

# **Loddon–Campaspe Regional Planning Authority Bill**

## **EXPLANATORY MEMORANDUM**

### **PART 1—PRELIMINARY**

*Clause 1* states the purpose of the Act.

*Clause 2* provides for commencement on a day to be proclaimed.

*Clause 3* contains definitions.

### **PART 2—THE LODDON–CAMPASPE REGIONAL PLANNING AUTHORITY**

*Clause 4* establishes the Authority, provides that the Authority is a body corporate and that judicial notice be taken of the Authority's seal.

*Clause 5* sets out the functions of the Authority.

*Clause 6* provides for membership of the Authority.

*Clause 7* provides for membership appointments by councils.

*Clause 8* provides for the appointment of a Chairperson and Deputy Chairperson by the Governor in Council.

*Clause 9* authorizes the application of Schedule Two (Provisions With Respect to the Authority and Its Members) to the Authority, its members and its proceedings.

*Clause 10* incorporates by reference the pecuniary interest provisions of the Local Government Act.

*Clause 11* provides for the appointment, secondment and payment of officers.

*Clause 12* provides for the appointment of advisory committees.

### **PART 3—POWERS OF THE AUTHORITY**

*Clause 13—*

*Sub-clause (1)* provides that the Authority is a responsible authority within the meaning of the Town and Country Planning Act.

*Sub-clause (2)* sets out provisions for the preparation of any planning instrument.

*Sub-clauses (3) and (4)* provide that the Minister may direct the Authority to prepare and submit a planning scheme within a certain time.

*Sub-clause (5)* provides that the Governor in Council may by order declare the Authority to be the sole responsible authority for any planning scheme or interim development order within the region.

*Sub-clauses (6) and (7)* incorporate by reference certain provisions of the Town and Country Planning Act relating to the preparation and submission of planning schemes.

*Sub-clauses (8) and (9)* are transitional provisions saving things done under any scheme or interim development order transferred to the Authority.

*Clause 14* provides for consultation with responsible authorities in respect of types of use or development to be declared as matters of regional significance.

*Clause 15* provides for declaration by the Authority of specified matters of regional significance with a saving that if a responsible authority considers that a type of use or development should not be specified it may refer the matter to the Minister who may direct the authority to delete that use or development from the notice of declaration.

*Clause 16* provides that any application for a specified use or development must be referred to the Authority for consent. The Authority must consider the application within 60 days. Other provisions relate to the granting of permits, compensation payable as a result of the granting of a void permit and appeals.

*Clause 17* provides that the Authority may delegate certain functions to a committee or officer of the Authority.

#### **PART 4—FINANCIAL**

*Clause 18* defines “Municipal council”, “Rateable property” and “total net annual value of rateable property”.

*Clause 19* provides for the preparation of estimates by the Authority, the submission of a copy of the estimates to each council and consideration of any submissions received by the due date and the procedure for adopting estimates. Sub-clause (4) provides for the Minister to direct that the Authority omit or modify any item of the estimates.

*Clause 20* provides for contribution by each member council to the Authority on such basis as is set by the Authority and the levying of a rate by each council to cover that amount.

In the event of a failure to determine the matter by the due date a method for calculating the contribution of each council is set out.

The Authority is empowered to issue a precept to each municipality requiring it to contribute its share. Late payment will incur interest charges.

*Clause 21* enables the Council to request the Valuer-General to require a general valuation.

*Clause 22* provides for moneys to be paid into an Account kept by the Authority and for the payment of moneys expended by the Authority.

*Clause 23* provides for the borrowing powers of the Authority.

*Clause 24* provides that loan receipts must only be applied for the purposes for which they were borrowed.

*Clause 25* provides for borrowing of money by overdraft and advances from councils.

*Clause 26* sets out the requirements for the keeping of accounts of the Authority.

*Clause 27* provides for the preparation of an annual report including prescribed financial information.

*Clause 28* enables the Minister to direct the Authority to include additional information in an annual report.

*Clause 29* provides for the tabling of an annual report in Parliament.

*Clause 30* provides for the auditing of financial statements.

#### **PART 5—REGULATIONS**

*Clause 31* provides for the making of regulations by the Governor in Council.

## **PART 6—TRANSITIONAL**

*Clause 32* defines “the former Authority”.

*Clause 33* abolishes the former Authority.

*Clause 34* provides that the Authority is the successor in law of the former Authority, that members of the former Authority are deemed members of the Authority, that the Chairman and Deputy Chairman of the former Authority are Chairperson and Deputy Chairperson of the Authority and that all things done or authorized by the former Authority are deemed to have been done or authorized by the Authority and will continue to have force and effect in law.

## **SCHEDULES**

*Schedule 1* defines the Loddon–Campaspe Region.

*Schedule 2* sets out certain provisions in respect of the Authority and its members including terms of office, vacancies, remuneration, substitute members, proceedings and validity of acts and decisions.

