

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.~~

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

5. 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

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

6. Clause 1.5 amended

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

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-

:

- (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 2.1 amended

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

10. Clause 2.5 amended Clause 2.5 is amended to delete “there has been paid” and insert “has been paid”.

11. Clause 2.6 amended

In clause 2.6 delete “to be”.

12 Clause 2.8 amended

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

13 Clause 3.1 amended

Clause 3.1(3) is amended as follows

- (a) 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

14 Clause 3.3 amended

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(b) insert “where the parking area is”.

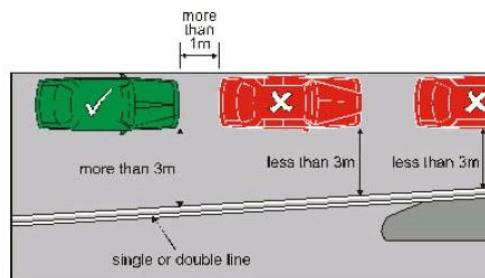
15 Clause 3.5 amended

Clause 3.5 is amended as follows:

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

“Example

Parallel parking – minimum distance from other vehicles and dividing strip

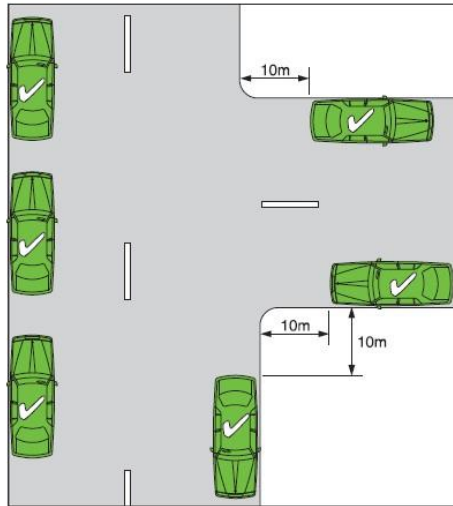


In the example, the vehicles marked with an “X” are parked in contravention of clause 3.5(3).”

- (c) In clause 3.5(3)(k) insert

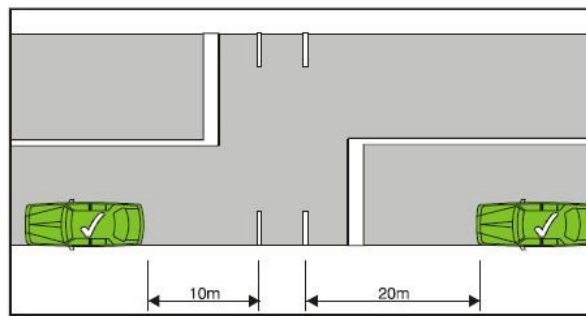
“Example

Measurement of distance – T-intersection without traffic lights”

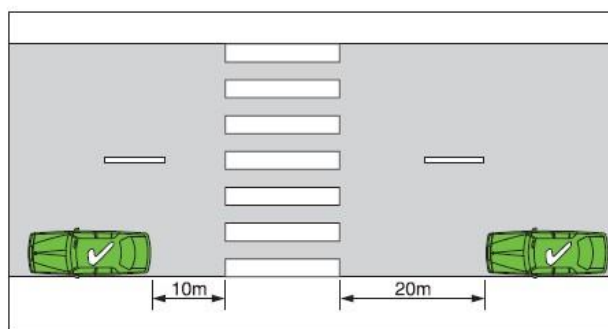


(d) in clause 3.5(5)(b) insert:

“Example 1
Measurement of distance – children’s crossing

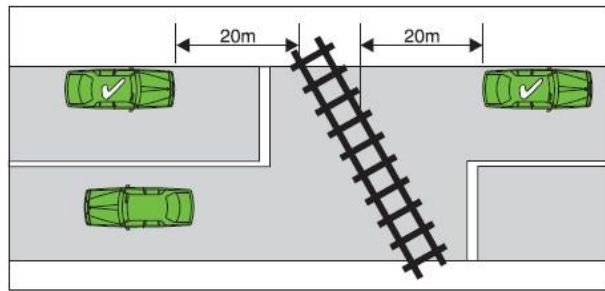


Example 2
Measurement of distance – pedestrian crossing”



