

9.10 FINAL ADOPTION OF LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022

- Attachments:
1. Local Government Property Amendment Local Law 2022
 2. Amendment Local Law 2022 as Advertised
 3. Amendment Local Law 2022 Showing Tracked Changes from Advertised Following Advice from DLGSC

RECOMMENDATION:

That Council:

1. NOTES that local public notice of the *City of Vincent Local Government Property Amendment Local Law 2022* was provided for the period 21 May 2022 to 3 July 2022 and no submissions were received;
2. NOTES the purpose of the *Local Government Property Amendment Local Law 2022* is to:
 - 2.1 amend clause 1.6 by inserting additional definitions for 'election day', 'election period', and 'election sign';
 - 2.2 amend clause 5.3(l) to delete the restriction on mobile phone use in a change room at a community facility, and to insert the restriction on any person taking images or recording of another person without their prior consent in a change room at a community facility;
 - 2.3 amend clause 5.14 to specify the responsibility of property owners to maintain awnings, balconies, and verandahs applies to those which are erected over a thoroughfare;
 - 2.4 amend clause 5.16(c) and (d) to specify that smoke free areas do not include vehicles within thoroughfares;
 - 2.5 amend clause 6.1(e) to change term from a 'minor nature development' to a 'minor sign' and provide further clarity to the definition;
 - 2.6 amend clause 6.8 to align with the City's Election Signs Policy provisions for erection of signs on local government property without requiring a permit and to specify conditions for the City in determining an application for a permit for an election sign;
 - 2.7 delete clause 13.2(f) to remove the provision for an approved manager to refuse entry, suspend admission, or direct a person to leave a local government facility due to a person being deemed undesirable by reason of their past conduct; and
 - 2.8 amend typographical errors in and further clarify clauses 1.6, 4.4(2), 5.13, 6.2(2)(a), 6.3(1), 6.3(2)(a), 9.3(2), 9.7(1)(f), and 9.11(1);
3. NOTES the effect of the *Local Government Property Amendment Local Law 2022* is to:
 - 3.1 note and clarify new definitions used throughout additions to clause 6.8 regarding election signs;
 - 3.2 clarify that no images or recording shall be taken of another person in a change room at a community facility without their prior consent;
 - 3.3 clarify that owners with properties which have awnings, balconies, and verandahs over thoroughfares have a public safety duty to maintain them;
 - 3.4 clarify that persons smoking within their own private property (being a vehicle) situated on a thoroughfare in a smoke free area is not prohibited by the local law;
 - 3.5 remove any confusion due to terminology used for signs in local planning policies and the City of Vincent's Local Planning Scheme No. 2;

- 3.6 clarify the conditions under which erection of an election sign on local government property does not require a permit and to provide guidance for the City in determining an application for a permit for an election sign;
 - 3.7 remove grounds for discrimination in this manner against any person on local government property or in a community facility by an authorised person or approved manager; and
 - 3.8 provide clarity in clauses 1.6, 4.4(2), 5.13, 6.2(2)(a), 6.3(1), 6.3(2)(a), 9.3(2), 9.7(1)(f), and 9.11(1);
4. **MAKES BY ABSOLUTE MAJORITY, the *Local Government Property Amendment Local Law 2022* at Attachment 1, in accordance with section 3.12(4) of the *Local Government Act 1995*, subject to the Chief Executive Officer:**
- 4.1 publishing the *Local Government Property Amendment Local Law 2022* in the Government Gazette in accordance with s3.12(5) of the *Local Government Act 1995* and providing a copy to the Minister for Local Government; and
 - 4.2 following Gazettal, providing local public notice in accordance with s3.12(6) of the *Local Government Act 1995*, and providing a copy of the law and Explanatory Memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

PURPOSE OF REPORT:

To consider adopting the *Local Government Property Amendment Local Law 2022*.

