

LOCAL GOVERNMENT ACT 1995

CITY OF STIRLING

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2026

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Stirling resolved on **(date)** to make the *City of Stirling Local Government Property Amendment Local Law 2026*.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Stirling Local Government Property Amendment Local Law 2026*.

1.2 Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Purpose and effect

- (1) The purpose of the *City of Stirling Local Government Property Amendment Local Law 2026* is to amend certain provisions within the *City of Stirling Local Government Property Local Law 2009*.
- (2) The effect of the *City of Stirling Local Government Property Amendment Local Law 2026* is to clarify certain terms used in the *City of Stirling Local Government Property Local Law 2009* and to enable the local government to appropriately manage activities on specific local government property throughout the district.

Part 2 - Amendments

2.1 City of Stirling Local Government Property Local Law 2009 amended

This Part of the *City of Stirling Local Government Property Amendment Local Law 2026* amends the *City of Stirling Local Government Property Local Law 2009* as published in the *Government Gazette* on 5 June 2009 and as amended in the *Government Gazette* on 15 April 2011, 30 September 2011 and 12 August 2016.

2.2 Clause 1.5 amended

- (1) In clause 1.5 insert in alphabetical order:

“**aircraft**” has the meaning given to it in the *Civil Aviation Act 1988* (Cth);

“**animal**” means any living thing that is not a human or plant;

“**aperture**” means a man-made opening;

“**article**” in respect of lost property, includes money;

“**attendant**” means an employee of the City with responsibility for the control and management of persons in a pool area or other facility which is local government property;

“**beach**” means the area of sandy shoreline from the low-water mark to either the toe of the sand dune or the commencement of vegetation or a man-made structure;

“**camera device**” means an apparatus for taking photographs or moving pictures, and includes a mobile phone when used for this purpose;

“**change room**” means the room or area designated as a change room, bathroom or toilet in a public place such as a pool premises;

“**collection bin**” means a receptacle for the collection of clothing or goods;

“**e-cigarette**” means a portable device that is designed to generate or release an aerosol or vapour for personal use;

“**firework**” means a device like a Catherine wheel, roman candle, or rocket made from combustible materials which may be ignited to produce coloured flames, smoke or a loud bang;

“**fireworks display**” means a show of a number of fireworks set off over a prearranged time period, for the purpose of providing enjoyment to those persons able to view them;

“**fish**” has the same meaning given to it in the *Fish Resources Management Act 1994*;

“**fishing**” or “**fishing activity**” has the same meaning given to it in the *Fish Resources Management Act 1994*;

“**local public notice**” has the same meaning as is given to it in section 1.7(1) of the Act;

“**nuisance**” means –

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

“**obstruct**” means to hinder in passing and obstruction has correlative meaning;

“**premises**” means a building, stadium or similar structure which is located on local government property;

“**sand board**” means a board designed to be used for sliding down a slope of land and sandboarding has correlative meaning;

“**smoke**” has the meaning given to it in the *Tobacco Products Control Act 2006*;

“**tobacco product**” has the meaning given to it in the *Tobacco Products Control Act 2006*;

“**toilet block**” means a toilet block or toilet facility, with or without change room facilities which is local government property;

“**wheeled recreational device**” means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play, and includes -

- (a) in-line skates, rollerskates, a skateboard or similar wheeled device;
- (b) a scooter being used by a person aged 12 years of age or older; and
- (c) a unicycle,

but excludes a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy; and

“**wheeled toy**” means a child’s pedal car, a tricycle, a scooter or a similar toy, but only if it is being used by a child under 12 years of age.

- (2) In clause 1.6 delete the definition of “**district**” and insert:

“**district**” means the district of the City;

- (3) In clause 1.5 at the definition of “**Unclaimed Property Register**” delete:

and

- (4) In clause 1.5 at the definition of “**vehicle**” delete “.” and insert:

;

2.3 Clause 1.8 inserted

After clause 1.7 insert:

1.8 Application as to assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Cth).

2.4 Clause 2.7 amended

In clause 2.7(1):

- (a) In paragraph (e) after “beach” insert:

, retrieve

(b) delete paragraph (i) and insert:

(i) ride a bicycle, a wheeled recreational device, a sand board or similar device;

(c) In paragraph (j) delete “or”.

