DRAFT

POLICY

TELECOMMUNICATION STRUCTURES

Policy Type:	Municipal Services	**Effective Date:**	
Department:	Planning and Development	**Approval Level:**	Council
Division:	Planning	**Policy #:**	
Section/Facility:	N/A	**Revision #:**	N/A

1.0 PURPOSE

1.1 The purpose of this policy is to ensure compliance with section 5 of the Radiocommunication Act, and to recognize that Industry Canada is the approval authority for all telecommunication structures.

1.2 This policy seeks to encourage productive consultation between proponents and the City with respect to the siting and design of telecommunication structures in a manner which considers the interests and concerns of the local land use authority and the public.

2.0 APPLICATION

2.1 This policy and its related procedure applies to all:

.1 City of Peterborough staff, elected officials, and committees that support or are involved in the facilitation of any process regarding telecommunication structures.

.2 Proponents as defined within this policy.

.3 Existing telecommunication structures within the City, when applicable.

.4 Lands for which the City is the land use authority.

2.2 This policy and its related procedure do not apply to:

.1 Public corporations or boards.

.2 Local businesses seeking to install an antenna or tower for local dispatch purposes.

.3 Broadcasters.

.4 Public utilities.

.5 Installations having national security considerations.

DRAFT
POLICY

TELECOMMUNICATION STRUCTURES

2.0 APPLICATION

2.3 The City, in its capacity as the local land use authority, only has the authority to state non-binding preferences for the siting, design, size, and other important features of telecommunication structures. The City is also able to provide a framework for public consultation, subject to any limitations imposed by Industry Canada.

2.4 This policy is implemented through the City's Telecommunication Structures Procedure, which identifies the City's preferences, requirements, and municipal and public consultation processes.

3.0 DEFINITIONS/ACRONYMS (As Required)

City - The Corporation of the City of Peterborough, its agencies, boards and commissions.

Install - The construction, erection, or modification of a telecommunication structure by a proponent.

Proponent - A “radiocommunication carrier” as defined in Radiocommunication Regulations SOR/96-484 made under the Radiocommunication Act.

Siting - The location, or the proposed location, of a telecommunication structure.

Telecommunication Structure - An antenna, tower, and/or equipment shelter installed, or proposed to be installed, by a proponent as part of a federally regulated telecommunication undertaking.

4.0 POLICY STATEMENT(S)

4.1 The City recognizes that Industry Canada is the decision-making body for all matters related to telecommunication structures. The City, as the local land use authority, has a responsibility to consult with Industry Canada, proponents, and the public to influence the siting, design, size, and other important features of telecommunication structures in a manner which addresses local land use and public concerns.

4.2 The City recognizes that implementing and maintaining appropriate health, safety, and environmental standards concerning telecommunication structures are federal responsibilities. The City will have regard for such standards during the consultation process with proponents.

DRAFT

POLICY

TELECOMMUNICATION STRUCTURES

4.0 POLICY STATEMENT(S)

4.3 The City recognizes the importance of siting telecommunication structures throughout the City in order to enhance safety and economic competitiveness, and to meet the increasing demand for wireless communication.

DRAFT

POLICY

TELECOMMUNICATION STRUCTURES

5.0 APPENDIX, RELATED POLICIES, PROCEDURES & LINKS

5.1 Pertinent Resources

Radiocommunication Act
http://laws.justice.gc.ca/en/showtdm/cs/R-2

Radiocommunication Regulations SOR/96-484
http://laws.justice.gc.ca/en/frame/cr/SOR-96-484///en

5.2 Related Policies

N/A

5.3 Related Procedures

Telecommunication Structures Procedure

5.4 Related Forms

N/A

5.5 Miscellaneous

N/A

6.0 AMENDMENTS/ REVIEWS

Next Review Date	

Date (yyyy-mm-dd)	Section(s) Amended	Comments

City of Peterborough
Procedure

TELECOMMUNICATION STRUCTURES

Procedure #
####-P01

Department: Planning and Development Services
Effective Date:

Division: Planning
Approval Level: Council

Section/Function: N/A
Revision #: N/A

***** DRAFT *****
*****PROCEDURE*****

1.0 PURPOSE

1.1. This procedure implements the City of Peterborough's Telecommunication Structures Policy. This purpose of this procedure is to provide a framework for productive consultation between proponents and the City for the siting and design of telecommunication structures in a manner that is meant to address local land use and public concerns.

2.0 APPLICATION

2.1. This procedure applies to all:

- City staff, elected officials, and committees that support or are involved in the facilitation of any process regarding telecommunication structures;
- Proponents, as defined within this procedure;
- Existing telecommunication structures within the City, when applicable; and
- Lands for which the City is the land use authority.

2.2. The City, in its capacity as the local land use authority, only has the authority to state preferences for the siting, design, size, and other important features of telecommunication structures. The City is also able to provide a framework for public consultation, subject to any limitations imposed by Industry Canada.

3.0 DEFINITIONS/ACRONYMS (As Required)

City – The Corporation of the City of Peterborough, its agencies, boards and commissions.

Co-location – An installation of a telecommunication structure used by two or more proponents, or the installation of multiple telecommunication structures on a support structure by two or more proponents.

CPC-2-0-03 – Industry Canada's Client Procedures Circular 2-0-03 (CPC-2-0-03) *Radiocommunication and Broadcasting Antenna Systems*, or any subsequent amendments.

City of Peterborough
Procedure

TELECOMMUNICATION STRUCTURES

CPC-2-0-17 – Industry Canada's Client Procedures Circular 2-0-17 (CPC-2-0-17) *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*, or any subsequent amendments.

Installation –The construction, erection, or modification of a telecommunication structure by a proponent.

Proponent – A company, organization or person that is subject to Industry Canada's CPC-2-0-03.

Proposal – A suggestion by a proponent to install a telecommunication structure.

