

Peel2051

Regional Official Plan Review

Indigenous Engagement & Cultural Heritage Policy Backgrounder

Peel 2051 Paper

July 2021



This policy background paper (including any attachments) has been prepared using information current to the report date. It provides an assessment of provincial policy conformity requirements, recognizing that Provincial plans and policies were under review and are potentially subject to change. The proposed direction contained in this discussion paper will be reviewed to ensure that any implementing amendments to the Regional Official Plan will conform or be consistent with the most recent in-effect provincial policy statement, plans and legislation. Additional changes will not be made to the contents of this discussion paper.

Table of Contents

Section	Page
1. INTRODUCTION	1
1.1 Peel 2051: Region of Peel Official Plan Review & Municipal Comprehensive Review	1
1.2 Policy Background Paper Purpose	1
2. BACKGROUND	2
3. INDIGENOUS ENGAGEMENT IN LAND USE PLANNING	2
3.1 Aboriginal Rights, Treaty & Treaty Rights	5
3.2 Best Practices to Engagement.....	6
3.3 Legislative & Policy Requirements on the Duty to Consult.....	8
3.4 Infrastructure Projects	8
3.5 Provincial Planning Context	10
3.6 Planning Act	10
3.7 The Provincial Policy Statement (PPS), 2020	12
3.8 Growth Plan, 2019	12
3.9 Regional Official Plan Proposed Policy Changes	14
4. CULTURAL HERITAGE & REGIONAL POLICIES	15
4.1 Provincial Policy Context.....	17
4.2 Regional Policy Context.....	19
4.3 Local Municipal Policy Context	19
4.4 Regional Official Plan Proposed Policy Changes	21
5. CONCLUSION AND NEXT STEPS	23
6. RESOURCES	24

1. Introduction

1.1 Peel 2051: Region of Peel Official Plan Review & Municipal Comprehensive Review

The Region of Peel’s Regional Official Plan (ROP) is the long-term policy framework for land use planning decision-making. It sets the Regional context for detailed planning by protecting the environment, managing resources, directing growth and setting the basis for providing Regional services in an efficient and effective manner. The *Planning Act* requires municipalities to update their Official Plan every five years to ensure that the policies remain current and are consistent with Provincial plans and policy statements in order to achieve the stated goals and objectives. The review of the current ROP, referred to as *Peel 2051: Regional Official Plan Review*, is being undertaken with the intent to plan for growth to the year 2051.

Peel 2051 includes a focused review of thirteen focus areas to ensure conformity with a number of recent updates to Provincial Plans and policies. The ROP is being reviewed for conformity with recent policy amendments including the *Provincial Policy Statement (PPS), 2020, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Greenbelt Plan (2017)*, the *Oak Ridges Moraine Conservation Plan (2017)* and the *Niagara Escarpment Plan (2017)*.



This policy backgrounder discusses potential additional policy changes that have emerged as a result of this Provincial conformity exercise, and an effort by the Region of Peel to address Indigenous engagement and opportunities for cultural heritage policies in the Regional Official Plan.

1.2 Policy Background Paper Purpose

The purpose of this paper is to provide background information and identify potential Indigenous Community and Cultural Heritage Related policy options for the ROP as part of the *Peel 2051: Regional Official Plan Review* process. This will also include the updates necessary to reflect Provincial policy direction and conformity.

2. Background

Peel Region is situated in the west-central portion of the Greater Toronto Area (GTA), the largest urban agglomeration in Canada. Covering 1,225 square kilometres (473 square miles) and stretching from Lake Ontario in the south, to the Oak Ridges Moraine and above the Niagara Escarpment in the north, Peel includes a diverse mixture of urban, suburban, rural, agricultural and natural landscapes.

The Region of Peel has close to 1.4 million people from various cultural backgrounds residing in one of the three local municipalities including the City of Brampton, the City of Mississauga, and the Town of Caledon. Today, Peel is one of the most diverse communities within the GTA. Peel also has a large immigrant population, comprising more than half of Peel's total population (52% in 2016, Statistics Canada). By 2041, it is anticipated that Peel Region will reach about 2 million people.

With this growth, it is important we ensure the Indigenous communities are engaged in the land use planning process, that their unique and distinctive cultures and rights are recognized and respected, and that cultural heritage resources are identified and protected. Lands in Peel are the traditional territory of the Anishinabek (Ojibway), Huron-Wendat, Haudenosaunee (Iroquois), the Métis, the Mississaugas of the Credit First Nation, and continues to be occupied by many Indigenous Peoples from across Turtle Island (North America).

This backgrounder is separated into two sections: one on engagement with Indigenous communities, and another on cultural heritage policies in a regional context. The first section will highlight important background information on Indigenous community rights and history, the current legislative and policy requirements for engagement, approaches to engagement and proposed ROP policy changes. The second section will identify cultural heritage requirements at a Regional municipal level, Provincial policy requirements, and proposed ROP policy changes with potential linkages to Indigenous communities.

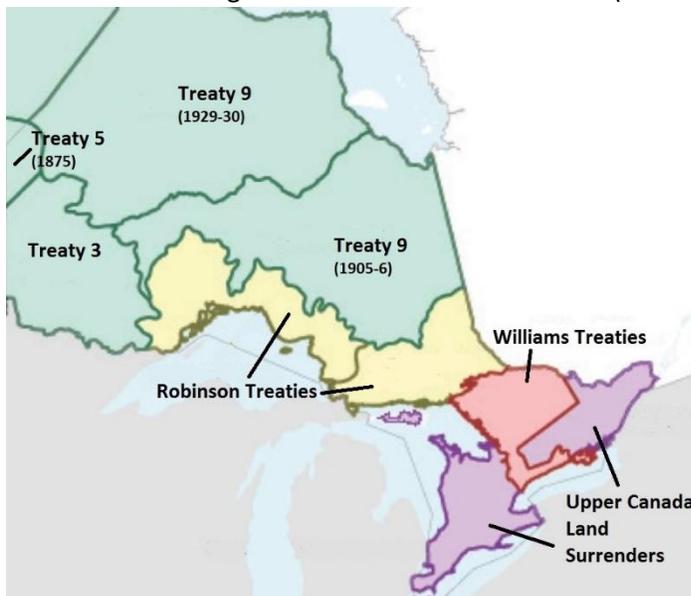
3. Indigenous Engagement in Land Use Planning

It is important to recognize that historically, lands in Peel Region were used for multiple purposes, including hunting, gathering and foraging by Indigenous communities as part of the Dish With One Spoon agreement, which bound these nations to share the territory and protect the land. Indigenous Peoples were present before Europeans arrived in North America, and this separates them from being considered a minority group in Canadian society. The rights of certain Peoples to hunt, gather, trap and fish on ancestral lands are examples of Aboriginal rights (Long Range Planners of Ontario, 2019). At the time of European contact in North America, there were a variety of nations who lived here, including the Iroquois Confederacy or Five Nations, and the Anishinabe (named The Mississaugas by European settlers) (PAMA, 2015). Indigenous communities are unique with distinct cultures, constitutional rights, histories, governance, traditions and languages, a close relationship and deep spiritual, ancestral and environmental attachment to the land and its resources, which is often paramount in their priorities and concerns (Long Range Planners of Ontario, 2019; OPPI, 2019).

In the early 1600s, the British Crown (later the Government of Canada) entered into a series of treaties with Indigenous nations in Canada intended to be formal agreements to encourage peaceful relations and to specify promises, obligations and benefits for both parties. Each treaty is a unique agreement with unique circumstances created to define the respective rights of Indigenous nations and colonial governments (Historica Canada, 2020).

Treaty rights are the specific rights embodied in the treaties that were entered into with Canada, often address the creation of reserves for the exclusive use of Indigenous Communities (including their rights to hunt, fish and trap on provincial Crown lands) (Government of Ontario, 2019). While many treaties were signed more than a century ago, treaty commitments continue to be valid today. Treaties are considered living documents and their interpretation is continuously re-examined and debated to this day, including the ongoing negotiation of these treaties (Historica Canada, 2020). In 1982, when the *Constitution Act* was passed, treaty rights were recognized and affirmed by Canada's Constitution and protected by subsection 35(1) of the *Constitution Act, 1982*.

