with provincial standards.
2. Any alterations to known archaeological sites and areas of archaeological potential will only be performed by licensed archaeologists in accordance with the Ontario Heritage Act.
3. Where a development may cause an impact to archaeological resources or areas of archaeological potential, an archaeological assessment will be required in accordance with the Ontario Heritage Act. Archaeological resources that are located on a proposed development site will be conserved.
4. The local police, Cemeteries Regulation Unit of the Ministry of Consumer Services and the Ministry of Tourism, Culture and Sport will be contacted by the proponent if an identified human cemetery, marked or unmarked human burial site is discovered during land use development.
5. The City may maintain the integrity of archaeological resources by adopting zoning by-laws under Section 34 of the Planning Act to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.

Programs

1. The City may undertake the preparation of an Archaeological Management Plan in collaboration with Indigenous communities. The Plan will identify and map known archaeological sites registered with the Ontario Archaeological Sites Database, as well as areas within the municipality having archaeological potential. The Plan may also outline policies, programs and strategies for the conservation of archaeological resources, including how Indigenous communities will be engaged in the implementation of the Plan to ensure their interests are considered in the conservation of cultural heritage and archaeological resources.
2. The City will regularly update municipal archaeological resource mapping as new archaeological sites are identified and entered into the Ontario Archaeological Sites Database.

Provincial Policy Statement, 2020 - Policies

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

Policy 2.6.3 Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development* and *site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

Provincial Policy Statement, 2020 – Associated Definitions

Adjacent lands, for the purposes of policy 2.6.3, means: those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. 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."

Conserved: means 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.

Cultural heritage landscape: means 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.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include: a) activities that create or maintain infrastructure authorized under an environmental assessment process; b) works subject to the Drainage Act;

Heritage attributes: 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, 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).

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.

Significant, in regard to cultural heritage and archaeology: means 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.

Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.