



New South Wales

# Place Management NSW Regulation 2022

under the

Place Management NSW Act 1998

*[The following enacting formula will be included if this Regulation is made—]*

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Place Management NSW Act 1998*.

Minister for Cities

## Explanatory note

The object of this Regulation is to repeal and remake, with some amendments, the *Place Management NSW Regulation 2017*, which is otherwise repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

This Regulation deals with the following matters—

- (a) the declaration of core land for the purposes of the *Place Management NSW Act 1998* (the *Act*), section 6,
- (b) the prohibition of certain conduct in the parts of the Sydney Harbour foreshore area that comprise the public domain, within the meaning of the Act, including prohibitions on harming the environment or animals, bringing in certain animals, causing a nuisance and behaving unsafely,
- (c) the regulation of certain activities in the public domain, including commercial activities, exercise activities, public assemblies and weddings,
- (d) restrictions and bans on entry to the public domain,
- (e) the regulation of vehicles and vessels in the public domain,
- (f) the prohibition of certain conduct specifically within the Darling Harbour area,
- (g) authorisation by Place Management NSW of certain conduct that would otherwise be prohibited under this Regulation,
- (h) the charging of fees by Place Management NSW for an authorisation or for a service provided by Place Management NSW,
- (i) the offences under this Regulation that may be dealt with by a penalty notice.

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# public consultation draft

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## Place Management NSW Regulation 2022

under the

Place Management NSW Act 1998

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Place Management NSW Regulation 2022*.

#### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

**Note—** This Regulation repeals and replaces the *Place Management NSW Regulation 2017*, which would otherwise be repealed on 1 September 2022 by the *Subordinate Legislation Act 1989*, section 10(2).

#### 3 Definitions

- (1) The Dictionary in Schedule 3 defines words used in this Regulation.

**Note—** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

- (2) In this Regulation, a reference to the public domain includes a reference to a part of the public domain.

#### 4 Declaration of core land—the Act, s 6

For the Act, section 6(e), the following land is declared to be core land—

- (a) land at Ballast Point, Birchgrove bordered by Wharf Road, Ronald Street, Mort Bay and Snails Bay comprising the following lots—
- (i) Lots 1–4, DP 115939, excluding the leasehold interest of Energy Australia under registered lease N700214 over part of Lot 1, DP 115939,
  - (ii) Lot 7, DP 132691,
  - (iii) Lot 11, DP 792332,
  - (iv) Lot 413, DP 752049,
- (b) land at The Rocks, Circular Quay bordered by George Street, Argyle Street and First Fleet Park, comprising Lots 20–22, DP 787906.

## Part 2 Conduct prohibited in the public domain

### Division 1 Preliminary

#### 5 Definition

In this Part—

**fixture** includes the following—

- (a) a flagpole,
- (b) a sculpture,
- (c) a sign,
- (d) a temporary structure.

**Example—** An awning, decoration, enclosure or screen

### Division 2 Conduct and safety of persons in the public domain

#### Subdivision 1 Causing harm or nuisance—the Act, s 46(2)(h)

##### 6 Harming the natural environment

A person must not do the following in the public domain—

- (a) leave litter, except in a rubbish bin,
- (b) bring in waste,
- (c) climb a tree,
- (d) damage or remove a tree or other vegetation,
- (e) suspend a thing from, or attach a thing to, a tree,
- (f) dig up soil, sand, stone or a similar substance,
- (g) bathe or swim.

Maximum penalty—20 penalty units.

##### 7 Harming the built environment

(1) A person must not do the following in the public domain—

- (a) damage or remove a building, fixture or piece of equipment,
- (b) erect a fixture,
- (c) climb a fixture,
- (d) dig up or disturb a sealed surface,
- (e) allow a vehicle to leak an unreasonable amount of oil or similar fluid onto a sealed surface.

Maximum penalty—20 penalty units.

(2) In this section—

**damage** includes paint.

**unreasonable amount**, of oil or similar fluid leaked by a vehicle, means an amount exceeding what a properly maintained vehicle of that kind could reasonably be expected to leak.

##### 8 Harming animals or their habitats

A person must not do the following in the public domain—

- (a) annoy, capture or injure an animal,

- (b) interfere with an animal's habitat,
  - (c) abandon an animal,
  - (d) possess a trap or device for hunting or capturing animals.
- Maximum penalty—20 penalty units.

