

P.O. Box 1749 Halifax, Nova Scotia B3J 3A5 Canada

Item No. 16.1 North West Community Council February 29, 2016

то:	Chair and Members of North West Community Council				
SUBMITTED BY:	Original Signed				
	Bob Bjerke, Chief Planner & Director, Planning and Development				
DATE:	February 19, 2016				
SUBJECT:	Case 19836: Telecommunications Tower - Damascus Road, Bedford				

<u>ORIGIN</u>

Application by Altus Group Limited.

LEGISLATIVE AUTHORITY

The Federal Radiocommunication Act, HRM has no jurisdiction to regulate telecommunication towers, however, Industry Canada requires that proponents consult with local land use authorities to address reasonable and relevant concerns on any proposed antenna system.

RECOMMENDATION

It is recommended that North West Community Council:

- Inform Industry Canada that they have no objection to the proposal by Rogers Communications Inc. to erect a new 48 metre (157 ft.) monopole telecommunication tower at PID# 41214370, Damascus Road, Bedford, as shown on Attachment A of this report; and
- 2. Forward a copy of this report to Industry Canada for background purposes.

BACKGROUND

The Altus Group Limited, on behalf of Rogers Communications, is proposing to locate a 48 metre (157 feet) monopole telecommunication tower and associated equipment on Damascus Road within the Bedford Commons Commercial Park, Bedford. The proposed tower will be accessed from Verdi Drive. The applicant's submission is provided in Attachments A to E of this report.

Location, Designation, Zoning and Surrounding Land Use

Location	PID# 41214370, Damascus Road, Bedford					
Subject Property	Approximately 7.3 ha (18 acres) in size					
Regional Designation	Industrial Park and Urban Settlement under the Regional Plan					
Community Designation	Industrial under the Bedford Municipal Planning Strategy (Map 1)					
Zoning	ILI (Light Industrial Zone) under the Bedford Land Use By-Law (Map 2)					
Current Use(s)	Vacant land					
Surrounding Land Uses	 centrally located within the Bedford Commons (commercial and industrial park), surrounded by ILI Zoned properties on all sides; and in close proximity to several large commercial buildings such as Canadian Tire, Indoor Tennis Courts and the Rocky Lake Dome Rink. 					

Proposal

The proposed tower:

- is intended to be located approximately 500 meters (1,640.4 ft.) from the nearest residential property;
- will be free standing, self-supporting and 48 metres (157 ft.) in height measured from ground level (Attachment B);
- is not required by Transport Canada to have lighting and painting at this location (Attachment D); and
- will be equipped with an anti-climb apparatus.

Municipal Process

The federal government has jurisdiction over all forms of *Radiocommunication* (radio and television broadcasting, microwave communication, private radio transmissions, etc.). Provincial and Municipal governments have little jurisdiction to interfere with or impair communication facilities licensed under federal law. Industry Canada, under the *Department of Industry Act*, is the federal agency which licenses and regulates these facilities under the provisions of the *Radiocommunication Act* (R.S.C. 1985, c.R-2) and the *Radiocommunication Regulations* with due regard to the *Telecommunications Act*.

The federal government, however, has recognized that municipal authorities may have an interest in the location of antenna structures and this should be considered in the exercise of its authority. A consultation policy has therefore been instituted and this process is followed by HRM. The policy requires that an applicant notify the appropriate municipality of its intentions and the municipality is then given an opportunity to review the proposal and provide comment. In HRM, staff review and public consultation is undertaken prior to Community Council review. Community Council then provides written comment to the local office of Industry Canada.

Regional Plan Direction

The Regional Municipal Planning Strategy (RMPS) acknowledges the federal policy encouraging municipal consultation when dealing with antenna towers and associated structures and recognizes that the means of consultation is to be determined by the Municipality. Policy SU-26 of the RMPS directs HRM, in cooperation with Industry Canada and industry stakeholders, to create an effective consultation approach for the siting of telecommunication towers and antenna.

The Municipality is currently working to develop a new telecommunication tower protocol; however, until a new protocol is adopted by Regional Council, the process described above will be followed. Staff have reviewed the application against the draft protocol, and determined the placement of the monopole to be reasonably consistent with the draft.

Bedford Municipal Planning Strategy

The Bedford MPS does not contain policy that directly relates to the siting and design of telecommunication equipment, nor does it provide more general policy directing the form and siting of utility stations as a whole. Therefore, when considering the siting of a telecommunication tower, staff and Council should consider general planning matters such as land use compatibility, placement, architectural and site design.

Alternative Sites and Opportunities

As noted above, the federal government, through Industry Canada has jurisdiction over the location of telecommunication towers; however, they seek comment from the municipality before making their determination. Industry Canada's policy allows telecommunication proposals which are more minor in nature to be exempt from consultation with the municipality. These exemptions include such installations as co-locating on existing towers and locating on top of tall buildings. The exemptions are outlined in Industry Canada's Client Procedures Circular (CPC–2-0-03 Volume 4).

