

**Southeast Planning Review and Adjustment Committee /
Comité de révision de la planification de la Commission du Sud-Est**
Wednesday, April 27, 2022 / Le mercredi 27 avril, 2022

Staff Report / Rapport du personnel

Subject / Objet : Conditional Use / Usages Conditionnel

File number / Numéro du fichier 21-2753

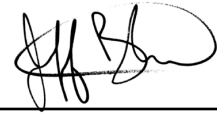
From / De :



Justin Grift

Planner / Urbaniste

Reviewed by / Révisé par :



Jeff Boudreau

Development Officer / Agent
d'aménagement

General Information / Information générale

Applicant / Requérant :

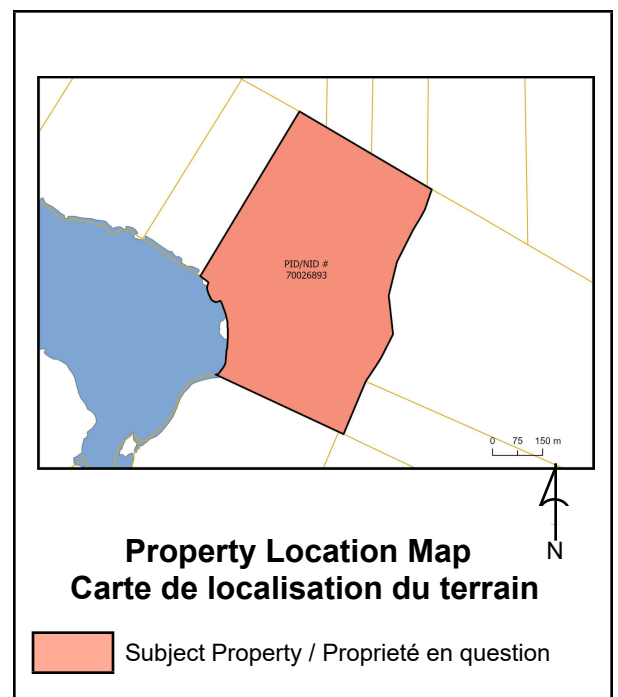
Tina McCullum Land Solutions

Landowner / Propriétaire :

Albéo Gould Enterprises Ltd.

Proposal / Demande :

Conditional use application to permit a 91 metre-high guyed telecommunications tower subject to terms and conditions/
Approuver une tour de télécommunications d'une hauteur de 91 mètres sous réserve de certaines conditions



Site Information / Information du site

PID / NID: 70026893

Lot Size / Grandeur du lot: 39.36 Hectares

Location / Endroit :

Niles Lake, Communaute Rurale Beaubassin-Est

Current Use / Usage présent :

Vacant, timberland

Zoning / Zonage :

Resource Development

Future Land Use Designation / Désignation de l'utilisation future du sol :

Not applicable / Pas applicable

Surrounding Use & Zoning / Usage des environs & Zonage :

Surrounding Uses / Usages des environs : Vacant land, commercial, residential / *Terre vacante, commerciale, résidentielle*

Surrounding Zoning / Zonage des environs : Rural Residential, General Commercial, Coastal Residential, Environment Conseravation, Resource Development / *Résidentielle rurale, commerce général, résidentielle côtière, préservation de l'environnement, développement des ressources*

Municipal Servicing / Services municipaux:

None / *Aucun*

Access-Egress / Accès/Sortie :

Route 15, accessed through PID / *accessible par NID 00839647*

Policies / Politiques

N) Communication Towers and Antennas / *Tours de communication et antennes*

Policies / Principes

It is the policy of the community to ensure that radiofrequency field emissions do not endanger the health of citizens. / *La communauté a pour principe de s'assurer que l'émission des champs de radiofréquence ne met pas en danger la santé des citoyens.*

It is the policy of the community to ensure that environmental concerns be considered when placing, erecting, building, or altering antennas, communication towers, and similar structures in the community. / *La communauté a pour principe de s'assurer que les préoccupations environnementales soient prises en considération lors de la mise en place, l'érection, la construction ou la modification des antennes, des tours de communication et autres structures similaires, dans la communauté.*

Proposals / Propositions

It is proposed that developers of radiocommunication installations and other new or altered radiocommunication structures be encouraged to first consult the appropriate federal agencies and the Beaubassin Planning Commission. / *Il est proposé d'encourager les promoteurs d'installations de radiocommunication et autres structures similaires, nouvelles ou modifiées d'obtenir au préalable, les approbations nécessaires des agences fédérales et de la Commission d'aménagement Beaubassin.*

It is proposed that radiocommunication installations and other new or altered radiocommunication structures be permitted subject to terms and conditions described in this by-law. / *Il est proposé de permettre l'aménagement d'installations de radiocommunications et autres structures similaires, nouvelles ou modifiées, sous réserve des modalités prévues par le présent arrêté.*

