



Our ref: LE.LLW.2
Your ref: 4036.10 A715057

18 October 2018

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 MORAWA EXTRACTIVE INDUSTRIES LOCAL LAW 2018

I refer to your correspondence of 19 September 2018 regarding the *Shire of Morawa 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 18 October 2018, and I advise that Council has resolved the following undertaking –

The Council of the Shire of Morawa undertakes to the Joint Standing Committee on Delegated Legislation that the Shire will:

1. *When the Local Law is next amended:*
 - 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 Environmental Protection Act 1986'.*
 - c) *amend clause 4.1(b) to replace the reference to 'subclauses 3.2(l) 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) *Make all necessary consequential amendments.*
2. *Until the Local Law is amended in accordance with undertaking 1:*
 - a) *Not enforce the Local Law in a manner contrary to undertaking 1.*
 - b) *Where the Local Law is made publicly available, 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 Mr Chris Linnell, Chief Executive Officer, if there are any queries.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'D Carslake', with a long horizontal flourish extending to the right.

Dean Carslake
Deputy President
(Presiding Member)