

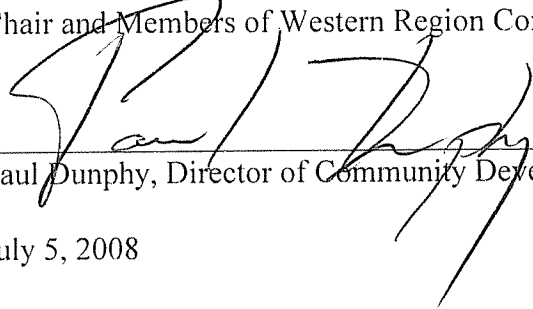


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item 4.1.2

Western Region Community Council
July 28, 2008

To: Chair and Members of Western Region Community Council

Submitted by: 
Paul Dunphy, Director of Community Development

Date: July 5, 2008

Subject: Case 01165: Telecommunication tower at 34 Bald Rock Road, Sambro

ORIGIN

Application by Rogers Communications Incorporated to construct a new telecommunication tower and accessory building at 34 Bald Rock Road (PID # 00391276), Sambro (see Map 1).

RECOMMENDATION

It is recommended that Western Region Community Council forward a positive recommendation to Industry Canada supporting the proposal by Rogers Communications Incorporated, thereby allowing for the construction of a new 90 metre (295 feet) guyed telecommunication tower and accessory building at 34 Bald Rock Road (PID # 00391276), Sambro, as shown on Map 1 attached to this report.

BACKGROUND

Rogers Communications Incorporated wishes to erect a new 90 metre (295 feet) guyed telecommunication tower and accessory building at 34 Bald Rock Road (PID # 00391276), Sambro, which is a vacant site but adjacent to an existing 60 metre (197 feet) Bell Aliant telecommunication tower (see Map 1). The company wishes to install a larger tower to improve cellular signal coverage. The site layout is shown on Attachments A and B.

The proposed tower would:

- be approximately 90 metres (295 feet) in height (see Attachment C);
- add a new 14.7 square metre (158 square feet) equipment shelter (see Attachment D);
- incorporate standard steady red obstruction lighting (not strobes) and be painted in accordance with Transport Canada regulations; and
- be protected by a new 1.8 metre (6 foot) high chain link fence around the equipment building and tower base (see Attachment B).

Municipal Process

Communication towers are a matter of constitutional law. The federal government has jurisdiction over all forms of radio communication (radio and television broadcasting, microwave communication, private radio transmissions, etc.). Provincial and Municipal governments have little constitutional jurisdiction to interfere with or impair communication facilities licensed under federal law. Industry Canada is the federal agency which licenses and regulates these facilities under the provisions of the *Telecommunications Act* (S.C. 1993, c.38).

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. 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.

Site Features and Surrounding Land Use

The site has the following characteristics:

- this location is considered to be ideal to service from Sambro east, north toward Portugese Cove and north toward Harrietsfield and to improve coverage in offshore fishing areas;
- The site is zoned R-6 (Rural Residential Zone) and most of the surrounding areas are zoned the same under the Land Use By-law for Planning District 5 (Chebucto Peninsula) which contemplates residential uses with allowance for home business, forestry, recreational and open space uses, among others;
- The property is surrounded by undeveloped lands with residential uses to the north and west.

DISCUSSION

The Municipal Planning Strategy (MPS) for Planning District 5 contains a Special Facility (P-5) Zone which allows telecommunication stations and facilities but it was not intended for the use of individual towers. The MPS has no specific guidance with respect to communication towers. Discussion will therefore be based on general planning principles. One of the purposes of zoning is to create areas where compatible uses can co-exist while excluding other uses which may not be compatible. From a land use perspective, communication towers do not appear to raise compatibility issues such as hours of operation, noise, traffic generation, or intensity of the use. The main issue of concern is the visual impact of the communication tower.

Visual Impact and Physical Proximity

Staff believe there will be some minor visual impact given that the existing tower abutting this location is 197 feet in height and the installation of a 295 foot high tower represents a noticeable height increase. Visual incompatibility between uses can be addressed through screening or separation of uses. Visual screening of a structure this tall is not feasible. While no formal policy exists to guide the location of communication towers to ensure adequate separation from residential properties, a review of past practice indicates that a minimum separation distance between towers and residential properties has often been established based on the measured height of a proposed tower. The separation distance based on tower height is founded on a precautionary principle to minimize risk in the unlikely event of structural failure. The base of the tower is to be set back from Bald Rock Road approximately 120 metres (394 feet) giving a substantial separation.

