

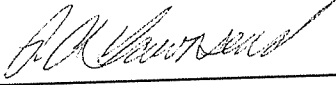


P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

10.1.2

Chebucto Community Council
March 5, 2012

TO: Chair and Members of Chebucto Community Council

SUBMITTED BY: 
Phillip Townsend, Director, Planning and Infrastructure

DATE: February 7, 2012

SUBJECT: **Case 17242 Telecommunications Tower, 160 Kearney Lake Road,
Halifax**

ORIGIN

Application by Bragg Communications Incorporated (Eastlink).

RECOMMENDATION

It is recommended that the Chebucto Community Council forward no objections to Industry Canada in relation to the proposal by Bragg Communications (Eastlink) to place a 60-metre telecommunication tower and associated equipment cabinets at 160 Kearney Lake Road, Halifax, on a 60 ft. by 60 ft. portion of the subject property (75 acre parcel, PID# 40806200) as shown on Map 1 and Attachments A, B, and C of this report.

BACKGROUND

Proposal:

Bragg Communications Inc. (Eastlink) wishes to erect a new 60-metre (197 ft.) high self-supported telecommunication tower at 160 Kearney Lake Road, Halifax (Gateway Materials quarry) on a 60 ft. x 60 ft. leased portion of the subject property. The property is approximately 75 acres in size (PID# 40806200) and is accessed via an existing driveway off Kearney Lake Road (Map 1). The proposed site layout is shown on Attachment A.

Eastlink is in the process of deploying a wireless network and venturing into the wireless marketplace (i.e. cellular telephones/wireless devices). Eastlink has indicated the installation of a telecommunication tower is required in the immediate area as part of its wireless network design for the Halifax Regional Municipality. They have also indicated that all existing telecommunication structures in the area have been considered, and have come to the conclusion that none represent a viable co-location option.

The Proposed Tower:

- is approximately 60 metres (197 feet) in height and is of steel lattice construction;
- is approximately 245 metres (800 feet) from the closest residential dwelling/property on Parkland Drive to the east;
- is approximately 400 metres (1,300 feet) from the closest residential dwelling/property on Little Fox Lane, Hamshaw Subdivision to the west;
- includes 6 antennae and 3-6 radios at the top of the tower and equipment cabinets at its base;
- is protected by a new fence around the equipment cabinets and the tower base; and
- is not required to be illuminated, nor painted, pursuant to Transport Canada regulations.

Site Features and Surrounding Context:

The subject property is generally described as follows:

- approximately 75 acres in area (Map 1);
- used primarily for extraction purposes;
- contains an existing telecommunication tower and electrical towers and infrastructure;
- located within the Halifax Plan Area;
- zoned US (Urban Settlement), Halifax Mainland Land Use By-Law (Map 1);
- designated Residential Environments and Holding Area by the Halifax MPS (Map 2);
- adjacent area to the north is primarily undeveloped, while low-density residential uses exist in the distance to the west (Hamshaw Subdivision) and to the east, across Highway #102 (Glenbourne Subdivision).

Jurisdiction:

The federal government has exclusive and comprehensive jurisdiction over the area of radiocommunication and telecommunications. Industry Canada is the government agency responsible for regulating radiocommunication including authorizing the installation of radiocommunication towers and sites. When a new telecommunications facility is proposed, federal regulations require the applicant to consult with the local municipality to review and provide comment on the application to Industry Canada.

Municipal Process:

To facilitate this process, a public consultation policy has been instituted. The policy requires that an applicant notify the appropriate municipality of its intentions. The municipality is then given an opportunity to review the proposed antenna structure and site and provide comment. If any objections arise, the municipality is to provide written notice to the local office of Industry Canada. The submissions will be reviewed by Industry Canada, who will then determine whether or not a license is to be granted and/or upon what conditions such license is granted.

DISCUSSION

Within the Halifax Plan Area, the siting and design of telecommunication equipment is evaluated in accordance with Section II, policies 7.2.2 and 7.2.2.1 of the Halifax Municipal Planning Strategy (Attachment A). These policies enable public uses which are industrial or service commercial in nature, including utility stations for telephone service, to be considered outside areas designated “Industrial” (Attachment D). The former City of Halifax would have considered telecommunication towers through the development agreement process, but HRM no longer uses this approach. The change recognized that the federal government has jurisdiction over all forms of radio communication. Following municipal amalgamation, HRM adopted specific consultation procedures in accordance with Industry Canada’s process and jurisdiction. However, plan policy associated with this former development agreement process continues to provide relevant guidance to staff and Council when evaluating telecommunications proposals.