It is proposed that the Beaubassin Planning Commission encourage developers to: / *Il est proposé que la Commission encourage les promoteurs à observer ce qui suit :*

- a)** consider local concerns; / *considérer les préoccupations locales;*
- b)** plan networks with a regional perspective; / *planifier les réseaux avec une perspective régionale;*
- c)** install antennas on existing towers (or other existing structures); / *placer les antennes sur des tours (ou autres structures) existantes;*
- d)** limit the height of new towers; / *limiter la hauteur des nouvelles tours;*
- e)** respect aviation safety standards; / *respecter la sécurité aéronautique;*
- f)** respect security limits on exposure to radiofrequency fields; / *respecter les limites sécuritaires d'exposition aux champs de radiofréquences;*
- g)** choose sites far from residential properties; / *choisir des sites éloignés des résidences;*
- h)** consider the compatibility of the radiocommunications installations with existing land use; / *considérer la compatibilité des installations de radiocommunication avec les usages existants des terrains;*
- i)** avoid ecologically sensitive zones; / *éviter les zones écologiquement sensibles;*
- j)** respect the natural landscape; / *respecter le paysage naturel;*
- k)** promote the coexistence of towers and their use by several users; and / *favoriser la cohabitation des tours et leur utilisation par plusieurs usagers; et*
- l)** remove towers and antennas that have been abandoned for more than 12 consecutive months / *enlever les antennes et les tours ayant été abandonnées pendant plus de douze mois consécutifs.*

Zoning and/or Subdivision Regulation / Réglementations de zonage et/ou de lotissement

Communication Towers and Antennas / *Tours de communications et antennes*

10.22(1) Radiocommunications installations, antennas, and or similar structures are permitted in RD, ID, and I zones, but are subject to the conditions that may be imposed by the Commission under paragraph

34(4)(c) of the Community Planning Act. / *Les installations de radiocommunications, d'antennes et autres structures similaires peuvent être permises dans les zones DR, EIR et I, mais seulement sous réserve des conditions qui peuvent être imposées par la Commission en vertu de l'alinéa 34(4)(c) de la Loi sur l'urbanisme.*

Internal Consultation & External Consultation / Consultations internes et externes

Staff has consulted internally at the Commission. Eastlink is also undertaking their own public consultation as a requirement in the antenna system siting protocol. / *Le personnel a effectué une consultation à l'interne. Parallèlement, Eastlink effectue une consultation publique, tel que requis dans le cadre du protocole lié au choix de l'emplacement d'une antenne.*

Discussion

Staff originally received an application in November 2021 from Land Solutions for a 91-metre-high guyed telecommunication tower on PID 00839647. However, this property is zoned Rural Residential and telecommunication towers are only permitted in the Resource Development (RD), Industrial (I) and Intensive Resource Exploitation (IRE) in Beaubassin-east, according to their Rural Plan. With this information, Land Solutions decided to propose the tower on an adjacent property, zoned Resource Development and bearing PID 70026893, while using the original property as an access onto Route 15. The updated proposal for the tower is set back over 1 kilometre from Route 15. / *Initialement, le personnel a reçu une demande en novembre 2021 de Land Solutions pour un tour de télécommunication haubané de 91 mètres sur le NID 00839647. Cependant, cette propriété se situe dans la zone Résidentielle rurale et les tours de télécommunications sont seulement permis dans les zones Développement des ressources (DR), Industrielle (I) et Exploitation intensive des ressources (EIR) à Beaubassin-est, selon leur plan rural. En raison de cette information, Land Solutions a décidé de proposer de placer la tour sur la propriété adjacente, zonée Développement des ressources et portant le NID 70026893, tout en se servant de l'accès original de la propriété sur la Route 15. La proposition actuelle de la tour est située en retrait d'un kilomètre de la Route 15.*

The siting for telecommunication towers falls under the federal jurisdiction of Innovation, Science and Economic Development (ISED) Canada. Under federal regulations, individuals who wish to install new telecommunication towers must consult the local land use authorities, but ISED is responsible for approving the site. Therefore, the Commission's role is to issue a letter of concurrence when the proponent satisfies all conditions of the local application process, which in this case includes meeting the requirements in the Beaubassin-East Rural Plan and the SERSC Antenna Siting Protocol (attached). A telecommunication tower is a conditional use in the Resource Development Zone in Beaubassin-East. / *Le choix de l'emplacement d'une tour de télécommunications relève de la compétence fédérale d'Innovation, Sciences et Développement économique Canada (ISDE). En vertu des règlements fédéraux, les personnes qui souhaitent installer de nouvelles tours de télécommunications doivent consulter les autorités locales responsables du sol, mais ISDE est chargé d'approuver le site. Donc la commission est responsable d'émettre une lettre de consentement lorsque le promoteur répond à toutes les conditions du processus de demande à l'échelle locale – dans ce cas, cela comprend le respect des exigences du plan rural de Beaubassin Est et du protocole lié au choix de l'emplacement d'une antenne de la CSRSE (ci-joint). À Beaubassin-Est, une tour de télécommunications constitue un usage conditionnel dans la zone de développement des ressources.*

