

# **City of Greater Sudbury Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol**

**Date of Enactment: June 28, 2016**

**Date of Last Update: March 26, 2019**

## 1.0 OBJECTIVES

The objectives of this protocol are as follows:

- 1) To establish a siting and consultation process for the City of Greater Sudbury that is in keeping with Innovation, Science and Economic Development Canada's (ISED) *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use planning issues associated with **Antenna System** siting proposals;
- 2) To establish an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of **Antenna System** siting proposals that:
  - a) Minimize the number of new antenna sites by encouraging **Co-Location**;
  - b) Encourage designs that integrate with surrounding land uses and the public realm;
  - c) Establish when local public consultation is required; and,
  - d) Allow ISED and the communications industry to identify and resolve any potential land use, siting or design concerns with the City of Greater Sudbury at an early stage in the process.
- 3) To provide an expeditious review process for **Antenna System** siting proposals;
- 4) To establish a local land use consultation framework that ensures the municipality and members of the public contribute local knowledge that facilitates and influences the siting-location, development and design (including aesthetics) of **Antenna Systems** within the City of Greater Sudbury;
- 5) To contribute to the orderly development and efficient operation of a reliable and strong radiocommunication network in the City of Greater Sudbury; and,
- 6) To provide the City of Greater Sudbury with the information required to satisfy the requirements of ISED regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the City of Greater Sudbury to ISED at the end of the process.

## 2.0 JURISDICTION AND ROLES

### 2.1 Innovation, Science and Economic Development Canada

Under the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and licence the location of **Antenna Systems** is made only by ISED. In June 2007, ISED issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* which outlines the process that must be followed by

**Proponents** seeking to install or modify **Antenna Systems**, effective January 1, 2008. ISEDC also requires that **Proponents** intending to install or modify an **Antenna System** notify and consult with the appropriate land use authority, and the local community within a **Prescribed Distance** from the proposed structure. ISEDC also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008, stating that it, "... considers that the Municipality's and local residents' questions, comments and concerns are important elements to be considered by a proponent seeking to install, or make modifications to, an antenna system." The CPC also establishes a dispute resolution process to be used where the **Proponent** and municipality have reached an impasse.

## 2.2 City of Greater Sudbury

The role of the City of Greater Sudbury is to issue a statement of concurrence or non-concurrence to the **Proponent** and to ISEDC. The statement considers the land use compatibility of the **Antenna System**, the responses of the affected residents and the **Proponent's** adherence to this protocol. The City of Greater Sudbury also guides and facilitates the siting process by:

- a) Communicating to **Proponents** the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;
- b) Developing the design guidelines for **Antenna Systems** contained in Section 6 of this protocol; and,
- c) Establishing a community consultation process, where warranted.

## 2.3 Proponent

**Proponents** need to strategically locate **Antenna Systems** to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, **Proponents** must adhere to the antenna siting guidelines in the CPC, including:

- a) Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*);
- b) Contacting the City of Greater Sudbury to determine local requirements regarding **Antenna Systems**; and,
- c) Undertaking public notification and addressing relevant concerns as is required and appropriate.

## 2.4 Other Federal Legislation

**Proponents** additionally must comply with the following federal legislation and/or regulations, where warranted:

- a) Health Canada's Safety Code 6 – Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ - Safety Code 6 (2009);
- b) The *Canadian Environmental Assessment Act*; and,
- c) NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

## 3.0 DEFINITIONS

The following definitions applicable to this protocol are as follows:

- 1) **Antenna System:** an exterior transmitting device, or group of devices, used to receive and/or to transmit radio-frequency signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. **Antenna Systems** include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol most commonly refers to the following two types of **Antenna Systems**:
  - a) **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an **Antenna System** or **Antenna Systems**; and,
  - b) **Building/Structure-Mounted Antenna System:** an **Antenna System** mounted on an existing structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.
- 2) **Co-Location:** the placement of antennas and equipment operated by one or more **Proponents** on an **Antenna System** operated by a different **Proponent** thereby creating a shared facility.
- 3) **Designated Municipal Officer (And His or Her Designate):** the municipal staff member tasked with receiving, evaluating and processing submissions for **Antenna Systems**.
- 4) **Height:** The measurement of a **Freestanding Antenna System** is calculated from the lowest ground level at the base of a **Freestanding Antenna System**, including any foundation, to the tallest point of the **Antenna System** which shall include any antennae, lightning rods, aviation obstruction lighting fixtures and any other attached appurtenances. Any attempt to artificially reduce the **Height** of an **Antenna System** (eg.

addition of soil or aggregate) will not be included in the calculation or measurement of said **Antenna System Height**.

