



New South Wales

Place Management NSW Regulation 2017

under the

Place Management NSW Act 1998

[*The following enacting formula will be included if this Regulation is made:*]

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Place Management NSW Act 1998*.

Minister for Finance, Services and Property

Explanatory note

The object of this Regulation is to remake, with some amendments, the *Sydney Harbour Foreshore Authority Regulation 2011*, which is repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation deals with the following matters:

- (a) the protection of natural features in the public areas of the foreshore area managed by Place Management NSW (formerly the Sydney Harbour Foreshore Authority),
- (b) prohibitions on the disposal of waste,
- (c) the protection of artificial structures,
- (d) prohibitions on commercial activities and fundraising,
- (e) prohibitions on unsafe behaviour and behaviour that interferes with the amenity of a public area,
- (f) new offences relating to the conduct of personal training sessions and the use of exercise equipment,
- (g) restrictions on conducting or participating in public gatherings,
- (h) new restrictions on bringing animals into a public area,
- (i) prohibitions on camping and the erection of tents,
- (j) the restriction of entry of persons into public areas and the removal of persons from those public areas,
- (k) restrictions on the possession and consumption of liquor,
- (l) restrictions on the driving and parking of buses,
- (m) the offences under this Regulation that can be dealt with by a penalty notice (that is, offences that attract “on-the-spot” fines).

This Regulation also declares the land that is core land for the purposes of section 6 (e) of the *Place Management NSW Act 1998*.

public consultation draft

Place Management NSW Regulation 2017 [NSW]
Explanatory note

This Regulation is made under the *Place Management NSW Act 1998*, including section 46 (the general regulation-making power).

public consultation draft

Place Management NSW Regulation 2017 [NSW]
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Place Management NSW Regulation 2017

under the

Place Management NSW Act 1998

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Place Management NSW Regulation 2017*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Note. This Regulation replaces the *Sydney Harbour Foreshore Authority Regulation 2011*, which is repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

public area means any part of the foreshore area (being the area described in Schedule 1 to the Act):

- (a) that is vested in Place Management NSW or that is managed by Place Management NSW (within the meaning of section 8 of the Act), and
- (b) that the public uses or is entitled to use, whether on payment of a fee or charge or otherwise.

ranger means a person appointed under section 32 of the Act as a ranger for the purposes of the Act.

the Act means the *Place Management NSW Act 1998*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Conduct prohibited in all public areas

4 Harming the natural environment

- (1) A person must not do any of the following in a public area:
- (a) leave any rubbish or litter, other than in a receptacle provided for that purpose,
 - (b) bring in any waste (including any refuse, rubbish or industrial waste).
- Maximum penalty: 20 penalty units.
- (2) A person must not do any of the following in a public area, except as authorised by Place Management NSW:
- (a) damage, destroy or remove any tree, plant or other vegetation,
 - (b) climb any tree.
- Maximum penalty: 20 penalty units.

5 Harming the built environment

- A person must not do any of the following in a public area, except as authorised by Place Management NSW:
- (a) damage, destroy or remove any building, structure or equipment,
 - (b) dig up or disturb the surface of any road or other land,
 - (c) paint, erect or affix any decoration, sign or other equipment,
 - (d) climb any sculpture, decoration, flagpole or other fixture.
- Maximum penalty: 20 penalty units.

6 Carrying out commercial activities or raising money

- A person must not do any of the following in a public area, except as authorised by Place Management NSW:
- (a) sell or hire, or offer for sale or hire, any goods,
 - (b) use any audio equipment or loudspeaker for a commercial purpose,
 - (c) use any broadcasting equipment or a camera (whether photographic, cinematic or video) for a commercial purpose,
 - (d) provide, or offer to provide, any services for fee, gain or reward,
 - (e) distribute any advertising matter or display any advertisement (other than on a vehicle driven by the person or on any clothing or personal effect worn or carried by the person),
 - (f) collect or attempt to collect money,
 - (g) busk.
- Maximum penalty: 20 penalty units.