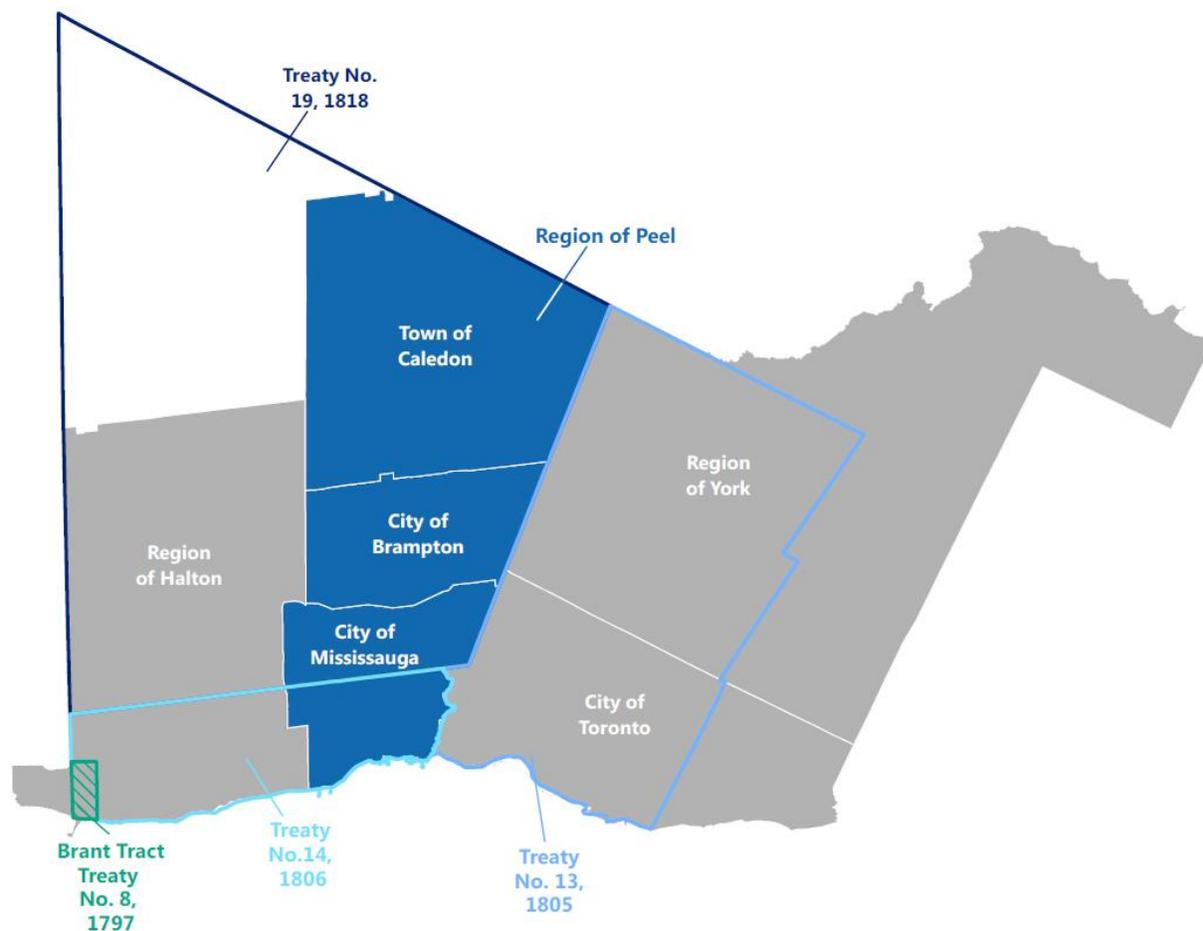
Ontario is covered by 46 treaties and other agreements (Government of Ontario, 2019). The Upper Canada Treaties (1781-1862), also known as the Upper Canada Land Surrenders, constitute an estimated 30 treaties covering most of southwestern Ontario (Hall & Albers, 2017).



(source: Wallace, 2018)

Peel is covered by various treaties, including Treaty 14 (or 13A) and Treaty 19 which are within the Upper Canada Land Surrenders. Treaty 14 is known as the Head of the Lake Purchase and was signed on September 12, 1806 by representatives of the Crown and certain Mississauga Peoples. It includes lands along the north shore of Lake Ontario to the southwest of the Toronto Purchase (Government of Ontario, 2018). Current municipalities in the area which the treaty applies to includes the City of Mississauga (Government of Ontario, 2018). Treaty 19 is also known as the Ajetance Purchase, signed on October 28, 1818 by representatives of the Crown and Anishinaabe Peoples and covers approximately 6500 km² (Government of Ontario, 2018). The Ajetance Purchase is named for the Chief of the Credit

River Mississaugas. The Indigenous signatories, including many Anishinaabe Peoples, the Huron-Wyandot, and other Indigenous communities, received cash payments and other goods in return for title to the land (Hall & Albers, 2017). These Upper Canada Land Surrenders initially provided colonists with lands on which to settle after the American Revolution, which resulted in significant degradation of the land, its resources, and the health of Indigenous Peoples. Disputes over the accuracy of land allotments continued for many years until 2010, when a settlement was reached (Hall & Albers, 2017).



(source: Peel Data Centre, 2020; treaty boundary mapping is based on *James L. Morris, Indians of Ontario* (Toronto Department of Land and Forests, 1943))

There are different views when defining territories, territorial boundaries and protocols including differences between Indigenous views and Canadian legal and political definitions (Malone & Chisholm, 2015). Indigenous understandings of territory are based on complex and culturally specific worldviews that include relationships and ancestral connections to place, kinship ties and oral histories (Malone & Chisholm, 2015). Considering this, it is also valuable to describe the **traditional territories** in Peel.

An example in Peel is the Mississauga's of the Credit First Nation who entered into various treaties between 1781 and 1820 with the Crown. This includes Treaty 22 (1820) and Treaty 23 (1820) which left

the Mississaugas of the Credit with three reserves at 12 Mile Creek, 16 Mile Creek and the Credit River. According to the terms of Treaty 22, the Mississaugas acquiesced to the Crown and ceded their lands at 12 and 16 Mile Creeks along with northern and southern portions of the Credit River Reserve in 1820. Treaty 23 saw the central portion of the Credit River Reserve, along with its woods and waters, ceded to the Crown. This history is important as Ontario has the largest Indigenous population of any of Canada's provinces or territories (OPPI, 2019).¹

3.1 Aboriginal Rights, Treaty & Treaty Rights

Aboriginal rights are an element of a custom, practice or tradition that was integral to the distinctive culture of Indigenous communities with a particular reference date in history, and continues to exist, in contemporary form, today. The reference date for Aboriginal rights of First Nations and Inuit peoples is the date of the claimant community's first contact with Europeans, which occurred at different times in different locations. In the case of Metis communities, the reference date is the date of effective Crown control over the relevant area. The rights of certain Peoples to hunt, gather, trap and fish on ancestral lands are examples of Aboriginal rights. Aboriginal and Treaty rights are collective rights that are held by the community and not the individual.

These rights may have been proven or asserted. Aboriginal rights are recognized and affirmed by section 35 of the *Constitution Act, 1982*. The depth of consultation varies with the strength of the claim. The custom, practice or tradition must have been integral to the distinctive culture of an Indigenous community as of the relevant historical date, and the custom, practice, or tradition must continue to exist in contemporary form.

A **Treaty** is a legally binding agreement between the government and an Indigenous group that defines the rights of the members of the Indigenous group to which the Treaty applies. A treaty may provide rights such as the right to hunt, fish and trap on the lands subject to the Treaty. It may also define the self-government authority of a First Nation.

Treaty rights are the rights specified in a Treaty. Treaty Rights are constitutionally recognized and affirmed, and may include, but are not limited to the creation of Reserves or the payment of money. Some treaties date back to the 1700s and some were signed setting apart lands for Indigenous Peoples. Wampum belts were created to formally document agreements.

