

Appendix " D "
to
Report PLAN2021-059
File No: D44-2021-005



Planning Justification Report

Xplornet Communications –
Telecommunication Site: Manvers(ON 7994)

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Xplornet Communications justification for a proposal to erect a 45.0m tall self support style
communications structure and related equipment at 1060 Sandy Hook Rd, Pontypool, ON L0A 1K0

1.0 Introduction

Forbes Bros Ltd Telecommunications Services has been retained by Xplornet Communications ("Xplornet") with respect to a proposal to build a new freestanding communications base station facility on the lands at 1060 Sandy Hook Rd, Pontypool, ON. The purpose of this report is to provide analysis and justification in support of the proposed facility and to assist the land-use authority in providing comments on the proposed development.

2.0 Background

A continual growth in demand for wireless products and their associated services has created a need for increased wireless network infrastructure. Mobile phones and other wireless devices cannot operate without the necessary infrastructure, which is made up of transmitting and receiving antenna sites located on support structures, commonly referred to as "cell towers".

New infrastructure requirements are determined by monitoring the wireless network and identifying areas with weak or insufficient coverage. Xplornet network planners isolate the areas requiring improvements and conduct coverage studies to determine the ideal co-ordinates for a new antenna base station. Real estate investigations determine feasible locations for new sites. New locations include existing towers (colocation), tall buildings or other feasible structures and of course new free-standing support structures.

3.0 Proposal

Xplornet has proposed a new free standing 45.0m tall self support type communication facility (Manvers – ON7994). The proposal supports enhanced wireless voice & data coverage and capacity for the surrounding areas.

3.1 Location

Xplornet's proposed location is on property described as PT LT 18 CON 2 MANVERS AS IN R433016; KAWARTHA LAKES and has the municipal address 1060 Sandy Hook Road, Pontypool. The proposed facility would be located approximately 1.3km south/southeast from the Sandyhook Rd and Pontypool Rd intersection (Figure 1).

The tower is proposed to be located on the western edge of the subject property and has the geographic coordinates:

Latitude (NAD83) N 44° 05' 54.9"
Longitude (NAD83) W 78° 34' 40.6"

Figure 1 – Location Map (not to scale)



3.2 Design

Xplornet has proposed a 45.0m tall self support style structure within a 15m x 15m leased area, transmitting and receiving antennas, and radio equipment (see Figure 2 and 3).

The tower height allows the antenna equipment to propagate wireless signals over top of obstacles (trees, buildings, varying topography) and maintain line of sight connections to other Xplornet facilities in the network.

The proposed installation provides an opportunity to accommodate future technologies as well as potential co-location with other licensed carriers, thus limiting the number of new tower structures required in the area.

Figure 3 –Tower Elevation / Photosim (Looking South from HWY 7A)



4.0 Rationale

The selection of a wireless communications site works similarly to fitting a piece into a puzzle. In this case, the puzzle is a complex radio network. Client demand, radio frequency engineering principles, local



topography and land use opportunities working in concert with one another direct the geography of Xplornet sites.

In identifying a potential tower location and design, Xplornet examined the local area, assessed the visibility of the structure and considered possible tower designs. Xplornet evaluated the best location for a new facility using the following criteria:

4.1 Technical Requirements

The performance of a wireless network is dependent on the geographical location of its equipment, height of its antennas, line of sight requirements, the demand customers place on the network, as well as proximity to the network users. In expanding its wireless network, Xplornet is seeking to improve service for the surrounding areas.

