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Item No.
Community Planning and Economic Development Standing Committee
February 18, 2016

TO: Chair and Members of the Community Planning and Economic Development Standing Committee

SUBMITTED BY: Original Signed
Bob Bjerke, Chief Planner and Director of Planning and Development

DATE: February 3, 2016

SUBJECT: **Case 18166: Developing a New Telecommunication Tower Protocol**

ORIGIN

- Policy SU-26 of the Halifax Regional Municipal Planning Strategy requiring HRM to prepare a Communication Tower/Antenna Functional Plan.
- October 25, 2011 motion of Regional Council requesting a staff report on how to move forward to ensure that Land Use By-laws, at a minimum, require some form of public input on cell towers in urban areas with a view to standardizing/harmonizing the criteria around permits and the role of the Community Council relative to cell tower applications.
- April 16, 2015 Motion of Community Planning & Economic Development Standing Committee to Develop a new HRM telecommunications tower protocol and consult with industry stakeholders on Option 2, as outlined in the March 3, 2015 staff report.
- April 28 , 2015 Motion of Regional Council to Develop a new HRM telecommunications tower protocol and consult with industry stakeholders on Option 2, as outlined in the March 3, 2015 staff report.

LEGISLATIVE AUTHORITY

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

HRM Charter; S.58. (1)The Council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.
(2) The Council may exercise any of its powers and duties by resolution unless a policy or a by-law is required by an enactment.

Administrative Order number 54, the *Procedures for the Development of Administrative Orders*.

RECOMMENDATION

It is recommended that the Community Planning and Economic Development Standing Committee recommend that Regional Council:

1. Give Notice of Motion for the adoption of Administrative Order 2015-005-GOV, the *Siting of a Telecommunication Antenna Administrative Order*, as set out within Attachment A of this report; and

2. Adopt Administrative Order 2015-005-GOV, as set out within Attachment A of this report.

EXECUTIVE SUMMARY

Telecommunication towers are an integral part of the radiocommunication and telecommunications network within Canada and are the exclusive jurisdiction of the Federal Government. While the final decision of approval for these towers lies with the Federal Government, the Federal governing body (Industry Canada) requires that the proponents of telecom towers consult with the relevant Land Use Authority (Municipality) prior to their decision being made. Within the process currently being used by HRM, the decision of concurrence or non-concurrence with an application for a tower is made by Community Council following a Public Information Meeting being hosted by the Municipality. This creates a number of issues inclusive of extended timelines, as well as Community Council being seen as the decision maker in these applications when it is in fact Industry Canada. As such, an Administrative Order has been proposed, as directed by the Halifax Regional Municipal Planning Strategy (the Regional Plan), which would create a framework for recommendation to Industry Canada in a staff led process. Industry Canada and the Canadian Wireless Telecommunications Association have been consulted through the creation of this Administrative Order, and are supportive of its adoption and the added value it would bring to the process.

BACKGROUND

Telecommunication towers (refered to within this report and attached Administrative Order as telecom towers, telecommunication antenna's, or telecom antennas) can be found throughout the municipality and across the country in many forms, including stand-alone towers and antennas attached to taller buildings. Due to changes in cellular technology (i.e., smartphones and data requirements), the municipality has seen the installation of many new telecommunication towers within the past few years. Staff has received feedback from Council, the telecom industry, and the public that the current telecom tower protocol used by the municipality to provide comment to Industry Canada needs to be reviewed. This initiative is supported by the Regional Plan which calls for a Communication Tower/Antenna Functional Plan (i.e., Protocol).

Jurisdiction

The Municipality is not the approving authority for telecom towers. The federal government has exclusive and comprehensive jurisdiction over the area of radiocommunication and telecommunications (radio and television broadcasting, microwave communication, private radio transmissions, etc.). For wireless communications facilities (cell towers, antennae, etc.), Industry Canada - Spectrum Management & Telecommunications, is the licensing body which regulates these facilities under the provisions of the *Telecommunications Act* (S.C. 1993, c.38). Communication companies must apply to Industry Canada for a license to operate an installation at each specific location.

In March of 2012, HRM Legal Services provided clarification regarding the applicability of the municipalities Land Use By-laws as it pertains to telecom towers. In summary, Legal Services' position is that municipal and provincial legislation, including zoning by-laws, cannot regulate the location of telecom towers. As a result, all telecom towers, unless exempt by Industry Canada, are routed through the respective Community Council for recommendation, subject to the current public consultation process as outlined in Attachment B.

Federal Process

The federal government recognizes municipal authorities may have an interest in the location of telecom towers. To facilitate municipal consultation, a federal public consultation policy has been instituted, which is referred to as the Client Procedures Circular for Radiocommunication and Broadcasting Antenna Systems – CPC-2-0-03 Issue 5 (Attachment C). Industry Canada issues conditional licenses to telecom carriers, with one of the conditions being municipal concurrence. The municipality is given an opportunity to review the proposed telecom tower 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. In the event the telecom carrier does not receive municipal concurrence for a proposed installation, the carrier may seek intervention from Industry Canada. Industry Canada also identifies the types of telecom towers which are considered minor in nature and thereby exempt from consultation with the local municipality (i.e., most roof-top installations).

HRM's Existing Protocol

Up until March of 2012, HRM's protocol included a review by staff to first determine whether or not the telecom tower was consistent with current zoning. If it was consistent, staff issued a development permit to the proponent. If the telecom tower was not permitted by zoning, staff held a public information session (similar to the processing of planning applications). Upon hearing from the public, staff would review the application against any relevant planning policy. Most planning documents contain only general planning policy regarding compatibility and appropriateness of new land uses, not specific policies regarding telecom towers. Upon review of plan policy, staff would prepare a report for Community Council's review and comment to Industry Canada.

On receipt of the March 2012 advice from Legal Services regarding the applicability of HRM's Land Use By-laws as it pertains to telecom towers, it was determined that zoning could no longer be the criteria through which a determination of concurrence or non-concurrence could be made by staff. This was especially true in the absence of any specific Council adopted policy to do so. As such, since that time all telecom tower applications have undergone the full community consultation program typically required within a discretionary planning application, concluding in a recommendation being provided by Community Council to Industry Canada.

Issues with Existing HRM Protocol

Over the past five years, the Municipality has witnessed an increase in the number of requests for telecom towers. In instances where applications are required to be considered by Council, the outcome typically involves Council supporting the concerns which have been brought forward by the surrounding community and/or staff. These concerns are then forwarded on to Industry Canada for their review, as Council does not possess decision-making authority for applications of this type. Central goals of the protocol involve ensuring that the concerns of communities are heard and responded to, while still attempting to process applications in an efficient and timely manner. Staff has identified opportunities for efficiencies in the existing process.

Staff has consulted with Industry Canada regarding potential changes to our existing telecommunications antenna application process. Amongst the concerns expressed for the current process was the speed at which decisions could be made and applications processed. Given that the Municipality offers comments and feedback but not approvals in applications of this type, Industry Canada noted the importance that any municipal protocol fit into federal timelines. At present, this is not the circumstance.

Additionally, Community Councils are put into a difficult situation where there is an appearance of decision-making authority, where in reality this authority lies with a different level of government. Staff advise that by delegating the authority to them to assess applications against pre-determined criteria and compiling the concerns raised by community members, this situation could be avoided without impacting a community's opportunity to provide input.

Developing a New Protocol

The Regional Plan calls for Council to establish a Communication Tower/Antenna Functional Plan which is intended to provide recommendations regarding an appropriate formal consultation process and the establishment of siting and design guidelines for the various types of antenna structures. Staff has discussed the concept of a new Telecom Tower Protocol with Industry Canada. Industry Canada advises that any written local guideline, policy, or process that addresses the issue of tower placement will be referred to as 'protocol'. Council could implement such a protocol through the adoption of an Administrative Order. Industry Canada has developed a 'Guide to assist municipalities when developing Antenna Siting Protocols' (Attachment D). This information provides direction and guidance when updating the Protocol.

The Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunication Association (CWTA) has also recently partnered to develop a Joint Antenna System Siting Protocol Template (the template) to provide municipalities with a tool to develop customized protocols for the siting of antenna systems. The template provides a starting point for discussion relative to the approach and potential protocol used by the Municipality for telecommunication facilities. The following table provides a general comparison of the major differences between HRM's current protocol and the template:

Criteria	HRM's Current Protocol	FCM/CWTA Template
Municipal Comment provided by:	Applicable Community Council	Designated Municipal Officer
Review Administered by:	Planning Staff	Designated Municipal Officer
Public Consultation Required for:	All installations, except those excluded by Industry Canada	Certain types of installations
Public Consultation Undertaken by:	Planning Staff	The Proponent
Preferred & Discouraged Locations:	Not Included	Included
Preferred & Discouraged Heights/Designs:	Not Included	Included
Level of Evaluation Criteria:	General	Detailed
Review Small Installations (<15m):	Not available, unless unique circumstance	Not available, unless unique circumstance

Administrative Order
Staff recommends that the process for addressing Telecom tower applications be outlined within an Administrative Order. Given that ultimate decision making authority on these facilities does not lie with the municipality itself, it is inappropriate to adopt a by-law outlining the procedure, decision making authority, and appeal process for such an application. In fact, given that the Municipality does not in fact issue a decision on an application, no appeal is possible. Application of a process through an Administrative Order would allow Council to direct staff to evaluate applications in a prescribed manner with an ability to make changes to the process in an efficient and expeditious manner and without the requirement for a full public hearing, and the notification requirements which accompany such a meeting. This direction was confirmed by the the Community Planning & Economic Development Standing Committee at their April 16, 2015 meeting and further confirmed by Regional Council at their April 28, 2015 meeting. The proposed Administrative Order is appended to this report as Attachment A.

DISCUSSION

Proposed Administrative Order
The most significant proposed change to the existing process is removing the requirement for Community Council to provide comment prior to providing a response to Industry Canada. In the current system, the role of Community Council is limited to consolidating the feedback of community members received through the consultation process and forming a Council resolution based on said feedback. In the proposed process, the same public consultation would be completed by the applicant for the tower, with a Council delegated staff member then being responsible for either the consolidation of this feedback or provision of a letter of concurrence, whichever may apply given the circumstance. This process would be more consistent with the practice performed by other municipalities given the similarities between it and the Federation of Canadian Municipalities template protocol.

The estimated time to final decision within the current framework is approximately 3 months. In a new process, the proponent of an application would be responsible for completing the public consultation component of the application prior to submission of a formal application. It is anticipated that once a formal application is received, it is reviewed and responded to within a total of 21 days.

The proposed process would involve the following steps:

1. Pre-Consultation with staff: A package of information would be submitted to HRM providing details regarding tower location, height, adjacent property information, as well as a written synopsis of what other nearby telecommunication towers may exist, and why the needed equipment could not be co-located on an existing piece of infrastructure. Staff would provide response indicating if a site is within a location that is "preferred" or not. A preferred location would be one designated as Industrial, Resource, or Utility designation within the applicable Municipal Planning Strategy / Land Use By-law, which also conforms to a number of other locational criteria including proximity to residential uses, and locations in or impacting areas of cultural, heritage, environmental, or aesthetic resources.

2. If Preferred Location Criteria is Met: The focus of the process is to, wherever possible and practical, direct applicants to low impact locations where it is felt telecommunications towers would not have a significant impact on adjacent lands, uses, or residents. The preferred location criteria would be stringently applied, and when it is met, no further consultation would be required, and a letter of concurrence could be issued by the Municipality following the submission of a full application package and compliance with siting and design guidelines of the protocol.

3. If Preferred Location Criteria is Not Met: In cases where it is impossible or impractical for a telecommunications tower to be located in a preferred location, this would result in a more fulsome consultation process being required. Applicants would be notified they do not meet the preferred location criteria, and would then be responsible for fulfilling the requirements of a consultation program outlined in the policy. This program would include mail notification to adjacent land owners, signage on the site, newspaper advertisements, creation of a website, and the holding of a public information session. Consultation would be wholly the responsibility of the applicant, the results of which would be provided as part of the materials required when submitting a full application.

4. Full Application Submission: Following public consultation, it would be expected that amendments to the proposal would be made to address concerns expressed by residents through consultation or by staff at the pre-consultation stage. Following this, the applicant would then submit a full application to municipal staff for review. The contents of this submission would include the following:
   - A summary of consultation completed;
   - A copy of all notification materials provided to the public;
   - Written comments received from the public;
   - A written submission responding to all reasonable and relevant concerns identified by the public, or by staff at the pre-consultation stage of application; and
   - A resubmission of updated materials initially required at the pre-consultation stage.

