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Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES) (YARRA BEND PARK) REGULATIONS 2009

I, Rodney Warren, Statewide Program Leader – Public Land Services, as delegate of the Minister for Environment and Climate Change, make the following Regulations.

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

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 Expiry

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

5 Definitions

In these Regulations –

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

authorised officer has the same meaning as in the Act;

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;

Committee means the committee of management appointed to manage the Park pursuant to the Act;

damage includes 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;

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 used in the course of a golf game for the conveyance of a person or golf clubs;

SPECIAL

golf course means an area set aside under regulation 39 for the purposes of playing or practising golf, and includes a golf links, driving range, practice green and practice fairway;

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

pathway means a footpath, bicycle path, shared path or other thoroughfare constructed or developed for use by members of the public other than with a motor vehicle;

prohibited access area means an area designated under regulation 8(1)(a);

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

restricted access area means an area designated under regulation 8(1)(b);

take means –

- (a) in relation to flora, to kill, injure or disturb any live flora, or to remove or collect all or part of any flora, 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;

the Act means the **Crown Land (Reserves) Act 1978**;

the Park means Yarra Bend Park, the land shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./09–271;

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

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

6 Application of certain regulations

- (1) These Regulations do not apply to –
 - (a) an employee of the Committee who is acting in the course of his or her duties;
 - (b) an authorised officer who is 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 Committee or an employee of the Committee;
 - (d) a person acting in accordance with a lease, licence, tenancy or permit granted or issued in relation to the Park under the Act or another Act relating to Crown land.

PART 2 – ADMINISTRATION OF THE PARK BY THE COMMITTEE

7 Opening hours of the Park

- (1) Subject to subregulations (4) and (5), a person must not enter or be in the Park or part of the Park outside the times and days determined by the Committee to be the times and days when the Park or that part of the Park is open to the public.
- (2) The Committee must erect signs indicating the times and days on which the Park or part of the Park is open to the public.
- (3) The Committee may determine the times and days on which the whole or any part of the Park is available for use by the public.
- (4) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Committee under subregulation (5).
- (5) The Committee may issue a permit to a person to enter or be in the Park outside the time or days when the Park or part of the Park is open to the public.

8 Restricted or prohibited access areas

- (1) The Committee may, by determination, set aside a specified area of the Park as being –
 - (a) a prohibited access area; or
 - (b) a restricted access area.
- (2) A person must not enter or be in a prohibited access area, unless that person does so under and in accordance with a permit issued by the Committee.
- (3) A person must not enter or be in a restricted access area, unless that person does so –
 - (a) in accordance with the determination of the Committee under which the area is set aside; or
 - (b) under and in accordance with a permit issued by the Committee.
- (4) The Committee may issue a permit to a person to enter or be in a prohibited access area or a restricted access area.

9 Determination of the Committee

- (1) In a determination by the Committee under these Regulations relating to the nature or use of an area, the Committee may specify conditions on the use of that area.
- (2) The Committee must cause signs or notices to be erected or displayed at or near the entrance to a restricted area or a prohibited access area indicating –
 - (a) if appropriate, that it is a prohibited access area or a restricted access area, as appropriate; and
 - (b) if appropriate, details of any specific use that the Committee has determined is permitted in that area; and
 - (c) any conditions on the use of the area specified under subregulation (1).

10 Permits

- (1) A permit issued by the Committee under these Regulations authorises the holder to enter and use an improvement, service or facility or to enter or be in an area of the Park –
 - (a) for the purpose specified in the permit; and
 - (b) for the period specified in the permit –subject to any terms and conditions specified in the permit.
- (2) A permit issued by the Committee under these Regulations must be in writing.
- (3) The holder of a permit must comply with any terms and conditions of that permit.
- (4) The Committee 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 management of the Park.
- (5) If a permit is cancelled under subregulation (4), the Committee 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 receives notice 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 his or her invitees of any improvement, service, facility or area of the Park that is the subject of the permit.

