THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 12-005 TO THE PLANNING COMMITTEE AND RESPECTFULLY ADVISES AND REQUESTS:

1. Correspondence from the Ministry of Tourism, Culture and Sport, respecting the draft Design of Public Spaces in the Built Environment (Item 7.2)

(Adkins/Nowak)
That the Hamilton Municipal Heritage Committee write a letter, including the comments included in Appendix A to Heritage Committee Report 12-005, to the Ministry of Community and Social Services in response to their correspondence regarding the draft Design of Public Spaces in the Built Environment (Accessibility Standards for the Built Environment) under the Accessibility for Ontarians with Disabilities Act, 2005.

CARRIED
FOR THE INFORMATION OF COMMITTEE:

7. DISCUSSION ITEMS (Item 7)

(ii) Correspondence from the Ministry of Tourism, Culture and Sport, respecting the draft Design of Public Spaces in the Built Environment (Item 7.2)

The Committee discussed the draft Design of Public Spaces in the Built Environment, and their impact on Heritage buildings and landscapes. The Committee agreed with the comments made by the Policy and Design Sub-Committee and wished to act on the comments that they put forward for the Committees consideration.

Respectfully submitted,

A. Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Christopher Newman
Legislative Coordinator,
September 20, 2012
The Hamilton Municipal Heritage Committee has reviewed the proposed accessibility standards for the built environment in relation to the *Ontario Heritage Act* (OHA) and their potential impact to significant cultural heritage properties, including built heritage and cultural heritage landscape resources. The Sub-committee provides the following comments:

- The currently proposed amendments are limited to the design of public spaces and the Sub-committee would like the opportunity to review the policies related to buildings when they have been prepared.
- The exceptions for Recreational Trails and Beach Access Routes (Subsection 80.14) and Paths of Travel (80.30) were noted as containing provisions related to excepting cultural heritage resources from compliance with the standards where the heritage resources maybe adversely impacted. The Sub-committee has the following comments specific to these exceptions:
  - the term "erode" has not been defined and is not consistent with the language used in the OHA and the Provincial Policy Statement
  - 80.14 1. (i) Contains an incomplete phrase and the point should read "listed in a municipal register as being of cultural value or interest"
  - "registered" properties do not have formal "heritage attributes" established under the OHA and it may be difficult to determine how these properties might be impacted
  - National Historic Sites of Canada (NHSC) do not have status under the OHA so they may need to be included in their own paragraph for clarity. Also note that NHSCs do not have a Heritage Permit process or other approval process for the municipality or other public body to regulate changes to the properties.
  - who determines if a standard will "erode" the heritage attributes and who approves the exception?
- The process for consideration, approval and implementation of exceptions needs to be clearly articulated.
- Further definitions for key terms, such as "cultural heritage", "erode", "heritage attributes", "small organization", and "large organization" may be required.
- There are a wide variety of cultural heritage resources that are currently identified and protected, or could be identified and protected, across the province. Why are their no exceptions for the other categories in the regulation (e.g., parking, service counters, etc.) that could also affect heritage resources?
- Overall the subcommittee appreciates that attempts have been made to balance accessibility with the conservation of cultural heritage resources.