

LOCAL GOVERNMENT ACT 1995

SHIRE OF BROOME

PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2017

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

1. Citation

This local law is the *Shire of Broome Parking and Parking Facilities Amendment Local Law 2017*.

2. Commencement

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

3. Principal local law amended

This local law amends the Shire of Broome Parking and Parking Facilities Local Law 2012 as published in the Government Gazette on 31 July 2012. ~~The Shire of Broome Parking and Parking Facilities Local Law 2012 as published in the Government Gazette on 31 July 2012 is referred to as the principal local law. The principal local law is amended.~~

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4. Arrangement

In part 3 – Parking Generally amend the title of 3.11 to delete “reserves” and include local government property”

54. Clause 1.3 amended

In clause 1.3 –

- (a) in the definition for ~~“carriageway”~~ in item (b) insert “and” at the start, then delete the words “of those”;
- (b) in the definition for ~~“owner”~~ delete “that” and insert “the” prior to the words Road Traffic Act;
- (c) amend the definition for ~~“public place”~~ to read “public place means any thoroughfare ~~for~~ local government property”;
- (d) in the definition for ~~“sign”~~ delete “reserve” and insert “local government property”;
- (e) in the definition for ~~“thoroughfare”~~ delete “and includes” and insert “including parking areas.”;
- (f) in the definition for ~~“ticket issuing machine”~~ delete “shall be” and insert “is”; and
- (g) insert the definition for ~~“local government property”~~ in alphabetical order:
 - “local government property means anything —
 - (a) which belongs to, is owned by or is under the care, control and management of the local government;
 - (b) which is an “otherwise unvested facility within section 3.53 of the Act; or

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- (c) of which the local government is a management body under the *Land Administration Act 1997*,”

65. Local Law Amendment

The clauses listed in the first column of Table 1 are amended in the manner specified in the second column.

Table 1- Amended Clauses

<u>Clause</u>	<u>Amendment</u>
<u>1.9</u>	<u>Delete “shall” and insert “must”</u>
<u>2.2(1)</u>	
<u>2.2(3)</u>	
<u>2.2(4)</u>	
<u>2.3</u>	
<u>2.5</u>	
<u>2.7</u>	
<u>2.8(1)</u>	
<u>3.1(1)</u>	
<u>3.1(2)</u>	
<u>3.1(4)</u>	
<u>3.2</u>	
<u>3.3(a)</u>	
<u>3.3(b)</u>	
<u>3.4(2)</u>	
<u>3.5(3)</u>	
<u>3.5(4)</u>	
<u>3.5(5)</u>	
<u>3.5(6)</u>	
<u>3.5(7)</u>	
<u>3.6</u>	
<u>3.7(2)</u>	
<u>3.8(1)</u>	
<u>3.8(2)</u>	
<u>3.9</u>	
<u>3.10(2)</u>	
<u>3.10(3)</u>	
<u>4.1(2)</u>	
<u>4.1(3)</u>	
<u>5.1</u>	
<u>5.1(1)</u>	
<u>5.1(2)</u>	
<u>5.3</u>	
<u>5.4</u>	
<u>6.1</u>	
<u>6.2(1)</u>	
<u>6.3</u>	

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6.4(1)	
6.4(2)	
6.5(1)	
6.6(1)	
6.7(1)	
6.8	
6.9(1)	
6.10(1)	
6.10(2)	
6.11	
6.12(1)	
6.13	
6.14	
7.1	
7.2	
7.6(1)	

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6. Clause 1.5 amended

In clause 1.5(2) delete “shall have” and insert-replace with “has”.

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7. Clause 1.6 amended

~~Clause 1.6 is amended as follows-~~

- (a) in clause 1.6 delete subclause (4);
- (b) in clause 1.6(5) delete “and 5”.

8. Clause 1.7 amended

~~Clause 1.7 is amended as follows-~~

~~Amend clause 1.7:~~

- (a) In clause 1.7(1)(b) delete “shall” and insert “is”; and
- (b) In clause 1.7(2) delete “shall be” and insert “is”.

9. Clause 1.9 amended

~~In clause 1.9 delete “shall” and insert “must”.~~

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10. Clause 2.1 amended

In clause 2.1(2) delete “shall” and insert “will”.