(d) In paragraph (k) delete “.” and insert:

; or

(e) After paragraph (k) insert:

(l) undertake fishing or fishing activity.

2.5 Clause 2.8 amended

In clause 2.8 (1):

(a) In paragraph (a) delete “smoking on premises” and insert:

smoking, or using an e-cigarette

(b) In paragraph (i) delete “; and” and insert:

;

(c) In paragraph (j) delete “.” and insert:

;

(d) After paragraph (j) insert:

(k) undertake fishing or fishing activity;

(l) shell, gut, scale or clean fish, shellfish or any other animal, or cut bait on local government property such that it may cause a nuisance; and

(m) leave, deposit or discard the waste, offal or rubbish from any fish, shellfish or other animal, or bait on local government property; and

(n) place or maintain a collection bin.

2.6 Clause 2.8(3) deleted

Delete clause 2.8(3).

2.7 Clause 3.13 amended

In clause 3.13(1):

(a) In paragraph (r) delete “; and” and insert:

;

(b) In paragraph (t) delete “; or” and insert:

;

(c) In paragraph (u) delete “.” and insert:

;

(d) After paragraph (u) insert:

(v) light or set off any fireworks or conduct a fireworks display on local government property;

(w) erect any sign on local government property;

(x) cut, break, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, grass or plant of any kind on local government property;

(y) cut, collect, or remove any timber, firewood, stone, sand or other materials, other than seaweed on local government property; or

(z) launch an aircraft from, or land an aircraft onto, local government property.

2.8 Clause 4.3 amended

In clause 4.3:

(a) subclause (1) after “kill” insert:

, or attempt to take, injure or kill,

(b) after subclause (2) insert:

(3) A person must not feed a pigeon, dove, seagull, ibis, raven or other wild bird on local government property, so as to be injurious to the health of that bird, unless approved by the City.

2.9 Clause 4.4 replaced

Delete clause 4.4 and insert:

4.4 Removing, damaging or planting flora

(1) Unless authorised to do so under a written law or with the written approval of the City, a person must not –

(a) remove, damage or interfere with any flora that is on or above any local government property; or

(b) cultivate, plant or deposit any flora on local government property.

(2) In this clause –

“**flora**” means all vascular plants, seeds and other flora, whether living or dead.

2.10 Clause 4.9 renumbered and new clauses 4.9 and 4.10 inserted

Renumber clause 4.9 to 4.11 and insert:

4.9 No Smoking

A person must not smoke or use an e-cigarette within a 5 metre radius of any entrance, exit or aperture of premises on local government property.

4.10 Appropriate behaviour

- (1) A person over the age of 6 years shall not on or in any local government property -
- (a) appear in public unless properly dressed in clothing which covers the body to prevent indecent exposure;
 - (b) loiter outside or act in an unacceptable manner, in any portion of a toilet block or change room facility set aside for the opposite or same gender; and
 - (c) without the consent of the occupier, enter or attempt to enter any toilet or other compartment which is already occupied.

2.11 Clause 5.10A inserted

After clause 5.10 insert:

5.10A No use of camera devices in toilet blocks or change rooms

A person while in a toilet block or change room shall not use a camera device or other equipment (whether electronic or otherwise) to take images or recordings of any person in a toilet block or change room without that person’s prior expressed consent.

2.12 Clause 7.8 Amended

In paragraph (a) delete “fish” and insert:

perform a fishing activity

2.13 Schedule 1 Replaced

Delete Schedule 1 and insert:

Schedule 1 – Modified Penalties

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.4	Failure to comply with determination	125
2	3.6	Failure to comply with conditions of permit	125