HRM has requested that the applicant demonstrate that the less intensive options described above have been investigated. In this case, the applicant has completed an investigation and determined there are no viable existing structures in the area that would be suitable for the operations of Roger's network equipment. Roger's has advised the surrounding hills in the area that block coverage from the other towers in the area, thus eliminating the opportunity for co-location of equipment.

DISCUSSION

Physical Proximity

Although the MPS does not guide the location of telecommunication towers, to ensure adequate separation from adjacent properties, it is prudent to review common practices which indicate that incompatibility between uses can be addressed through screening or separation of uses. Recommended minimum separation distances between towers and residential properties have often been established based on the measured height of a proposed tower. A separation distance which is equal to the tower height is based on a precautionary principle to minimize risk in the unlikely event of structural failure. In the event of tower collapse or ice falling from the tower, the separation distances between the residential properties and the tower are adequate as they exceed the height of the tower in all instances. As proposed, the subject tower is surrounded by commercial buildings and poses no risk to adjacent residential properties as it is located approximately 500 meters (1,640 ft) from the nearest property boundary which is 10.5 times the tower height.

Visual Impact

From a community perspective, it is anticipated the proposed tower will be visible, however, given the proposed location is within an industrially-zoned lands known as the Bedford Commons (commercial area), the impact is minimal. The proposed tower is located approximately 61 metres from the nearby tennis club and there is a treed buffer that separates the tower from motorists on Rocky Lake Drive and Highway 102.

Health and Safety

Industry Canada requires that such systems are operated in accordance with the safety guidelines established by Health Canada in their document entitled *Limits of Human Exposure to Radiofrequency Electromagnetic fields in the Frequency Range from 3 kHz to 300GHz*, commonly referred to as *Safety Code 6*. This document specifies the maximum recommended human exposure levels to radiofrequency energy from radiation emitting devices. The safety of wireless communication devices such as Wi-Fi equipment, cell phones, smart phones and their infrastructures, including base stations, is an area of ongoing study for Health Canada.

Prior to receiving a licence from Industry Canada, the operator must submit the calculations on the intensity of the radiofrequency fields to ensure that this installation does not exceed the maximum levels contained in *Safety Code 6* requirements. Information submitted in support of this proposal indicates no concerns in relation to *Safety Code 6* (Attachment E).

Conclusion

Staff has reviewed the proposal and advise that the physical separation of the proposed tower from residential development in the area is sufficient. The location of the tower on a commercial site is not anticipated to have any adverse visual effects or land use compatibility issues with the surrounding community. Therefore, staff recommends that North West Community Council inform Industry Canada that they have no objection to the proposal by Rogers Communications.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the 2015/16 operating budget for C310 Planning & Applications.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a mailout in May 2015. Notices were posted on the HRM website, and mailed to property owners within the notification area as shown on Map 2. No comments were received.

A public hearing is not included in the telecommunication tower application process. Community Council simply forwards a recommendation to Industry Canada.

The location of the proposed tower would potentially impact the following stakeholders: local residents and property owners.

ENVIRONMENTAL IMPLICATIONS

No implications have been identified.

ALTERNATIVES

North West Community Council may choose to Inform Industry Canada that they have additional comments or recommendations with respect to the proposed tower. In this event, staff will notify the local office of Industry Canada of Council's recommendations.

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ATTACHMENTS

Map 1	Generalized Future Land Use
Map 2	Zoning and Notification
Attachment A	Site Plan
Attachment B	Tower Elevation & Rendering Tower Elevation
Attachment C	Aeronautical Assessment
Attachment D	NAV Canada and Transportation Approval
Attachment E	Safety Code 6 Attestation

A copy of this report can be obtained online at http://www.halifax.ca/commcoun/index.php then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by:	Stephanie A. Norman, Planner, Development Approvals, 902.490.4843
	Original Signed
Report Approved by:	Kelly Denty, Manager, Development Approvals, 902.490.4800





















Transport Transports Canada Canada

AERONAUTICAL ASSESSMENT FORM FOR OBSTRUCTION EVALUATION

Transport Canada number				
2015-022				
Applicant number				
A1055				

SECTION 1											
Owner's Name			Contact Person								
Rogers Communications Inc.		Jean-Francois Doyon									
Address											
800 rue de la Gaucheti	ere Quest, Bureau	4000									
City	Province						Postal C	ode			
Montreal		QC						H5A 1	кз		
Telephone number (999-999-9999)	Fax number (999-999-9999)	Email Addre	HS5								-
			ncois.Dog	yon(rci.roge	rs.c	om				
SECTION 2											
Applicant's Name			Contact Pers	50N							
Rogers c/o Altus Group			Aaron Mu	irna	ighan						-
Address	······································		1		-						
1969 Upper Water Stree	t, Suite 1701										
City	•	Province						Postal C	ode		
Halifax		Nova Sc	otia					B3J 3	R7		
Telephone number (999-999-9999)	Fax number (999-999-9999)	Email Addre	55	·····				<u>I</u>			
(902) 420-6638	(902) 422-6698	marney.	cohental	tusc	roup.com						
SECTION 3		······································			p•• ·						
Description of Proposal (or as attache	ed)					-					
ACODE:A1055											
Site Name and Candidate											
Type of Tower: 46M Mos	nopole with lightr	ing rod	height c	of S	im for an	over	call	height	: 0:	E 51M	
SECTION 4						·	·]
Geographic Coordinates	I3 NAD27 WGS	14		daa							
For multiple structures in a grouping,		- /	N Latitude	deg	44	min	44	50	EC	52.24	<u> </u>
seperate spreadsheet (e.g. windfarms	, transmission lines)		W Latitude	deg	63	min	38		êC -	38.70	<u> </u>
SECTION 5											
Nearest Community			Province								
Bedford			Nova Scotia								
SECTION 6						l					
Nearest Aerodrome											
Halifax Stanfield											
SECTION 7											
Have you contacted the aerodrome?											
○ Yes Ø No											
SECTION 8				_							
Notice of											
New Construction Change to existing structure											
Duration (2) Permanent (1) Temporary											
26-0427E (1412-05)											
Page 1 of 4											and