There are often different perspectives on why Treaties were signed. There is value in considering the historical context to understand the original intent, and any differences in perspective that may exist. (Long Range Planners of Ontario, 2019, p. 4).

¹ Of the approximate 1% of Peel's population reported having an Aboriginal identity, 60%, 32%, 2% of respondents reported a First Nations, Métis, and Inuit identity respectively (Statistics Canada, 2016). The remaining proportion of the population reported multiple Aboriginal identities (3%) or Aboriginal identities not included elsewhere (3%) (Statistics Canada, 2016).

3.2 Best Practices to Engagement

The purpose for engaging with Indigenous communities is to determine if there is an impact, if any, on existing and asserted Aboriginal and treaty rights, and appropriate mitigation. The level of engagement is determined by the strength of the claim and seriousness of impact; in some cases, it may simply be notification. Where the potential impact on a proven right is serious, then engagement may involve more in-depth discussions and accommodation. In Peel, while there are no reserves within one kilometre of the municipal boundaries where specific consultation is required by the *Planning Act*, Indigenous communities are engaged and notified along with other prescribed bodies throughout the planning and infrastructure development process, as prescribed by the *Planning Act*, *Environmental Assessment Act*, and noted in the subsequent section 3.4 and 3.5.

At this time, we are advised that the Province is working to develop effective consultation processes, including drafting guidelines for Provincial ministries on consultation with Indigenous communities related to Aboriginal rights and treaty rights, specifically for Ministry staff, and can be accessed here: <https://www.ontario.ca/page/draft-guidelines-ministries-consultation-aboriginal-peoples-related-aboriginal-rights-and-treaty>. While these draft guidelines are aimed at Provincial constitutional obligations to consult, key elements of the guide will be considered in the section below as it useful for Peel in understanding best practices, ensuring clearer communication, and building effective engagement policies that benefit both the Region and the Indigenous communities. There are appropriate principles for engagement for diverse situations or groups that can guide how planners get to know, understand and engage with Indigenous communities in a genuine and respectful manner, covered in this section.

Process

There are specific instances in the planning process or a development project when notification to the appropriate representatives of the affected Indigenous communities may be needed. The nature, scope and content of engagement before or after notification is dependent on the circumstances of the project. The approaches may need to be flexible considering the resources and practices of the Indigenous community, the activities being undertaken, processes noted by the Province, previous concerns raised by the Indigenous community, historical relationships with the communities, or whether any communities or organizations have been involved on similar matters in the past or expressed a desire to be/not to be engaged. The exact terms of the engagement process may vary, but early discussions with the Indigenous communities can help determine what processes or approaches should be used to reach out. It is noted that relationships with Indigenous communities should last beyond the duration of the project or engagement window and should build on an understanding and appreciation of Indigenous knowledge and beliefs.

Mutual Respect

For engagement to be effective and positive, all participants must approach the process with an attitude of mutual respect. Some of the principles include understanding the community you are engaging with, recognizing that the sovereignty of Indigenous Peoples exists (and is not for the government to give), actively listening to concerns raised by the community and determining how concerns can be

avoided/minimized/mitigated, focusing on solutions that meets the needs of all, and honouring commitments.

Effective Two-Way Communication

Effective engagement is also based on a two-way exchange of communication and information that is timely, accessible and provides details on any potentially affected right. As noted earlier, each community is different and as a result, the level of resources, response to engagement, interest in issues and knowledge of the planning and development system will differ. It is important for time to be spent during the early stages of engagement to understand what is important for that community, as the interests and issues vary. Information on the planning project also needs to be clear in terms of what feedback is being sought. Other principles to help with effective communication making best efforts to not force timelines, ensuring a willingness to listen, aiming to build long-term relationships, engaging early, being transparent, respectful and acting with honour. Engaging with Indigenous communities also provides an opportunity to build openness and understanding. There may be a different understanding of various terms or definitions given differences in languages between Indigenous communities.

Coordination

There should be a goal to coordinate the engagement approach across municipal divisions, various level of governments (Regional and local) and any consultants who may be required to engage with Indigenous communities (e.g. archaeology studies) when engaging with Indigenous communities.

Cultural Considerations

Indigenous People have diverse interests, abilities and priorities. Some common priorities include a close connection to spiritual life, preservation of the land as an alternative to industrial consumption which may lead to conversations on broader areas or topics, protection of the environment at large based on traditional knowledge that remains relevant in contemporary society, and having the power, resources, authority, broader recognition of self government and wherewithal to make a difference. Many Indigenous peoples consider the need for environmental protection based on a seven-generation perspective. Including traditional knowledge or knowledge-sharing between cultures can provide guidance in decision-making. Also, Indigenous cultures and laws are transmitted through detailed oral traditions and visual records, and deal with identity, relationships and how transgressions are handled. In some instances, it may be viewed as inappropriate to ask direct questions as it could be perceived as a demand for information. One should not assume that the elected or hereditary band Chiefs and elected Councils are able to make decisions regarding their People's territory or land use matters. This may affect the approach, process and comments received. Lastly, Indigenous cultures value the principle of restoration when dealing with transgressions.

In general, the extent of the engagement is tied to the depth of the impact, and the approach should be agreed upon with the affected Indigenous community. This will need to be considered as the Region works to update its' Official Plan policies related to engagement and coordination.

3.3 Legislative & Policy Requirements on the Duty to Consult

In Canada, there is a legal duty for the government of Canada (the “Crown”, Federal and Provincial governments) to consult with Indigenous People when it contemplates decisions or actions that may adversely impact asserted or established Aboriginal or treaty rights. The duty to consult, and where appropriate to accommodate Indigenous needs and interests, is rooted in section 35 of the *Constitution Act, 1982*, recognizes Aboriginal and treaty rights. This is a legal duty to have meaningful consultation whenever the Crown has reason to believe that its policies or actions, directly or indirectly, might infringe upon actual or claimed Aboriginal rights, title or Treaty rights.

The duty to consult cannot be delegated. It rests with the Federal and Provincial governments. The Courts have not yet recognized a duty to consult owed by municipalities. Courts have held that municipalities lack the practical resources to consult and accommodate (*Neskonlith Indian Band v Salmon Arm*, 2012 BCCA 379). However, municipalities exercise governmental power and provide authorizations for development, especially in the form of local and regional land-use planning. Municipalities therefore exercise *de facto* sovereignty over Indigenous interests. Municipalities are also well-positioned to assess the risks posed by local projects to Indigenous communities and have jurisdiction to impose conditions on projects to mitigate those risks. Lastly, the Charter of Rights and Freedoms of 1982 applies to municipalities, and the courts could find s. 35 of the *Constitution Act, 1982* (the source of the duty to consult) to also apply to municipalities.

Considering this context, the Province has chosen to entrust some procedural aspects of Indigenous engagement to municipalities and proponents through policy and legislation. The *Planning Act*, *Environmental Assessment Act*, Provincial Policy Statement, 2020, Greenbelt Plan, Oak Ridges Moraine Conservation Plan and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, all contain policies and provisions relating to engagement with Indigenous Peoples. These provisions are mostly about notification, giving Indigenous communities an opportunity to engage, and recognizing and affirming Indigenous rights and interests when municipalities undertake infrastructure projects or planning projects.

The strongest obligations that Peel has to consult are in the *Environmental Assessment Act* and in the *Planning Act*, concerning notification requirements (s.3(9)15 of O. Reg. 543/06). Beyond legislated requirements, the Growth Plan and Provincial Policy Statement provide guidance on Indigenous engagement. Based on the evolving case law to date, the practice of municipal engagement with Indigenous communities is evolving, and there are some notification requirements under the policies and legislative framework that apply to planners. The following sections will highlight some of these requirements.

