

## **Analysis of applicable legislation, policy and land use planning considerations**

### **Detailed Policy and Planning Analysis:**

The proposed amendment to the by-law is consistent with applicable legislative and policy framework, as set out below.

### **The Planning Act:**

The *Planning Act* guides development in the Province of Ontario and states that municipalities must have regard for matters of provincial interest. The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest is identified under paragraph 2(d) of the *Planning Act* as a matter of provincial interest.

### **Provincial Policy Statement (PPS)**

The Provincial Policy Statement (the “PPS”) is issued under the authority of section 3 of the *Planning Act* and provides policy direction on matters of provincial interest related to land use planning and development. The *Planning Act* requires that decisions of municipal councils affecting land use planning and development matters “*shall be consistent with*” the PPS.

Policy 2.6.1 of the PPS states that: “*Significant built heritage resources and significant cultural heritage landscapes shall be conserved*”.

### **Growth Plan**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) is based on the policies of the PPS and provides land use planning and development policies that apply to the issues specific to the Greater Golden Horseshoe region. Section 3 of the *Planning Act* directs that all decisions of municipal councils affecting land use planning and development matters shall conform to the Growth Plan.

Policy 4.2.7.1 of the Growth Plan states that: “*Cultural Heritage Resource will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.*”

### **City of Brampton Official Plan:**

The following objectives of the Official Plan are applicable and relevant to this report:

- a) Conserve the cultural heritage resources of the City for the enjoyment of existing and future generations.
- b) Preserve, restore and rehabilitate structures, buildings or sites deemed to have significant historic, archaeological, architectural or cultural significance and, preserve cultural heritage landscapes, including significant public views.

The following policies of the Official Plan are applicable and relevant to this report:

- 4.10.1.3 All significant heritage resources shall be designated as being of cultural heritage value or interest in accordance with the *Ontario Heritage Act* to help ensure effective protection their continuing maintenance, conservation and restoration.
- 4.10.1.8 Heritage resources will be protected and conserved in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada, the Appleton Charter for the Protection and Enhancement of the Built Environment and other recognized heritage protocols and standards. Protection, maintenance and stabilization of existing cultural heritage attributes and features over removal or replacement will be adopted as the core principles for all conservation projects.
- 4.10.1.13 In the event that demolition, salvage, dismantling or relocation is inevitable, thorough documentation of the heritage resources shall be undertaken. The information shall be made available to the City of archival purposes.
- 4.10.1.17 The City shall modify its property standards and by-laws as appropriate to meet the needs of preserving heritage structures.
- 4.10.1.19 Adoption of the Guidelines may be stipulated as a condition for approval of planning applications and draft plans if warranted.
- 4.10.9.13 Lost historical sites and resources shall be commemorated with the appropriate form of interpretation.

#### **Standards and Guidelines for the Conservation of Historic Places in Canada**

Section 4.10.1.8 of the City's Official Plan requires that cultural heritage resources be protected and conserved in accordance with the Standards and Guidelines for the Conservation of Historic Places in Canada (The "*Standards and Guidelines*"). The introduction section of the *Standards and Guidelines* states that: "*Conservation practitioners operate in what is referred to as a 'values-based context' using a system that identifies and manages historic places according to values attributed through an evaluation process. These values generally include the aesthetic, historic, scientific, cultural, social and/or spiritual importance of a place, and:*

- *May be singular or multiple;*
- *Are subjective, wide-ranging, and can overlap;*
- *Can be differently assigned by different groups, and may even change over time.*

The *Standards and Guidelines* defines the following key terms as follows:

*"Heritage Value: the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present and future generations. The heritage value of an historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings.*

*Conservation: all actions and processes that are aimed at safeguarding the character-defining elements of an historic place so as to retain its heritage value and extend its physical life. This may involve Preservation, Rehabilitation, Restoration, or a combination of these actions or processes.*

*Preservation: the action or process of protecting, maintaining, and/or stabilizing the existing materials, form, and integrity of an historic place, or of an individual component, while protecting its heritage value.*

*Rehabilitation: the action or process of making possible a continuing or compatible contemporary use of an historic place, or an individual component, while protecting its heritage value.”*

The fourteen (14) Standards from the *Standards and Guidelines* are described in the document as: “*principles that express the collective wisdom that has accumulated in heritage conservation practice. They are rooted in practical and theoretical arguments that evolved as the field of conservation developed over the years. Working from these basic principles gives consistency and an ethical foundation to the decisions that must be made when conserving an historic place. The Standards are to be broadly applied throughout the conservation process and read as a whole, because they are interconnected and mutually reinforcing.*” The *Standards and Guidelines* also further specify that the fourteen (14) Standards are “*not presented in a hierarchical order. All standards for any given type of treatment must be considered, and applied where appropriate, to any conservation project.*”

The following Standards apply and are relevant to this report and recommended amendments:

General Standards for Preservation, Rehabilitation and Restoration:

1. Conserve the *heritage value* of an *historic place*. Do not remove, replace or substantially alter its intact or reparable *character-defining elements*. Do not move a part of an historic place if its current location is a character-defining element.
2. Conserve changes to a *historic place* that, over time, have become *character-defining elements* in their own right.
4. (a) Recognize each *historic place* as a physical record of its time, place and use.  
(b) Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.

Part (a) of this standard requires us to respect the historic place and to conserve, as best we can, the physical evidence that conveys the significance of the historic

place, including its contribution to a specific context and to the social history associated with its uses.

Part (b) of this standard discourages the creation of additions that falsify the story of a place. There is always a high risk of loss of authenticity when adding elements from other places or eras.

1. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any intervention. Respect *heritage value* when undertaking an intervention.
9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible with the *historic place* and identifiable on close inspection. Document any intervention for future reference.

#### Additional Standards Relating to Rehabilitation

11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
12. Create any new additions or related new construction so that the essential form and integrity of an *historic place* will not be impaired if the new work is removed in the future.

#### Additional Standards Relating to Restoration

14. Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

Further explanation of Standards 14 within the *Standards and Guidelines* is stating that: “*The recreation of a missing built feature in a landscape or heritage district is best regarded as an addition to an historic place, and would be subject to Standards 11 and 12.*”