

Western Australia

Planning and Development Act 2005

**Metropolitan Region Planning Authority
(Reserved Land) Regulations**

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Metropolitan Region Planning Authority (Reserved Land) Regulations

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Metropolitan Region Planning Authority (Reserved Land) Regulations

1. Citation

These regulations may be cited as the *Metropolitan Region Planning Authority (Reserved Land) Regulations*.

2. Definitions

In these regulations —

drive includes ride;

honorary warden means an honorary warden appointed pursuant to subregulation (2) of regulation 23;

motor vehicle means any vehicle that is a motor vehicle within the meaning of the *Road Traffic Act 1974*, irrespective of whether or not that vehicle is the subject of a licence or permit granted or issued under that Act;

permission means permission of the Authority first obtained and expressed in writing;

regulation means one of these regulations;

reserved land means —

- (a) any land reserved under Part II of the Metropolitan Region Scheme that is for the time being owned by the Authority; or

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- (b) any land that is included in an improvement plan referred to in section 37A of the Act and is, for the time being held, by the Authority;

the Act means the *Metropolitan Region Town Planning Scheme Act 1959*;

warden means a warden appointed under subregulation (1) of regulation 23.

3. Application

These regulations apply to and in relation to reserved land throughout the metropolitan region.

4. Effect of regulations

- (1) Nothing in these regulations prevents the doing of any act or thing by a warden or an honorary warden when he is acting in the discharge of his duty.
- (2) Where reserved land is for the time being the subject of a lease granted by the Authority nothing in these regulations —
 - (a) prevents the lessee, or any person acting with his authority, from doing any act or thing in relation to that land that is authorised by the terms of the lease;
 - (b) authorises the lessee or any other person to do any act or thing in relation to that land that is prohibited by the terms of the lease.

5. Use of vehicles and animals

A person shall not —

- (a) drive or bring a motor vehicle on reserved land; or
- (b) ride an animal on reserved land,

6. Dangerous driving, etc.

A person shall not drive a motor vehicle or ride an animal on reserved land in a dangerous or careless manner or without all

reasonable consideration for persons, vehicles or animals in the vicinity.

7. Traffic laws apply

A person driving or in charge of a vehicle on a roadway on reserved land shall not do any act that would be a breach of any law of the State if that roadway were a “road” for the purposes of the *Road Traffic Act 1974*.

8. Protection of trees, buildings, etc.

A person shall not, without permission —

- (a) cut, break, deface, pick, injure, destroy or remove any tree, shrub, plant, flower, garden or lawn on reserved land;
- (b) cut or remove any dead wood or timber on or from reserved land;
- (c) walk on or cause damage to any bed on reserved land containing or being prepared for shrubs or flowers;
- (d) pollute any stream, pond, lake or ornamental water on reserved land;
- (e) enter an area on reserved land that is temporarily enclosed and on or by which is a notice prohibiting entry; or
- (f) cut, damage, injure, disfigure, remove or interfere with the soil or surface of reserved land, or any roadway or footway on reserved land, or any fence, building, rockwork, water cock, plant, tool, seat, sign, notice, notice board, bus passenger shelter, post, railing, barrier or other structure or thing that may be from time to time erected or placed on reserved land by or by authority of the Authority.

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9. Animals

A person shall not, without permission, catch, chase, trap, interfere with, disturb, injure, destroy, or lay or place any trap for, or otherwise attempt to capture or kill any bird, fish or animal on reserved land.

10. Fire, firearms, dangerous material, etc.

- (1) A person shall not, without permission —
- (a) kindle, make or light a fire;
 - (b) create or discharge any offensive or dangerous gas, smoke, smell or noise,

on reserved land.

- (2) A person shall not, without permission —
- (a) carry or discharge any firearm, speargun, or other offensive weapon;
 - (b) throw or release any missile or dangerous object or material of any kind,

on reserved land.

- (3) A person shall not, without permission, bring onto or have on reserved land any explosive device.

11. Offensive behaviour

- (1) A person shall not whilst on reserved land —
- (a) assault or attempt or threaten to assault any other person;
 - (b) use abusive or insulting language or do or engage in any offensive, indecent or improper act, conduct or behaviour; or
 - (c) otherwise act in such a way as to cause or be likely to cause a nuisance or annoyance to other persons on or in the vicinity of that land.

- (2) A person shall not write, draw, print, publish, record, broadcast, distribute, perform or otherwise disseminate on reserved land any indecent or obscene act or matter of any kind.