## 9 Bringing animals into the public domain

- (1) Place Management NSW may use signs to designate an area as—
  - (a) a no-animals area, or
  - (b) an off-leash area.
- (2) An area may be designated under subsection (1)—
  - (a) for certain times of the day, and
  - (b) for different times on different days.
- (3) A person must not do the following in the public domain—
  - (a) bring in, or be in charge of, a dog that is not on a leash, other than in an off-leash area,
  - (b) bring in, or be in charge of, more than 4 unleashed dogs in an off-leash area,
  - (c) bring in an animal other than a dog,
  - (d) leave an animal unattended unless it is tethered,
  - (e) bring an animal into a no animals area.

Maximum penalty—20 penalty units.
- (4) Subsection (3) does not—
  - (a) prohibit a person with a disability from bringing an assistance animal into the public domain, or
  - (b) apply to a police officer using an animal for police purposes.
- (5) A ranger or a police officer may remove an animal from the public domain if it is brought in or unleashed in contravention of subsection (3).

**Note**— See section 41 in relation to the removal of animals that have been abandoned.
- (6) A ranger must not, in removing an animal under subsection (5), use force against a person.
- (7) A person who is in charge of a dog must properly dispose of faeces deposited by the dog in the public domain.

Maximum penalty—20 penalty units.
- (8) In this section—

*assistance animal* and *disability* have the same meaning as in the *Disability Discrimination Act 1992* of the Commonwealth.

## 10 Interfering with amenity of the public domain or causing a nuisance

- (1) A person must not use the following in the public domain—
  - (a) a public address system, loudspeaker or similar device,
  - (b) a motorised model aircraft, boat, car or similar thing.

Maximum penalty—20 penalty units.
- (2) A person must not do the following in the public domain—
  - (a) erect a tent or similar temporary structure,

- (b) camp or otherwise sleep overnight.  
Maximum penalty—20 penalty units.
- (3) Place Management NSW may use signs to—
  - (a) designate an area as a wheeled recreation area, and
  - (b) specify a maximum speed limit for the area.
- (4) The area may be designated—
  - (a) for certain times of the day, and
  - (b) for different times on different days.
- (5) A person must not use a wheeled recreational device in the public domain unless—
  - (a) the person is in a wheeled recreation area, and
  - (b) if Place Management NSW has specified a maximum speed limit for the area—the person complies with the speed limit.Maximum penalty—20 penalty units.
- (6) A person must not do the following in the public domain in a way likely to cause a nuisance—
  - (a) conduct or participate in a game or other activity,
  - (b) use a musical instrument or other sound-generating device.Maximum penalty—20 penalty units.
- (7) In this section—

**cause a nuisance** means—

  - (a) cause a nuisance to another person in the public domain, or
  - (b) unreasonably interfere with the amenity of the public domain.

**wheeled recreational device** has the same meaning as in the *Road Rules 2014*.

## 11 Behaving unsafely

- (1) A person must not do the following in the public domain—
  - (a) light a fire,
  - (b) light a barbecue or stove, except cooking facilities provided by Place Management NSW,
  - (c) set off a firework,
  - (d) land or launch an aircraft, parachute, hang-glider, or similar thing,
  - (e) cause a drone to fly over the public domain.Maximum penalty—20 penalty units.
- (2) In this section—

**aircraft** means a machine designed to fly, including the following—

  - (a) a helicopter,
  - (b) a hot air balloon,
  - (c) a drone.

## 12 Landing and launching of small water craft from foreshore area

A person must not launch a small water craft from the public domain into a harbour.  
Maximum penalty—10 penalty units.

## 13 Consuming liquor in breach of a sign

- (1) Place Management NSW may place signs in the public domain prohibiting the possession or consumption of liquor.
- (2) A person must not possess or consume liquor in breach of a sign.  
Maximum penalty—10 penalty units.

## 14 Other prohibited conduct

- (1) A person must not do the following in the public domain—
  - (a) cause serious alarm or affront to a person by disorderly or unsafe conduct,
  - (b) behave in an offensive or indecent manner,
  - (c) use indecent, obscene, insulting or threatening language,
  - (d) throw, kick or hit a ball in a way that endangers others,
  - (e) fly a kite in a way that endangers others,
  - (f) carry, discharge or possess a firearm or imitation firearm within the meaning of the *Firearms Act 1996*,
  - (g) carry or possess a prohibited weapon within the meaning of the *Weapons Prohibition Act 1998*.Maximum penalty—20 penalty units.
- (2) Subsection (1)(f) and (g) do not apply to—
  - (a) a police officer of the State or the Commonwealth acting in the ordinary course of the person's duties as a police officer, or
  - (b) a person who—
    - (i) holds a licence under the *Security Industry Act 1997*, and
    - (ii) is carrying out functions authorised by the licence, and
    - (iii) is authorised to carry, discharge or possess the firearm or prohibited weapon under the *Firearms Act 1996* or the *Weapons Prohibition Act 1998*.