11 Fees

- (1) The Committee may impose fees for the use of improvements, services or facilities in the Park.
- (2) The fee that may be imposed by the Committee for the use of a particular improvement, service or facility in the Park under subregulation (1) must not exceed the amount set out in Column 2 of a Table in Part 1 or Part 2 of the Schedule opposite the corresponding improvement, service or facility set out in Column 1 of that Table.
- (3) If the Committee has imposed a fee for use of an improvement, service or facility in the Park under subregulation (1), the Committee must cause notices indicating the amount of the fee payable to be displayed in the Park in a conspicuous place at or near the improvement, service or facility.

PART 3 – USE AND CONTROL OF THE PARK**12 Entry of animals**

- (1) The Committee may, by determination, set aside a specified area of the Park as an area into which dogs, horses or other animals may be brought subject to any conditions specified in the determination.
- (2) A person must not bring a dog, horse or other animal into the Park.
- (3) The owner or person responsible for the care and control of a dog, horse or other animal must not allow that dog, horse or other animal to be in the Park.
- (4) Subregulations (2) and (3) do not apply to a person who brings a dog, horse or other animal into the Park or allows a dog, horse or other animal to be in the Park if –
 - (a) the person does so in accordance with a determination by the Committee under subregulation (1); 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 animal is bait for fishing purposes; or
 - (e) the person does so under and in accordance with a permit issued by the Committee under subregulation (5) –

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 Committee may issue a permit to a person authorising the holder to bring a dog, horse or other animal into the Park or to allow a dog, horse or other animal to be in the Park.

13 Removal of animal faeces

A person in charge of a dog, horse or other animal in the Park must collect and remove any 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.

14 Vehicles

- (1) The Committee may, by determination, set aside a specified area of the Park as an area in which the presence and operation of all vehicles or classes of vehicles specified in the determination are prohibited or restricted.
- (2) A person must not operate a vehicle in an area of the Park or bring a vehicle into an area of the Park in contravention of a determination of the Committee under subregulation (1), unless the person does so in accordance with a permit issued by the Committee.

- (3) A person must not operate a vehicle in contravention of a notice or sign erected by the Committee that relates to the operation of vehicles in the Park.
- (4) A person must not park or leave a vehicle stationary in the Park in a manner that –
 - (a) obstructs other vehicles; or
 - (b) is likely to damage any flora or destroy or injure any fauna or other animal; or
 - (c) contravenes any sign or notice erected by the Committee.
- (5) The Committee may issue a permit to a person authorising the holder to bring a vehicle into an area of the Park or operate a vehicle in an area of the Park in which vehicles are otherwise prohibited or restricted.

15 Vessels

- (1) The Committee may, by determination, set aside a specified 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 accordance with a determination by the Committee under subregulation (1); or
 - (b) under and in accordance with a permit issued by the Committee.
- (3) The Committee may issue a permit to a person authorising the holder to launch, land, moor, load or unload a vessel or class of vessel in the Park.

16 Aircraft

- (1) The Committee may, by determination, set aside a specified 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 accordance with a determination by the Committee under subregulation (1) and in accordance with that determination; or
 - (d) under and in accordance with a permit issued by the Committee.
- (3) The Committee may issue a permit to a person authorising the holder to launch or land an aircraft in the Park or to deliver anything by aircraft to the Park.

17 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 Committee.
- (2) The Committee may issue a permit to a person authorising the holder to camp in the Park.

18 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 accordance with a determination under subregulation (5); or
 - (c) under and in accordance with a permit issued by the Committee.

- (3) A person who lights or maintains a fire in accordance with a permit or determination by the Committee must ensure that –
 - (a) the ground and airspace within a distance of three 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) Any person who has lit or maintained a fire in the Park must extinguish that fire before leaving the place of the fire.
- (5) The Committee may, by determination, set aside a specified area of the Park as an area in which a fire may be lit and maintained.
- (6) The Committee may issue a permit to a person authorising the holder to light or maintain a fire in the Park.
- (7) In this regulation **fire** includes a fire lit or maintained in a barbecue that uses solid, liquid or gaseous fuel.

19 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 Committee.
- (3) The Committee may issue a permit to a person authorising the holder to fell, pick, take, destroy or damage any flora in the Park.

