

Caulfield Racecourse Reserve Act 2017

SET-ASIDE DETERMINATION

I, Sam Almaliki, Chairperson, Caulfield Racecourse Reserve Trust make the following set-aside.
Dated 3 April 2025

MR SAM ALMALIKI
Chairperson
as authorised delegate for
Caulfield Racecourse Reserve Trust

PART 1 – PRELIMINARY

1 Objectives

The objective of this set-aside determination is to provide for the planning, development, management, care or use of the Reserve.

2 Authorising provision

This set-aside determination is made under section 35 of the **Caulfield Racecourse Reserve Act 2017**.

3 Commencement

This set-aside determination will come into operation on the day on which it is published in the Government Gazette.

4 Expiry

This set-aside determination will expire on the day that is three years after the day on which it comes into operation.

5 Definitions

In this set-aside determination –

aircraft, whether piloted or remote controlled, includes, but is not limited to, the following –

- (a) an aeroplane;
- (b) a helicopter (including a multi-rotor helicopter);
- (c) a model aeroplane, glider or drone;
- (d) a glider;
- (e) a hot air balloon;
- (f) a hang glider;
- (g) a paraglider;
- (h) a parachute.

animal means any animal, whether vertebrate or invertebrate, in any stage of biological development and whether alive or dead, but does not include any human;

authorised employee is an employee of the **Caulfield Racecourse Reserve Trust** for the purposes of this set-aside determination;

authorised officer has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

event day means such day or days determined to be a Race Day or a non-Race Day event as defined in the **Caulfield Racecourse Reserve Act 2017**;

permit means an approval issued by Caulfield Racecourse Reserve Trust pursuant to section 39 of the **Caulfield Racecourse Reserve Act 2017**;

the Act means the **Caulfield Racecourse Reserve Act 2017**.

6 Application of this set-aside on event day

This set-aside determination does not apply to the Reserve on a declared event day.

7 Application of set-aside determination to permit, lease or licence holders etc.

This set-aside determination does not apply to a person who is acting under and in accordance with the terms and conditions of any permit, lease, licence or other authority granted under the Act, or agreement entered into under the Act, or another Act governing Crown land to the extent that the activities authorised by the permit, lease, licence or authority are inconsistent with the set-aside.

8 Application of set-aside determination to employees etc.

This set-aside determination does not apply to any of the following persons if that person is carrying out their duties or functions as –

- (a) an authorised officer;
- (b) a police officer or protective services officer within the meaning of the **Victoria Police Act 2013**;
- (c) a contractor, employee, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of the Caulfield Racecourse Reserve Trust;
- (d) a person employed under Part 3 of the **Public Administration Act 2004** who is carrying out a duty or function under a relevant law within the meaning of the **Conservation, Forests and Lands Act 1987**;
- (e) an operational staff member within the meaning of the **Ambulance Services Act 1986**;
or
- (f) an officer, employee or volunteer emergency worker of an emergency services agency when engaged in an emergency activity or the discharge of a responsibility, function or other role in relation to an emergency.

PART 2 – ADMINISTRATION OF ACCESS TO THE RESERVE

9 Public access to Reserve

A person must not enter or remain in any area of the Reserve that is not open to the public within the hours set by Caulfield Racecourse Reserve Trust except when authorised in accordance with the terms and conditions of any permit, lease, licence or other authority granted under the Act, or agreement entered into under the Act, or another Act governing Crown land.

10 Permits

- (1) Subject to this set-aside determination, the Caulfield Racecourse Reserve Trust may issue a permit authorising the holder of the permit to engage in an activity or to use an improvement, service or facility or to enter or remain in the Reserve or an area of the Reserve –
 - (a) for the purpose specified in the permit;
 - (b) in the place or area specified in the permit;
 - (c) at the time, or during the period, specified in the permit;
 - (d) if applicable, in respect of the vehicle or class of vehicle, or the vessel or class of vessel, or aircraft or class of aircraft, specified in the permit;
 - (e) by the person, or class of person, specified in the permit;
 - (f) subject to any other conditions specified in the permit.
- (2) The Caulfield Racecourse Reserve Trust may cancel a permit at any time –
 - (a) if the holder of the permit has –
 - (i) contravened the permit; or
 - (ii) contravened this set-aside determination; or
 - (iii) contravened any other regulations made under the Act; 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 Reserve; or
 - (c) for the purposes of management of the Reserve.
- (3) The cancellation of a permit under subclause (2) does not take effect until the holder of the permit is given notification of that cancellation.

11 Signs

A sign detailing the requirements of this set-aside determination must be displayed in a place and manner that is likely to be seen by any person using the Reserve.

12 Directions to leave

- (1) Subject to subclause (2) an authorised officer or an authorised employee may direct a person –
- (a) to leave the Reserve or an area of the Reserve; or
 - (b) to remain in the Reserve or an area of the Reserve.
- (2) An authorised officer or an authorised employee must not give a direction under subclause (1) unless the authorised officer reasonably believes that the direction is necessary –
- (a) to avoid a contravention of this set-aside determination;
 - (b) to prevent the continuing contravention of this set-aside determination;
 - (c) in the interests of public safety; or
 - (d) for the care, protection or management of the Reserve.
- (3) A person to whom a direction is given under subclause (1) must comply with that direction.
- (4) If a direction is given under subclause (1), and includes a direction to not re-enter the Reserve or any area of the Reserve within 24 hours, a person must comply with that direction.

13 Authorised employees

- (1) The Caulfield Racecourse Reserve Trust, in writing, may appoint an employee of the Caulfield Racecourse Reserve Trust as an authorised employee for the purposes of clause 12 or 19.
- (2) The Caulfield Racecourse Reserve Trust must provide an authorised employee with identification indicating the employee is an authorised employee.