## Subdivision 2 Regulated activities—the Act, s 46(2)(d) and (h)

### 15 Carrying out commercial activities or raising money

- (1) A person must not do the following in the public domain—
  - (a) sell or hire out goods,
  - (b) offer goods for sale or hire,
  - (c) provide services for a fee or other consideration,
  - (d) offer to provide services for a fee or other consideration,
  - (e) use the following for a commercial purpose—
    - (i) audio equipment,
    - (ii) broadcasting equipment,
    - (iii) a camera,
  - (f) distribute or display advertising material,
  - (g) collect or attempt to collect money,
  - (h) busk.Maximum penalty—20 penalty units.
- (2) Subsection (1)(f) does not apply to advertising material displayed on—



- (a) clothing or a personal effect worn or carried by the person, or
- (b) a vehicle driven by the person that is not used for the primary purpose of displaying advertising material while in the public domain.

## 16 Exercise classes and exercise equipment

- (1) A person must not do the following in the public domain—
  - (a) conduct a fitness assessment, exercise class, personal training session or other exercise program,
  - (b) use exercise equipment,
  - (c) play golf,
  - (d) tether exercise equipment to a structure,
  - (e) leave exercise equipment unattended for more than 1 hour.Maximum penalty—20 penalty units.
- (2) Place Management NSW may use signs to designate areas in which subsection (1)(a), (b), (c) or (d) does not apply (a *designated exercise area*).
- (3) The area may be designated—
  - (a) for certain times of the day, and
  - (b) for different times on different days.
- (4) A person does not commit an offence under subsection (1) if the person is in a designated exercise area.
- (5) In this section—  
*exercise equipment* does not include a bicycle.

## 17 Cycling

- (1) A person must not do the following in the public domain—
  - (a) ride or push a bicycle,
  - (b) tether a bicycle to a fixture not designed for tethering bicycles.Maximum penalty—20 penalty units.
- (2) A person does not commit an offence under subsection (1)(a) if the person is on—
  - (a) a shared cycle way, or
  - (b) a pedestrian path, or
  - (c) another path designated for riding bicycles.
- (3) Place Management NSW may decide the maximum speed at which bicycles may travel in the public domain.
- (4) Place Management NSW must specify the maximum speed—
  - (a) on a sign displayed in the public domain, or
  - (b) using a numeral or other symbol painted or placed on a road in the area.
- (5) A person must not ride a bicycle in the public domain in breach of a maximum speed specified under subsection (4).  
Maximum penalty—20 penalty units.

## 18 Public assemblies

A person must not conduct or participate in a public assembly in the public domain.  
Maximum penalty—20 penalty units.

## 19 Weddings and other ceremonies

- (1) Place Management NSW may designate an area in the public domain as—
  - (a) an **unregulated ceremony area**, in which persons may get married or conduct organised ceremonies specified by Place Management NSW—
    - (i) without Place Management NSW’s written permission, and
    - (ii) without paying a fee, or
  - (b) a **regulated ceremony area**, in which persons may get married or conduct organised ceremonies—
    - (i) with Place Management NSW’s written permission, and
    - (ii) if Place Management NSW sets a fee—on payment of the fee.
- (2) A person must not—
  - (a) get married in the public domain, unless the person is in an unregulated ceremony area or a regulated ceremony area, or
  - (b) conduct an organised ceremony in the public domain, unless the person is in—
    - (i) an unregulated ceremony area in which Place Management NSW has specified the organised ceremony may take place, or
    - (ii) a regulated ceremony area, or
  - (c) get married or conduct an organised ceremony in a regulated ceremony area without—
    - (i) Place Management NSW’s written approval, and
    - (ii) if Place Management NSW has set a fee—paying the fee.

Maximum penalty—20 penalty units.
- (3) In this section—

**organised ceremony** does not include a wedding.

## Division 3 Entry to the public domain—the Act, s 46(2)(d)

### Subdivision 1 Restrictions on entry

#### 20 Closing of public domain

- (1) Place Management NSW may temporarily close the public domain.
- (2) If Place Management NSW closes the public domain it must indicate the closure to the public using signs, barriers or buoys.
- (3) A person must not enter or remain in a closed area.  
Maximum penalty—20 penalty units.
- (4) A person does not commit an offence under subsection (3) if the person is authorised by a ranger, police officer or staff member to remain in the area.
- (5) A ranger or a police officer may—
  - (a) direct a person to leave a closed area, and
  - (b) if the person does not comply with the direction—remove the person from the area.
- (6) In this section—

**close the public domain** includes close a road, path or building within the public domain.

## 21 Restrictions on the number of persons that may be in public domain

- (1) Place Management NSW may give a direction that—
  - (a) limits the number of persons who may enter or remain in the public domain, or
  - (b) imposes conditions on entry to the public domain.
- (2) Place Management NSW may give the direction by way of—
  - (a) a sign displayed on or near the area affected by the direction, or
  - (b) a verbal instruction given by—
    - (i) a ranger, or
    - (ii) another person authorised in writing by Place Management NSW to give the instruction.
- (3) A person must not enter or remain in the public domain in breach of a direction.  
Maximum penalty—20 penalty units.
- (4) A ranger or a police officer may remove a person who has breached a direction from the public domain.

