

Cultural Heritage Protection Plan

Study Description:

The following Terms of Reference shall be used to fulfill the condition regarding completion and approval of a Cultural Heritage Protection Plan (CHPP) as required for consideration of an application made under the Heritage or Planning Act. The CHPP shall address how adjacent cultural heritage resources and attributes will be conserved. A CHPP is a document which identifies the conservation principles appropriate for the type of cultural heritage resource/attributes being conserved; includes a brief assessment of current conditions and deficiencies; and recommends conservation measures and interventions in the short (pre-construction) and medium (during and immediately post-construction) and long term where applicable to ensure preservation of the property's cultural heritage significance.

Purpose:

The purpose of this Terms of Reference ("TOR") is to establish clear expectations and requirements for the preparation of a Cultural Heritage Protection Plan submitted to the City of Kitchener. Compliance with these guidelines will help to expedite review times and mitigate the need for further revisions and submissions. Failure to satisfy the requirements set out in this TOR may result in an application being deemed incomplete. If an application is deemed incomplete it will be returned to the applicant to satisfy the necessary submission requirements.

When is it Required:

A Conservation Plan may be required for the following applications, or when deemed necessary by the City's Heritage Planner:

- A Draft Plan of Subdivision
- A Draft Plan of Vacant Land Condominium
- A Site Plan Application
- A Zoning By-Law Amendment Application
- An Official Plan Amendment Application
- All other applications as in when required by the City's Heritage Planner

The City may scope the requisite information to be contained in the Cultural Heritage Protection Plan on a case-by-case basis, and in consultation with any applicable external agencies through the pre-consultation process.

Qualified Person:

A Cultural Heritage Protection Plan should be prepared by or under the direction of a professional who demonstrates a level of professional understanding and competence in the field of heritage conservation and who is registered with the Canadian Association of Heritage Professionals (CAHP) and in good standing. The CAHP that has authored or overseen the report shall take professional responsibility for its contents and the accuracy of the information contained therein. The report will also include a reference for any literature cited, and a list of people contacted during the study and referenced in the report.

Applicable Legislation:

Section 2 of the Planning Act indicates that Council shall have regard to matters of Provincial interest including the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest. Section 3 of the Planning Act requires that decisions of Council shall be consistent with the Provincial Policy Statement.

Policy 4.6.1 of the Provincial Policy Statement requires that protected heritage property which may contain built heritage resources of cultural heritage landscapes, shall be conserved. The Provincial Policy Statement also encourages planning authorities to develop and implement proactive strategies for the conservation of significant built heritage resources and cultural heritage landscapes. The Provincial Policy Statement defines a built heritage resource as a building, structure, installation or any manufactured or constructed part of remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an indigenous community. Conserved is defined as meaning 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 under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, heritage impact assessment, and/or other heritage studies. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Required Contents:

The CHPP shall include, but is not limited to, the following sections/information.

A. Introduction

- ☐ Ownership/applicant information.
- ☐ Party/firm retained to write the report.
- ☐ Purpose of the Cultural Heritage Protection Plan.
- ☐ A description of the location of the site and its municipal and legal property address.
- ☐ A summary of the development proposed, including any alterations, new buildings or structures to be constructed, buildings or structures to be removed, and land uses.

- ☐ The identification and summary of baseline documentation or other heritage studies which informed the completion of the Cultural Heritage Protection Plan.

B. Heritage Context Analysis:

- ☐ Identification and description of all adjacent cultural heritage resource(s), including the cultural heritage value or interest and associated heritage attribute(s) of the resource(s).
- ☐ An assessment of the current condition of the adjacent cultural heritage resource(s). The CHPP needs to provide a basic current condition report of the existing resources. The CHPP must identify the physical condition and integrity of the cultural heritage resources, with a view toward making recommendations regarding appropriate repair and maintenance, in keeping with good conservation practices.
- ☐ Visuals (including but not limited to a site location map, aerial photography/imagery, photographs)

C. Measures and Implementation

- ☐ Identification of the short- and medium- term protective measures to be applied to the subject property or the adjacent cultural heritage resources for the conservation of the adjacent heritage resources. This includes, but is not limited to, protective fencing to ensure construction activities do not damage these resources (hoarding), vibration monitoring plan, drainage plan, post-construction condition assessment, etc.
- ☐ Identification of measure to be applied in case unwanted damage does happen to adjacent resources during construction.
- ☐ The proposed or anticipated schedule for the phases of work and the associated protective measures being applied.

D. Conclusions & Recommendations

- ☐ Concluding statement regarding the adherence of the proposal with best heritage conservation practices and principles.
- ☐ Summary of recommended protective measures to be implemented.

Approval Process

One (1) digital pdf copy shall be provided to Heritage Planning staff. The CHPP will be reviewed by Heritage Planning staff and a recommendation will be made to the Director of Development and Housing Approvals. Approval of the CHPP by either the Director of Development and Housing Approvals or the Heritage Planner is required prior to issuance of approval of the application.

Additional Information

1. City staff reserve the right to require a peer review of submitted material, to be conducted by a qualified heritage consultant at the expense of the applicant. The applicant will be notified of staff's comments and acceptance, or rejection of the report. An accepted CHPP will become part of the further processing of a development application under the direction of the Planning Division. The recommendations within the final approved version of the CHPP may be incorporated into development related legal agreements between the City and the proponent at the discretion of the municipality.
2. Deeming an application complete does not guarantee that the contents of the study are acceptable to City staff and/or that the application will be approved.
3. If a request for a CHPP is not made at an earlier stage in the development process, this does not preclude the City from requesting a CHPP at a later stage. Once an application has been deemed "complete", the City may require additional information, reports, and/or studies following a more detailed review to assess the implications of an application for approval.
4. The City of Kitchener is committed to complying with the Accessibility for Ontarians with Disabilities Act (AODA). In our everyday work with businesses institutions, and community partners we anticipate the same commitment to AODA compliance. Therefore, the CHPP must be AODA compliant and must meet the current provincial standard for compliance. ‘
5. The City reserves the right to request an updated study, or an addendum thereto, should staff determine that changes in the development proposal or changes to legislation warrant further/modified planning analysis.
6. Documents and all related information submitted to the City as part of a complete development application are considered public documents once submitted.
7. This Terms of Reference document is intended to be used for guideline purposes only and will be used to provide technical direction throughout the planning and development process. Completion of a report in alignment with the requirements of this Terms of Reference will not guarantee approval of the development application in question.
8. This TOR is relevant at the time of publishing and will be updated as necessary to reflect current policy, best practices, and accepted standards. It is the applicant's responsibility to ensure the report is prepared in accordance with the most recent version of the TOR issued by the City.