PART 3 – PROTECTION OF NATURAL FEATURES

14 Waterways

- (1) A person must not, in the Reserve, allow any animal including dogs to enter or, swim, in any waterway.
- (2) A person must not, in the Reserve, dispose of rubbish or fluids in any waterway.
- (3) A person must not, in the Reserve, use watercraft in any waterway.

PART 4 – RESTRICTIONS ON BRINGING ANIMALS INTO THE RESERVE

15 Dogs

- (1) Subject to subclause (2), a person must not bring a dog into, or allow a dog to enter or remain in, an area in the Reserve, unless the dog is on a leash and under the effective control of that person at all times, unless in an area designated as a dog off-leash area by the local council under the **Domestic Animal Act 1994**.

- (2) Subclause (1) does not apply to a person who brings a dog into the Reserve and the dog is –
 - (a) that person's assistance dog; or
 - (b) confined in a vehicle that is in transit through the Reserve.
- (3) A person who brings a dog into the Reserve must collect and remove from the Reserve all of the faeces deposited by that dog.
- (4) A person must not have more than three (3) dogs per person, without a permit.

PART 5 – RECREATION, SAFETY AND AMENITY

16 Barbeques

A person must not, in the Reserve, light or maintain a barbeque except using a permanent electric barbeque provided within the Reserve.

17 Aircraft

A person must not operate any aircraft in the Reserve unless that person does so under and in accordance with a permit issued for that specified purpose.

18 Vehicles

- (1) A person must not operate a vehicle outside of the formalised roadways and carparks in the Reserve unless that person does so under and in accordance with a permit issued for that specified purpose.
- (2) A person must not park a vehicle outside of signed parking bays, in the Reserve unless that person does so under and in accordance with a permit issued for that specified purpose.

19 Movement and access activities

- (1) A person must not, in the Reserve, enter an area identified as restricted for access, barricaded or locked.
- (2) A person must not, in the Reserve, interfere with any signage, barrier, fence or maintenance activity.
- (3) A person must, in the Reserve, comply with all signs erected in the Reserve.
- (4) A person must, in the Reserve, comply with any direction of an authorised employee of Caulfield Racecourse Reserve Trust.

20 Commercial and organised activities

A person must not, in the Reserve, engage in any activity that is commercial in any manner, including the displaying of signage, or the conducting an organised event or activity unless that person does so under and in accordance with a permit issued for that specified purpose.

21 Rubbish and waste

A person must not, in the Reserve, leave any items, rubbish, contaminants, waste, goods or other similar material.

22 Dangerous or disturbing activities

- (1) A person must not, in the Reserve, engage in any activity in a manner that is causing, or is likely to cause, a danger or unreasonable disturbance to people, flora, birdlife, fish, fauna or property.
- (2) A person must not, in the Reserve, engage in the hitting of golf balls.

23 Operating annoying or disturbing devices or equipment

A person must not, in the Reserve, use or operate any device or equipment that produces noise or lighting that is likely to cause inconvenience or nuisance to any person, unless that person –

- (a) uses the equipment for necessary medical purposes; or
- (b) uses or operates the equipment under and in accordance with a permit issued for that specified purpose.

NOTES

Contravention of this Set-Aside Determination

Under section 35(6) of the **Caulfield Racecourse Reserve Act 2017** a person who fails to comply with this set-aside determination may be liable to the imposition of penalty of 10 penalty units.

Penalty Units

The **Caulfield Racecourse Reserve Act 2017** provides for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2024 is \$197.59. The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Other relevant legislation

In addition to this set-aside and the **Caulfield Racecourse Reserve Regulations 2018**, the following laws also apply to activities within the Reserve –

Aboriginal Sites and Relics

Aboriginal heritage (including Aboriginal objects, places and remains) is protected under the **Aboriginal and Torres Strait Islander Heritage Protection Act 1984** (Commonwealth) and the **Aboriginal Heritage Act 2006** (Victoria). A contravention of this legislation may also result in the imposition of penalties.

Fires

The **Forests Act 1958**, the Forests (Fire Protection) Regulations 2014 and the **Country Fire Authority Act 1958** also limits the lighting of fires in certain areas.

A person who fails to comply with the **Forests Act 1958**, the Forests (Fire Protection) Regulations 2014 and the **Country Fire Authority Act 1958** may be liable to the imposition of penalties.

Firearms

The possession, carriage and use of firearms are regulated under the **Firearms Act 1996**. A contravention of that Act may result in the imposition of penalties.

Fishing

Fishing is regulated by the **Fisheries Act 1995** and Regulations made under that Act. Failure to adhere to that legislation may result in the imposition of penalties.

Litter

The depositing of litter is regulated under the **Environment Protection Act 1970** and may result in the imposition of penalties.

Motor vehicles

Under the Land Conservation (Vehicle Control) Regulations 2013, the use or operation of a motor vehicle is not permitted within the Reserve except on a road, in a parking area, in a place immediately adjacent to a road where parking is not prohibited, or in an area declared as an off-road access area or a restricted access area where that class of vehicle is permitted. A contravention of those requirements may result in the imposition of penalties.

Historic Places and Objects

All archaeological sites and artefacts are protected under the **Heritage Act 2017**. A contravention of that Act may result in the imposition of penalties.

Wildlife

The taking, hunting or destroying of wildlife, including game, is regulated under the **Wildlife Act 1975** and Regulations made under that Act. A person who fails to comply with the requirements of that legislation may be liable to the imposition of penalties.

Domestic Animals

The responsible ownership of dogs and cats is regulated by the **Domestic Animals Act 1994** and Regulations made under that Act. Failure to adhere to that legislation may result in the imposition of penalties.
