

Risk Management Plan

Study Description:

A Risk Management Plan (RMP) identifies and assess potential risks to cultural heritage resources and associated heritage attributes that are part of a submitted development application. The cultural heritage resources and attributes may be identified through existing designation by-laws, Heritage Conservation District Plans, or previous associated studies such as an approved Heritage Impact Assessment. The RMP shall provide a protocol and/or various measure to be implemented to avoid or mitigate any risks. It will also outline emergency procedures and responses to be implemented in the case where a risk event does occur and results in unintended damage or destruction.

Purpose:

The purpose of this Terms of Reference (“TOR”) is to establish clear expectations and requirements for the preparation of a Risk Management 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 RMP on a case-by-case basis, and in consultation with any applicable external agencies through the pre-consultation process

Qualified Person:

A Risk Management 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.

The RMP should be prepared in conjunction with other appropriate and qualified professionals including but not limited to structural engineers, acoustic engineers, contractors, and masonry specialists.

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 Risk Management Plan 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 Risk Management Plan.
- ☐ A description of the location of the site and its municipal and legal property address.
- ☐ A summary of the development proposed, including alterations, new buildings or structures to be constructed, buildings or structures to be moved or removed, and land uses.
- ☐ The identification and summary of baseline documentation or other heritage studies which informed the completion of the Risk Management Plan.

B. Existing Conditions:

- ☐ Identification and description of all cultural heritage resources, including the cultural heritage value or interest and associated heritage attributes of the resources.
- ☐ An assessment of the current physical condition and integrity of the cultural heritage resource(s) and heritage attribute(s), with a view toward making recommendations regarding appropriate repair and maintenance, in keeping with good conservation practice.

C. Risk Identification

- ☐ Identification and description of potential risks to the cultural heritage resource and attributes, including but not limited to vibration, fire, flooding, severe weather conditions, and construction activity.
- ☐ Identification of the likelihood and potential impact of each identified risk.

D. Risk Response and Implementation

- ☐ Identification and description of the mitigation measures or other actions to be put into place to reduce the likelihood of a risk occurring.
- ☐ Identification of the heritage standards or best practices which inform or support the recommended mitigation measures and/or actions.
- ☐ Identification of an emergency response protocol to be followed should unwanted damage occur.
- ☐ Proposed or anticipated schedule for monitoring and reporting.
- ☐ A summary of the roles and responsibilities of the personnel / companies who form the Risk Management Team, including identification of the personnel responsible for implementing specific measures and/or actions.

E. Conclusions

- ☐ Summary of recommendations of mitigation measures or response measures to be implemented.
- ☐ Concluding statement regarding the adherence of the proposed risk management and risk response protocol with best heritage conservation practices and principles.

Approval Process

One (1) digital pdf copy shall be provided to Heritage Planning staff. The Risk Management Plan will be reviewed by Heritage Planning staff and a recommendation will be made to the Director of Development and Housing Approvals. Approval of the RMP 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 Risk Management Plan 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 Risk Management Plan 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 an RMP is not made at an earlier stage in the development process, this does not preclude the City from requesting a RMP 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 RMP 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.