Site – The location, or the proposed location, of a telecommunication structure.

Stealth-type – A telecommunication structure that is designed to be as visibly unobtrusive as possible to its surroundings.

Support Structure – A structure, including a building or water tower, upon which a telecommunication structure may be installed.

Telecommunication Structure – An antenna, tower, and/or equipment shelter installed, or proposed to be installed, by a proponent as part of a federally regulated telecommunicationundertaking.

4.0 PROCEDURE

This procedure comprises the following sections and appendices:

4.1 Exclusions

4.2 Site Selection

4.3 Design and Landscaping

4.4 Preliminary Notification

4.5 Submission Requirements

4.6 Proposal Review Process

4.7 Building Permit, General Review Commitment Certificate, and Letter of Substantial Completion

4.8 Fees

4.1 EXCLUSIONS

a.) General Information

Exclusions under Industry Canada's CPC-2-0-03 refer to proposals that are excluded from conducting a consultation process. Depending upon the nature of the proposal, proponents may be required to undertake both municipal notification and public consultation.

Exclusions are identified because, generally, they represent the least contentious alternative for installing a telecommunication structure.

Proposals that meet the exclusion criteria identified in Industry Canada's CPC-2-0-03 or this procedure may be excluded from the requirement of public consultation.

For telecommunication structures exempted from consultation by Industry Canada, proponents are requested to provide notification to the City of the installation within a reasonable period of time following such installation, for the City's records.

b.) Exclusions from Public and Municipal Consultation

In addition to Industry Canada's exclusions, set out in Appendix G, the following proposals are excluded from the requirement for public and municipal consultation:

(1) Proposals to co-locate on an existing telecommunication structure.

(2) Proposals to site a telecommunication structure on a support structure that is located on lands not zoned to permit residential use and sited on lands at least 120 metres outside of lands zoned to permit residential use or on lands where an elementary or secondary school is located.

(3) Proposals to construct an additional equipment shelter in conjunction with a co-location.

c.) Exclusions from the Requirement for Public Consultation Only

Proposals that are excluded from the requirement for public consultation only shall fulfill all other municipal notification requirements identified by this procedure.

The following proposals shall be excluded from the requirement for public consultation only:

(1) Proposals to install a telecommunication structure at a site that is located on lands at least 120m outside of land zoned to permit a residential use.

4.2 SITE SELECTION

The following installations will not be supported by the City:

- **Proposals for telecommunication structures that exceed a height of 15 metres located within lands zoned to permit a residential use.**

- **Proposals for new telecommunication structures that are designed to serve only a single provider located within areas zoned for non-residential purposes.**

a.) Principles for Site Selection

In determining an appropriate site for a telecommunication structure, the proponent shall adhere to the following principles:

(1) Sites should be selected to minimize the total number of telecommunication structures required. Locations on existing structures or buildings or co-locations on existing telecommunication structures are strongly encouraged. Opportunities to incorporate a telecommunication structure into the design of a new building or structure should be explored by the proponent. The construction of a new telecommunication structure is

discouraged, and should only be considered by the proponent when all other options to accommodate the telecommunication structure are not viable.

(2) Regardless of the zoning of the proposed site, new telecommunication structures are strongly discouraged within 120 metres of any land zoned to permit residential use or on lands where an elementary or secondary school is located, unless required for reasons of engineering or network objectives. If a new telecommunication structure is to be located within 120 metres of land zoned to permit residential use or a school, a detailed rationale for the necessity of this location must be provided in the Site Selection and Justification Report.

(3) Additionally, where the City owns lands within the proponent's search area that is suitable for the proposed telecommunication structure and meets the proponent's technical requirements, the City prefers to be the landlord of first choice, and the City agrees that any such sites will be according to the usual commercial terms, and will not be unduly delayed.

b.) Considerations for Site Selection

When selecting a site for a new telecommunication structure, subject to engineering and network objectives, proponents are required to consider:

- Minimizing the overall number of sites required within the City;

  Utilizing existing support structures located on lands not zoned to permit residential use and on lands at least 120 metres outside of lands zoned to permit residential use;
- Appropriate landscaping and screening;
- Maximizing distance from lands zoned to permit a residential use or on lands where an elementary or secondary school is located;
- Maximizing distance from environmentally sensitive land use areas;
- Maximizing distance from listed heritage buildings and sites;
- Avoiding sites that would obscure public views and vistas of important natural or cultural significance;
- Avoiding natural hazards;
- Ensuring compatibility with adjacent uses; and
- Access for maintenance purposes.

4.3 DESIGN AND LANDSCAPING

a.) General Design

Understanding that co-location increases visual obtrusiveness, and that the choice of structure type will affect the ability of the structure to be used for co-location in the future, proponents are required to apply design techniques that will mitigate the presence of a telecommunication structure in order to achieve a less obtrusive design. Any reasonable measure to blend the installation with its surroundings should be taken. Mitigated design techniques should be applied to the following features:

- Structure type (e.g. architectural style).
- Colour (e.g. neutral or blending colour unless specified by Transport Canada and Navigation Canada).
- Material (e.g. non-reflective surfaces).
- Landscaping (e.g. screening).
- Fencing (e.g. decorative).

Telecommunication structures shall generally comply with the zoning standards (setbacks and landscaping) for the zone in which they are located.