ISED Canada requires telecommunication providers to utilise existing infrastructure (towers, rooftops, etc.) where possible prior to constructing new infrastructure. As provided in the application letter to the Regional Service Commission (attached), there is no alternative infrastructure that exists in this area, therefore co-location is not possible and new infrastructure must be constructed. / *Innovation, Sciences et Développement économique Canada exige que les fournisseurs de services de télécommunication se servent des infrastructures existantes possibles (tours, toitures, etc.) avant de construire de nouvelles infrastructures. Tel qu'indiqué dans la lettre de demande envoyée à la Commission de services régionaux (ci-jointe), il n'existe aucune autre infrastructure possible dans cet endroit; par conséquent, il n'est pas possible d'utiliser un co-emplacement et il faut construire une nouvelle infrastructure.*

Part of the process for erecting a new telecommunication tower involves public notification, which is undertaken by the proponent. There are also strict regulations to meet in terms of radiofrequency emissions (determined by Health Canada), NAV Canada regulations for aircraft, and good engineering practices for the tower itself. A copy of the notification that was sent out to property owners within three times the tower height is attached. / *Dans le cadre du processus de construction d'une nouvelle tour de télécommunications, le promoteur doit envoyer un avis au grand public. De plus, la tour doit respecter toutes les dispositions applicables de Santé Canada en ce qui a trait aux émissions de radiofréquence, les règlements de NAV CANADA en matière d'aéronefs ainsi que les pratiques exemplaires d'ingénierie pour la tour même. Un exemplaire de l'avis qui a été envoyé aux propriétaires situés à moins de trois fois la distance équivalente à la hauteur de la tour est ci-joint.*

An effort has been made to minimise the visual impact of this proposed tower. The proposed location is over 500 meters away from the closest residence and is set back from the high traffic roadway (Route 15). / *On s'est efforcé de réduire l'impact visuel de cette tour proposée. L'emplacement en question se trouve à environ 500 mètres de la résidence la plus près et il est à l'écart de la route à circulation élevée (Route 15).*

Although there is a watercourse on the property, the proponent is maintaining a 30-meter buffer. A Watercourse and Wetland Alteration permit will not be required. / *Bien qu'il y ait un cours d'eau sur la propriété, le promoteur maintient une zone tampon de 30 mètres. Un permis de modification d'un cours d'eau et d'une terre humide n'est donc pas requis.*

Staff feels this is an appropriate site for the placement of a tower as it is located far from residential uses, and it is not located in an area of environmental concern (i.e. near watercourses or wetlands). Considering that the federal regulations require engineering standards, aviation safety, and radiofrequency emission standards, staff believes this application meets the intent of policies and proposals of the rural plan. / *Selon le personnel, il s'agit d'un site approprié pour l'installation d'une tour, car il est loin des usages résidentiels et il ne se trouve pas dans un secteur de préoccupation en matière d'environnement (c.-à-d. près de cours d'eau ou de terres humides). Étant donné que les règlements fédéraux exigent le respect de normes d'ingénierie, de sécurité aérienne et de normes acceptables en matière de radiofréquence, le personnel estime que cette demande répond aux objectifs des politiques et des propositions du plan rural.*

Public Notice / Avis public

Notice was sent to property owners within 100 meters of the subject property. / *On a distribué des avis publics aux voisins situés à moins de 100 mètres de la propriété.*

Legal Authority / Autorité légale

53(3) In prescribing the purposes for which land, buildings and structures in a zone may be used, a zoning by-law may / *En prescrivant les fins auxquelles des terrains, des bâtiments et des constructions dans une zone quelconque peuvent être affectés, l'arrêté de zonage peut prévoir l'une quelconque des dispositions suivantes :*

c) prescribe particular purposes / *y désigner des fins particulières :*

(i) in respect of which the advisory committee or regional service commission, subject to subsection (5), may impose terms and conditions, and / *pour lesquelles le comité consultatif ou la commission de services régionaux peut, sous réserve du paragraphe (5), imposer des modalités et des conditions,*

ii) that may be prohibited by the advisory committee or regional service commission if compliance with terms and conditions imposed under subparagraph (i) cannot reasonably be expected. / *que peuvent interdire le comité consultatif ou la commission de services régionaux lorsqu'il apparaît raisonnable de s'attendre qu'il ne sera pas satisfait aux modalités et aux conditions imposées en vertu du sous-alinéa (i).*