Compatibility (7.2.2.1 (i)):

This guideline speaks to a proposal’s compatibility in respect to neighbouring and adjacent uses. In certain circumstances, incompatibility between uses can be addressed through screening or separation of uses. In this case, the substantial separation between the proposed tower and existing residential land uses will provide a sufficient buffer. Further, existing vegetation will generally screen the lower sections of the tower from view, while the location of the tower adjacent to an existing telecommunication tower and the existing N.S. Power electrical corridor, will assist by visually integrating it into the existing landscape.

Design (7.2.2.1 (ii)):

This guideline speaks to architectural and site design considerations. In this case, the proposed tower is located away from residential uses and adjacent to an existing steel-lattice type telecommunication tower, existing electrical corridor and quarry. As such, the proposed tower’s design is generally in keeping with this guideline.

Appropriateness of Site (7.2.2.1 (iii)):

This guideline is intended to address the appropriateness of the site in respect to performing the particular function proposed. The applicant has indicated the proposed site satisfies technical criteria required to provide cellular telephone service.

Compliance with Industrial Policy 4.6 (7.2.2.1 (iv)):

The applicable guidelines of Policy 4.6 are detailed in Attachment D. These guidelines address the building envelope, landscaping, setbacks, buffering, and environmental concerns. As the proposed tower is located a significant distance from residential uses, issues related to setbacks and buffering are addressed. The proposal does not conflict with the other applicable guidelines identified in Policy 4.6.

Health and Safety:

Aside from land use planning issues, there are often concerns about potential health risks from the placement of telecommunication facilities. Industry Canada requires that such systems are operated in accordance with the safety guidelines established by Health Canada's radiation protection bureau, as stated in its publication - Limits to Radiofrequency Fields at Frequencies from 10kHz - 300 GHz. This is referred to as Safety Code Six. 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 the Safety Code Six requirements. Information submitted in support of this proposal indicates no concerns in relation to Safety Code Six. With this proposal, EastLink must demonstrate to Industry Canada that all federal requirements are met.

Summary:

Staff have reviewed the proposal and are of the opinion that this proposal does not appear to pose undue concerns. It is therefore recommended that the Chebucto Community Council inform Industry Canada that they have no objection to this proposal.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2011/12 operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

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 Public Notification Letter which was mailed to adjacent property owners within the notification area as shown on Map 1, in late November, 2011 (Attachment E). This Public Notification Letter sought comments/feedback from property owners in lieu of a Public Information Meeting. No comments

from the public were received. Information relative to the proposal was also placed on the HRM website.

A public hearing is not included in the telecommunications process. By resolution, Community Council will forward their comments to Industry Canada.

The location of the proposed tower could potentially impact the following stakeholders: local residents, property owners, telecommunication companies, and Industry Canada.

ALTERNATIVES

The following alternatives are presented to the Chebucto Community Council for consideration:

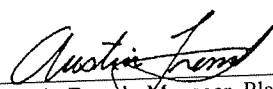
1. Inform Industry Canada that Chebucto Community Council has no objection to the proposal by Bragg Communications (Eastlink) to place a 60-metre telecommunication tower and associated equipment cabinets at 160 Kearney Lake Road, Halifax (Gateway Materials quarry, PID# 40806200).
2. Identify to Industry Canada that Chebucto Community Council has additional comments or recommendations with respect to the proposed tower. In this event, staff will notify the local office of Industry Canada of Community Council's recommendations.
3. Identify to Industry Canada that the Chebucto Community Council is not in favour of the proposal.