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 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.

Due to line-of-sight technologies utilized by Rogers, co-location on the Aliant tower did not meet their coverage objectives. Staff is of the opinion that this proposal does not appear to pose undue concerns. It is therefore recommending that no objections be raised by this proposal.

Public Consultation

A letter of notification was mailed to all property owners near the subject site. The letter included information and drawings as well as offering an opportunity for the public to comment. No response has been received. See Attachment E. A Sign was also located on the site with contact information.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

ALTERNATIVES

The following alternatives are presented to Western Region Community Council for consideration:

1. Inform Industry Canada that Western Region Community Council has no objection to the proposal by Bell Aliant Regional Communications Incorporated to erect a 90 metre (295 foot) guyed telecommunication tower and accessory building at 34 Bald Rock Road (PID # 00391276), Sambro. This is the recommended course of action.
2. Identify 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.
3. Identify that the Community Council is not in favour of the proposal. This is not recommended due to reasons outlined in this report.

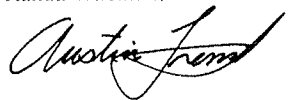
ATTACHMENTS

Map 1 - Location and Zoning Map
Attachment A - Tower Location Plan
Attachment B - Site Plan
Attachment C - Tower Profile
Attachment D - Equipment Shelter Elevations
Attachment E - Notification Letter to Property Owners

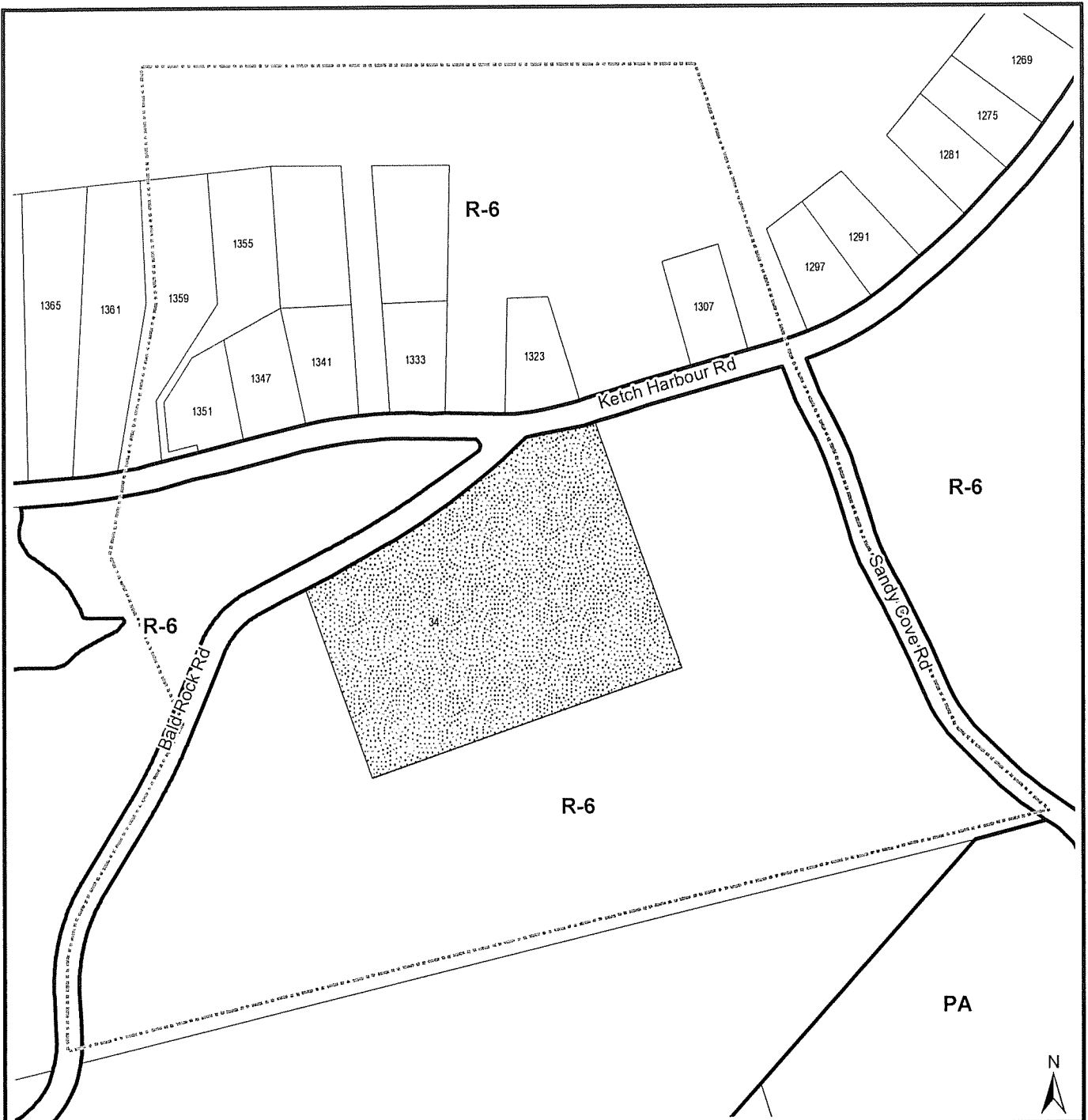
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Randa Wheaton, Senior Planner, 490-4499