7 Interfering with amenity of a public area

- A person must not do any of the following in a public area, except as authorised by Place Management NSW:
- (a) conduct any wedding,
 - (b) conduct, or participate in, any game or other activity in a manner that unduly interferes with the amenity of the area,
 - (c) operate or use any radio, television, music-player, musical instrument or other sound-generating device in a manner that unduly interferes with the amenity of the area,

- (d) camp or use facilities for sleeping overnight,
- (e) erect any tent or other temporary structure,
- (f) ride or use any skate board, roller skates, in-line skates, scooter or similar equipment.

Maximum penalty: 20 penalty units.

8 Behaving unsafely

- (1) A person must not do any of the following in a public area, except as authorised by Place Management NSW:
- (a) light any fire,
 - (b) light any barbecue or stove (not being cooking facilities provided by Place Management NSW),
 - (c) set off any firework,
 - (d) land or launch an aircraft (including any remote controlled aircraft), drone, helicopter, parachute, hang-glider or hot air or gas-filled balloon, or any similar thing.

Maximum penalty: 20 penalty units.

- (2) A person in a public area must not carry or have in the person's possession (otherwise than on a public road), or discharge, any firearm or imitation firearm within the meaning of the *Firearms Act 1996* unless the person is:
- (a) a police officer of the State or the Commonwealth, or
 - (b) the holder of a licence under the *Security Industry Act 1997* and is carrying out functions authorised by the licence, or
 - (c) authorised to do so by Place Management NSW.

Maximum penalty: 20 penalty units.

- (3) Nothing in subclause (2) affects the obligation of any person to comply with the *Firearms Act 1996*.

9 Conducting exercise classes and using exercise equipment

A person must not do any of the following in a public area, except as authorised by Place Management NSW:

- (a) conduct a fitness assessment, exercise class, personal training session or other exercise program,
- (b) use any exercise equipment,
- (c) leave any exercise equipment or other similar equipment or thing unattended for more than one hour.

Maximum penalty: 20 penalty units.

10 Conducting or participating in public assemblies

- (1) A person must not conduct or participate in any public assembly in a public area, except as authorised by Place Management NSW.

Maximum penalty: 20 penalty units.

- (2) Place Management NSW may determine:

- (a) the days and times during which, and the conditions on which, persons may conduct or participate in a public assembly in a public area, and
- (b) the charges (if any) to be imposed for the conduct of a public assembly in a public area, and

- (c) the charges (if any) to be imposed for entry into the part of the public area within which a public assembly is to be conducted.
- (3) In this clause:
public assembly means:
 - (a) an organised assembly of persons for the purposes of holding a meeting, procession or performance, or
 - (b) a sporting event.

11 Bringing dogs and other animals into public area

- (1) A person must not do any of the following in a public area, except as authorised by Place Management NSW:
 - (a) bring in a dog that is not on a leash,
 - (b) be in charge of a dog that is not on a leash,
 - (c) lead or ride a horse,
 - (d) bring in an animal other than a dog,
 - (e) leave an animal unattended or untethered.Maximum penalty: 20 penalty units.
- (2) Any unattended animal, or any animal brought into a public area in contravention of subclause (1), may be removed from the public area by a ranger or police officer.
- (3) A person must remove and properly dispose of any faeces deposited in a public area by a dog that the person is in charge of or has under his or her control.
Maximum penalty: 20 penalty units.
- (4) Subclause (1):
 - (a) does not prohibit a person who has a disability (within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth) from bringing an assistance animal (that is, an animal referred to in section 9 of that Act) into a public area, and
 - (b) does not apply to an animal that is being used for police purposes.

12 Closing of public areas

- (1) Place Management NSW may, by means of signs, barriers or buoys, close temporarily the whole or any part of a public area (other than a public road) to the public.
- (2) A person must not enter or remain in any part of a public area that has been closed to the public under this or any other provision of this Regulation, except as authorised by Place Management NSW or by a ranger or police officer.
Maximum penalty: 20 penalty units.