BACKGROUND:

At its 22 June 2021 Meeting, Council approved (Item 12.2) the recommencement of the process of repealing the *Local Government Property Local Law 2008* and adopting the *Local Government Property Local Law 2021*.

Local public notice of the *Local Government Property Local Law 2021* was given with submission period open between 30 July 2021 and 24 September 2021.

A number of minor changes were made due to public submissions and advice from the Department of Local Government, Sport and Cultural Industries (DLGSC).

At its 16 November 2021 Meeting (Item 9.6), Council approved the making of the *Local Government Property Local Law 2021*.

The *Local Government Property Local Law 2021* was published in the *Government Gazette* on 30 November 2021 edition No. 201.

The *Local Government Property Local Law 2021*, as Gazetted, can be viewed here.

Local public notice of adoption of the *Local Government Property Local Law 2021* was published on 4 December 2021, noting that the local law will become operational on 14 December 2021.

The *Local Government Property Local Law 2021* was provided to the Joint Standing Committee on Delegated Legislation (JSCDL) on 10 December 2021 for their review.

On 24 February 2022, the JSCDL considered the local law and advised Mayor Cole to action certain undertakings.

At its 8 March 2022 Meeting (Item 12.6), Council was presented with the requested undertakings and approved responding to the JSCDL that it commits to the undertakings. A letter was provided to the Committee on 14 March 2022.

In fulfilling the requested undertakings, the City is required to make the *Local Government Property Amendment Local Law 2022* within six months, by 24 August 2022.

At its 17 May 2022 Meeting (Item 12.2) Council was given notice of the purpose and effect of the proposed amendments and approved advertising the draft *Local Government Property Amendment Local Law 2022*.

DETAILS:

Local public notice of the proposed *Local Government Property Amendment Local Law 2022* (Amendment Local Law) was given in accordance with section 3.12(3)(a) of the *Local Government Act 1995*.

Public notice and consultation on the proposed Amendment Local Law included the following:

- a notice published in the West Australian on 21 May 2022;
- a consultation page displayed on the City's website (Imagine Vincent);
- inclusion of a News Item on the City's website;
- promotion on the City of Vincent's Facebook page on 21 May 2022; and
- inclusion on notice boards at the City of Vincent's Administration building and Library.

The submission period was open between 21 May 2022 and 3 July 2022. No submissions were received during the consultation period.

In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, Administration provided the Minister for Local Government with a copy of the advertised Amendment Local Law. DLGSC provided minor editing suggestions for the Amendment Local Law.

A copy of the draft *Local Government Property Amendment Local Law 2022* recommended for adoption is at **Attachment 1**.

This attachment includes some minor modifications to the Amendment Local Law as it was advertised, as a result of the comments obtained by the Department of Local Government, Sport and Cultural Industries (DLGSC).

The Amendment Local Law as advertised can be seen at **Attachment 2**.

The Amendment Local Law marked up in tracked changes showing modifications made following advice from DLGSC, is at **Attachment 3**.

After including changes resulting from the feedback from DLGSC the Amendment Local Law is not significantly different to what was advertised, therefore it does not trigger the requirement to recommence the making of the local law under section 3.13 of the *Local Government Act 1995*.

After Council adoption and Gazettal of the Amendment Local Law, the City must provide it to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL). While Administration, with legal consultation and advice from DLGSC, have addressed the undertakings requested by JSCDL, the Committee may still exercise its discretion to disallow part or all of the Amendment Local Law.

CONSULTATION/ADVERTISING:

Following Gazettal, the City would provide local public notice that the *Local Government Property Amendment Local Law 2022* has been published in the Government Gazette, in accordance with s3.12(6) of the *Local Government Act 1995*. The notice would include the following details: the title of the local law; the purpose and effect of the local law; the day the local law comes into operation; and advising that copies of the local law can be inspected and obtained from the City's office and website.

