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Crown Land (Reserves) Act 1978 YARRA BEND PARK REGULATIONS 2008

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Crown Land (Reserves) Act 1978
YARRA BEND PARK REGULATIONS 2008

The Yarra Bend Park Trust makes the following Regulations:

The COMMON SEAL of the
YARRA BEND PARK TRUST was affixed
hereto by the authority of the trustees in the presence of:

KERRIE HOWARD
Deputy Chairperson
Yarra Bend Park Trust

LIBBY JUDE
Ranger in Charge
Yarra Bend Park

Dated 1 August 2008

PART 1 – PRELIMINARY

1 Objectives

The objectives of these Regulations are to provide for the –

- (a) care, protection and management of Yarra Bend Park; and
- (b) preservation of good order and the safety of persons in Yarra Bend Park; and
- (c) use of any services or facilities in Yarra Bend Park.

2 Authorising provisions

As provided by section 8 of the **Kew and Heidelberg Lands Act 1933**, these Regulations are made under section 13 of the **Crown Land (Reserves) Act 1978**.

3 Commencement

These Regulations come into operation on the day that they are published in the Government Gazette.

4 Revocation

The Yarra Bend Park Regulations 1992 made by the Yarra Bend Park Trust and published in Government Gazette, No. 21, 3 June 1992, pages 1359–1364, are revoked.

5 Expiry

These Regulations expire on the day that is 10 years after the day on which they come into operation.

6 Definitions

In these Regulations –

‘**Act**’ means the **Kew and Heidelberg Lands Act 1933**;

‘**aircraft**’ includes an aeroplane, helicopter, glider, hot air balloon, hang glider, paraglider and parachute;

‘**appointed officer**’ means a person who is –

- (a) appointed, in writing, by the Trust as an authorised officer for the purposes of these Regulations; or –

except for the purposes of receipt of any fees or the grant, variation or revocation of any permit –

- (b) a member of the Police Force; or
- (c) an authorised officer under section 83 of the **Conservation, Forests and Lands Act 1987**;

'camp' means –

- (a) to erect, occupy or use a tent or any similar form of accommodation including a swag; or
- (b) to erect, park, occupy or use a caravan, camper van or other movable form of accommodation or temporary structure –

for the purposes of accommodation;

'damage' means to alter, cut or deface;

'fauna' means any animal-life which is indigenous to Victoria whether vertebrate or invertebrate and in any stage of biological development and includes any other living thing generally classified as fauna, but does not include humans or fish;

'fire' includes a barbecue that uses solid, liquid or gaseous fuel;

'firearm' has the same meaning as in the **Firearms Act 1996**;

'fish' has the same meaning as in the **Fisheries Act 1995**;

'flora' means any plant or part of a plant in any stage of biological development, whether the plant or part of a plant is vascular or non-vascular and whether alive or dead;

'golf buggy' means a device (other than a golf cart) for the conveyance of golf clubs;

'golf cart' means a motorised vehicle for the conveyance of a person or golf clubs;

'golf course' means an area set aside by the Trust under these Regulations for the purposes of playing or practising golf, and includes a golf links, driving range, practice green and practice fairway;

'life-saving aid' includes any life-saving equipment, life-hook, drag, grapnel, life-buoy, warning sign, barrier, fire extinguisher, hose or similar equipment;

'mooring' includes any equipment, facility or structure for the securing of a vessel;

'navigational aid' means any lighthouse, buoy, beacon, signal, flag or similar equipment and any adjacent supporting structure or post;

'Park' has the same meaning as in the Act;

'pathway' means a footpath, bicycle path or other thoroughfare constructed or developed for use by members of the public other than with a motor vehicle. Pathways may be shared, segregated or otherwise categorised so far as allowable uses are concerned;

'prohibited access area' means an area set aside by the Trust as an area to which access is prohibited;

'public fireplace' means a fireplace including a gas or electric barbecue provided in the Park for the general use of visitors;