11. Clause 2.2 amended

~~Amend clause 2.2:~~

- (a) ~~In clause 2.2(1) delete “shall” and insert “must”;~~
- (b) ~~In clause 2.2(2) insert a comma after (3);~~

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- ~~(c) In clause 2.2(3) delete “shall” and insert “must”; and~~
- ~~(d) In clause 2.2(4) delete “shall” and insert “must”.~~

~~12. Clause 2.3 amended~~

~~In clause 2.3 delete “shall” and insert “must”.~~

~~13.11. Clause 2.5 amended~~

~~In Clause 2.5 is amended to : delete “there has been paid” and insert “has been paid”.~~

- ~~(a) delete “shall” and insert “must”; and~~
- ~~(b) delete “there has been paid” and insert “has been paid”.~~

~~14.12. Clause 2.6 amended~~

~~In clause 2.6 delete “to be”.~~

~~15. Clause 2.7 amended~~

~~In clause 2.7 delete “shall” and insert “must”.~~

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~~16~~ ~~13~~ **Clause 2.8 amended**

In clause 2.8: ~~in clause 2.8(2) delete “no person shall” and insert “a person must not”.~~

- ~~(a)~~ in clause 2.8(1) delete “shall” and insert “must”; and
- ~~(b)~~ in clause 2.8(2) delete “no person shall” and insert a person must not”.

~~17-14~~ **Clause 3.1 amended**

~~In clause~~ Clause 3.1(3) is amended as follows:

- ~~(a)~~ in clause 3.1(1) delete “shall” and insert “must”;
- ~~(b)~~ in clause 3.1(2) delete “shall” and insert “must”;
- ~~(c)~~ ~~(a)~~ in clause 3.1(3) delete the words “A person shall not park a motorcycle without a side car or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C” and insert “A person must not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall not marked “M/C”, except where there are no stalls marked “M/C” within 500 metres of the parking stall; and
- ~~(d)~~ in clause 3.1(4) delete “shall” and insert “must”.

~~18~~ ~~15~~ **Clause 3.3 amended**

~~In~~ Clause 3.3 is amended as follows:

- (a) in clause 3.3 delete “indicates”;
- (b) in clause 3.3 delete “where the parking area is” and insert “then”;
- (c) in clause 3.3(a) at the start of the text insert “where the parking area is”; and
- ~~(d)~~ in clause 3.3(a) delete “shall” and insert “must”;
- ~~(e)~~ ~~(d)~~ in clause 3.3(b) insert “where the parking area is”.; and
- ~~(f)~~ in clause 3.3(b) delete “shall” and insert “must”.

~~19~~ ~~16~~ **Clause 3.4 amended**

In clause 3.4(2) delete “shall” and insert “must”.

~~20~~ ~~16~~ **Clause 3.5 amended**

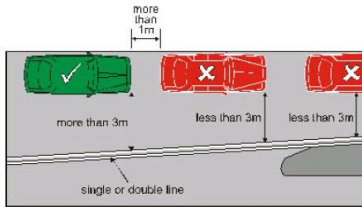
~~In~~ Clause 3.5 is amended as follows:

- ~~(a)~~ in clause 3.5(3) delete “shall” and insert “must”;
- ~~(b)~~ ~~(a)~~ in clause 3.5(2)(c) delete “drive” and insert “driveway” on both occasions; and
- ~~(c)~~ ~~(b)~~ in clause 3.5 (3)(g) insert:

“Example

Parallel parking – minimum distance from other vehicles and dividing strip

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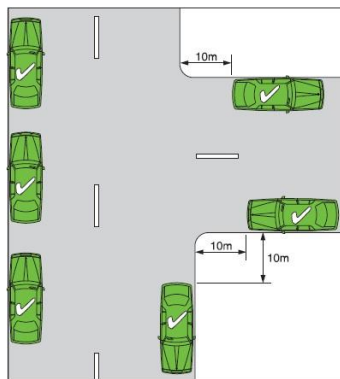


In the example, the vehicles marked with an "X" are parked in contravention of clause 3.5(3)."

~~(e)~~(c) In clause 3.5(3)(k) insert

"Example

Measurement of distance – T-intersection without traffic lights"



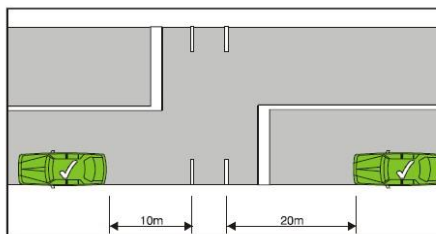
~~(e)~~ in clause 3.5(4) delete "shall" and insert "must";

~~(f)~~ in clause 3.5(5) delete "shall" and insert "must";