20 Introducing flora

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

21 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 Committee.
- (3) The Committee may issue a permit to a person authorising the holder to excavate, remove, destroy, damage or interfere with archaeological or historical remains or relics in the Park.

22 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 Committee.
- (3) The Committee may issue a permit to a person authorising the holder to excavate, remove, destroy, damage or interfere with any rock or similar natural object.

23 Digging or removal of material

- (1) A person must not –
 - (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 made by the Committee under these Regulations; or
 - (b) under and in accordance with a permit issued by the Committee.
- (3) The Committee may issue a permit to a person authorising the holder to dig or remove from the Park or take into the Park any gravel, shell, grit, sand, soil or other similar material.

24 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, if 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, if the animal is not brought into the Park in accordance with these Regulations; or
 - (b) 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 Committee.
- (4) Subregulation (2) does not apply to a person who feeds or offers food to a species of animal that is not fauna in accordance with the determination under subregulation (6).
- (5) The Committee 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 Committee may by determination set aside a specified area of the Park as an area in which specified species of animal that are not fauna may be fed or offered food.
- (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.

25 Fishing and fly-casting

- (1) The Committee may, by determination, set aside a specified 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 accordance with a determination by the Committee under subregulation (1).

26 Poisons, 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 or similar equipment.

- (2) Subregulation (1) does not apply to a person who uses a fishing net that is authorised for fishing under the **Fisheries Act 1995** or the Fisheries Regulations 2009¹ to fish in accordance with a determination under regulation 25(1).
 - (3) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Committee.
 - (4) The Committee may issue a permit to a person authorising the holder to possess, carry or use poison, a bow, firearm, spear or a trap, snare or net or similar equipment in the Park.
- 27 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 Committee.
 - (3) The Committee may issue a permit to a person authorising the holder to conduct formal research or scientific study in the Park.
- 28 Destroying buildings and other assets**
- A person must not, in the Park –
- (a) destroy, damage or remove; or
 - (b) displace or interfere with –
- any building or other asset of the Committee constructed, erected or provided in the Park.
- 29 Erecting or using buildings and structures**
- (1) A person must not, in the Park –
 - (a) erect or place any building or structure (whether permanent or temporary), including but not limited to any marquee or similar structure or any inflatable castle or similar inflatable device; or
 - (b) enter, occupy or use any building or structure which is provided for public use except 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 Committee.
 - (3) The Committee may issue a permit to a person authorising the holder to erect or place any building or structure or to enter, occupy or use a building or structure in the Park for a purpose other than the purpose for which it is provided.
- 30 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 under twelve years of age 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.
- 31 Pathways**
- (1) The Committee may, by determination, set aside a specified 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 by the Committee 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, in the Park, remain on a pathway if the Committee 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 Committee or a determination made by the Committee under these Regulations.

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

- (1) The Committee may, by determination, set aside a specified area of the Park as an area in which –
 - (a) one or more specified sports or recreational activities (other than golf) may be conducted; or
 - (b) the conduct of one or more specified sports or recreational activities (other than golf) is prohibited.
- (2) A person must not engage in a sport or recreational activity in an area of the Park to which a determination under subregulation (1)(a) relates in contravention of that determination.
- (3) A person must not engage in a reserved use or a reserved non-exclusive use of an improvement, service or facility in the Park set out in Column 1 of the Table in Part 1 of the Schedule without paying the relevant fee, if any, set by the Committee.
- (4) Subregulation (3) does not apply to a person who engages in a sport or recreational activity (other than golf) involving more than one person unless that person is responsible for the conduct of that sport or recreational activity.
- (5) 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 that determination.
- (6) 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 Committee.
- (7) The Committee may issue a permit to a person authorising the holder to play or conduct a specified sport or activity in the Park.
- (8) In this regulation and the Schedule, reserved use means the use for a specific purpose and period by a person or a group of persons of an improvement, service or facility in the Park –
 - (a) for which the Committee has granted permission under subregulation (10); and
 - (b) during which no other person may use the improvement, service or facility.
- (9) In this regulation and the Schedule, reserved non-exclusive use means the use for a specific purpose for a specific period by a person or a group of persons of an improvement, service or facility in the Park for which the Committee has granted permission under subregulation (10).
- (10) The Committee may, on application, grant permission for a person or persons to use (either exclusively or non-exclusively) a specified improvement, service or facility in the Park for a specified purpose subject to any conditions that the Committee considers appropriate for a specified period under subregulation (10).