## 22 Restrictions on liquor in event areas

- (1) Place Management NSW may give a direction prohibiting persons attending a regulated event from—
  - (a) bringing liquor into the event area, or
  - (b) consuming liquor in the event area.
- (2) Place Management NSW must give public notice of a direction.
- (3) A person must not do the following in breach of a direction—
  - (a) bring liquor into an event area,
  - (b) consume liquor.Maximum penalty—10 penalty units.
- (4) A person does not commit an offence under subsection (3)(b) unless—
  - (a) a ranger, police officer or staff member warned the person about the direction, and
  - (b) the person consumed liquor after the warning was given.
- (5) In this section—

**event area** means the fenced-off part of the public domain in which a regulated event is held.

**regulated event** means an event—
  - (a) promoted, organised or conducted by or on behalf of Place Management NSW or a licensee of Place Management NSW, and
  - (b) held in a fenced-off part of the public domain.

## 23 Entering area reserved for a particular activity

- (1) Place Management NSW may give a direction that—
  - (a) reserves an area in the public domain for a particular activity and otherwise closes it to the public (a **reserved area**), or
  - (b) imposes conditions on entry to a reserved area.
- (2) A person must not enter a reserved area in breach of a condition of entry.  
Maximum penalty—10 penalty units.

- (3) A ranger or a police officer may—
  - (a) direct a person who has entered the public domain in breach of subsection (2) to leave the area, and
  - (b) if the person does not comply with the direction—remove the person from the area.
- (4) A person must not fail to comply with a ranger’s or police officer’s direction.  
Maximum penalty—10 penalty units.

## **24 Ban on entry**

- (1) Place Management NSW may ban a person who has breached a provision of this Regulation from entering the public domain.
- (2) The length of the ban must not be more than 6 months.
- (3) A person must not enter the public domain in breach of a ban.  
Maximum penalty—20 penalty units.

## **Subdivision 2 Vehicles and vessels**

### **25 Directions given by Place Management NSW**

A person must not breach a direction given by Place Management NSW under this Subdivision that applies to the person.  
Maximum penalty—20 penalty units.

### **26 Entry of vehicles**

- (1) Place Management NSW may give a direction that does one or more of the following in relation to the public domain—
  - (a) prohibits the entry of vehicles,
  - (b) prohibits the entry of a particular vehicle,
  - (c) regulates or otherwise controls the entry of vehicles.
- (2) Place Management NSW must give the direction by way of—
  - (a) a sign displayed on or near the area affected by the direction, or
  - (b) a verbal instruction given by—
    - (i) a ranger, or
    - (ii) another person authorised in writing by Place Management NSW to give the instruction.

### **27 Driving and parking vehicles**

- (1) Place Management NSW may give a direction that regulates one or more of the following in the public domain—
  - (a) the driving or riding of vehicles,
  - (b) the speed at which vehicles may travel,
  - (c) the parking of vehicles, including by imposing parking fees.
- (2) Place Management NSW must give the direction by displaying signs on or near the area affected by the direction.

## 28 Securing and landing vessels

- (1) Place Management NSW may give a direction specifying the following for the use of a wharf in the public domain to secure vessels—
  - (a) when it may be used,
  - (b) the conditions on which it may be used.
- (2) A direction does not apply to—
  - (a) a water taxi temporarily secured to a wharf, or
  - (b) a vessel secured to a wharf with the permission of Place Management NSW or another person or body entitled to give permission.
- (3) A person must not do the following in the public domain—
  - (a) secure a vessel to a fixture that is not a wharf,
  - (b) tether a vessel to vegetation.Maximum penalty—20 penalty units.
- (4) A person must not land a small water craft in the public domain.  
Maximum penalty—10 penalty units.
- (5) In this section—

**vessel** includes—

  - (a) a charter boat, water taxi or ferry, or
  - (b) a small water craft.

## 29 Buses

- (1) Place Management NSW may designate land within the public domain for use by buses (a **bus area**).
- (2) The area may be designated—
  - (a) for certain times of the day, and
  - (b) for different times on different days.
- (3) Place Management NSW may impose conditions on the use of the land by buses.
- (4) A person must not drive a bus—
  - (a) in the public domain unless in a bus area, or
  - (b) in breach of a condition imposed under subsection (3).Maximum penalty—10 penalty units.

