

Western Sydney Parklands Regulation 2013

[2013-459]



New South Wales

Status Information

Currency of version

Historical version for 23 August 2013 to 24 January 2019 (accessed 23 November 2024 at 1:41)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 10 August 2018

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New South Wales

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Western Sydney Parklands Regulation 2013



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Western Sydney Parklands Regulation 2013*.

2 Commencement

This Regulation commences on 1 September 2013 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Western Sydney Parklands Regulation 2007* which is repealed on 1 September 2013 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

sell includes any of the following:

- (a) sell by wholesale, retail, auction or tender,
- (b) hire,
- (c) barter or exchange,
- (d) supply for profit,
- (e) offer for sale or hire, receive for sale or hire, have in possession for sale or hire or expose or exhibit for sale or hire,
- (f) conduct negotiations for sale or hire,
- (g) consign or deliver for sale or hire,
- (h) solicit for sale or hire,
- (i) cause or permit anything referred to above.

sign includes a board, post, banner, notice or painted marking, flag or electronic or similar device, whether temporary or permanent.

the Act means the *Western Sydney Parklands Act 2006*.

vehicle includes any of the following:

- (a) a motor vehicle (within the meaning of the *Road Transport Act 2013*),
- (b) a cycle (whether or not motor-assisted),
- (c) a trailer or caravan, whether or not it is in the course of being towed,
- (d) an apparatus that is propelled by human or mechanical power, or by the wind, and is wholly or partly used for the conveyance of persons or things, other than a wheelchair, pram or stroller,
- (e) a motorised wheelchair that is capable of a speed of more than 10 kilometres per hour over level ground,
- (f) a vehicle that is being drawn by an animal,
- (g) an animal that is being ridden or is drawing a vehicle,
- (h) a boat, raft, canoe, ski, barge or other vessel,

but does not include a train or a wheeled toy or a wheeled recreational device (such as in-line skates or a skateboard).

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

Part 2 Use of Trust land

4 Entry

- (1) The Trust may designate points on Trust land as entrances to Trust land for vehicles by a sign displayed adjacent to those points.
- (2) A person must not drive or ride a vehicle into Trust land other than at a point designated in accordance with this clause.

Maximum penalty: 10 penalty units.

- (3) The Trust may designate the opening and closing times of Trust land for vehicles by public notice (including by notice on a sign displayed adjacent to the entrances to the Trust land).
- (4) A person must not drive or ride a vehicle into or within Trust land:
 - (a) between the closing and opening times designated under subclause (3), or

(b) at such other times as the Trust may, by public notice (including by notice published on an Internet site maintained by the Trust) or advertisement, designate as being “vehicle-free”,

except with the permission of the Trust.

Maximum penalty: 10 penalty units.

(5) Without limiting the way in which the Trust may grant a permission referred to in subclause (4), such a permission may be granted:

(a) by public notice (including by notice published on an Internet site maintained by the Trust) or advertisement, or

(b) in relation to any function or meeting to be held on Trust land—by notice in writing to the organiser of the function or meeting.

(6) Without limiting clause 14, it is a condition of a permission referred to in subclause (4) that the person driving or riding the vehicle concerned complies with any reasonable directions given by a ranger or police officer in relation to the vehicle.

(7) Pedestrians may enter Trust land at any time.

5 Parking

(1) The Trust may regulate the parking of vehicles on any part of Trust land by a sign displayed on or adjacent to the part.

(2) A person must not park, or leave a vehicle parked, on Trust land at any time between the closing and opening times designated under clause 4 (3) except with the written permission of the Trust.

Maximum penalty: 10 penalty units.

(3) The Trust is entitled to require payment of a fee (not exceeding \$100) determined by it for the opening of a gate between the designated closing and opening times to permit the removal of a vehicle from Trust land.

(4) Subclauses (2) and (3) do not apply to or in respect of a vehicle that is on Trust land between the designated closing and opening times in accordance with a permission referred to in clause 4 (4).

