



AGENDA

Special Council Meeting Wednesday, 17 July 2024

I hereby give notice that a Special Meeting of Council will be held on:

Date: Wednesday, 17 July 2024

Time: 5.00pm

**Location: Council Chambers, 15 Stead Street, Ballan &
Online**

**Derek Madden
Chief Executive Officer**

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1 OPENING OF MEETING AND PRAYER

Almighty God be with us as we work for the people of the Shire of Moorabool. Grant us wisdom that we may care for the Shire as true stewards of your creation. May we be aware of the great responsibilities placed upon us. Help us to be just in all our dealings and may our work prosper for the good of all. Amen.

2 ACKNOWLEDGEMENT OF COUNTRY

I acknowledge the Traditional Owners of the land on which we are meeting. I pay my respects to their Elders, past and present, and the Aboriginal Elders of other communities who may be here today.

3 PRESENT

4 APOLOGIES

5 DISCLOSURE OF CONFLICTS OF INTEREST

Conflict of interest laws are prescribed under the *Local Government Act 2020* (the Act) and in the Local Government (Governance and Integrity) Regulations 2020 (the Regulations). Managing conflicts of interest is about ensuring the integrity and transparency of decision-making.

The conflict of interest provisions under the Act have been simplified so that they are more easily understood and more easily applied. The new conflict of interest provisions are designed to ensure relevant persons proactively consider a broader range of interests and consider those interests from the viewpoint of an impartial, fair-minded person.

Section 126 of the Act states that a Councillor has a conflict of interest if they have a general conflict of interest or a material conflict of interest. These are explained below:

- A Councillor has a general conflict of interest in a matter if an impartial, fair-minded person would consider that the member's private interests could result in them acting in a manner that is contrary to their public duty as a Councillor.
- A Councillor has a material conflict of interest in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A relevant person with a conflict of interest must disclose the interest in accordance with Council's Governance Rules and not participate in the decision-making process on the matter. This means the relevant person must exclude themselves from any discussion or vote on the matter at any Council meeting, delegated committee meeting, community asset committee meeting or, if a councillor, any other meeting conducted under the auspices of the council. The relevant person must also exclude themselves from any action in relation to the matter, including an action taken to implement a council decision, for example, issuing a planning permit.

6 PRESENTATIONS/DEPUTATIONS

The Council has made provision in the business of the Ordinary Meetings of the Council for the making of presentations or deputations to Council in relation to matters presented on the agenda for Council consideration.

Persons wishing to make a presentation or deputation to Council on a matter included in the agenda shall inform Council prior to the meeting by contacting the Chief Executive Officer's office and registering their name and agenda item being spoken to.

At the meeting the Mayor will invite the persons wishing to make a presentation or delegation to address the Council on the agenda item.

The person making the presentation or deputation is to stand and address Council on the item.

No debate on the item is permitted between the person making the presentation or delegation and the Council.

A maximum of three minutes per presentation or delegation will be allocated. An extension of time may be granted at the discretion of the Mayor.

Councillors, through the Mayor, may ask the person making the presentation or delegation for clarification of matters presented.

The Mayor may direct that a member of the gallery ceases speaking if the above procedure is not followed.

7 CUSTOMER AND CORPORATE SERVICES REPORTS

7.1 AMENDMENTS TO VALUATION TABLE

Author: Steve Ivelja, Chief Financial Officer

Authoriser: David Jackson, General Manager Customer & Corporate Services

Attachments: Nil

PURPOSE

In accordance with Section 94 of the *Local Government Act 2020* (the Act) Council is required to formally adopt the 2024/25 Annual Budget by 30 June 2024.

As resolved by Council on 26 June 2024, the Proposed Budget was adopted by Council at a Special Meeting of Council in accordance with the Act.

Since the budget was adopted, some minor but necessary changes to valuations and rate in the dollar have been identified. These changes are necessary to ensure that Council complies with the rate cap and Fair Go Rates system.

EXECUTIVE SUMMARY

This report highlights the proposed amendments to the 2024/25 Adopted budget.

These include:

- Amendments to Table 14.1.1 (b) The rate in the dollar to be levied as general rates under s158 of the Act (page 28).
- The total estimated value of each type or class of land, and the estimated value of land compared with the prior financial year (page 29).