   Staff would review this submission and respond in writing within 21 days of submission.

5. Following the Review Period: Staff reviews the full application submission and would respond in writing within 21 days of its submission. Responses would indicate either that concurrence has been reached, concerns held by the community or staff still remain and this information will be provided to Industry Canada or that the submission materials are incomplete and do not comply with the Administrative Order. A letter of concurrence would expire three years from its date of issue at which time the process would need to be re-started in order to receive a further letter of concurrence

Attachment E contains a flow chart of the major steps with the above descripted process.

CPED & Regional Council Direction
A staff report was brought forward to the April 16, 2015 meeting of the Community Planning & Economic Development Standing Committee (CPED) to receive direction on the options being considered within a

new Telecom Protocol, as well as to confirm the consultation approach to be implemented on the project. Four different protocols were considered which varied in the amount of Council involvement and consistency with the existing process. CPED recommended `Option 2` as described within the staff report which requires designated municipal staff to review all proposed telecom towers not determined to be excluded by Industry Canada against the relevant evaluation criteria contained in a new protocol, and provide comment to Industry Canada. At their meeting on April 28, 2015, Regional Council accepted CPED's recommendation and directed staff to proceed with developing a new protocol as per Option 2.

Industry Engagement Session
Further to direction received at the April 2015 meetings of CPED and Regional Council, an engagement session was held on June 25, 2015 where representatives from all of the large telecom providers in addition to the Canadian Wireless Telecommunications Association (CWTA) were invited to discuss the proposed changes to the existing telecom tower application process, and provide feedback on the new protocol. While representatives from numerous large telecom companies were present to ask questions about the new protocol, these individuals left their formal response to their organizing body, the CWTA.

A formal response letter from the CWTA is provided as Attachment F. Generally, feedback was very supportive of the new protocol indicating that the process will still provide for meaningful consultation between industry, residents and staff while also advocating for a streamlined process consistent with recommended federal timelines. CWTA did, however, provide 4 recommendations to the protocol. The recommendations and the staff response to these recommendations are provided below.

1) *Clarify that 'preferred' and 'discouraged' sites refer to the need for public consultation on antenna location.*
   - A concern was expressed for the terminology used in the protocol, and how this may be confusing to members of the community. CWTA recommended further clarity around the use of the term 'discouraged' in and of that these terms related only to the need to perform additional community consultation activities, and did not relate to the ultimate recommendation of HRM, or the decision of Industry Canada. While this concern is understood, the terms `preferred` and `discouraged` are used in the ``Antenna System Siting Protocol Template`` developed jointly by the Federation of Canadian Municipalities and the CWTA. In the interests of consistency between HRM and other Municipalities, the wording has remained unchanged in the proposed Administrative Order.

2) *Allow for flexible consultation requirements, especially where there is little public implication due to small resident populations in the notification area.*
   - This concern came from situations where telecom towers were being proposed in very remote areas which for one or more reasons did not meet all criteria set out within the `preferred location` definition. While it is appreciated that the proposed Administrative Order may result in the applicant holding consultation meetings where few, if any individuals would attend, staff`s commitment to CPED and Council was that the Administrative Order would err on the side of consultation where there was a question as to its utility. As such, in the proposed Administrative Order, consultation is required for all applications that do not meet the strict criteria of the preferred location definition.

3) *Consider allowing information distribution through individually requested email rather than a public website. This could eliminate issues of receiving feedback from those outside of HRM and therefore not impacted by the proposed antenna.*
   - Staff recommends that this requirement be retained as having information available on a website is a fundamental component of planning applications dealt with by the Municipality, and has grown to become an expectation of the public.

4) *Allow for added discussion between HRM staff and the applicant before proceeding with dispute resolution with Industry Canada.*
   - Allowing for greater flexibility within the timeline to allow discussion between the applicant and

HRM (at the request of the applicant) prior to a recommendation being provided is a good suggestion, and this accommodation has been made within the Administrative Order attached to this report. This could potentially allow the applicant to address staff or community concerns through an amended design expressed through the process, and avoid an impasse situation with Industry Canada.

Application Fee

The current fee for a telecommunications antenna application is $1,130, the majority of which (presently $800) is spent on newspaper advertisement costs for public consultation events. In the proposed Administrative Order process, while newspaper advertisements would still be required, these advertisements would be the sole responsibility of the applicant. This notwithstanding, following an assessment of the fees charged by other Canadian municipalities for this process, it was found that the existing fee is at the low end of the average fee being charged within other communities even when advertising costs are included. Given this analysis, it is recommended that the existing fee of $1,130 continue to be charged for this type of application with the understanding that only a portion of this will be collected given that the Municipality will no longer be responsible for newspaper advertising.

Conclusion

While Community Councils do not have ultimate decision making authority on telecommunication tower applications, the Municipality and its residents still have a vested interest in their outcome. It is felt that the proposed Administrative Order discussed within this report provides a balanced approach which ensures the feedback provided from residents is received and assessed by Municipal staff in an efficient process while removing Community Council from a process where the role of the HRM is limited to providing a recommendation to Industry Canada. As such, it is recommended that Council institute the proposed Administrative Order 2015-005-GOV as provided in Attachment A of this report.

FINANCIAL IMPLICATIONS

The protocol described in the proposed Administrative Order can be accommodated at current Planning & Development resource and funding levels.

The net revenues from application fees will not be changing at this time. However, Planning & Development is currently re-considering its overall fee structure within a separate process to ensure they more accurately reflect the true costs of processing applications. This will provide a better opportunity to review the appropriateness of the telecom application fee in the near future.

COMMUNITY ENGAGEMENT

The community engagement process for this project has been consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement has been information sharing and consultation. Policy SU-26 of the Regional Plan requires HRM to prepare a functional plan / protocol to address telecommunication Tower/Antenna in consultation with both industry stakeholders as well as Industry Canada. The proposed Administrative Order has been a result of discussions with Industry Canada with the input from the telecommunication industry as referenced within the `Discussion` section of this report.

ENVIRONMENTAL IMPLICATIONS

All tower proposals must comply with the Federal *Environment Act*. HRM will evaluate telecom proposals relative to environmental considerations (such as wetlands, riparian buffers, etc.) as part of the new Telecom Tower Protocol, but will not review or make revisions to Safety Code 6 which is the Federal environmental regulations for wireless telecom structures. The Municipality has no ability to revise Federal legislation.

ALTERNATIVES

Community Planning and Economic Development Standing Committee may recommend that Regional Council:

1. Adopt Administrative Order 2015-005-GOV, the *Siting of a Telecommunication Antenna Administrative Order,* with amendments *and in doing so*, direct staff to amend the proposed Administrative Order and return to Regional Council with such amendments for further consideration;

2. Refuse to adopt Administrative Order 2015-005-GOV, the *Siting of a Telecommunication Antenna Administrative Order* and retain the existing process wherein a recommendation is made by Community Council on a case by case basis; or

3. Provide any other direction as the Council sees fit.

ATTACHMENTS

Attachment A:	Proposed Administrative Order 2015-005-GOV
Attachment B:	Current HRM Telecommunication Tower Application Workflow
Attachment C:	Industry Canada Radiocommunication and Broadcasting Antenna Systems (Formerly CPC-2-0-03 Issue 5)
Attachment D:	Industry Canada Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols
Attachment E:	Proposed HRM Telecommunication Tower Application Workflow
Attachment F:	Canadian Wireless Telecommunication Association Feedback Letter

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

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ADMINISTRATIVE ORDER 2015-005-GOV
THE SITING OF A TELECOMMUNICATION ANTENNA
ADMINISTRATIVE ORDER

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WHEREAS the Minister of Industry is the approving authority for the development and operation of radiocommunication in Canada pursuant to the *Radiocommunication Act*, including the installation or modification of an antenna system,

AND WHEREAS section 5 of the *Radiocommunication Act* allows the Minister of Industry to take into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, including approving each site on which radio apparatus are located,

AND WHEREAS a "radio apparatus" includes an antenna system;

AND WHEREAS Industry Canada requires an applicant for an installation or modification of an antenna system, regardless of its type, to consult with the local-land use authority;

AND WHEREAS Industry Canada suggests that the local land-use authority facilitate the implementation of local radiocommunication services by establishing a consultation process for the siting of an antenna system;

AND WHEREAS Industry Canada requires an applicant to engage the person the local land-use authority has designated as the official to deal with for an antenna system on behalf of that authority;

AND WHEREAS Industry Canada allows the Municipality to exclude installations in addition to those identified by Industry Canada's own consultation exclusions, as set out in the *Client Procedures Circular,* as amended from time to time;

AND WHEREAS the Municipality is the local land-use authority for the Halifax Regional Municipality;

AND WHEREAS the Council of the Municipality may designate an employee of the Municipality as the official with whom an applicant will engage;

AND WHEREAS the Council of the Municipality desires to establish a consultation process to provide input and comment with respect to land use compatibility of an antenna system;

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER by the Council of the Halifax Regional Municipality as follows:

Short Title

1. This *Administrative Order* may be cited as *Administrative Order 2015-005-GOV*, the *Siting of a Telecommunication Antenna System Administrative Order*.

Purposes

2. The purposes of this *Administrative Order* are to:

(a) provide a consultation process respecting an antenna system, as set out in the *Client Procedures Circular*;
(b) encourage using existing antenna systems;
(c) minimize the impact of an antenna system on the landscape; and
(d) provide a municipal review process for an antenna system submission.

Interpretation

3. In this *Administrative Order*,

(a) "*Act*" means the *Radiocommunication Act,* R.S.C., 1985, c. R-2, as amended;

(b) "antenna system" means an antenna and an antenna structure, including:

(i) the supporting brace, cable, line, and wire used or intended to be used for mounting a telecommunication antenna or series of antennas on it, and

(ii) a cabinet or shelter containing electronic or other equipment associated with the antenna structure and any compound required to accommodate them;

(c) "applicant" means the person or body corporate consulting with the Municipality respecting the erection of an antenna system;

(d) "business day" means Monday through and including Friday, excluding holidays;

(e) "*Client Procedures Circular"* means the most recent version of the *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular CPC2-0-03* issued by Industry Canada;

(f) "Director" means the Director of Planning & Development for the Municipality, or such other person as may be designated by the Chief Administrative Officer of the Municipality;

(g) "Municipality" means the Halifax Regional Municipality;

(h) "owner" means:

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,

(ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building, and

(iii) in the absence of proof to the contrary, the person assessed pursuant to the Assessment Act for the property;

(i) "radio apparatus" means a device or combination of devices intended for, or capable of being used for, radiocommunication; and

(j) "watercourse" means a lake, river, stream, ocean or other body of water.

4. All words that are not expressly defined in this *Administrative Order* shall be defined as set out in the *Act*.

5. If a word is not defined under this *Administrative Order*, the *Act or* the *Halifax Regional Municipality Charter*, the word's ordinary meaning shall apply.

Delegation

6. (a) The Council hereby delegates to the Director the powers and duties necessary and incidental to administer this *Administrative Order*, including making decisions on behalf of the Municipality respecting an antenna system.

(b) The Director may appoint one or more delegates who shall assist the Director in carrying out the Directors powers and duties.

(c) Anyone appointed pursuant to subsection 6(b), shall act in the place and in the stead of the Director when the Director is absent or at the request of the Director.

Application of *Administrative Order*

7. This *Administrative Order* shall apply to an antenna system:

(a) mounted to a roof top, a building or the ground by a pole, a tri-pole, a spire, or lattice work;

(b) mounted to a roof top, a building or the ground by a structure or tower that is freestanding, including a streetlight or parking lot light; or

(c) that is a combination of clauses (a) and (b) of this section.

Exemption from the Application of *Administrative Order*

8. This *Administrative Order* shall not apply to an antenna system:

(a) that is exempt by Industry Canada from the local consultation requirement, as set out in the *Client Procedures Circular*; or

(b) an amateur radio apparatus.

Pre-Consultations for any Antenna System

9. Prior to submitting a formal submission to install or modify any antenna system, an applicant shall follow the pre-consultation requirements set out in Attachment A.

10. An applicant shall not initiate public consultation until the pre-consultations are complete and comments from the Director have been received by the applicant.

Public Consultations for an Antenna System (if Required)

11. Where the public consultation process is required, the applicant shall follow the public consultations requirements as set out in Attachment C.