6 Parts of Trust land approved for designated purposes

(1) The Trust may designate part of Trust land for use for the purpose of:

(a) an organised sporting activity, or

(b) an organised entertainment, or

- (c) an organised ceremony or other organised event, or
 - (d) any other organised activity.
- (2) A person may, with the written permission of, and in the manner approved by, the Trust:
- (a) use any part of Trust land designated under subclause (1) (the **designated space**) for the purpose for which it is designated, and
 - (b) designate points on the perimeter of the designated space as entrances for persons attending the organised activity concerned by a sign displayed adjacent to those points, and
 - (c) prevent people from entering the designated space other than through those entrances, and
 - (d) prevent people from entering the designated space without paying a fee approved by the Trust.
- (3) The use of a part of Trust land in accordance with a permission granted under this clause is not a contravention of clause 10.
- (4) The Trust may also designate any part of Trust land as land that may be used for specified activities that are not organised activities by a sign displayed on or near the land concerned.

7 Fees for use of Trust land

- (1) The Trust may from time to time determine the fees that are payable by a person to whom the Trust has given permission to use part of Trust land. The Trust may require payment of such a fee by a date specified by the Trust (including a date in advance of the date of the relevant use).
- (2) The person to whom the permission is granted is liable to the Trust for payment of the fee.
- (3) The Trust may reduce, or waive payment of, a fee payable under this clause.

8 Parts of Trust land and buildings may be closed to the public

- (1) The Trust may close to the public any part of Trust land or any building within Trust land by the use of a sign displayed on or adjacent to the part or building.
- (2) A person must not enter (whether on foot, by vehicle or otherwise) any part of Trust land, or any building within Trust land, that is fenced off, or locked, or closed to the public by a sign displayed under this clause, except with the written permission of the Trust.

Maximum penalty: 10 penalty units.

(3) In this clause:

building includes part of a building.

fenced off means surrounded by a fence, barricade or other structure with no open pedestrian or vehicular access.

part of Trust land includes any road, footpath, cycle track, garden bed, lawn and playing field within Trust land.

9 Alcohol-free zones

- (1) The Trust may declare any part of Trust land or any building within Trust land to be an alcohol-free zone by the use of a sign displayed on or adjacent to the part or building.
- (2) A person must not consume any alcohol in any such alcohol-free zone, except with the written permission of the Trust.

Maximum penalty: 10 penalty units.

(3) In this clause:

alcohol has the same meaning as in the [Local Government Act 1993](#).

building includes part of a building.

10 Commercial and other activities

- (1) A person must not do any of the following on Trust land, except with the written permission of the Trust:
 - (a) sell or hire, or attempt to sell or hire, any goods or services,
 - (b) establish or operate a business,
 - (c) use any audio, loudspeaker or broadcasting equipment or camera (whether photographic, cinematic or video), for a commercial purpose,
 - (d) distribute any advertising matter or display any advertisement (including by means of a mobile billboard or other vehicle that is designed or, while on Trust land, used for the primary purpose of displaying advertisements),
 - (e) collect or attempt to collect money,
 - (f) busk.

Maximum penalty: 10 penalty units.

- (2) Subclause (1) (d) does not prohibit the display of an advertisement on any clothing or

personal effect worn or carried by the person or on a vehicle driven by the person that is not designed or, while on Trust land, used for the primary purpose of displaying advertisements.

- (3) A person who uses equipment in the course of committing an offence under this clause must, when directed to do so by the Trust, or a ranger or police officer, immediately remove the equipment from Trust land.

Maximum penalty: 10 penalty units.

- (4) If a person fails to comply with a direction given under this clause, the Trust, or a ranger or police officer, may remove, or cause to be removed, the equipment:

(a) to the care of the person to whom the direction was given, or

(b) to a place of safe keeping at the expense of the owner or the person responsible for it.

- (5) The Trust, or a ranger or police officer, acting under this clause is not responsible for the safe keeping of, or for any damage to, equipment removed under this clause.