Report Approved by:





Austin French, Manager of Planning Services, 490-6717

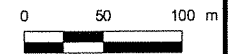


Map 1 - Location and Zoning

34 Bald Rock Road
Sambro



-  Subject area
-  Area of notification



Planning District 5
(Chebucto Peninsula) Plan Area

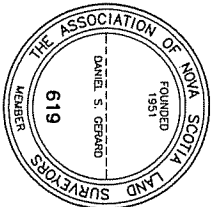
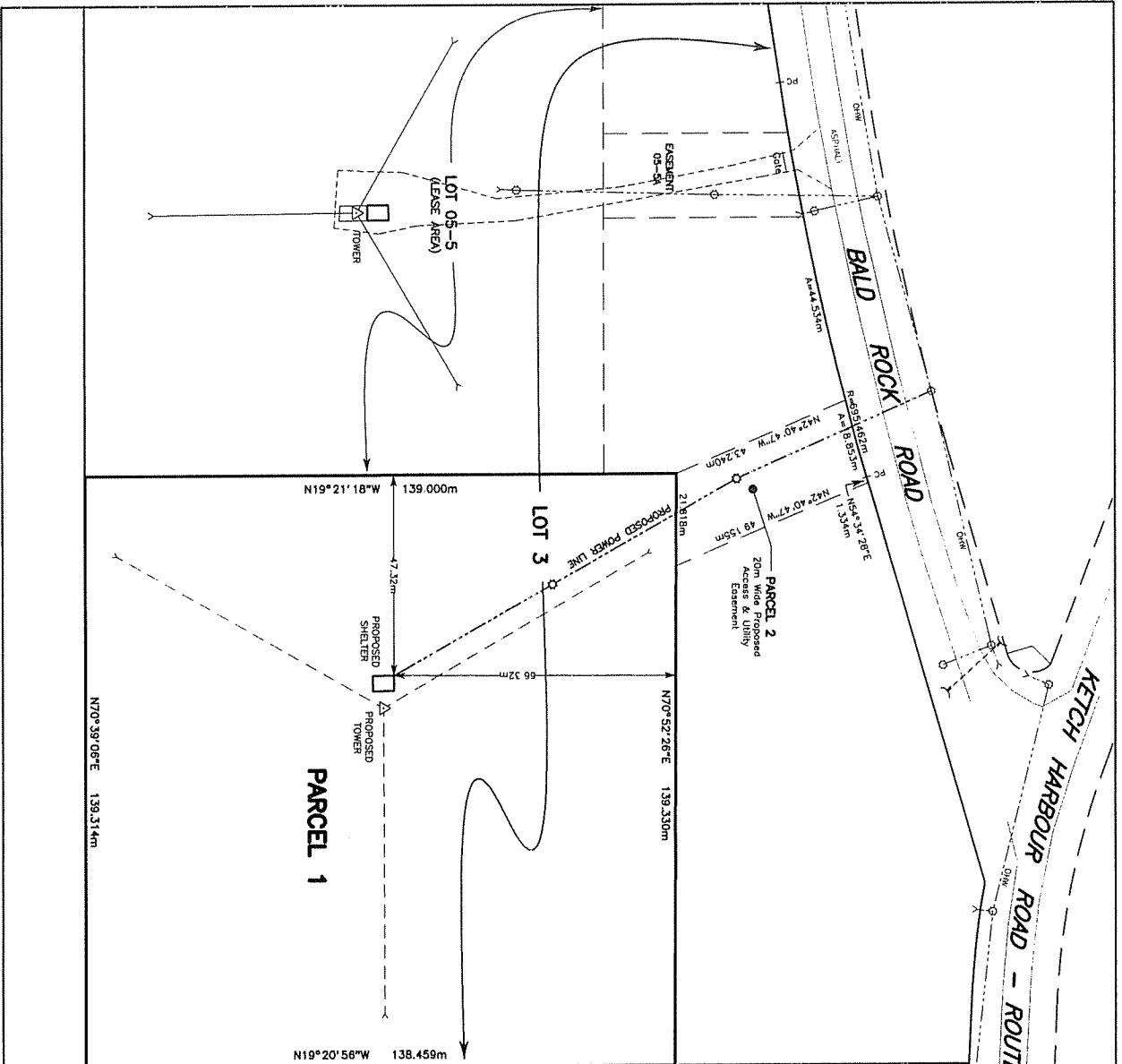
Zone	
R-6	Rural Residential
PA	Protected Area