Formal Submission Requirements

12. (1) When an applicant submits a formal submission for the siting of an antenna system, the applicant shall provide to the Director a submission package containing all of the relevant material as set out in Attachment D.

(2) The Director shall review and evaluate each submission he or she receives for the siting of an antenna system in accordance with Attachment D to ensure the submission is complete.

Completed Antenna System

13. The standard conditions for a completed antenna system are set out in Attachment E.

Attachments

14. Attachments A, B, C, D and E attached hereto shall form part of this *Administrative Order*.

Attachment A
Pre-Consultation Requirements

1. The information the applicant shall provide to the Director for a pre-consultation discussion includes:

(a) a cover letter describing the proposed antenna system, including its height and dimensions and whether an antenna will be mounted on the supporting structure;

(b) a site selection justification report prepared by a qualified professional and such report shall:

(i) identify all tower facilities within the vicinity of the proposed location, and

(ii) identify all details with respect to the coverage and capacity of the existing tower facilities in the surrounding area;

(c) if the installation of a new antenna system is being proposed, detailed documented evidence explaining why co-location on an existing antenna system is not a viable alternative to the construction of a new antenna system by a qualified professional;

(d) a draft site plan or survey plan of the subject property showing the location of the proposed antenna system in relation to the site and surrounding properties, including any buildings on the property or adjacent sites;

(e) an elevation plan or simulated images of the proposed antenna system;

(f) the reasons for the site selection; and

(g) any other information required by the Director.

2. During the pre-consultation discussions, the Director may require a meeting to be held with the applicant to discuss the antenna system.

3. Within ten (10) business days from the date of receipt of all the information required pursuant to section 1 of this Attachment, the Director shall review the information and notify the applicant if such information is incomplete.

4. Within twenty (20) business days from the date of receipt of all the information required pursuant to section 1 of this Attachment, the pre-consultations shall be completed.

5. Within ten (10) business days of the completion of the pre-consultations, the Director shall advise the applicant, in writing, that:

(a) the application satisfies the preferred location criteria as outlined within Attachment B and that public consultation is not required, at which time the Director shall provide to the applicant confirmation that the proposal may proceed to the formal submission stage; or

(b) the application does not satisfy the preferred location criteria as outlined within Attachment B, at which time the Director shall provide to the applicant confirmation that public consultation, as set out in Attachment C, is required and that the proposal may proceed to the formal submission stage after the public consultation is completed.

Attachment B
Location Preference, Design Guidelines, and Setback Guidelines

Preferred Site Locations

1. Where a new antenna system is proposed, the following locations are preferred:

(a) on lands identified as industrial, resource, or utility designation within the applicable Municipal Planning Strategy or Land Use By-law and which conform to sections 3, 4, 5, and 6 of this Attachment; or

(b) antennas using existing structures where no additional height is added to the structure except where otherwise exempt by Section 8 of the Administrative Order.

Discouraged Site Locations

2. Where a new antenna system is proposed, the following locations are discouraged:

(a) on lands impacting or identified as containing significant cultural, environmental, or heritage features under the Municipal Planning Strategies of the Municipality;

(b) on Federally, Provincially, or municipally registered heritage properties or districts; or

(c) in the Regional Centre as defined by the Regional Plan of the Municipality.

Conflict Between Locational Criteria

3. Where there is a conflict between the conditions of section 1 and section 2 of this Attachment, the applicant shall conduct a public consultation as set out in Attachment C shall apply.

Antenna System Placement Guidelines

4. Where a new antenna system is constructed, the following location guidelines should be followed:

(a) all facilities should be located a minimum of twenty (20) metres away from the street line to minimize visual impact of the tower from the streetscape; and

(b) facilities should not be located on parking spaces or loading spaces.

5. With regard to an antenna system being proposed in proximity to residential development, the following shall be considered:

(a) the placement of an antenna system in close proximity to residential developments is not a preferred location;

(b) to be considered a preferred site, a site abutting an existing dwelling should be located:

(i) for towers less than fifteen (15) metres in height, at least three times the height of the proposed tower away from residential dwelling units,

(ii) for towers fifteen (15) to thirty (30) metres in height, at least seventy-five (75) metres away from residential dwelling units,

(iii) for towers thirty-one (31) to forty-five (45) metres in height, at least one hundred (100) metres away from residential dwelling units,

(iv) for towers forty-six (46) to fifty-five (55) metres in height, at least one hundred and twenty-two (122) metres away from residential dwelling units, and

(v) for towers fifty-six (56) metres or greater in height, at least three (3) times the height of the proposed tower away from residential dwelling units;

(c) the distance referred to in clause 5(b) shall be determined by measuring from the nearest wall of the nearest dwelling unit, including any secondary suite located in a rear yard or within an accessory building, to the proposed tower; and

(d) where the height of a tower is between whole numbers, the measurement shall be rounded up to the next full number. For example, if the tower measures thirty and thirty-four hundredth (30.34) metres in height, it will be considered to be thirty-one (31) metres in height.

6. The Director may modify the residential setback guidelines on a site by site basis by:

(a) taking into account factors of the site, including:

(i) buffering topography and vegetation,

(ii) intervening major transportation and utility corridors,

(iii) watercourses,

(iv) intervening non-residential buildings,

(v) information arising from public consultation concerning the antenna system, and

(vi) consideration of the impact on nearby significant, cultural, environmental, or heritage features; and

(b) considering whether the antenna system is hidden or screened by design, structure or other camouflaging techniques.

Design Guidelines

7. An antenna system should be designed in accordance with the following design guidelines:

(a) the use of an antenna system that is designed to be as unobtrusive and inconspicuous as possible is encouraged, particularly in either residential areas, on sites abutting residential uses, or in areas of heritage or cultural significance;

(b) the appropriate type of antenna system for each situation should be selected based on the best effort to blend with the nearby surroundings and minimize the visual aesthetic impacts of the antenna system on the community;

(c) the preferred built forms are:

(i) roof top installations, or

(ii) a freestanding antenna system in the form of:

(A) a monopole with no visible antenna, and

(B) streetlight, parking lot light poles, sign poles and bridges which completely contain the antenna system within;

(d) landscaping and fences on and around the equipment compounds, shelters and cabinets associated with an antenna system shall be utilized to screen the equipment and site; and

(e) the antenna system should not contain lighting unless specifically required by Transport Canada.

Attachment C
Public Consultation Requirements

Public Notification Package Requirements

1. Where the public consultation process is required, the applicant shall:

(a) post a site sign;

(b) undertake written consultations;

(c) undertake a public information session; and

(d) pay all the costs associated with the public information session, written consultations, and site sign.

2. A public notification package shall include the following information:

(a) a location map, including the address, clearly indicating the exact location of the proposed antenna system in relation to the surrounding properties and streets;

(b) a physical description of the proposed antenna system , including the height, dimensions, antenna system type and design, any antennas that may be mounted on the tower, its colour and the location and any required lighting;

(c) an elevation plan and coloured simulated images of the proposed antenna system;

(d) the purpose for the antenna system, the reasons why existing towers or other infrastructure cannot be used, a list of other structures that were considered unsuitable, and future sharing possibilities for the proposal;

(e) an attestation that the installation will respect good engineering practices, including structural adequacy;

(f) a description on how to submit written public comments to the applicant and the closing date for submission of such comments;

(g) the applicant's contact information;

(h) reference to this *Administrative Order* and where it may be viewed;

(i) the following sentences regarding jurisdiction:

> "Antenna Systems are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Halifax Regional Municipality Charter*, including zoning by-laws, do not apply to these facilities. It is important to understand that Industry Canada, while requiring applicants to follow the Municipality's *Siting of a Telecommunication Antenna System Administrative Order*, makes the final decision on whether or not an antenna system can be constructed. The Municipality is provided the opportunity to influence the location and design of proposed antenna systems by commenting to Industry Canada, but does not have the authority to approve or refuse the construction of an antenna system.";

(j) written confirmation that the general public will be protected in compliance with Health Canada's Safety Code 6, as amended from time to time, including combined effects within the local radio environment at all times;

(k) notice that general information relating to health concerns and Safety Code 6 is available on Health Canada's website;

(l) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website;

(m) the contact information for Industry Canada; and

(n) such other information the Director considers necessary.

3. The envelope for the public notification package should have the following statement in red ink:

> "IMPORTANT NOTICE REGARDING PROPOSED CELL TOWER IN YOUR NEIGHBOURHOOD INFORMATION IS ENCLOSED."

Notice Requirements

4. The applicant shall distribute public notification packages by ordinary mail or hand delivery to the following people:

(a) all the owners where any portion of their property:

(i) directly abuts the subject property, or

(ii) is located within the radius of thirty (30) metres or three (3) times the tower height, whichever is greater, measured from the furthest point of the antenna system ;

(b) the applicable Councillor for the district in which the proposed antenna system will be located; and

(c) all adjacent municipalities within a radius of 3 times the height of the proposed antenna system.

Newspaper Notice

5. A newspaper notice shall be completed as follows:

(a) the applicant shall place a notice in a Saturday edition of the Chronicle Herald and be a minimum size of 10 centimetres x 10 centimetres (3.9 inches x 3.9 inches); and

(b) the notice shall contain the following information:
- (i) a description of the proposed antenna system , including the height,
- (ii) the address of the proposed antenna system site,
- (iii) a location map (key plan) of the proposed site,
- (iv) an invitation for public comment, which shall be minimum of thirty (30) calendar days,
- (v) the closing date for public comments,
- (vi) an invitation to the public information session, and location and time of the session,
- (vii) the applicant's contact information,

(viii) the wording “antenna systems are exclusively regulated and approved by Federal government”, and

(ix) the contact information for Industry Canada; and

(c) be published at least fourteen (14) days before the date of the public information session.

6. A copy of the newspaper notices, including the date of the newspaper in which the notice was placed, shall be forwarded to the Director within ten (10) calendar days of the newspaper notice being published.

Sign

7. (1) In addition to the notice in the newspaper, the applicant shall erect a sign on the subject site notifying the public of the proposal to establish an antenna system on the subject property.

(2) The sign shall be erected on the property so that it is clearly visible and legible from all street frontages.

(3) The sign shall:

(a) be professionally prepared;

(b) be at least 1.2 metres x 1.2 metres (3.9 feet x 3.9 feet) (width x height) in size but shall not exceed 2.4 metres x 1.2 metres (7.9 feet x 3.9 feet) (width x height) in size;

(c) located a minimum of 0.61 metres (2.0 feet) and a maximum of 1.2 metres (3.9 feet) from the ground; and

(d) contain the following wording with the particulars of the specific application completed by the applicant:

“PUBLIC NOTICE

[Name of applicant] is proposing to locate a Telecommunications Pole being [#] metres ([#] feet) in height, on this property. (If applicable) A public information session (if required) is scheduled on [date of meeting] from [start time] to [end time] at [location of meeting]. Public comment is invited and shall be provided to the applicant. The closing date for submission of written comments is [applicable closing date]. For further information, contact [applicant’s name, phone number and e-mail address]. While feedback is important to the process, telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. The Municipality is provided the opportunity to influence the location and design of proposed antenna systems by commenting to Industry Canada, but does not have the authority to approve or refuse the construction of an antenna system.”

(4) The erection of the sign should be coordinated with the distribution of the public notification packages.

8. Photographs showing the sign posted and the date on which it was erected on the subject property shall be submitted to the Director within ten (10) calendar days after the sign has been erected.

9. The sign shall remain on the subject property for the duration of the public consultation process.

10. The applicant shall remove the sign no later than twenty-one (21) calendar days after the completion of the public consultation process.

Website

11. (1) The applicant shall establish an on-line website that provides full details of the proposal and how comments can be forwarded to the applicant.

(2) The website shall include the information required for the public notification package pursuant to section 2 of this Attachment.

(3) The website shall remain active and functioning beginning from the time of the distribution of the public notification packages until at a minimum the conclusion of the municipal process.

Public Information Session

12. A public information session shall be done in accordance with the following:

(a) be open and accessible to all members of the public and local stakeholders;

(b) occur on a weekday evening, no sooner than twenty-one (21) calendar days and no later than thirty-five (35) calendar days, from the date that the public notification packages are mailed and the sign erected;

(c) be at least one (1) hour in duration, depending on attendance and community interest in the specific application as determined by the applicant and the Director;

(d) a minimum of two (2) panels shall be displayed containing a site plan drawing and colour photographs of the subject property with superimposed images of the proposal;

(e) a presentation shall be given regarding the antenna system proposal which addresses all reasonable and relevant concerns, including the purpose of the tower, general information relating to health concerns and Safety Code 6 and clear statement indicating that antenna system are exclusively regulated by Federal legislation under the *Act* and administered by Industry Canada;

(f) public notification packages, including a public comment sheet, shall be made available for attendees;

(g) the closing date for written public comments shall be clearly announced at the public information session; and

(h) a record shall be taken of all the names, addresses, email addresses and phone numbers of the attendees, subject to applicable privacy laws in respect of personal information.