11 Races on Trust land

A person must not on Trust land, except with the written permission of the Trust, organise or conduct a foot race, cycle race, horse race, wheelchair race, fun run, roller blade run or similar event.

Maximum penalty: 10 penalty units.

12 Camping and erection of tents and structures on Trust land

- (1) A person must not on Trust land, except with the permission of the Trust:

(a) camp or reside, or

(b) erect or occupy or cause to be erected or occupied a building, tent, screen, awning, enclosure or other structure or thing.

Maximum penalty: 10 penalty units.

- (2) A person who has erected or occupied or caused to be erected or occupied a building, tent, screen, awning, enclosure or other structure or thing contrary to this clause must, when directed to do so by the Trust, or a ranger or police officer, immediately remove that building, tent, screen, awning, enclosure or other structure or thing from Trust land.

Maximum penalty: 10 penalty units.

- (3) If a person fails to comply with a direction given under this clause, the Trust, or a ranger or police officer, may remove, or cause to be removed, the building, tent,

screen, awning, enclosure or other structure or thing:

(a) to the care of the person to whom the direction was given, or

(b) to a place of safe keeping at the expense of the owner or the person responsible for it.

(4) The Trust, or a ranger or police officer, acting under this clause is not responsible for the safe keeping of, or for any damage to, a building, tent, screen, awning, enclosure or other structure or thing removed under this clause.

13 Affixing signs and the like on Trust land

A person must not on Trust land affix any thing (including any sign, hoarding or tape) to any tree, fence, pole, building, shelter, sign, rail, or seat except with the written permission of the Trust.

Maximum penalty: 10 penalty units.

14 Conditions attaching to permission to use Trust land

(1) The Trust may give a permission under this Regulation subject to such conditions as the Trust considers appropriate.

(2) Conditions may relate to, but are not limited to, the following matters:

(a) the period within which any fee payable is to be paid,

(b) the necessary standard of care of the parklands environment,

(c) maintenance of adequate insurance,

(d) site preparation,

(e) provision and disposal of food and beverages,

(f) advertising, signage and merchandising,

(g) vehicle access, control and parking,

(h) security and emergency procedures,

(i) crowd management,

(j) cleaning and waste management services,

(k) noise control,

(l) erection and removal of temporary structures.

(3) The Trust may require a person to whom a permission under this Regulation is

proposed to be given to give security in such amount and form as the Trust determines for fulfilment of the person's obligations under the conditions of that permission.

- (4) A person who fails to comply with a condition to which a permission is subject is guilty of an offence.

Maximum penalty: 10 penalty units.

15 Damage to Trust land

A person must not on Trust land, except with the written permission of, and in the manner approved by, the Trust:

- (a) damage, deface, interfere with, destroy or remove any sign erected or displayed by or on behalf or with the permission of the Trust, or
- (b) remove, uproot, damage, remove a part from, or otherwise interfere with, a tree, shrub, fern, creeper, vine, palm, plant or other vegetation, or
- (c) remove any timber, branch, log or stump, standing or fallen, or
- (d) deface, dig up or remove any rock, soil, mulch, sand, stone or similar substance, or
- (e) damage, deface, interfere with, destroy or remove any other part of Trust land or any other thing situated on any part of Trust land, or
- (f) climb on any building, enclosure or other structure (other than play equipment), or
- (g) light a fire:
 - (i) at a time when the lighting of fires on Trust land is prohibited by the Trust by signs displayed on or near Trust land or a time when the lighting of fires in the area in which Trust land is situated is prohibited by or under the provisions of the *Rural Fires Act 1997*, or
 - (ii) at any other time except in a fireplace or on equipment provided for the purpose by the Trust or in portable cooking equipment, or
- (h) empty coals from a barbecue onto any ground or vegetation or into any receptacle except into one provided for that purpose, or
- (i) abandon a vehicle.

Maximum penalty: 10 penalty units.