3.4 Infrastructure Projects

The *Environmental Act (EA Act)* provides for the “protection, conservation, and wise management” of the environment in Ontario. The environment is applied in a broad sense to include the natural, social, cultural, built and economic environments. There are a range of responsibilities under the *EA Act* when undertaking infrastructure projects. In applying the requirements of the *EA Act* to these undertakings, there are two types of planning and approval processes 1) Individual EA (part II of the Act) for which a Terms of References and an Individual EA are carried out and submitted to the Minister of the

Environment for review and 2) Class EA (part II.1 of the Act) for projects which are approved and subject to compliance with an approved class EA process and undertakings. Infrastructure projects are defined as four different levels to accommodate the entire range of Class EA undertakings (known as Schedule A, A+, B and C). On July 21, 2020, *COVID-19 Economic Recovery Act, 2020* (Bill 197) received Royal Assent. Bill 197 amends multiple statutes and makes significant amendments to Ontario's *EA Act*. Once in force, Part II of the *Act* (Individual Environmental Assessments) will be replaced with a requirement to complete a "comprehensive environmental assessment". Part II.1 (Class Environmental Assessments) will be replaced with a requirement to undergo a "streamlined" environmental assessment. Since the *Act* can be revised from time to time, the latest requirements and further details can be found within the *Act*.

Currently, the key principles of successful EA planning are:

- consultation with the affected parties early in and throughout the process for a cooperative venture;
- consideration of a reasonable range of alternatives of implementing the solution;
- identification and consideration of the effects of each alternative on all aspects of the environment;
- the systematic evaluation of alternatives (advantages and disadvantages) to determine their net environmental effects; and,
- the provision of clear and complete documentation of the planning process followed to allow tracking of the decision making.

The EA process requires proponents to undertake public consultation to some degree on all Regional EA projects. In the EA, Indigenous communities can include but are not limited to First Nations lands, Aboriginal Peoples' Treaty Rights or use of land and resource for traditional purposes), Aboriginal Peoples' industry, prehistoric and historic Aboriginal Peoples' archaeological sites, and Aboriginal Peoples' rights claims. Consultation with Indigenous communities is required for public sector projects and only private sector projects that are designated.

Where the Crown's duty to consult is triggered, procedural aspects of interest-based consultation are delegated to the proponent, meaning the Crown delegates some activities of consultation to the proponent to carry out. What is required by the duty to consult depends on the strength of the asserted or claimed Aboriginal rights, title, or Treaty rights and the seriousness of the potential impact on those rights. The content of the duty to consult falls along a spectrum. Where the strength of the asserted claim is weak, or the potential impacts are not serious, then notice may be all that is required. However, where the claim to Aboriginal rights, title or Treaty rights is strong, or the potential impact on those rights is serious, the duty to consult may require much more, including accommodation measures or seeking consent.

The cultural environment in EAs refers to cultural heritage and archaeological resources. More specifically, this includes archaeological resources, areas of archaeological potential, built heritage resource, cultural heritage landscapes, and cultural heritage resources. Significant cultural heritage and archaeological resources features should be avoided where possible. Where they cannot be avoided, then effects should be minimized where possible, and every effort made to mitigate adverse impacts, in accordance with provincial and municipal policies and procedures. Cultural heritage features should be identified early in the process in order to determine significant features and potential impacts. The

Regional and local municipal official plans have specific policies related to this, along with provincial, and/or federal policies. The Ministry of Tourism and Culture’s draft technical bulletin for consultant archaeologists titled ‘Engaging Aboriginal Communities in Archaeology’ sets out standards and guidelines for consultant archaeologists to engage with Aboriginal communities in archaeology. The bulletin sets out when Indigenous groups must be engaged and when it is recommended they be engaged, and can be accessed here: <http://www.mtc.gov.on.ca/en/publications/AbEngageBulletin.pdf>.

3.5 Provincial Planning Context

The *Planning Act*, PPS, A Place to Grow: The Growth Plan for the Greater Golden Horseshoe provide high level direction and guidance for land use planning matters in Ontario. Municipalities are required to develop official plans that are consistent with and conform to the legislation in the *Planning Act* and policy direction set out in the Provincial plans, with specific direction on notification and Indigenous engagement. Much of this is also reflected in a similar manner in the Oak Ridge Moraine and Greenbelt Plan. It should be noted that much of the Niagara Escarpment Plan direction on engagement with Indigenous communities is in relation to the Niagara Escarpment Parks and Open Space System agency engaging with the communities during the planning process, and not directing municipalities.

3.6 Planning Act

Planning Act Section	Planning Act Provisions Related to Indigenous Engagement
Section 1	<ul style="list-style-type: none"> Public body means a municipality, a local board, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation. This term appears in the notification Section 17.
Section 2	<ul style="list-style-type: none"> The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as, (c) the conservation and management of natural resources and the mineral resource base; (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; and (n) the resolution of planning conflicts involving public and private interests.
Section 3	<ul style="list-style-type: none"> The Minister may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. The PPS, 2020 was issued under this section of the <i>Planning Act</i> and provides policies on engagement with Indigenous communities.
Section 17 (23)	<ul style="list-style-type: none"> The council shall ensure that written notice of the adoption of the plan is given in the prescribed manner, no later than 15 days after the day it was adopted, (c) to any other person or public body that is prescribed. 2015, c. 26, s. 18 (4).
O. Reg. 543/06 OP & OPAs Section 3(9) 15)	<ul style="list-style-type: none"> Notice should be given to chief of every First Nation council, if the First Nation is located on a reserve, any part of which is within 1km of OP or OPA area.

The *Planning Act* (1990) provides the rules related to land use planning in Ontario and is the basis for municipalities to prepare documents, including official plans that set out a municipality's planning goals and policies that will guide land use within its jurisdiction. Municipalities are required to ensure planning decisions and planning documents are consistent with the PPS and integrate matters of provincial interest. Requirements for public notice of *Planning Act* applications are set out in the *Act*.

The *Planning Act* contains a definition of "public body" in section 1(1)(f) that includes "a first nation". As such, every time public bodies are to be notified, a First Nation must also be notified and in order to have an opportunity to engage in the planning work being undertaken. Ontario Regulation 543/06 Official Plans and Plan Amendments ("O.Reg 543/06) s. 3(9) 15. lays out notification requirements for public meeting and open houses for official plans and amendments. Specifically, for Indigenous engagement, notice must be given to the chief of every First Nation council, if the First Nation is located on a reserve any part of which is within one kilometre of the area to which the proposed official plan or plan amendment would apply. The Region goes beyond this requirement, and notifies a comprehensive list of chiefs and coordinators of 20 Indigenous communities, as there are no reserves within one kilometre of the municipal boundary of Peel. Peel recognizes the historical connection that Indigenous communities continue to have to their traditional territories, and the valuable input that has been gained over the years by having Indigenous engagement through the planning process outside of regulatory requirements.

Section 2 of the *Planning Act* indicates that the Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this *Act*, shall have regard to, among other matters, matters of provincial interest such as, (c) the conservation and management of natural resources and the mineral resource base; (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; and (n) the resolution of planning conflicts involving public and private interests.

The *Ontario Heritage Act* also contains requirements for Indigenous engagement. The *Ontario Heritage Act*, (1990) c.0.18, came into force in 1975. Changes were made in 2005 under the *Government Efficiency Act*. Its primary focus is to protect heritage properties and archaeological sites. The Standards and Guidelines for Consultant Archaeologists issued by the Ministry of Heritage, Sport, Tourism and Culture Industries require engagement of Indigenous communities at specific points in the archaeological assessment process, where sites have been established as being of Indigenous origin. This is required to be undertaken by the Consultant Archaeologist undertaking the assessment, as a condition of their license. The Regional Official Plan already contains policies that meet these requirements. Under the Region's current Settlement Area Boundary Expansion work, a team of archaeologists are undertaking the necessary steps to ensure engagement with the Indigenous communities, in coordination with other Regional Indigenous engagement efforts.

Section 3 of the *Planning Act* indicates that the Minister may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. The following section outlines the direction in the PPS, 2020.

3.7 The Provincial Policy Statement (PPS), 2020

PPS, 2020 Section	PPS, 2020 Policy
Section 1 Coordination (1.2.2)	<ul style="list-style-type: none"> Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.
Section 2.6 Cultural Heritage and Archaeology (2.6.5)	<ul style="list-style-type: none"> Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.
Section 4 Implementation and Interpretation (4.3)	<ul style="list-style-type: none"> This PPS shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the <i>Constitution Act, 1982</i>.