LEGAL/POLICY:

Section 3.12 of the *Local Government Act 1995* sets out the procedural requirements for the making of a local law:

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*

- (2a) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
- (a) *give local public notice stating that —*
- (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
- (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
- And*
- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the minister and, if another minister administers the act under which the local law is proposed to be made, to that other minister; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
** absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the gazette and give a copy of it to the minister and, if another minister administers the act under which the local law is proposed to be made, to that other minister.*
- (6) *After the local law has been published in the gazette the local government is to give local public notice —*
- (a) *stating the title of the local law; and*
- (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
- (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The minister may give directions to local governments requiring them to provide to the parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to adopt the *Local Government Property Amendment Local Law 2022*.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Reduced smoking

FINANCIAL/BUDGET IMPLICATIONS:

There are nominal costs associated with making the local law, including advertising and Gazettal which can be expended from the City's operating budget.

City of Vincent

Local Government Act 1995

Local Government Property Amendment Local Law 2022

Local Government Property Amendment Local Law 2022

LOCAL GOVERNMENT ACT 1995

CITY OF VINCENT

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022

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

1. Citation

This local law may be cited as the *City of Vincent Local Government Property Amendment Local Law 2022*.

2. Objective

- (a) The objective of this amendment local law is to amend certain provisions of the *City of Vincent Local Government Property Local Law 2021*.
- (b) The effect of this amendment local law is to provide further clarity of the requirements with which any person using or being on local government property, thoroughfares and public places within the district must comply.

3. Commencement

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

4. Principal Local Law

This amendment local law amends the *City of Vincent Local Government Local Law 2021*, published in the *Government Gazette* on 30 November 2021.

5. Clause 1.6 amended

Clause 1.6 is amended by

- (a) inserting the following words after the definition of '**e-cigarette**':
election day means the date of voting or polling for a Federal, State or local government election (as the case may be);
election period means the period of sixty (60) days prior to a State or Federal election or from the close of candidate nominations for a local government (which occurs 37 days prior to the local government election day), and two (2) days after that election day;
election sign means any sign which advertises any aspect of a forthcoming Federal, State or local government election and may include promoting a registered candidate or political party;
- (b) amending paragraph (f) of the definition of *vehicle* by replacing the word 'and' with the word 'or'.

6. **Clause 4.4(2) amended**

In clause 4.4(2) insert the word 'on' after the words 'behave in or'.

7. **Clause 5.3(l) replaced**

Clause 5.3(l) is replaced with:

- (l) use any device or equipment (whether electronic or otherwise) to take images or recordings of any person in a change room without that person's prior expressed consent.

8. **Clause 5.13 amended**

In clause 5.13 delete the word 'are' after the words 'over a thoroughfare'

9. **Clause 5.14 replaced**

Clause 5.14 is replaced with:

5.14 Maintenance and public safety

The owner and occupier of any building to which any awning, balcony or verandah is attached and is erected over a thoroughfare, shall keep the awning, balcony or verandah clean, painted, watertight, in a sound and safe structural condition and in good and substantial repair.

10. **Clause 5.16(c) and (d) replaced**

Clause 5.16(c) and (d) are replaced with:

- (c) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where there is activity that caters for children and/or young people; or
- (d) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.

11. **Clause 6.1(e) replaced**

Clause 6.1(e) is replaced with:

(e) **minor sign** means a sign that does not require development approval in accordance with the City of Vincent's Local Planning Scheme No. 2 or local planning policies and is characterised as:

- (i) not exceeding 500mm in height nor 0.5m² in area, on any side;

- (ii) of a temporary nature occurring on one-off occasions (although may occur on a number of days) but not of any permanent nature or reoccurrence; and
- (iii) not adversely affecting the amenity, streetscape or day-to-day activities of the local government property or any other use which, in the opinion of the local government, constitutes a minor use;

12. Clause 6.2(2)(a) amended

Clause 6.2(2)(a) is amended by deleting the words 'nature development' and replace with the word 'sign'.

13. Clause 6.3(2)(a) amended

Clause 6.3(2)(a) is amended by:

- (a) deleting the words 'nature development' and replace with the word 'sign'; and
- (b) inserting the word 'or' after the semicolon at the end of the paragraph.

