

1990 - No. 79

CROWN LANDS CONSOLIDATION ACT 1913 - BY-LAW

(Central Tablelands Heritage Lands By-law 1990)

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. (OE89 R9)

I. R. CAUSLEY
Minister for Natural Resources.

PART 1 - PRELIMINARY

Citation

1. This By-law may be cited as the Central Tablelands Heritage Lands By-law 1990.

Repeal

2. The Lithgow Heritage Lands By-law 1988 is repealed.

Definitions

3. In this By-law:

"Area" means Reserve No. 190027 for Public Recreation as notified in Gazette No. 20 of 30 January 1987 at page 527 together with any land notified as an addition to Reserve No. 190027 in the Gazette;

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

"trustees" means the trustees for the time being of the Area;

"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 AREA

Entry

4. (1) The trustees may designate points on the perimeter of the Area as entrances to the Area by signs displayed adjacent to those points.

(2) A person must not enter the Area:

- (a) otherwise than at a point designated pursuant to subclause (1); and
- (b) unless the person pays the entrance fee, if any, payable in respect of that person's entry to the Area.

Parking of vehicles

5. (1) The trustees may prohibit or regulate the parking of vehicles on any portion of the Area by signs displayed on or adjacent to the portion.

(2) A person must not park a vehicle on a portion of the Area:

- (a) in contravention of a direction notified by a sign displayed pursuant to subclause (1); or
- (b) unless the person pays the charges, if any, payable in respect of that person's parking the vehicle on the portion.

Camping

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

(2) The trustees may reserve any portion of the Area 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.

(3) A person must not camp on a portion of the Area unless:

- (a) the portion is reserved for camping pursuant to subclause (2); and
- (b) the person complies with any conditions imposed pursuant to subclause (2); and
- (c) the person pays the charges, if any, payable in respect of that person's camping in the portion.

(4) A person must not:

- (a) camp in the Area for a continuous period of more than 2 weeks or for an aggregate period of more than 3 months in any one year; or
- (b) permanently reside in the Area.

Reservation for storage of articles or for sporting activities

7. (1) The trustees may reserve any portion of the Area:

- (a) for the storage of any articles or things; or
- (b) for sporting activities,

by signs displayed on or adjacent to the portion.

(2) A person must not use a portion of the Area reserved pursuant to subclause (1) unless the person pays the charges, if any, payable in respect of the use of the portion for the purpose.

Reservation for purposes of flora etc.

8. (1) The trustees may reserve any portion of the Area for:

- (a) an arboretum for the propagation and study of native flora; or
- (b) animals living within the portion; or
- (c) scientific studies,

by signs displayed on or adjacent to the portion.

(2) The trustees may impose conditions, not inconsistent with the Act or this By-law, subject to which a person may enter any portion of the Area reserved pursuant to subclause (1).

(3) A person must not enter a portion of the Area reserved pursuant to subclause (1) unless:

- (a) the person complies with any conditions imposed pursuant to subclause (2); and
- (b) the person pays the entrance fee, if any, payable in respect of that person's entry to the portion.

Portions etc. closed to public

9. (1) The trustees may close to the public any portion of the Area or any building within the Area 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 Area or any building within the Area which is closed to the public by a sign displayed pursuant to subclause (1).

Fees and charges

10. (1) The trustees may from time to time determine the fees or charges payable in respect of any one or more of the following:

- (a) parking of a vehicle on any portion of the Area;
- (b) camping on any portion of the Area reserved pursuant to clause 6 (2);
- (c) use of any portion of the Area reserved for a purpose referred to in clause 7 (1);
- (d) entry to the Area or to any portion of the Area reserved pursuant to clause 8 (1);
- (e) entry to the Area or to any portion of the Area closed pursuant to clause 9 (1).

(2) The trustees may in any particular case waive payment of a fee or charge.

Regulation of conduct within the Area

11. (1) Except with the written permission of the trustees, a person must not, within the Area:

- (a) hold a public meeting or stage a public entertainment; or
- (b) sell or offer or expose for sale any article or thing; or
- (c) have or operate television, cinematographic or photographic equipment for commercial purposes; or

- (d) conduct or take part in any sporting activity that forms part of an organised competition or tournament; or
- (e) damage any lawn, playing field or green, except in the course of, and as a normal incident of, any recreational or sporting activity or
- (f) uproot, cause damage to, or pick a flower, from any tree, shrub, fern, creeper, vine, palm or plant; or
- (g) remove any dead timber, log or stump, whether standing or fallen, except for the purpose of cooking food in the Area; or
- (h) deface any rock, or dig up or otherwise remove any rock, soil, sand, stone or similar substance; or
- (i) light a fire:
 - (i) at any time when the lighting of fires in the Area is prohibited by the trustees by signs displayed in the Area; or
 - (ii) at any other time except in a fire-place provided by the trustees or in portable cooking equipment; or
- (j) cause any bill or poster to be displayed; or
- (k) destroy, capture, injure or annoy any animal or destroy or interfere with the habitat of any animal; or
- (l) place any beehive; or
- (m) cause any animal to depasture; or
- (n) fly a mechanically propelled model aircraft or similar object; or
- (o) discharge fireworks; or
- (p) damage, deface or interfere with any structure, sign, descriptive plate or label erected or displayed in the Area by the trustees or any machinery or equipment,
- (2)** A person must not, within the Area:
 - (a) leave any rubbish or litter, except in receptacles provided by the trustees for the purpose; or
 - (b) obstruct any employee of, or contractor to, the trustees in the performance of the employee's or contractor's work; or
 - (c) throw or project any stone, missile or other object, except in the course of, and as a normal incident of, recreational or sporting activity approved by the trustees; or
 - (d) have or keep any dog unless the dog is controlled by the person by use of a chain, leash or similar device; or

- (e) operate a radio, cassette or record player at a volume likely to cause a nuisance to any person or animal; or
- (f) drive or ride a vehicle contrary to a sign displayed by the trustees which regulates the movement of vehicles; or
- (g) drive or ride a vehicle other than on formed roads.

