
ENVIRONMENT

EV301*

Swan and Canning Rivers Management Act 2006

Swan and Canning Rivers Management Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Swan and Canning Rivers Management Amendment Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Swan and Canning Rivers Management Regulations 2007*.

4. Regulation 2 amended

- (1) In regulation 2 delete “regulations —” and insert:

regulations, unless the contrary intention appears —

- (2) In regulation 2 insert in alphabetical order:

leaseholder means a person who holds a lease for land within the Riverpark or development control area;

maintenance dredging, in waters in the Riverpark or development control area, means dredging that is necessary for the maintenance of access by vessels to marinas and jetties in the Riverpark or development control area;

section means a section of the Act;

spectator event means an event held in the Riverpark or development control area, intended to attract spectators or participants or provide entertainment;

undertake, works, acts or activities, includes to cause the works, acts or activities to be undertaken;

5. Regulation 3 deleted

Delete regulation 3.

6. Regulation 4 amended

In regulation 4:

- (a) delete ““development” in section 3 of the Act —” and insert:

that term in section 3(1) —

- (b) after paragraph (f) insert:

- (ga) works, acts and activities by leaseholders that are of a value less than \$50 000;

- (c) in paragraph (g)(ii) delete “\$50 000;” and insert:

\$500 000;

- (d) in paragraph (h) delete “(other than those specified in regulation 3(2))”;

- (e) in paragraph (j) delete “hazards.” and insert:

hazards;

- (f) after paragraph (j) insert:

- (k) maintenance dredging in waters in the Riverpark or development control area;

- (l) scientific studies.

7. Regulation 5 amended

In regulation 5 delete “section 85(1) of the Act —” and insert:

section 85(1) —

8. Regulation 6 amended

In regulation 6 delete “section 72 of the Act.” and insert:

section 72.

9. Regulation 7 amended

In regulation 7 delete “section 89(4) of the Act.” and insert:

section 89(4).

10. Regulation 8 amended

In regulation 8(a) delete “section 70 of the Act; or” and insert:

section 70; or

11. Regulation 9 amended

In regulation 9(2)(j)(iii) delete “an event intended to attract spectators or participants or provide entertainment;” and insert:

a spectator event;

12. Regulation 10 amended

- (1) In regulation 10(2) delete “or cause to be undertaken”.
- (2) In regulation 10(3)(b) and (c) delete “or caused to be undertaken”.

13. Regulation 11 amended

- (1) In regulation 11(1) in the definition of *emergency works, acts or activities* delete “development, but does not include an act or activity referred to in regulation 3(3).” and insert:

development.
- (2) In regulation 11(2) delete “or cause to be undertaken”.

14. Regulation 12 amended

Delete regulation 12(3) and insert:

- (3) A Schedule 5 authority must not undertake on land that is in the Riverpark or development control area, works for the purpose of controlling erosion unless —
- (a) the works comprise repairs or maintenance of a structure for erosion control; or
 - (b) the authority has a permit to do so.

Penalty: a fine of \$5 000.

15. Regulation 13 amended

- (1) In regulation 13(1) in the definition of *temporary structure* delete ““development” in section 3 of the Act.” and insert:

that term in section 3(1).

- (2) Delete regulation 13(2) and insert:

- (2) A person must not place or remove a temporary structure, including a structure associated with a spectator event, in the Riverpark or development control area unless —
- (a) the temporary structure relates to an act or activity referred to in regulation 17(2)(b); or
 - (b) the person has a permit to do so.

Penalty: a fine of \$5 000.

16. Regulation 14A inserted

After regulation 13 insert:

14A. Works by leaseholders

- (1) In this regulation —
works means works that, but for regulation 4(ga), would constitute development, but does not include works, acts or activities referred to in regulation 9, 10, 12 or 15.
- (2) A leaseholder must not undertake any works in the Riverpark or development control area unless the leaseholder has a permit to do so.
- Penalty: a fine of \$5 000.

17. Regulation 14 amended

Delete regulation 14(2) and insert:

- (2) A Schedule 5 authority must not undertake any works in the Riverpark or development control area unless —
- (a) the works are of a value less than \$10 000; or
 - (b) the authority has a permit to do so.

Penalty: a fine of \$5 000.

18. Regulation 15 amended

In regulation 15(2) delete “or cause to be undertaken”.