13 Restrictions on the number of persons that may be in parts of public areas

- (1) Place Management NSW may give a direction limiting the number of persons who may enter or remain in any or all public areas or any particular part of a public area.
- (2) If Place Management NSW has given a direction limiting the number of persons who may enter or remain in any or all public areas or any particular part of a public area, a person who enters the public area or part of a public area concerned in contravention of the direction is guilty of an offence.
Maximum penalty: 10 penalty units.
- (3) A direction under this clause may be given by means of:

- (a) a sign displayed on or adjacent to the part of a public area concerned, or
- (b) a verbal instruction given by:
 - (i) a ranger, or
 - (ii) any other person appointed in writing by Place Management NSW.

14 Charges for entry during New Year's Eve and Australia Day activities

- (1) Place Management NSW may charge admission to public areas or any particular public area during a relevant special event.
- (2) In this clause:
relevant special event means the following activities promoted, organised or conducted by Place Management within a public area by Place Management NSW in the exercise of its functions under section 12 (1) (c) of the Act:
 - (a) New Year's Eve activities occurring on 31 December or the following 1 or 2 January,
 - (b) Australia Day activities occurring on 26 January or the following 27 January.

15 Prohibitions on bringing in or drinking liquor

- (1) Place Management NSW may:
 - (a) prohibit the drinking of liquor in any part of a public area (either at any time or at any particular time), or
 - (b) prohibit persons from entering any part of a public area during the conduct of a special event if they are in possession of liquor.
- (2) Place Management NSW is to give public notice of any such prohibition.
- (3) A person must not drink liquor in a public area in contravention of a prohibition under subclause (1) (a).
Maximum penalty: 1 penalty unit.
- (4) A person is not guilty of an offence under subclause (3) unless it is established that on the day of the contravention a ranger or police officer warned the person that the drinking of liquor was prohibited in the area and that the person commenced to drink or continued to drink liquor in contravention of the prohibition.
- (5) A person must not enter a public area in contravention of a prohibition given under subclause (1) (b).
Maximum penalty: 1 penalty unit.
- (6) In this clause:
liquor means liquor within the meaning of the *Liquor Act 2007*.
special event means a particular activity that is promoted, organised or conducted by Place Management within a public area by Place Management NSW in the exercise of its functions under section 12 (1) (c) of the Act and includes:
 - (a) New Year's Eve activities occurring on 31 December or the following 1 or 2 January, and
 - (b) Australia Day activities occurring on 26 January or the following 27 January.

16 Using a bus contrary to rules

- (1) Place Management NSW may set aside any land within a public area for use by buses.
- (2) Place Management NSW may determine:

- (a) the days and times during which, and the conditions on which, any such land may be used by buses, and
 - (b) the charges (if any) to be imposed for the use by buses of any such land.
- (3) A person must not contravene any conditions of use of any such land that are displayed in, or at the places of entry into, that land, except as authorised by Place Management NSW.
- Maximum penalty: 20 penalty units.

17 Acting contrary to notices

- (1) Place Management NSW has, in relation to a public area, the same function as a local council under section 632 of the *Local Government Act 1993*.
- Note.** Section 632 of the *Local Government Act 1993* authorises the erection of notices with respect to the payment of entry or use fees, the use of vehicles, the taking of animals into, or other actions in or uses of, public places. Section 633C of that Act, however, prevents any such notice affecting roads or traffic functions under other Acts.
- (2) A person who, in a public area, contravenes the terms of a notice erected by Place Management NSW in the exercise of that function is guilty of an offence.
- Maximum penalty: 5 penalty units.
- (3) This clause does not prevent the erection of a notice in a public area by a local council under the *Local Government Act 1993*. A notice erected by Place Management NSW may be combined with a notice erected by a local council.
- (4) If a contravention of the terms of a notice constitutes both an offence against this clause and an offence against another provision of this Regulation or against the *Local Government Act 1993*, a person who fails to comply with the terms of the notice is not liable to be convicted of both offences.