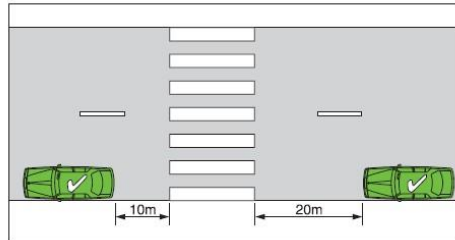
~~(g)~~(d) in clause 3.5(5)(b) insert:

"Example 1

Measurement of distance – children's crossing



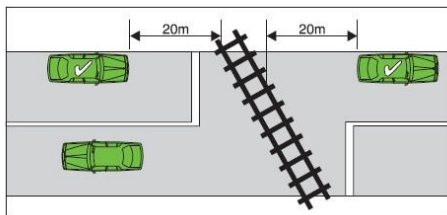
Example 2
Measurement of distance – pedestrian crossing”



~~(h)~~ in clause 3.5(6) delete “shall” and insert “must”;
~~(i)~~(e) in clause 3.5(6) insert:

“Example

Measurement of distance – level crossing”



~~(j)~~ in clause 3.5(7) delete “shall” and insert “must”.

21 Clause 3.6 amended

In clause 3.6 delete “shall” and insert “must”.

22 Clause 3.7 amended

In clause 3.7(2) delete “shall” and insert “must”.

23 Clause 3.8 amended

In clause 3.8:

- ~~(a)~~ in clause 3.8(1) delete “shall” and insert “must”; and
- ~~(b)~~ in clause 3.8(2) delete “shall” and insert “must”.

24 Clause 3.9 amended

In clause 3.9 delete “shall” and insert “must”.

25-17 Clause 3.10 amended

In clause 3.10 is amended as follows:

- (a) in ~~clause 3.10~~ sub clause (1)(a) delete “which belongs to the local government” and replace with insert “which is local government

- ~~(b) property and “property”;~~
- ~~(c) delete clause 3.10(b); and~~
- ~~(c) delete clause 3.10(c);~~
- ~~(c) in clause 3.10(2) delete “shall” and insert “must”; and~~
- ~~(d) in clause 3.10(3) delete “shall” and insert “must”.~~

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26-18 Clause 3.11 amended

In clause 3.11 delete “reserves” and insert “local government property”.

27 ~~Clause 4.1 amended~~

~~In clause 4.1:~~

- ~~(a) in clause 4.1(2) delete “shall” and insert “must”; and~~
- ~~(b)(a) in clause 4.1(3) delete “shall” and insert “must”.~~

28 ~~Clause 5.1 amended~~

~~In clause 5.1:~~

- ~~(a) in clause 5.1 delete “shall” and insert “must”; and~~
- ~~(c) in clause 5.1 between (b) and (c) delete “shall” and insert “must”.~~

29 ~~Clause 5.2 amended~~

~~In clause 5.2:~~

- ~~(a) in clause 5.1(1) delete “shall” and insert “must”; and~~
- ~~(b) in clause 5.1(2) delete “shall” and insert “must”.~~

30 ~~Clause 5.3 amended~~

~~In clause in clause 5.3 delete “shall” and insert “must”.~~

31 ~~Clause 5.4 amended~~

~~In clause 5.4 delete “shall” and insert “must”.~~

32 ~~Clause 6.1 amended~~

~~In clause 6.1 delete “shall” and insert “must”.~~

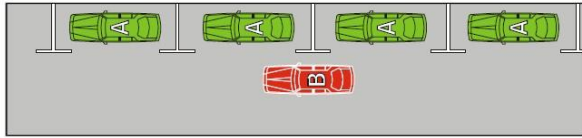
33-19 Clause 6.2 amended

In clause 6.2(2)(b) insert:

- ~~(a) in clause 6.2(1) delete “shall” and insert “must”; and~~
- ~~(b) in clause 6.2(2)(b) insert:~~

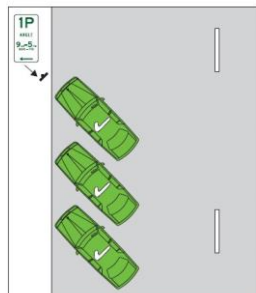
“Examples

Example 1



In example 1, the vehicle "B" is stopped in contravention of clause 6.2(1).

Example 2



In example 2, the angle parked vehicles are not stopped in contravention of this clause."

