

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