33 Organised events

- (1) A person must not, in the Park, conduct –
 - (a) subject to regulation 32, an organised sporting event, 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 Committee; or
 - (g) in accordance with a determination by the Committee setting aside an area of the Park under subregulation (5).
- (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 Committee.
- (3) The person responsible for conducting an organised event in the Park must not use an improvement, service or facility set out in Column 1 of the Table in Part 1 of the Schedule without paying the relevant fee, if any, imposed by the Committee.
- (4) The Committee may issue a permit to a person authorising the holder to conduct an event or function referred to in subregulation (1) or (2).
- (5) The Committee may, by determination, set aside a specified area of the Park as an area in which one or more of the activities referred to in subregulations (1)(a), (1)(b), (1)(c), (1)(d) or (1)(e) may be conducted.

34 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 persons, flora, fauna or other animals or property.

35 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 Committee.
- (2) A person must not, in the Park –
 - (a) display any advertising sign; 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 Committee.
- (3) The Committee may issue a permit to a person authorising the holder to solicit or collect money, display advertising or hand out or disseminate advertising, commercial or promotional material in the Park.

36 Conduct of commercial activities

- (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 Committee.
- (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 person responsible for undertaking a commercial activity in the Park must not use an improvement, service or facility prescribed in Column 1 of the Table in Part 1 of the Schedule without paying the relevant fee, if any, imposed by the Committee.
- (4) The Committee may issue a permit to a person authorising the holder to –
- (a) sell, trade or hire any goods or services or advertise, offer or display any goods or services for sale, trade or hire in the Park; or
 - (b) take any photograph, film, video or audio recording or make any television or radio broadcast for commercial purposes in the Park; or
 - (c) offer or display any vehicle for hire or carry passengers for reward in the Park; or
 - (d) undertake any other commercial activity in the Park.

37 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 Committee.
- (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 –
except in an area of the Park that is set aside by a determination of the Committee as an area in which such equipment may be operated.
- (3) Subregulation (2) does not apply to a person who –
- (a) operates equipment under and in accordance with a permit issued by the Committee; or
 - (b) uses the equipment for necessary medical purposes; or
 - (c) operates a vehicle lawfully.
- (4) The Committee may issue a permit to a person authorising the holder to play or operate a sound producing device in the Park.
- (5) The Committee may, by determination, set aside an area of the Park as an area in which specified equipment may be used or operated.
- (6) In this regulation sound producing device means a device, the main function of which is to make, reproduce or amplify sound.

38 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 Committee 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 Committee may by determination, set aside an area of the Park as an area in which the possession of liquor is prohibited or in which a person must not possess or carry a glass bottle, glass container or glass utensil.

PART 4 – GOLF

39 Golf courses

- (1) The Committee may by determination, set aside an area of the Park as a golf course for the purposes of the playing or practising of golf.
- (2) A person must not, in the Park, play or practise golf, other than on a golf course set aside by a determination made under subregulation (1) and in accordance with that determination.
- (3) A person who plays or practises golf in the Park must not use an improvement, service or facility prescribed in Column 1 of the Table in Part 2 of the Schedule without paying the relevant fee, if any, imposed by the Committee.
- (4) A person must not interfere with or prevent another person from playing or practising golf in an area of the Park that has been set aside as a golf course by a determination of the Committee under subregulation (1).

40 Golf carts

- (1) A person must not, in the Park, operate a golf cart unless the person operates that golf cart –
 - (a) in an area set aside under regulation 39(1) as a golf course; and
 - (b) under and in accordance with a permit issued by the Committee; and
 - (c) in accordance with any sign or notice erected by the Committee that sets out the directions for the operation of a golf cart.
- (2) The Committee may issue a permit to a person authorising the holder to operate a golf cart in the Park.