- 5) **Municipal Departments:** branches of municipal government that administer public services and are operated by City of Greater Sudbury staff.
- 6) **Other Agencies:** bodies (e.g. boards or commissions) that administer public services but are not operated or staffed by the City of Greater Sudbury.
- 7) **Prescribed Distance:** three times the **Height** of a proposed **Antenna System**, measured horizontally from the base of the proposed **Freestanding Antenna System** or **Building/Structure-Mounted Antenna System**.
- 8) **Proponent:** a company, organization or amateur radio operator proposing to site an **Antenna System** (including contractors undertaking work for a **Proponent**) for the purpose of providing commercial or private radiocommunication and/or broadcasting services.
- 9) **Residential Area:** the location on a lot occupied by an existing residential dwelling or lands within a Residential Zone or lands designated Living Area 1 or 2 in the Official Plan for the City of Greater Sudbury.

#### 4.0 EXCLUDED STRUCTURES

This section outlines the criteria for identifying **Antenna Systems** excluded from the consultation process by ISEDC, the need to consider local circumstances for all exempt structures and the process for **Proponents** to notify and discuss exempt structures with the City of Greater Sudbury. Depending on the type of **Antenna System** proposed and the proposed system's proximity to discouraged locations, structures typically excluded by ISEDC may be required to follow all or part of the pre-consultation, proposal submission and public consultation as identified in this protocol.

##### 4.1 Exemptions From Antenna System Siting Proposal Review and Public Consultation

For the following types of installations, **Proponents** are generally excluded by ISEDC from the requirement to consult with the City of Greater Sudbury and the public, but must still fulfill the "General Requirements" outlined in Section 7 of the ISEDC CPC:

- a) New **Antenna Systems**, including masts, towers or other antenna-supporting structure with a **Height** of less than 15 metres above ground level (ie. Area "A" on Schedule "A" – Modified Review Process to Encourage Locations Away From Residential Areas);
- b) Maintenance of existing radio apparatus including the **Antenna System**, transmission line, mast, tower or other antenna-supporting structure;

- c) 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 and so on, including additions to rooftops or support pillars, provided:
  - i. The addition or modification does not result in an overall **Height** increase above the existing structure of 25% of the original structure **Height**;
  - ii. The existing **Antenna System** is at least 15 metres in **Height**; and,
  - iii. The existing **Antenna System** has not previously been modified to increase its original **Height** by 25%.
- d) Maintenance of an **Antenna System's** painting or lighting in order to comply with Transport Canada's requirements;
- e) Installation for a limited duration of 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 an emergency, and is removed within 3 months after the emergency or special event. Upon request, the City of Greater Sudbury may grant **Proponent** additional time for the removal of **Antenna Systems** used for a special event or emergency operation.

#### 4.2 Modified Review Process to Encourage Locations Away From Residential Areas

Notwithstanding the exemptions provided for in Section 4.1, the City of Greater Sudbury provides for a modified review process in order to encourage a **Proponent** to select locations which are located at increased distances from **Residential Areas**. The modified review process is as follows:

- a) New **Antenna Systems**, including masts, towers or other antenna-supporting structure with a **Height** of more than 15 metres but less than 30 metres above ground level and located between 150 metres and 300 metres from the nearest **Residential Area** shall only require a statement of concurrence or non-concurrence in writing from the **Designated Municipal Officer** if the proposed **Antenna System** is co-located, otherwise Area "D" on Schedule "A" applies (see Area "C" & "D" on Schedule "A" – Modified Review Process to Encourage Locations Away From Residential Areas);
- b) New **Antenna Systems**, including masts, towers or other antenna-supporting structure with a **Height** of more than 30 metres above ground level and located between 150 metres and 300 metres from the nearest **Residential Area** shall be exempt from Section 8.0 – Public Consultation of this protocol and only require

staff review and a statement of concurrence or non-concurrence from Council (see Area “D” on Schedule “A” – Modified Review Process to Encourage Locations Away From Residential Areas); and,