13. If an applicant believes that subsequent public information sessions are required, the applicant may conduct the sessions by way of any method felt appropriate by the applicant.

Responding to the Public

14. The applicant shall:

(a) provide the public fourteen (14) calendar days to submit questions, comments or concerns about the proposal following the date of the Public Information Session as described in Section 12 and keep a record of the communication;

(b) respond to all questions, comments and concerns in a timely manner as follows:

(i) acknowledge receipt of the question, comment or concern within fourteen (14) calendar days;

(ii) respond, in writing, to all reasonable and relevant concerns within either sixty (60) calendar days of receipt or prior to making a Formal Submission – whichever comes first, or explain why the question, comment or concern is not, in the opinion of the applicant, reasonable or relevant;

(iii) indicate that the party has twenty-one (21) calendar days from the date of the correspondence to reply to the applicant's response under subclause 14(b) (ii); and

(iv) if the party replies within the twenty-one (21) calendar day, the applicant shall address all reasonable and relevant concerns within an additional twenty-one (21) calendar days, by contacting the party by telephone or engaging the party in an informal meeting;

(c) keep a record of all correspondence that occurred during the written consultation process, including any agreements that may have been reached or any concerns that remain outstanding; and

(d) provide a copy of all written correspondence to the Director.

Attachment D
Formal Submissions

Formal Submission Requirements

1. When an applicant submits a formal submission for the siting of an antenna system, the applicant shall provide to the Director, the following:

(a) one (1) electronic copy and ten (10) paper copies of the type of antenna system being proposed and its location including a site plan or survey plans;

(b) one (1) electronic copy and ten (10) paper copies of the applicant's name, company name and address, phone and fax numbers;

(c) one (1) electronic copy and ten (10) paper copies of colour photographs showing the proposed location of the antenna system as well as its immediate surroundings;

(d) one (1) electronic copy and ten (10) paper copies of a site selection or justification report prepared by a qualified professional, and the report shall:

(i) identify all tower facilities within the vicinity of the proposed location;

(ii) details with respect to the coverage and capacity of the existing tower facilities in the surrounding area; and

(iii) provide detailed documentary evidence as to why co-location on an existing antenna system is not a viable alternative to the construction of a new antenna system ;

(e) a letter of authorization to use the land at the proposed site from the owner of the land, their agent, or other person(s) having legal or equitable interest in the land, if an agent is authorizing the use on the property proof verifying the agent's authority shall be submitted;

(f) a planning application form and fees in accordance with the *Administrative Order 15* of the Municipality, as amended from time to time;

(g) a public notification package as outlined in Attachment C;

(h) a public consultation package summarizing the public consultation process, if public consultation occurred, which shall include:

(i) a picture of the on-site signage in place on the property,

(ii) a copy of the newspaper advertisement,

(iii) a map showing all properties to which a public notification package was sent to as well as a copy of the public notification package that was sent,

(iv) details pertaining to the public information session, including:

(A) the date, time, and location of the public information session,

(B) the record taken of the names, addresses, email addresses and phone numbers of the attendees, subject to applicable privacy laws in respect of personal information,

(v) the total number of attendees at the meeting,

(vi) a summary of comments and feedback provided by each individual and any responses provided by the applicant,

(viii) copies of all correspondence received from the public through this process in addition to responses provided in return by the applicant,

(ix) any comments or concern the applicant considered not reasonable or relevant and the explanation for such consideration,

(x) a summary of how, if at all, the application has been amended to respond to concerns or feedback received through the public consultation process; and

(i) any other required information listed in the information package provided to the applicant during or after the pre-consultation meeting.

2. The formal submission shall be accompanied by the fees for an antenna system as set out in *Administrative Order 15* of the Municipality as amended from time to time.

Role of the Director in Reviewing Formal Submission

3. The Director shall determine whether a formal submission for the siting of an antenna system is complete or incomplete within ten (10) business days of receipt of such submission.

4. When the formal submission is deemed complete, the Director shall notify the applicant and the applicable Councillor of the completed submission and process it.

5. In the reviewing and evaluating a completed submission, the Director may consider:

(a) the proposed location in the community or area;

(b) any existing and proposed on-site uses and structures;

(c) the adjacent sites and their existing and proposed uses and structures;

(d) compliance with this *Administrative Order* ;

(e) conformity with the policies of the Municipality regarding historic sites and environmentally sensitive areas;

(f) the design aspects of the proposal; and

(g) any other consideration considered appropriate by the Director.

6. The Director shall attempt to review the completed formal submission within twenty-one (21) business days from the date the Director receives a completed formal submission.

7. Upon completion of the review, the Director shall provide the applicant with a Letter of Response respecting the formal submission which outlines the decision.

8. (1) A Letter of Response shall notify the applicant whether the formal submission is acceptable to the Municipality and if the formal submission is deemed not acceptable, the Director shall provide the reasons for the non-support.

(2) A Letter of Response may deal with:

(a) the colour of the antenna system;

(b) landscaping requirements;

(c) the maintenance of the property;

(d) the height of the antenna system;

(e) the location and appropriate siting of the antenna system; and

(f) any other matter the Director considers necessary.

(3) A copy of the Letter of Response shall be forwarded to Industry Canada.

Duration

9. A Letter of Response shall be valid for a period of three (3) years from the date it was issued by the Director, or such shorter period of time as set out by the Director in the Letter.

Attachment E
Completed Antenna System

Confirmation of Need

1. (a) At any time, the Director may request confirmation from a network operator clarifying that a specific antenna system is still required to support communication network activity; and

(b) The network operator will respond within thirty (30) calendar days of receiving the request from the Director, and shall provide any available information on the future status or planned decommissioning of the antenna system.

Non-Conformity of As Built Antenna System

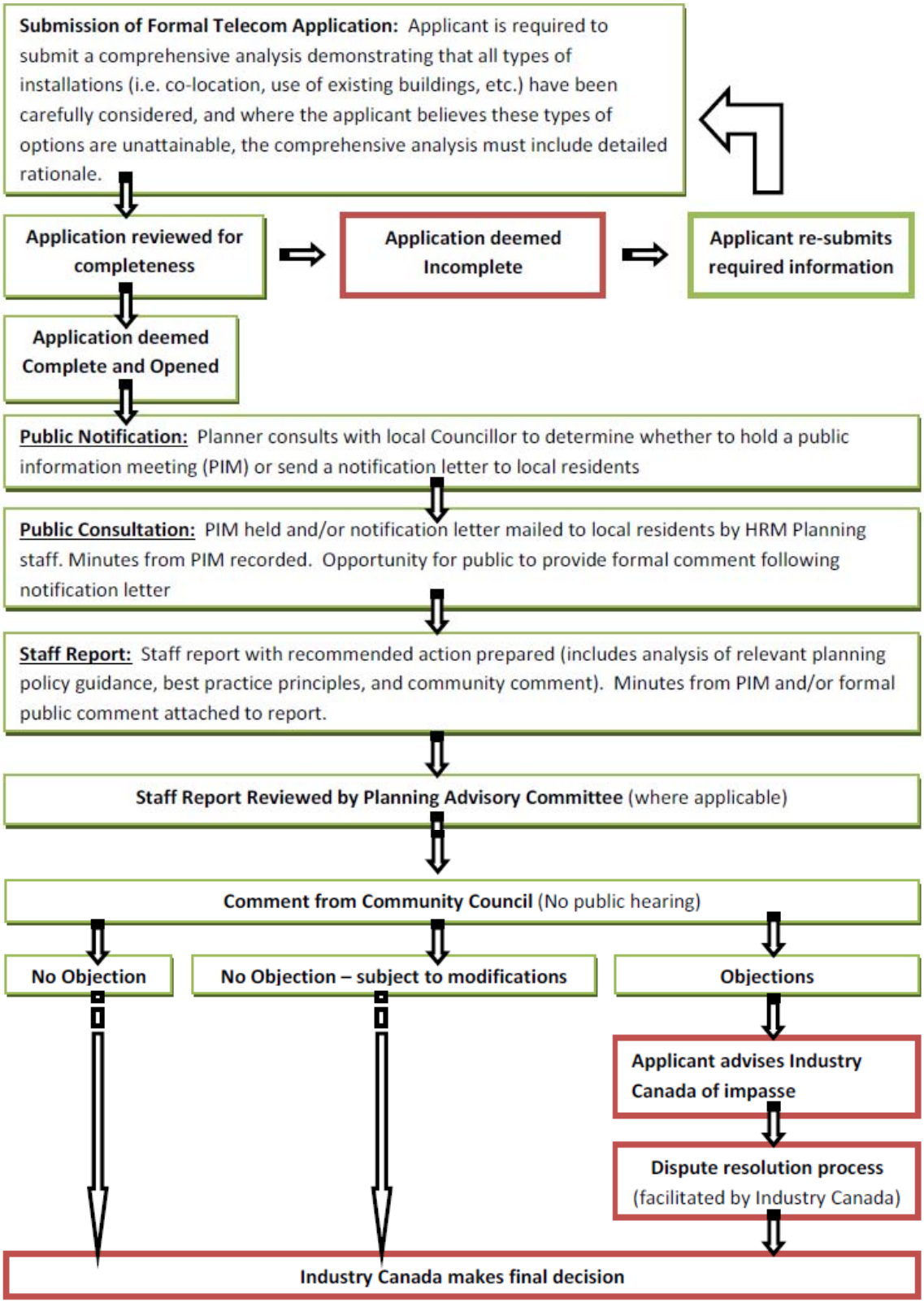
2. The Director may request that measurements be provided by the owner or operator establishing the as built height of the antenna system.

3. Establishing the as built height of the antenna system may require the owner or operator to engage the services of a qualified third party to verify that the height of the antenna system from the ground.

4. (a) If the Director determines that the as-built antenna system is not in accordance with the plan or the condition(s) set out in the Letter of Response, the Director may notify, in writing, the owner or operator advising of the non-conformity.

(b) In the event the owner or operator does not respond to the non-conformity within thirty (30) calendar days of receiving the written notification, or the owner or operator and the Director cannot agree on the manner to remediate the non-conformity, the Director may advise Industry Canada of the non-conformity and request assistance.

Current HRM Telecom Tower Workflow - Attachment B



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Client Procedures Circular

Radiocommunication and Broadcasting Antenna Systems

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Canada

Comments and suggestions may be directed to the following address:

Industry Canada
Spectrum Management Operations Branch
235 Queen Street
Ottawa, Ontario
K1A 0H5

Attention: DOSP

Via e-mail: spectrum_pubs@ic.gc.ca

All Spectrum Management and Telecommunications publications are available on the following website at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home.

Contents

1. Introduction

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, government, wireless service providers, broadcasters, utilities and businesses. In order for radiocommunication and broadcasting services to work, antenna systems including masts, towers, and other supporting structures are required. Antenna systems are normally composed of an antenna and some type of supporting structure, often called an antenna tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. There is a certain measure of flexibility in the placement of antenna systems which is constrained to some degree by: the need to achieve acceptable coverage for the service area; the availability of sites; technical limitations; and safety. In exercising its mandate, Industry Canada believes that it is important that antenna systems be deployed in a manner that considers the local surroundings.

1.1 Mandate

Section 5 of the *Radiocommunication Act* states that the Minister may, taking into account all matters the Minister considers relevant for ensuring the orderly development and efficient operation of radiocommunication in Canada, issue radio authorizations and approve each site on which radio apparatus, including antenna systems, may be located. Further, the Minister may approve the erection of all masts, towers and other antenna-supporting structures. Accordingly, proponents must follow the process outlined in this document when installing or modifying an antenna system. Also, the installation of an antenna system or the operation of a currently existing antenna system that is not in accordance with this process may result in its alteration or removal and other sanctions against the operator in accordance with the *Radiocommunication Act.*

1.2 Application

The requirements of this document apply to anyone (referred to in this document as the proponent) who is planning to install or modify an antenna system,[1] regardless of the type. This includes telecommunications carriers,[2] businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air TV reception). Anyone who proposes, uses or owns an antenna system must follow these procedures. The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes ("third party tower owners"). As well, parts of this process contain obligations that apply to existing antenna system owners and operators.