34 ~~Clause 6.3 amended~~

~~In clause 6.3 delete "shall" and insert "must".~~

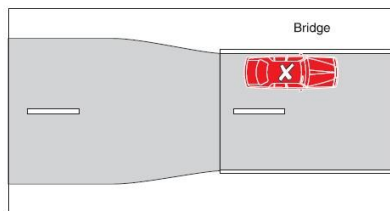
35-20 ~~Clause 6.4 amended~~

~~In clause 6.4(1)(b) insert:~~

- ~~(a) in clause 6.4(1) delete "shall" and insert "must";~~
- ~~(b) in clause 6.4(2) delete "shall" and insert "must"; and~~
- ~~(c) in clause 6.4(2)(b) insert:~~

"Example

Stopping on a bridge where the carriageway on the bridge is narrower than on an approach



In the example the vehicle is stopped in contravention of clause 6.4(1)."

36 ~~Clause 6.5 amended~~

~~In clause 6.5(1) delete "shall" and insert "must".~~

3721 **Clause 6.6 amended**

In clause 6.6(1)(b) insert:

- ~~(a) in clause 6.6(1) delete "shall" and insert "must"; and~~
- ~~(b) in clause 6.6(1)(b) insert:~~

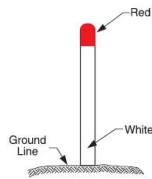
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"Examples

Fire hydrant indicators



Fire plug indicator



38 ~~Clause 6.7 amended~~

~~In clause 6.7(1) delete "shall" and insert "must".~~

39-22 **Clause 6.8 amended**

In clause 6.8 ~~delete "path" and insert "footpath".~~

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- :
- ~~(a) delete "shall" and insert "must"; and~~
 - ~~(b) delete "path" and insert "footpath".~~

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4023 **Clause 6.9 amended**

In clause 6.9(3) ~~delete "path" and insert "footpath"~~ 6-9:

- ~~(a) In clause 6.9(1) delete "shall" and insert "must"; and~~
- ~~(b) In clause 6.9(3) delete "path" and insert "footpath".~~

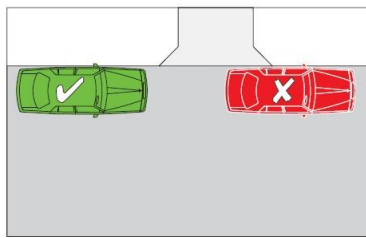
41-24 **Clause 6.10 amended**

~~In clause~~ Clause 6.10 is amended as follows:

- (a) In the heading delete “path” and insert “footpath”;
- ~~(b) in clause 6.10(1) delete “shall” and insert “must”;~~
- ~~(c)(b) in clause 6.10(1) delete “path” and insert “footpath”;~~ and
- ~~(d) in clause 6.10(2) delete “shall” and insert “must”;~~ and
- ~~(e)(c) in clause 6.10(2)(b) insert:~~

“Example

Blocking a driveway



In the example, the vehicle marked with an ‘X’ is stopped in contravention of clause 6.10(2).”

~~42~~ **Clause 6.11 amended**

~~In clause 6.11 delete “shall” and insert “must”.~~

~~43-25~~ **Clause 6.12 amended**

~~In clause 6.12 is amended as follows:~~

- ~~(a) in clause 6.12(1) delete “shall” and insert “must”;~~
- ~~(b)(a) in clause 6.12(2) delete “mitigates”;~~ and
- ~~(c)(b) in clause 6.12(2) insert “affects or overrides”, “in this local law” and “other”.~~

~~44~~ **Clause 6.13 amended**

~~In clause 6.13 delete “shall” and insert “must”.~~

~~45~~ **Clause 6.14 amended**

~~In clause 6.14 delete “shall” and insert “must”.~~

~~46~~ **Clause 7.1 amended**

~~In clause 7.1 delete “shall” and insert “must”.~~

~~47~~ **Clause 7.2 amended**

~~In clause 7.2 delete “shall” and insert “must”.~~

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~~48~~ **Clause 7.6 amended**

~~In clause 7.6 (1) delete "shall" and insert "must".~~

~~49~~ 26 **Clause 8.1 amended**

In clause 8.1(3) delete "shall" and insert "will".

~~5027~~ **Clause 8.2 amended**

~~In~~ Clause 8.2 is amended as follows:

- (a) in clause 8.2(a) delete "that of";
- (b) in clause 8.2(b) delete "that of"; and
- (c) in clause 8.2(c) delete "that of".

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Dated XX XXXX XXXX

The Common Seal of the)
Shire of Broome)
was affixed under the authority)
of a resolution of Council in the)
presence of:)

R J JOHNSTON
Shire President

S MASTROLEMBO
Acting Chief Executive Officer