



Community & Development
Services

1593 Four Mile Creek Road
P.O. BOX 100, Virgil, ON L0S 1T0
905-468-3266 • FAX: 905-468-2959

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STANDARD TERMS OF REFERENCE: Heritage Impact Assessments & Cultural Heritage Evaluation Reports

Reviewed and approved by Council: May 17, 2021

Purpose: This document sets out the minimum requirements for the submission of a Heritage Impact Assessment and/or Cultural Heritage Evaluation Report when required by the Town of Niagara-on-the-Lake.

Failure to adhere to the guidelines may result in a submission being considered unsatisfactory and deemed incomplete.

1.1 Description

A Heritage Impact Assessment (an “HIA”) is a study to evaluate the impact a proposed development or site alteration will have on a cultural heritage resource and to recommend an overall approach to the conservation of the resource. The HIA will be based on a thorough understanding of the significance and heritage attributes of the cultural heritage resource, identify any impact the proposed development or site alteration will have on the resource, provide mitigation options, and demonstrate how the cultural heritage resource will be conserved in the context of the proposed redevelopment or site alteration. The conservation strategy will apply conservation principles, describe the conservation work, and recommend methods to avoid or mitigate negative impacts to the cultural heritage resource. Minimal intervention should be the guiding principle for all work.

A Cultural Heritage Evaluation Report (a “CHER”) is a study to evaluate whether a property (or properties) contains cultural heritage value. If cultural heritage value is identified, the CHER provides a statement of significance and identifies heritage attributes. A CHER may form part of an HIA, especially where new cultural heritage resources are identified.

1.2 What is a Cultural Heritage Resource?

As defined in the Town’s 2019 adopted Official Plan, a Cultural Heritage Resource means: built heritage resources, protected heritage properties, cultural heritage landscapes, historic sites, paleontological resources, monuments, archaeological resources and/or areas of archaeological potential 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.



1.3 Policy Context

An HIA is intended to determine if a proposed development is compliant with heritage policies, and to assist staff with analysis of the development application and preparation of a recommendation to Council regarding the development application. The rationale for requiring a HIA/CHER arises from the following policy documents, as amended:

- The *Ontario Heritage Act*, R.S.O. 1990, c. O.18
- Section 2(d) of the *Planning Act*, R.S.O. 1990, c. P.13
- Section 2.6 of the Provincial Policy Statement (PPS) 2020
- Town of Niagara-on-the-Lake Official Plan, 2017 Office Consolidation
- Town of Niagara-on-the-Lake Official Plan, 2019 (adopted)

HIA/CHERs will be based on accepted conservation principles and guidelines, including the following guidance documents as amended:

- The Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada, Second Edition, 2010 – Parks Canada
- The Ontario Heritage Toolkit and other guidance documents – Ontario Ministry of Heritage, Sport, Tourism and Culture Industries
- Eight Guiding Principles in the Conservation of Historic Properties – Ontario Ministry of Heritage, Sport, Tourism and Culture Industries
- Standards and Guidelines for the Conservation of Provincial Heritage Properties – Ontario Ministry of Heritage, Sport, Tourism and Culture Industries
- Well-Preserved: The Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation, 2003 – Ontario Heritage Trust
- The Appleton Charter for the Protection and Enhancement of the Built Environment, 1983 – International Council of Monuments and Sites (ICOMOS)

1.4 When is an HIA/CHER Required?

An HIA/CHER may be required by Staff to inform the review of an application that may impact a cultural heritage resource or affects a property that is adjacent to a cultural heritage resource. With respect to cultural heritage resources, **adjacent** means: not only contiguous or abutting properties but also any property upon which a proposed development and/or site alteration may have a known or potential impact upon the heritage attributes of a cultural heritage resource.

An HIA/CHER may be required for any application including, but not limited to:

- Official Plan Amendment
- Zoning By-law Amendment
- Plan of Subdivision/Condominium
- Site Plan Approval



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- Consent / Boundary Adjustment
- Minor Variance
- Building Permit
- Heritage Permit
- Demolition Permit

In accordance with the policies in the Provincial Policy Statement, 2020, an HIA/CHER may be required when there is a proposed alteration, demolition, or development involving or adjacent to any cultural heritage resource including, but not limited to:

- Properties designated under Parts IV, V or VI of the *Ontario Heritage Act*;
- Properties listed on the Niagara-on-the-Lake Municipal Register of Properties of Cultural Heritage Value or Interest;
- Properties that fall within a National Historic Site of Canada or otherwise listed on a Federal Register;
- Properties contributing to a cultural heritage landscape;
- Properties adjacent to a cultural heritage resource;
- Properties identified within the Town's Official Plan as cultural heritage resources; and
- Any yet unidentified cultural heritage resource(s) found as part of a site assessment.

Depending on the proposed project, an HIA/CHER may be scoped or waived at Town Staff's discretion in certain circumstances.

Where there is the potential of impacting archaeological resources, an Archaeological Assessment will be required as an additional study. Areas of archaeological potential have been identified within the Town's Archaeological Master Plan.