## Part 3 Conduct only prohibited in Darling Harbour—the Act, s 46(2)(d) and (h)

### 30 Definitions

In this Part—

***Pymont Bridge*** means the part of Pymont Bridge within the public domain and includes—

- (a) the piles marking the channels approaching the Bridge,
- (b) the abutments of the Bridge,
- (c) the extension of the Bridge to Market Street and King Street,
- (d) the Bicentennial Flagpole and the base of the flagpole.

***waters of Cockle Bay*** means the part of the waters of Cockle Bay within the public domain.

### 31 Activities within Cockle Bay

- (1) A person must not do the following in the waters of Cockle Bay—

- (a) be in the water,
- (b) ride a small water craft.

Maximum penalty—20 penalty units.

- (2) A person must not deposit or throw an object or substance into the waters of Cockle Bay.

Maximum penalty—20 penalty units.

### 32 Using stage in Tumbalong Park

A person must not use—

- (a) the stage in Tumbalong Park, or
- (b) facilities associated with the stage.

Maximum penalty—20 penalty units.

### 33 Fishing in Darling Harbour

A person must not take, attempt to take or harm a fish in the following areas within the public domain—

- (a) the Chinese Garden,
- (b) Tumbalong Park,
- (c) Cockle Bay Promenade,
- (d) Pymont Bridge,
- (e) the Development Area, within the meaning of the *Darling Harbour Authority Act 1984* immediately before its repeal.

Maximum penalty—20 penalty units.

### 34 Activities on Pymont Bridge

A person must not do the following on Pymont Bridge—

- (a) be on a part of the bridge other than the footway,
- (b) be on the swing span of the bridge while it is in motion or open,
- (c) stand or climb on the safety gates at the entrance to the swing span of the bridge,

(d) obstruct the movement of the gates at the entrance to the swing span of the bridge,

(e) fish from the bridge.

Maximum penalty—20 penalty units.

### **35 Movement of vessels beneath Pyrmont Bridge**

(1) A person must not secure a vessel to, or beneath, Pyrmont Bridge.

Maximum penalty—20 penalty units.

(2) Place Management NSW may give a direction relating to the movement or berthing of vessels beneath Pyrmont Bridge.

(3) A direction does not have effect unless Place Management NSW prominently displays a notice containing the direction in a place—

(a) on or near the part of the bridge to which it applies, and

(b) where it is clearly legible to the persons to whom it is intended to apply.

(4) A person must not breach a direction.

Maximum penalty—20 penalty units.

## Part 4 Enforcement

### 36 Obstructing or failing to obey directions of rangers or staff—the Act, s 46(2)(h)

- (1) A person must not, in the public domain, obstruct a relevant person in the performance of the person's duties.  
Maximum penalty—20 penalty units.
- (2) A person must not, in the public domain, fail to comply with a reasonable direction given by a relevant person for the purposes of securing good order, security, safety, management and enjoyment of the area.  
Maximum penalty—10 penalty units.
- (3) A person must leave the public domain if—
  - (a) the person fails to comply with a direction given to the person under this section, and
  - (b) the person is directed to leave by a relevant person.Maximum penalty—10 penalty units.
- (4) A person does not commit an offence under subsection (2) or (3) unless the relevant person—
  - (a) identifies themselves as a relevant person authorised to give a direction, and
  - (b) warns the person that failure to comply with a direction is an offence, and
  - (c) if requested—shows the person an identification card—
    - (i) for a ranger—issued to the person under the Act, section 32, or
    - (ii) for a staff member—identifying the person as a staff member.
- (5) In this section—  
*relevant person* means—
  - (a) a ranger, or
  - (b) a staff member.

### 37 Requirement to state name and address—the Act, s 46(2)(h)

- (1) A ranger or police officer may require a person in the public domain to state the person's full name and residential address.
- (2) Subsection (1) only applies if the ranger or officer reasonably suspects that the person has committed an offence under this Regulation.
- (3) A person must not—
  - (a) without a reasonable excuse, fail to comply with a requirement, or
  - (b) in purported compliance with a requirement, give information the person knows is false or misleading.Maximum penalty—20 penalty units.
- (4) A person does not commit an offence under subsection (3) unless the ranger or officer warned the person that failure to comply with a requirement is an offence.