Attachment C - Aeronautical Assessment

Canadä

			Transport Canada number							
			2015-022							
SECTION 10			0,012 014							
Proposed Construction Date Beginning (yyyy-mr	n-dd)									
2015 05 30										
SECTION 11										
Temporary Structure										
From date (yyyy-mm-dd)	To date	(yyyy-mm-dd)								
SECTION 12	· · · · · · · · · · · · · · · · · · ·									
Marking and Lighting Proposed (refer to Standar	1 621)									
Red lights and paint	Red and M.I. wh	ite liohts	White M.J. lights							
Red and H.I. white lights	White H.I. lights									
No lighting	Paint marking or	itv	Other (provide description)							
SECTION 13										
Monitoring to Standard 621, article 4.7	Visual Inspection	<u> </u>	Remote Indicator							
SECTION 14										
Catenary/Cable Crossing										
Paint supporting structures	Cable marker sp	heres	Shore markers							
Support structure lighting	Cable marker lig									
SECTION 15	Feel	Metres	Structure alone Structure with an addition							
A Ground Elevation (AMSL)	1	59.8m								
B Height of an addition to a structure			-							
C Total structure height Including B (AGL)		51m	- C C ····							
			-							
Overall height (A plus C) (AMSL) SECTION 16	<u> </u>	110.8m								
Does the proposal comply with Airport Zaning F	Regulations?		<u> </u>							
Yes No N/A										
Where the location of the object is on lands affect	led by Airport Zoning i	Regulations, a legal su	rivey is required with the submital.							
			best of my knowledge. Also, I agree to mark and/or light and							
maintain the structure with established marking a	nd lighting standards as	necessary.								
John Di Sante-Construction	Manager - Marn	ey Cohen on be	shalf of Rogers							
	Name of person f	-								
Or	iginal Sig	ned								
	alure		2015 02 18 Date (yyyy-mm-dd)							
TRANSPORT CANADA ASSESSMENT			Cone (J333-Januardo)							
Marking and lighting required (as per Standard 6)	21)									
	Required T	Temporary Lighting R	tequired 4 No Lighting or marking required							
Comments (Transport Canada use Only)										
Completion of this form does not constitute autho	ditation for construction		avails of example. See Instruction D and E							
Competion or this form does not constitute autro	Sig	Labels .	I Data finant mm dd							
Original Signed		Original S	Nignod							
Note 1: This assessment expires 18 months from t	he date of assessment	U								

Note 2: If there is a change to the intended installation, a new submittal is required.

26-0427E (1412-05)



June 8, 2015

Your file A1055 Damascus Rd. - Verdi Drive, Bedford Our file 15-0617

Ms. Marney Cohen Altus Group 1969 Upper Water Street, Suite 1701 Halifax, NS B3J 3R7

RE: Communication: Self-support Tower - Bedford, NS (N44° 44' 52.24" W63° 38' 38.70" / 167.3228' AGL / 363.5170' AMSL)

Ms. Cohen,

We have evaluated the captioned proposal and NAV CANADA has no objection to the project as submitted.

In the interest of aviation safety, it is incumbent on NAV CANADA to maintain up-to-date aeronautical publications. To assist us in that end, we ask that you notify us upon completion of construction. This notification requirement can be satisfactorily met by returning a completed, signed copy of the attached form by e-mail at landuse@navcanada.ca or fax at 613-248-4094. In the event that you should decide not to proceed with this project or if the structure is dismantled, please advise us accordingly so that we may formally close the file.

If you have any questions, contact the Land Use Department by telephone at 1-866-577-0247 or e-mail at landuse@navcanada.ca.

NAV CANADA's land use evaluation is valid for a period of 12 months. Our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations; it neither constitutes nor replaces any approvals or permits required by Transport Canada, Industry Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required. Industry Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA engineering as deemed necessary.

Yours truly, **Driginal Signed**

David Legault | NAV CANADA

Manager, AIM Data Validation and Publishing

ATLR - Atlantic Region, Transport Canada (2013-163) СС CFR3 - FALL RIVER(WATER)

Annex 5: Safety Code 6 Attestation Letter