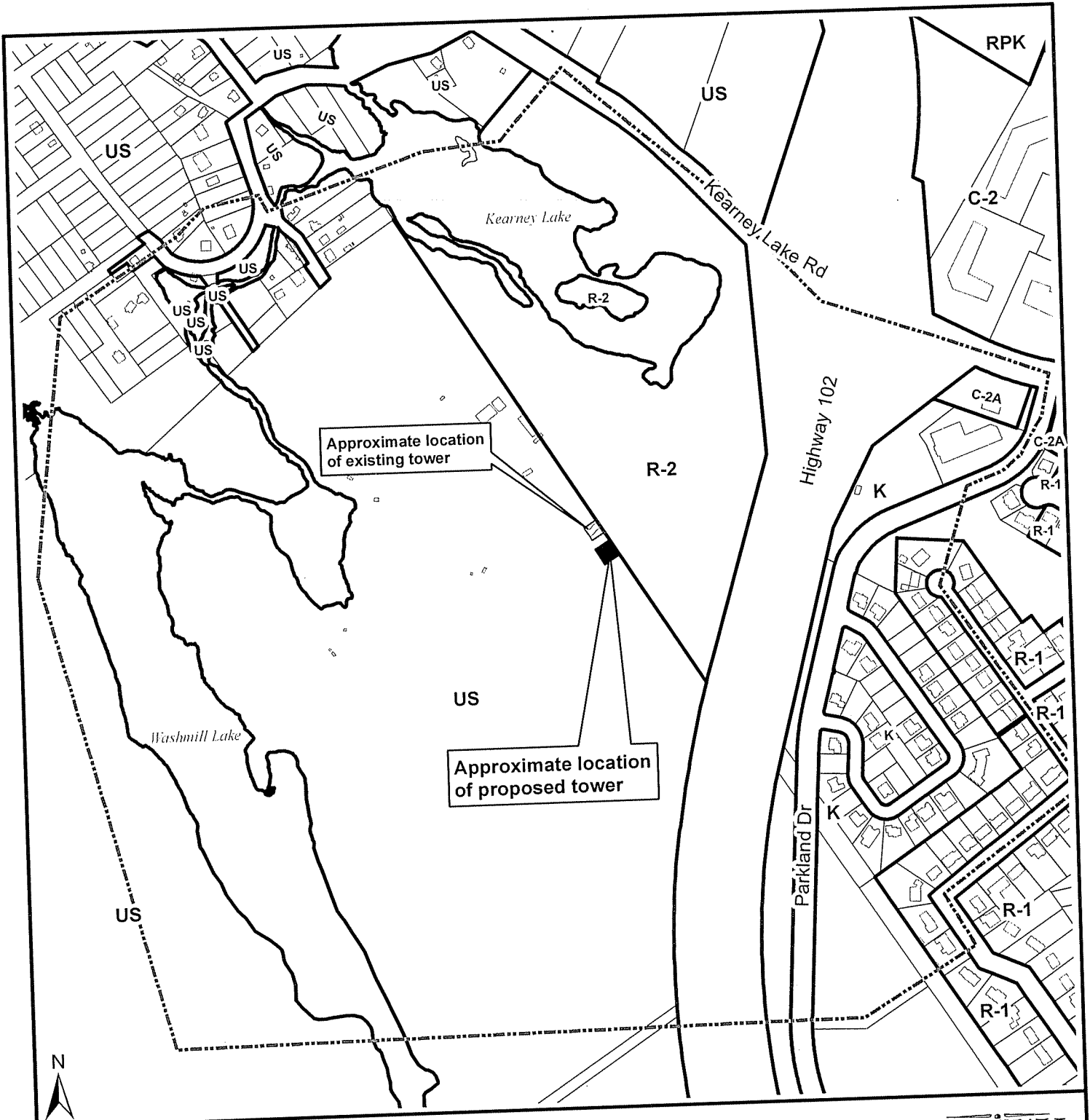
ATTACHMENTS

Map 1:	Location and Zoning Map
Map 2:	Generalized Future Land Use
Attachment A	Site Plan
Attachment B	Compound Layout
Attachment C	Tower Elevation
Attachment D	Excerpts from the Halifax MPS
Attachment E	Public Notification Letter

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by: Paul Sampson, Planner 1, Planning Services, 490-6259