Proponents are encouraged to:

- Erect a telecommunication structure that is designed with co-location capacity, when installing a new telecommunication structure that is to be located greater than 120 metres, from land zoned to permit a residential use;

- Incorporate, where appropriate, stealth or camouflaging design techniques into a telecommunication structure. Where stealth design techniques are employed in the design of a new telecommunication structure, co-location capacity will not be required;

- Erect a telecommunication structure that is of an unobtrusive design, such as a monopole or stealth design, for installations within 120 metres of lands zoned to permit a residential use.

b.) Parking

One parking space will be provided at each new site with access from a public right-of-way at a location acceptable to the City. Where parking is provided for another use on the site and this parking is within 100 metres of the telecommunication structure, the parking space for the telecommunication structure is not required (parking spaces need not be exclusively devoted to telecommunications structure access). Any parking space(s) provided at a telecommunications structure must not be located within the public highway or road right-of-way. Driveway access is subject to a driveway access permit to ensure conformity with applicable driveway entrance by-laws, policies, and design standards. This policy may be waived when the facility is located on land owned by the City.

c.) Lighting

Lighting on a telecommunication structure is prohibited unless required by Transport Canada, Navigation Canada, or for the health and safety of the proponents' employees.

d.) Signage and Other Uses of a Telecommunication Structure

A telecommunication structure shall only accommodate structures specifically designed for telecommunication purposes. Only identification or information signs or other material directly related to the identification or safe operation of the equipment will be permitted on the telecommunication structure. A small up-to-date plaque must be established and maintained at the base of the structure, (or at the main entrance to the site where the site is not accessible under normal circumstances), identifying the owner/operator of the structure and a contact telephone number. No third party advertising, or advertising or promotion of the proponent or the proponent's services shall be permitted.

Notwithstanding the foregoing, where the signage is the telecommunication structure, it shall be permitted provided the sign complies with the City of Peterborough Sign By-law. The City agrees that any applications required under the Sign By-law in connection with such a telecommunications structure will be processed expeditiously, and that such application by the proponent relates solely to the proposed signage and does not constitute acquiescence by the proponent to provincial jurisdiction with respect to any part of the federal undertaking.

e.) Telecommunication Structures Sited Upon a Support Structure (e.g. Building or Water Tower)

A telecommunication structure sited upon a support structure, such as a building, shall be guided by the following criteria:

- Maximum projection beyond the exterior wall of the support structure to which the telecommunication structure is attached will generally not exceed 2.0 metres; and

- Equipment shelters are encouraged to maintain a minimum setback from the roof edge of 3 metres and a maximum height of 4 metres.

4.4 PRELIMINARY NOTIFICATION

Preliminary notification shall occur between the proponent and City staff.

The proponent shall provide notification to the City's Planning Division:

Telephone: 1-705-742-7777 ext. 1880
Fax: 1-705-742-5218

E-mail: planning@peterborough.ca

Preliminary notification is required for all non-excluded proposals.

The proponent should provide sufficient information and materials needed to effectively discuss the proposal.

4.5 SUBMISSION REQUIREMENTS

Submission requirements shall be provided following preliminary consultation with City staff.

All proposals are subject to submission requirements. For complete lists of submission requirements, see Appendices A, B, C, D, E, and F.

4.6 PROPOSAL REVIEW PROCESS

Upon receipt of all applicable submission requirements, the City will begin its review of the proposal, including circulation to local Ward Councillors and adjacent municipalities.

4.7 BUILDING PERMIT, GENERAL REVIEW COMMITMENT CERTIFICATE, AND LETTER OF SUBSTANTIAL COMPLETION

a.) Telecommunication Structures Sited Upon a Support Structure

Where a telecommunication structure is proposed on a structure previously subject to the Ontario Building Code, a "without prejudice" building permit shall be required. The permit application is to be limited to a material alteration to the support structure and the "without prejudice" building permit, shall be limited to determining the additional load on the pre-existing structure.
The proponent shall submit the following to the City's Chief Building Official:

- Any documentation or fees required as part of the "without prejudice" Building Permit process.
- A General Review Commitment Certificate, prepared by a structural engineer, for each telecommunication structure that requires material alteration to a support structure; and
- A Letter of Substantial Completion, prepared by a structural engineer. The Letter of Substantial Completion shall ensure, to the satisfaction of the City's Chief Building Official, that the structural integrity of the support structure will not be compromised.

b.) Telecommunication Structures Not Sited Upon a Support Structure

Notwithstanding section 8(1) of the Building Code Act, 1992, a building permit shall not be required for the erection or alteration of a federally regulated telecommunication structure or an

associated ancillary structure, such as an equipment shelter, that does not require material alteration to a support structure (e.g. building).

4.8 FEES

The City shall not incur any expense resulting from a proposal.

A fee equal to the City's site plan application base fee for non-residential shall apply, and such other fees and expenses as may be applicable.

If the proposal is subject to the requirement of public consultation, the proponent shall be responsible for all costs associated with the public consultation process as invoiced by the City, which includes public notice and any public information sessions.

The proponent shall pay the fee for a building permit if a building permit is required.

4.9 PUBLIC CONSULTATION

The public consultation process includes providing public notice and organizing a public information session. A complete public consultation process is required for proposals that require public consultation in accordance with this procedure.

a.) Public Notice

The proponent shall submit Public Notice Information Packages to the City, containing all information and materials identified in Appendix D.

Public Notice Information Packages shall:

- Be submitted to the City by the proponent in the number requested by the City, a minimum of 28 days prior to the public information session;
- Be addressed and mailed by the City in City envelopes;
- Include a covering letter prepared by the City;
- Be satisfactorily prepared for distribution when submitted to the City, requiring the City only to place the packages in an envelope; and
- Be mailed by the City Clerk's Office as pre-paid first-class mail at the expense of the proponent.

- Be mailed a minimum of 21 days prior to the date of the public information session.

Notice in a local newspaper is required for proposals for structures with a height of 30 metres or more. When notice in a local newspaper is required, the proponent shall, at their expense, prepare and advertise such notice in accordance with the requirements of Industry Canada's CPC-2-0-03.

On behalf of the proponent, the City shall mail Public Notice Information Packages to:

(1) All property owners located within 120 metres or three times the height of the telecommunication structure measured from the property line whichever is greater;

In accordance with the above, notice may be given to the condominium corporation instead of being given to all condominium owners.