53(4) Terms and conditions imposed under paragraph (4)(c) shall be limited to those considered necessary the advisory committee or commission to protect / *Les modalités et conditions imposées en application de l'alinéa (4)c) doivent se limiter à celles que le comité consultatif ou la commission juge nécessaires pour protéger*

(a) properties within the zone or in abutting zones, or / *les propriétés à l'intérieur de la zone ou dans des zones attenantes, ou*

(b) the health, safety and welfare of the general public. / *la santé, la sécurité et le bien-être du public en général.*

Recommendation / Recommandation

Staff recommends that the Southeast Planning Review and Adjustment Committee approve the application by Land Solutions for a telecommunications tower on the property bearing PID 70026893 in Beaubassin East, subject to the following condition: / *Le personnel recommande que le Comité de révision de la planification du Sud Est approuve la demande de Land Solutions pour une tour de télécommunications sur la propriété ayant le NID 70026893 à Beaubassin-est, sous réserve de la condition suivante :*

a) That the height of the tower be limited to 90 meters / *Que la hauteur de la tour soit limitée à 90 mètres.*

Note: This report was written in english and translated to a bilingual document. Where a conflict exists between the two languages, the language the report was written shall prevail. / **Note:** *ce rapport a été rédigé en anglais et traduit en version bilingue. En cas de conflit entre les deux langues, la langue dans laquelle le rapport a été rédigé a préséance.*

Plan360

Justin Grift, Planner / Development Officer
815A Rue Bombardier Street
Shediac, NB E4P 1H9
E: justin.grift@nbse.ca

Dear Mr. Grift,

LandSolutions Inc., on behalf of Eastlink, is pleased to submit to you this notification package for your review and consideration.

Eastlink File:	NBA074
Legal Land Description:	PID 70026893 & PID 839936
Address:	Niles Lake, Shemogue, Beaubassin East/Est
Coordinates:	Lat: 46.132544 N, Long: -64.149044 W

In accordance with Plan 360's Southeast Regional Service Commission Antenna System Siting Protocol, LandSolutions is notifying you of Eastlink's intention to construct a 91m guyed tower and equipment shelter on the lands described above. The location of the proposed tower has been revised from an earlier proposal and will now be located approximately 1km south-southwest of Hwy 15.

Landowners within a 290m radius, Plan 360, the land planning division of the Southeast Regional Service Commission, Municipal Council, Member of Parliament, Member of the Legislative Assembly, and ISED have been notified via a mailed notification package. In addition, the general public will be notified by newspaper advertisements published in local English and French newspapers.

Following the end of the public comment period on **April 18, 2022**, LandSolutions will submit to Plan 360 a consultation summary including all stakeholder feedback and responses to the same. LandSolutions, on behalf of Eastlink, will also submit a formal request for concurrence at that time.

LandSolutions' site acquisition process and municipal guidelines have led us to the conclusion that the proposed facility is in the most suitable location with consideration having been given to current and proposed land uses. When complete, the facility will provide improved wireless coverage and capacity for high-speed and reliable telecommunications services, including improved access to emergency services.

Yours sincerely,

LandSolutions Inc., on behalf of Eastlink



Tina McCallum
Municipal Affairs Specialist
LandSolutions Inc.
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Calgary, Alberta, T2R 0C5
T: 1.866.834.0008 ext. 2583
F: (403) 290-0050
E: comments@landsolutions.ca

Enclosed:
Public Notification Packages (English and French)
Typical Design Elevation Drawing

To Whom It May Concern,

LandSolutions Inc., on behalf of Eastlink, is submitting this public notification package for your review. The purpose of this package is to inform nearby landowners about a location revision for a proposed communications tower. This tower will enable Eastlink to provide safe and reliable wireless telecommunications services.

Eastlink File:	NBA074
Legal Land Description:	PID 70026893 and PID 839936
Address:	Niles Lake, Shemogue, Beaubassin East
Coordinates:	Lat: 46.132544 N, Long: -64.149044 W

Location and Facility Description

The location of the proposed tower has been revised and will now be located approximately 1km south-southwest of Hwy 15. Eastlink is proposing to construct a 91m guyed tower and equipment shelter at this location. The compound will be secured with fencing to prevent unauthorized access.

Proposed Facility Map

Eastlink has secured the site as indicated on the map below.

GeoNB Ortho of Proposed Site



Site Selection and Co-Location

Eastlink provided a search area for a needed telecommunications facility in the area. This search area considered several requirements including the distance between the existing towers and the growing number of wireless telecommunications customers in the area. Other factors considered during the site selection process include topography and line of sight requirements for high quality signal transmission. Each site that is proposed must go through an internal review by Eastlink’s radio frequency, transmission, and civil engineering departments to ensure the site meets the coverage objectives required to serve Eastlink’s customers.