PART 5 – GENERAL

41 Directions to leave

If an authorised officer reasonably believes that a person has contravened any of these Regulations, the authorised officer may direct the person to leave the Park or any part of the Park.

SCHEDULE

Regulation 11

MAXIMUM FEES

Part 1 MAXIMUM FEES FOR USE OF IMPROVEMENTS, SERVICES OR FACILITIES (OTHER THAN GOLF COURSES) IN THE PARK (fees are per day or part thereof unless otherwise stated)

<i>Column 1</i>	<i>Column 2</i>
IMPROVEMENT, SERVICE OR FACILITY	MAXIMUM FEE
Reserved use of picnic area or similar facility for an organised event or to conduct a commercial activity (Regulations 33 and 36)	
< 100 persons	\$170.00
100 – 125 persons	\$220.00
126 – 150 persons	\$261.00
151 – 175 persons	\$302.00
176 – 200 persons	\$344.00
201 – 225 persons	\$384.00
226 – 250 persons	\$426.00
251 – 300 persons	\$467.00
301 – 500 persons	\$868.00
Reserved use of open space areas to engage in a sport or recreational activity (other than golf), for an organised event or to conduct a commercial activity (Regulations 33 and 36)	
< 1000 persons	\$868.00
1000 – 2000 persons	\$1,722.00
2001 – 5000 persons	\$3,444.00
5001 – 30,000 persons	\$387,779.00
Reserved use of sporting field to engage in a sport or recreational activity (other than golf), for an organised sporting event or to conduct a commercial activity (Regulations 32, 33 and 36)	
Oval with synthetic cricket pitch	\$170.00
Oval with turf cricket pitch outside of cricket season	\$170.00
Oval with turf cricket pitch – prepared wicket – inside cricket season	\$344.00
Oval with turf cricket pitch – per cricket season	\$3,049.00
Oval with synthetic cricket pitch – per cricket season	\$833.00
Oval for other sporting event	\$1,291.00
Reserved, non-exclusive use of tracks and trails to engage in a sport or recreational activity (other than golf), for an organised sporting event or to conduct a commercial activity (Regulations 32, 33 and 36)	
Use of tracks or trails per competitor	\$1.80

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

IMPROVEMENT, SERVICE OR FACILITY	MAXIMUM FEE
Yarra Bend Golf Course (Regulation 39)	
Green fee: Adult – 18 holes – Monday – Friday (prior to 4 pm in Summer and 1 pm in Winter)	\$26.40
Green fee: Adult – 18 holes – Saturday – Sunday (prior to 4 pm in Summer and 1 pm in Winter)	\$27.50
Green fee: Adult – Twilight (after 4 pm in Summer and 1 pm in Winter)	\$19.00
Green fee: Adult – 9 holes	\$19.00
Green fee: Junior	\$12.50
Green fee: Concession Monday – Friday	\$18.00
Hire of golf cart (9 holes)	\$23.20
Hire of golf cart (18 holes)	\$41.30
Hire of golf clubs (full set)	\$29.20
Hire of golf clubs (half set)	\$17.50
Hire of non-motorised golf buggy	\$5.20
Golf lesson per half hour	\$46.70
Studley Park Golf Course (Regulation 39)	
Green fee: Adult – 9 holes	\$12.60
Green fee: Junior – 9 holes	\$9.10
Green fee: Concession	\$9.10
Golf Buggy (non-motorised) and hire of golf clubs (full set)	\$17.50
Hire of golf clubs (full set)	\$14.60
Hire of non-motorised golf buggy	\$5.10

NOTES

- (1) Regulation 26: S.R No. 2/2009. Subsequently amended by S.R. No. 19/2009.
- (2) A person who contravenes any of these Regulations is liable to a penalty under section 13(5) or (6) of the **Crown Land (Reserves) Act 1978**.
- (3) In addition to these Regulations, the following laws also apply to activities within the Park –

Fishing

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 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.

Dated 16 December 2009

RODNEY WARREN
Statewide Program Leader
Public Land Services
as delegate of the Minister for Environment and Climate Change

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