Part 3 Additional conduct prohibited only in Darling Harbour

18 Definitions

In this Part:

Pymont Bridge means that part of Pymont Bridge that is part of or within a public area and includes:

- (a) the piles marking the channels approaching the Bridge, and
- (b) the abutments of the Bridge, and
- (c) the extension of the Bridge to Market Street and King Street, and
- (d) the Bicentennial Flagpole and its base.

waters of Cockle Bay means that part of the waters of Cockle Bay that is part of or within a public area.

19 Activities within Cockle Bay

- (1) A person must not do any of the following in the waters of Cockle Bay, except as authorised by Place Management NSW:
 - (a) swim or paddle,
 - (b) sail a sailboard, windsurfer or other like craft,
 - (c) ride a personal watercraft,
 - (d) row or paddle any row boat, canoe, kayak or similar craft,
 - (e) participate in any activity involving the use of a vessel to tow a person (such as water skiing or paragliding).

Maximum penalty: 20 penalty units.

- (2) A person must not deposit or throw any article or substance into the waters of Cockle Bay, except as authorised by Place Management NSW.

Maximum penalty: 20 penalty units.

- (3) In this clause:

personal watercraft means a power-driven vessel that:

- (a) has a fully enclosed hull, and
- (b) does not retain water taken on if it capsizes, and
- (c) is designed to be operated by a person standing, sitting astride or kneeling on the vessel but not seated within the vessel.

20 Using stage in Tumbalong Park

A person must not use the stage in any public area of Tumbalong Park, or its facilities, except as authorised by Place Management NSW.

Maximum penalty: 20 penalty units.

21 Fishing in Darling Harbour area

A person must not take or attempt to take, or harm, any fish in any part of the following areas that is part of or within a public area, except as authorised by Place Management NSW:

- (a) the Chinese Garden,
- (b) Tumbalong Park,
- (c) Cockle Bay Promenade,
- (d) Pymont Bridge,

- (e) any other public area in the Development Area (within the meaning of the *Darling Harbour Authority Act 1984* immediately before its repeal).

22 Activities on Pyrmont Bridge

A person must not do any of the following, except as authorised by Place Management NSW:

- (a) go on to any portion of Pyrmont Bridge other than its footway,
- (b) go on to the swing span of Pyrmont Bridge while it is in motion or in any open position,
- (c) stand or climb on the safety gates at the entrance to the swing span of Pyrmont Bridge,
- (d) obstruct the movement of the gates at the entrance to the swing span of Pyrmont Bridge,
- (e) fish from any portion of Pyrmont Bridge.

Maximum penalty: 20 penalty units.

23 Movement of vessels beneath Pyrmont Bridge

- (1) Place Management NSW may cause to be displayed, on or in the vicinity of Pyrmont Bridge, a notice containing directions with respect to the movement or berthing of vessels beneath the Bridge.
- (2) Such a notice does not have effect unless:
 - (a) it is prominently displayed on or in the vicinity of that part of Pyrmont Bridge to which it is intended to apply, and
 - (b) the directions contained in it are clearly legible to those persons to whom it is intended to apply.
- (3) A person must not contravene any direction given by Place Management NSW under this clause.
Maximum penalty: 20 penalty units.
- (4) A person must not moor any vessel to any portion of, or beneath, Pyrmont Bridge, except as authorised by Place Management NSW.
Maximum penalty: 20 penalty units.