'restricted access area' means an area set aside by the Trust as an area to which access is restricted;

'stone' has the same meaning as in the **Extractive Industries Development Act 1995**;

'take' means –

- (a) in relation to flora, to kill, injure or disturb any live flora, or to remove or collect the whole or parts thereof whether dead or alive; and
- (b) in relation to fauna and other animals, to kill, injure or disturb any fauna or other animal or remove any dead fauna or other animal;

'Trust' has the same meaning as in the Act;

'trustee' has the same meaning as in the Act;

'vehicle' has the same meaning as in the **Road Safety Act 1986** but does not include a wheel chair, motorised wheel chair, pram, stroller or other similar device for the conveyance of disabled or injured persons or children;

'vessel' has the same meaning as in the **Marine Act 1988**.

7 Application of certain regulations

- (1) These Regulations do not apply to any of the following persons –
 - (a) a trustee or employee of the Trust when acting in the course of his or her duties;
 - (b) an appointed officer when acting in the course of his or her duties;
 - (c) a contractor, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of the Trust or an employee of the Trust;
 - (d) a person acting in accordance with a lease, licence, tenancy or permit granted or issued under the Act or an Act relating to Crown land, over land in the Park.

PART 2 – ADMINISTRATION OF THE PARK BY THE TRUST**8 Opening hours of the Park**

- (1) A person must not enter or remain in the Park or part of the Park outside of the times and days determined by the Trust and indicated by signs erected by the Trust to be the times and days on which the Park or part of the Park is open to the public.
- (2) For the purposes of subregulation (1), the Trust may determine the times and days on which the whole or any part of the Park is available or unavailable for use by the public.
- (3) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued by the Trust.
- (4) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

9 Areas set aside as restricted or prohibited access areas

- (1) The Trust may make a determination setting aside an area in the Park as a –
 - (a) prohibited access area; or
 - (b) restricted access area.
- (2) A person must not enter into or remain in an area set aside under subregulation (1) as a prohibited access area, unless that person does so under and in accordance with a permit issued by the Trust.
- (3) A person must not enter into or remain in an area set aside under subregulation (1) as a restricted access area, unless that person does so –
 - (a) in accordance with the determination of the Trust under which the area is set aside; or
 - (b) under and in accordance with a permit issued by the Trust.
- (4) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (2) or (3).

10 Determination of the Trust setting an area aside

- (1) In a determination of the Trust under these Regulations setting aside an area, the Trust may specify conditions under which the use of the area to which the determination relates may or may not be carried out.
- (2) If the Trust has made a determination setting aside an area under these Regulations in which a particular use of an area is restricted or prohibited, the Trust must cause signs or notices to be erected or displayed at or near the entrance to the area indicating –
 - (a) the area that has been set aside under the determination; and
 - (b) in the case of a use that is restricted, the conditions under which a particular use that is restricted may be carried out in the area so set aside.

11 Permits

- (1) A permit issued under regulation 8, 9, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28, 29, 31, 34, 35, 37, 38, 39 or 42 authorises the holder of the permit to enter and use an improvement, service, facility or area of the Park –
 - (a) for the purpose specified in the permit; and
 - (b) for the period specified in the permit; and
 - (c) subject to any terms and conditions in respect of that entry or use determined by the Trust and specified in the permit.
- (2) A permit issued by the Trust under these Regulations must be in writing.
- (3) The holder of any current permit must comply with any terms and conditions of that permit.
- (4) The Trust may cancel a permit at any time –
 - (a) if the holder of the permit has –
 - (i) breached the conditions of the permit; or
 - (ii) breached these Regulations; or
 - (b) if the continuation of the permit is likely to be detrimental to, or interfere with, the management and protection of the natural environment, features or visitors in the Park; or
 - (c) for the purposes of Park management.
- (5) Upon cancellation of a permit under subregulation (4), the Trust must cause the holder of the permit to be notified, in writing, of the cancellation of the permit within a reasonable time after the cancellation.
- (6) The cancellation of a permit under subregulation (4) comes into effect when the holder of the permit is given notification of that cancellation in accordance with subregulation (5).
- (7) A person must not interfere with or obstruct the use by the holder of a permit and their invitees of any improvement, service, facility or area of the Park that is the subject of the permit.

