



OAKVILLE

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: FEBRUARY 10, 2020

FROM: Planning Services Department

DATE: January 29, 2020

SUBJECT: Notice of Intention to Designate - Oakville Harbour Cultural Heritage Landscape

LOCATION: Oakville Harbour

WARD: Multiple Wards: 2 and 3

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RECOMMENDATION:

That a Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act* for the Oakville Harbour cultural heritage landscape, as identified in Appendix A to the report dated January 29, 2020 from the Planning Services Department, be issued.

KEY FACTS:

The following are key points for consideration with respect to this report:

- An RFP for the Oakville Harbour cultural heritage landscape was issued in February 2019 for consultants to assist Town staff with the implementation of Phases Two and Three of the Cultural Heritage Landscape Strategy, including a research assessment report and, if required, consideration of protection measures, including designation under the *Ontario Heritage Act* and a Conservation Plan for a Cultural Heritage Landscape.
- On December 2, 2019, Oakville Town Council endorsed the Phase Two Cultural Heritage Evaluation Report for the Oakville Harbour and recognized the property as a significant cultural heritage landscape and directed staff to proceed to Phase Three of the Cultural Heritage Landscape Strategy: Implementation of Protection Measures.
- The Province has provided guidance on the framework to assess cultural heritage value or interest. The evolved and associative cultural heritage landscape of the Oakville Harbour meets the criteria of Ontario Regulation 9/06 and merits protection under Section 29, Part IV of the *Ontario Heritage Act*.
- The *Ontario Heritage Act* requires three components within a Notice of Intention to Designate: a description of the property; a statement of cultural heritage value; and, a description of its heritage attributes.

- The Heritage Oakville Advisory Committee endorsed the Draft Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act*, at their meeting on January 21, 2020.

BACKGROUND:

Provincial Context to Cultural Heritage Landscapes

The Province of Ontario has made a clear commitment to the conservation of significant cultural heritage landscapes through its legislation and policies, including the *Ontario Heritage Act (2005)*, *Planning Act (1990, as amended)*, Provincial Policy Statement (2014), and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*.

Section 2.6 of the Provincial Policy Statement (PPS) 2014 on Cultural Heritage and Archaeology states:

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

The PPS (2014) defines “significant”, in regard to cultural heritage and archaeology, as:

...resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Further, the PPS (2014) and *Growth Plan (2019)* both define "conserved" as:
the identification, protection, management and use of . . . cultural heritage landscapes . . . in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act.

The equivalence given to conserving built heritage resources and cultural heritage landscapes in the PPS (2014) is important, as it reinforces the broad scope of the *Ontario Heritage Act* beyond its initial focus on built heritage. The PPS (2014) definition of a cultural heritage landscape is the following:

“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 Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.”

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The PPS (2014) and *Growth Plan (2019)* function together with the *Ontario Heritage Act* by the shared principle that cultural heritage resources shall be conserved. The *Ontario Heritage Act* sets out the procedures for evaluating and protecting heritage resources at the provincial and municipal levels. This includes the use of Ontario Regulation 9/06 as the means for determining if a property has cultural heritage value.

Cultural Heritage Landscapes Strategy

In January 2014, the Town of Oakville endorsed the Cultural Heritage Landscapes Strategy (the Strategy), which set the foundation to identify, inventory and assess candidate cultural heritage landscapes and to conserve significant cultural heritage landscapes. It also developed a formal process for addressing the conservation of cultural heritage landscape resources in the Town of Oakville.

The Strategy is based on best practices in municipal heritage planning and applicable legislation, including the *Planning Act*, Provincial Policy Statement and the *Ontario Heritage Act*. Section One of the Strategy provides an introduction to cultural heritage landscapes and the applicable legislation, including a discussion of the international and national context of cultural heritage landscape conservation. Section Two defines what cultural heritage landscapes are and how to identify and evaluate them. Section Three outlines the legislation and tools that are available to preserve and protect cultural heritage landscapes and Section Four provides the conservation strategies to preserve and commemorate cultural heritage landscapes.

The Strategy is being implemented in three phases: Phase One: Inventory; Phase Two: Research and Assessment; and, Phase Three: Implementation of Protection Measures.

Phases One and Two of the Cultural Heritage Landscape Strategy

On February 16, 2016, Oakville Town Council endorsed the recommendations of the Phase One inventory and directed that those properties identified as 'high priority' within the inventory proceed immediately to Phase Two: Research and Assessment. When all high priority assessments were completed, work began on areas identified as 'medium priority'.