14. Clause 6.8 replaced

Clause 6.8 is replaced with:

6.8 Election signs

- (1) A person must not erect or display an election sign on local government property without a permit unless the election sign is:
- (a) only displayed during the election period and removed within 48 hours after the election day;
 - (b) free standing and no affixed to any existing tree, sign, post, power or light pole, or similar structure;
 - (c) at least 3 metres from the edge of the carriageway and 0.5 metres from the footpath;
 - (d) erected at least 10 metres from any intersection of thoroughfares;
 - (e) not closer than 50 metres to a signalised intersection or before any speed indicator sign;
 - (f) not placed on a median strip, roundabout or other traffic control device;
 - (g) not placed within an intersection;
 - (h) not located in, or within 50 metres of, a 40kph school zone;
 - (i) not places so as to obstruct or impede:
 - (i) a footpath, thoroughfare or carriageway;

- (ii) the reasonable and/or safe use of a thoroughfare or local government property;
 - (iii) access to a place by any person;
 - (j) placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
 - (k) not placed within 100 metres of any works on a thoroughfare or local government property;
 - (l) maintained in good condition;
 - (m) securely installed;
 - (n) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message; and
 - (o) not located in a position which would suggest that the sign has the endorsement of the local government, including and local government property leased to third party.
- (2) In determining an application for a permit for an election sign, the local government is to have regard to –
- (a) any other written law or policy regulating the erection or placement of election signs within the district;
 - (b) the dimensions of the election sign;
 - (c) whether or not the election sign will create a hazard to persons using a thoroughfare;
 - (d) whether the election sign would –
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access; and
 - (e) whether the election sign may obstruct or impede the use of the footpath for the purpose for which it is used.

15. Clause 9.3(2) amended

In clause 9.3(2) insert the word 'it' after the words 'as a debt due to'.

16. Clause 9.7(1)(f) replaced

Clause 9.7(1)(f) is replaced with:

'only be solar lighting;'

17. Clause 9.11(1) replaced

Clause 9.11(1) is replaced with:

- (1) For the purpose of carrying out any works the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works on a thoroughfare, may without notice and without being liable to compensate any person –
- (a) dig up all or part of a thoroughfare; or
 - (b) disturb any verge treatment placed there by an owner or occupier of adjacent land.

18. Clause 13.2(1) replaced

Clause 13.2(1) is replaced with:

- (1) Subject to subclause (2), an authorised person or Manager may refuse to allow entry, suspend admission or direct a person to leave local government property where the authorised person or Manager reasonably suspects that the person has –
- :
- (a) contravened a provision of this local law;
 - (b) behaved in a disorderly manner;
 - (c) used indecent, offensive, profane or insulting language;
 - (d) created or taken part in any disturbance whereby a crowd has gathered;
or
 - (e) committed an act of indecency.

Dated: [insert date]

The Common Seal of The City of Vincent was affixed in the presence of—

EMMA COLE, Mayor

DAVID MACLENNAN, Chief Executive Officer.

City of Vincent

Local Government Act 1995

Local Government Property Amendment Local Law 2022

Local Government Property Amendment Local Law 2022

LOCAL GOVERNMENT ACT 1995

CITY OF VINCENT

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2021

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

1. Citation

This local law may be cited as the *City of Vincent Local Government Property Amendment Local Law 2022*.

2. Objective

- (a) The objective of this amendment local law is to amend certain provisions of the City of Vincent Local Government Property Local Law 2021.
- (b) The effect of this amendment local law is to provide further clarity of the requirements with which any person using or being on local government property, thoroughfares and public places within the district must comply.

3. Commencement

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

4. Principal Local Law

This amendment local law amends the City of Vincent Local Government Local Law 2021, published in the *Government Gazette* on 30 November 2021.

