

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: JANUARY 18, 2021

FROM: Planning Services Department

DATE: January 5, 2021

SUBJECT: Gairloch Gardens - Cultural Heritage Landscape Heritage Designation By-law 2021-006 and Conservation Plan

LOCATION: 1288-1306 Lakeshore Road East

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RECOMMENDATION:

1. That By-law 2021-006, a by-law to designate the cultural heritage landscape of Gairloch Gardens as a property of cultural heritage value or interest, be passed; and,
2. That the draft cultural heritage landscape conservation plan for Gairloch Gardens, as attached in Appendix B to the report dated January 5, 2021 be approved.

KEY FACTS:

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

- On October 22, 2020, the Notice of Intention to Designate Gairloch Gardens as a significant cultural heritage landscape was issued following the resolution of Council on May 25, 2020.
- No objections were received to the Notice of Intention to Designate and By-law 2021-006 has been prepared for Council's consideration;
- On September 26, 2017, Council adopted official plan amendments 15 (Urban Structure Review) and 16 (Cultural Heritage Updates) (appealed, pending LPAT hearing) to the Livable Oakville Plan, which identify cultural heritage landscapes as structural elements of the town's updated urban structure and provide direction on how the town ensures that significant cultural heritage landscapes are to be conserved, including through cultural heritage landscape conservation plans. The Town of Oakville has also adopted By-law 2018-019 which sets out the requirements for conservation plans for cultural heritage landscapes.

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- Town staff prepared a cultural heritage landscape conservation plan to provide clear and consistent guidance on how to ensure that future alterations to Gairloch Gardens conserve the significant cultural heritage landscape of Gairloch Gardens including descriptions of what is exempt from heritage permit approval and what would require heritage permit approval.
- The objective of this cultural heritage landscape conservation plan is to retain the cultural heritage value and interest and heritage attributes of the cultural heritage landscape.

BACKGROUND:

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

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. The Phase Two, high-priority property assessments have been completed and staff are undertaking assessments of the medium-priority properties, including Gairloch Gardens.

On April 15, 2019 Council approved the Cultural Heritage Evaluation Report for Gairloch Gardens, recognized the area as a significant cultural heritage landscape (CHL) and directed staff to move into Phase Three: Implementation of Protection Measures.

On May 25, 2020, Council approved a Notice of Intention to Designate under s. 29, Part IV of the *Ontario Heritage Act* for Gairloch Gardens. This Notice included a description of the property, a statement of cultural heritage value or interest, and a description of heritage attributes. Due to the COVID-19 pandemic, the Notice of Intention to Designate was not issued until October 22, 2020 with the last day for filing an objection being November 23, 2020.

As part of the ongoing implementation of the Cultural Heritage Landscape Strategy, on September 26, 2017, Council adopted official plan amendment 16 (OPA 16) to the Livable Oakville Plan updating the cultural heritage policies, including policies regarding cultural heritage landscapes. It also provided direction on how the Town

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would proceed to ensure that significant CHLs are conserved. Consistent with provincial policy direction, the OPA recognized that conservation plans could be an important tool to protect significant cultural heritage landscapes. The Town of Oakville has also adopted By-law 2018-019 which sets out the requirements for conservation plans for cultural heritage landscapes.

The Heritage Oakville Advisory Committee reviewed the draft conservation plan for the cultural heritage landscape of Gairloch Gardens at their meeting on December 15, 2020. The Committee endorsed the document and have recommended its approval to Council.

COMMENT/OPTIONS:

Should Council pass By-law 2021-006 to designate Gairloch Gardens and choose to proceed with a conservation plan for the Gairloch Gardens CHL, a CHL conservation plan has been prepared by Heritage Planning staff. The document is attached as Appendix B.

Contents of the Conservation Plan

The purpose of the conservation plan is to guide those alterations to the Gairloch Gardens CHL that are likely to affect its cultural heritage value or interest, and/or its heritage attributes. The conservation plan provides direction ensuring that alterations can be made while conserving the property as a significant CHL. This will help to ensure that Gairloch Gardens' stated cultural heritage value or interest is retained through the protection of its heritage attributes.

The conservation plan includes descriptions of the alterations that are exempt from heritage permit approval (Category A) and those that would require heritage permit approval (Categories B and C). The Gairloch Gardens conservation plan is not a maintenance plan, nor is it an operational or business management plan. Maintenance, meaning routine non-destructive actions that preserve the existing form, and operations are exempt from Town heritage review and have been listed in Category A. Other activities may also be exempt from heritage review because they would not affect Gairloch Gardens' heritage attributes.

The conservation plan describes the heritage permit application process and provides direction on how to manage future changes to the property while conserving the cultural heritage value of the CHL.

Consultation

Heritage Planning and town staff in various departments, including Legal, Facilities and Construction and Parks and Open Space, were invited to review and provide feedback on the draft CHL conservation plan. Consultation with Oakville Galleries

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staff, local historical societies and the Mississaugas of the Credit First Nation was also undertaken by Heritage Planning staff.

Official Plan Amendments and Zoning By-law Amendments

The Livable Oakville Plan requires the conservation of cultural heritage landscapes in accordance with the town's Cultural Heritage Landscape Strategy (s. 5.3.12 of Livable Oakville; s. 5.3.3 of OPA 16). An official plan amendment (OPA) or zoning by-law amendment (ZBA) may be required to ensure the town's conservation goals match the town's planning policies.

Town staff are prepared to proceed with an OPA/ZBA for this CHL. However, this would require the same town wide policy framework as OPA 24, which remains under appeal to the LPAT. Given prior objections by the OPA 24 appellant to the town proceeding with an OPA/ZBA for the Erchless Estate CHL in 2018, town staff will await the LPAT's adjudication on OPA 24 before bringing forward any recommendations.

CONCLUSION:

The objection period for the Notice of Intention to Designate for Gairloch Gardens has passed and no objections to the proposed designation have been received. Therefore, By-law 2021-006 is presented to Planning and Development Council for passage.

In preparation for the conservation plan, Heritage Planning staff have engaged with town staff from Parks and Open Space and Legal departments, as well as First Nations communities.

Town staff have sought feedback from the Heritage Oakville Advisory Committee on the draft conservation plan and on December 15, 2020, the Committee endorsed the conservation plan. Should Council pass By-law 2021-006 this evening, Heritage Planning staff recommend the approval of the conservation plan attached as Appendix B.

CONSIDERATIONS:

(A) PUBLIC

Members of the public are welcome to provide feedback on the draft conservation plan through the Heritage Oakville Advisory Committee or Town Council.

(B) FINANCIAL

There are no new costs associated with the draft conservation plan.

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(C) IMPACT ON OTHER DEPARTMENTS & USERS

Planning Services staff has worked with staff in Parks and Open Space and Legal departments to review the conservation plan.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- enhance our natural environment
- continuously improve our programs and services
- 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 Gairloch Gardens 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	By-law 2021-006
Appendix B	Draft Cultural Heritage Landscape Conservation Plan for Gairloch Gardens

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