(2) Industry Canada;

(3) The local Member of Parliament;

(4) The Ward Councillors;

(5) The Clerk of an adjacent municipality within the greater of 120 metres or three times the height of the telecommunication structure measured from the property line of the proposed site.

b.) Public Information Session

At the public information session, the proponent shall provide the materials and information identified in Appendix E.

The proponent, in consultation with City Staff and the Local Ward Councillor(s), shall schedule an appropriate date, time, and location for the public information session which may be an open house style session.

The proponent shall be responsible for organizing and chairing the public information session.

Following the public information session, the proponent shall submit a record to the City that contains the materials and information identified in Appendix F.

4.10 CONFIRMATION OF LOCAL LAND USE AUTHORITY CONSULTATION

Where public consultation is required, City staff will inform City Council when land use authority consultation has concluded. Staff will submit a report to Council indicating whether the proponent has complied with the City's Telecommunication Structures Policy and Procedure and request from Council direction concerning whether Industry Canada should be provided with a letter of concurrence or non-concurrence.

The City's response to the proponent and Industry Canada will take into consideration all responses from the municipal consultation process and, when applicable, the public consultation process. The City will forward comments raised during the public consultation process to Industry Canada.

Where public consultation is not required, the Director of Planning and Development Services, or his or her designate, on behalf of the City will provide the Proponent and Industry Canada with a letter stating whether the local land use consultation process has been completed in accordance with the City's Telecommunication Structures Policy and Procedure and will provide a copy of this letter to all interested parties.

4.11 APPLICATION PROCESS TIME LINE

a.)The City will endeavour to expedite the local land-use authority consultation within 60 days.

b) For proposals that require public consultation, a time period of up to 120 days may be required.

c) In the event of unavoidable delays preventing the completion of the application process within the 120 days period, the City shall identify such delays to the proponent and indicate when the completion is expected to occur.

5.0 APPENDICES, RELATED DOCUMENTS & LINKS

5.1. **Pertinent Resources:**

Industry Canada's CPC-2-0-03 - Radiocommunication and Broadcasting Antenna Systems Circular

Industry Canada's CPC-2-0-17 – Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements

Radiocommunication Act
http://laws.justice.gc.ca/en/showtdm/cs/R-2

Radiocommunication Regulations SOR/96-484
http://laws.justice.gc.ca/en/frame/cr/SOR-96-484///en

5.2. **Related Policies:**

Telecommunication Structures Policy

5.3. **Related Procedures:**

N/A

5.4. **Related Forms:**

Appendix A: Submission requirements for telecommunication structures that are excluded from municipal consultation and the requirement for public consultation

Appendix B: Submission requirements for telecommunication structures that are excluded from the requirement for public consultation only

Appendix C: Submission requirements for telecommunication structures that require municipal consultation and the requirement for public consultation

Appendix D: Submission requirements for public notice

Appendix E: Materials to be provided for a public information session

Appendix F: Submission requirements following a public information session

Appendix G: Industry Canada Exclusions

5.5. **Miscellaneous:**

N/A

6.0 AMENDMENTS

		Next Review Date:	TBD
Date (yyyy-mm-dd)	**Section # Amended**	**Comments**	
2011-02-23	4.9	Clarification on when newspaper notice is required and at whose expense	
2011-02-23	Appendix F	Extension of the commenting period for the proponent, permitting comments after the public information session.	

City of Peterborough
Procedure

TELECOMMUNICATION STRUCTURES

Appendix A: Municipal Notification requirements for telecommunication structures that meet Industry Canada's or the City's exclusions

If a proposal meets the exclusions identified in the City of Peterborough's Telecommunication Structures Procedure, the City requests that the proponent submit the following to the City within a reasonable period of time following the installation of the structure:

- ☐ A letter demonstrating compliance with exclusion criteria identified in Industry Canada's CPC-2-0-03 or in this procedure.
- ☐ Supporting drawings.
- ☐ Maps.
- ☐ Site plan, if required.
- ☐ General Review Commitment Certificate, if required.
- ☐ Letter of Substantial Completion, if required.

City of Peterborough
Procedure

TELECOMMUNICATION STRUCTURES

Appendix B: Municipal Notification requirements for telecommunication structures that do not meet Industry Canada's or the City's exclusions

For proposals that do not meet the exclusions identified in the City of Peterborough's Telecommunication Structures Procedure, the proponent shall submit to the City, concurrently with submission requirements in Appendix C and D when applicable, a complete package containing the following:

- ☐ A hard copy and a digital version of a Site Selection and Justification Report prepared by a professional engineer or land use planner. In recognition of the sensitive nature of information contained in the Site Selection and Justification Report, City staff will, subject to the requirements of this procedure, the Municipal Freedom of Information and Protection of Privacy Act, and other applicable law, maintain confidentiality of information where reasonably requested by the proponent. The report shall include:
  - ☐ A location map and inventory of co-location site options that have been considered;
  - ☐ The rationale for the selection of the preferred option, including a description of why co-location options have not been arranged as directed by Industry Canada's CPC-2-0-03 and CPC-2-0-17, for those sites which require co-location under this protocol;
  - ☐ Confirmation of the need for a new telecommunication structure at the proposed location within this context; and
  - ☐ A description of the design elements proposed in order to minimize the visual impact of the telecommunication structure, considering the City's preferences identified in this procedure.
- ☐ A signed agreement stating that the proponent will allow co-location, subject to standard industry financial compensation arrangements to the owner of the telecommunication structure and provided all safety, structural, and technological requirements are met.
- ☐ One full-size hard copy and a digital version of a site plan drawn to a metric scale showing site grading, location of existing property lines or leased area, existing or proposed buildings, fences, lighting fixtures, parking facilities, existing and proposed landscaping, access, type, height of the proposed telecommunication structure, and any other item as reasonably requested by the City.
- ☐ One full-size hard copy and a digital version of scaled elevation drawings.
- ☐ Agreement to submit a General Review Commitment Certificate prior to construction, limited to matters within the city's jurisdiction, if required.