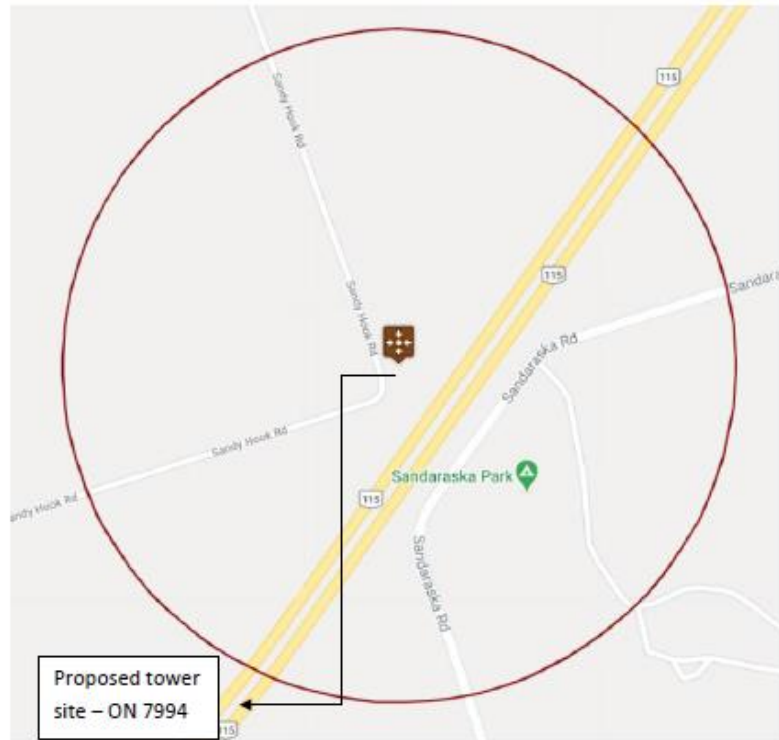
Xplornet can achieve enhanced coverage and capacity with the proposed facility ON 7994–Manvers at 1060 Sandyhook Rd, Pontypool, ON.

4.2 Evaluation of Existing Structures

Co-location and rooftop deployment are the first locations considered in achieving new coverage objectives. For site sharing to be considered technically feasible, existing telecommunication sites and other tall structures must be located within the search area prescribed by Xplornet network planners and engineers. These locations must also provide adequate deployment height and structural capacity to hold additional equipment.

Site sharing investigations revealed that there are no existing tower facilities within 0.5km of Xplornet proposed location that are feasible locations.

Figure 4 – 500m search radius for co-location (approximate)



4.3 Land-use Consideration

The site is located on property designated Oak Ridges Moraine and the subject property is abutted by further Oak Ridges Moraine designated properties.

Given the coverage objectives of this site we feel it is the best possible location. The proposed facility will enhance coverage for surrounding area as well as to travellers along the roadways while maintaining a significant setback to any residential uses.

4.4 Other Considerations

Telecommunications and its associated infrastructure (e.g., new tower sites) fall under the exclusive jurisdiction of the Federal Government of Canada. Matters that affect the establishment of federally authorized radio stations are governed by the *Radiocommunication Act* and the policies thereunder.

As a federally regulated undertaking telecommunications are not subject to provincial or municipal regulations of any kind including, *the Planning Act*, official plans, and zoning bylaws.

Provincial and municipal governments do not have lawful jurisdiction to create enforceable rules which relate directly to radiocommunication. A by-law or regulation relating incidentally to radiocommunications may co-exist with federal legislation provided such by-laws and regulations do not prohibit or unduly restrict the conduct of radio services or the operation of federally regulated radiocommunications facilities.

Local ordinances (e.g., ORMCP, zoning) are ineffectual to the extent that they propose to prohibit the siting of a radiocommunications facility. In this instance the OMRCNP Natural Heritage Zone should not be taken as a designation that would prohibit the proposed Xplornet radiocommunications facility.

While the proposed site is not subject to the ORMCP regulations, and telecommunications and utilities are permitted uses in the ORMCP Natural Heritage zone, Xplornet adheres to best practices when constructing a site near or in a sensitive land-use including (but not limited to):

- Minimizing wetland encroachment as much as possible
- Avoid fragmenting wetland habitat and corridors
- Awareness of how the project may affect ground or surface waters and drainage
- Soil erosion and sediment controls
- Avoid outdoor illumination / use motion-sensor lighting
- Avoid tree and vegetation removal to the extent possible
- Consider snow removal locations and procedures.
- Use silt fencing
- Awareness of potential for species at risk at the site

We are happy to further consult with ORM/City staff for recommendations on construction practices that will minimize impact on the Natural Heritage zone.

5.0 Review of Development Plan

5.1 Municipal Consultation Process

Xplornet is regulated and licensed by Industry Canada to provide inter-provincial wireless voice and data services. As a federal undertaking, Xplornet is required by Industry Canada to consult with land-use authorities in siting new mobile base station locations.