1.3 Process Overview

This document outlines the process that must be followed by proponents seeking to install or modify antenna systems. The broad elements of the process are as follows:

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[1] For the purposes of this document, an "antenna system" is normally composed of an antenna and some sort of supporting structure, normally a tower. Most antennas have their own integral mast so that they can be fastened directly to a building or a tower. Thus, where this document refers to an "antenna," the term includes the integral mast.

[2] For the purpose of this document, a "telecommunications carrier" means a person who owns or operates a transmission facility used by that person or another person to provide telecommunications services to the public for compensation.

1. Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures.

2. Contacting the land-use authority (LUA) to determine local requirements regarding antenna systems.

3. Undertaking public notification and addressing relevant concerns, whether by following local LUA requirements or Industry Canada's default process, as is required and appropriate.

4. Satisfying Industry Canada's general and technical requirements.

5. Completing the construction.

It is Industry Canada's expectation that steps (2) to (4) will normally be completed within ***120 days***. Some proposals may be excluded from certain elements of the process (see Section 6). It is Industry Canada's expectation that all parties will carry out their roles and responsibilities in good faith and in a manner that respects the spirit of this document. If the requirements of this document are satisfied and the proposal proceeds then, under step (5), construction of the antenna system must be completed within three years of conclusion of consultation.

2. Industry Canada Engagement

There are a number of points in the processes outlined in this document where parties must contact Industry Canada to proceed. Further, anyone with any question regarding the process may contact the local Industry Canada office[3] for guidance. Based on a query by an interested party, Industry Canada may request parties to provide relevant records and/or may provide direction to one or more parties to undertake certain actions to help move the process forward.

3. Use of Existing Infrastructure (Sharing)[4]

This section outlines the roles of proponents and owners/operators of existing antenna systems. In all cases, parties should retain records (such as analyses, correspondence and engineering reports) relating to this section.

Before building a new antenna-supporting structure, Industry Canada requires that proponents first explore the following options:

- consider sharing an existing antenna system, modifying or replacing a structure if necessary;

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[3] Please refer to Radiocommunication Information Circular RIC-66 for a list of addresses and telephone numbers for Industry Canada's regional and district offices. RIC-66 is available via the Internet at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html.

[4] See also Client Procedures Circular CPC-2-0-17, *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*. CPC-2-0-17 is available via the Internet at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html.

- locate, analyze and attempt to use any feasible existing infrastructure such as rooftops, water towers etc.

A proponent is not normally expected to build a new antenna-supporting structure where it is feasible to locate an antenna on an existing structure, unless a new structure is preferred by the land-use authority.

Owners and operators of existing antenna systems are to respond to a request to share in a timely fashion and to negotiate in good faith to facilitate sharing where feasible. It is anticipated that 30 days is reasonable time for existing antenna system owners/operators to reply to a request by a proponent in writing with either:

- a proposed set of reasonable terms to govern the sharing of the antenna system; or

- a detailed explanation of why sharing is not possible.

4. Land-use Authority and Public Consultation

Contacting the Land-use Authority

Proponents must always contact the applicable land-use authorities to determine the local consultation requirements and to discuss local preferences regarding antenna system siting and/or design, unless their proposal falls within the exclusion criteria outlined in Section 6. If the land-use authority has designated an official to deal with antenna systems, then proponents are to engage the authority through that person. If not, proponents must submit their plans directly to the council, elected local official or executive. The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land-use authority, and does not include preliminary discussions with land-use authority representatives.

Proponents should note that there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighbouring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. As well, in cases where proponents are aware that a potential Aboriginal or treaty right or land claim may be affected by the proposed installation,[5] they must contact Industry Canada in order to ensure that the requirements for consultation are met.

Following the Land-use Authority Process

Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, where one exists. In the event that a land-use authority's existing process has no public consultation requirement, proponents must then fulfill the public consultation requirements contained in Industry Canada's Default Public Consultation Process (see Section 4.2). Proponents are not required to follow this requirement if the LUA's established process explicitly excludes their type of

[5] Proponents are encouraged to refer to local community and online resources (for example, the Aboriginal and Treaty Rights Information System (ATRIS) (http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx) as applicable.

proposal from consultation or it is excluded by Industry Canada's criteria.[6] Where proponents believe the local consultation requirements are unreasonable, they may contact the local Industry Canada office in writing for guidance.

Broadcasting Undertakings

Applicants for broadcasting undertakings are subject to Canadian Radio-television and Telecommunications (CRTC) licensing processes in addition to Industry Canada requirements. Although Industry Canada encourages applicants to consult as early as practical in the application process, in some cases it may not be prudent for the applicants to initiate public and municipal/land-use consultation before receiving CRTC approval, as application denial by the CRTC would have result in unnecessary work for all parties involved. Therefore, assuming that the proposal is not otherwise excluded, broadcasting applicants may opt to commence land-use consultation after having received CRTC approval. However, broadcasting applicants choosing this approach are required, at the time of the CRTC application, to notify the land-use authority with a Letter of Intent outlining a commitment to conduct consultation after receiving CRTC approval. If the land-use authority raises concerns with the proposal as described in the Letter of Intent, applicants are encouraged to engage in discussions with the land-use authority regarding their concerns and attempt to resolve any issues. Refer to Broadcasting Procedures and Rules, Part 1 (BPR-1), for further details.

4.1 Land-use Authority Consultation

Industry Canada believes that any concerns or suggestions expressed by land-use authorities are important elements to be considered by proponents regarding proposals to install, or make changes to, antenna systems. As part of their community planning processes, land-use authorities should facilitate the implementation of local radiocommunication services by establishing consultation processes for the siting of antenna systems.

Unless the proposal meets the exclusion criteria outlined in Section 6, proponents must consult with the local land-use authority(ies) on any proposed antenna system prior to any construction. The aim of this consultation is to:

- discuss site options;
- ensure that local processes related to antenna systems are respected;
- address reasonable and relevant concerns (see Section 4.2) from both the land-use authority and the community they represent; and
- obtain land-use authority concurrence in writing.

Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes[7] specific to antenna systems that consider such things as:

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[6] In all cases, telecommunications carriers, broadcasting undertakings and third party tower owners must notify and consult with the local public when proposing a new antenna tower either by following Industry Canada's Default Public Consultation Process or, where one exists, the land-use authority's public consultation process..

[7] Industry Canada is available to assist land-use authorities in the development of local processes. In addition, land-use authorities may wish to consult Industry Canada's guide for the development of local consultation processes.

- the designation of suitable contacts or responsible officials;
- proposal submission requirements;
- public consultation;
- documentation of the concurrence process; and
- the establishment of milestones to ensure consultation process completion within ***120 days***.

Where they have specific concerns regarding a proposed antenna system, land-use authorities are expected to discuss reasonable alternatives and/or mitigation measures with proponents.

Under their processes, land-use authorities may exclude from consultation any antenna system installation in addition to those identified by Industry Canada's own consultation exclusion criteria (Section 6). For example, an authority may wish to exclude from consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas such as personal antenna systems (e.g. used for over the air and satellite television reception or amateur radio operation).

4.2 Industry Canada's Default Public Consultation Process

Proponents must follow Industry Canada's Default Public Consultation Process where the local land-use authority does not have an established and documented public consultation process applicable to antenna siting. Industry Canada's default process has three steps whereby the proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. public notification);

2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. responding to the public); and

3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. public reply comment).

Public Notification

1. Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 1) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc.

Municipalities may also wish to refer to the protocol template developed in partnership between the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA). The FCM/CWTA template can be found on the FCM's website www.fcm.ca.

located within a radius of three times the tower height.[8] The radius is measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc. Public notification of an upcoming consultation must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

2. It is the proponent's responsibility to ensure that the notification provides at least 30 days for written public comment.

3. In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.

4. In addition to the public notification requirements noted above, proponents of an antenna system proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.[9] Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

Responding to the Public

Proponents are to address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the local public or land-use authority raises a question, comment or concern relating to the antenna system as a result of the public notification process, then the proponent is required to:

1. respond to the party in writing within ***14 days*** acknowledging receipt of the question, comment or concern and keep a record of the communication;

2. address in writing all reasonable and relevant concerns within ***60 days*** of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant; and

3. in the written communication referred to in the preceding point, clearly indicate that the party has ***21 days*** from the date of the correspondence to reply to the proponent's response. The proponent must provide a copy of all public reply comments to the local Industry Canada office.

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8 Proponents are advised that municipalities may set reasonable public notification distances appropriate for their communities when establishing their own protocols.

9 The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation; its location and street address; proponent contact information and mailing address; and an invitation to provide public comments to the proponent within ***30 days*** of the notice. In areas without a local newspaper, other effective means of public notification must be implemented. Proponents may contact the local Industry Canada office for guidance.

Responding to reasonable and relevant concerns may include contacting a party by telephone, engaging in a community meeting or having an informal, personal discussion. Between steps 1 and 2 above, the proponent is expected to engage the public in a manner it deems most appropriate. Therefore, the letter at step 2 above may be a record of how the proponent and the other party addressed the concern at hand.

Public Reply Comments

As indicated in step 3 above, the proponent must clearly indicate that the party has ***21 days*** from the date of the correspondence to reply to the response. The proponent must also keep a record of all correspondence/discussions that occurred within the ***21-day*** public reply comment period. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

The factors that will determine whether a concern is reasonable or relevant according to this process will vary but will generally be considered if they relate to the requirements of this document and to the particular amenities or important characteristics of the area surrounding the proposed antenna system. Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
- potential effects that a proposed antenna system will have on property values or municipal taxes;
- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

4.3 Concluding Consultation

The proponent may only commence installation/modification of an antenna system after the consultation process has been completed by the land-use authority, or Industry Canada confirms concurrence with the consultation portion of this process, and after all other requirements under this process have been met. Consultation responsibilities will normally be considered complete when the proponent has:

1. concluded consultation requirements (Section 4.1) with the land-use authority;

2. carried out public consultation either through the process established by the land-use authority or Industry Canada's Default Public Consultation Process where required; and

3. addressed all reasonable and relevant concerns.

Concluding Land-use Authority Consultation

Industry Canada expects that land-use consultation will be completed within ***120 days*** from the proponent's initial formal contact with the local land-use authority. Where unavoidable delays may be encountered, the land-use authority is expected to indicate when the proponent can expect a response to the proposal. If the authority is not responsive, the proponent may contact Industry Canada. Depending on individual circumstances, Industry Canada may support additional time or consider the land-use authority consultation process concluded.

Depending on the land-use authority's own process, conclusion of local consultation may include such steps as obtaining final concurrence for the proposal via the relevant committee, a letter or report acknowledging that the relevant municipal process or other requirements have been satisfied, or other valid indication, such as the minutes of a town council meeting indicating LUA approval. Compliance with informal city staff procedures, or grants of approval strictly related to zoning, construction, etc. will not normally be sufficient.

Industry Canada recognizes that approvals for construction (e.g. building permits) are used by some land-use authorities as evidence of consultation being concluded. Proponents should note that Industry Canada does not consider the fact a permit was issued as confirmation of concurrence, as different land-use authorities have different approaches. As such, Industry Canada will only consider such approvals as valid when the proponent can demonstrate that the LUA's process was followed and that the LUA's preferred method of concluding LUA consultation is through such an approval.

Concluding Industry Canada's Default Public Consultation Process

Industry Canada's Default Public Consultation Process will be considered concluded when the proponent has either:

- received no written questions, comments or concerns to the formal notification within the ***30-day*** public comment period; or

- if written questions, comments or concerns were received, the proponent has addressed and resolved all reasonable and relevant concerns and the public has not provided further comment within the ***21-day*** reply comment period.

In the case where the public responds within the ***21-day*** reply comment period, the proponent has the option of making further attempts to address the concern on its own, or can request Industry Canada engagement. If a request for engagement is made at this stage, Industry Canada will review the relevant material, request any further information it deems pertinent from any party and may then decide that:

- the proponent has met the consultation requirements of this process and that Industry Canada concurs that installation or modification may proceed; or

- the parties should participate in further attempts to mitigate or resolve any outstanding concern.

4.4 Post-Consultation

Whether the proponent followed a land-use authority's consultation process or Industry Canada's default public consultation process, construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the relevant Land-Use Authority to an extension for a specified time period in writing. A copy of the agreement must be provided to the local Industry Canada office.