Report Approved by: 
Austin French, Manager, Planning Services, 490-6717



Map 1 - Location and Zoning

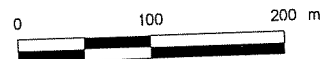
160 Kearney Lake Road
Halifax

 Area of notification
Halifax Mainland
Land Use By-Law Area

Zone

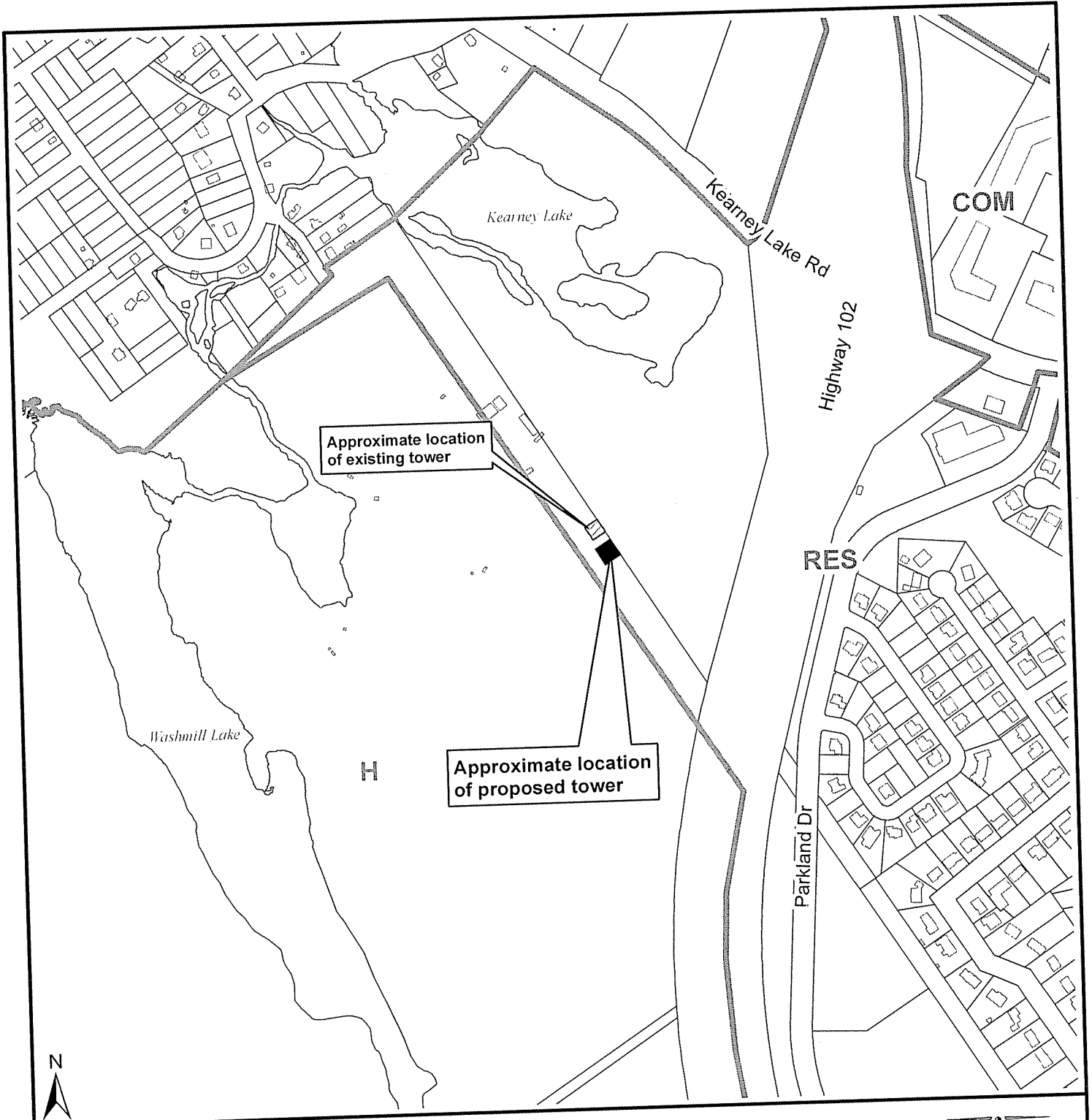
- R-1 Single Family Dwelling
- R-2 Two Family Dwelling
- C-2A Minor Commercial
- C-2 General Business
- RPK Regional Park
- US Urban Settlement
- UR Urban Reserve
- K Schedule K

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Halifax Mainland Land Use By-Law Area.

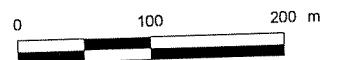
HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Generalized Future Land Use

160 Kearney Lake Road
Halifax

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



Designation

- RES Residential Environments
- COM Commercial
- H Holding

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Halifax Plan Area

HRM does not guarantee the accuracy of any representation on this plan.