3	3.13(1)	Failure to obtain a permit	125
4	3.14(3)	Failure to obtain permit to camp outside a facility	125
5	3.15(1)	Failure to obtain permit for liquor	125
6	3.16	Failure of permit holder to comply with responsibilities	125
7	4.1	Behaviour which interferes with others	125
8	4.2(1)	Behaviour detrimental to property	350
9	4.3(1)	Taking or injuring any fauna	350
10	4.3(3)	Feeding a pigeon, dove, seagull, ibis, raven or other wild bird on local government property, so as to be injurious to the health of that bird	125
11	4.4(1)	Removing or damaging any flora	350
12	4.5	Under influence of liquor or prohibited drug	125
13	4.6	Taking, consuming or using a prohibited drug on local government property	125
14	4.8	Erecting unauthorised umbrella or shade structure on local government property	125
15	4.9	Smoking or using an e-cigarette within a 5 metres radius of any entrance, exit or aperture of premises on local government property	125
16	4.10	Inappropriate behaviour or inadequate clothing on or in local government property	125
17	4.11(2)	Failure to comply with sign on local government property	125
18	5.2	Consuming food or drink in prohibited area	125
19	5.5	Failure to comply with sign or direction on beach	125
20	5.6	Unauthorised entry to fenced or closed local government property	125
21	5.7	Gender not specified using entry of toilet block or change room	125
22	5.10A	Use of a camera device in a toilet or change room without consent	250
23	5.12	Failure to comply with direction of controller or notice on golf course	125
24	6.1(1)	Unauthorised entry to function on local government property	125
25	7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	125

26	7.4	Mooring of boats in unauthorised manner	125
27	7.5	Unauthorised mooring of a boat to jetty	125
28	7.6	Failure to remove moored boat on direction of authorised person	125
29	7.7	Launching of boat from jetty without consent	125
30	7.8	Fishing from jetty or bridge so as to obstruct a boat or another person	125
31	9.1	Failure to obey lawful direction of an authorised person	250
32	9.2	Failure to obey direction of authorised person to leave local government property	250
33	10.1	Failure to comply with notice	250

2.14 Schedule 2 Amended

In Schedule 2 after clause 2.8 insert:

2.9 Smoking and using e-cigarettes

A person shall not smoke or use an e-cigarette in premises on local government property.

2.10 Fishing

A person must not undertake fishing or any fishing activity in or on the following local government property:

- (a) Roselea Lake, comprised of:
 - (i) Lot 801(49) Roselea Boulevard, Stirling;
- (b) Grindleford Roselea Reserve comprised of:
 - (i) Reserve No. 47856, Lot 614 (147) Grindleford Drive, Stirling;
- (c) Roselea Reserve comprised of:
 - (i) Reserve No. 47801, Lot 805 (49A) Roselea Boulevard, Stirling;
 - (ii) Reserve No. 46671, Lot 15315 (34) Coralvine Grange, Stirling;
 - (iii) Reserve No. 46671, Lot 14479 (33) Roselea Boulevard, Stirling; and
 - (iv) Reserve No. 46671, Lot 14321 (47) Roselea Boulevard, Stirling;
- (d) Roselea Karrynyup Reserve comprised of:
 - (i) Reserve No. 48626, Lot 804 (115) Roselea Boulevard, Stirling;
- (e) Lycium Roselea Reserve, comprised of:

- (i) Reserve No. 47857, Lot 621 (18) Lycium Quays, Stirling;
- (f) Como Reserve, comprised of:
 - (i) Reserve No. 47616, Lot 15003 (2) Como Way, Stirling;
- (g) Candella Square, comprised of:
 - (i) Reserve No. 48537, Lot 861 (4) Candella Square, Stirling;
- (h) Salerno Reserve, comprised of:
 - (i) Reserve No. 48359, Lot 863 (25) Salerno Avenue, Stirling;
- (i) Tahlia Reserve comprised of:
 - (i) Reserve No. 47243, Lot 14870 (31A) Talia Drive, Stirling; and
 - (ii) Reserve No. 47243, Lot 15157 (31B) Talia Drive, Stirling;
- (j) Jackadder Lake Reserve comprised of:
 - (i) Reserve No. 27766. Lot 7933 (13) Blackbutt Road, Woodlands;
 - (ii) Lot 100 (31) Jackadder Way, Woodlands;
 - (iii) Lot 404 (19) Jackadder Way, Woodlands; and
 - (iv) Lot 353 (9) Jackadder Way, Woodlands;
- (k) Tamarisk Reserve, comprised of:
 - (i) Reserve No. 28414, Lot 8179 (16) Tamarisk Way, Woodlands; and
 - (ii) Reserve No. 27766, Lot 7933 (16) Tamarisk Way, Woodlands
- (l) Lake Gwelup Reserve, comprised of:
 - (i) Reserve No. 46329, Lot 9951 (46) Huntriss Road Gwelup;
 - (ii) Reserve No. 46359, Lot 13998 (6) Wanstead, Street, Gwelup; and
 - (iii) Lot 100 (40) Finnerty Street, Karrinyup;
- (m) Careniup Wetlands Reserve, comprised of:
 - (i) Reserve No. 42246, Lot 556 (2) Careniup Avenue, Gwelup;
 - (ii) Reserve No. 45235 Lot 377 (20) Careniup Avenue, Gwelup;
 - (iii) Lot 71 (22) Careniup Avenue, Gwelup;
 - (iv) Reserve No. 45235, Lot 40 (38) Careniup Avenue, Gwelup;
 - (v) Reserve No. 45235, Lot 221 (52) Careniup Avenue, Gwelup;
 - (vi) Reserve No. 45235, Lot 53 (64) Careniup Avenue, Gwelup;