The PPS, 2020, came into effect on May 1, 2020, and provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides overall policy directions on matters of provincial interest related to land use and development in Ontario, and applies to the Greater Golden Horseshoe, except where the Growth Plan or another provincial plan provides otherwise. The 2020 update more clearly and at the forefront recognizes that Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Other changes include acknowledgement of Indigenous communities' unique role, perspectives and traditional knowledge in the land use planning decision making process.

Language in Part IV: Vision for Ontario's Land Use Planning System preamble section is strengthened by going beyond coordinating planning matters with Indigenous communities, to encourage planning authorities to build constructive, cooperative relationships through meaningful engagement with Indigenous communities that facilitate knowledge-sharing in the land use planning processes and inform decision-making.

Further, s.1.2.2 is strengthened by changing 'encouraged' to 'shall' coordinate with Indigenous Communities. ROP policies will need to be amended to address these changes. This is also reiterated in s.2.6.5 where planning authorities shall consider their interests when identifying, protecting and managing cultural heritage and archaeological resources. Regional policies will need to consider this through the ROP review.

3.8 Growth Plan, 2019

Growth Plan Section	Growth Plan Policy
Section 1.1 The Greater Golden Horseshoe	<ul style="list-style-type: none"> The First Nations and Métis communities within the Great Lakes region have a unique relationship with the land and its resources, which continues to shape the history and economy of the area today. Ontario, including the area covered by A Place to Grow: Growth Plan for the Greater Golden Horseshoe, is largely covered by a number of Treaties that provide for treaty rights. In addition, Aboriginal communities may have Aboriginal rights within the Plan area. Ontario recognizes the unique role that Indigenous Peoples have had and will continue to have in the growth and development of this region.

	<ul style="list-style-type: none"> • In implementing these provincial plans, the Province recognizes the importance of consulting with First Nations and Métis communities on planning matters that may affect their rights and interests. Provincial plans must be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights under section 35 of the <i>Constitution Act, 1982</i>.
Section 1.2.1 Guiding Principles	<ul style="list-style-type: none"> • Conserve and promote <i>cultural heritage resources</i> to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.
Section 4 Protecting What is Valuable (4.1. Context)	<ul style="list-style-type: none"> • Through their historic relationship with the lands and resources in this region, Indigenous communities have gained traditional knowledge that is of value to the planning decisions being made today.
Section 4.2.7 Cultural Heritage Resources (4.2.7.2)	<ul style="list-style-type: none"> • Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.
Section 5.2.3 Co-ordination (5.2.3.3)	<ul style="list-style-type: none"> • Municipalities are encouraged to engage the public, First Nations and Métis communities, and stakeholders in local efforts to implement this Plan, and to provide the necessary information to ensure the informed involvement of local citizens.
Section 5.2.3 Co-ordination (5.2.3.6)	<ul style="list-style-type: none"> • Planning authorities are encouraged to co-ordinate planning matters with First Nations and Métis communities throughout the planning process. Municipalities are encouraged to build constructive, cooperative relationships with First Nations and Métis communities and to facilitate knowledge sharing in growth management and land use planning processes.

The new Growth Plan, *A Place to Grow, 2019* is issued under section 7 of the *Places to Grow Act, 2005* and came into effect May 16, 2019. The Growth Plan, 2019 replaces the Growth Plan, 2017 that took effect July 1, 2017. Like other provincial plans, the Growth Plan, 2019 builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario.

In implementing this provincial plan, the Province emphasizes the importance of consulting with First Nations and Métis communities on planning matters that may affect their rights and interests. This is noted for both the Province's work to consult and specific direction to municipalities to ensure informed involvement. It continues to maintain that municipalities will work with First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources. Further, there is strengthening of the language to encourage coordination of planning matters and knowledge sharing throughout the planning process. Regional policies could better reflect these new policies.

Further, Growth Plan, 2019 policies continue to encourage municipalities to engage First Nations and Métis communities when implementing the Growth Plan, and to provide necessary information to

ensure the informed involvement of local citizens. ROP policies will reflect this direction and better recognize Peel’s history.

3.9 Regional Official Plan Proposed Policy Changes

Region of Peel Official Plan – Proposed Indigenous Engagement Policy Directions	
Chapter 1: Introduction (1.2 Geographic Scope)	<ul style="list-style-type: none"> Recognize Indigenous communities by acknowledging their heritage, treaty rights, role in the planning process, and their unique relationship to the land and resources. Add mapping that reflect treaties with First Nations. Add a land acknowledgement on which the Region of Peel operates: the Treaty Lands and Territory of various Indigenous communities. Acknowledge that Peel Region is the traditional territory of the Anishinabek (Ojibway), Huron-Wendat, Haudenosaunee (Iroquois), and home to the Métis, and was most recently the territory of the Mississaugas of the Credit First Nation, and continues to be occupied by many Indigenous Peoples from across Turtle Island (North America).
7.3.5 Public Consultation	<ul style="list-style-type: none"> Policies directing engagement with Indigenous communities in the planning process on land use planning matters at the Regional and local municipal level. Strengthened existing engagement policies to conform to new Provincial policies that encourage the building of constructive, cooperative relationships through meaningful engagement and inform decision-making, and coordination of planning matters throughout the planning process.
Glossary	<ul style="list-style-type: none"> Replace “Aboriginal people” and “First Nations” terminology, where appropriate with the more inclusive term “Indigenous communities”. Replace term Aboriginal People in the glossary under “diverse populations” with the term “Indigenous Peoples” as a more collective noun for First Nations, Inuit and Métis.

Under the current Peel 2051: Official Plan Review, there is an opportunity to strengthen existing policies recognizing the role of Indigenous communities in land use planning and engagement through the planning process. Proposed policy amendments will aim to recognize Indigenous communities by acknowledging their heritage, treaty rights, role in the planning process, and their unique relationship to the land and resources.

The current and emerging practice of acknowledging Indigenous Peoples and their territories is a response to the Call to Action Recommendations resulting from the Truth and Reconciliation Commission. The first chapter of the ROP could begin by acknowledging that the land on which the Region of Peel operates, is part of the Treaty Lands and Territory of the Mississaugas of the New Credit. Further, it could acknowledge that Peel Region is the traditional territory of the Anishinabek (Ojibway), Huron-Wendat, Haudenosaunee (Iroquois), and home to the Métis, and was most recently the territory of the Mississaugas of the Credit First Nation, and continues to be occupied by many Indigenous Peoples from across Turtle Island (North America).

Currently, the official plan uses the term “Aboriginal people” and “First Nations.” The term Aboriginal People is captured in the glossary under “diverse populations”, while First Nation is not. First Nation is a term used to identify Indigenous Peoples of Canada who are neither Métis or Inuit, and there are currently 600 First Nation communities across Canada. Further, the term “Aboriginal Peoples” has resistance to its usage from some groups (Joseph, 2017). The term “Indigenous Peoples” is a collective noun for First Nations, Inuit and Métis and its definition is “native to the area” (i.e. North America). It is proposed that both terms be replaced with Indigenous communities instead to recognize the variety of diverse communities.

Current policies under the Public Consultation (7.3.5) section state that it is the policy of Regional Council to consult with First Nations on land use planning matters in order to create healthy and sustainable regional communities. Further, the plan also prescribes a policy directive in the Cultural Heritage (s.3.6) section for local municipalities to include in their official plans policies for the definition, identification, conservation and protection of cultural heritage resources with Aboriginal People (with the outdated term).

A jurisdictional scan identified the City of Toronto and Region of Halton policies that have specific direction for an engagement protocol for engaging with First Nation and Metis on planning matters. Considering efforts are being made to improve business practices for engagement with Indigenous communities, new policies will be considered to establish internal engagement guidelines/processes at the Region. Further, existing policies on Indigenous community engagement could be strengthened to conform to new Provincial policies that encourage the building of constructive, cooperative relationships through meaningful engagement and inform decision-making, and coordination of planning matters throughout the planning process. Additional guidance from the Province would help to support application of this policy direction and a framework to clarify municipal responsibility. The Region has also received input from the Mississaugas of the Credit First Nation. This will be considered as part of the Region’s official plan review and implementing engagement processes.

