

LOCAL GOVERNMENT ACT 1995

SHIRE OF CUNDERDIN

EXTRACTIVE INDUSTRIES AMENDMENT LOCAL LAW 2026

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Cunderdin resolved on [date] to adopt the following local law.

1. Citation

This local law is cited as the *Shire of Cunderdin Extractive Industries Amendment Local Law 2026*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3 Principal local law

In this local law, the *Shire of Cunderdin Extractive Industries Local Law 2011* as published in the *Government Gazette* on 13 January 2012 is referred to as the principal local law. The principal local law is amended as follows.

4. Clause 1.5 amended

Clause 1.5(2) is amended as follows-

- (a) by deleting subclause (a) and replace with the following-
The extractive industry may only be carried out if the local government has authorised it in writing and the proposal satisfies the standards and requirements of the local planning scheme and any associated local planning policies applicable at the time; and
- (b) in subclause (e) by deleting the word “and” and replacing with “any”

5. Clause 2.3

Clause 2.3(1) is amended as follows-

- (a) subclause a, by deleting the words “three copies of”; and
- (b) subclause a, by the addition of the words “in PDF format” following “a plan”; and
- (c) subclause b, by deleting the words “three copies of”; and
- (d) subclause c, by deleting the words “three copies of”.

6. Clause 3.1

- (a) In subclause (1), deleting the word “planning” and replace with “development”; and
- (b) In subclause (5)(c), the addition of the words “including dust, erosion and sedimentation management measures” following the words “the stockpiling of material”.

7. Clause 4.2

In subclause (1), the following additional subclauses are added;

- (a) Subclause (f) – failed to meet one or more conditions imposed under the license issued by the local government in relation to the extractive industry; and
- (b) Subclause (g) – failed to fulfill its obligations under any agreement with the local government in relation to the extractive industry.

8. Clause 7.1

In subclause (1), delete the number \$10,000,000 and replace with the number \$20,000,000.

9. Schedule 1 amended

Item	Clause	Description	Modified Penalty \$
1	2.1(a)	Excavate without a valid and current licence	\$1000
2	2.1(b)	Carry on extractive Industry without licence or in breach of terms and conditions	\$1000
3	6.1	Excavate near boundary	\$500
4	6.2(a)	Removal of trees or shrubs near within 40 meters of the boundary without approval	\$700
5	6.2(b)	Store without required approval explosives or explosive devices	\$700
6	6.2(c)	Fill or excavate, contrary to the term and conditions of the license	\$700
7	6.3(1)(b)	Carry out or permit to be carried out blasting outside hours approved by the local government	\$600
8	6.3(1)(d)	Failure to comply with conditions imposed by the local government in relation to blasting activities	\$700
9	6.3(2)	Carry out or permit to be carried out any blasting on Saturday, Sunday, or public holiday without approval	\$500
10	6.4(a)	Failure to securely fence and/or keep gateways locked where required	\$700
11	6.4(b)	Failure to erect and maintain warning signs as required	\$700
12	6.4(c)	Failure to drain and keep drained any excavation to which the licence applies	\$700
13	6.4(f)	Failure to comply with the conditions of licence imposed by the local government	\$1000
14		All other offences not specified	\$400

Dated this ____ day of ____ 2026

The Common Seal of the Shire of Cunderdin was affixed by authority of a resolution of the Council in the presence of:

AE HARRIS, Shire President

SC HOBLEY, Chief Executive Officer