Halifax Plan Area

T:/work/planning/hilary/casemaps/17242 (HEC)

KEY MAP (N12)



REFERENCE DRAWINGS

NOTES

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LEGEND

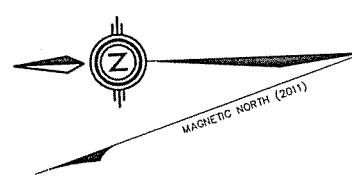
OVERHEAD WIRES..... 01-10-
UNDERGROUND WIRES..... 00-01-01

EASTLINK

GENIVAR
INCORPORATED
1000 UNIVERSITY AVENUE
SUITE 100
VANCOUVER, BC V6L 1A8
TEL: 604.271.1234
WWW.GENIVAR.COM

SITE PLAN	
PROJECT	80.9m SELF SUPPORT TOWER
LOCATION	KEARNEY LAKE ROAD
DATE	AUGUST 9, 2011
SCALE	1:2000
PROJECT NO.	15A045
DRAWING NO.	D11406
DATE	
BY	
CHECKED BY	
APPROVED BY	

PROPOSED TOWER CENTER
 PID 40806200
 ELEVATION = 69.0m±
 TOWER BASE = 69.0m±
 AT577 (NTM ZONE 5)
 NORTH COORDINATE = 5564944.1
 EAST COORDINATE = 5564944.1
 NAD83 (Original)
 LATITUDE 44° 40' 57.51" N
 LONGITUDE 63° 40' 50.57" W
 NAD27
 LATITUDE 44° 40' 57.74" N
 LONGITUDE 63° 40' 52.90" W



MAGNETIC DECLINATION (2011) = 18' 09"±
ANNUAL CHANGE = 8.0"± (DECREASING)

PID 40806192
Now or Formerly Lands of
GATEWAY MATERIALS LIMITED
BOOK 6192, PAGE 529

LOT GML
Lease in Favour of
BELL MOBILITY INC.

BICENTENNIAL DRIVE
HIGHWAY NO. 102

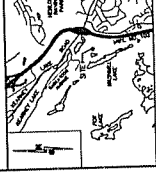
PARKLAND DRIVE

PARCEL NSA045
PROPOSED TOWER LOCATION
AREA = 434.5 SQ M±
(0.08 ACRES±)

PID 40806200
Lands of
GATEWAY MATERIALS LIMITED
BOOK 6192, PAGE 529

1 SITE PLAN
SCALE: 1:2000
S1

KEY MAP (SEE)



REFERENCE DRAWINGS

NOTES

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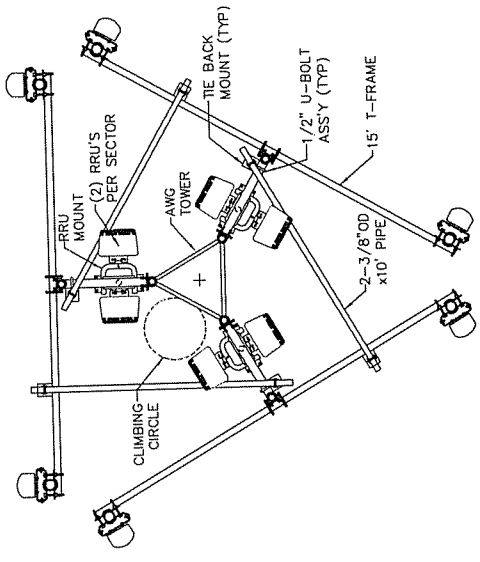
GENVAR
 1. SPECIALTY ENGINEERING
 2. COMMUNICATIONS
 3. TOWER ELEVATION
 4. KEARNEY LAKE ROAD
 5. AUGUST 9, 2011
 6. 1:250
 7. HSR0405
 8. DAT 1405
 9. S3
 10. 3

HSPA

T.O. TOWER
EL. 129.9m
RAD. CENTER
EL. 129.9m

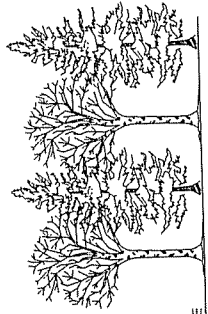
HSPA ANTENNA
(TYP OF 6)

COMMUNICATIONS TOWER



1 HSPA ANTENNA LAYOUT
SCALE: 1:50

1 TOWER ELEVATION - LOOKING NORTHEAST
SCALE: 1:250



GRADE
EL. 69.0m

Attachment D

Excerpts from the Halifax Municipal Planning Strategy

SECTION II - CITY-WIDE OBJECTIVES AND POLICIES

7. COMMUNITY FACILITIES

7.2 Future regional and City-wide recreation and community facilities shall be encouraged to locate in appropriate locations throughout the City. The appropriateness of such locations shall be determined on the basis of any one or combination of the following: (a) use and function of the proposed facility; (b) adequacy of transportation; and (c) uniqueness of the site, or its historic significance. The City should not normally prezone areas of land for such uses.