24 Berthing of vessels within Cockle Bay

- (1) A person must not berth a vessel (including any charter boat, water taxi or ferry) in the waters of Cockle Bay, except as authorised by Place Management NSW.
Maximum penalty: 20 penalty units.
- (2) Place Management NSW may determine:
 - (a) the days and times during which, and the conditions on which, vessels may be berthed in the waters of Cockle Bay, and
 - (b) the charges (if any) to be imposed for the berthing of vessels in the waters of Cockle Bay.
- (3) Without limiting the conditions that may be determined under this clause, a condition may relate to any one or more of the following:
 - (a) the use of a berthed vessel for tourist purposes,
 - (b) the bunkering of a berthed vessel,
 - (c) the disposal of garbage and sewage from a berthed vessel.

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- (4) A condition relating to the use of a berthed vessel for tourist purposes may regulate the fee that a tourist may be charged in relation to that use.

Part 4 Enforcement

25 Obstructing or failing to obey directions of rangers or staff

- (1) A person must not, in a public area, obstruct any ranger, or member of staff of Place Management NSW, in the performance of that ranger's or member's work or duties.
Maximum penalty: 20 penalty units.
- (2) A person must not, in a public area, fail to comply with any reasonable direction given by a ranger or a member of staff of Place Management NSW for the purpose of securing good order, security, safety, management and enjoyment of a public area, except as authorised by a ranger or by a member of staff of Place Management NSW.
Maximum penalty: 10 penalty units.
- (3) A person who fails to comply with a direction given under this clause must leave a public area if directed to do so by a ranger or a member of staff of Place Management NSW.
Maximum penalty: 10 penalty units.
- (4) A person is not guilty of an offence under subclause (2) or (3) unless it is established that the ranger or member of staff:
 - (a) identified himself or herself as a ranger or member of staff, and
 - (b) showed the person the subject of the direction his or her identification card as a ranger or member of staff (if requested to do so), and
 - (c) warned the person that failure to comply with the direction is an offence.

26 Requirement to state name and address

- (1) A ranger or police officer who suspects on reasonable grounds that a person in a public area has committed an offence against this Regulation may require the person to state his or her full name and residential address.
- (2) A person must not:
 - (a) fail without reasonable excuse to comply with a requirement under this clause, or
 - (b) in purported compliance with such a requirement, furnish information that the person knows to be false or misleading.Maximum penalty: 20 penalty units.
- (3) A person is not guilty of an offence under this clause unless it is established that the ranger or police officer warned the person that the failure to comply with the requirement is an offence.

27 Removal of certain persons from public areas

- (1) A person who enters a part of a public area in contravention of a direction under this or any other provision of this Regulation must leave that part of a public area if directed to do so by a ranger.
Maximum penalty: 10 penalty units.
- (2) A ranger may remove any person who has been directed to leave a part of a public area under this clause.
- (3) A person who:
 - (a) causes inconvenience to other persons in a public area, or
 - (b) contravenes any provision of this Regulation in a public area, or

- (c) trespasses on any part of a public area closed to the public, must leave the area without delay when directed to do so by a ranger or police officer. Maximum penalty: 20 penalty units.
- (4) A person who fails to comply with such a direction may be removed from a public area by a ranger or police officer.
- (5) Reasonable force may be used to effect the person's removal.
- (6) A person is not guilty of an offence under this clause unless it is established that:
 - (a) the ranger or police officer warned the person that the failure to comply with the direction is an offence, and
 - (b) in the case of a direction given by a ranger—identified himself or herself as a ranger and showed his or her identification card (if requested to do so).

28 Removal of obstructions from public areas

- (1) Place Management NSW, or a ranger or police officer, may order the removal of anything that obstructs or encroaches on a public area.
- (2) The order may be given to either or both of the following:
 - (a) the person who caused the obstruction or encroachment,
 - (b) a person using the thing causing the obstruction or encroachment.
- (3) A person to whom such an order is given must comply with the order. Maximum penalty: 20 penalty units.
- (4) Place Management NSW, or a ranger or police officer, may remove the obstruction or encroachment whether or not an order for its removal has been given under this clause.
- (5) Place Management NSW may recover from either of the persons referred to in subclause (2) any reasonable costs and expenses incurred by Place Management NSW in removing an obstruction or encroachment.
- (6) This clause does not apply to a motor vehicle.
- (7) This clause does not apply to an obstruction or encroachment if its presence in a public area is authorised:
 - (a) by Place Management NSW, or
 - (b) by the person or body in whom the public area is vested, or
 - (c) by or under the Act or any other Act,and its presence has not ceased to be so authorised.