### 38 Removal of certain persons from public domain—the Act, ss 32(2) and 46(2)(h) and (i)

- (1) A ranger or police officer may direct a person to leave the public domain if the person—
  - (a) causes nuisance or annoyance to other persons in an area to which the direction relates, or



- (b) breaches a provision of this Regulation, or
  - (c) enters a closed area.
- (2) The direction may specify one or more of the following—
  - (a) the area to which the direction relates,
  - (b) the period within which the person must leave the public domain,
  - (c) the period during which the person must not return to the public domain.
- (3) In specifying a period under subsection (2)(b) or (c), the ranger or police officer must consider the seriousness and persistence of the person's conduct.
- (4) A person must not enter or remain in the public domain in breach of a direction.  
Maximum penalty—20 penalty units.
- (5) A person does not commit an offence under subsection (4) unless—
  - (a) the ranger or police officer warned the person that failure to comply with the direction is an offence, and
  - (b) if the direction was given by a ranger—the ranger identified themselves as a ranger, if requested.
- (6) A ranger or a police officer may remove a person who breaches subsection (4) from the public domain.

**39 Use of reasonable force by rangers—the Act, s 46(2)(h) and (i)**

If a ranger is authorised by this Regulation to remove a person from the public domain, the ranger may only use reasonable force to remove the person.

**40 Removal of obstructions from public domain—the Act, ss 32(2) and 46(2)(d) and (h)**

- (1) A ranger or a police officer may give a direction ordering the removal of a thing that—
  - (a) obstructs the public domain, or
  - (b) is a danger to persons or property in the public domain.
- (2) The direction may be given to either or both of the following—
  - (a) the person who caused the obstruction or danger,
  - (b) a person using the thing causing the obstruction or danger.
- (3) A person must not fail to comply with a direction given to the person by a ranger or officer.  
Maximum penalty—20 penalty units.
- (4) A ranger or a police officer may remove the thing, whether or not a direction has been given.
- (5) Place Management NSW may recover from either of the persons referred to in subsection (2), the reasonable costs and expenses incurred in removing the thing.
- (6) This section does not apply to a thing authorised to be in the public domain by—
  - (a) Place Management NSW, or
  - (b) the person or body in whom the public domain is vested, or
  - (c) the Act or another Act.

**41 Confiscation of articles used in offences—the Act, ss 32(2) and 46(2)(h)**

- (1) A ranger or a police officer may confiscate an offending object—

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Place Management NSW Regulation 2022 [NSW]  
Part 4 Enforcement

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- (a) that has been abandoned, or
  - (b) if the ranger or officer has directed a person to remove the object from the public domain and the person has not done so, or
  - (c) if the ranger or officer has directed a person to stop using the object in the public domain and the person has continued to use it.
- (2) A ranger must not, in confiscating the object, use force against a person.
- (3) The ranger or officer must give the person from whom the object was confiscated (the **owner**) a receipt that indicates—
  - (a) the nature of the object, and
  - (b) the date and time when it was confiscated.
- (4) A confiscated object must be, within 24 hours of confiscation—
  - (a) returned to the owner, or
  - (b) delivered to a public pound, within the meaning of the *Impounding Act 1993*.
- (5) If a confiscated object is delivered to a public pound, the owner must be notified in writing of the pound's address.
- (6) The *Impounding Act 1993*, except sections 20 and 23(2)(b) and (c), applies to a confiscated object delivered to a public pound as if the object had been impounded under that Act.  
**Note—** The *Impounding Act 1993*, section 23 provides for the return of impounded objects on application.
- (7) The deadline for release for a confiscated object, as referred to in the *Impounding Act 1993*, section 24, is taken to be 28 days from the day of confiscation.
- (8) In this section—
  - abandoned**, in relation to an animal, includes unattended in contravention of section 9.
  - offending object**—
    - (a) means a thing or an animal possessed by, abandoned or used by a person in contravention of this Regulation, and
    - (b) does not include a vehicle.

## Part 5 Authorisations and fees

### 42 Place Management NSW may grant authorisation—the Act, s 46(2)(d) and (h)

- (1) Place Management NSW may authorise a person to do an act that would otherwise be prohibited by a provision listed in Schedule 1.
- (2) An authorisation—
  - (a) must be in writing, and
  - (b) may be given generally or in a particular case, and
  - (c) may be granted subject to conditions.
- (3) A person does not commit an offence under this Regulation because of anything done with the authorisation of Place Management NSW.

### 43 Authorisation may be subject to conditions—the Act, s 46(2)(d) and (h)

- (1) The conditions Place Management NSW may impose on an authorisation include conditions about the following—
  - (a) the necessary standard of care of the public domain,
  - (b) maintenance of adequate insurance,
  - (c) site preparation,
  - (d) the provision and disposal of food and beverages,
  - (e) advertising, signs and merchandising,
  - (f) vehicle access, control and parking,
  - (g) security and emergency procedures,
  - (h) crowd management,
  - (i) cleaning and waste management services,
  - (j) noise control,
  - (k) the erection and removal of temporary structures,
  - (l) another matter relating to the proper and orderly use of the public domain.
- (2) Place Management NSW may—
  - (a) require a person to whom an authorisation is proposed to be given to provide security for the fulfilment of the person's obligations under the conditions of the approval, and
  - (b) decide the amount and form of the security.