19. Regulations 16A to 16C inserted

At the end of Part 2 Division 2 insert:

16A. Aircraft activity

- (1) In this regulation —

aircraft means a machine that can derive support in the atmosphere from buoyancy or the reactions of the air but does not include a hovercraft;

aircraft activity means all or any of the following —

- (a) the landing or touching down of an aircraft;
 - (b) the take off of an aircraft;
 - (c) the standing, parking, docking or mooring of an aircraft;
 - (d) the embarkation of passengers onto or disembarkation of passengers from an aircraft;
 - (e) the loading of freight onto or the unloading of freight from an aircraft;
 - (f) the refuelling, servicing or repair of an aircraft.
- (2) A person must not undertake any aircraft activity in the Riverpark or development control area unless —
- (a) the activity is urgently required to avoid or mitigate danger to public safety or significant damage to property or the environment; or
 - (b) the person has —
 - (i) a licence to do so granted under section 32; or
 - (ii) a permit to do so.

Penalty: a fine of \$5 000.

16B. Maintenance dredging

A person must not, except in accordance with a permit, undertake maintenance dredging in waters in the Riverpark or development control area.

Penalty: a fine of \$5 000.

16C. Scientific studies

A person must not, except in accordance with a permit, undertake any scientific studies in the Riverpark or development control area.

Penalty: a fine of \$5 000.

20. Regulation 16 amended

In regulation 16(a) delete “section 70 of the Act; or” and insert:

section 70; or

21. Regulation 17 amended

Delete regulation 17(2)(b) and insert:

(b) is undertaken —

- (i) in accordance with a licence or permit granted under the *Conservation and Land Management Act 1984* section 101; or
- (ii) in accordance with a licence granted under the *Fish Resources Management Regulations 1995* Part 11 Division 1, 4 or 5; or
- (iii) in accordance with a permit granted under regulation 26; or
- (iv) in the course of an event referred to in regulation 26(4).

22. Regulation 22A inserted

After regulation 21 insert:

22A. Leaving vessels unattended, or placing moorings, on land

- (1) A person must not leave a vessel unattended for 8 hours or more above the high water mark in the Riverpark or development control area unless —
 - (a) the vessel is stored in a facility approved by the Trust for that purpose; or

(b) the person has a permit to do so.

Penalty: a fine of \$5 000.

- (2) A person must not, unless the person has a permit to do so, place above the high water mark in the Riverpark or development control area an object for securing vessels.

Penalty: a fine of \$5 000.

23. Regulation 24 amended

- (1) In regulation 24(2) after “courtesy mooring” insert:

during the period from 7 a.m. to 7 p.m. on any particular day

- (2) Delete regulation 24(3) and insert:

- (3) A person must not secure a vessel to a Trust courtesy mooring if the vessel exceeds the maximum length of vessel for that mooring as specified on a sign affixed to the mooring by the Trust.

Penalty: a fine of \$5 000.

24. Regulation 26 amended

- (1) Delete regulation 26(1).

- (2) In regulation 26(2) delete “an organised event on land in the Riverpark or development control area,” and insert:

a spectator event within the River reserve,

- (3) In regulation 26(4)(b) before “an event” insert:

in relation to

Note: The heading to amended regulation 26 is to read:

Spectator events in River reserve

25. Regulation 37 amended

In regulation 37 delete “section 123 of the Act.” and insert:

section 123.

26. Regulation 39 amended

In regulation 39 delete “section 123(3)(a) of the Act.” and insert:

section 123(3)(a).

27. Regulation 40 amended

In regulation 40 delete “section 123(7) of the Act.” and insert:

section 123(7).

28. Regulation 42 amended

In regulation 42 delete “of the Act”.

29. Regulation 44 amended

(1) In regulation 44(1) delete “section 29 of the Act,” and insert:

section 29,

(2) In regulation 44(2) delete “of the Act”.

30. Schedule 1 amended

(1) In Schedule 1 after the item beginning “r. 13(2)” insert:

r. 14A(2) Leaseholder undertaking works without permit \$200

(2) In Schedule 1 after the item beginning “r. 15(2)” insert:

r. 16A(2) Undertaking aircraft activity without licence or permit \$200

r. 16B Undertaking maintenance dredging without permit \$200

r. 16C Undertaking scientific studies without permit \$200

(3) In Schedule 1 after the item beginning “r. 21(1)” insert:

r. 22A(1) Leaving vessel unattended on land without permit \$200

r. 22A(2) Placing object to secure vessel on land without permit \$200

- (4) In Schedule 1 in the item beginning “r. 26(2)” delete “organised event” and insert:

spectator event in River reserve

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.