The Phase Two assessment of the Oakville Harbour was completed by Common Bond Collective in association with Timmins Martelle Consulting, Sean Hertel Planning and Mark Laird. On December 2, 2019, Council approved the Cultural Heritage Evaluation Report for the Oakville Harbour, recognized the area as a significant cultural heritage landscape and directed staff to move into Phase Three: Implementation of Protection Measures.

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Phase Three: Implementation of Protection Measures

The purpose of Phase Three is to ensure that significant cultural heritage resources are conserved. The term conserved, as shown in the PPS (2014) and Growth Plan (2019) definition earlier in this report, includes protection of significant cultural heritage resources, and also the management and use of these resources. For Phase Three, the Town seeks to ensure that the proposed designation, description of heritage attributes, and any proposed conservation measures recognize the cultural heritage value of the Oakville Harbour.

The Heritage Oakville Advisory Committee endorsed the Draft Notice of Intention to Designate under Section 29, Part IV of the *Ontario Heritage Act*, at their meeting on January 21, 2020.

COMMENT/OPTIONS:

For the Oakville Harbour, the first step of Phase Three is consideration of heritage protection under the *Ontario Heritage Act*. This area contains several properties protected under Part IV and Part V of the *Ontario Heritage Act*, including the Erchless Estate cultural heritage landscape (By-law 2019-057), and Lakeside Park and the Oakville Club (both part of the Old Oakville Heritage Conservation District). These properties have been assessed and recognized as contributing to the significant cultural heritage landscape of the Oakville Harbour.

Should Council proceed with designation under Section 29, Part IV of the *Ontario Heritage Act*, they are required to issue a Notice of Intention to Designate to the property owner(s), the Ontario Heritage Trust, and to publish the Notice in a newspaper having general circulation in the municipality.

The *Ontario Heritage Act* requires three components within a Notice of Intention to Designate. They are a description of the property; a statement of cultural heritage value or interest; and, a description of its heritage attributes. Heritage Planning staff recommend the approval of the description of the Oakville Harbour; the statement of cultural heritage value or interest; and, the description of its heritage attributes, which is attached as Appendix B.

Additional protection measures under Phase Three will be brought forward at a later date. This includes a Conservation Plan for a Cultural Heritage Landscape, which is required by By-law 2018-019.

Consultation

Heritage Planning staff and the consultants have worked with other town departments including Parks and Open Space; Recreation and Culture; and, Legal to receive their feedback and to keep them informed on the project. A public Open

House was held on November 14, 2019 that was attended by approximately 20 people who represented various stakeholders and interests, including the owners of the single privately owned property with the CHL boundary (the Oakville Club).

The Mississaugas of the Credit First Nation have also been consulted on the draft Notice of Intention to Designate to ensure that the town has appropriately identified their interest in the Oakville Harbour area.

Harbours Master Plan

Town staff in Heritage Planning and Parks and Open Space have worked together throughout this process to ensure that the Harbours Master Plan project is informed by the cultural heritage landscape. Parks and Open Space staff also attended the Open House in November to share information about the process to date for the Harbours Master Plan. It is anticipated that the Harbours Master Plan will be brought forward for Council's consideration in Q2 or Q3 of 2020.

Conclusion

Each phase of the implementation of the Cultural Heritage Landscape Strategy has advanced the Town's understanding of Oakville Harbour significant cultural heritage landscape. Staff recommends that Council issue a Notice of Intention to Designate for the Oakville Harbour cultural heritage landscape, as outlined in the attached Appendix A, under section 29, Part IV of the *Ontario Heritage Act*.

CONSIDERATIONS:

(A) PUBLIC

Should Council issue a Notice of Intention to Designate, the property owners and the Ontario Heritage Trust will be notified. The Notice will also be published in the local newspaper.

(B) FINANCIAL

Funding for the conservation plan, should one be required, has been provided in the Planning Services budget.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Draft Notice of Intention to Designate has been reviewed by the Parks and Open Space Department as well as the Legal Department.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be accountable in everything we do
- be innovative in everything we do

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- enhance our cultural environment
- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The designation of Oakville Harbour as a cultural heritage landscape protects a valuable natural space that includes mature trees and vegetation and a habitat for wildlife. The protection of this significant area therefore supports the town's climate initiatives.

APPENDICES:

Appendix A – Draft Notice of Intention to Designate

Appendix B – Mapping of Oakville Harbour Cultural Heritage Landscape

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