Removal of trespassers

12. (1) A person who trespasses or who causes any annoyance or inconvenience within the Area or who contravenes or fails to comply with a provision of this Part must leave the Area if requested to do so by a trustee or a person authorised for the purpose by the trustees.

(2) A person who fails to comply with a request pursuant to subclause (1) may be removed from the Area by a trustee, a member of the police force or a person authorised for the purpose by the trustees.

Application of Part to lessees and licensees

13. Despite any other provision of this Part, an act or omission does not constitute a contravention of or a failure to comply with a provision of this Part if it is authorised, expressly or impliedly, by the terms or conditions of a lease granted under section 37MM of the Act or a temporary licence granted under section 37RR of the Act.

Application of Part to trustees, officers, employees etc.

14. Nothing in this Part prevents any trustee, officer or employee of the trustees or any person authorised by the trustees from doing in pursuance of his or her duty as a trustee, officer or employee or in pursuance of that authorisation any act or thing the doing of which would otherwise be prohibited by this Part.

Penalty

15. A person who contravenes or fails to comply with a provision of this Part is guilty of an offence and liable to a penalty not exceeding \$500.

PART 3 - CONDUCT OF BUSINESS ETC. OF TRUSTEES

Annual meeting

16. (1) The annual meeting of the trustees is to be held on or before 31 October in each year.

(2) At the annual meeting the trustees are to:

- (a) elect a chairperson and a deputy chairperson; and
- (b) elect or appoint one person to be secretary and treasurer (referred to in this By-law as the secretary/treasurer) and another person to be auditor,

each of whom is to hold office until the next annual meeting of the trustees.

(3) A complete statement of accounts duly audited is to be presented to the annual meeting of the trustees.

Casual vacancy

17. If a casual vacancy occurs in the office of the chairperson, deputy chairperson, secretary/treasurer or auditor, the trustees, at the first meeting held after the occurrence of the casual vacancy, are to elect or appoint, as the case requires, a person to fill the vacancy and the person so elected or appointed is to hold office for the unexpired part of the term of office of that person's predecessor.

Meetings of trustees

18. (1) The trustees are to meet at least 4 times a year at intervals not exceeding 3 months at such times and places as the chairperson determines.

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

(3) Subject to subclause (4), the chairperson, not later than 10 days before the day appointed for a meeting referred to in subclause (1) or (2), is to forward to each trustee notice in writing setting out the time and place at which the meeting is to be held and the agenda for the meeting.

(4) If the chairperson is of the opinion that a special meeting of the trustees should be held as soon as possible, the chairperson may give notice of the time and place at which the special meeting is to be held and of the agenda for the meeting in such manner as appears to the chairperson to be appropriate.

Conduct of meetings

19. (1) Meetings of the trustees, as far as possible, are to 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, the chairperson or, in the absence of the chairperson, the deputy chairperson is to preside.

(3) In the absence of the chairperson and the deputy chairperson, the trustees present are to elect a person from among their number to preside at the meeting and the trustee so elected is to preside.

(4) The person presiding at a meeting of the trustees is to have a deliberative vote and, in the event of a tied vote, is also to have a casting vote.

(5) The quorum for any meeting of the trustees is to be determined by dividing the total number of trustees by 2 and adding 1 to the quotient (any fractional remainder being disregarded).

Committees

20. The trustees may form one or more committees to carry out such works or perform such duties as the trustees determine.

Duties of secretary/treasurer

21. The secretary/treasurer is to keep minutes of each meeting of the trustees and is to be responsible to the trustees for the keeping of proper financial records.

Financial year

22. The trustees' financial year is to end on 30 June each year.

Receipts and disbursements:

23. (1) All money received by the trustees is to be deposited to the credit of an account established at the Orange Branch of St. George

Building Society in the name of "Trustees of Central Tablelands Heritage Lands Trust".

(2) Each item of expenditure by or on behalf of the trustees is to be authorised or confirmed for payment, at a duly convened and constituted meeting of the trustees by tabling and approval of a report by the secretary/treasurer relating to that item of expenditure.

(3) Cheques drawn on the trustees' account are to be signed by any two trustees.

Staff

24. The trustees may employ such persons as they consider necessary to carry out such duties as the trustees may direct.

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EXPLANATORY NOTE

The object of this By-law is to repeal the Lithgow Heritage Lands By-law 1988 and to replace it with this By-law which relates to the land managed under the By-law to be repealed together with certain additional land. This By-law provides for the management, use and regulation of the lands to which it relates and for the conduct of the business of the trustees responsible for the Area.