7.2.2 The City should encourage public uses which are industrial or service commercial in character to locate within areas designated "Industrial." For those public uses which need to be located in other than these designations in order to effectively and efficiently carry out their community support function to part or all of the City or Region, the City may consider developments in alternative locations through the contract development provisions of the Planning Act, or by rezoning.

7.2.2.1 Pursuant to Policy 7.2 and 7.2.2, Council may consider the development of public uses which are industrial or service commercial in nature such as, but not limited to utility stations for water, electricity and telephone, fire and police stations, and centres for the upkeep and maintenance of City infrastructure. In considering such developments, Council shall have regard for:

- (i) the compatibility of the development in respect to adjacent and neighbouring uses;
- (ii) where possible and appropriate, an overall architectural and landscape design which reflects adjacent and neighbouring uses;
- (iii) the appropriateness of the site in respect to performing the particular community support function; and
- (iv) the provisions of Industrial Policy 4.6, Part II, Section II, clauses (ii) to (xi) inclusive.

4. INDUSTRIES

4.6 In considering applications pursuant to Implementation Policy 3.10 Council shall have regard for the guidelines set out below:

- (i) that uses permitted be restricted to industrial or commercial uses;

- (ii) that entrances and exits be arranged in such a way so as to minimize the impact of additional traffic on any adjacent residential area;
- (iii) that the proposed use does not entail unacceptable nuisances, such as traffic, smoke, toxic or noxious effluents, and noise;
- (iv) that storage areas be enclosed or be visually screened from the abutting street by such means as planting materials or well-designed fences;
- (v) that service areas for trucks and other vehicles be located in areas other than the front yards;
- (vi) that front yards of an appropriate size be provided, well landscaped and including provision for tree planting;
- (vii) that drainage from large paved areas be required to be treated in cases where such drainage will result in unacceptable pollution of watercourses or water bodies;
- (viii) that appropriate measures be taken to prevent erosion or deposit of sediments away from the development site during construction and afterwards;
- (ix) that the building envelope be located in such a manner as to provide a sufficient area for landscaped open space in both front and side yards;
- (x) that areas of significant natural, aesthetic and amenity value be protected as part of the site design in accordance with Policy Sets 7 and 8 of this Plan as appropriate;
- (xi) that there be an appropriate setback of any building from abutting residential properties and that a portion of such setback be landscaped; and
- (xii) that the applicant provide a statement of the environmental impacts of the proposed development on and off the site and identify the ways and means to mitigate any negative effects, particularly as they relate to such aforementioned matters as air and water pollution, erosion and sediment control, and protection of significant natural, aesthetic, and amenity value;
- (xiii) such other land use considerations as Council may from time to time deem necessary, based on guidance provided by the policies of this Plan.



PO Box 1749
Halifax, Nova Scotia
B3J 3A5

Case 17242
Attachment E

November 30, 2011

Dear Resident/ Property Owner:

Re: Case #17242: Application by Bragg Communications Inc. (EastLink) to construct a new 60-metre telecommunication tower at 160 Kearney Lake Road, Halifax (Gateway Materials quarry)

This is to provide you with information on the above noted application that HRM has received for a new telecommunications tower. The reverse side of this notice provides more information on the proposal.

The proposed tower will be located approximately 800 feet and across Hwy. #102 from the nearest residential property on Parkland Drive to the east, and approx. 1,300 feet from the nearest residential property on Little Fox Lane, Hamshaw Subdivision to the west. The new tower is proposed to be located next to an existing Bell Canada tower on the same site and adjacent to the existing N.S. Power right-of-way.

The federal government has jurisdiction over all forms of radio communications. In this case, HRM's Chebucto Community Council will provide a written response to Industry Canada outlining whether there are any objections to the proposal based on reasonable and relevant concerns. Staff will be preparing a report with a recommendation to Council in the near future. As part of this process, we are inviting comments and feedback from the public. We encourage you to contact us with any questions or comments you may have.

If you wish to comment on the proposal, please contact the undersigned at **490-6259**, or you may send written comments to the postal or email addresses below. More detailed information on the proposal can be found on the reverse side of this notice or on the HRM website at <http://www.halifax.ca/planning/Case017242Details.html>

Respectfully yours,

Paul Sampson, Planner
Western Region, HRM

cc: Councillor Debbie Hum

HRM Community Development – Planning Applications

Bayers Road Centre PO Box 1749, Halifax, NS B3J 3A5 Website: www.halifax.ca
Phone: (902) 490-6259 Fax: (902) 490-4406 Email: sampsop@halifax.ca