### 44 Fees for authorised use of public domain—the Act, s 46(2)(f)

Place Management NSW may require a person who has received an authorisation under section 42 to pay a fee for the authorised use of the public domain.

### 45 Considerations for imposing fees—the Act, s 46(2)(f)

- (1) In deciding to impose a fee under section 42(2)(c) or 44 (a *relevant fee*), Place Management NSW must consider—
  - (a) the cost to Place Management NSW of giving the authorisation, and
  - (b) the nature of the authorisation.
- (2) Place Management NSW may require a relevant fee to be paid by a particular date (the *payment date*), including a date—
  - (a) before the authorisation is granted, or

- (b) before the authorised use commences.
- (3) The fee must be paid in accordance with the decision.
- (4) If the fee is not paid in accordance with the decision, the authorisation ceases to be in force from the payment date.
- (5) An unpaid fee may be recovered by Place Management NSW as a debt in a court of competent jurisdiction.
- (6) Place Management NSW may accept consideration in kind in lieu of payment of the fee.

#### **46 Fees for services—the Act, s 46(2)(f)**

- (1) Place Management NSW may decide to charge a fee for a service provided under the Act or this Regulation.
- (2) In deciding to charge a fee, Place Management NSW must consider the following—
  - (a) the cost to Place Management NSW of providing the service,
  - (b) the price suggested for the service—
    - (i) by a relevant industry body, or
    - (ii) in a schedule of charges published by a government department or agency engaged in the administration of the Act or instrument under which the service is provided,
  - (c) the importance of the service to the community.
- (3) Place Management NSW must publish a proposed fee before the fee is imposed.
- (4) Place Management NSW may—
  - (a) vary the fee from time to time, and
  - (b) charge an additional fee for an expedited service, for example, an urgent service, and
  - (c) exempt a person from an obligation to pay a fee.
- (5) In this section—  
*service* includes the following—
  - (a) a facility or other thing Place Management NSW provides under the Act or this Regulation,
  - (b) supplying a product or commodity,
  - (c) giving information.

#### **47 Fees for entry to public assemblies and New Year's Eve and Australia Day activities—the Act, s 46(2)(f)**

- (1) Place Management may charge a fee for entry to a part of the public domain—
  - (a) on which an authorised public assembly is being held, or
  - (b) during a special event.
- (2) If Place Management NSW charges a fee for entry to the public domain, a person must not enter the area without paying the fee.  
Maximum penalty—10 penalty units.
- (3) In this section—  
*special event* means the following activities promoted, organised or conducted by Place Management NSW in exercise of its functions under the Act, section 12(1)(c)—

- (a) New Year's Eve activities on 31 December, 1 January or 2 January,
- (b) Australia Day activities on 26 January or 27 January.

**48 No offence for certain acts or omissions—the Act, s 46(2)(d) and (h)**

- (1) An act or omission does not constitute an offence under this Regulation if the act or omission—
  - (a) is done or omitted by Place Management NSW or a member of the Board, or
  - (b) is done or omitted by a ranger or a member of Place Management NSW staff in the course of their employment, or
  - (c) is expressly or impliedly authorised by the terms or conditions of a lease, licence or occupancy granted by Place Management NSW, or
  - (d) for land vested in a person other than Place Management NSW—
    - (i) is done or omitted by the person, or
    - (ii) is authorised expressly or impliedly, by the terms of a lease, licence or other authority granted by the person, or
  - (e) for a public road—
    - (i) is done by the relevant roads authority under the *Roads Act 1993*, or
    - (ii) is authorised, expressly or impliedly, by the terms of a lease, licence or other authority granted by the roads authority, or
  - (f) for waters—is authorised by or under—
    - (i) the marine legislation, within the meaning of the *Ports and Maritime Administration Act 1995*, or
    - (ii) the National law, within the meaning of the *Marine Safety Act 1998*.
- (2) An act or omission by Ausgrid or an entity that has assets under the *Electricity Supply Act 1995* reasonably related to one or more of the following does not constitute an offence under section 6 or 7—
  - (a) installing electricity works,
  - (b) altering, maintaining or removing existing electricity works,
  - (c) maintaining reasonable safety clearances—
    - (i) under powerlines, conductors or related structures, or
    - (ii) around communication sites associated with the supply of electricity.