16 Recreational activities on Trust land

A person must not do any of the following on Trust land, except with the permission of the Trust:

- (a) play or practise golf except in an area designated for that activity under clause 6,
- (b) throw or propel by any means any javelin, shot put, sharp instrument or other object that is likely to cause damage or injury to any person, animal or thing,
- (c) bathe, wade, swim or fish in any ornamental water,
- (d) operate a motorised model aircraft, boat, car or similar thing,
- (e) launch or land an aircraft, helicopter, airship, hot air balloon or parachute,
- (f) set up or discharge fireworks,
- (g) use a starting pistol except in an area designated under clause 6 for an activity that involves the use of a starting pistol,
- (h) carry or discharge or have in the person's possession any firearm or imitation firearm (within the meaning of the *Firearms Act 1996*) or prohibited weapon (within the meaning of the *Weapons Prohibition Act 1998*), unless:
 - (i) the person is a police officer of the State or the Commonwealth acting in the ordinary course of the person's duties as a police officer, or
 - (ii) the person is the holder of a licence under the *Security Industry Act 1997*, is carrying out functions authorised by the licence, and is the holder of the relevant licence or permit under the *Firearms Act 1996* or the *Weapons Prohibition Act 1998* (as the case requires),
- (i) ride or use any skate board, roller skates, in-line skates or similar equipment in any area that is designated as an area in which such activities are prohibited by a sign displayed on or near the area,
- (j) fly any kite any part of the string or tail of which is designed to cut the string or tail of another kite (for example, a string or tail made of piano wire or other wire, or coated with or containing glass fragments or metallic or chemical abrasive materials, or attached to any part of which are metal shards, wooden spars or other sharp objects).

Maximum penalty: 10 penalty units.

17 Activities involving dogs and other animals

- (1) A person must not do any of the following on Trust land, except with the permission of, and in the manner approved by, the Trust:
 - (a) be in possession of a trap or device for the hunting or capturing of animals,
 - (b) destroy, capture, injure or annoy an animal,
 - (c) destroy or interfere with the habitat of an animal,

- (d) abandon an animal,
- (e) bring stock (including a horse) or poultry,
- (f) allow stock (including a horse) to graze,
- (g) ride or lead a horse,
- (h) drive a horse-drawn vehicle,
- (i) bring or allow a dog for which the person is responsible into an area that is designated as an area in which dogs are prohibited by a sign displayed on or near the area.

Note—

Section 14 (1) (a) and (b) of the *Companion Animals Act 1998* provide that dogs are prohibited from children's play areas (being any area in a public place that is within 10 metres of any playing apparatus provided for the use of children) and food preparation/consumption areas (being any area in a public place that is within 10 metres of any apparatus provided for the preparation of food for human consumption or for the consumption of food by humans).

Maximum penalty: 10 penalty units.

- (2) Subclause (1) (b) or (c) does not prohibit a person from fishing.
- (3) Subclause (1) (i) does not prohibit a person who has a disability (within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth) from bringing or allowing into an area referred to in that paragraph an assistance animal (that is, an animal referred to in section 9 of that Act).
- (4) For the purposes of this clause, a person is **responsible** for a dog if the person is in charge of the dog or otherwise has the dog under his or her control.

18 Vehicles

- (1) A person must not do any of the following on Trust land, except with the permission of, and in the manner approved by, the Trust:
 - (a) drive, ride, stand or park a vehicle other than on a sealed road or on part of Trust land designated under paragraph (b),
 - (b) cause or permit a vehicle to be driven, ridden, stood or parked on a lawn, grass, parkland, green, garden, footpath or cycle track unless the area is designated for that purpose by the Trust by a sign displayed on or near the area,
 - (c) drive, ride or park a vehicle contrary to, or act contrary to, a sign approved by the Trust that regulates the movement or parking of vehicles or the movement or confinement of animals,
 - (d) drive a vehicle:

- (i) with a tare weight of more than 3 tonnes, or
- (ii) with a height of more than 4 metres.