12 Fees and charges

- (1) The Trust may impose fees for –
 - (a) entry to the Park or a part of the Park; or
 - (b) the use of improvements, services or facilities in the Park –
provided that such fees do not exceed the amounts specified in the Schedule.
- (2) If the Trust has imposed a fee for entry to the Park or a part of the Park or use of improvements, services or facilities in the Park under subregulation (1), the Trust must cause notices indicating the amount of the fee payable to be displayed in a conspicuous place at or near the entrances to the Park, or in reasonable proximity to the improvement, service or facility.
- (3) A person must not enter the Park or the part of the Park or use an improvement or a service or facility within the Park without paying the appropriate fee, if any, imposed by the Trust under subregulation (1).

PART 3 – USE AND CONTROL OF THE PARK**13 Entry of animals**

- (1) The Trust may, by determination, set aside an area of the Park as an area –
 - (a) into which dogs, horses or other animals may be brought; and
 - (b) in which dogs, horses or other animals may remain –
subject to the conditions specified in the determination.

- (2) A person must not bring a dog, horse or other animal into the Park or allow a dog, horse or other animal to remain in the Park.
- (3) If a dog, horse or other animal is found in the Park, and is not under the immediate control of any person, the owner of the dog, horse or other animal or, if another person apparently has the care and control of the dog, horse or other animal, that other person, is guilty of an offence.
- (4) Subregulation (2) does not apply to a person who brings a dog, horse or other animal into the Park or allows the dog, horse or other animal to remain in the Park if –
 - (a) the person does so in an area of the Park that is set aside by a determination of the Trust under subregulation (1) and in accordance with that determination; or
 - (b) the dog, horse or other animal is brought into the Park –
 - (i) to assist a disabled person with respect to that person's disability; or
 - (ii) to be trained to assist disabled persons with respect to disabilities; or
 - (c) the dog, horse or other animal is confined in a vehicle; or
 - (d) the person brings into the Park, bait for fishing purposes; or
 - (e) the person brings into or allows to remain in the Park a dog, horse or other animal under and in accordance with a permit issued by the Trust –
and the dog, horse or other animal is effectively controlled for the purpose of preventing nuisance, injury, unreasonable disturbance or damage to any person, fauna or other animal, flora, garden, building, fencing or other improvement.
- (5) The Trust may issue a permit to a person for the purposes of subregulation (4)(e).

14 Removal of animal faeces

A person in charge of a dog, horse or other animal in the Park must immediately collect and remove all of the excrement left in the Park by that dog, horse or other animal or ensure that the excrement is placed in a receptacle provided in the Park for that purpose.

15 Vehicles

- (1) The Trust may, by determination, set aside an area of the Park as an area –
 - (a) to which entry is prohibited for all vehicles or for those classes of vehicles specified in the determination; or
 - (b) in which the remaining in of all vehicles or of those classes of vehicles specified in the determination is prohibited; or
 - (c) to which entry is restricted for all vehicles or for those classes of vehicles specified in the determination; or
 - (d) in which the remaining in of all vehicles or those classes of vehicles specified in the determination is restricted.
- (2) A person who is in charge of a vehicle must not cause the vehicle to enter into or remain in an area of the Park in contravention of a determination of the Trust under subregulation (1), unless the person does so under and in accordance with a permit issued by the Trust.
- (3) A person who is in charge of a vehicle in the Park must not operate that vehicle in contravention of a notice or sign erected by the Trust that specifies the direction of movement or speed of vehicles in the Park.
- (4) A person must not park or leave a vehicle standing in the Park in a manner that –
 - (a) obstructs other persons or other vehicles; or
 - (b) is likely to damage any flora or destroy or injure any fauna or other animal; or
 - (c) is in contravention of any sign or notice erected by the Trust.
- (5) The Trust may issue a permit to a person for the purposes of subregulation (2).