Part 5 Miscellaneous

29 Authorisation may be granted by Place Management NSW

- (1) Place Management NSW may authorise any person to do any act that would otherwise be prohibited by a provision of this Regulation (but only if the provision allows such authorisation).
- (2) Such authorisation of Place Management NSW:
 - (a) must be in writing, and
 - (b) may be given generally or in a particular case, and
 - (c) may be granted subject to such conditions as Place Management NSW considers appropriate.
- (3) A person does not commit an offence under a clause of this Regulation by reason of anything done with the authorisation of Place Management NSW under this clause.
- (4) Place Management NSW may from time to time determine the fees that are payable by a person to whom Place Management NSW has given authorisation under this clause.

30 No offence for certain acts or omissions

An act or omission does not constitute an offence under this Regulation:

- (a) if it is done or omitted by Place Management NSW, or
- (b) if it is expressly or impliedly authorised by the terms or conditions of a lease, licence or occupancy granted by Place Management NSW, or
- (c) in the case of land vested in a person other than Place Management NSW—if it is done or omitted by that person or if it is authorised, expressly or impliedly, by the terms of any lease, licence or other authority granted by that person, or
- (d) in the case of a public road—if it is done or omitted by the relevant roads authority under the *Roads Act 1993* or if it is authorised, expressly or impliedly, by the terms of any lease, licence or other authority granted by the roads authority, or
- (e) in the case of any waters—if it is authorised by or under the marine legislation (within the meaning of the *Ports and Maritime Administration Act 1995*) or the National law (within the meaning of the *Marine Safety Act 1998*).

31 Declaration of core land

The following land is declared to be core land for the purposes of section 6 (e) of the Act:

Land at Ballast Point, Birchgrove that is bordered by Wharf Road, Ronald Street, Mort Bay and Snails Bay comprising Lots 1–4, DP 115939 (excluding the leasehold interest of Energy Australia under registered lease N700214 over part of Lot 1, DP 115939), Lot 7, DP 132691, Lot 11, DP 792332 and Lot 413, DP 752049.

Land at The Rocks, Circular Quay that is bordered by George Street, Argyle Street and First Fleet Park, comprising Lots 20–22, DP 787906.

32 Savings

Any act, matter or thing that, immediately before the repeal of the *Sydney Harbour Foreshore Authority Regulation 2011*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

For the purposes of section 43A of the Act:

- (a) each offence under this Regulation specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

Column 1	Column 2
Offence	Penalty
Clause 4 (1) (a) or (b) or (2) (b)	\$220
Clause 4 (2) (a)	\$440
Clause 5	\$220
Clause 6	\$220
Clause 7	\$220
Clause 8 (1)	\$220
Clause 8 (2)	\$440
Clause 9	\$220
Clause 10 (1)	\$220
Clause 11 (1) or (3)	\$220
Clause 12 (2)	\$220
Clause 13 (2)	\$220
Clause 15 (3) or (5)	\$70
Clause 16 (3)	\$220
Clause 17 (2)	\$110
Clause 19 (1) (a)	\$110
Clause 19 (1) (b), (d) or (e)	\$220
Clause 19 (1) (c)	\$440
Clause 20	\$220
Clause 21	\$110
Clause 22 (a), (c), (d), (e) or (f)	\$110
Clause 22 (b)	\$440
Clause 23 (3) or (4)	\$220
Clause 24 (1)	\$220
Clause 25 (1), (2) or (3)	\$220
Clause 26 (2)	\$220
Clause 27 (1) or (3)	\$220
Clause 28 (3)	\$220
