

1990 - No. 38

**CROWN LANDS CONSOLIDATION ACT 1913 - BY-LAW**  
(Alumy Creek Reserve By-Law 1989)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Crown Lands Consolidation Act 1913, has been pleased to make the By-law set forth hereunder. (GF89 R21)

I. R. CAUSLEY,  
Minister for Natural Resources.

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**PART 1 - PRELIMINARY**

**Citation**

**1.** This By-law may be cited as the Alumy Creek Reserve By-law 1989.

**Definitions**

**2.** In this By-law:

"**reserve**" means Reserve No. 140020 for Public Recreation and Museum at Alumy Creek as notified in Gazette No. 109 of 26 June 1987 at page 3647;

"**the Act**" means the Crown Lands Consolidation Act 1913;

"**trustees**" means the trustees for the time being of the reserve;

"**vehicle**" includes:

- (a) any apparatus drawn or propelled wholly or partly by an animal, volatile spirit, steam, gas, oil, electricity, solar

power or wind and which is wholly or partly used for the conveyance of persons or things; and

- (b) any trailer or caravan, whether or not it is in the course of being towed; and
- (c) any cycle.

## **PART 2 - REGULATION OF USE OF THE RESERVE**

### **Appointment of rangers**

**3.** The trustees may appoint rangers, and such other persons as may be necessary to assist the rangers so appointed in the performance of their duties, to supervise the reserve.

### **Reserve to be open to the public**

**4.** The reserve must be open to the public at all times, except where clause 9 applies.

### **Fees and charges**

**5.** The trustees may from time to time determine the fees or charges payable in respect of any one or more of the following:

- (a) entry to the whole or any portion of the reserve and the buildings erected on the reserve;
- (b) use of the whole or any portion of the reserve;
- (c) use of the whole or any part of a building erected on the reserve;
- (d) parking of any vehicle or class of vehicles on the reserve.

### **Entry**

**6. (1)** Except where exempted by the trustees, a person must not enter the reserve unless:

- (a) the person pays such entrance fee (if any) as is determined by the trustees as being payable in respect of the person's entry to the reserve; and
- (b) the person enters the reserve as directed by signs erected at or adjacent to an entrance where any entrance fee demanded is payable.

**(2)** A person who enters the reserve, whether on payment of an entrance fee or otherwise, enters the reserve subject to such conditions as may be determined from time to time by the trustees and as are exhibited on signs erected at or adjacent to each entrance to the reserve.

### **Parking of vehicles**

**7. (1)** Except where exempted by the trustees, a person must not take a vehicle on to the reserve unless the person pays such parking fee (if any) as is determined by the trustees as being payable in respect of the person's parking the vehicle in the reserve or, where the trustees have determined different parking fees in respect of different classes of vehicles, the person pays the appropriate parking fee in respect of that class of vehicle.

**(2)** A person who takes a vehicle on to the reserve, whether on payment of a parking fee or otherwise, takes the vehicle on to the reserve subject to such conditions as may be determined by the trustees and as are exhibited on signs erected at or adjacent to each vehicular entrance to the reserve.

### **Camping**

**8. (1)** The trustees may set aside any portion within the reserve for camping by signs displayed on or adjacent to the portion and may impose conditions, not inconsistent with the Act or this By-law, subject to which a person may use any portion for camping.

**(2)** A person must not camp on a portion of the reserve unless:

- (a) the portion is set aside for camping under this clause; and
- (b) the person complies with any conditions imposed under this clause; and
- (c) the person pays the charges (if any) payable in respect of the person's camping on the portion.

**(3)** In this clause, "**camp**" means reside temporarily in a tent, caravan, cabin or other structure.

### **Portions etc. closed to public**

**9. (1)** The trustees may close to the public any portion of the reserve or any building within the reserve by signs displayed on or adjacent to the portion or building.

(2) Except with the permission of the trustees, a person must not enter any portion of the reserve or any building within the reserve which is closed to the public under this clause.

**Regulation of conduct within the reserve**

**10. (1)** A person must not, unless authorised by the trustees, within the reserve:

- (a) enter any area or building not open to the public; or
- (b) make an address or conduct or hold a meeting, match, musical performance or amusement; or
- (c) sell, offer for sale or distribute any article or thing; or
- (d) possess or operate television, cinematographic or photographic equipment for commercial purposes; or
- (e) camp or permanently reside; or
- (f) damage, pick or remove any tree, shrub, plant, vine, flower or other vegetation; or
- (g) remove or disturb any rock, soil, sand, stone or similar substance; or
- (h) light a fire:
  - (i) at any time when the lighting of fires within the reserve is prohibited by the trustees by signs erected within the reserve; or
  - (ii) at any other time, except in a fire-place provided by the trustees or in portable cooking equipment; or
- (i) affix any bill or poster on any tree or on any building, fence, seat, table, enclosure or other structure; or
- (j) climb any tree, building, fence, seat, table, enclosure or other structure; or
- (k) destroy, capture, injure, annoy or interfere with any animal, or interfere with the habitat of any animal; or
- (l) apart from guide dogs for the blind, have any domestic pet or other animal, except in accordance with such conditions as may be determined by the trustees and as are exhibited on signs erected at or adjacent to an entrance to the reserve; or

- (m) sell or serve intoxicants; or
- (n) consume intoxicants; or
- (o) contravene any condition to which the person's entrance was subject.