5. Clause 1.6 amended

Clause 1.6 is amended by

- (a) inserting the following words after the definition of '**e-cigarette**':
election day means the date of voting or polling for a Federal, State or local government election (as the case may be);
election period means the period of sixty (60) days prior to a State or Federal election or from the close of candidate nominations for a local government (which occurs 37 days prior to the local government election day), and two (2) days after that election day;
election sign means any sign which advertises any aspect of a forthcoming Federal, State or local government election and may include promoting a registered candidate or political party;
- (b) amending the definition of **vehicle** (f) by replacing the word 'and' with the word 'or'.

6. **Clause 4.4(2) amended**

In clause 4.4(2) insert the word 'on' after the words 'behave in or'.

7. **Clause 5.3(l) replaced**

Clause 5.3(l) is replaced with:

- (l) use any device or equipment (whether electronic or otherwise) to take images or recordings of any person in a change room without that person's prior expressed consent.

8. **Clause 5.13 amended**

In clause 5.13 delete the word 'are' after the words 'over a thoroughfare'

9. **Clause 5.14 replaced**

Clause 5.14 is replaced with:

The owner and occupier of any building to which any awning, balcony or verandah is attached and is erected over a thoroughfare, shall keep the awning, balcony or verandah clean, painted, watertight, in a sound and safe structural condition and in good and substantial repair.

10. **Clause 5.16(c) and (d) replaced**

Clause 5.16(c) and (d) are replaced with:

- (c) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where there is activity that caters for children and/or young people; or
- (d) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.

11. **Clause 6.1(e) replaced**

Clause 6.1(e) is replaced with:

(e) **minor sign** means a sign that does not require development approval in accordance with the City of Vincent's Local Planning Scheme No. 2 or local planning policies and is characterised as:

- (i) not exceeding 500mm in height nor 0.5m² in area, on any side;
- (ii) of a temporary nature occurring on one-off occasions (although may occur on a number of days) but not of any permanent nature or reoccurrence; and

- (iii) not adversely affecting the amenity, streetscape or day-to-day activities of the local government property or any other use which, in the opinion of the local government, constitutes a minor use;

12. Clause 6.2(2)(a) amended

Clause 6.2(2)(a) is amended by deleting the words 'nature development' and replace with the word 'sign'.

13. Clause 6.3(2)(a) amended

Clause 6.3(2)(a) is amended by:

- (a) deleting the words 'nature development' and replace with the word 'sign';
and
- (b) inserting the word 'or' after the semicolon at the end of the sentence.

14. Clause 6.8 replaced

Clause 6.8 is replaced with:

- (1) A person must not erect or display an election sign on local government property without a permit unless the election sign is:
 - (a) only displayed during the election period and removed within 48 hours after the election day;
 - (b) free standing and no affixed to any existing tree, sign, post, power or light pole, or similar structure;
 - (c) at least 3 metres from the edge of the carriageway and 0.5 metres from the footpath;
 - (d) erected at least 10 metres from any intersection of thoroughfares;
 - (e) not closer than 50 metres to a signalised intersection or before any speed indicator sign;
 - (f) not placed on a median strip, roundabout or other traffic control device;
 - (g) not placed within an intersection;
 - (h) not located in, or within 50 metres of, a 40kph school zone;
 - (i) not places so as to obstruct or impede:
 - (i) a footpath, thoroughfare or carriageway;
 - (ii) the reasonable and/or safe use of a thoroughfare or local government property;
 - (iii) access to a place by any person;

- (j) placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
 - (k) not placed within 100 metres of any works on a thoroughfare or local government property;
 - (l) maintained in good condition;
 - (m) securely installed;
 - (n) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message; and
 - (o) not located in a position which would suggest that the sign has the endorsement of the local government, including and local government property leased to third party.
- (2) In determining an application for a permit for an election sign, the local government is to have regard to –
- (a) any other written law or policy regulating the erection or placement of election signs within the district;
 - (b) the dimensions of the election sign;
 - (c) whether or not the election sign will create a hazard to persons using a thoroughfare;
 - (d) whether the election sign would –
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access; and
 - (e) whether the election sign may obstruct or impede the use of the footpath for the purpose for which it is used.