- ☐ Agreement to submit a Letter of Substantial Completion following construction, if required.
- ☐ Agreement to submit a Building Permit prior to construction, limited to matters within the city's jurisdiction, if required.
- ☐ A location map showing the horizontal distance between the proposed telecommunication structure and the nearest residential zone.
- ☐ Agreement to submit proof of compliance with Transport Canada and NAV CANADA regulations prior to construction.
- ☐ An agreement, acceptable to the City, regarding the removal of the telecommunication structure in the event that the structure is no longer being used for a telecommunication purpose.A Property Identification Number (PIN) printout.
- ☐ A location survey identifying the leased area, if any.
- ☐ Colour photographs with the telecommunication structure superimposed.
- ☐ An Environmental Impact Statement, if required by Industry Canada.
- ☐ Agreement to submit confirmation of utility locates for ground-mounted structures prior to construction .
- ☐ Fees.
- ☐ Agreement to provide notice in a local newspaper for proposed structures with a height of 30 metres or more. When notice in a local newspaper is required, the proponent shall, at their expense, prepare and advertise such notice in accordance with the requirements of Industry Canada's CPC-2-0-03. The timing of the notice must be synchronized with the distribution of the Public Notice Information Packages.

City of Peterborough
Procedure

TELECOMMUNICATION STRUCTURES

Appendix C: Submission requirements for telecommunication structures that require public consultation

For proposals that require public consultation, proponents shall concurrently submit the following to the City:

- ☐ Public Notice Information Packages, containing the materials and information identified in Appendix D.
- ☐ Submission requirements as identified in Appendix B of this Procedure.

City of Peterborough
Procedure

TELECOMMUNICATION STRUCTURES

Appendix D: Submission requirements for public notice

Proponents are required to submit Public Notice Information Packages to the City that comprise the following materials and information:

- ☐ Date, time, location, and agenda for the public information session.
- ☐ The purpose of the proposed telecommunication structure, the reasons why an existing telecommunication structure or other infrastructure cannot be used, a list of other telecommunication structures that were considered unsuitable and future co-location possibilities for the proposed telecommunication structure.
- ☐ The proposed site within the community, the geographic co-ordinates, and the specific property or support structure (e.g. rooftop).
- ☐ A site plan printed on standard letter-size paper.
- ☐ Identification of areas accessible to the public and the access/demarcation measures to control public access.
- ☐ A description of the proposed telecommunication structure including its height and dimensions, type, design, and colour.
- ☐ Superimposed images of the proposed telecommunication structure at the site.
- ☐ Transport Canada's and Navigation Canada's aeronautical obstruction marking requirements if applicable; if not available, the proponent's expectation of Transport Canada's and Navigation Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available.
- ☐ The project's status under the Canadian Environmental Assessment Act.
- ☐ Written confirmation that the installation shall conform with accepted engineering practices including structural adequacy.
- ☐ Written confirmation containing details of compliance with Health Canada's Safety Code 6.
- ☐ The name and telephone number of a contact person for the proponent, Industry Canada, and Health Canada.
- ☐ Reference to compliance with this procedure.
- ☐ Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (http://strategis.ic.gc.ca/antenna).

☐ Closing date for submission of written public comments (not less than 20 days from the date of the public information session).

City of Peterborough
Procedure

TELECOMMUNICATION STRUCTURES

Appendix E: Materials to be provided at a public information session

The City will advise the proponent of the number of copies of the following materials to be made available for each public information session:

- ☐ An appropriate visual display, including at a minimum, a display-size (61cm x 92cm) colour photograph of the proposed site/subject property with a superimposed image of the proposed telecommunication structure.
- ☐ Public Notice Information Packages, as outlined in Appendix D, containing all materials included in the public notice mailing.
- ☐ Copies of all materials listed under the applicable Appendix B of this procedure. Confidential information contained in the Site Selection and Justification Report may be removed.
- ☐ A hard copy of Health Canada's Safety Code 6 and other related Health Canada public information materials that discuss Safety Code 6 as it pertains to Telecommunication Structures.

City of Peterborough
Procedure

TELECOMMUNICATION STRUCTURES

Appendix F: Submission requirements following a public information session

Following each public information session, the proponent shall provide the City with a record that contains the following:

- ☐ Complete list of attendees, including names, and addresses.
- ☐ Minutes indicating the topics discussed, concerns, issues raised, resolutions and any outstanding issues, except where the public information session is an open house, in which case minutes shall not be required.
- ☐ Copies of letters or other communications received from the public.
- ☐ A follow-up letter of response provided to the City within 40 days of the information session outlining:
  - ☐ How the concerns and issues raised at the information session and in any letters received prior to, at, or up to 20 days following the information session will be addressed; or
  - ☐ Clearly setting out the reasons why such concerns cannot be addressed.

City of Peterborough
Procedure

TELECOMMUNICATION STRUCTURES

Appendix G: Industry Canada Exclusions (Excerpt from CPC-2-0-03 - Exclusions, p. 9)

Exclusions

For the following types of installations, proponents are excluded from the requirement to consult with the LUA and the public, but must still fulfill the General Requirements outlined in Section 7:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;

- addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;

- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;

- installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and

- new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the LUA and the public even though the proposal meets an exclusion noted above. 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 marking and lighting requirements for the proposed structure.

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

City of Peterborough

TO:	**Members of the Planning Committee**
FROM:	**Malcolm Hunt, Director of Planning and Development Services**
MEETING DATE:	**February 19, 2008**
SUBJECT:	**Report PLPD08-015** **Information Report on Telecommunication Installations**

PURPOSE

A report to provide information regarding the installation of telecommunication facilities.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD08-015 dated February 19, 2008, of the Director of Planning and Development as follows:

a) That Report PLPD08-015 pertaining to the installation of telecommunication facilities be received for information; and

b) The Planning Staff continue to liaise with Industry Canada on a location protocol for municipal consultation pertaining to the siting of antenna systems in the City of Peterborough.