5. Dispute Resolution Process

The dispute resolution process is a formal process intended to bring about the timely resolution where the parties have reached an impasse.

Upon receipt of a written request from a stakeholder other than the general public, asking for Departmental intervention concerning a reasonable and relevant concern, the Department may request that all involved parties provide and share all relevant information. The Department may also gather or obtain other relevant information and request that parties provide any further submissions if applicable. The Department will, based on the information provided, either:

- make a final decision on the issue(s) in question, and advise the parties of its decision; or

- suggest the parties enter into an alternate dispute resolution process in order to come to a final decision. Should the parties be unable to reach a mutually agreeable solution, either party may request that the Department make a final decision.

Upon resolution of the issue under dispute, the proponent is to continue with the process contained within this document as required.

6. Exclusions

All proponents must satisfy the General Requirements outlined in Section 7 regardless of whether an exclusion applies to their proposal. All proponents must also consult the land-use authority and the public unless a proposal is specifically excluded. Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria below should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponent to consult even though the proposal meets an exclusion noted below. Therefore, when applying the criteria for exclusion, proponents should consider such things as:

- the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;

- the location of the proposed antenna system on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

The following proposals are excluded from land-use authority and public consultation requirements:

- **New 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;

- **Existing Antenna Systems**: where modifications are made, antennas added or the tower replaced[10], 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[11]. 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;

- **Non-Tower Structure**: 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%;[12] and

- **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.

No consultation is required prior to performing maintenance on an existing antenna system.

Proponents who are not certain if their proposals are excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

Height is measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

7. General Requirements

In addition to roles and responsibilities for site sharing, land-use consultation and public consultation, proponents must also fulfill other important obligations including: compliance with Health Canada's

[10] The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.

[11] Initial antenna system installation refers to the system as it was first consulted on, or installed.

[12] Telecommunication carriers, operators of broadcasting undertakings and third party tower owners may benefit from local knowledge by contacting the land-use authority when planning an antenna system that meets this exclusion criteria.

Safety Code 6 guideline for the protection of the general public; compliance with radio frequency immunity criteria; notification of nearby broadcasting stations; environmental considerations; and Transport Canada/NAV CANADA aeronautical safety responsibilities.

7.1 Radio Frequency Exposure Limits

Health Canada has established safety guidelines for exposure to radio frequency fields, in its Safety Code 6 publication, entitled: *Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz*.[13] While the responsibility for developing Safety Code 6 rests with Health Canada, Industry Canada has adopted this guideline for the purpose of protecting the general public. Current biomedical studies in Canada and other countries indicate that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.

It is the responsibility of proponents and operators of installations to ensure that all radiocommunication and broadcasting installations comply with Safety Code 6 at all times, including the consideration of combined effects of nearby installations within the local radio environment.

Telecommunications common carriers and operators of broadcasting undertakings are to carry out an exposure evaluation on all new installations and following any increases in radiated power. Either measurement surveys or mathematical or numerical computations can be used for this evaluation. Where the radio frequency emission of any installation, whether telecommunications carrier or broadcasting operator, is greater than, or is equal to, 50%, of the Safety Code 6 limits for uncontrolled environments at locations accessible to the general public (i.e. not solely available for access by workers), the operator(s) of radio frequency emitters must notify Industry Canada and demonstrate compliance with Safety Code 6. This determination of 50% of Safety Code 6 must be in consideration of the local radio environment.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide a written attestation that there will be compliance with Safety Code 6 for the protection of the general public, including consideration of nearby radiocommunication systems. The notification package must also indicate any Safety Code 6 related signage and access control mechanisms that may be used.
Compliance with Safety Code 6 is an ongoing obligation. At any time, antenna system operators may be required, as directed by Industry Canada, to demonstrate compliance with Safety Code 6 by (i) providing detailed calculations, and/or (ii) conducting site surveys and, where necessary, by implementing corrective measures.[14] At the request of Industry Canada, telecommunications carriers and operators of broadcasting undertakings must provide detailed compliance information for individual installations within five days of the request. Proponents and operators of existing antenna systems must retain copies of all information related to Safety Code 6 compliance such as analyses and measurements.

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[13] To obtain an electronic copy of Safety Code 6, contact: publications@hc-sc.gc.ca.

[14] See Client Procedures Circular CPC-2-0-20, *Radio Frequency (RF) Fields – Signs and Access Control.*

7.2 Radio Frequency Immunity

All radiocommunication and broadcasting proponents and existing spectrum users are to ensure that their installations are designed and operated in accordance with Industry Canada's immunity criteria as outlined in EMCAB-2[15] in order to minimize the malfunctioning of electronic equipment in the local surroundings. Broadcasting proponents and existing undertakings should refer to Broadcasting Procedures and Rules - Part 1, *General Rules* (BPR-1) for additional information and requirements[16] on this matter.

Proponents are advised to consider the potential effect that their proposal may have on nearby electronic equipment. In this way, they will be better prepared to respond to any questions that may arise during the public and land-use consultation processes, or after the system has been installed.

Land-use authorities should be prepared to advise proponents and owners of broadcasting undertakings of plans for the expansion or development of nearby residential and/or industrial areas. Such expansion or development generally results in the introduction of more electronic equipment in the area and therefore an increased potential for electronic equipment to malfunction. By keeping broadcasters aware of planned developments and changes to adjacent land-use, they will be better able to work with the community. Equally, land-use authorities have a responsibility to ensure that those moving into these areas, whether prospective residents or industry, are aware of the potential for their electronic equipment to malfunction when located in proximity to an existing broadcasting installation. For example, the LUA could ensure that clear notification be provided to future prospective purchasers.

7.3 Proximity of Proposed Structure to Broadcasting Undertakings

Where the proposal would result in a structure that exceeds 30 metres above ground level, the proponent is to notify operators of AM, FM and TV undertakings within 2 kilometres, due to the potential impact the physical structure may have on these broadcasting undertakings. Metallic structures close to an AM directional antenna array may change the antenna pattern of the AM broadcasting undertaking. These proposed structures can also reflect nearby FM and TV signals, causing "ghosting" interference to FM/TV receivers used by the general public.

7.4 Canadian Environmental Assessment Act

Industry Canada 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, 2012* (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012, or is located on federal lands.

An antenna system may not proceed where it is incidental to a designated project (as described in the *Regulations Designating Physical Activities*), or is otherwise expressly designated by the Minister of the

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15 For more information see EMCAB-2, entitled: *Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters* available at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf01005.html.

16 BPR-1 - Part I: General Rules can be found on the Spectrum Management and Telecommunications website at: http://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01326e.html.

Environment without satisfying certain requirements applicable to designated projects. Therefore, a proponent of this type of project must contact Industry Canada for direction on how to proceed.

Any proposed antenna system on federal land may not proceed without a determination of environmental effects by Industry Canada. In order to assist the Department in making such a determination, proponents must submit a project description to Industry Canada, considering and addressing those elements of the environment described in CEAA 2012, as well as any determination of environmental effects that may have been made by the authority responsible for managing the federal land. Industry Canada may also require further information before it can complete its assessment. Industry Canada will inform the proponent of the results of its determination and may impose conditions related to mitigating any adverse effects after making its determination and/or may need to refer the matter to the Governor-in-Council under CEAA 2012.

In addition, notices under Industry Canada's default public consultation process require written confirmation of the project's status under CEAA 2012 (e.g., whether it is incidental to a designated project or, if not, whether it is on federal lands).

In addition to CEAA requirements, proponents are responsible to ensure that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements, such as those under the *Canadian Environmental Protection Act, 1999,* the *Migratory Birds Convention Act, 1994*, and the *Species at Risk Act*, as applicable.

For projects north of the 60th parallel, environmental assessment requirements may arise from federal statutes other than the aforementioned Acts or from Comprehensive Land Claim Agreements. Industry Canada requires that installation or modification of antennas or antenna supporting structures be done in accordance with these requirements, as appropriate.

7.5 Aeronautical Safety

Proponents must ensure their proposals for any antenna system are first reviewed by Transport Canada and NAV CANADA.

Transport Canada will perform an assessment of the proposal with respect to the potential hazard to air navigation and will notify proponents of any painting and/or lighting requirements for the antenna system. NAV CANADA will comment on whether the proposal has an impact on the provision of their national air navigation system, facilities and other services located off-airport.

As required, the proponent must:

1. submit an Aeronautical Obstruction Clearance form to Transport Canada;

2. submit a Land-use Proposal Submission form to NAV CANADA;

3. include Transport Canada marking requirements in the public notification package;

4. install and maintain the antenna system in a manner that is not a hazard to aeronautical safety; and

5. retain all correspondence.

For those antenna systems subject to Industry Canada's Default Public Consultation Process, the proponent will inform the community of any marking requirements. Where options are possible, proponents are expected to work with the local community and Transport Canada to implement the best and safest marking options. Proponents should be aware that Transport Canada does not advise Industry Canada of marking requirements for proposed structures. Proponents are reminded that the addition of, or modification to, obstruction markings may result in community concern and so any change is to be done in consultation with the local public, land-use authority and/or Transport Canada, as appropriate.

References and Details

Aeronautical Obstruction Clearance forms are available from any Transport Canada Aviation Group Office. Both the Aeronautical Obstruction Clearance form (#26-0427) and a list of Transport Canada Aviation Group regional offices are available on the Transport Canada website.[17] Completed forms are to be submitted directly to the nearest Transport Canada Aviation Group office. (Refer to Canadian Aviation Regulations, Standard 621.19, Standards Obstruction Markings).

Land-use Proposal Submission forms are available from NAV CANADA[18] and completed forms are to be sent to the appropriate NAV CANADA General Manager Airport Operations (GMAO) office, East or West.

[17] The Transport Canada website can be found at: http://www.tc.gc.ca.

[18] Search keywords "Land-use Proposal" on the NAV CANADA website at: http://www.navcanada.ca.

Appendix 1 – Industry Canada's Default Public Consultation Process - Public Notification Package

The proponent must ensure that at least ***30 days*** are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. Notices must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system. The proponent must also provide a copy of the notification package to the land-use authority and the local Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

1) the proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;

2) the proposed location within the community, the geographic coordinates and the specific property or rooftop;

3) an attestation[19] that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;

4) identification of areas accessible to the general public and the access/demarcation measures to control public access;

5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;

6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;

7) Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;

8) an attestation that the installation will respect good engineering practices including structural adequacy;

9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

[19] Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.

10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (http://www.ic.gc.ca/towers);

11) contact information for the proponent, land-use authorities and the local Industry Canada office; and

12) closing date for submission of written public comments (not less than ***30 days*** from receipt of notification).

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Spectrum Management and Telecommunications

Guide to Assist Land-use Authorities in Developing Antenna System Siting Protocols

Aussi disponible en français

Canada

Contents

1. Introduction

This guide is intended to assist Land-use Authorities (LUA) in ensuring effective local participation in decisions regarding proposals to build antennas and their supporting structures within their communities. For the purposes of this guide, an LUA means any local authority that governs land-use issues and includes a municipality, town council, regional commission, development authority, township board, band council or similar body. This guide complements Industry Canada's Client Procedures Circular CPC-2-0-03, Issue 5, *Radiocommunication and Broadcasting Antenna Systems*. LUAs are encouraged to consult CPC-2-0-03 to better understand roles and responsibilities.

The requirements of CPC-2-0-03 apply to anyone (referred to as a "proponent") who is planning to install or modify an antenna system,[1] regardless of the type. This includes telecommunications carriers, businesses, governments, Crown agencies, operators of broadcasting undertakings and the public (including for amateur radio operation and over-the-air and satellite TV reception). The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes ("third party tower owners"). As well, the procedures contain obligations that apply to existing antenna system owners and operators, including those relating to the use of existing infrastructure (sharing).

This guide specifically addresses two areas:

- **Participation Process:** Addresses the LUA's role in effectively participating and influencing decisions with respect to proposed antenna systems within Industry Canada's antenna siting procedures. Industry Canada believes that antenna siting protocols jointly developed between proponents and LUAs can supplement the Department's antenna siting procedures, while at the same time having a higher degree of acceptance and compliance.

- **Local Protocol Development:** Sets out elements that LUAs might wish to include when developing protocols with proponents of antenna systems.