- c) New **Antenna Systems**, including masts, towers or other antenna-supporting structure with a **Height** of more than 15 metres above ground level and located more than 300 metres from the nearest **Residential Area** shall only require staff review and a statement of concurrence or non-concurrence from the **Designated Municipal Officer** (see Area “E” on Schedule “A” – Modified Review Process to Encourage Locations Away From Residential Areas).

#### 4.3 Further Exemptions From Public Consultation Only

In addition to ISED’s basic exemption listed in Section 4.1 and the City’s modified review process outlined in Section 4.2, the **Designated Municipal Officer** may on a case-by-case basis, exempt a **Proponent** from all or part of the consultation requirements under Section 5.0 and Section 8.0 of this protocol.

#### 4.4 Siting on Municipal-Owned Properties

Any request to install an **Antenna System** on lands owned by the City of Greater Sudbury shall be made to the appropriate official dealing with municipal properties, in accordance with City of Greater Sudbury policies.

#### 4.5 Siting Within a Residential Area

Any proposal by a **Proponent** to install any **Antenna System** at any **Height** located within a **Residential Area** is required to pre-consult with the **Designated Municipal Officer** in order to determine if the installation shall be considered to be excluded from public consultation as provided for in Section 6 of the *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)*. The **Designated Municipal Officer** shall in each case determine whether or not the exclusion provided for by ISEDC shall continue to apply, or alternatively if all or part of the public consultation requirements as outlined in this protocol is applicable to the proposed **Antenna System** that is to be located within a **Residential Area**. The **Designated Municipal Officer** will provide the **Proponent** with a written response outlining their decision with respect to any public consultation requirements that may be required within ten working days of having received a request from a **Proponent**.

### 5.0 PRE-CONSULTATION WITH THE CITY

Pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the **Proponent** is committed to a site or a design. As a result it represents the best opportunity to influence the siting decision since the **Proponent** is more likely to become committed to a site once the detailed engineering has been completed. While a

discussion of submission requirements is appropriate the proposal will benefit most from early direction on matters of siting and design. **Proponents** are strongly encouraged to initiate a pre-consultation as early as possible in the antenna siting process.

Prior to submitting an **Antenna System** proposal, the **Proponent** will undertake the following preliminary consultations with the City of Greater Sudbury.

### 5.1 Notification

**Proponents** will notify the **Designated Municipal Officer** in writing that locations in the community are being physically assessed for potential **Antenna System** siting.

### 5.2 Site Investigation Meeting

Prior to submitting an **Antenna System** siting proposal, the **Proponent** will initiate a site investigation meeting with the City of Greater Sudbury. The purpose of the site investigation meeting is to:

- a) Identify preliminary issues of concern;
- b) Identify requirements for public consultation, including the need for additional forms of notice and a public information session;
- c) Guide the content of the proposal submission; and,
- d) Identify the need for discussions with any other **Municipal Departments** and **Other Agencies** as deemed necessary by the **Designated Municipal Officer**.

Where the City of Greater Sudbury has an initial concern with the proposed siting of the proposal the City will make known to the **Proponent** alternative locations within the **Proponent's** search area for consideration.

The **Proponent** will provide the following information for the site investigation meeting:

- a) The proposed location;
- b) Potential alternative locations;
- c) The type and **Height** of the proposed **Antenna System**;
- d) Preliminary drawings or visuals renderings of the proposed **Antenna System** superimposed to scale; and,
- e) Documentation regarding the investigation of **Co-Location** potentials on existing or proposed **Antenna Systems** within 500 metres of the subject proposal.

If desired by both the **Proponent** and the City of Greater Sudbury, multiple **Antenna System** siting proposals may be reviewed at a site investigation meeting.