Finally, to recognize existing treaty rights that are protected under section 35 of the *Constitution Act*, 1982, mapping that reflect these rights will be considered as a contextual piece in the ROP.

4. Cultural Heritage & Regional Policies

The topic of cultural heritage for the purposes of the ROP includes built heritage, cultural heritage landscapes and archaeological resources, while all types of cultural heritage resources. These cultural heritage resources provide an important link to the history and culture of the municipality and contribute to a sense of place and identity of a community. The following definitions include information gathered from the Growth Plan, 2019, Region of Peel’s current Official Plan, and PPS, 2020.

Cultural heritage resources in land use planning include built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contributions they make to our understanding of the history of a place, an event or a people. More broadly, these resources are produced or left by the people in a specific area

and represents a cultural identity (such as handcrafts, tools, equipment, buildings, furnishings, folklore rituals, art, transportation, place of dwelling, activity, etc.). While some cultural heritage resources may be identified, inventoried, and protected or preserved, others require evaluation to determine their significance.

Cultural heritage landscapes are any areas that may have been modified by humans and have been identified as important and necessary to preserve or reinforce the relationship between people and their surrounding environment, including an Indigenous community. This can include features such as buildings, structures, spaces, views, archeological sites, or natural elements that together are valued for their interrelationship or association and may be identified under the *Ontario Heritage Act* or through other land use planning mechanisms.

Built heritage resource means a building, structure, monument, installation or any manufactured or constructed part/remnant that contributes to a property's cultural heritage value or interest. These structures are often included on local, provincial, federal and/or international registers or located on a property as designated under Part IV (individual designation) and Part V (district designation) of the *Ontario Heritage Act*. This is not identified in the ROP since local municipalities manage built heritage resource registries.

Archaeological resources include objects, sites, areas, building, structures, activity, or cultural feature or objective which, because of the passage of time, is on or below the surface of land or water and is of significance to the understanding of the history of a people or place. The definition, identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

There is value in illustrating the historic relationship between the community of today and its surrounding environment. The cultural heritage of a community is made up of resources that are non-renewable. Indigenous communities have traditional knowledge in understanding the value that this historic connection between the lands and resources has in creating a sense of identity and place. Indigenous Cultural Heritage can be interpreted as living heritage or intangible heritage, understood and described according to their own perspectives, traditions and languages (Younging, 2018; Air, Fox & Bain, 2019). This can include language, stories and oral histories, songs, dance, ceremonies, harvesting knowledge and practices, and cultural transmission (Air, Fox & Bain, 2019). Current planning practices and regulations across Canada focus on the recognition and protection of physical heritage values (such as buildings, monuments and objects) (Air, Fox & Bain, 2019).

The Region's policies continue to support and promote the identification, conservation and interpretation of the built heritage features, structures, archaeological resources, and cultural heritage landscapes (including properties owned by the Region). However, there is an opportunity to strengthen the Region's overall cultural heritage policies as well as linkages between the interests of Indigenous communities and cultural heritage conservation. In this context, it should be noted that Indigenous communities understand and describe cultural heritage according to their own perspectives, traditions and languages. The overarching perspective that everything is interconnected (land, nature, language,

culture, knowledge) is common among the many Indigenous communities and can be better recognized in the Region’s Official Plan. This section will examine the Provincial and Regional context of cultural heritage policies, and the ways these policies can be improved to highlight the benefits of cultural heritage resources in making communities unique and desirable places to live.

4.1 Provincial Policy Context

Cultural heritage resources are identified using criteria and guidelines established by the Province. The process for determining cultural heritage value or interests are established by the Province under the authority of the *Ontario Heritage Act*, or local, provincial, federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms. Direction is also provided in the Growth Plan, 2019, PPS, 2020, Greenbelt Plan, 2017, Oak Ridges Moraine Conservation Plan, 2017, and Niagara Escarpment Plan, 2017. While recent updates have been made to the noted Provincial plans, no significant changes to policies were made with respect to cultural heritage. Below, the table highlights recent Provincial policy changes that must be considered as part of the ROP update to meet Provincial conformity. Existing Provincial policies are not noted below since the ROP already meets conformity to Provincial policies that existed prior to 2013, when the ROP was last updated.

Provincial Plan and Section	Policy
PPS, 2020 Section 1.7 Long-Term Economic Prosperity	<ul style="list-style-type: none"> • s.1.7.1.e) Encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including <i>built heritage resources</i> and <i>cultural heritage landscapes</i>
PPS, 2020 Section 2.6 Cultural Heritage and Archaeology	<ul style="list-style-type: none"> • s.2.6.1. <i>Significant built heritage resources</i> and <i>significant cultural heritage landscapes</i> shall be <i>conserved</i>. • s.2.6.4. Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources. • s.2.6.4. Planning authorities shall engage with Indigenous communities and consider their interest when identifying, protecting and managing cultural heritage and archaeological resources.
PPS, 2020 Glossary	<ul style="list-style-type: none"> • Changes to definition of “built heritage resource”, “conserved”, “cultural heritage landscape”, “heritage attributes”, “protected heritage property” and “significant” <ul style="list-style-type: none"> ○ Cultural heritage landscape: includes views, buildings, properties determined under Ontario Heritage Act; removed e.g. villages, parks, gardens, etc.; removed e.g. UNESCO; added OP, ZBL, or other land use planning mechanisms to the types of protections/registers ○ Significant: added process for determining cultural heritage value or interest (under Ontario Heritage Act, National or international criteria as established by a certifying body)
Growth Plan, 2019 4.2.7	<ul style="list-style-type: none"> • 4.2.7.1. <i>Cultural heritage resources</i> will be conserved in order to

Cultural Heritage Resources	<p>foster a sense of place and benefit communities, particularly in <i>strategic growth areas</i>.</p> <ul style="list-style-type: none"> • 4.2.7.2. Municipalities work with stakeholders and First Nations and Métis communities, for the identification, wise use and management of <i>cultural heritage resources</i>. • 4.2.7.3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.
Greenbelt Plan Section 1.2.2. Protected Countryside Goals	<ul style="list-style-type: none"> • 1.2.2.3.a) Identification, conservation, use and wise management of cultural heritage resources, to support the social, economic and cultural well-being of all communities, including First Nations and Métis communities;
Greenbelt Plan Section 4.4 Cultural Heritage Resources	<ul style="list-style-type: none"> • Planning authorities shall work with stakeholders, and shall consider the interests of First Nations and Métis communities in conserving cultural heritage resources through official plan policies and strategies.

The most notable change relates to proposed PPS, 2020, where it states that Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archeological resources. This is a strengthening of existing policies on engagement with Indigenous communities. The same change was also carried into the Greenbelt Plan, 2016 policies. Regional policies would need to reflect direction to local municipalities to work with stakeholders and Indigenous communities in developing and implementing policies and strategies for the identification, wise use and management of cultural heritage resources.

The ROP already contains policies that do not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant resources have been conserved or on adjacent lands to protected heritage property except where it has been evaluated and demonstrated to have protected heritage property conservation. No changes are anticipated to these polices in the ROP.

Further, the definition of cultural heritage landscape has been modified. It removes examples that make reference to villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance, and further removed explicit reference to UNESCO World Heritage Sites and National Historic Site or District designations.

Under the *Ontario Heritage Act*, more recent changes under *Bill 108, the More Homes, More Choice Act, 2019* have been made with respect to appeals processes; however, these changes do not impact policies in the ROP. The *Ontario Heritage Act* allows local municipalities to designate certain properties as being of cultural heritage value or interest and to thereby restrict the alteration and demolition of such properties. This work is done at a local municipal level and there are no impacts to Regional policies at this time.

4.2 Regional Policy Context

The Region of Peel Official Plan (2018 Consolidation) provides the policy framework for land use planning matters related to growth and development, environmental protection, and resource conservation and use. The policies contained in the ROP clarify the role and responsibilities of the Region, based on principles that Provincial policy will be implemented through both the Regional Plan as well as local municipal official plans which provide additional detailed policy.