16 Vessels

- (1) The Trust may, by determination, set aside an area of the Park as an area in which a person may launch, land, moor, load or unload a vessel or class of vessel specified in the determination.
- (2) A person must not, in the Park, launch, land, moor, load or unload a vessel unless that person does so –
 - (a) in an area set aside by a determination of the Trust under subregulation (1) and in accordance with that determination; or
 - (b) under and in accordance with a permit issued by the Trust.
- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (2).

17 Aircraft

- (1) The Trust may, by determination, set aside an area of the Park as an area in which a person may –
 - (a) launch or land; or
 - (b) deliver anything by –
an aircraft or class of aircraft specified in the determination.
- (2) A person must not, in the Park –
 - (a) launch or land an aircraft; or
 - (b) deliver anything by an aircraft –
unless that person does so –
 - (c) in an area set aside by a determination of the Trust under subregulation (1) and in accordance with that determination; or
 - (d) under and in accordance with a permit issued by the Trust.
- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (2).

18 Camping

- (1) A person must not camp in the Park, unless that person does so under and in accordance with a permit issued by the Trust.
- (2) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

19 Lighting or maintaining fires

- (1) A person must not light or maintain a fire in the Park.
- (2) Subregulation (1) does not apply to a person who lights or maintains a fire in the Park during a time or period when the lighting of fires is not prohibited under any Act, and the person does so –
 - (a) in a public fireplace; or
 - (b) in an area set aside by a determination of the Trust under subregulation (5) in which –
 - (i) a fire or a particular type of fire may be lit or maintained; or
 - (ii) a fire may be lit or maintained in a particular type or types of fireplace or appliance or using a particular type or types of fuel –
in accordance with that determination; or
 - (c) under and in accordance with a permit issued by the Trust.
- (3) A person who lights or maintains a fire in accordance with subregulation 2(a) or 2(b) must ensure that –

- (a) the ground and airspace within a distance of 3 metres of the fire are clear of flammable material; and
- (b) if the fire is in a commercial appliance –
 - (i) the fuel used in the appliance is of a type that the appliance has been designed and manufactured to use; and
 - (ii) the fire is contained in the appliance; and
 - (iii) the appliance is placed in a stable position when the fire is alight.
- (4) A person who has lit or maintained a fire in accordance with this regulation must extinguish that fire before leaving the place of the fire.
- (5) The Trust may, by determination, set aside an area of the Park for the purposes of subregulation 2(b).
- (6) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

20 Protection of flora

- (1) A person must not, in the Park, fell, pick, take, destroy or damage any flora.
- (2) Subregulation (1) does not apply to a person who is –
 - (a) engaged in a sport or recreational activity or playing or practising golf in accordance with these Regulations; or
 - (b) acting under and in accordance with a permit issued by the Trust.
- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

21 Introducing flora

- (1) A person must not, in the Park, knowingly bring in, plant or introduce any flora.
- (2) Subregulation (1) does not apply to a person who –
 - (a) brings firewood into an area of the Park that has been set aside by a determination of the Trust as an area into which firewood may be brought, and the firewood is brought into the set aside area in accordance with that determination; or
 - (b) is acting under and in accordance with a permit issued by the Trust.
- (3) The Trust may, by determination, set aside an area of the Park into which firewood may be brought.
- (4) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

22 Interfering with archaeological or historical remains

- (1) A person must not, in the Park, knowingly excavate, remove, destroy, damage or interfere with any archaeological or historical remains or relics.
- (2) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued by the Trust.
- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