This map is an unofficial reproduction of a portion of the Zoning Map for the Planning District 5 Plan Area

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

TOWER SITE GEOGRAPHIC COORDINATES - NAD83	
LATITUDE	44°28'48.7998" N
LONGITUDE	63°34'01.0710" W
ELEVATION	26.24m

NOTES
1. Elevations are based on Geodetic Datum.



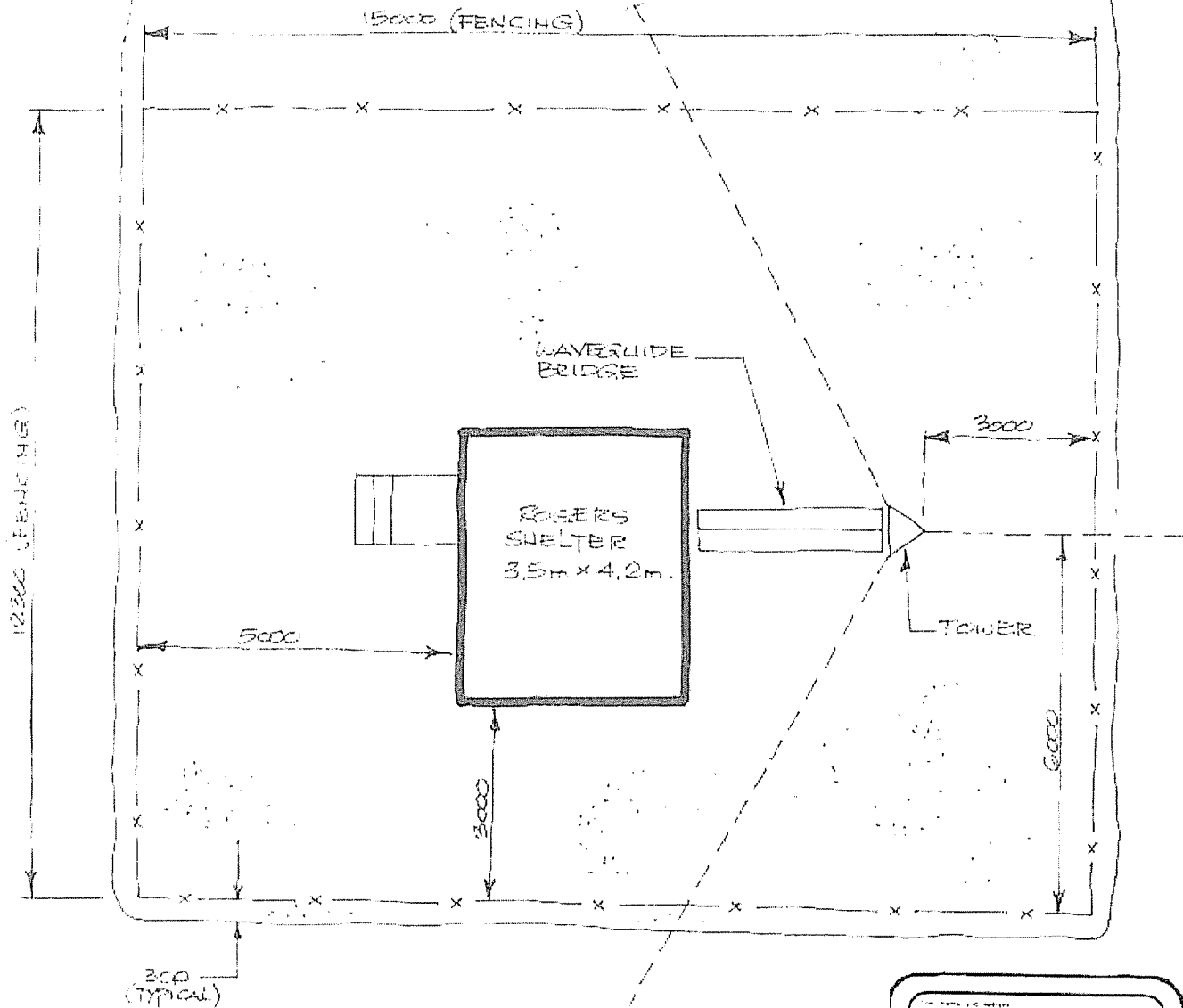
SITE PLAN
PARCEL 1
AFFECTING LANDS CONVEYED TO DONALD BERNARD FLEMMING
BALD ROCK ROAD & KETCH HARBOUR ROAD
SAMBRO HEAD, HALIFAX COUNTY, NOVA SCOTIA