RECOMMENDATION

That Council:

1. **Adopts that the rate in the dollar for each type of rate to be levied for the 12-month period from 1 July 2024 to 30 June 2025 are:**

Differential Type or Class of Land	2024/25 Cents/\$CIV
Commercial & Industrial Rate	0.360902
Commercial & Industrial Vacant Land	0.481202
Extractive Industry Rate	0.750675
Farm Rate	0.187669
General Rate	0.240601
Vacant Land General	0.481202
Vacant Land FZ and RCZ	0.240601
Vacant Land GRZ	0.481202
Residential Retirement Villages	0.216541

2. Adopts the estimated total value of each type or class of land:

Differential Type or Class of Land	2024/25 \$'000
Commercial & Industrial Rate	644,246
Commercial & Industrial Vacant Land	31,625
Extractive Industry Rate	94,807
Farm Rate	2,251,513
General Rate	10,569,955
Vacant Land General	260,686
Vacant Land FZ and RCZ	730,860
Vacant Land GRZ	285,625
Residential Retirement Villages	130,570
Total Value of Land	14,999,887

3. Makes the amendments to the 2024/25 Budget publicly available on its website.**BACKGROUND**

The 2024/25 Budget was adopted by Council at a special meeting on 26 June 2024. The budget includes a rate increase of 2.75%, which is in line with the Fair Go Rates System (FGRS) which has capped rates increases by Victorian Councils.

Since budget adoption, some minor changes to the total valuations in table 4.1.1 (f) (page 29) were identified. The total value of land as adopted at the 26 June meeting was \$15.069b as compared to the corrected total value being \$14.999b. Whilst the overall reduction in total valuations of \$70.0m represents approximately 0.45% change to the adopted total valuations, the changes require a consequential amendment to the rate in the dollar in table 4.1.1 (b) (page 28) to ensure that Council complies with the rate cap and the Fair Go Rates system.

The proposed changes have no impact on any other part of the Adopted Budget.

PROPOSAL

Since the budget was adopted, some minor but necessary changes to valuations and rate in the dollar have been identified. These changes are necessary to ensure that Council complies with the rate cap and Fair Go Rates system.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 3: A Council that listens and adapts to the needs of our evolving communities

Priority 3.3: Focus resources to deliver on our service promise in a sustainable way

FINANCIAL IMPLICATIONS

The 2024/25 Annual Budget has been prepared within the adopted four-year Strategic Financial Plan. This will allow Council to improve its financial sustainability and balance the building of new infrastructure with maintaining our existing infrastructure.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

There are no risk or occupational health and safety issues identified in relation to this report.

COMMUNICATIONS & CONSULTATION STRATEGY

The amendments to the 2024/25 Adopted Budget will be available on Council's website.

VICTORIAN CHARTER OF HUMAN RIGHTS & RESPONSIBILITIES ACT 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

OFFICER'S DECLARATION OF CONFLICT OF INTERESTS

Under section 130 of the *Local Government Act 2020*, officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – David Jackson

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Steve Ivelja

In providing this advice to Council as the Author, I have no interests to disclose in this report.

CONCLUSION

The changes proposed to the 2024/25 Adopted Budget will ensure Moorabool Shire complies with rate cap and the Fair Go Rates system.

8 COMMUNITY PLANNING AND DEVELOPMENT REPORTS

8.1 RURAL LAND USE STRATEGY UPDATE

Author: Cliff Bostock, Coordinator Strategic Planning

Authoriser: Henry Bezuidenhout, Executive Manager Community Planning & Development

Attachments:

- 1. Rural Land Use Strategy (under separate cover)**
- 2. Background Review and Issues and Opportunities Paper (under separate cover)**

PURPOSE

The purpose of this report is to present the draft Rural Land Use Strategy (draft Strategy) with the intention to commence community consultation. The draft Strategy sets the strategic vision and direction that will allow Council to make informed and consistent decisions on the use and development of rural land within the Shire (including statutory planning decisions), and to capitalise on the unique position the Shire is in with regard to high quality agricultural land.

EXECUTIVE SUMMARY

- The draft Rural Land Use Strategy has been prepared for community consultation.
- The draft Strategy outlines a strategic framework and planning policy recommendations for the use, management and development of rural land within the Shire.

RECOMMENDATION

That Council:

- 1. Undertakes community consultation of the draft Rural land Use Strategy (attached) for a period of four weeks; and**
- 2. Notes that once feedback is collated, a summary of the feedback and any changes to the draft Strategy be brought back to Council for consideration.**

BACKGROUND

Moorabool Shire is one of the fastest growing peri-urban municipalities in Victoria. As a result, the Shire is experiencing strong demand for rural living and lifestyle type uses including frequent requests to rezone agricultural land for residential purposes, proliferation of dwellings and associated fragmentation of otherwise high-quality agricultural land. The situation threatens the viability of the Shire's agricultural production and future food security, environment, landscape, water resources and other rural industries.