1.5 Who can prepare an HIA/CHER?

An HIA/CHER will be prepared by a qualified heritage consultant such as a professional heritage planner, heritage architect, or heritage landscape architect with appropriate qualifications, demonstrated knowledge of heritage conservation principles, and who has previously undertaken historical research and evaluation of cultural heritage resources.

Heritage consultants must be members in good standing of the Canadian Association of Heritage Professionals (CAHP). Consultants who are not CAHP members but who hold equivalent qualifications may be considered at the discretion of Staff. The background and qualifications of the heritage consultant(s) must be included in the HIA/CHER. The consultant preparing the HIA/CHER must also be independent from the planning, consulting or engineering firm making the development application or working on behalf of the applicant.



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In addition, any archaeological component of the assessment must be carried out by a licensed professional archaeologist as required by Provincial law and must follow Provincial Standards and Guidelines for Consultant Archaeologists, 2011, as amended.

1.6 Required Minimum Content

The content of an HIA/CHER will include, but is not limited to, the following required information (the Director of Community and Development Services reserves the right to request that additional content be included in the HIA/CHER, beyond the minimum standards identified here):

1. Introduction to Subject Lands / Development Site

- A location plan clearly indicating subject lands;
- A concise written and visual description of the subject lands identifying all significant features, buildings, landscape and vistas;
- A concise written and visual description of the cultural heritage resource(s) contained within the subject lands identifying significant features, buildings, landscape, vistas and including any heritage recognition of the property (including but not limited to Parks Canada National Historic Sites of Canada, and/or Canadian Register of Historic Places) with existing heritage descriptions as available;
- A concise written and visual description of the context including adjacent heritage properties and their recognition (as above), and any yet unidentified potential cultural heritage resource(s); and
- Present owner contact information.

2. Background Research and Analysis

- Comprehensive written and visual research and analysis related to the cultural heritage value or interest of the subject lands (both identified and unidentified): physical or design, historical or associative, and contextual;
- A development history of the subject lands including original construction, additions and alterations with substantiated dates of construction; and
- Research material to include relevant historic maps and atlases, drawings, photographs, sketches/renderings, permit records, land records, assessment rolls, fire insurance maps, etc.

3. Statement of Significance



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- A statement of significance that identifies the cultural heritage value and heritage attributes of each cultural heritage resource (both identified and unidentified). This statement will be informed by current research and analysis of the site as well as pre-existing heritage descriptions. This statement is to follow the provincial guidelines set out in the Ontario Heritage Tool Kit;
- The statement of significance will be written in a way that does not respond to or anticipate any current or proposed interventions. The Town may, at its discretion and upon review, reject or use the statement of significance, in whole or in part, in crafting its own statement of significance for the subject lands; and
- Professional quality record photographs of the cultural heritage resource in its present state.

4. Assessment of Existing Condition

- A comprehensive written description and high-quality color photographic documentation of the cultural heritage resource(s) in its current condition.

5. Description of the Proposed Development or Site Alteration

- A written and visual description of the proposed development or site alteration; and
- Description of how the proposal meets the policies and objectives of the Town's Official Plan.

6. Impact of Development or Site Alteration

- An assessment identifying any impact the proposed development or site alteration may have on a cultural heritage resource both on site and adjacent to the subject lands.
- Negative impacts to a cultural heritage resource including, but not limited to, those outlined in the Ontario Heritage Tool Kit.

7. Alternatives and Mitigation Strategies

- An assessment of alternative development options, mitigation measures, and conservation methods to avoid and limit the negative impact on any cultural heritage resource including, but not limited to, methods outlined in the Ontario Heritage Tool Kit.

8. Conservation Strategy



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- The preferred strategy recommended to best protect and enhance the cultural heritage value and heritage attributes of any cultural heritage resource including, but not limited to:
 - A mitigation strategy including the proposed methods;
 - A conservation scope of work including the proposed methods; and
 - An implementation and monitoring plan.
- Recommendations for additional studies/plans related to, but not limited to: conservation; site-specific design guidelines; interpretation/commemoration; lighting; signage; landscape; stabilization; additional record and documentation prior to demolition; and long-term maintenance.
- Referenced conservation principles and precedents.

9. Appendices

- A complete bibliography listing all source materials used and institutions consulted in preparing the HIA/CHER.

1.7 Review of HIA/CHER

HIA/CHERs will be reviewed by Staff and the Town's Municipal Heritage Committee. The HIA/CHER will form part of the public record as part of a development application and be available for review by the public.

1.8 Peer Review

The Town of Niagara-on-the-Lake reserves the right to request an independent peer review of the HIA/CHER, at the cost of the property owner/applicant, if a peer review is deemed necessary by the Director of Community and Development Services, generally after consultation with the Town's Municipal Heritage Committee. Peer reviews will evaluate the information and assessments provided in the submitted HIA/CHER. Peer reviews must, as a minimum standard, address inconsistencies, factual errors, discrepancies, omissions, misrepresentations, the application of recognized standards, and the appropriateness of the recommended conservation strategy in consideration of recognized standards.