12. Bill sticking

A person shall not, without permission —

- (a) post, stick, stamp, stencil or otherwise affix any placard, handbill, notice, advertisement, paper or other document on or to any tree, fence, post, gate, wall, pavement, roadway, footway or building or other structure on reserved land;
- (b) write, draw or paint on or deface any tree, fence, post, gate, wall, pavement, roadway, footway or building or other structure on reserved land; or
- (c) cause any of the acts prohibited by paragraph (a) or (b) of this regulation to be done.

13. Litter

A person shall not throw or leave rubbish, refuse, paper, bottles,, glass (broken or otherwise) or litter of any kind on reserved land except in a receptacle provided for the purpose.

14. Camping

A person shall not camp on reserved land without permission.

15. Straying stock

A person shall not, without permission, cause, allow or suffer any horse, cattle, sheep, dog, fowl or other animal or bird to enter, stray or feed or graze upon reserved land.

16. Removal of property

A person shall not, without permission, remove from reserved land, or disturb, move or interfere with, any article or property

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that is lying or left on reserved land unless he is the owner of, or is legally entitled to possession of, that article or property.

17. Public performances, etc.

A person shall not, without permission, arrange, advertise or take part in —

- (a) any fete, picnic, concert or other performance; or
- (b) any public speaking or preaching,

18. General clause

A person shall not do, aid in, or abet any act or thing which, although not specifically mentioned in these regulations, tends to the injury or disfigurement of reserved land, or to interfere with the lawful use of reserved land by the public.

19. Obstructing wardens, etc.

A person shall not —

- (a) wilfully obstruct any warden or honorary warden in the discharge of his duty; or
- (b) wilfully obstruct, disturb, interrupt or annoy any other person in the exercise and enjoyment by him of any lawful activity on reserved land.

20. Directions and notices to be complied with

A person shall not disobey or fail to comply with —

- (a) any direction, instruction, request or requirement lawfully given or made by any warden or honorary warden in the discharge of his duty;
- (b) any notice or sign erected or displayed on or near reserved land by, or by authority of, the Authority.

21. Offenders to give name and address on request and leave if so required

A person shall, if and when required to do so by a police officer, warden or honorary warden who reasonably believes that person has committed an offence against these regulations, give his name and address to the police officer, warden or honorary warden and if required by the police officer, warden or honorary warden, leave reserved land or such part of reserved land as the police officer, warden or honorary warden specifies.

22. Vehicle offenders to identify drivers

The owner of a motor vehicle shall, if and when required to do so by a police officer, warden or honorary warden, inform the police officer, warden or honorary warden as to the identity and address of the driver or person in charge of the motor vehicle at the time an offence against regulation 5, 6 or 7 is alleged to have been committed by the driver or person in charge of the motor vehicle.

23. Appointment of wardens and honorary wardens

- (1) The Authority may appoint as a warden for the purposes of these regulations any person whose services are for the time being co-opted by the Authority pursuant to section 27 of the Act.
- (2) The Authority may appoint any person it thinks fit to be an honorary warden for the purposes of these regulations.

24. Functions of wardens and honorary wardens

- (1) The function of wardens and honorary wardens is to ensure that the provisions of these regulations are complied with by persons frequenting reserved land.
- (2) In the case of a warden the function conferred by subregulation (1) of this regulation is in addition to any other

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function that the warden performs in the service of the Authority.

25. Certificates of appointment

A warden or honorary warden shall be provided with a certificate of appointment in the form of the schedule to these regulations and shall produce such certificate whenever required to do so by any person in respect of whom he has exercised or is about to exercise any of his powers under these regulations.

26. Offences and penalty

- (1) Any person who contravenes or fails to observe any provision of these regulations commits an offence.
 - (2) Any person who having permission to do anything which would otherwise constitute an offence against these regulations is in breach of any condition or requirement specified by the Authority in the instrument by which the permission was granted, commits an offence.
 - (3) A person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding one hundred dollars.
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Schedule

[Reg. 25.]

CERTIFICATE OF APPOINTMENT

This is to certify that
.....
has been duly appointed as

*a WARDEN

*an HONORARY WARDEN

in accordance with the provisions of the METROPOLITAN REGION
PLANNING AUTHORITY (RESERVED LAND) REGULATIONS and has
legal authority to exercise the powers conferred on the holder of such office.

.....
Chairman,
Metropolitan Region Planning Authority.

.....
(Signature of holder.)

* Delete whichever does not apply

Notes

¹ This is a compilation of the *Metropolitan Region Planning Authority (Reserved Land) Regulations*. The following table contains information about those regulations.

Compilation table

Citation	Gazettal	Commencement
<i>Metropolitan Region Planning Authority (Reserved Land) Regulations</i>	8 Jul 1977 p. 2130-2	8 Jul 1977

² Formerly made under s. 26 of the *Metropolitan Region Town Planning Scheme Act 1959*, continued under s. 256 of the *Planning and Development Act 2005*.