### 5.3 Confirmation of Preferences and Requirements

Following the site investigation meeting, City of Greater Sudbury staff will provide the **Proponent** with an information package that includes:

- a) This protocol, which outlines the approval process, excluded structures, requirements for public consultation and guidelines regarding site selection, **Co-Location**, installation, design and landscaping;
- b) Proposal submission requirements;
- c) A list of plans and studies that may be required;
- d) A list of **Municipal Departments** and **Other Agencies** to be consulted;
- e) An indication of the Municipality's preferences regarding **Co-Location** for the site(s) under discussion.

To expedite the review of the proposal, the **Proponent** will review this information package before the proposal is submitted so that the interests of **Municipal Departments** and **Other Agencies** are taken into account. The **Proponent** is encouraged to consult with affected **Municipal Departments** and **Other Agencies**, as well as the local Ward councillor and the **Designated Municipal Officer** before submitting the proposal.

## 6.0 DEVELOPMENT GUIDELINES

### 6.1 Location

- a) Co-Location

Before submitting a proposal for an **Antenna System** on a new site, the **Proponent** must explore the following options:

- i. Consider sharing an existing **Antenna System**, modifying or replacing a structure if necessary; and,
- ii. Locate, analyze and attempt to use any feasible existing infrastructure, including but not limited to roof-tops, water towers, utility poles or light standards.

Where **Co-Location** on an existing **Antenna System** or structure is not possible, a new **Antenna System** should be designed with **Co-Location** capacity, including in **Residential Areas** when identified as the City of Greater Sudbury's preference.

The City of Greater Sudbury recognizes that the objective of promoting **Co-Location** and the objective of making **Antenna Systems** less noticeable may sometimes conflict. Nevertheless, the City of Greater Sudbury intends to review each submission on its merits with a view to promoting both objectives and, where necessary, it will determine the appropriate balance between them. The **Proponent** should, in all cases, verify the City of Greater Sudbury's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

b) Preferred Locations

When new **Antenna Systems** must be constructed, where technically feasible, the following locations are preferred:

- i. Areas which maximize the distance from a **Residential Area**;
- ii. Agricultural, Commercial Areas, Industrial and Rural Areas;
- iii. Mounted on buildings or existing structures within areas designated Downtown, Mixed Use Commercial and Regional Centre in the Official Plan for the City of Greater Sudbury;
- iv. Areas that respect public views and vistas of important natural and/or man-made features;
- v. Transportation and utility corridors;
- vi. As near as possible to similarly-scaled structures;
- vii. Institutional uses where appropriate, including but not limited to those institutions which require radiocommunication and/or broadcasting technology;
- viii. Adjacent to parks, green spaces and golf courses;
- ix. Located in a manner that does not adversely impact view corridors; and,
- x. Other non-residential areas where appropriate.

c) Discouraged Locations

New **Antenna Systems** should avoid the following areas:

- i. Locations directly in front of doors, windows, balconies or residential frontages;
- ii. Ecologically significant natural lands;

- iii. Inappropriate sites located within Parks and Open Space Areas with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character;
- iv. Designated structures or heritage conservation districts under the Heritage Act, R.S.O. 1990 unless visibly unobtrusive or the design of the **Antenna System** forms an integrated part of the structure's overall design; and,
- v. Pitched roofs.

## 6.2 Development and Design Preferences

**Antenna Systems** should be designed in terms of appearance and aesthetics to respect their immediate surroundings, including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate. The City of Greater Sudbury's preferred design and development preferences are described below. The City of Greater Sudbury will identify to the **Proponent** which of the following development and design preferences are encouraged in any given proposed location.

### a) Style and Colour

- i. The architectural style of the **Antenna System** should be compatible with the surrounding neighbourhood and adjacent uses;
- ii. An **Antenna System** may be designed or combined as a landmark feature to resemble features found in the area, such as a flag-pole or clock-tower, where appropriate subject to any zoning approvals required for the landmark feature;
- iii. In the Downtown and Regional Centre designations, the design of **Antenna Systems** should generally be unobtrusive and consistent with any applicable urban design policy guidelines;
- iv. Towers and communication equipment should have a non-reflective surface;
- v. Cable trays should generally not be located on the exterior faces of buildings; and,
- vi. **Antenna Systems** that extend above the top of a supporting utility pole or light standard should appear to be a natural extension of the pole.

