

LOCAL GOVERNMENT ACT 1995

DOG ACT 1976

DIVIDING FENCES ACT 1961

HEALTH ACT 1911

City of Stirling

REPEAL AND AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995*, *Dog Act 1976*, *Dividing Fences Act 1961* and the *Health Act 1911* and under all other powers enabling it, the Council of the City of Stirling resolved on 8 February 2011 to make the *City of Stirling Repeal and Amendment Local Law 2011* as follows—

- (1) This local law may be cited as the *City of Stirling Repeal and Amendment Local Law 2011*.
- (2) This local law commences on the 14th day after its publication in the *Government Gazette*.
- (3) The following City of Stirling by-laws and local laws are repealed—
 - (i) 'Control of Tenement Houses' as published in the *Government Gazette* on 17 July 1936, including all amendments;
 - (ii) 'Building By-laws' as published in the *Government Gazette* on 2 September 1938, including all amendments;
 - (iii) 'Building By-laws' as published in the *Government Gazette* on 16 August 1940, including all amendments;
 - (iv) 'Building By-laws' as published in the *Government Gazette* on 25 June 1954, including all amendments;
 - (v) 'Constitution , By-laws and Regulations' as published in the *Government Gazette* on 29 June 1960, including all amendments;
 - (vi) 'Consolidation of Health By-laws' as published in the *Government Gazette* on 30 May 1961, including all amendments;
 - (vii) 'General By-laws' as published in the *Government Gazette* on 12 May 1971, including all amendments, excluding by-laws 543-579 relating to 'Signs, Hoardings and Billposting' and the First Schedule relating to 'New Street Alignments', including all amendments;
- (4) The *City of Stirling Dogs Local Law 2008* published in the *Government Gazette* on 12 December 2008 is amended as follows—
 - (i) In clause 5.1, after 'Act', add 'and s66J of the *Equal Opportunity Act 1984*'.
 - (ii) In clause 5.2(2)(b), delete '0' and replace it with '5.1(1)(h)'.
 - (iii) In clause 6.1(2), delete '\$200' and replace it with '\$2000'.
 - (iv) In Schedule 3, in the column for 'Dangerous or Restricted Breed Dog Modified Penalty', add—
 - (a) '\$400' for an offence under clause 2.4(b);
 - (b) '\$200' for an offence under clause 5.1(1)(i); and
 - (c) '\$200' for an offence under clause 6.1(2).
- (5) The *City of Stirling Fencing Local Law 2008* published in the *Government Gazette* on 12 March 2009 is amended by the deletion of clause 1.7 and its heading.
- (6) The *City of Stirling Health Local Law 2009*, published in the *Government Gazette* on 26 March 2010 is amended by the insertion of 'cow,' after 'sheep,' in the definition of 'large animal' in clause 5.7.
- (7) The *City of Stirling Local Government Property Local Law 2009* published in the *Government Gazette* on 5 June 2009 is amended as follows—
 - (i) Deletion of the words 'or is likely to behave' in clause 4.7(1).
 - (ii) Delete clause 1.3 and insert—

"This local law applies—

 - (a) throughout the district; and
 - (b) in the water area for a distance of 200 metres seawards, from the western boundary, along the shoreline into the Indian Ocean, as approved by the Governor under section 3.6 of the *Local Government Act 1995* as published in the *Government Gazette* on 31 March 2009, No. 50, page 1029."

- (iii) In clause 1.5 delete the “district” definition, and in alphabetical order insert—

“decency” means wearing of proper and adequate clothing for the occasion, so as to prevent indecent exposure;

“district” means the district of the City, as amended and notated in the Municipality Index and in the Municipality Boundary Amendments Register published in the *Government Gazette* on 29 October 2007, No. 225;

“glass container” means a glass bottle or vessel for drinking from, excluding glass containers for the storage of consumable food;

“indecent exposure” means the revealing to view of those parts of the body, especially the genitals, which by law and convention should be covered by clothing under the given circumstances;”.

- (iv) Renumber clause 4.8 to 4.9, delete Item 2.6(5) in Schedule 2, Part 2 and add the following new clause 4.8—

“4.8 Glass containers

Unless authorised by a permit or by an authorised person, a person must not take a glass container—

- (a) on to Reserve 12992 (beach and coastal reserve);
- (b) within 5m of the edge of a swimming pool on local government property;
- (c) into an area set aside by a wall, fence, sandpit or other softfall surface as a children's playground; or
- (d) within any area of local government property where a sign prohibits glass containers.”.

- (v) Delete Items 2.6(5) and 2.8 in Schedule 2, Part 2 and insert the following as clause 4.9—

“4.9 Umbrellas and temporary shade structures

A person may erect an umbrella or temporary shade structure on local government property that is not enclosed, only if it—

- (a) is erected for protection from the sun or other elements;
- (b) has an area of 6m² or less;
- (c) has a height of 2.5m or less;
- (d) is removed by that person immediately on leaving the local government property;
- (e) is for private use; and
- (f) is not erected for advertising or promotional purposes unless in accordance with a permit or other prior authorisation given by the City.”.

