

MINUTES OF THE ORDINARY MEETING OF COUNCIL

18 DECEMBER 2017

12.13 COMMUNICATIONS INFRASTRUCTURE POLICY FRAMEWORK AND AMENDMENT C193 TO THE MELTON PLANNING SCHEME

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PURPOSE OF REPORT

To consider the adoption of the City of Melton Communications Infrastructure Policy Framework and to initiate a Planning Scheme Amendment to include a Communications Infrastructure Local Planning Policy into the Melton Planning Scheme.

RECOMMENDATION:

That Council:

1. Adopt the City of Melton Communications Infrastructure Policy Framework reference document at **Appendix 1**.
2. Note the City of Melton Communications Infrastructure Policy – Background Analysis Paper at **Appendix 2** and Consultation Report at **Appendix 3**.
3. Seek Authorisation to prepare Planning Scheme Amendment C193 to the Melton Planning Scheme from the Minister for Planning to implement the Communications Infrastructure Policy.
4. Upon receiving Authorisation, prepare and exhibit Planning Scheme Amendment C193 to the Melton Planning Scheme in accordance with Section 19 of the *Planning and Environment Act 1987*.
5. Authorise the General Manager Planning and Development and the Manager City Design, Strategy and Environment to negotiate and resolve any issues that are raised by submitters during the exhibition process prior to the amendment being reported back to Council for referral to a Planning Panel or Adoption of the amendment.

Motion

Crs Majdlik/Hardy.

That the recommendation be adopted.

CARRIED

REPORT

1. Executive Summary

A Notice of Motion was carried on 2 May 2016 to prepare a report outlining the requirements and costs associated with developing a 'Strategic Telecommunications Mobile Tower Placement Document'. This report was presented to Council on 30 May 2016, and Council subsequently resolved to prepare a 'Strategic Telecommunications Infrastructure Policy'.

Over the last 12 months, Council officers have worked with Urbis Planning Consultants to prepare the documents. The key output of the projects is the Strategic telecommunications Infrastructure Policy Framework. The Framework provides guidance for the location and design of communications infrastructure that an application must consider when making an

application to Council. Any policy document that Council prepares regarding communications infrastructure must not conflict with any of the provisions contained within these legislative documents.

The adoption of the Framework will provide Council officers, the community and potential applicants (including carriers), clear policy direction in respect of the elements Council will consider when assessing and determining applications for communications infrastructure.

It is also proposed that Council commence a planning scheme amendment which would seek to implement the key elements of the Framework into the Melton Planning Scheme.

2. Background/Issues

Currently, legislation surrounding the siting and design of telecommunications facilities is governed by the Commonwealth and State, through documents such as 'A Code of Practice for Telecommunications Facilities in Victoria', the Telecommunications (Low Impact Facilities) Determination Act 1997, and the Australian Communications Industry Forum (ACIF) Code. Any policy document that Council prepares regarding communications infrastructure must not conflict with any of the provisions contained within these legislative documents.

Council currently does not have its own policy or guidelines regarding the siting and design of telecommunications facilities, which has made it difficult for Council officers when negotiating for improved design outcomes with Telecommunications Carriers.

A Notice of Motion was carried on the 2 May 2016 to prepare a report outlining the requirements and costs associated with developing a 'Strategic Telecommunications Mobile Tower Placement Document'. This report was presented to Council on 30 May 2016, and it was subsequently resolved to approve the preparation of the policy and allocate funds to prepare a 'Strategic Telecommunications Policy' in the 2016-2017 budget.

Following a tender process, Urbis Planning Consultants were appointed to undertake the project. The project included the preparation of a Background Analysis Paper which provided the basis for the development of the *Communications Infrastructure Policy: Framework (Appendix 1)*. The Framework provides guidance for the location and design of communications infrastructure that an applicant must consider when making an application to Council. It is to be used to guide the assessment and associated provision of new infrastructure within the City of Melton and provides guidance for the location, and assessment of, applications for planning permits and the lease of Council land.