BUDGET AND FINANCIAL IMPLICATIONS

There are no budget or financial implications arising out of the approval of these recommendations.

BACKGROUND

Over the past several months concern has been raised regarding plans by Telus to install a telecommunication tower at 868 Valleyview Drive. At the January 14, 2008 Committee of the Whole meeting, the Committee requested that an information report be brought forward regarding the installation of telecommunication facilities.

In association with the submission of Report PLPD08-015 to Planning Committee on February 19, 2008, representatives from Telus will be present to provide Planning Committee with more detailed information with respect to the telecommunication industry.

The telecommunication industry is federally regulated and the City's Zoning By-law, the Provincial Planning Act and the Ontario Building Code do not apply to proposed telecommunication towers. The City does not issue building permits for telecommunication towers, nor are they inspected during their construction. Approvals for telecommunication facilities lies totally with Industry Canada.

Notwithstanding the fact that approval of telecommunication facilities is a federal responsibility, Industry Canada has adopted new procedures for the installation of these facilities, which calls for public consultation with the local municipality. Industry Canada's Client Procedures Circular concerning Radiocommunication and Broadcasting Antenna Systems (CPC – 2 – 0 – 03 Issue No. 4) was released in June 2007 and became effective January 1, 2008. The revised procedure clearly calls for consultation with the City and the public, however, approval of these facilities is still federally regulated and final approval still rests with Industry Canada. The new Industry Canada procedures are attached to Report PLPD08-015 as Appendix 1.

Although CPC – 2 – 0 – 03 Issue No. 4 became effective January 1, 2008, any applications for new facilities which were initiated prior to January 1, 2008 are subject to the procedure outlined in Issue No. 3. This prior procedure still calls for consultation with the local municipality but does not outline a specific procedure for this consultation.

Current Applications

Prior to the Client Procedures Circular 2-0-03 Issue No. 4 becoming effective, Radiocommunication and Broadcasting Antenna Systems issued by Industry Canada, there were preliminary discussions between City officials and Telus regarding a proposed facility at 16 Lansdowne Street West. In February 2007, the City recommended that Telus conduct a process similar to a process for a rezoning. For example, it was recommended that Telus provide the City with a Site Plan for 16 Lansdowne Street West so that nearby residents would know where the proposed

facility would be located within that property. It was also recommended that Telus circulate a mailing to area property owners advising of the installation. Prior to July 2007, Telus changed its plans and is now proposing facilities at three locations rather than one at 16 Lansdowne Street West.

Telus presently has three applications before Industry Canada for new installations in the City of Peterborough:

- 42 Lansdowne Street West – 36 m high flagpole with 14.3 sq.m. (150 sq.ft.) shelter at the base
- 1951 Lansdowne Street West – 36 m monopole with 14.3 sq.m. (150 sq.ft.) shelter at the base
- 868 Valleyview Drive – 42 m high flagpole with 14.3 sq m. (150 sq.ft.) shelter at the base

Notices of the proposed installations were mailed by Telus to property owners within 120 metres of each location in November 2007. While the two Lansdowne Street proposals have not generated any public reaction that staff are aware of, the proposed installation at 868 Valleyview Drive has generated considerable public reaction due to the fact that the location is surrounded by existing and future residential development. Several submissions have been received by staff from area residents regarding this application.

Staff have been in discussion with Telus and Industry Canada regarding the three proposed installations. Industry Canada is prepared to approve the Lansdowne Street sites, however, discussions are continuing regarding the Valleyview Drive site in an attempt to resolve area residents concerns.

While Industry Canada requires proponents of applications made after January 1, 2008 to have meaningful consultation with the City regarding proposed installations under CPC – 2 –0 – 03 Issue No. 4, the three current Telus applications were initiated in 2007 and are not subject to this same consultation process. Notwithstanding the fact that Telus is not bound by any formal consultation process, staff have met with Telus and have been advised that Telus will meet with property owners in the Valleyview area in an attempt to alleviate the concerns expressed. The final decision related to these proposed telecommunication installations is made by Industry Canada.

SUMMARY

Industry Canada has attempted to promote more public consultation in the siting of telecommunication facilities with their new Procedures Circular. Proponents must now engage in meaningful consultation with the local municipality and public, however, the

three current Telus applications are governed by a previous procedure which does not require a specific consultation process to be followed. Staff acknowledge the improvements to the Federal process, however, we remain concerned that the process places the municipality in an impossible position. The new process expects municipal involvement but denies the municipality any authority in the ultimate decision regarding new installations made by Industry Canada. It is recommended that staff continue to work with Industry Canada on a local protocol for municipal involvement, if any, and report back to Planning Committee.

Submitted by,

_____
Malcolm Hunt, Director,
Planning & Development Services

Prepared by:

_____
Ken Hetherington,
Manager, Planning Division

CONTACT NAME:
Ken Hetherington
Manager, Planning Division
Planning & Development Services
Phone – 705-742-7777 Ext. 1781
Fax – 705-742-5218

ATTACHMENTS:
Appendix 1 – Client Procedure Circular – 2 – 0 – 03 Issue No. 4: Radiocommunication and Broadcasting Antenna Systems
Exhibit A – Visual Representation of Proposed Towers

Industry Canada Industrie Canada

CPC-2-0-03
Issue 4
Released: June 2007
Effective: January 1, 2008

Spectrum Management and Telecommunications

Client Procedures Circular

Radiocommunication and Broadcasting Antenna Systems

(Formerly CPC-2-0-03 - Environmental Process, Radiofrequency Fields and Land-Use Consultation)

Aussi disponible en français - CPC-2-0-03

Canada

Comments and suggestions may be directed to the following address:

Industry Canada
Radiocommunications and
Broadcasting Regulatory Branch
300 Slater Street
Ottawa, Ontario
K1A 0C8

Attention: DOSP

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

All Spectrum Management and Telecommunications publications are available on the following website at: http://strategis.gc.ca/spectrum.