### b) Buffering and Screening

- i. **Antenna Systems** and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts; and,
  - ii. Where adjacent to a principal building, equipment shelters should be constructed of a material or colour similar in appearance to the facades of the principal building.
- c) Structure
- i. Single operator loaded towers (ie. Mono-poles) are generally unobtrusive and of low impact and may therefore be located near living areas;
  - ii. Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the **Height** of the wall face they are mounted on, in order to avoid visual clutter and should be painted to match the colour for stealth design purposes;
  - iii. Facilities located on roof-tops should not be visible to the extent possible from directly abutting streets;
  - iv. The appropriate type of antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the antenna structure on the community;
  - v. Pinwheel antennas are generally discouraged; and,
  - vi. The use of guy wires and cables to steady, support or reinforce a tower is generally discouraged.
- d) Yards, Parking and Access
- i. Adequate yards to be determined on a site-by-site basis should separate **Antenna Systems** from adjacent development without unduly affecting the development potential of the lot; and,
  - ii. Parking spaces where provided at each new **Antenna System** site should have direct access to a public right-of-way at a private driveway that does not unduly interfere with traffic flow or create safety hazards.
- e) Equipment Cabinets in Public Spaces
- i. Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant;
  - ii. Cabinet dimensions shall be as minimal as possible; and,

- iii. Cables and wires must be concealed or covered.
- f) Signage and Lighting
  - i. Small owner/operator identification signs up to a maximum of 0.19 square metres may be posted on **Antenna Systems** and associated equipment shelters or perimeter fencing;
  - ii. No advertising signage is permitted;
  - iii. Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged; and,
  - iv. The lighting of **Antenna Systems** and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, and where possible, is provided by a motion detector or similar system.
- g) Roof-top Equipment
  - i. Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible and painted to match the penthouse/building.

## 7.0 PROPOSAL SUBMISSION

### 7.1 Applicability of Proposal Submission

For a proposed **Antenna System**, the **Proponent** will submit to the **Designated Municipal Officer** an **Antenna System** siting proposal and the applicable fee, except for cases in which consultation is not required.

### 7.2 Proposal Submission Requirements

The **Proponent** must include the following information when submitting an **Antenna System** siting proposal:

- a) A letter or report from the **Proponent** indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing **Antenna Systems** in the general area and a summary of opportunities for **Co-Location** potentials on existing or proposed **Antenna Systems** within 500 metres of the subject proposal;
- b) Visual rendering(s) of the proposed **Antenna System** superimposed to scale;
- c) A site plan showing the proposed development situated on the site;

- d) A map showing the horizontal distance between the property boundary of the proposed site and the nearest **Residential Area**;
- e) For **Antenna Systems** requiring public consultation, a map showing all properties located within the **Prescribed Distance** from the proposed **Antenna System**;
- f) Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;
- g) An attestation that the **Antenna System** will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices;
- h) Application fees; and,
- i) Any other documentation as identified by the City of Greater Sudbury following the site investigation meeting.

### 7.3 Completeness of Proposal Submission

A determination on the completeness of an application or request for additional information will be provided within five working days of receipt of the proposal. Upon receipt of a complete proposal submission, the City of Greater Sudbury will circulate the proposal for review and comment to:

- a) Affected **Municipal Departments**;
- b) Affected **Other Agencies**;
- c) Any adjacent Municipalities within the **Prescribed Distance**; and,
- d) The local Ward councillor.

### 7.4 Fees

The **Proponent** must pay the applicable application fee to the City of Greater Sudbury. The **Proponent** is responsible for securing applicable applications or permissions from all relevant **Municipal Departments** and paying any applicable application fees or charges as required.

## 8.0 PUBLIC CONSULTATION PROCESS

If the proposed **Antenna System** is not exempt from the public consultation process as per the requirements of Section 4 of this protocol, the **Proponent** will initiate the following public consultation process, including the issuance of notice, undertaking written consultation, hosting

a public information session and where required review the consultation results with the City of Greater Sudbury.