Servant, Dunbrack, McKenzie & MacDonald Ltd.
NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS
36 CLAND CRESCENT
BAYERS LAKE BUSINESS PARK
HALIFAX, NS B5S 1C6
PHONE: (902) 455-1537
FAX: (902) 455-8475
WEB: www.sdmm.ca
APRIL 29, 2008
SCALE: 1:1000 (Metric)
FILE NO. 1-10-7 (26123)
PLAN NO. 7-0000-0

SITE : SAMBRO * FLEMMING
LOCATION CODE : A0473



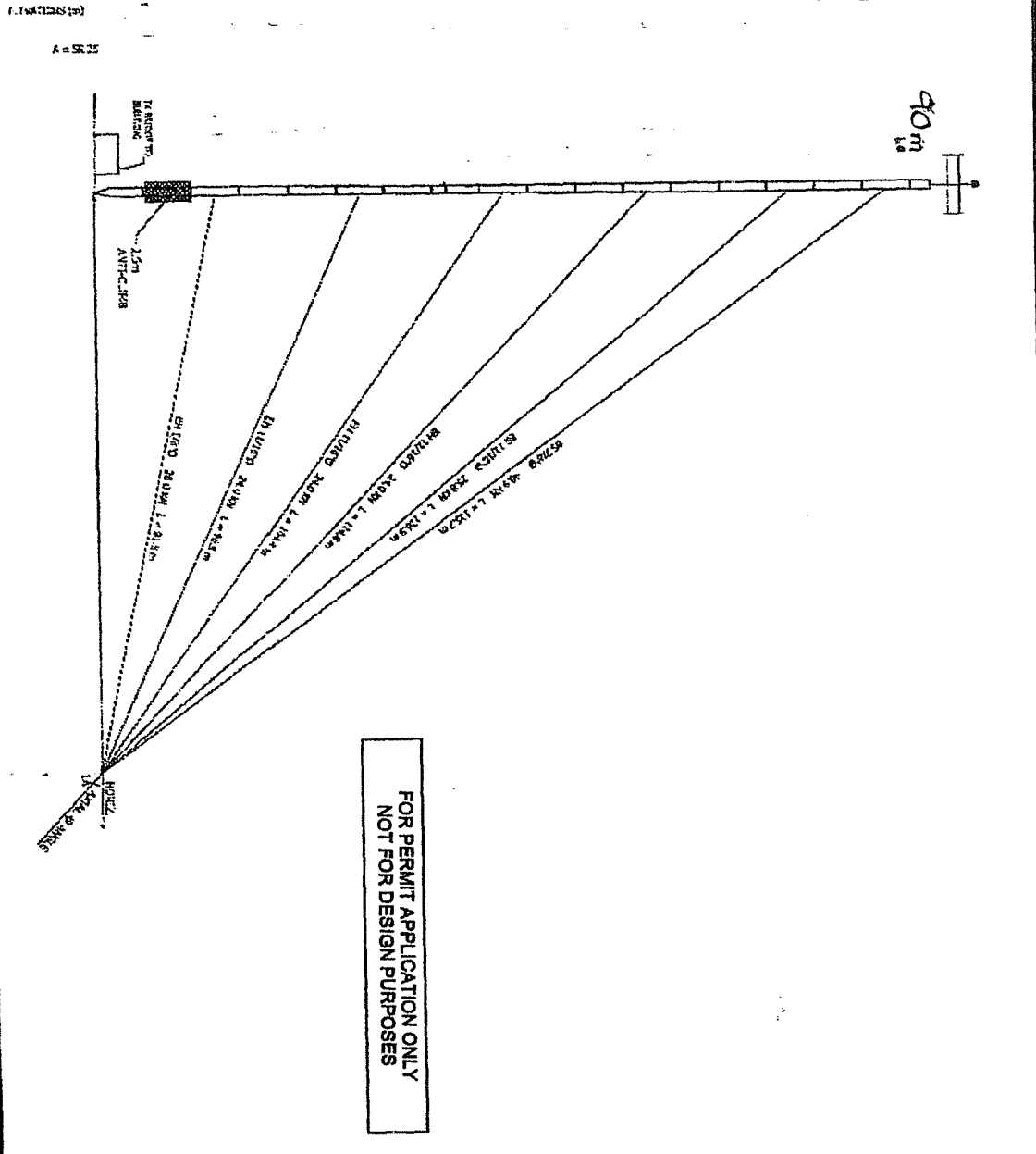


SAMBRO * FLEMING
N.T.S.

Attachment B

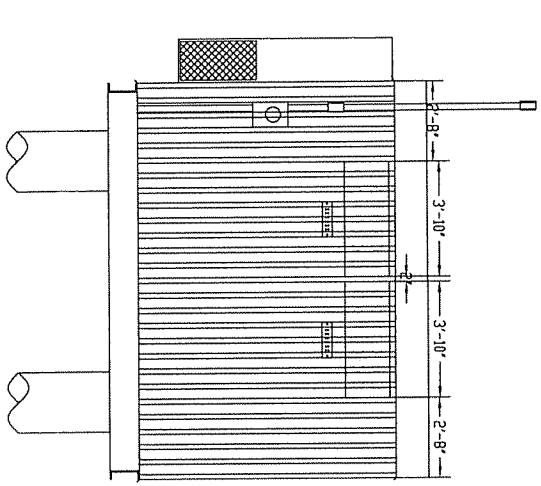
SAMBRO * FLEMING	
MAY 2007	N.T.S.

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LINKS READ = 3500	SH 61																	
