

1994—No. 344

**DARLING HARBOUR AUTHORITY ACT 1984—REGULATION**

(Relating to management of the public areas of Darling Harbour)

NEW SOUTH WALES



*[Published in Gazette No. 97 of 22 July 1994]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Darling Harbour Authority Act 1984, has been pleased to make the Regulation set forth hereunder.

ROBERT WEBSTER  
Minister for Planning.

**Commencement**

1. This Regulation commences on 8th July 1994.

**Amendments**

2. The Darling Harbour (Management of Public Areas) Regulation 1988 is amended:

- (a) by omitting from clause 3 the definition of “authorised person” and by inserting instead the following definition:

“**authorised person**” means:

- (a) a person, or a person belonging to a class of persons, authorised by the Authority for the purposes of the provision in which the expression is used; or
  - (b) a police officer; or
  - (c) in the case of a provision of this Regulation relating to Cockle Bay—a person authorised by the Maritime Services Board for the purposes of this Regulation;
- (b) by inserting after paragraph (a) of the definition of “Pyrmont Bridge” in clause 3 the following paragraphs:
    - (a1) the abutments of the Bridge; and

- (a2) the extension of the Bridge to Market Street; and
- (c) by inserting after clause 4 (d) the following paragraph:
  - (d1) use any audio, loudspeaker or broadcasting equipment or camera (whether photographic, cinematic or video), for a commercial purpose in a public area;
- (d) by inserting after clause 4 (n) the following paragraph:
  - (n1) unless the person is a police officer of the State or the Commonwealth, carry or discharge or have in his or her possession in a public area any firearm;
- (e) by inserting at the end of clause 7 the following matter:
  - ; or
  - (d) ride a jet ski or similar craft in the waters of Cockle Bay; or
  - (e) row or paddle any row boat, canoe, kayak or similar craft in the waters of Cockle Bay; or
  - (f) participate in any activity in the waters of Cockle Bay involving the use of a vessel to tow a person (such as water skiing or paragliding).
- (f) by inserting at the end of clause 8 (b) the following matter:
  - ; or
  - (c) go on to the swing span of Pyrmont Bridge while it is in motion or in any open position; or
  - (d) stand or climb on the safety gates at the entrance to the swing span of Pyrmont Bridge; or
  - (e) obstruct the movement of the gates at the entrance to the swing span of Pyrmont Bridge.
- (g) by inserting after clause 10A the following clause:

**Entry of persons to special events**

10B. (1) This clause applies to any activity (other than New Year's activities) promoted, organised or conducted within the Development Area by the Authority in the exercise of its functions under section 11 (a) and 11 (b) of the Act.

(2) The Authority may, during the conduct of any such activity, prohibit persons from entering the Development Area or any part of the Development Area, if the person is in possession of alcohol or any other specified article or thing.

(3) Nothing in this clause limits any other function of the Authority under this Regulation.

- (h) by inserting in clause 11 (1) after the word "movement" the words "or berthing";

- (i) by omitting clause 14;
- (j) by inserting in clause 15 after the words “means of” the word “buoys,”;
- (k) by inserting after clause 16 the following clause:

**Removal of obstructions from public areas**

16A. (1) An authorised person may order the removal of anything which obstructs or encroaches on a public area and which is not authorised by the Authority.

(2) The order may be given to either or both of the following:

- (a) the person who caused the obstruction or encroachment;
- (b) a person using the thing causing the obstruction or encroachment in connection with any adjoining land or building.

(3) A person to whom such an order is given must comply with the order.

(4) The authorised person may remove the obstruction or encroachment whether or not the authorised person has ordered its removal.

(5) The Authority may recover from either of the persons referred to in subclause (2) the Authority’s reasonable costs and expenses incurred in removing an obstruction or encroachment.

(6) This clause does not apply to a motor vehicle.

---

**EXPLANATORY NOTE**

The Darling Harbour (Management of Public Areas) Regulation 1988 contains provisions relating to the management of public areas of Darling Harbour that are similar to those applying to other public or Crown reserves within the State. The objects of this Regulation are:

- to allow an officer of the Maritime Services Board to be an authorised person for the purposes of the enforcement of various provisions of the Regulation relating to Cockle Bay
- to prohibit riding a jet ski, water skiing, paragliding, rowing or paddling a boat, canoe or kayak, and similar activities in Cockle Bay, except where authorised by the Darling Harbour Authority
- to prohibit certain types of commercial conduct in a public area (except where authorised by the Darling Harbour Authority), including setting up broadcasting or similar equipment for commercial purposes
- to prohibit the possession, carriage and discharge of any firearm in a public area, except by a police officer or as authorised by the Darling Harbour Authority

- to prohibit certain activities on Pymont Bridge and to extend the definition of Pymont Bridge to include the abutments of the Bridge and the extension of the Bridge to Market Street
- to allow the Darling Harbour Authority to order the removal of, or remove, obstructions or encroachments from public areas of Darling Harbour
- to repeal a provision relating to littering that is now obsolete.

This Regulation is made under section 67 (1) of the Darling Harbour Authority Act 1984 (the general regulation making power), in particular section 67 (1) (a), (l), (p) and (q).

---