



# Shire of Victoria Plains

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Our ref:

Your ref: A722584 & 4037/11 DW

Ms Emily Hamilton MLA  
Chair  
Joint Standing Committee on Delegated Legislation  
Parliament House  
4 Harvest Terrace  
WEST PERTH WA 6005

Dear Ms Hamilton,

## **Undertaking – Shire of Victoria Plains Extractive Industries Local Law**

I refer to your correspondence of 5 November 2018 regarding the *Shire of Victoria Plains Extractive Industries Local Law 2018* requesting an undertaking be given by the Council to amend the local law.

The matter was put before Council at their Ordinary Council Meeting of 14 November 2018, and I advise that Council has resolved the following undertaking –

*The Council of the Shire of Victoria Plains undertakes to the Joint Standing Committee on Delegated Legislation that –*

1. *the Shire will amend the Extractive Industries Local Law 2018 when it is next reviewed, as follows –*
  - (a) *Amend clause 3.2(2)(f) to delete the reference to 'clause 3.1(3)'.*
  - (b) *Amend clause 3.2(2)(j) to replace the reference to 'regulation 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004' with 'section 51C(a) of the Environmento1 Protection Act 1986'.*
  - (c) *Amend clause 4.1(b) to replace the reference to 'subclauses 3.2(1) and (2)' with 'clause 3.2'.*
  - (d) *Amend clause 4.6(6) to insert the words ', or refuses to renew,' after the word 'renews'.*
  - (e) *Amend clause 4.7(6) to insert the words ', or refuses to approve,' after the word 'approves'.*
  - (f) *Amend clause 4.8(4) to insert the words ', or refuses to approve,' after the word 'approves'.*
  - (g) *Amend clause 7.4 by inserting a new subclause (2) which provides that –*

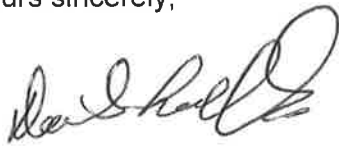
*Subclause 7.4(l)(b)(i) is subject to sections 3.25 and 3.27, and Schedules 3.1 and 3.2 of the Act.*

- (h) *Amend clause 8.3(1)(b) by inserting the word 'done' after the word 'been'.*
  - (i) *Replace clause 8.3(2) with a new clause 8.3(2) which provides that –  
Subclause 8.3(1) is subject to sections 3.25 and 3.27, and Schedules 3.1 and 3.2 of the Act.*
  - (j) *Insert a new clause which provides that –  
Any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.*
  - (k) *Amend clause 9.1(b) by inserting the word 'transfer' after 'vary'.*
  - (l) *Make all necessary consequential amendments.*
2. *until the Local Law is amended in accordance with undertaking I, the Shire will not enforce the Local Law in a manner that is inconsistent with undertaking I.*
  3. *until the Local Law is amended in accordance with undertaking I, the Shire will, when making the Local Law available to the public (whether in hard copy or electronic form –including on the Shire's website), ensure that it is accompanied by a copy of these undertakings.*

As required, a copy of the undertakings has been placed on the website, and will be made available to those requesting a copy of the local law or to read it.

Please contact Ms Glenda Teede, Chief Executive Officer, if there are any queries.

Yours sincerely,



**David S Lovelock**  
**President**

15 November 2018