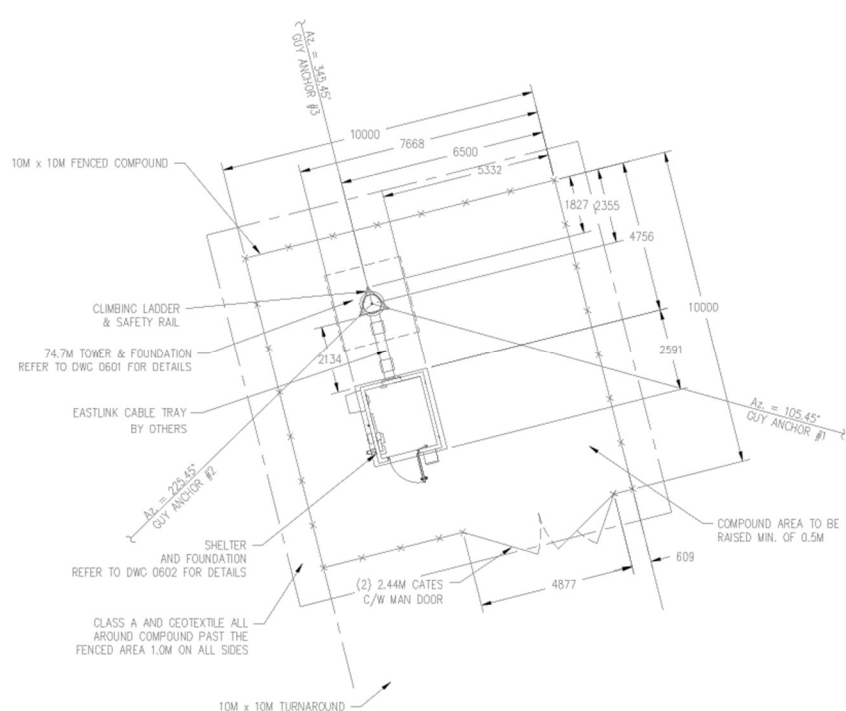
Before building a new tower, Innovation, Science and Economic Development Canada (ISED) requires that the proponent (Eastlink) first explore the following options:

- consider sharing an existing antenna system, modify or replace a structure if necessary; and
- locate, analyze, and attempt to use any feasible existing infrastructure such as rooftops, water towers etc.

During the site selection process for this proposed facility, Eastlink determined that there were no suitable co-locate opportunities within 1km of the proposed location. The closest comparable structures are more than 7km, which is too far away to meet Eastlink’s coverage and capacity requirements for providing wireless service to the intended area.

In accordance with ISED guidelines, Eastlink will consider future tower sharing opportunities at this location.

Typical Facility Compound Layout



Site Access

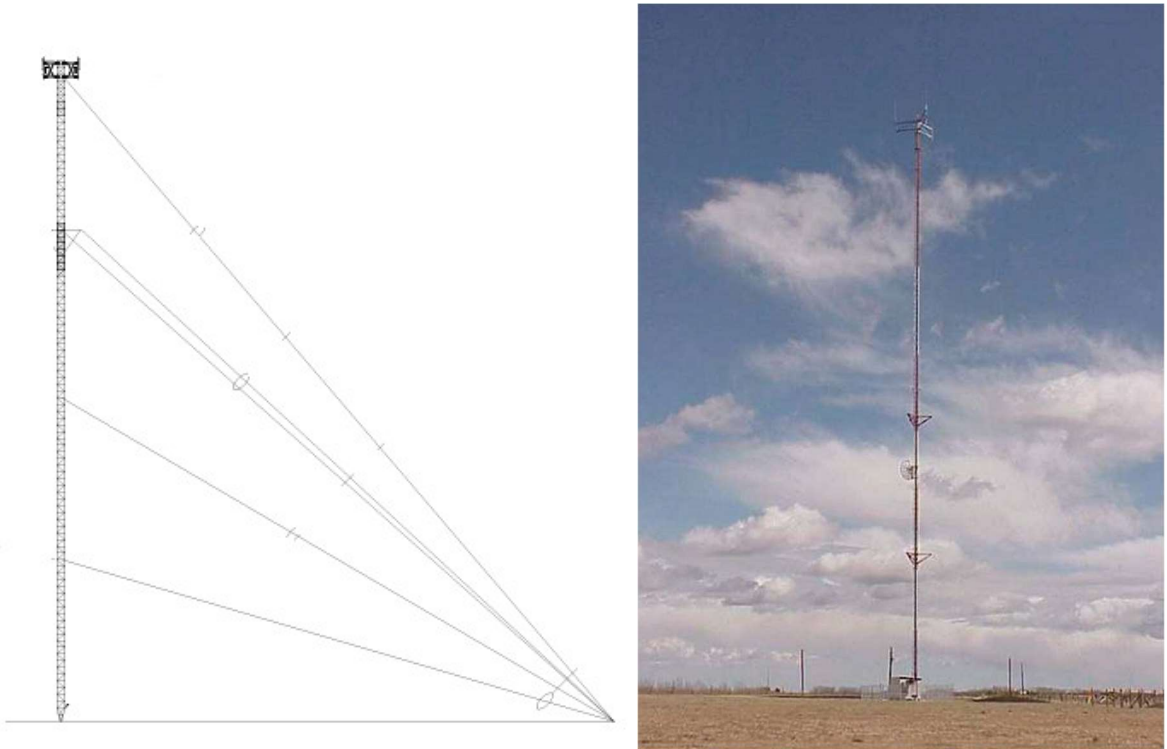
Access to the proposed site will be from the existing approach located on Highway 15. This access will be used for tower construction and future operation and maintenance activity.