- (vii) Reserve No. 45235, Lot 135 (74) Careniup Avenue, Gwelup;
- (viii) Lot 463 (88) Careniup Avenue, Gwelup;
- (ix) Reserve No. 47092, Lot 15127 (10) Water Crest Gardens, Gwelup;
- (x) Reserve No. 47092, Lot 56 (30) Water Crest Gardens, Gwelup; and
- (xi) Lot 3001 (40) Water Crest Gardens, Gwelup;
- (n) Carine Regional Open Space, comprised of:
 - (i) Reserve No. 46781, Lots 51 and 2 (47) Monyash Road, Carine;
- (o) Pompei Potenza Reserve, comprised of:
 - (i) Reserve No. 48409, Lot 9201 (32) Pompei Crescent, Stirling; and
 - (ii) Reserve No. 49305, Lot 8014 (30) Potenza Avenue, Stirling;
- (p) Stirling Civic Gardens, comprising of:
 - (i) Lot 5 (16) Telford Crescent, Stirling
 - (ii) Lot 4 (24) Telford Crescent, Stirling
 - (iii) Lot 3 (34) Telford Crescent, Stirling
 - (iv) Lot 1 (38) Telford Crescent, Stirling;
 - (v) Lot 2 (40) Telford Crescent, Stirling;
 - (vi) Lot 3 (44) Telford Crescent, Stirling; and
 - (vii) Lot 101 (46) Telford Crescent, Stirling;
- (q) Dog Swamp Reserve, comprising of
 - (i) Lot 8 (28) Farina Drive, Yokine;
 - (ii) Lot 9 (20) Farina Drive, Yokine; and
 - (iii) Lot 10 (12) Farina Drive, Yokine;
- (r) Shearwater Spoonbill Reserve, consisting of:
 - (i) Reserve No. 32683, Lots 9074, 12615 and 9859 (37) Shearwater Drive, Stirling;
- (s) Cedric Grebe Sandpiper Reserve, comprising of:
 - (i) Reserve No. 38892, Lot 10615 (113) Cedric Street, Stirling;
- (t) Dianella Regional Open Space, comprising of:
 - (i) Reserve No. 46683, Lot 14388 (347C) Morely Drive, Dianella;
- (u) Yoking Reserve, comprising of:

- (i) Reserve No. 18324, Lot 14921 (126) Bradford Street, Coolbinia; and
- (ii) Reserve No. 27122 , Lot 14681 (100) Wordsworth Avenue, Yokine;
- (v) Lilac Shannon Reserve, comprising of:
 - (i) Reserve No. 32025, Lot 8866 (9) Lilac Place, Dianella; and
 - (ii) Lot 201 (1) Lilac Place, Dianella;
- (w) Maurie Hamer Park, comprising of:
 - (i) Reserve No. 48844, Lot 800 (2) Lakeside Road, Herdsman;
- (x) Herdsman Lake Regional Park, comprising of:
 - (i) Reserve No. 52237, Lots 500 and 501 (171) Jon Sanders Drive, Osborne Park;
and
- (y) Mettams Pool Beach, located within:
 - (i) Coastal Reserve No. 12992, Lot 708 (276) West Coast Drive, North Beach; and
 - (ii) Coastal Reserve No. 12992, Lot 8 (368) West Coast Drive, North Beach.

