

LOCAL GOVERNMENT ACT 1995

SHIRE OF BROOME

LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES 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 Local Government Property and Public Places 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 Local Government Property and Public Places Local Law 2016* as published in the *Government Gazette* on 22 June 2017.

4. Clause 1.5 amended

In clause 1.5 –

- (a) in the definition for **local government property** in item (b) insert “, but does not include a thoroughfare” prior to “; or”;
- (b) in the definition for **local government property** delete “but does not include a thoroughfare” after items (a), (b) and (c);
- (c) delete the definition for **private land**;
- (d) delete the definition for **public place** and insert a new definition for **public place** as follows –
“**public place** means:
 - (a) any thoroughfare or local government property; or
 - (b) any place which the public is allowed to use, whether the place is or is not on private land, including park lands, squares, reserves, beaches, the intertidal zone and other land designated as being for the use and enjoyment of the public.”

5. Clause 3.1 amended

In clause 3.1(b) delete “2003” and replace with “2016”.

6. Clause 3.2 amended

Clause 3.2 is amended as follows –

- (a) in clause 3.2(1)(b) replace “at a public place” with “on local government property or a thoroughfare”;
- (b) in clause 3.2(1)(e) replace “within a public place” with “on local

- (c) government property or a thoroughfare”;
in clause 3.2(1)(g)(iii) replace “on local government property” with “within a public place”;
- (d) delete clause 3.2(1)(i);
- (e) in clause 3.2(1)(k) replace “a public place” with “local government property or a thoroughfare”;
- (f) in clause 3.2(1)(l) replace “within a public place” with “on local government property or a thoroughfare”;
- (g) in clause 3.2(1)(m) replace “within a public place” with “on local government property or a thoroughfare”;
- (h) in clause 3.2(1)(n) replace “in a public place” with “on local government property or a thoroughfare”;
- (i) in clause 3.2(1)(o) replace “within a public place” with “on local government property or a thoroughfare”;
- (j) in clause 3.2(1)(p) replace “a public place” with “local government property or a thoroughfare”;
- (k) in clause 3.2(1)(r) replace “in a public place” with “on local government property or a thoroughfare”; and
- (l) in clause 3.2(4) delete “public”.

7. Clause 3.4 amended

In clause 3.4(1) replace “in a public place” with “on local government property”.

8. Clause 3.15 amended

Clause 3.15 is amended as follows –

- (a) delete clause 3.15(b) and insert a new clause 3.15(b) as follows –

“(b) where the permit relates to an activity on local government property or a thoroughfare:

- (i) leave the local government property or thoroughfare in a clean and tidy condition after its use;
- (ii) report any damage or defacement of the local government property or thoroughfare to the local government;
- (iii) take steps to repair or rectify any damage or defacement of the local government property or thoroughfare as directed by the local government; and
- (iv) prevent the consumption of any liquor on the local government property or thoroughfare unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.”

9. Clause 4.2 amended

Clause 4.2 is amended as follows –

- (a) in clause 4.2(1) replace “in a public place” with “on local government property or a thoroughfare”;
- (b) in clause 4.2(2)(a) delete “public”;
- (c) in clause 4.2(2)(b) delete “public”; and
- (d) in clause 4.2(2)(c) delete “public”.

10. Clause 4.4 amended

In clause 4.4(1) replace “public place” with “local government property or thoroughfare”.

11. Clause 4.5 amended

In clause 4.5(c) delete “public”.

12. Clause 4.8 amended

In clause 4.8(1):

- (a) replace “in a public place” with “on local government property”; and
- (b) replace “public place” with “property”.

13. Clause 5.1 amended

In clause 5.1(1) replace “3.5” with “3.2”.

14. Clause 7.2 amended

In clause 7.2(1)(a) replace “public place” with “local government property”.

15. Clause 8.3 amended

Clause 8.3 is amended as follows –

- (a) in clause 8.3(c)(ii)C. replace “10” with “20”; and
- (b) in clause 8.3(c)(ii) include a new sub-clause D. as follows –

“D. gravel greater than ###”.

16. Clause 8.5 amended

Clause 8.5 is amended as follows –

- (a) replace “bitumen,” with “bitumen or”; and
- (b) delete “or an area of inorganic material which exceeds 20 square metres”.

17. Part 9 heading amended

The heading for Part 9 is amended by replacing “in public places” with “on local government property and thoroughfares”.

18. Clause 9.3 amended

Clause 9.3 is amended as follows –

- (a) in clause 9.3(1)(a) replace “in a public place” with “on local government property or a thoroughfare”; and
- (b) in clause 9.3(1)(b) replace “in a public place” with “on local government property or a thoroughfare”.

19. Clause 9.5 amended

In clause 9.5(1)(a)(vii) replace “public” with “thoroughfare or”.

20. Clause 9.6 amended

Clause 9.6 is amended as follows –

- (a) in clause 9.6(1) replace “in a public place” with “on local government property or a thoroughfare”;
- (b) in clause 9.6(1)(c) replace “public” with “thoroughfare or”; and
- (c) in clause 9.6(1)(h) replace “in a public place” with “on a thoroughfare”.

21. Schedule 1 amended

Schedule 1 is amended as follows –

- (a) in the General Description of Offence for item 24 replace “a public place or” with “local government property or a”; and
- (b) in the General Description of Offence for item 39 delete “in a public place”.

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