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. 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 regardless of the type of installation or service. This includes, amongst others, Personal Communications Services (PCS) and cellular, fixed wireless, broadcasting, land-mobile, licence-exempt and amateur radio operators. As well, parts of this process contain obligations that apply to existing antenna system 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:

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.

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.

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[1] 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)

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

Proponents are not normally expected to build new antenna-supporting structures where it is feasible to locate their antenna on an existing structure, unless a new structure is preferred by land-use authorities.

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.

[1] Please refer to Radiocommunication Information Circular 66 (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://strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01742e.html.

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 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. Proponents are expected to establish initial formal contact with the land-use authority in writing in order to mark the official commencement of the ***120-day*** consultation process.

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, 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 proposal from consultation or it is excluded by Industry Canada's criteria. 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 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 option 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. See 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 with the aim of:

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

Land-use authorities are encouraged to establish reasonable, relevant, and predictable consultation processes[2] specific to antenna systems that consider such things as:

- 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 public consultation those installations located within industrial areas removed from residential areas, low visual impact installations, or certain types of structures located within residential areas.

[2] 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.

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. Proponents are not required to follow Industry Canada's Default Public Consultation Process if the land-use authority's established process explicitly excludes their type of proposal from public consultation or it is excluded by Industry Canada's criteria (see Section 6). 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 2) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc. 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. 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.

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 antenna-supporting structures that are proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.[3]

[3] 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 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.

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 the 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.

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

For the following types of installations, proponents are excluded from the requirement to consult with the LUA and the public, but must still fulfill the General Requirements outlined in Section 7:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the LUA and the public even though the proposal meets an exclusion noted above. 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 marking and lighting requirements for the proposed structure.

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

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 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.*[4] 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.

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. Proponents and operators of existing antenna systems must retain copies of all information related to Safety Code 6 compliance such as analyses and measurements.

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[5] in order to minimize the malfunctioning of electronic equipment in the local surroundings. Broadcasting proponents and existing undertakings should refer to Broadcasting

---

[4] Safety Code 6 can be found on Health Canada's website at: http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/99ehd-dhm237/index_e.html.

[5] For more information see EMCAB-2, entitled: *Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters* available on Industry Canada's Spectrum Management and Telecommunications website at: www.strategis.ic.gc.ca/epic/internet/insmt-gst.nsf/en/sf01005e.html.

Procedures and Rules - Part 1, *General Rules* (BPR-1) for additional information and requirements[6] 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 CEAA and local environmental assessment requirements where required by the CEAA.

Proponents will ensure that the environmental assessment process is applied as early as is practical in the planning stages. This will enable proponents and other stakeholders to consider environmental factors in any decisions that may be made. As part of their environmental assessment, proponents are to give due consideration to potential environmental impacts including cumulative effects.

Proponents are advised to view the current CEAA exclusion list[7] to see if their proposed installation meets the requirements to be excluded from assessment under the CEAA.

---

[6] 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.

[7] The CEAA exclusion list can be found at http://laws.justice.gc.ca/en/C-15.2/SOR-94-639/index.html.

If not excluded, the proponent must first notify the local Industry Canada office which will direct the proponent on how to proceed with an environmental assessment. At this point, the proponent must not proceed with any construction related to the proposal.

Where the proposal requires assessment under the CEAA, the proponent must either:

- abandon the proposal; or
- participate in the environmental assessment process as established under the CEAA.

Should the environmental assessment identify that there is the potential for an adverse environmental effect, the proponent will be required to describe the effect and propose mitigation measures. Through an environmental assessment, careful consideration may be given to potential adverse environmental effects during the planning stages. This makes it possible to introduce measures which permit the project to proceed while protecting the environment.

Should any significant adverse environmental effect become apparent at any time during the installation, all construction must be stopped, regardless of whether the installation was excluded from environmental assessment.

For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide written confirmation of the project's status under the *Canadian Environmental Assessment Act*.

In those situations where an environmental assessment is required, Industry Canada will post a notification of the commencement of the assessment on the Canadian Environmental Assessment Registry website.[8] This will help to ensure that all interested parties, including the general public, are aware of an assessment from the outset. The notification will include the name, location and a summary description of the project, and identify the project proponent(s) and federal department(s) directly involved in the assessment. Other pertinent documents will be placed on the Internet site as the assessment proceeds, including all public notices, decisions and information about follow-up programs. Should mitigation measures be identified further to the assessment, Industry Canada will ensure that the project does not proceed unless these measures are adequately addressed.

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

[8] The Canadian Environmental Assessment Registry website can be found at: http://www.ceaa-acee.gc.ca/050/index_e.cfm.

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.[9] 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).