The Region of Peel owns and operates the Peel Heritage Archives, Museum and Art Gallery. The purpose of the Heritage Complex is to collect, preserve, house, catalogue, research, display, interpret and promote objects of archaeological significance, cultural and artistic and encourage arts education. This is reflected in policies that direct the preservation and promotion of cultural heritage resources, including Regional projects. Further, Regional infrastructure projects require and support cultural heritage resource impact assessments, where appropriate.

The Region's policies support local municipal policies, programs and initiatives to identify, conserve and promote cultural heritage resources for present and future generations, including preparing an inventory of cultural heritage resources and guidelines for identification, evaluation and mitigation activities. Policies also speak to supporting the designation of Heritage Conservation Districts in area municipal official plans. The Region also encourages municipalities to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making, as directed by Provincial policy. In instances where there are matters having inter-municipal cultural heritage significant, the Regional policy encourages cooperation among area municipalities.

Further, the Region directs the area municipalities to require, in their official plans, that the proponents of development proposals affecting heritage resources provide for sufficient documentation to meet Provincial requirements and address the Region's objectives with respect to cultural heritage resources. More specific policies direct the area municipalities to only permit development and site alteration on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site; in the latter case of preservation, only permitting development which maintains the heritage integrity of the site is permitted.

4.3 Local Municipal Policy Context

A jurisdictional scan was conducted in 2019 that examined the following theme areas:

- Cultural Heritage Policies
- Cultural Heritage and Archaeology Resources Management/ Register
- Cultural Heritage and Archaeological Conservation/Preservation/Assessment
- Indigenous and Cultural Heritage Policies
- Indigenous Acknowledgement and Community Recognition
- Coordination/Engagement with Public and Indigenous Communities

Official plan policies were assessed for various upper-tier municipalities (Regions of Waterloo, York, Durham, Halton, Niagara, and Simcoe County), single-tier municipalities (Cities of Toronto, Hamilton,

Timmins, Thunder Bay, and Greater Sudbury) and lower-tier municipalities (City of Brampton, City of Mississauga, and Town of Caledon). This information was used to inform the policy directions of the ROP.

The municipalities of Mississauga, Brampton and Caledon each have local official plan policies related to cultural heritage, and other supporting documents that govern cultural heritage planning. Planning for cultural heritage is primarily done at a local municipal level, however, the ROP supports heritage preservation and recognizes the role of heritage in developing the overall quality of life for residents and visitors to Peel. Regional policies generally promote the Region's heritage and supports the area municipal heritage policies and programs, while local municipalities conserve cultural heritage resources through various planning tools that allow for the designation of individual properties, heritage conservation districts, heritage registries, and easement agreements on heritage properties. The following provides a brief summary of some land use related policies that the local municipalities have relating to cultural heritage planning. It should be noted that all three local municipal official plans are being reviewed.

City of Brampton

The City of Brampton Official Plan (2006) was approved in part by the Ontario Municipal Board in October 2008, with several resolutions since that time, and 2015 represents the latest office consolidation. The City of Brampton's Official Plan recognizes the important role cultural heritage resources play in creating strong, livable communities. It provides a series of policies to frame and inform land use planning decisions, ensuring that significant cultural heritage resources are conserved and celebrated. Section 4.10 contains the City's cultural heritage policies. The overall objective is to conserve, preserve, restore and rehabilitate cultural heritage resources deemed to have significance, and promote public awareness of Brampton's heritage. The City has a Cultural Heritage Resources Register that documents and protects the built heritage resources and cultural heritage landscapes. The City also required a Heritage Impact Assessment for any proposed development that alters, constructs or is adjacent to a designated heritage resource. The Village of Churchville is currently Brampton's only designated Heritage Conservation District, but also protects heritage interests in portions of Downtown Brampton and Huttonville as areas with Cultural Heritage Character. The Official Plan contains policies to prepare an Archaeological Master Plan and the requirements for an archaeological assessment report to be undertaken in certain circumstances. Lastly, the City has established the Brampton Heritage Board to provide advice to Council on matters pertaining to heritage.

City of Mississauga

The Mississauga Official Plan (2012) was adopted by Mississauga Council on September 29, 2010 and partially approved by the Region on September 22, 2011. The Office Consolidation (2019) includes all policies currently in effect to November 22, 2019, Section 7.0 of the Official Plan, Complete Communities, has direct policies regarding cultural heritage. The overall principles for cultural heritage planning in Mississauga are to ensure it is an integral part of the planning process and the significant value of cultural heritage resources will be identified, protected, and preserved. The City will discourage the demolition, destruction or inappropriate alteration of cultural heritage resources and maintain a Heritage Register. The City has also established a Heritage Advisory Committee and a Cultural Landscape

Inventory. The City's Character Area policies may include other means of protecting cultural heritage resources of major significance and development applications involving cultural heritage resources are required to include a Heritage Impact Assessment. The Credit River and Etobicoke Creek valleys are both recognized as heritage corridors with prehistoric and historical significance. Two Conservation Districts have been identified including Meadowvale Village and Old Port Credit Village. Lastly, policies detail how to protect archaeological sites and areas and the need for an archaeological assessment study.

Town of Caledon

The Town of Caledon Official Plan (2018 Consolidation) recognizes and includes several objectives and policies pertaining to cultural heritage resources in Section 3.3 of the Official Plan. Section 3.3 has three components including archaeology, built heritage and cultural heritage landscapes. The Town has general policies to promote public awareness, prepare a Cultural Heritage Master Plan, Cultural Heritage Planning Statements (to guide development redevelopment proposals), Cultural Heritage Survey requirements, and Cultural Heritage Impact Statements. However, specific policies are also identified in various secondary plans including Snell's Hollow, Mayfield West, and Mayfield West Phase 2. The Town also has a GIS-based built heritage resources inventory and a cultural heritage landscape. The Town is also preparing an inventory of registered archaeological sites and areas of archaeological potential which may be incorporated into a future Archaeological Master Plan. A Caledon Heritage Committee continued to contribute to the cultural heritage conservation goals of the Town. The Town's policies allow for Heritage Cultural Districts and Areas with cultural heritage character. As such, various Cultural Heritage Landscapes have been identified in Caledon including the Rockside community, Silver Creek (candidate landscape), and the 2018 Village of Bolton Heritage Conservation District. Lastly, the Town also outlines the archaeological assessment requirements for development.

4.4 Regional Official Plan Proposed Policy Changes

Region of Peel Official Plan – Proposed Cultural Heritage Policy Directions	
3.6 Cultural Heritage Preamble	<ul style="list-style-type: none"> • New language that introduces the overarching perspective that everything is interconnected (land, nature, language, culture, knowledge) and to acknowledge Indigenous communities' unique relationship to the land and resources.
3.6 Cultural Heritage (3.6.1.2 Objectives)	<ul style="list-style-type: none"> • Add language around creating a sense of place, promoting well-designed built form to existing objectives that promote awareness. • Improve language to better reflect the fragile, limited and non-renewal aspects of cultural heritage resources. • New policy encouraging engagement with Indigenous communities when commemorating cultural heritage and archaeological resources. • Policy direction for cultural heritage management plans. • Add direction on engaging with Indigenous communities and consider their interest when identifying, protecting and managing cultural heritage and archaeological resources.
Strategic Growth Areas	<ul style="list-style-type: none"> • New policy stating that cultural heritage resources will be conserved in strategic growth areas (requires additional direction through Growth

(TBD)	Management Focus Area).
Infrastructure Project Implementation	<ul style="list-style-type: none"> • Stronger policies about protecting cultural and built heritage resources in infrastructure projects, including the Regional infrastructure projects.
Glossary	<ul style="list-style-type: none"> • Changes to definition of “built heritage resource” and “significant.” • New definition for “conserved”, “cultural heritage landscape”, “heritage attributes”, “protected heritage property,” etc. where appropriate.