Design Information

Eastlink is proposing to construct a 91m guyed tower within a leased premise (site), as shown on the drawing immediately below. Eastlink proposes to install an equipment shelter within the fenced portion of the premises. The shelter will house equipment necessary for the operation of the facility. The shelter will be equipped with a 24-hour alarm system to protect the facility from vandalism and to warn for environmental concerns such as flooding or fire.

Eastlink is proposing to install eight (8) panel-style antennas measuring approximately 2.1m x 0.5m, which would operate at a frequency ranging between 700 - 2700 MHz. Also, one initial 0.91m diameter microwave antenna will be installed.

Typical Facility Profile and Image of Comparable Structure



Construction and Maintenance

The construction period will last four to six weeks and once completed the site will typically operate without day-to-day activity on-site. Typical traffic at this site will be limited to routine monthly maintenance visits.

LandSolutions Inc., on behalf of Eastlink, attests that the installation will respect good engineering practices including structural adequacy.

Aeronautical Approvals

All necessary Transport Canada and NAV Canada approvals have been obtained and can be provided upon request. Transport Canada determined that night and day tower lighting will be required at this location in accordance with Standard 621.

Environmental Compliance, Health Standards and Safety Code 6 Guidelines

ISED requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the Canadian Environmental Assessment Act (CEAA) and local environmental assessment requirements where required by CEAA.

LandSolutions Inc., on behalf of Eastlink, attests that the radio antenna system described in this notification does not qualify as a Designated Project under CEAA and is excluded from environmental assessment under CEAA.

ISED Canada manages the radio communications spectrum and requires telecommunications facilities to comply with guidelines established by Health Canada. Health Canada's safety guidelines are provided in Safety Code 6, and all Eastlink facilities meet or exceed these guidelines.

LandSolutions Inc., on behalf of Eastlink, attests that the radio installation described in this notification package will be installed and operated on an ongoing basis in compliance with Health Canada's Safety Code 6, and may be amended from time to time, for the protection of the public, including any combined effects of nearby installations within the local radio environment.

Public Consultation

LandSolutions Inc., on behalf of Eastlink, is following consultation guidelines published in Plan360's Southeast Regional Service Commission Antenna System Siting Protocol. Pre-consultation discussions with Plan 360, which is the land planning division of the Southeast Regional Service Commission, indicated that LandSolutions Inc. must follow the notification protocol within ISED's **CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems**, which requires notification of landowners within a radius of three-times tower height, rounded up to a radius of 290m of the proposed tower.

Notification Area Map

Approximate 290m radius from tower shown below



Please provide your comments to LandSolutions Inc. at comments@landsolutions.ca or 1.866.834.0008 ext. 2583. LandSolutions Inc. will respond to all feedback. Feedback and responses will be included in a formal submission to Plan360 wherein LandSolutions Inc. will request concurrence for this proposed facility.

Written comments received on or before April 18, 2022 will be included in the formal submission package.

This site proposal information package is in accordance with the requirements of ISED's CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems.

Conclusion

Wireless telecommunications contribute to the quality of everyday life. The proposed facility will provide enhanced wireless service to the surrounding community, including improved access to emergency services.

If you have any questions, or require further information about the proposed facility, please feel free to contact:

LandSolutions Inc.

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E: ic.spectrumnbd-spectrednb.ic@canada.ca

Industry and Health & Safety Information

<http://www.ic.gc.ca/towers>
<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf11467.html>
http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php
<https://www.canada.ca/en/health-canada/services/consumer-radiation/safety-cell-phones-cell-phone-towers.html>
http://www.hc-sc.gc.ca/hl-vs/alt_formats/pacrb-dgapcr/pdf/iyh-vsv/prod/cell-eng.pdf
<https://www.cwta.ca/for-consumers/radiofrequency-safety-standards/>

Southeast Regional Service Commission Antenna System Siting Protocol

March 2018

1.0 Objectives

The objectives of this Protocol are:

- (1) To establish a siting and consultation process that is harmonized with Innovation, Science and Economic Development Canada's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with Antenna System siting proposals;
- (2) To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of Antenna System siting proposals that:
 - (a) minimize the number of new antenna sites by encouraging co-location;
 - (b) encourage designs that integrate with the surrounding land use and public realm;
 - (c) establish when local public consultation is required; and
 - (d) allow the communications industry to identify and resolve any potential land use, siting or design concerns with the Service Commission at an early stage in the process.
- (3) To provide an expeditious review process for Antenna System siting proposals;
- (4) To establish a local land use consultation framework that ensures the Service Commission, its partnering municipalities and members of the public contribute local knowledge that facilitates and influences the siting – location, development and design (including aesthetics) – of Antenna Systems within the region;
- (5) To contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network in the region; and
- (6) To provide the Service Commission with the information required to satisfy the proponent's obligations regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the Service Commission to the proponent at the end of the process.

2.0 Jurisdiction and Roles

Innovation, Science and Economic Development Canada: under the *Radiocommunication Act*, the Minister of Innovation, Science and Economic Development Canada has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of Antenna Systems is made only by Innovation, Science and Economic Development Canada. In June 2014, Innovation, Science and Economic Development Canada issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (cPc-2-0-03)* which outlines the process that

must be followed by Proponents seeking to install or modify Antenna Systems, effective July 15, 2014.

Role of the Service Commission: the ultimate role of the Service Commission is to issue a statement of concurrence or non-concurrence to the Proponent. The statement considers the land use compatibility of the Antenna System, the responses of the affected residents and the Proponent's adherence to this Protocol. The Service Commission also guides and facilitates the siting process by communicating to the proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

Role of the Proponent: Proponents need to strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in the CPC, including:

- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of License for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*);
- Contacting the Service Commission to determine local requirements regarding Antenna Systems; and
- Undertaking public notification and addressing relevant concerns as is required and appropriate.

Other Federal Legislation: Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:

- Health Canada's Safety code 6 - limits of human exposure to radiofrequency electromagnetic fields in the frequency range from 3 KHZ to 300 gHZ - Safety Code 6 (2009);
- The *Canadian Environmental Assessment Act*; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

3.0 Pre-consultation With the Service Commission

Prior to submitting an Antenna System proposal that does not meet any of the exemptions listed in Section 5.1 the Proponent will undertake the following preliminary consultations with the Service Commission.

3.1 Notification

Proponents will notify the development officer that locations in the community are being physically assessed for potential Antenna System siting.

3.2 Development Guidelines

Antenna Systems should be sited and designed, wherever possible, to respect local sensitivities and preferences as identified by the Service Commission. Where possible, the selection of sites and/or construction of new Antenna Systems should be co-located with existing Antenna Systems.

The Service Commission has set out a number of discouraged locations for the selection of sites and/or construction of new Antenna Systems. The Proponent should review the locations identified below as early as possible, and should attempt to resolve any outstanding issues prior to submitting its Antenna System siting proposal.

Proponents are also required to obtain all applicable building permits for:

- (a) additions and/or modifications to existing buildings; and
- (b) for new Antenna Systems (foundation and structure)

3.3 Discouraged locations

New Antenna Systems should avoid the following areas:

- Within urbanized residential zones
- Within any Conservation Zone
- Riverbank lands or ecologically significant natural lands
- Sites of natural or cultural prominence
- Heritage structures/areas
- Locations directly in front of doors, windows, balconies or on pitched roofs.

4.0 Proposal Submission

For a proposed Antenna System, except for cases in which consultation is not required as per Section 5.0, the Proponent will submit to the Service Commission an antenna system siting proposal and the applicable fee.

4.1 Proposal Submission Requirements

The Proponent must include the following information when submitting an Antenna System siting proposal:

- (a) A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing Antenna Systems in the general area and a summary of opportunities for co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal;
- (b) Visual rendering(s) of the proposed Antenna System superimposed to scale;
- (c) A site plan showing the proposed development situated on the site;

- (d) A map showing the horizontal distance between the property boundary of the proposed site and the nearest property;
- (e) A map showing all properties located within the Prescribed Distance* from the proposed Antenna System that require public consultation;
- (f) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
- (g) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices; and
- (h) Any other documentation as identified by the Service Commission.

Upon receipt of a complete proposal submission, the Service Commission will circulate the proposal for review and comment to (1) Affected municipal departments, and (2) Any adjacent municipalities within the Prescribed Distance*.

**Prescribed Distance is the distance equal to three times the tower height measured horizontally from the outside perimeter of the supporting structure of the proposed freestanding or building/structure-mounted Antenna System. The outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guyline, building edge, face of the self-supporting tower, etc. However, where the prescribed distance is located on the same lot as the tower, the abutting property owners shall be contacted.*

4.2 Fees

The Proponent must pay the applicable application fee to the Service Commission. Fees shall be set as follows:

- Non-Exempt Antenna Systems - \$200

The Proponent is responsible for securing applicable applications or permissions from all relevant Departments or Agencies and paying any additional application fees or charges (e.g., building permit) as required to the Service Commission.