The consultation process established under Industry Canada's authority is intended to provide the local land-use authorities an opportunity to address land-use concerns while respecting the federal government's exclusive jurisdiction in the siting and operation of wireless voice and data systems.

As the provisions of the Ontario Planning Act and other municipal by-laws and regulations do not apply to federal undertakings, wireless communication facilities are not required to obtain municipal permits of any kind. Xplornet is required to follow established and documented telecommunication protocols or processes set forth by land-use authorities.

5.2 Public Consultation

In accordance with Industry Canada procedures, public consultation is required for most new telecommunication facility proposals. Per Industry Canada's guidelines default public consultation is conducted via written notification to property owners within three times (3x) the height of the tower measured from the base or outer most point of the tower. Depending on the height of the proposed facility a public notice in a locally circulated newspaper may also be warranted.

Both forms of notice must contain basic information about the proposal (location, design etc.) as well as contact information for the proponent and a thirty (30) day window to submit comments or questions to the proponent.

Public consultation requirements may vary where an established local policy or protocol is in effect.

5.3 Federal Requirements

In addition to the requirements for consultation with municipal authorities and the public, Xplornet must also fulfill other important obligations including the following:

Impact Assessment Act (IAA) formerly Canadian Environmental Assessment Act

Innovation, Science and Economic Development Canada ("ISED" formerly 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 Impact Assessment Act, 2019 (IAA), where the antenna system is incidental to a physical activity or project designated under IAA, or is located on federal lands.

Xplornet attests that the radio antenna system as proposed for this site is not located within federal lands or forms part of or incidental to projects that are designated by the Regulations Designating Physical Activities or otherwise designated by the Minister of the Environment as requiring an environmental assessment. In accordance with the Impact Assessment Act, this installation is excluded from assessment.

For additional detailed information, please consult the Impact Assessment Act at: <https://laws-lois.justice.gc.ca/eng/acts/I-2.75/>

Transport Canada's Aeronautical Obstruction Marking Requirements

Aerodrome safety is under the exclusive jurisdiction of NAV Canada and Transport Canada. An important obligation of wireless proponents is to comply with Transport Canada / NAV Canada aeronautical safety requirements. Transport Canada performs an assessment of the proposal with respect to the potential hazard to air navigation and notifies Xplornet of any painting and/or lighting requirements for the antenna system. Xplornet has submitted the necessary documents for assessment by NAV Canada and Transport Canada.



For additional information, please see the Transport Canada website at:
<http://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standards-standards621-3808.htm>

Health Canada's Safety Code 6 Compliance

Health Canada is responsible for research and investigation to determine and promulgate health protection limits for exposure to radio-frequency (RF) electromagnetic energy. Accordingly, Health Canada has developed a guideline entitled "Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3KHz to 300Ghz – Safety Code 6". The exposure limits specified in Safety Code 6 are established by reviewing all peer-reviewed scientific research in the area of human health and RF exposure. Included in this review are hundreds of studies conducted over the past 50 years.

Radiocommunication, including technical aspects related to broadcasting, is under the responsibility of the Ministry of Industry (Industry Canada) which has the power to establish standards, rules, policies and procedures. Industry Canada, under this authority has adopted Safety Code 6 for the protection of the general public. With this adoption, Industry Canada requires all proponents and operators to ensure that their installations comply with Safety Code 6 at all times, including any changes to the code and including any combined effects from other installations in the nearby radio environment.

Xplornet attests that the radio antenna system described will comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment.

Engineering Practices

Xplornet attests that the radio antenna system as proposed for this site will be constructed in compliance with the National Building Code and the Canadian Standards Association and comply with good engineering practices including structural adequacy.

6.0 Summary and Conclusion

As communities continue to grow to depend on wireless products and their services, it will be necessary to improve network coverage and quality. Improving network coverage and quality is achieved by increasing mobile base station infrastructure to fill coverage gaps and increase capacity for current and future wireless users.

In response to the demand for high quality wireless services in Ontario and specifically in the City of Kawartha Lakes, Xplornet has proposed a communications site that achieves the technical requirements of the network while maintaining a significant setback to any residential land uses.

I look forward to working with the Municipality in providing enhanced wireless services to the community. Should you require any further information please do not hesitate to contact me at 905.808.0073 or by email at cghassabeh@forbesbrositd.ca

Sincerely,

Cyrus Ghassabeh



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