Once adopted, the Framework will become a guiding policy document that will form part of the assessment of any planning permit applications for communications infrastructure submitted to Council. In addition, further weight can be given to the document through the inclusion of a local policy in the Melton Planning Scheme through the Scheme Amendment process. It is proposed that Council officers pursue an amendment to the Melton Planning Scheme as outlined below.

Amendment C193

It is proposed to prepare a Planning Scheme Amendment to use the adopted Communications Infrastructure Framework to inform the preparation of a new Local Policy – Communications Infrastructure to be included within the Planning Scheme. In addition it is intended to include the adopted *City of Melton Communications Infrastructure Framework* as a Reference Document, and add a new objective in the Municipal Strategic Statement.

The Local Policy and associated clauses will be drafted following engagement with the Department Environment, Land, Water and Planning (DELWP) to determine the appropriate form and content of the amendment documents.

Strategic Assessment of the Proposed Amendment

Ministerial Direction No 11 requires amendments to be assessed against a number of criteria. This strategic assessment has been undertaken and is considered that the amendment adequately addresses the guidelines for the reasons outlined below.

The Amendment will provide the Melton City Council and the community with an up to date Local Policy that compliments the State Planning Policy Framework, and the existing Federal and State Legislation concerning Communications Infrastructure provision. The amendment will also provide clarity regarding Council's preferred location of telecommunications facilities – both to Council employees and the community.

Overall, the Amendment will ensure that the Melton Planning Scheme provides the framework to achieve positive environmental, social and economic development outcomes within the Municipality. The Amendment strengthens the ability of Council to ensure communications infrastructure is located appropriately, and designed to have a reduced impact on visual amenity.

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:

3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way

3.1 A City that strategically plans for growth and development.

4. Financial Considerations

The Communications Infrastructure Policy was prepared by an external consultant within the approved budget of \$50,000.

Council officer time and resources are involved in the preparation, exhibition, and adoption of the amendment which may include a Panel Hearing and is included within Council's recurrent budget.

5. Consultation/Public Submissions

A workshop was held with the Carriers (Telstra, Optus, Vodafone and Mobile Carriers Forum) to inform the preparation of the Background Analysis Paper, and the draft Framework.

The draft Framework was available for public comment for one month, from 11 September 2017 to 10 October 2017. During this time, Council officers and members of the consultant team held two drop in sessions over two nights to inform the community of the work that has been undertaken and to see if they had any feedback on the draft document. These were held at Caroline Springs Library (20 September), and the Melton Library and Learning Hub (21 September).

The drop in sessions were advertised via the local newspaper, Council's Facebook page, and Council's website.

During the consultation period letters were also sent to telecommunication providers and other interested parties to inform them that the draft Framework was out for comment, and to seek their feedback.

Two submissions were received from Telstra and the Mobile Carriers Forum. A response to submissions is provided in the Consultation Report contained in **Appendix 3**.

6. Risk Analysis

If Council choose not to adopt the Communications Infrastructure Policy Framework there are a number of risks:

1. The absence of a Communications Infrastructure Policy in Melton will result in the ongoing lack of clear direction for Council officers in assessing future planning applications in a clear in consistent manner.
2. An ongoing lack of guidance for telecommunications carriers when applying to Council to place facilities on private or Council owned land.
3. Inappropriate planning outcomes in relation to the siting and design of facilities.

In respect of the Planning Scheme Amendment, the implementation of the Framework into the planning scheme would provide some additional weight to the document in a VCAT context but it should be noted that the Framework would still be considered as part of any VCAT hearing as a Council adopted document.

7. Options

Council has the option to:

1. Adopt the Communications Infrastructure Policy Framework, note the associated reports and initiate a planning scheme amendment to incorporate a Communications Infrastructure Local Planning Policy into the Melton Planning Scheme.
2. Not adopt the Communications Infrastructure Policy Framework, note the associated reports or initiate a planning scheme amendment to incorporate a Communications Infrastructure Local Planning Policy.

LIST OF APPENDICES

1. Strategic Telecommunications Policy Framework – dated December 2017
2. Strategic Infrastructure Policy - Background Analysis Paper – dated May 2017
3. Strategic Communications Infrastructure Policy - Consultation Report – dated December 2017