(2) A person must not, within the reserve:

- (a) leave any rubbish or litter, except in receptacles provided for that purpose by the trustees; or
- (b) break, damage or deface any structure, machinery, equipment, sign, descriptive plate or label; or
- (c) obstruct any employee of, or contractor to, the trustees in the performance of the employee's or contractor's work; or
- (d) carry or have in that person's possession any firearm or prohibited weapon, within the meaning of the Firearms and Dangerous Weapons Act 1973, unless that person is a member of the police force acting in connection with the performance of that person's duties as such a member; or
- (e) drive, ride or act contrary to any sign erected by the trustees that regulates the parking, traffic flow or movement of vehicles or animals; or
- (f) deface with graffiti or other form of writing, picture, or symbol, any tree, building, fence, seat, table, enclosure or other structure; or
- (g) fail to extinguish a fire upon leaving a fire-place unattended; or
- (h) remain, when requested to leave by a trustee or other person authorised for that purpose by the trustees.

#### **Removal of trespassers**

11. (1) A person who trespasses or who causes annoyance or inconvenience within the reserve may be removed from the reserve by a trustee, a lessee, a licensee, an authorised occupier or a member of the police force or by an employee of the trustees, a lessee, a licensee or an authorised occupier.

(2) In this clause:

**"authorised occupier"** means a person authorised by the trustees to occupy the whole or any portion of the reserve, but does not include a lessee or a licensee;

**"lessee"** means a holder of a lease granted under section 37MM of the Act;

**"licensee"** means a holder of a temporary licence granted under section 37RR of the Act.

### **Penalty**

**12.** A person who contravenes a provision of this By-law is guilty of an offence and liable to a penalty not exceeding \$500.

## **PART 3 - CONDUCT OF BUSINESS ETC. OF TRUSTEES**

### **Receipts and disbursements**

**13. (1)** All money received by the trustees must be paid into a bank in New South Wales to the credit of an account in the name of the "Alumy Creek Reserve Trust".

**(2)** Each item of expenditure by or on behalf of the trustees in their administration of the reserve must be authorised or confirmed for payment at a duly constituted meeting of the trustees.

**(3)** Cheques drawn on the trustees' bank account must be signed either by 2 trustees or by a trustee and the secretary.

### **Meetings of trustees**

**14. (1)** The trustees must meet at least 6 times a year at such times and places as the secretary determines.

**(2)** On receipt by the secretary of a written request for a meeting of the trustees, the secretary must, if the request is signed by at least 2 trustees and specifies the purposes of the meeting, call a special meeting to be held within 28 days after the secretary receives the request at such time and place as the secretary determines.

**(3)** Subject to subclause (4), the secretary must, not later than 10 days before the day determined under subclause (1) or (2), forward to each trustee a notice in writing specifying the time and place at which the meeting is to be held and the agenda for the meeting.

**(4)** If the secretary is of the opinion that a special meeting of the trustees should be held as soon as possible, the secretary may give notice of the time and place at which the special meeting is to be held

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and of the agenda for the meeting in such manner as appears to the secretary to be appropriate in the circumstances.

(5) At any meeting of the trustees, unless a greater number is fixed by section 37Z of the Act, 3 trustees are to form a quorum.

### **Annual meeting**

**15. (1)** The annual meeting of the trustees must be held on or before 31 December in each year.

(2) At the annual meeting, the trustees must elect a president and elect or appoint a secretary, treasurer and auditor.

(3) A person elected or appointed under this clause holds office until the next annual meeting of the trustees.

### **Casual vacancy**

**16.** If a casual vacancy occurs in the office of president, secretary, treasurer or auditor, the trustees must, at the first meeting held after the occurrence of the casual vacancy, elect or appoint, as the case requires, a person to fill the vacancy and the person so elected or appointed holds office for the unexpired part of the term of office of that person's predecessor.

### **Conduct of meetings**

**17. (1)** Meetings of the trustees must, as far as possible, be conducted in accordance with the procedures set out in Ordinance No. 1 under the Local Government Act 1919.

(2) At a meeting of the trustees, in the event of a tied vote, the president has a casting vote as well as a deliberative vote.

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### **NOTE**

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**EXPLANATORY NOTE**

The object of this By-law is to regulate the use of land known as Alumy Creek Reserve for public recreation and a museum.

This By-law provides for:

- (a) the powers and duties of the trustees of the land to which it relates; and
- (b) the management and regulation of that land; and
- (c) the use of the land for the purposes for which it is reserved.

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