The federal Minister of Industry has the authority under the *Radiocommunication Act* to issue radio authorizations, to approve each site on which radio apparatus, including antenna systems(referred to as "antenna systems" or "installations"), may be located and to approve the erection of all masts, towers and other antenna-supporting structures.Industry Canada's role includes ensuring the orderly development and efficient operation of radiocommunications in Canada. In this regard, Industry Canada considers that the questions, comments and concerns of the local public and the LUA are important elements for proponents to consider when seeking to install, or make major modifications to, an antenna system.

Radiocommunication and broadcasting services are important for all Canadians and are used daily by the public, safety and security organizations, all levels of government, wireless service providers, broadcasters, utility companies and other businesses. Antenna systems are an essential component in providing these services and must be installed on towers, buildings or other antenna-supporting structures. Antennas and the structures that support them are integral to wireless network communication systems

1 For the purposes of this document, an "antenna system" is normally composed of an antenna and some sort of supporting structure, normally a tower. Most antennas have their own integral mast so they can be fastened directly to a building or a tower.

and they provide the radio coverage the public and safety services need. With advancements in technology and given the growing demand for high-speed wireless access, communities in Canada are currently experiencing, or will soon experience, the deployment of new antenna systems.

Thanks to their local knowledge, LUAs are well qualified to explain to proponents the particular amenities, cultural or environmental sensitivities, planning priorities and other relevant characteristics of their area. The LUA may also be aware of potential Aboriginal or treaty rights or land claims that may be affected by a proposed installation. Working together, LUAs and proponents can find solutions which address reasonable and relevant concerns or point the way to alternative antenna system siting arrangements. Accordingly, Industry Canada encourages LUAs to develop local protocols to manage the process of identifying their own concerns, as well as those of the public they represent, regarding antenna system modifications or installations.

For the purposes of this document, Industry Canada will refer to any written local guideline, policy or process that addresses the issue of antenna placement as a "protocol". Cooperation between LUAs and proponents through clear and reasonable protocols can result in the development of new and enhanced wireless services in a community-friendly manner.

Industry Canada[2] is available to assist in the creation of local land-use protocols for antenna system installations.

2. Participation Process

There are a number of steps a proponent typically follows in choosing a site for an antenna system installation; unless specifically excluded under Industry Canada's process, one of these steps is consulting with the LUA. The community in an LUA's area expect it to provide local knowledge, experience and leadership. The LUA can also ensure that any questions, comments or concerns are appropriately addressed by the proponent.

The subsections that follow suggest various aspects of a consultation process that an LUA may want to take into consideration when developing antenna siting protocols. Protocols are an effective means for an LUA to use to convey its preferences, as well as those of the community it represents, to antenna system proponents.

2.1 Placement of Antenna System

Proponents must consider various antenna system placement options, including using existing structures such as building rooftops and water towers, to minimize the impact on the local community. Radiocommunication antennas need to be strategically located to satisfy specific technical criteria and operational requirements. Therefore, there is a limited measure of flexibility in the placement of antennas and proponents are constrained to some degree by:

2 Please refer to *Radiocommunication Information Circular RIC-66* for a list of addresses and telephone numbers for Industry Canada's regional and district offices. RIC-66 is available via the Internet at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/h_sf06073.html.

- the need to achieve the required radiocommunication coverage, often in response to public demand;
- the availability and physical limitations of nearby existing structures (towers, rooftops, water towers, etc.) to accommodate additional antennas; and
- the securing of lease agreements to permit access to an existing structure.

Consequently, the LUA's or the public's preferred location for siting an antenna installation may not always be feasible.

LUAs are encouraged to develop protocols that are clear and within their area of responsibility. Protocols can include promoting the placement of antennas in optimal locations from a land-use point of view, or excluding certain types of installations from protocol requirements. Through protocols, an LUA can highlight its local knowledge and expertise related to area sensitivities, including environmental or cultural concerns, and land-use compatibility. Protocols can recognize local amenities and planning priorities while expediting the planning and approvals necessary for the installation of radiocommunication and broadcasting antenna systems.

2.2 Use of Existing Infrastructure (Sharing)[3]

The installation of a new antenna structure may at times reveal sensitivity in the local community. Therefore, Industry Canada requires proponents to first consider using existing towers or infrastructure (such as rooftops, water towers, utility poles, etc.). This approach is intended to minimize the proliferation of antenna towers. However, it is important to note that technical constraints, such as the need to: achieve a certain amount of radiocommunication coverage; re-use frequencies; and address equipment isolation issues; etc., may prevent a proponent from using an existing structure.

2.3 Preliminary Consultation

LUAs may wish to include in their protocols a mechanism for preliminary consultation. This would allow the proponent, before making any site selection decisions, to inform the LUA of its plans. Also, this initial contact allows a proponent to determine whether an LUA has a protocol in place regarding antenna system installations preferences. Within its own process, Industry Canada considers written formal contact as marking the official commencement of its 120-day[4] consultation process between the LUA and the proponent.

With a protocol in place, this initial contact allows the LUA an excellent opportunity to:

- inform the proponent of established and documented local requirements and consultation procedures;

3 See also Client Procedures Circular CPC-2-0-17, *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*. CPC-2-0-17 is available via the Internet at: http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf09081.html.

4 The 120-day consultation period commences only once the proponent has formally submitted, in writing, all plans required by the LUA, and does not include preliminary discussions with the LUA.

- advise the proponent of historic and environmental land-use sensitivities including any related to potential Aboriginal or treaty right or land claim;[5]
- provide guidance and preferences to the proponent on the various preferred areas and sites to be considered;
- indicate its preferences; and
- provide information concerning any aesthetic or landscaping preferences.

2.4 Involving Local Public

Local public consultation offers a forum for members of the public located near the proposed installation to make comments, ask questions or raise concerns related to the proposed antenna system installation. This is an opportunity for the local public and the LUA to make the proponent aware of local considerations and, in so doing, influence the siting.

Industry Canada's own process recognizes two possible public consultation scenarios:

1. The LUA can set the format for public consultation in its protocol. This could identify situations that require public consultation and those that do not. It is important to note that, in all cases, telecommunications carriers, broadcasting undertakings and third party tower owners must notify and consult with the local public when proposing a new antenna tower.

2. If an LUA's protocol is silent on the issue of public consultation, or if there is no protocol, then the proponent will be required to follow Industry Canada's default public consultation process.

However an LUA is in an ideal position to develop a public consultation process because of its local experience and knowledge. For this reason, the Department encourages LUAs to include public consultation as part of their processes. The LUA, as the representative of the local community, can assist and guide proponents to conduct meaningful consultation by establishing reasonable and timely protocols which ensure local land-use concerns are appropriately addressed.

2.5 Responding to Consultation

Even in cases where the LUA does not have a local protocol, the LUA should take the opportunity built into Industry Canada's procedures to examine carefully the details of the proponent's proposal. During its examination of the proposal, an LUA may ask the proponent for additional information to determine whether there are any local land-use or public concerns. As part of the discussions, the LUA can engage the proponent by suggesting reasonable alternatives and/or mitigation measures that would address any questions, comments or concerns.

To maximize the benefit of this consultation process, both parties have to consider each other's requirements and constraints so they can work effectively together. In so doing, the parties can devise solutions that will minimize the impact of the proposed structure on the local surroundings, while at the same time taking into consideration each other's interests.

5 LUAs are encouraged to refer to online resources [for example, the Aboriginal and Treaty Rights Information System (ATRIS) (http://sidait-atris.aadnc-aandc.gc.ca/atris_online/home-accueil.aspx)] as applicable.

2.6 Concluding Consultation

Industry Canada advises that an LUA's protocol should include a mechanism for issuing a formal concurrence to mark the end of the consultation with the proponent. This may consist of a formal decision by a designated official or relevant committee or another formal means, such as a sentence or other reference in the town council minutes. If an LUA decides that a consultation ends with the issuance of a building permit, then the protocol should indicate this.

If the proponent has met the public consultation requirements, either through the LUA's or Industry Canada's default process, and neither the LUA nor the public formally communicates any concerns to the proponent about its proposal, Industry Canada will deem that the land-use authority and the public have no objections.

2.7 Impasse Negotiations, Dispute Resolution Process

When developing protocols, LUAs should consider the means by which disputes will be resolved, ensuring they are appropriate for the local community. By documenting this process, all stakeholders will understand their roles and responsibilities as well as the process for resolving disputes. Industry Canada generally favours having the proponent, the local public and the LUA work toward a solution which takes each other's interests into consideration. Where an LUA or a proponent feels it may be helpful to do so, it may engage Industry Canada in an effort to move the discussions forward. Under Industry Canada procedures, if either the LUA or proponent believes discussions have reached an impasse, either can formally request departmental intervention concerning a reasonable and relevant concern. It is anticipated this will occur rarely.

LUAs may wish to consider incorporating alternate dispute resolution options into their protocols. Many alternate dispute resolution processes are interest-based rather than regulatory in nature. Therefore, the parties are more likely to find a mutually beneficial resolution.

2.8 A Timely Process

To avoid unnecessary delays, Industry Canada's process indicates that LUAs are normally expected to conclude the consultation process within 120 days from the receipt of the formal consultation request. Accordingly, when developing protocols, LUAs should not exceed these timelines.

3. Local Protocol Guide Development[6]

3.1 Protocol Principles

The following set of considerations and suggested principles may serve as a guide to LUAs developing protocols that respectfully balance local land-use interests with the benefits that radiocommunication, including broadcasting, brings to a community. The protocol should, as appropriate, address the following:

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6 Municipalities may also wish to refer to the protocol template developed in partnership between the Federation of Canadian Municipalities (FCM) and the Canadian Wireless Telecommunications Association (CWTA). The FCM/CWTA template can be found on the FCM's website, www.fcm.ca.

- Information to proponents describing:
  - areas of historic or environmental importance to the community and the need to minimize the impact of the proposal on these areas; and
  - local preferences for antenna siting.
- Incentives to encourage aesthetically pleasing structures.
- Exclusions, which may build upon those established by Industry Canada (CPC-2-0-03, Section 6).
- Public consultation requirements that Industry Canada believes should be proportional to the proposal and its impact on the local surroundings. LUAs may wish to consider establishing a two-track process:
  - a streamlined concurrence process for less controversial proposals, such as new sites in industrial areas or on municipal properties, for emergency services or personal installations by members of the public (including for amateur radio operation and over-the-air and satellite TV reception), and
  - a process that includes broader public consultation for non-excluded structures likely to be of interest to the local community, such as the construction of new towers used by telecommunications carriers, broadcasting undertakings and third party tower owners.

The protocol should also establish a reasonable processing timeline that respects the timelines established in CPC-2-0-03 for proposals submitted to the LUA for concurrence.

3.2 General Protocol Template

The following elements are provided to aid LUAs in developing protocols dealing with antenna system installations:

Objectives

A short discussion on the overall objectives of the local protocol.

Jurisdiction

A discussion of the LUA's responsibilities and obligations in safeguarding legitimate concerns related to local land-use. Also, the role and responsibility of Industry Canada and the authority granted under the *Radiocommunication Act* to approve the location of radiocommunication facilities.

Consultation with the LUA

This may include:

- criteria for excluding additional antenna systems, other than those listed in the CPC-2-0-03, from LUA consultation;
- process for LUA notification;
- list of all documents and drawings that the proponent must submit;
- processing and administrative fees;
- the means by which the LUA will indicate concurrence; and
- process time frames that respect those established by CPC-2-0-03.

Excluded Antenna Structures

Industry Canada believes that not all antenna systems should be subject to a full land-use or public consultation process. Subjecting all proposals to the full consultation process would place an unnecessary and significant administrative burden on proponents, the LUA and the local public. Under Industry Canada's process, certain proposals are considered to have minimal impact on the local surroundings and so are excluded from public and land-use consultations. Industry Canada believes that consultation requirements should be proportional to the potential impact of the proposal. When establishing a local protocol, LUAs should consider the types of proposals that have minimal impact and so would warrant exemption from land-use and/or public consultation. It should be noted that any exclusion criteria established by the LUA can only augment, as appropriate, those established under Industry Canada's Exclusion List (CPC-2-0-03, Section 6).

Antenna Structures Not Excluded

LUAs may wish to consider the following when developing consultation protocols:

- the type of structure: new, temporary or existing antenna systems as well as non-tower structures;
- the intended use of the structure, whether personal, commercial or safety;
- the effect on significant natural or cultural features; and
- the landscaping, access control, fencing and road access.