Under the current Peel 2051: Official Plan Review, there is an opportunity to improve the higher level framework of existing cultural heritage policies by recognizing the interrelationship between Indigenous communities and cultural heritage landscapes. Current Regional policies simply note that planning authorities shall consider the interests of Aboriginal communities (with the outdated terminology) in conserving cultural heritage and archaeological resources. Additional language will be proposed that introduces the overarching perspective that everything is interconnected (land, nature, language, culture, knowledge) and to acknowledge their unique relationship to the land and resources. Policies will also be examined to better reflect the fragile, limited and non-renewal aspects of cultural heritage resources.

Various provincial plan definitions have changed and as a result, Regional policies and definitions would need to reflect these changes and be reflected in local municipal official plan policies through their respective reviews.

Further, to reflect strengthening of archaeological resources in development activities, policies will be considered to identify any opportunities to commemorate the discovery of artifacts, the remains of structures, or other resources with potential to their contribution to the Region’s unique community identity. Consideration for how this can be done best will require further work. For example, commemoration can vary from celebrating an event or artifact, communication, education/ knowledge sharing, participation in a process, research, etc. Further, to better reflect Provincial policy direction additional policy direction will be considered for cultural heritage management plans, policies which currently exist in local municipal official plans.

As noted earlier, while cultural heritage resources in the planning context are recognized for their value in inspiring the creation of tangible heritage, there may be an opportunity to broadly recognize the value in living or intangible heritage in the preamble cultural heritage section.

Finally, ROP policies will need to strengthen existing policies on engagement with Indigenous communities to reflect direction to work with Indigenous communities in developing and implementing policies and strategies for the identification, wise use and management of cultural heritage resources, as noted in the previous section, taking into consideration already established policies and processes.

5. Conclusion and Next Steps

The current ROP serves to comprehensively plan for growth while recognizing the importance of protecting and enriching the natural and cultural heritage of Peel Region. As the Region continues to develop relationships with Indigenous communities through the land use planning process, ROP policies must better acknowledge the close relationship of the Indigenous communities who first lived on these lands, and their deep spiritual, ancestral and environmental attachment to these ancestral lands and its resources. Recent initiatives at the national, and provincial levels have strengthened the policy direction in ensuring stronger engagement and recognition of Indigenous history. The Region is responsible for implementing provincial direction and ensuring that the ROP conforms to Provincial land use planning policy, which is being completed as part of the Peel 2051 process. This Policy Backgrounder has provided the requirements of Indigenous engagement and cultural heritage at a Regional level based on current legislation and plans, and developed policy directions to address the gaps. Ultimately, Peel Region policies will not only address Provincial conformity, but also strengthen and acknowledge the rich ancestral history in Peel's Official Plan and lead to improved practices for engagement with Indigenous communities and conservation of Peel's cultural heritage resources.

6. Resources

Aird, Karen, Fox, Gretchen. and Bain, Angie. "Policy Paper: Recognizing and Including Indigenous Cultural Heritage in B.C." *First Peoples' Cultural Council*. September 2019. <http://www.fpcc.ca/files/PDF/Heritage/FPCC-ICH-Policy-Paper-190918-WEB.pdf>

Association of Municipalities Ontario. "Indigenous People in Ontario: 201 – A Municipal-Indigenous Relations Primer for Municipal Officials and Staff." November 28, 2018. <https://www.amo.on.ca/AMO-PDFs/Indigenous-Relations/2018-08-Indigenous-201-Webinar.aspx>

Association of Municipalities Ontario. "Municipal Governments and the Crown's 'Duty to Consult: Towards a Process that Works for Local Communities.'" April 10, 2019. <https://www.amo.on.ca/AMO-PDFs/Reports/2019/AMO-Discussion-Paper-Municipal-Governments-and-the.aspx>

Government of Canada. "Report on Gatherings on Indigenous Cultural Heritage." *Parks Canada: Indigenous Affairs & Cultural Heritage*. March 30, 2019. <https://heritagebc.ca/wp-content/uploads/2019/05/Report-on-Indigenous-Gatherings-on-Cultural-Heritage.pdf>

Government of Ontario. "A Guide to Cultural Heritage Resources in the Land Use Planning Process (Draft)." *Ministry of Heritage, Sport, Tourism, Culture Industries*. October 2017. http://www.downloads.ene.gov.on.ca/envision/env_reg/er/documents/2017/013-0914_MTCS.pdf

Government of Ontario. "Draft guidelines for ministries on consultation with Aboriginal peoples related to Aboriginal rights and treaty rights." *Ministry of Indigenous Affairs*. December 9, 2019. <https://www.ontario.ca/page/draft-guidelines-ministries-consultation-aboriginal-peoples-related-aboriginal-rights-and-treaty>

Government of Ontario. "Heritage Resources in the Land Use Planning Process: Cultural Heritage and Archeology Policies of the Ontario Provincial Policy Statement, 2005." *Ontario Ministry of Culture*. 2006. http://www.mtc.gov.on.ca/en/publications/Heritage_Tool_Kit_Heritage_PPS_infoSheet.pdf

Government of Ontario. "Municipal-Aboriginal Relationships: Case Studies." *Ministry of Municipal Affairs and Housing*. Queen's Printer for Ontario. 2009. <http://www.mah.gov.on.ca/AssetFactory.aspx?did=6775>

Government of Ontario. "Treaties." *Ministry of Indigenous Affairs*. December 6, 2019. <https://www.ontario.ca/page/treaties>

Government of Ontario. "Map of Ontario treaties and reserves." *Ministry of Indigenous Affairs*. April 24, 2018. <https://www.ontario.ca/page/map-ontario-treaties-and-reserves>

Hall, Anthony J. and Albers, Gretchen. "Treaties with Indigenous Peoples in Canada." *The Canadian Encyclopedia*. September 11, 2017. <https://www.thecanadianencyclopedia.ca/en/article/aboriginal-treaties>

Historica Canada. "Treaties in Canada: Education Guide. Learning Tool." March 23, 2020. <http://education.historicacanada.ca/en/tools/260>

Iacobucci, F., Terry, J., Helbronner, V., Fortier, M., & Lax, R. "Free, Prior and Informed Consent in Canada: Toward a New Relationship with Indigenous Peoples." *Torys LLP*. 2016.

Johnson, Jody and Stoll, Scott. "The Municipal Duty to Consult First Nations: AMCTO Annual Conference and Professional Development Institute." *Arid & Berlís LLP*. June 2015.

Joseph, Bob. "Indigenous Peoples: A Guide to Terminology - Usage Tips and Definitions." *Indigenous Corporate Training Inc*. June 26, 2017.

Long Range Planners of Ontario. "Effective Indigenous Engagement in Land Use Planning." *Regional Planning Commissioners of Ontario*. June 21, 2019.

Malone, Molly and Chisholm, Libby. "Indigenous Territory." *The Canadian Encyclopedia*. July 5, 2016. <https://www.thecanadianencyclopedia.ca/en/article/indigenous-territory>

Mississauga of the Credit First Nation. "Treaty Lands & Territory." January 28, 2020. <http://mncfn.ca/about-mncfn/treaty-lands-and-territory/>

Ontario Federation of Labour. "Traditional Territory Acknowledgements in Ontario." November 26, 2019. <http://ofl.ca/ofl-recognizes-national-indigenous-peoples-day-with-permanent-land-acknowledgement-and-the-launch-of-new-resources-for-understanding/>

Ontario Professional Planners Institute (OPPI). "Indigenous Perspectives in Planning: Report of the Indigenous Planning Perspectives Task Force." June, 2019. *Indigenous Planning Perspectives Task Force*. <https://ontarioplanners.ca/inspiring-knowledge/indigenous-perspectives-in-the-planning-profession/introduction>

Peel Art Gallery Museum & Archives (PAMA). "A blog about Peel's historical records by staff at the Region of Peel Archives." *About Peel*. Peel Archives Blog, 2015. November 8, 2019. <https://peelarchivesblog.com/about-peel/>

Wallace, Sarah Isabel. "Williams Treaties." *The Canadian Encyclopedia*. April 11, 2018. <https://www.thecanadianencyclopedia.ca/en/article/williams-treaties>

Younging, Gregory. *Elements of Indigenous Style: A guide for writing by and about Indigenous Peoples*. British Education. February 15, 2018. Canada.

Document #: 1903689