(e) in clause 3.5(6) insert:

“Example
Measurement of distance – level crossing”



16 Clause 3.10 amended

Clause 3.10 is amended as follows:

- (a) in sub clause (1)(a) delete “which belongs to the local government ” and replace with insert “which is local government property” and “property”;
- (b) delete clause 3.10(b); and
- (c) delete clause 3.10(c).

17 Clause 3.11 amended

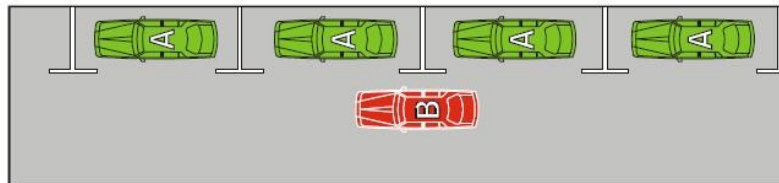
In clause 3.11 delete “reserves” and insert “local government property”.

18 Clause 6.2 amended

In clause 6.2(2)(b) insert

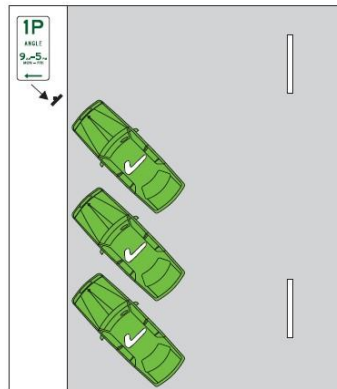
“Examples

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

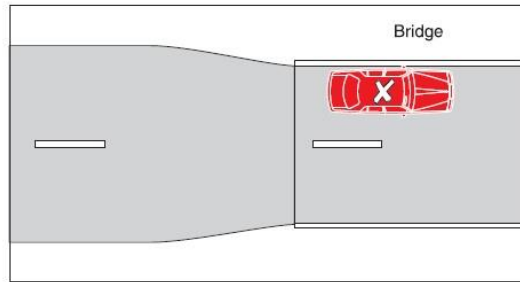
contravention of this clause.”

19 Clause 6.4 amended

In clause 6.4(1)(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).”

20 Clause 6.6 amended

In clause 6.6(1)(b) insert:

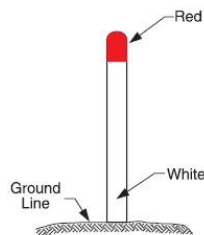
:

“Examples

Fire hydrant indicators



Fire plug indicator



21 Clause 6.8 amended

In clause 6.8 delete “path” and insert “footpath”.

22 Clause 6.9 amended

In clause 6.9(3) delete “path” and insert “footpath”

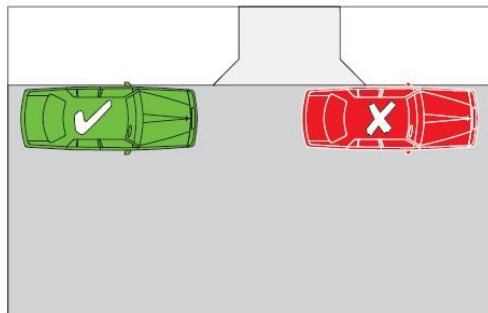
23 Clause 6.10 amended

Clause 6.10 is amended as follows:

- (a) In the heading delete “path” and insert “footpath”;
- (b) in clause 6.10(1) delete “path” and insert “footpath”; and
- (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).”

24 Clause 6.12 amended

Clause 6.12 is amended as follows:

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

25 Clause 8.1 amended

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

26 Clause 8.2 amended

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”.

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
Chief Executive Officer