### 8.1 Notice Recipients

After the **Proponent** has submitted an **Antenna Systems** siting proposal, the **Proponent** will give notice to:

- a) All affected properties within the **Prescribed Distance**;
- b) Any adjacent municipalities within the **Prescribed Distance**;
- c) The ward councillor;
- d) The **Designated Municipal Officer**; and,
- e) The ISEDC regional office.

The City of Greater Sudbury will assist the **Proponent** in compiling a mailing list of addresses of the affected properties within the **Prescribed Distance** from the proposed **Antenna System**. Notices may be delivered to a condominium corporation instead of each unit owner.

### 8.2 Notice Requirements

The notice will be sent by regular mail or hand-delivered, a minimum of 30 days before the public information session where a public information session is required and shall include:

- a) Information on the location, **Height**, type, design and colour of the proposed **Antenna System**, including a 21 cm x 28 cm (8.5" x 11") size copy of the site plan submitted with the application;
- b) The rationale, including **Height** and location requirements, of the proposed **Antenna System**;
- c) The name and contact information of a contact person for the **Proponent**;
- d) The name and contact information of the **Designated Municipal Officer**;
- e) An attestation that the **Antenna System** will respect Health Canada's Safety Code 6 which sets safe radio-frequency emission levels for these devices;
- f) The date, time and location of the public information session where required;
- g) A deadline date for receipt by the **Proponent** of public responses to the proposal:

- i. Where a public information session is required, the deadline date must be no more than five days before the date of the session; or,
  - ii. Where a public information session is not required, the deadline date must be at least 30 days after the notices are mailed;
- h) The notification shall be enclosed in an envelope addressed to the "Occupant" and shall clearly show in bold type on the face of the envelope the following statement:
 

"NOTICE FOR RESIDENTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED ANTENNA SYSTEM. INFORMATION IS ENCLOSED."
- i) The City of Greater Sudbury may also require the **Proponent** based on local conditions such as a high proportion of rental accommodation in the vicinity of the site, to provide such additional forms of notice as deemed necessary; and,
- j) Any additional notification requirements will be identified by the City of Greater Sudbury during or following the site investigation meeting. Other forms of notification may include, but are not limited to:
  - i. Publication of the notice in a local newspaper; and/or,
  - ii. Hand delivery of notices to specified buildings.

### 8.3 Written Consultation Process

Following the delivery of the notification, the **Proponent** will allow the public to submit written comments or concerns about the proposal. Specifically, the **Proponent** will:

- a) Provide the public with at least 30 days to submit questions, comments or concerns about the proposal;
- b) Respond to all questions, comments and concerns in a timely manner of no more than 60 days from date of receipt;
- c) Allow the party to reply to the **Proponent's** response and provide at least 21 days for public reply comments;
- d) Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding; and,
- e) Provide a copy of all written correspondence to the City of Greater Sudbury and the regional ISEDC office.



#### 8.4 Public Information Session

The City of Greater Sudbury may request that the **Proponent** conduct a public information session in cases where there is significant public interest in the proposed **Antenna System**. Where a public information session is required the **Proponent** shall:

- a) Determine an appropriate date, time and location for the public information session in consultation with the **Designated Municipal Officer**;
- b) Make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site; and,
- c) Provide the City of Greater Sudbury with a package summarizing the results of the public information session containing at a minimum the following:
  - i. List of attendees, including names, addresses, email addresses and phone numbers (where provided voluntarily);
  - ii. Copies of all letters and other written communications received; and,
  - iii. A letter of response from the **Proponent** outlining how all the concerns and issues raised by the public were addressed.

#### 8.5 Post Consultation Review

The **Proponent** will contact the **Designated Municipal Officer** following completion of the public consultation process in order to discuss the results and next steps in the process.

### 9.0 STATEMENT OF CONCURRENCE OR NON-CONCURRENCE

#### 9.1 Concurrence and Concurrence With Conditions

The City of Greater Sudbury will provide a letter of concurrence to ISEDC and the **Proponent** where the proposal addresses, to the satisfaction of the City of Greater Sudbury, the requirements as set out within this protocol and the City of Greater Sudbury's technical requirements and will include conditions of concurrence, if required.