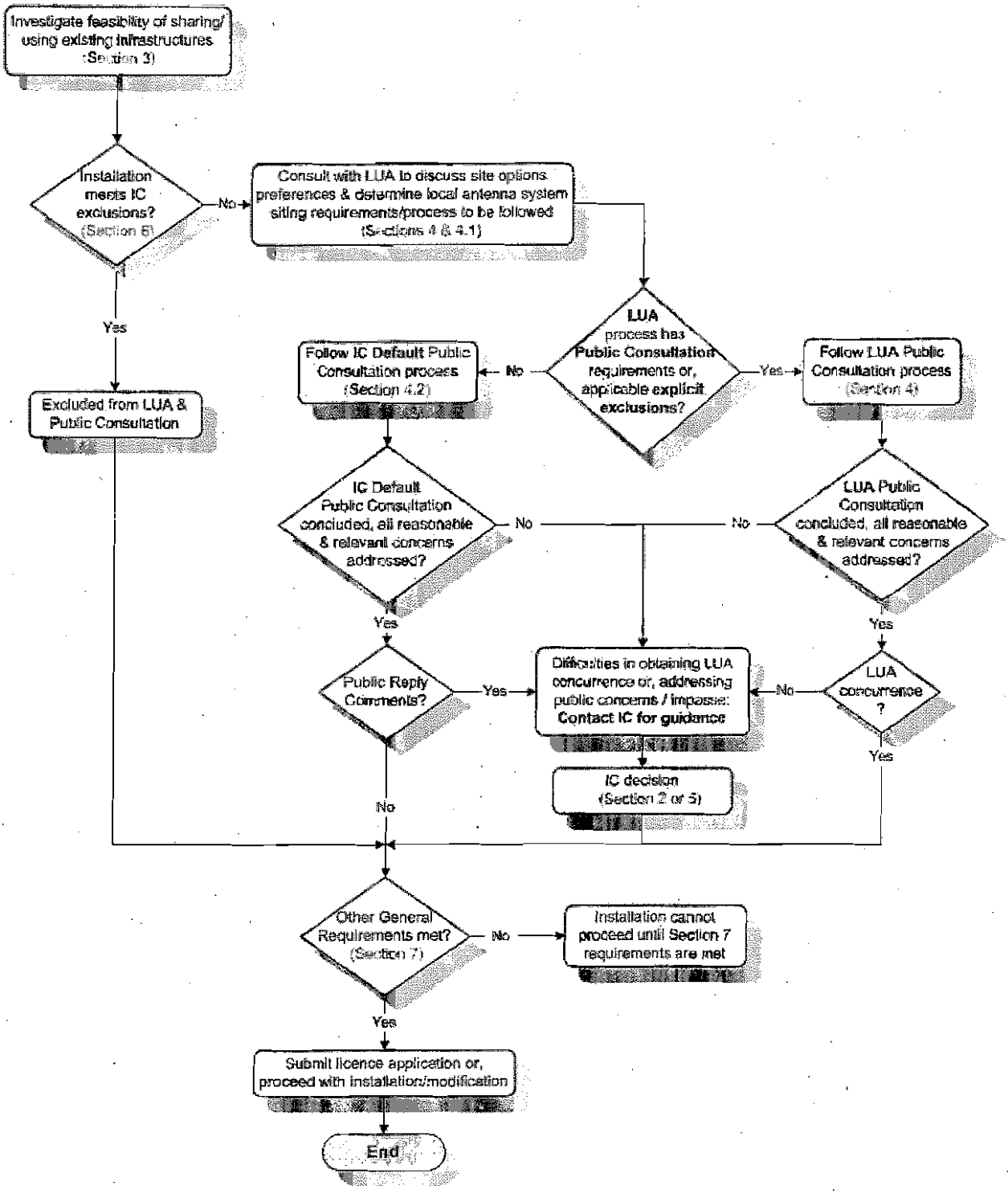
Land-use Proposal Submission forms are available from NAV CANADA[10] and completed forms are to be sent to the appropriate NAV CANADA General Manager Airport Operations (GMAO) office, East or West.

---

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

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

Appendix 1 - Consultation Flow Chart



Appendix 2 - Industry Canada's Default Public Consultation Process - Public Notification Package (See Section 4.2)

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. 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 co-ordinates and the specific property or rooftop;

(3) an attestation[1] 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) the project's status under the *Canadian Environmental Assessment Act*[2];

(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.;

---

[1] 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.

[2] Example: I, (*name of individual or representative of company*) attest that the radio antenna system described in this notification package is excluded from environmental assessment under the *Canadian Environmental Assessment Act*.

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

(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).

Exhibit 'D' to Report PLPD11-016

Information Links provided by Health Canada

The following URLs provide a comprehensive analysis of the recent scientific literature:

1. Report on "Exposure to high frequency electromagnetic fields, biological effects and health consequences (100 kHz - 300 GHz)" by the International Commission on Non-Ionizing Radiation Protection, 2009.

www.icnirp.de/documents/RFReview.pdf

2. Report on "Health Effects of Exposure to EMF" by the European Commission's Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR), 2009.
http://ec.europa.eu/health/ph_risk/committees/04_scenihr/docs/scenihr_o_022.pdf

3. "Recent Research on EMF and Health Risks Seventh annual report from SSM:s Independent Expert Group on Electromagnetic Fields 2010" by the Swedish
Radiation Safety Authority, SSM.
www.stralsakerhetsmyndigheten.se/Global/Publikationer/Rapport/Stralskydd/2010/SSM-Rapport-2010-44.pdf

In response to public concerns, Health Canada has posted communication materials on wireless devices on its websites.

Cell Phone Towers
www.hc-sc.gc.ca/ewh-semt/radiation/cons/stations/index-eng.php

Safety of Cell Phones and Cell Phone Towers
www.hc-sc.gc.ca/hl-vs/iyh-vsv/prod/cell-eng.php

Health Canada - Video and text transcript on Wi-Fi
www.hc-sc.gc.ca/ewh-semt/radiation/cons/wifi/index-eng.php

Health Canada - Frequently Asked Questions about Wi-Fi
www.hc-sc.gc.ca/ewh-semt/radiation/cons/wifi/faq-eng.php

Health Canada - It's Your Health: Safety of Wi-Fi Equipment
www.hc-sc.gc.ca/hl-vs/iyh-vsv/prod/wifi-eng.php

Health Canada Statement on Radiofrequency Energy and Wi-Fi Equipment
www.hc-sc.gc.ca/ahc-asc/media/ftr-ati/_2010/2010_142-eng.php

Fact sheet on wireless device safety
www.hc-sc.gc.ca/ewh-semt/pubs/radiation/wireless_safe-securit_sansfil-eng.php