23 Interfering with rocks or similar natural objects

- (1) A person must not, in the Park, intentionally excavate, remove, destroy, damage or interfere with any rock or similar natural object.
- (2) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued by the Trust.
- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

24 Digging or removal of material

- (1) A person must not, in the Park –
 - (a) dig or remove from the Park; or
 - (b) knowingly take into the Park – any gravel, shell, grit, sand, soil or other similar material.
- (2) Subregulation (1) does not apply to a person acting –
 - (a) in accordance with a determination under these Regulations; or
 - (b) under and in accordance with a permit issued by the Trust.
- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

25 Animals and nests

- (1) A person must not in the Park –
 - (a) take or poison any fauna or other animal; or
 - (b) possess any fauna or other animal, where the animal is not brought into the Park in accordance with these Regulations; or
 - (c) damage or disturb the lair, burrow, habitat or nest of any fauna or other animal.
- (2) A person must not, in the Park –
 - (a) feed, offer food or offer any object as food to any fauna or other animal, where the animal is not brought into the Park in accordance with these Regulations; or
 - (b) permit or allow food to be taken from the possession of the person by any fauna or other animal.
- (3) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued by the Trust.
- (4) Subregulation (2) does not apply to a person who feeds or offers food to a species of animal that is not fauna in an area set aside by a determination of the Trust as an area in which food may be fed or offered to that species of animal that is not fauna, provided that person does so in accordance with the determination.
- (5) The Trust may issue a permit to a person to, in relation to an animal that is not fauna, engage in an activity referred to in subregulation (1).
- (6) The Trust may, by determination –
 - (a) set aside an area of the Park; and
 - (b) specify a species of animal that is not fauna – for the purposes of subregulation (4).
- (7) In subregulation (1), **‘fauna or other animal’** does not include bait for fishing that has been lawfully brought into the Park for that purpose.

26 Fishing and fly-casting

- (1) The Trust may, by determination, set aside an area of the Park as an area in which fishing may be carried out or within which fly-casting may be engaged.
- (2) A person must not fish in, or engage in fly-casting within, an area of the Park unless the person does so in an area set aside for such purposes, in accordance with the determination by the Trust under subregulation (1) setting the area aside.

27 Use of fishing nets

- (1) A person must not in the Park, use a net that is designed to be used for fishing.
- (2) Subregulation (1) does not apply to a person who in an area set aside for fishing under regulation 26, lawfully uses a net that is designed to be used for fishing.

28 Firearms, snares and traps

- (1) A person must not, in the Park, possess, carry or use any –
 - (a) poison; or
 - (b) bow, firearm, spear gun, spear; or
 - (c) trap, snare, net (that is not designed to be used for fishing) or similar equipment.
- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Trust.
- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

29 Research or scientific study

- (1) A person must not in the Park conduct any formal research or scientific study.
- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Trust.
- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

30 Interfering with structures etc.

A person must not, in the Park, destroy, damage, remove, displace or interfere with anything constructed, erected or provided in the Park.

31 Erecting or using buildings and structures

- (1) A person must not, in the Park –
 - (a) erect or place any building or structure, including any marquee or similar structure or any inflatable castle or similar inflatable device; or
 - (b) enter, occupy or use the whole or any part of any building or structure which is provided for public use, unless that entry, occupation or use is in accordance with the purposes for which the building or structure is provided.
- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Trust.
- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

32 Use of toilets, showers and other facilities

- (1) A person must not, in the Park, enter or use a toilet, shower or other facility designated solely for the use of persons of the opposite sex.
- (2) Subregulation (1) does not apply to the entering or use of a toilet, shower or other facility by a –
 - (a) child when accompanied by an adult; or
 - (b) disabled person when accompanied by a carer; or
 - (c) carer of a disabled person whilst caring for that person.