#### 9.2 Non-Concurrence

The City of Greater Sudbury will provide a letter of non-concurrence to ISEDC and the **Proponent** if the proposal does not conform to City of Greater Sudbury requirements as set out within this protocol. The City of Greater Sudbury will also forward to ISEDC any comments on outstanding issues, including those raised during the public consultation

process. The City of Greater Sudbury will issue the letter of non-concurrence within the timeframe established in Section 10 of this protocol.

### 9.3 Rescinding a Concurrence

The City of Greater Sudbury may rescind its concurrence if following the issuance of a concurrence, it is determined by the City of Greater Sudbury that the proposal contains a misrepresentation or a failure to disclose all pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue. In such cases, the City of Greater Sudbury will provide notification in writing to ISEDC and to the **Proponent** and will include the reason(s) for the rescinding of its concurrence.

### 9.4 Duration of Concurrence

A concurrence remains in effect for a maximum period of three years from the date it was issued by the City of Greater Sudbury. If construction has not commenced within this time period the concurrence expires and a new submission and review process, including public consultation as applicable is necessary prior to any construction occurring. Notwithstanding the above, the **Proponent** may request in writing to the **Designated Municipal Officer** a one-time extension not exceeding one year in length provided that it is demonstrated to the satisfaction of the **Designated Municipal Officer** that no substantial change in land use planning circumstances within the vicinity of the proposal has occurred since concurrence was initially given.

### 9.5 Transfer of Concurrence

Once concurrence has been issued, that concurrence may be transferred from the original **Proponent** to another **Proponent** without the need for further consultation provided that:

- a) All information gathered by the original **Proponent** in support of obtaining the concurrence from the City of Greater Sudbury is transferred to the new **Proponent**;
- b) The structure for which concurrence was issued to the original **Proponent** is what the new **Proponent** builds; and,
- c) Construction of the structure is commenced within the duration of concurrence period outlined in Section 9.4 of this protocol.

## **10.0 CONSULTATION PROCESS TIMEFRAME**

### **10.1 Completion of Preliminary Review**

Consultation with the City of Greater Sudbury is to be completed within 60 days of the proposal being accepted as complete by the City of Greater Sudbury as outlined in Section 7.0 of this protocol.

### **10.2 Completion of Public Consultation**

Where public consultation is required, consultation with the City of Greater Sudbury and public consultation are both to be completed within 120 days of the proposal being accepted as complete by the City of Greater Sudbury.

### **10.3 Consultation Extensions**

The City of Greater Sudbury or the **Proponent** may request an extension to the consultation process timeline. Extension requests are to be submitted to the **Designated Municipal Officer**. This extension is to be mutually agreed upon by both parties.

### **10.4 Incomplete Consultation**

In the event that the consultation process is not completed within 270 days, the **Proponent** will be responsible for receiving an extension from the City of Greater of Sudbury or reinitiating the consultation process to the extent requested by the City of Greater Sudbury.

## **11.0 LETTER OF UNDERTAKING**

The **Proponent** may be required, if requested by the City of Greater Sudbury, to provide a letter of undertaking, which may include the following requirements:

- a) The posting of a security for the construction of any proposed fencing, screening and landscaping;
- b) A commitment to accommodate other communication providers on the **Antenna System**, where feasible, subject to the usual commercial terms and ISED Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17); and,
- c) All conditions identified in the letter of concurrence.

## **12.0 REDUNDANT ANTENNA SYSTEMS**

### **12.1 Redundant Antenna System Clarification Request**

The City of Greater Sudbury can issue a request to network operators to clarify that a specific **Antenna System** is still required to support communication network activity. The network operator will respond within 30 days of receiving such a request, and will provide any available information on the future status or planned decommissioning of the **Antenna System**.

### **12.2 Removal of Antenna System**

Where the network operators concur that an **Antenna System** is redundant, the network operator and the City of Greater Sudbury will mutually agree on a timeframe to remove the system and all associated buildings and equipment from the site. Removal will occur no later than 2 years from when the **Antenna System** was deemed redundant.

## SCHEDULE "A" - Modified Review Process to Encourage Locations Away From Residential Areas