Maximum penalty: 10 penalty units.

- (2) A reference in subclause (1) (c) to a sign includes a reference to a road marking (including a road marking consisting of, or including, a figure, symbol, line, raised marker or stud or chevron).

19 Speed of vehicles

A person must not, except with the permission of, and in the manner approved by, the Trust, drive or ride a vehicle on any Trust land at a speed exceeding that determined by the Trust in respect of the land concerned and specified by or on behalf of the Trust:

- (a) on a sign erected on that land, or
- (b) by means of a numeral or other symbol painted or otherwise placed on a road on that land.

Maximum penalty: 10 penalty units.

20 Certain provisions not to apply to emergency vehicles

- (1) A provision of this Regulation concerning vehicles or drivers of vehicles does not apply to or in respect of an emergency vehicle if:
 - (a) in the circumstances:
 - (i) the driver is taking reasonable care, and
 - (ii) it is reasonable that the provision should not apply, and
 - (b) the vehicle is a motor vehicle that is moving—the vehicle is displaying a blue or red flashing light or sounding an alarm.
- (2) Subclause (1) (b) does not apply to the driver if, in the circumstances, it is reasonable:
 - (a) not to display the light or sound the alarm, or
 - (b) for the vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.
- (3) In this clause, **emergency vehicle** means a vehicle driven by a person who is:
 - (a) a police officer acting in the course of his or her duties as a police officer, or
 - (b) a member of the Ambulance Service rendering or providing emergency transport for sick or injured persons, or

- (c) a member of a fire brigade providing transport in the course of an emergency, or
- (d) a ranger acting in the course of his or her duties as a ranger.

21 Personal conduct

- (1) A person must not on Trust land do any of the following:
 - (a) use indecent, obscene, insulting or threatening language,
 - (b) behave in an offensive or indecent manner,
 - (c) cause serious alarm or affront to a person by disorderly or unsafe conduct,
 - (d) obstruct a person in the performance of that person's work or duties,
 - (e) fail to comply with a reasonable request or direction given for the purpose of securing good order, security and safety, management and enjoyment of Trust land.

Maximum penalty: 10 penalty units.

- (2) A direction referred to in subclause (1) (e) may be given:
 - (a) by a police officer or a ranger orally to the person concerned, or
 - (b) by the Trust by means of a sign displayed on or adjacent to the land concerned.

22 Noise on Trust land

A person must not do any of the following on Trust land, except with the written permission of, and in the manner approved by, the Trust:

- (a) operate a radio, cassette player or record player, or a compact disc player or other electronic device that emits sound, at a volume likely to cause nuisance to a person,
- (b) operate a public address system or similar device,
- (c) sound, or cause, or allow to be sounded, a motor vehicle intruder alarm or sounding device continuously or intermittently for more than 90 seconds after the device or alarm has first sounded.

Maximum penalty: 10 penalty units.

23 Requirement to state name and address

- (1) A ranger or a police officer who suspects on reasonable grounds that a person on Trust land 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 cause 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 in a material particular.

Maximum penalty: 10 penalty units.

- (3) A person is not guilty of an offence under subclause (2) unless it is established that the ranger or police officer warned the person that failure to comply with the requirement is an offence.

24 Persons to leave Trust land on request

- (1) A person who does any of the following on Trust land must leave the Trust land if requested to do so by the Trust, or a ranger or police officer:
 - (a) trespasses,
 - (b) causes nuisance or inconvenience to any person,
 - (c) commits a breach of this Regulation.
- (2) A request made under this clause may specify any one or more of the following:
 - (a) the part of Trust land to which the request relates,
 - (b) the period within which the person must leave the Trust land concerned,
 - (c) the period during which the person must not return to the Trust land concerned.
- (3) In specifying a period under subclause (2) (b) or (c), the Trust, or the ranger or police officer, must take into consideration the seriousness and persistence of the conduct concerned.
- (4) A person who fails to comply with a request made under this clause may be removed from Trust land by the Trust, or a ranger or police officer.
- (5) A person who leaves or is removed from Trust land under this clause must remove any equipment, vehicle or animal, or any other item belonging to or associated with the person, from Trust land.