33 Pathways

- (1) The Trust may, by determination, set aside an area of the Park as a pathway.
- (2) A person must not use an area of the Park that has been set aside as a pathway unless the person does so in accordance with –

- (a) the determination of the Trust under subregulation (1) setting the area aside; and
 - (b) any signs or notices displayed on or near the pathway; and
 - (c) any markings on the pathway.
- (3) A person must not use a pathway or an area adjacent to a pathway in a manner that is likely to obstruct, hinder or prevent any other person using the pathway or an area adjacent to the pathway in accordance with these Regulations.
- (4) A person must not, in the Park, leave a pathway if the Trust has erected a sign or notice on or immediately adjacent to that pathway requiring persons to remain on that pathway.
- (5) Subregulations (2) and (4) do not apply to a person who is acting in accordance with a permit issued by the Trust or a determination under these Regulations.

34 Engaging in sport or recreational activity (other than golf)

- (1) The Trust may, by determination, set aside an area of the Park as an area where –
- (a) one or more sports or recreational activities (other than golf) may be conducted; or
 - (b) the conduct of one or more sports or recreational activities (other than golf) is prohibited.
- (2) A person must not engage in a sport or recreational activity to which a determination under subregulation (1)(a) relates in an area set aside by the determination, in contravention of the determination.
- (3) A person must not interfere with or prevent the conduct of a sport or recreational activity to which a determination under subregulation (1)(a) relates in an area set aside by the determination.
- (4) A person must not engage in a sport or recreational activity in an area that has been set aside under subregulation (1)(b), as an area where the conduct of that sport or recreational activity is prohibited, unless that person does so under and in accordance with a permit issued by the Trust.
- (5) The Trust may issue a permit to a person for the purposes of subregulation (4).

35 Organised events

- (1) A person must not, in the Park, conduct –
- (a) an organised sporting event (that is not in accordance with regulation 34), entertainment or show; or
 - (b) a festival, tour, carnival, fete, or public meeting; or
 - (c) a demonstration, training class or similar event; or
 - (d) an animal show or competition; or
 - (e) a wedding or similar ceremony –
- unless the person does so –
- (f) under and in accordance with a permit issued by the Trust; or
 - (g) in accordance with a determination of the Trust setting aside an area of the Park under subregulation (4) as an area where one or more activities referred to in subregulation (1)(a), (1)(b), (1)(c), (1)(d) or 1(e) may be conducted.
- (2) A person must not, in the Park, conduct a private event, that is not a wedding or similar ceremony, for 100 or more persons unless the person does so under and in accordance with a permit issued by the Trust.
- (3) The Trust may issue a permit to a person to conduct an event or function referred to in subregulation (1) or (2).

- (4) The Trust may, by determination, set aside an area of the Park for the purposes of subregulation (1)(g).

36 Dangerous or disturbing activities

A person must not, in the Park –

- (a) throw an object; or
(b) play a game; or
(c) engage in any other activity –

in a manner that is likely to cause danger or unreasonable disturbance to other persons, flora, fauna, other animals or property.

37 Advertising and soliciting

- (1) A person must not, in the Park, solicit or collect money unless the person does so under and in accordance with a permit issued by the Trust.

- (2) A person must not, in the Park –

- (a) display any sign for the purposes of advertising; or
(b) hand out or disseminate any advertising, commercial or promotional material –

unless the person does so under and in accordance with a permit issued by the Trust.

- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1) or (2).

38 Conduct of commercial activities or trades and businesses

- (1) A person must not, in the Park –

- (a) sell, trade or hire, any goods or services, or advertise, offer or display any goods or services for sale, trade or hire; or
(b) take any photograph, film, video or audio recording, or make any television or radio broadcast for commercial purposes; or
(c) offer or display any vehicle for hire, or carry passengers for reward; or
(d) undertake any other commercial activity –

unless the person does so under and in accordance with a permit issued by the Trust.

- (2) Subregulation (1)(c) does not apply to any person operating a commercial passenger vehicle within the meaning of section 86 of the **Transport Act 1983**.