15. Clause 9.3(2) amended

In clause 9.3(2) insert the word 'it' after the words 'as a debt due to'.

16. Clause 9.7(f) replaced

Clause 9.7(f) is replaced with:

'only be solar lighting;'

17. Clause 9.11(1) replaced

Clause 9.11(1) is replaced with:

- (1) For the purpose of carrying out any works the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works on a thoroughfare, may without notice and without being liable to compensate any person –

- (a) dig up all or part of a thoroughfare; or
- (b) disturb any verge treatment placed there by an owner or occupier of adjacent land.

18. Clause 13.2(1) replaced

Clause 13.2(1) is replaced with:

- (1) Subject to subclause (2), an authorised person or Manager may refuse to allow entry, suspend admission or direct a person to leave local government property where the authorised person or Manager reasonably suspects that the person has –
- :
- (a) contravened a provision of this local law;
 - (b) behaved in a disorderly manner;
 - (c) used indecent, offensive, profane or insulting language;
 - (d) created or taken part in any disturbance whereby a crowd has gathered;
or
 - (e) committed an act of indecency.

Dated: [insert date]

The Common Seal of The City of Vincent was affixed in the presence of—

EMMA COLE, Mayor

DAVID MACLENNAN, Chief Executive Officer.

City of Vincent

Local Government Act 1995

Local Government Property Amendment Local Law 2022

Local Government Property Amendment Local Law 2022

LOCAL GOVERNMENT ACT 1995
CITY OF VINCENT

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022~~1~~

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

1. Citation

This local law may be cited as the *City of Vincent Local Government Property Amendment Local Law 2022*.

2. Objective

- (a) The objective of this amendment local law is to amend certain provisions of the *City of Vincent Local Government Property Local Law 2021*.
- (b) The effect of this amendment local law is to provide further clarity of the requirements with which any person using or being on local government property, thoroughfares and public places within the district must comply.

3. Commencement

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

4. Principal Local Law

This amendment local law amends the *City of Vincent Local Government Local Law 2021*, published in the *Government Gazette* on 30 November 2021.

5. Clause 1.6 amended

Clause 1.6 is amended by

- (a) inserting the following words after the definition of 'e-cigarette':

election day means the date of voting or polling for a Federal, State or local government election (as the case may be);

election period means the period of sixty (60) days prior to a State or Federal election or from the close of candidate nominations for a local government (which occurs 37 days prior to the local government election day), and two (2) days after that election day;

election sign means any sign which advertises any aspect of a forthcoming Federal, State or local government election and may include promoting a registered candidate or political party;
- (b) ~~amending paragraph (f) of the definition of vehicle~~ amending the definition of ~~vehicle (f)~~ by replacing the word 'and' with the word 'or'.

6. **Clause 4.4(2) amended**

In clause 4.4(2) insert the word 'on' after the words 'behave in or'.

7. **Clause 5.3(l) replaced**

Clause 5.3(l) is replaced with:

- (l) use any device or equipment (whether electronic or otherwise) to take images or recordings of any person in a change room without that person's prior expressed consent.

8. **Clause 5.13 amended**

In clause 5.13 delete the word 'are' after the words 'over a thoroughfare'

9. **Clause 5.14 replaced**

Clause 5.14 is replaced with:

5.14 Maintenance and public safety

The owner and occupier of any building to which any awning, balcony or verandah is attached and is erected over a thoroughfare, shall keep the awning, balcony or verandah clean, painted, watertight, in a sound and safe structural condition and in good and substantial repair.

10. **Clause 5.16(c) and (d) replaced**

Clause 5.16(c) and (d) are replaced with:

- (c) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where there is activity that caters for children and/or young people; or
- (d) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.