4.3 Public Consultation Process

If the proposed Antenna System is not exempt from the public consultation process, the Proponent must follow Innovation, Science and Economic Development Canada's Default Public Consultation Process as outlined within the CPC, and review any consultation results with the Service Commission.

5.0 Excluded Structures

This section outlines the criteria for identifying Antenna Systems excluded from the consultation process by Innovation, Science and Economic Development Canada's, the need to consider local circumstances for all exempt structures, and the process for Proponents to notify and discuss proposed exempt structures with the Service Commission.

5.1 Exemptions From Antenna System Siting Proposal Review And Public Consultation

For the following types of installations, Proponents are generally excluded by Innovation, Science and Economic Development Canada's from the requirement to consult with the Service Commission and the public, but must still fulfill the general requirements outlined in Section 7 of the CPC:

- (a) New Freestanding Antenna Systems: where the height* is less than 15 metres above ground level*. This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (b) Existing Freestanding Antenna Systems: where modifications are made, antennas added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial Antenna System installation. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to Antenna Systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (c) Building/Structure-mounted Antenna System: antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;
- (d) Temporary Antenna Systems: used for special events or emergency operations and must be removed within three months after the start of the emergency or special event; and
- (e) No consultation is required prior to performing maintenance on an existing antenna system.

**Height for a freestanding antenna system shall be measured from grade to the highest point on the structure, including lighting and supporting structures*

5.2 Notification of Exempt Antenna Systems

Notwithstanding Innovation, Science and Economic Development Canada's's exemption criteria for certain Antenna Systems, Service Commissions should be informed of all new

Antenna System installations within their boundaries that have the potential for future modification and/or additions that would extend the height beyond the requirements defined in Section 5.1.

5.3 Building/Structure-Mounted Antenna Systems:

The Proponent will in all cases provide the following information for all new Antenna Systems or modifications to existing Antenna Systems that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard , and which are exempted from public consultation:

- (a) the location of the Antenna System (address, name of building, rooftop or wall mounted, etc.);
- (b) description of proposed screening or stealth design measures with respect to the measures used by existing systems on that site;
- (c) the height of the Antenna System;
- (d) the height of any modifications to existing systems.

The Service Commission may notify the Proponent of any inconsistency with the land use preferences and sensitivities and the parties will work towards a mutually agreeable solution.

5.4 Additions that Increase the Height of Freestanding Antenna Systems:

The Proponent will confirm to the Service Commission that an addition that extends the height of an existing Freestanding Antenna System as defined in Section 5.1(2), meets the exclusion criteria in Section 5.1 by providing the following:

- (a) the location, including its address and location on the lot or structure;
- (b) a short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed system; and
- (c) a description of how the proposal meets one of the Section 5.1 exclusion criteria.

Service Commission will review the documentation and will contact the Proponent where there is a site-specific basis for modifying the exemption criteria based on land use preferences and sensitivities. In such cases, the Service Commission and the Proponent will work toward a mutually agreeable solution, which may include requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Sections 3 and 4 of this protocol, as applicable, concluding with a letter of concurrence or non-concurrence.

6.0 Statement of Concurrence or Non-concurrence

6.1 Concurrence and Concurrence With Conditions

The Service Commission will provide a letter of concurrence to the Proponent where the proposal addresses, to the satisfaction of the Service Commission, the requirements as set out within this Protocol and the Service Commission's technical requirements, and will include conditions of concurrence, if required.

6.2 Non-Concurrence

The Service Commission will provide a letter of non-concurrence to the proponent copying Innovation, Science and Economic Development Canada if the proposal does not conform to requirements as set out within this Protocol. The Service Commission will also forward to Innovation, Science and Economic Development Canada any comments on outstanding issues, including those raised during the public consultation process.

6.3 Rescinding a Concurrence

The Service Commission may rescind its concurrence if following the issuance of a concurrence, it is determined by the Service Commission that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue.

In such cases, the Service Commission will provide notification in writing to the Proponent and to Innovation, Science and Economic Development Canada and will include the reason(s) for the rescinding of its concurrence.

6.4 Duration of Concurrence

A concurrence remains in effect for a maximum period of three years from the date it was issued by the Service Commission. If construction is not completed within this time period the concurrence expires except in the case where a proponent secures the agreement of the Service Commission to an extension for a specified time period in writing. Once a concurrence expires, a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.

6.5 Transfer of Concurrence

Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent (the current Proponent) without the need for further consultation provided that:

- (a) All information gathered by the original Proponent in support of obtaining the concurrence from the Service Commission is transferred to the current Proponent;
- (b) The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
- (c) Construction of the structure is commenced within the duration of concurrence period.