A strategy is required to provide a policy framework to assist Council to sustainably manage development challenges and opportunities associated with the Shire's rural land. The Strategy seeks to complement and fill a gap in existing local planning policy by creating a knowledge base and strategic basis to ensure clear and consistent planning decisions are made to safeguard productivity and sustainable growth and development of our rural areas.

In preparation of the draft Strategy a background review was undertaken, which included an issues and opportunities paper and an agricultural land quality assessment.

Council was briefed on the draft Strategy on 19 June 2024 in relation to the:

- Purpose of the Strategy.
- Key issues and opportunities.
- Agricultural land quality assessment and land classification.
- Precinct Policy areas (description and mapping).
- RLUS directions (statement of intent, strategies, implementation).

Feedback from Councillors has been taken on board and the RLUS updated accordingly. Councillor feedback is summarised and discussed below.

PROPOSAL

Councillor feedback

The table below highlights the key issues identified by Councillors and discusses changes to the draft Strategy in response.

Discussion Item	Change to Strategy
Rural Activity Zone (RAZ)	The strategy now makes reference to the use of the RAZ as an option in rural areas.
Rural Living Zone (RLZ)	Under implementation actions, note that areas already displaying the characteristics of the RLZ can be considered for inclusion into the RLZ. The minimum lot size will be determined as part of future work and can be nuanced depending on the desired outcome and community feedback.
Environmental Significance Overlay (ESO)	Remove reference to the application of the ESO within Precincts 1 and 2. Insert a policy position into the Statement of Intent to discourage development or land uses that would permanently remove high quality agricultural from future use.
Rural Conservation Zone (RCZ)	Remove reference to the expansion of the RCZ. Leave current application of RCZ as is.
Renewable Energy	Strategy notes Council is open to supporting renewable energy initiatives only where they are not negatively impacting high quality agricultural land, agricultural uses, or landscapes.
Plantations	Strategy notes consideration should be given to locations that allow for appropriate harvesting and transport and wont negatively affect Council or communities with regard to infrastructure.
Native Vegetation on private vs public land	Section regarding Environmental Degradation and Biodiversity simplified to clarify relevance.

Productive vs Viability	<p>Strategy updated to confirm that productive land also includes the potential of underutilised land, and ability to use that land in the future.</p> <p>Viability or sustainability will generally refer to a proposed use or supporting development, and likelihood that a proposed use will be viable or sustainable into the future.</p>
Cultural Heritage Management Plan (CHMP)	<p>The Strategy highlights the need to consider CHMPs within 200m of waterways and highlights them on a map.</p> <p>The location of specific cultural heritage sites cannot be provided.</p>

Next steps

It is proposed to consult in July/August for a period of 30 days to seek feedback and submissions on the draft Strategy. Following consultation, submissions will be considered, and a final Strategy brought back to Councillors for consideration.

COUNCIL PLAN

The Council Plan 2021-2025 provides as follows:

Strategic Objective 2: Liveable and thriving environments

Priority 2.1: Develop planning mechanisms to enhance liveability in the Shire

FINANCIAL IMPLICATIONS

The Rural Land Use Strategy was prepared by Council officers. Costs associated with engagement are minimal and are provided for within the Growth and Development budget.

RISK & OCCUPATIONAL HEALTH & SAFETY ISSUES

No specific risks have been identified in undertaken community consultation on the Strategy.

COMMUNICATIONS STRATEGY

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	General public, residents and relevant agencies	Release draft documents, newspaper, social media, website, including a summary document	Various	July/ August	Submissions will be considered prior to a final Strategy

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Executive Manager – Henry Bezuidenhout

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Author – Cliff Bostock

In providing this advice to Council as the Author, I have no interests to disclose in this report.

CONCLUSION

The Rural Land Use Strategy outlines a strategic framework and planning policy recommendations for the use, management and development of rural land within the Shire. This framework and associated policy and guidelines will ensure consistent decisions can be made based on a strategically justified vision that provides clear direction and adequate protections for rural areas into the future. A final Rural Land Use Strategy will be brought to Council post consultation for adoption.

9 ANY OTHER BUSINESS

10 MEETING CLOSURE