- (vi) Make the following amendments to Schedule 1—Prescribed Offences as follows—

- (a) Add in the appropriate places—

Clause	Description	Modified Penalty \$
4.8	Taking glass container into prohibited area	125
4.9	Erecting unauthorised umbrella or shade structure on local government property	125

- (b) Change ‘4.8(2)’ to ‘4.10(2)’.

- (8) The *City of Stirling Meeting Procedures Local Law 2009* published in the *Government Gazette* on 16 April 2009 is amended as follows—

- (i) Delete the words ‘and their deputies’ in clause 3.4.

- (ii) Amend clause 4.2 by renumbering sub clauses 4.2(2) and 4.2(3) as sub clauses 4.2(3) and 4.2(4) respectively and inserting a new subclause (2) as follows—

“(2) Unless otherwise decided by the committee, the order of business at any ordinary meeting of a committee is to be as follows—

1. Official opening.

2. Record of attendance, apologies and leave of absence.
 3. Memorandum of outstanding business.
 4. Disclosure of interest.
 5. Confirmation of minutes.
 6. Announcements by the presiding member.
 7. Reports (subject to clause 5.9(8)).
 8. Matters behind closed doors.
 9. Closure.”.
- (iii) In clause 4.2(4) replace ‘and (2)’ with ‘, (2) and (3)’.
 - (iv) Replace ‘4’ with ‘7’ in subclause 4.5(2).
 - (v) Delete clause 4.5(6) and replace it with the following—
 - “(6) If a notice of motion is excluded under subclause (4), the Mayor is to advise the CEO who is to provide the reason for its exclusion to all members as soon as practicable.”.
 - (vi) In the title of clause 4.8, after the word “Council” add “or committee”.
 - (vii) In clause 4.8 after all instances of the word “Council” add “or a committee”.
 - (viii) Insert new clauses 5.9(7) and 5.9(8) as follows—
 - “(7) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.2(2).
 - (8) Any item of business to be discussed at a committee meeting that is subject of a received deputation, is to be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.”.
 - (ix) Delete clause 9.3(2) and replace it with the following—
 - “(2) If no member opposes the motion, the presiding member may put the motion to the vote without debate.”.
 - (x) In clause 4.7(3)(b), replace ‘an’ with ‘a financial or proximity’.
 - (xi) In clause 4.7(3)(c), delete ‘or deputation’.
 - (xii) In clause 7.9, replace ‘10’ with ‘5’.
- (9) The *City of Stirling Thoroughfares and Public Places Local Law 2009* published in the *Government Gazette* on 9 April 2009 is amended by—
- (i) In clause 1.5 amend the definition of “garden” by adding “but does not include the planting of a tree” after the word “plants”.
 - (ii) In clause 2.1—
 - (a) delete the sixth instance of the word “or” at the end of subclause (e);
 - (b) replace “.” with “; or” in subclause (f);
 - (c) add a new subclause (g) as follows—
 - “(g) install a tree on the verge unless approved in writing by the City.”.
 - (iii) The deletion of the words ‘or other verge treatment as determined by the City under a policy’ in clause 2.7(2)(c).
 - (iv) The deletion of the words ‘or other verge treatment’ in clause 2.7(2)(d).
- (10) The *City of Stirling Parking Local Law 2008* published in the *Government Gazette* on 20 March 2009 is amended as follows—
- (i) Deletion of clause 4.12(d).
 - (ii) Insert “or” after “;” in clause 4.12(b).
 - (iii) Replace “;” with “.” in clause 4.12(c).
 - (iv) In clause 7.9(1)(b), after ‘motor vehicle’, insertion of the words ‘or a vehicle or combination of vehicles that is 7.5 metres or more in length or exceeds a GVM of 3 tonnes’.
 - (v) Deletion of the word ‘adjacent’ in clause 7.9(1)(c).
 - (vi) Changing the modified penalty provision listed for items 65 and 77 of Schedule 2 from ‘60’ to ‘80’.

(vii) Add 'and includes a clearway as defined in the Code' to the definition of 'no stopping area' in clause 1.5.

Pursuant to section 342(1)(b) of the *Health Act 1911*, consented to clause 6 of the *City of Stirling Repeal and Amendment Local Law 2011*.

TARUN WEERAMANTHRI, Executive Director, Public Health,
Department of Health.

Dated: 3 March 2011.

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The Common Seal of the City of Stirling was affixed by authority of a resolution of the Council in the presence of—

DAVID BOOTHMAN, Mayor.
STUART JARDINE, Chief Executive Officer.