11. **Clause 6.1(e) replaced**

Clause 6.1(e) is replaced with:

(e) **minor sign** means a sign that does not require development approval in accordance with the City of Vincent's Local Planning Scheme No. 2 or local planning policies and is characterised as:

- (i) not exceeding 500mm in height nor 0.5m² in area, on any side;

- (ii) of a temporary nature occurring on one-off occasions (although may occur on a number of days) but not of any permanent nature or reoccurrence; and
- (iii) not adversely affecting the amenity, streetscape or day-to-day activities of the local government property or any other use which, in the opinion of the local government, constitutes a minor use;

12. Clause 6.2(2)(a) amended

Clause 6.2(2)(a) is amended by deleting the words 'nature development' and replace with the word 'sign'.

13. Clause 6.3(2)(a) amended

Clause 6.3(2)(a) is amended by:

- (a) deleting the words 'nature development' and replace with the word 'sign'; and
- (b) inserting the word 'or' after the semicolon at the end of the paragraph sentence.

14. Clause 6.8 replaced

Clause 6.8 is replaced with:

6.8 Election signs

- (1) A person must not erect or display an election sign on local government property without a permit unless the election sign is:
- (a) only displayed during the election period and removed within 48 hours after the election day;
 - (b) free standing and no affixed to any existing tree, sign, post, power or light pole, or similar structure;
 - (c) at least 3 metres from the edge of the carriageway and 0.5 metres from the footpath;
 - (d) erected at least 10 metres from any intersection of thoroughfares;
 - (e) not closer than 50 metres to a signalised intersection or before any speed indicator sign;
 - (f) not placed on a median strip, roundabout or other traffic control device;
 - (g) not placed within an intersection;
 - (h) not located in, or within 50 metres of, a 40kph school zone;
 - (i) not places so as to obstruct or impede:

- (i) a footpath, thoroughfare or carriageway;
 - (ii) the reasonable and/or safe use of a thoroughfare or local government property;
 - (iii) access to a place by any person;
 - (j) placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
 - (k) not placed within 100 metres of any works on a thoroughfare or local government property;
 - (l) maintained in good condition;
 - (m) securely installed;
 - (n) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message; and
 - (o) not located in a position which would suggest that the sign has the endorsement of the local government, including and local government property leased to third party.
- (2) In determining an application for a permit for an election sign, the local government is to have regard to –
- (a) any other written law or policy regulating the erection or placement of election signs within the district;
 - (b) the dimensions of the election sign;
 - (c) whether or not the election sign will create a hazard to persons using a thoroughfare;
 - (d) whether the election sign would –
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access; and
 - (e) whether the election sign may obstruct or impede the use of the footpath for the purpose for which it is used.

15. Clause 9.3(2) amended

In clause 9.3(2) insert the word 'it' after the words 'as a debt due to'.

16. Clause 9.7(1)(f) replaced

Clause 9.7(1)(f) is replaced with:

'only be solar lighting;'

17. Clause 9.11(1) replaced

Clause 9.11(1) is replaced with:

- (1) For the purpose of carrying out any works the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works on a thoroughfare, may without notice and without being liable to compensate any person –
- (a) dig up all or part of a thoroughfare; or
 - (b) disturb any verge treatment placed there by an owner or occupier of adjacent land.

18. Clause 13.2(1) replaced

Clause 13.2(1) is replaced with:

- (1) Subject to subclause (2), an authorised person or Manager may refuse to allow entry, suspend admission or direct a person to leave local government property where the authorised person or Manager reasonably suspects that the person has –
- :
- (a) contravened a provision of this local law;
 - (b) behaved in a disorderly manner;
 - (c) used indecent, offensive, profane or insulting language;
 - (d) created or taken part in any disturbance whereby a crowd has gathered;
or
 - (e) committed an act of indecency.

Dated: [insert date]

The Common Seal of The City of Vincent was affixed in the presence of—

EMMA COLE, Mayor

DAVID MACLENNAN, Chief Executive Officer.