- (3) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

39 Operating annoying or disturbing device or equipment

- (1) A person must not, in the Park, play or operate any sound producing device at a volume likely to –

- (a) cause inconvenience or nuisance to any person; or
(b) disturb fauna or other animals –

unless the person does so under and in accordance with a permit issued by the Trust.

- (2) A person must not, in the Park, operate equipment that is not a sound producing device in a manner that is likely to –

- (a) cause inconvenience or nuisance to any person; or
(b) disturb fauna or other animals –

in an area of the Park that is not set aside by the Trust for the purposes of operating that equipment.

- (3) Subregulation (2) does not apply to a person who –
 - (a) operates the equipment under and in accordance with a permit issued by the Trust; or
 - (b) uses the equipment for necessary medical purposes; or
 - (c) operates a vehicle lawfully.
- (4) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1) or (2).
- (5) The Trust may, by determination, set aside an area of the Park for the purposes of subregulation (2).
- (6) In this regulation ‘**sound producing device**’ means a device, the main function of which is to make, reproduce or amplify sound.

40 Possession of liquor and glass containers and bottles

- (1) A person must not possess liquor in an area of the Park that has been set aside by the Trust as an area in which the possession of liquor is prohibited.
- (2) A person must not possess or carry a glass bottle, glass container or glass utensil in an area of the Park that has been set aside as an area in which such a bottle, container or utensil must not be possessed or carried.
- (3) The Trust may determine that an area of the Park be set aside for the purposes of subregulation (1) or (2).

PART 4 – GOLF

41 Golf courses

- (1) The Trust may determine that an area of the Park be set aside as a golf course for the purposes of the playing or practising of golf.
- (2) A person must not, in the Park, play or practice golf, other than on a golf course and in accordance with the determination of the Trust setting aside the area of the Park as a golf course.
- (3) A person must not interfere with or prevent another person from the playing or practising of golf in an area of the Park that has been set aside as a golf course by a determination of the Trust under subregulation (1).

42 Golf carts

- (1) A person must not, in the Park, operate a golf cart unless the person operates that golf cart on a golf course –
 - (a) under and in accordance with a permit issued by the Trust; and
 - (b) in accordance with any sign or notice erected by the Trust that directs the operation of a golf cart.
- (2) The Trust may issue a permit to a person to engage in an activity referred to in subregulation (1).

PART 5 – GENERAL

43 Directions to leave

A trustee or an appointed officer may direct a person whom that trustee or appointed officer believes has contravened these Regulations to leave the Park or any part of the Park.

44 Obstruction

A person must not obstruct, hinder or interfere with a member of the Trust, an appointed officer, any other officer or employee of the Trust or a contractor, agent, volunteer or other person acting on the authority or instruction of the Trust, an appointed officer or any other officer or employee of the Trust in the execution of his or her duties in the Park.