## **Part 6 Miscellaneous**

### **49 Repeal and savings**

- (1) The *Place Management NSW Regulation 2017* is repealed.
- (2) An act, matter or thing that had effect immediately before the repeal of the *Place Management NSW Regulation 2017* continues to have effect under this Regulation.

## **Schedule 1      Conduct that may be authorised**

section 42(1)

The following provisions of this Regulation are listed for section 42(1)—

- (a) section 6(c)–(e),
- (b) section 7,
- (c) section 8(d),
- (d) section 9(3),
- (e) section 10(2) and (6),
- (f) section 11(1),
- (g) section 12,
- (h) section 15(1),
- (i) section 16(1),
- (j) section 18,
- (k) section 19(2),
- (l) section 20(3),
- (m) section 25,
- (n) section 28(4),
- (o) section 29(4)(b),
- (p) section 31(1) and (2),
- (q) section 32,
- (r) section 33,
- (s) section 34,
- (t) section 35(1).

## Schedule 2 Penalty notice offences

### Application of Schedule

- (1) For the Act, section 43A—
  - (a) each offence created by a provision specified in this Schedule is an offence for which a penalty notice may be issued, and
  - (b) the amount payable for the penalty notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
  - (a) that limited kind of offence, or
  - (b) an offence committed in those limited circumstances.

<b>Provision</b>	<b>Penalty</b>
<b>Offences under this Regulation</b>	
Section 6(a)–(c), (f) and (g)	\$220
Section 6(d)	\$500
Section 6(e)	\$440
Section 7(1)	\$220
Section 8	\$220
Section 9(3) and (7)	\$220
Section 10(1)	\$220
Section 10(2)(a)	\$220
Section 10(2)(b)	\$150
Section 10(5)	\$220
Section 10(6)	\$220
Section 11(1)	\$220
Section 12	\$220
Section 13(2)	\$220
Section 14(1)	\$220
Section 15(1)(a) and (b)	\$200
Section 15(1)(c)–(d) and (f)–(h)	\$220
Section 15(1)(e)	\$400
Section 16(1)(a)	\$650
Section 16(1)(b)–(e)	\$220
Section 17(1)	\$500
Section 17(5)	\$220
Section 18	\$220
Section 19(2)	\$900
Section 20(3)	\$220



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Schedule 2 Penalty notice offences

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<b>Provision</b>	<b>Penalty</b>
<b>Offences under this Regulation</b>	
Section 21(3)	\$220
Section 22(3)	\$220
Section 23(2) and (4)	\$220
Section 24(3)	\$220
Section 25	\$220
Section 28(3) and (4)	\$220
Section 29(4)	\$220
Section 31(1)(a)	\$110
Section 31(1)(b)	\$440
Section 31(2)	\$220
Section 32	\$220
Section 33	\$110
Section 34(a), (c), (d) and (e)	\$110
Section 34(b)	\$440
Section 35(1) and (4)	\$220
Section 36(1), (2) and (3)	\$220
Section 37(3)	\$220
Section 38(4)	\$110
Section 40(3)	\$220

## Schedule 3 Dictionary

section 3

**closed area** means a part of the public domain closed to the public under section 20(1).

**condition** includes a condition requiring payment of a fee, and **breach** a condition includes fail to pay an applicable fee.

**fixture**, for Part 2—see section 5.

**leave**, in relation to a direction to leave a place, means leave without delay.

**liquor** has the same meaning as in the *Liquor Act 2007*.

**public assembly** means the following—

- (a) an organised assembly of persons for the purposes of a meeting, procession or performance,
- (b) a sporting event.

**Pymont Bridge**, for Part 3—see section 30.

**ranger** means a person appointed to be a ranger under the Act, section 32(1).

**small water craft** means the following—

- (a) a small open motorised vessel,
- (b) a kayak,
- (c) a small sailing craft,
- (d) a sailboard or kiteboard,
- (e) a raft, canoe or ski.

**staff member** means—

- (a) a security officer employed or contracted by Place Management NSW, or
- (b) a person who has been issued with an identification card by Place Management NSW identifying the person as a “Director” or “Senior Manager” employed by Place Management NSW.

**the Act** means the *Place Management NSW Act 1998*.

**vehicle** means the following—

- (a) a motor vehicle,
- (b) a trailer or caravan, whether or not it is in the course of being towed,
- (c) an apparatus propelled by human or mechanical power, or by the wind, that is wholly or partly used for the conveyance of persons or things, other than a wheelchair, pram or stroller,
- (d) a motorised wheelchair capable of a speed of more than 10km/hour over level ground.

**waters of Cockle Bay**, for Part 3—see section 30.