Furthermore, LUAs can:

- encourage the placement of new towers in commercial, industrial/agricultural areas and utility or roadway easements;
- ask the proponent to suggest various options for consideration; and
- identify preferred criteria for antenna structure siting for new structures that exceed a specified height.

Public Consultation

Public consultation is an important part of the overall consultation process. Industry Canada believes that the local public should be consulted regarding non-excluded antenna proposals. Consultation allows the community to be involved and so ultimately influence the proposal's siting. Discussions can allow stakeholders to work towards a consensus. While LUAs are free to structure their public consultation process to meet their needs, Industry Canada's process consists of two distinct components:

- Public Notification - where the proponent informs the public of the proposed antenna system installation or modification, providing the information needed for a complete understanding of the proposal.
- Public Engagement - where the proponent engages the public and responds to all questions and comments, addressing all reasonable and relevant concerns. Public engagement may take various forms, from answering letters to hosting a public meeting or drop-in, depending on the community's level of interest.

Establishing Appropriate Time Frames

It is important that the protocol establish time frames for a consultation process, to ensure timely response to any questions or concerns and to avoid unnecessary delays to the proponent and the LUA. Industry Canada expects that any time frames established within an LUA's protocol will respect those established by CPC-2-0-03.

Under Industry Canada's procedures (CPC-2-0-03, Section 4.4), construction of an antenna system must be completed within three years of the conclusion of consultation. After three years, consultations will no longer be deemed valid except in the case where a proponent secures the agreement of the relevant land-use authority to an extension for a specified time period in writing. While Industry Canada does not

support a reduction of the three-year time limit, LUAs may wish to consider including in their protocols procedures related to extending the time limit for construction.

Criteria not Necessary to Address Through Local Protocols

As described in Industry Canada's procedures (CPC-2-0-03, Section 7), proponents have specific obligations already subject to federal requirements. Protocols should not impose additional obligations in these areas. However, an LUA may wish to ask questions or seek clarification from proponents concerning their proposed steps and the alternatives available to satisfy these and any other radio authorization requirements. Proponents must comply with:

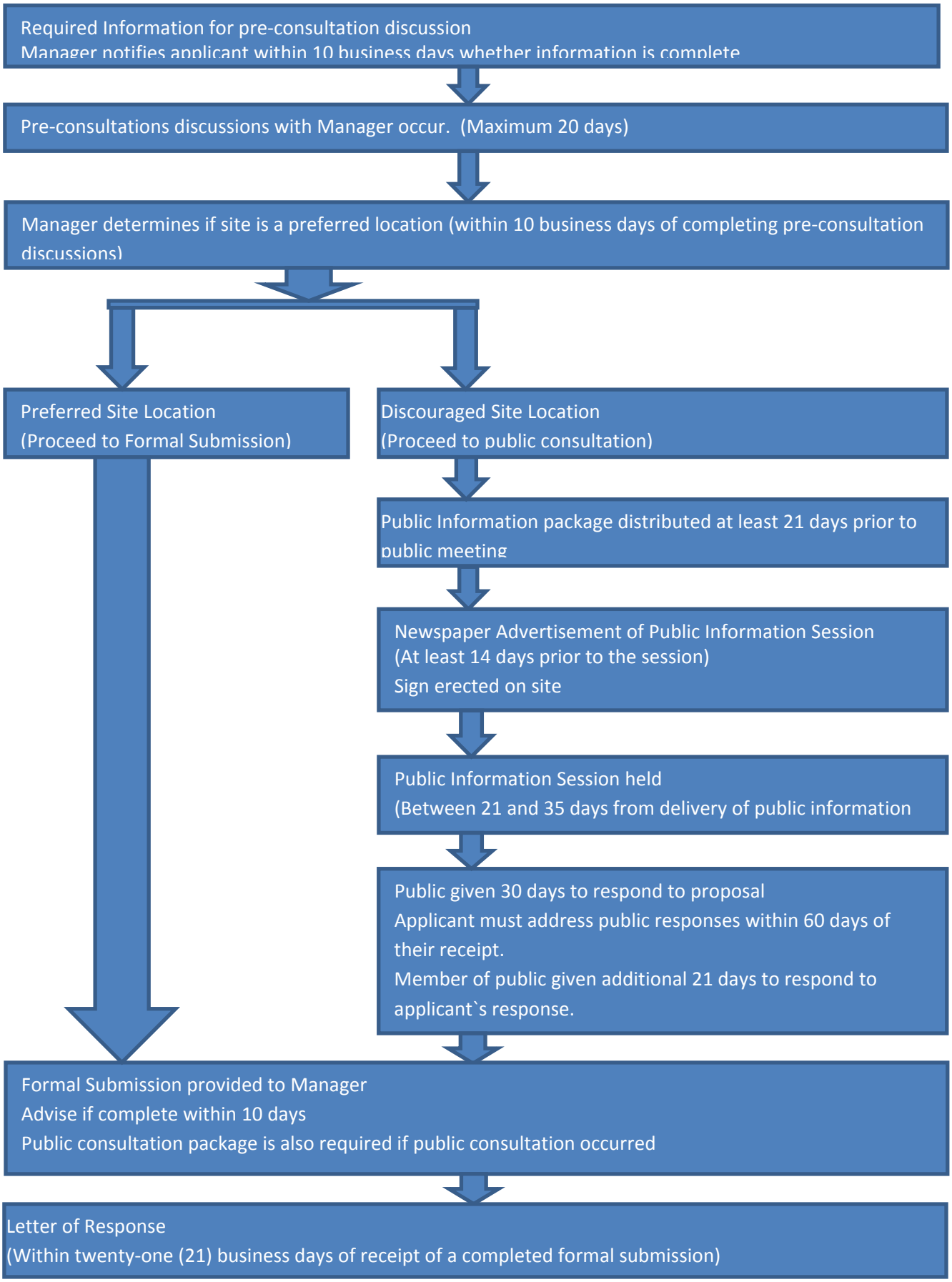
Health Canada's public radio frequency exposure guidelines - Safety Code 6 *(Limits of Human Exposure to Radiofrequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz - Safety Code (2009));*
Radio Frequency Interference and Immunity - *EMCAB-2 — Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters*;

- *Canadian Environmental Assessment Act,2012* – CEAA 2012
- Aeronautical Safety - Transport Canada and NAV CANADA requirements for aeronautical safety

4. Conclusion

Land-use authorities, with their local knowledge, experience and leadership ability, have an important role in the consultation process relating to the siting of antenna systems. Clear and reasonable protocols will enable effective participation and cooperation between the LUA and the proponent. Such protocols can be used to identify the interests of the community as well as guiding land-use principles. Moreover, protocols allow for the introduction of radiocommunication services, including broadcasting, in the local community in a timely manner. Protocols can assist proponents planning to install antenna systems, while at the same time giving due consideration to local land-use issues.

Attachment E: Proposed HRM Telecommunication Tower Application Workflow



July 7, 2015

Carl Purvis
Acting Supervisor, Community Planning
Halifax Regional Municipality
Planning and Development
PO Box 1749
Halifax Nova Scotia B3J 3A5

Dear Mr. Purvis,

RE: Developing a new cell phone tower protocol for Halifax Regional Municipality

As a follow-up to the Telecom Industry Engagement Event held June 25 in Halifax, CWTA is pleased to formally submit the comments below to be considered as HRM finalizes its municipal tower siting protocol. We appreciate the opportunity to participate in this important process.

About CWTA

The Canadian Wireless Telecommunications Association is the authority on wireless issues, developments and trends in Canada. It represents wireless service providers as well as companies that develop and produce products and services for the industry, including handset and equipment manufacturers, content and application creators and business-to-business service providers.

CWTA is keenly aware of the challenges involved in siting wireless infrastructure in a timely manner in order to address residents' increasing demand for wireless services and network coverage. As a result, we have worked with the Federation of Canadian Municipalities in an effort to find consistent, common sense siting guidelines that respect local land use preferences and respond to community concerns and customer demands.

As you are aware, in February 2013, FCM and CWTA jointly released an *Antenna System Siting Protocol Template*, which provides municipalities with a resource they can use to ensure there is notification and meaningful local consultation on the location and visual aesthetics of antenna systems before they are installed. CWTA and its members are always pleased to work with local land use authorities to find consistent, common sense siting guidelines that respect local land-use preferences and respond to community concerns.

HRM's proposed cell tower protocol

CWTA has fully reviewed all documents related to HRM's proposed protocol and we believe it provides a framework that will allow for meaningful consultation between wireless service providers siting towers and the residents and City staff. It is clear from the background material provided that HRM staff has a detailed understanding of the antenna siting process, including the need for more antenna sites to meet HRM residents' increasing demands for wireless services in a timely manner. CWTA supports the majority of the proposed components of HRM's proposed protocol, including:

- Recognizing the need for more antenna sites to meet mobile data demands;
- Identifying the significant role for municipalities in the antenna siting process;
- Recommending a staff-led application and review process;

- Identifying Industry Canada's jurisdiction over the telecommunications industry;
- Requiring an applicant-led consultation process;
- Advocating a streamlined process to conform to recommended federal timelines; and
- Providing an expedited process for antennas in preferred locations.

As discussed at the Industry Engagement Event, CWTA has a few recommendations for HRM, which we are pleased to share below.

1. **Clarify that the terms 'preferred' and 'discouraged' locations specifically refer to the need for public consultation:**

   As clarified by HRM staff at the Engagement Event, the use of the terms 'preferred' and 'discouraged' locations in HRM's protocol refer specifically to whether public consultation is required for a proposed tower – i.e. consultation is not necessary for towers in preferred locations, and is necessary for those in discouraged locations.

   CWTA is concerned that HRM residents may not understand that these terms refer specifically to the need for consultation. In instances where a preferred location cannot be used, residents may feel a tower is being sited in a location that is discouraged by HRM and will mistakenly believe the municipality will oppose the site from the outset.

   We believe that clarifying the meaning of these two terms to reflect their reference to consultation requirements will help avoid misunderstandings during future siting processes.

2. **Allow consultation requirements to be defined on a case-by-case basis:**

   As proposed, HRM's protocol would require a full public consultation for any proposed tower that does not meet all of the 'preferred location' requirements. CWTA recommends that the protocol should allow HRM staff the flexibility to prescribe consultation requirements that reflect the potential impact of a proposed cell tower.

   For instance, if there is only one residence in the consultation radius of a proposed cell tower and no other residences nearby, HRM may deem it reasonable for the proponent to consult exclusively with the occupants of that single residence, as opposed to initiating the full public consultation process. Similar allowances – such as written consultation processes – could be provided for towers that are sighted in very low-impact areas.

   To allow for this flexibility, CWTA proposes HRM adopt the wording in the *FCM/CWTA Antenna System Siting Protocol Template*, which states:

   > "The municipality may request the Proponent chair a public information session in cases where there is significant public interest in the proposed Antenna System. The type of public meeting to be conducted (open house, drop-in or town hall format) is up to the discretion of the Proponent."

3. **Consider an email-based process to replace the website requirement in the consultation:**

   HRM is proposing that applicants make available information related to their tower proposals on a website. CWTA members are concerned that this requirement unnecessarily makes available tower siting information to virtually anyone with an internet connection, rather than just those who stand to be impacted by the proposed tower.

   Online consultation components in other jurisdictions have resulted in irrelevant comments being received from well outside the municipality. We believe that the spirit of this requirement can easily be met by making available an email address through which interested parties can request information related to the proposed site.

However, if HRM does not support an email option, we are encouraged by HRM's assurance that any comments received from citizens living outside of HRM and with no connection to the proposed site would not classify as reasonable or relevant and would not need to be answered.

4. **Allow for additional discussion between HRM and the applicant before referring an application to Industry Canada:**

   As was discussed at the Engagement Event, the best solutions to antenna-siting issues are those that are developed collaboratively between the municipality and the applicant. We therefore recommend in cases where HRM staff intends to refer an application to Industry Canada for dispute resolution, that staff first reach out to the applicant to discuss alternative options.

Conclusion

Towers and antenna sites are critical to meeting the wireless demands of Canadian consumers and businesses, and will continue to be needed as demand grows. Custom tower siting protocols provide the best opportunity for municipalities to ensure consumers and businesses are served by world-class wireless networks, while respecting local sensitivities and preferences. CWTA is pleased that HRM's proposed tower protocol strikes the balance between the timely need for wireless infrastructure and the important role of the municipality and its residents in the siting process.

We appreciate the opportunity to provide our feedback throughout this process.

Yours truly,

Kurt Eby
Director, Regulatory Affairs and Government Relations