SCHEDULE

Regulation 12

MAXIMUM FEES

1. MAXIMUM FEES FOR USE OF IMPROVEMENTS, SERVICES OR FACILITIES (OTHER THAN GOLF COURSES) IN THE PARK

Purpose of fee	Maximum fee
Reserved use of picnic area or similar facility	
Reserved use of picnic area or similar facility < 100 persons	\$166.00
Reserved use of picnic area or similar facility 100 – 125 persons	\$214.00
Reserved use of picnic area or similar facility 126 – 150 persons	\$254.00
Reserved use of picnic area or similar facility 151 – 175 persons	\$294.00
Reserved use of picnic area or similar facility 176 – 200 persons	\$334.00
Reserved use of picnic area or similar facility 201 – 225 persons	\$373.00
Reserved use of picnic area or similar facility 226 – 250 persons	\$414.00
Reserved use of picnic area or similar facility 251 – 300 persons	\$454.00
Reserved use of picnic area or similar facility 301 – 500 persons	\$843.00
Reserved use of open space areas	
Reserved use of open space area < 1000 persons	\$843.00
Reserved use of open space area 1000 – 2000 persons	\$1,672.00
Reserved use of open space area 2001 – 5000 persons	\$3,344.00
Reserved use of open space area 5001 – 30,000 persons	\$376,485.00
Reserved use of sporting field	
Oval with synthetic cricket pitch – per day or part thereof	\$166.00
Oval with turf cricket pitch outside of cricket season – per day or part thereof	\$166.00
Oval with turf cricket pitch – prepared wicket- inside cricket season – per day or part thereof	\$334.00
Oval with turf cricket pitch – per cricket season	\$2,961.00
Oval with synthetic cricket pitch – per cricket season	\$809.00
Oval for other sporting event – per day or part thereof	\$1,254.00
Sporting events including cross country runs, orienteering, little athletics and fun runs	
Non-exclusive use of tracks and trails for cross country runs, little athletics and fun runs etc. – per competitor	\$1.75

Purpose of fee	Maximum fee
Ropes course	
Use of ropes course – per person per day or part thereof (Community/Disadvantaged)	\$1.75
Use of ropes course – per group per day or part thereof (School Groups)	\$311.00
Use of ropes course – per corporate function per day or part thereof (Corporate hire)	\$782.00

2. MAXIMUM FEES FOR USE OF GOLF COURSES IN THE PARK

Purpose of fee	Maximum fee
Yarra Bend Golf Course	
Green fee: Adult – 18 holes – Monday – Friday (prior to 4 pm in summer and 1 pm in winter)	\$25.70
Green fee: Adult – 18 holes – Saturday – Sunday (prior to 4 pm in Summer and 1 pm in Winter)	\$26.70
Green fee: Adult – Twilight (after 4 pm in Summer and 1 pm in Winter)	\$18.50
Green fee: Adult – 9 holes	\$18.50
Green fee: Junior	\$12.20
Green fee: Concession – Monday – Friday	\$17.50
Golf cart hire – 18 holes	\$40.10
Golf cart – 9 holes	\$22.60
Golf buggy (non-motorised) – hire	\$5.10
Golf clubs – full set – hire	\$28.40
Golf clubs – half set – hire	\$17.00
Golf lesson – per half hour	\$45.40
Studley Park Golf Course	
Green fee: Adult – 9 holes	\$12.30
Green fee: Junior – 9 holes	\$8.90
Green fee: Concession	\$8.90
Golf Buggy (non-motorised) and golf clubs – full set – hire	\$17.00
Golf Buggy (non-motorised) – hire	\$5.00
Golf clubs – full set – hire	\$14.20

NOTES

1. A person who contravenes any one of these Regulations is liable to the imposition of penalties as set out in section 13(5) or (6) of the **Crown Land (Reserves) Act 1978**.
2. In addition to these Regulations the following laws also apply with respect to –

Fishing

In addition to regulations 26 and 27, fishing is governed by the **Fisheries Act 1995** and Regulations under that Act, and failure to adhere to that legislation may result in the imposition of penalties under that Act and those Regulations.

Litter

The depositing of litter in the Park is prohibited under the **Environment Protection Act 1970** and may result in the imposition of penalties under that Act.

Motor Vehicles

Under the Land Conservation (Vehicle Control) Regulations 2003, motor vehicles are prohibited from being within the Park except on a road, in a parking area or in an area declared to be a free access area. A contravention may result in the imposition of penalties under those Regulations.

Waterways and Adjacent Land

The use of waterways, riverbeds and riverbanks are governed by the Water Industry (Waterways Land) Regulations 2002.

Wildlife

The taking, hunting or destroying of wildlife, including game, is regulated under the **Wildlife Act 1975** and Regulations under that Act. A person who fails to comply with the requirements of that legislation is liable to the imposition of penalties under that Act and those Regulations.

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