Maximum penalty: 10 penalty units.

- (6) A person must not remain on, enter or return to Trust land in contravention of a request made under this clause.

Maximum penalty: 10 penalty units.

Part 3 Miscellaneous

25 Rangers

- (1) For the purposes of section 47 (1) of the Act, the class of persons consisting of persons who are engaged by the Trust under a contract to provide services to the Trust is prescribed.
- (2) A person of the class referred to in subclause (1) who is appointed as a ranger under the Act is subject to the control and direction of the Trust while exercising the functions of a ranger.

26 Penalty notice offences and penalties

For the purposes of section 48 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is an offence for which a penalty notice may be served, and
- (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.

27 Lessees and licensees

An act or omission does not constitute a breach of this Regulation, despite any other provision of this Regulation, if it is authorised expressly or impliedly by the terms or conditions of any lease or licence granted by the Trust.

28 Regulation not to limit other statutory provisions or functions

This Regulation does not limit:

- (a) any provision of or made under an Act that applies to conduct on Trust land, or
- (b) any function exercisable by the Trust as the owner of Trust land.

29 Application of Regulation to employees and other persons exercising functions

- (1) Nothing in this Regulation prevents a member of staff of the Trust, or a ranger or police officer, from doing, in the exercise of his or her functions under the Act, any act or thing the doing of which is otherwise prohibited by this Regulation.
- (2) This clause does not, however, authorise any such person (other than a police officer) to have in his or her possession a firearm (within the meaning of the [Firearms Act 1996](#)) while on Trust land except with the written permission of the Trust.

30 Saving

Any act, matter or thing that, immediately before the repeal of the [Western Sydney Parklands Regulation 2007](#), had effect under that Regulation continues to have effect

under this Regulation.

Schedule 1 Penalty notice offences

(Clause 26)

Column 1	Column 2
Provision	Penalty
Offences under this Regulation	
clause 4 (2)	\$100
clause 4 (4)	\$100
clause 5 (2)	\$150
clause 8 (2)	\$100
clause 9 (2)	\$150
clause 10 (1)	\$220
clause 10 (3)	\$220
clause 11	\$220
clause 12 (1)	\$220
clause 12 (2)	\$220
clause 13	\$100
clause 14 (4)	\$130
clause 15 (a)	\$300
clause 15 (b)	\$150
clause 15 (c)	\$100
clause 15 (d)	\$100
clause 15 (e)	\$100
clause 15 (f)	\$75
clause 15 (g)	\$75
clause 15 (h)	\$75
clause 15 (i)	\$200
clause 16 (a)	\$75
clause 16 (b)	\$150
clause 16 (c)	\$75

clause 16 (d)	\$75
clause 16 (e)	\$300
clause 16 (f)	\$75
clause 16 (g)	\$75
clause 16 (h)	\$440
clause 16 (i)	\$150
clause 16 (j)	\$220
clause 17 (1) (a)	\$75
clause 17 (1) (b)	\$75
clause 17 (1) (c)	\$75
clause 17 (1) (d)	\$75
clause 17 (1) (e)	\$75
clause 17 (1) (f)	\$75
clause 17 (1) (g)	\$75
clause 17 (1) (h)	\$75
clause 17 (1) (i)	\$150
clause 18 (1)	\$150
clause 19	\$150
clause 21 (1) (a)	\$100
clause 21 (1) (b)	\$100
clause 21 (1) (c)	\$100
clause 21 (1) (d)	\$220
clause 21 (1) (e)	\$100
clause 22 (a)	\$100
clause 22 (b)	\$300
clause 22 (c)	\$300
clause 24 (5)	\$150
clause 24 (6)	\$150