VERTICALS GRID = 3000	SH 22																	
HORIZONTALS GRID = 3000	SH 22																	
MARK NO.	413501	413502	413503	413504	413505	413506	413507	413508	413509	413510	413511	413512	413513	413514	413515	413516	413517	413518



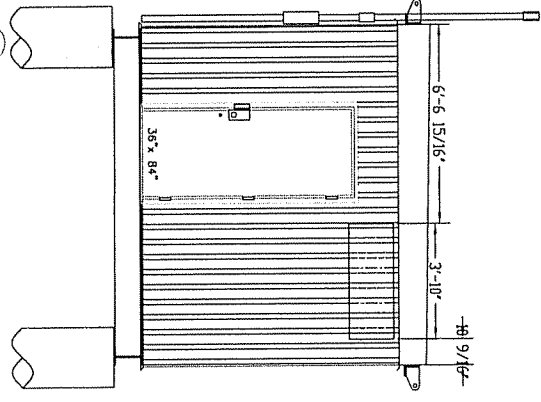
DAVID B. JONES PROFESSIONAL ENGINEER NOVA SCOTIA	
FOR PERMIT APPLICATION ONLY NOT FOR DESIGN PURPOSES	
RADIAN CONSULTANTS 1100 WESTERN AVENUE HALIFAX, NOVA SCOTIA B3H 2Y6 CANADA TEL: (902) 421-1111 FAX: (902) 421-1112 WWW.RADIAN.CA	
PROJECT NO.: DRAWING NO.: DATE:	CLIENT:
DRAWN BY: CHECKED BY: DATE:	PROJECT NAME:
SCALE:	SHEET NO.:

Attachment C



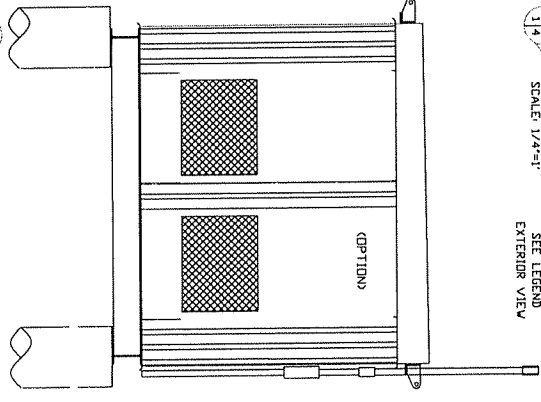
A
1/4"

SCALE: 1/4"=1'
SEE LEGEND
EXTERIOR VIEW



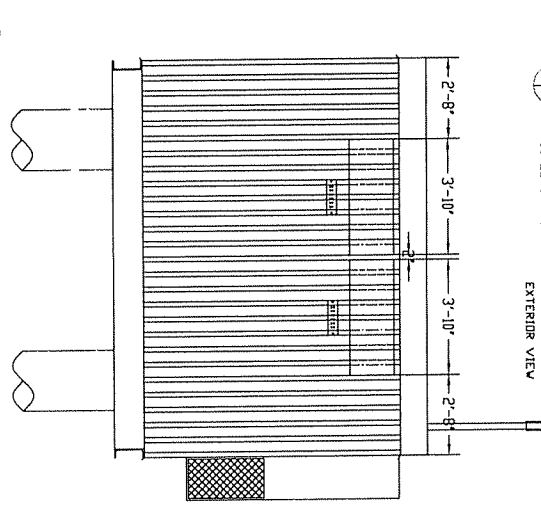
B
1/4"

SCALE: 1/4"=1'
SEE LEGEND
EXTERIOR VIEW



D
1/4"

SCALE: 1/4"=1'
SEE LEGEND
EXTERIOR VIEW



C
1/4"

SCALE: 1/4"=1'
SEE LEGEND
EXTERIOR VIEW

CONVENTIONAL
 THE INFORMATION ON THIS DRAWING IS FOR GENERAL INFORMATION ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
 CONVENTIONAL
 PERMISSION IS GRANTED TO REPRODUCE OR ADAPT THIS DRAWING FOR EDUCATIONAL PURPOSES ONLY.
 10172L

BRIECH

KAREN REEDS, ARCHITECT
 2007 EMBROIDER
 10' x 12'

1/4"=1'

10172L



COMMUNITY DEVELOPMENT
West End Mall Office

ATTACHMENT E

June 4, 2008

Dear Property Owner,

Re: **Case 01165 - Application by Rogers Communications Inc. for a new 90 metre guyed telecommunications tower and a 14.7 square metre equipment shelter at 34 Bald Rock Road (PID # 00391276), Sambro**

Rogers Communications Inc. has applied to Halifax Regional Municipality to locate a new 90 metre guyed telecommunications tower and a 14.7 square metre equipment shelter at 34 Bald Rock Road beside the existing Aliant tower. The new equipment is intended to improve service within the area. Attachments to this letter show the location of the property, the structure on the site, the proposed equipment shelter, the proposed fencing and an elevation of the tower.

For your information, information compiled by Health Canada with respect to the safety of exposure to radio frequency fields is available on Industry Canada's website <http://strategis.ic.gc.ca>.

Prior to providing comments to Industry Canada, who have jurisdiction over all forms of radio communication and the ultimate authority to approve the location of this antenna, Councillor Stephen Adams would like you, as a property owner within 500 feet of the above noted property, to be aware of this proposal and provide comments if you wish. This matter is expected to be on the agenda of the July 28, 2008 meeting of Western Region Community Council. Western Region Community Council will then provide its comments to Industry Canada.

If you have any questions about this application or the process involved, please contact me at 490-4499. Comments can also be made directly to Councillor Stephen Adams at 477-0627. **We would appreciate your comments, if any, by July 5, 2008 at the latest.**

Yours truly,

original signed by

Randa Wheaton, LPP, MCIP, CSLA
Senior Planner

cc. Councillor Stephen Adams, District 18

