



Department of
Primary Industries
Catchments & Lands



MENINDEE COMMON PLAN OF MANAGEMENT

**For activities proposed under the *Crown Lands Act 1989* and
Common Management Act 1989.**

Date: February 2021

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MINISTER'S SIGN-OFF

The Menindee Common Plan of Management has been prepared in accordance with Sections 25 of the *Common Management Act 1989* and Clause 30 of the *Common Management Regulation 2006*, and in accordance with the general principles of Crown land management and relevant land management legislation and policy documents.

ACKNOWLEDGEMENTS

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PUBLIC SUBMISSIONS

To date, no submissions have been sought or received from any stakeholders.

PREPARATION

Prepared By:
Department of Primary Industries (DPI)
Far West Area
West Region
Catchment and Lands Division
On the behalf of the Menindee Common Trust.

Version: 6
Date: 10 February 2021

DISCLAIMER

In the absence of detailed studies or field data, it may have been necessary to approximate, estimate or transpose data from other sources. Therefore, any information contained in this document should not be relied upon for any secondary purposes and should not be considered a substitute for other detailed studies that may be required prior to the implementation of any land use.

1.0 PLAN OVERVIEW

In order to ensure that the valuable resource of the Menindee Common (herein termed the Common) is utilised and managed in a manner that will result in the optimum benefit to the community, the Department of Primary Industries (DPI), on behalf of the Menindee Common Trust (the Trust), undertook a land assessment of the future use, management and development of the Menindee Common so that a Plan of Management could be prepared.

1.1 VISION

The vision of the Menindee Common Trust for the management of the Menindee Common is:

“To improve and promote the Menindee Common by managing and developing the Common for the grazing of stock and other commercial uses in areas suitable for such purposes, thereby creating a sustainable economic platform on which to base the ongoing maintenance and enhancement of the natural, cultural, social and recreational values of the Common and its resources for the benefit of the wider community”.

1.2 PURPOSE AND AIM

The purpose of the Plan of Management is to create a concept plan for the Common and to establish objectives, performance targets and the means that the Trust will employ to guide the future use, management and development of the Common.

The aim is for the Plan of Management to be formally adopted by the Trust and the Minister for Regional Infrastructure and Services by 30 November 2012.

1.3 OBJECTIVES

The DPI, through its Crown Lands Division (CLD), has a fundamental role in enabling the people of NSW to enhance cultural, creative, sporting and recreation opportunities; involve the community in decision making on government policy, services and projects; protect our natural environment; Increase opportunities for people to look after their own neighbourhoods and environments; and make it easier for people to be involved in their communities. All of these principles are key components of the *NSW 2021 Plan*.

Crown land must be managed in accordance with the principles defined under Section 11 of the *Crown Lands Act 1989*. These principles are outlined below:

- (1) Environmental protection principles be observed in relation to the management and administration of Crown land;
- (2) The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible;
- (3) Public use and enjoyment of appropriate Crown land be encouraged;
- (4) Where appropriate, multiple use of Crown land be encouraged;
- (5) Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity; and
- (6) Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

Part 5 of the *Crown Lands Act 1989* provides for the reservation of Crown land for a public purpose and the formation of Common Trust to manage a Crown Common or part of a Common. Some of the main provisions of Part 5 of the Act as they relate to a Trust's on-going management of a Common are:

- (1) With the Minister's consent, the Common Trust may lease, licence or grant an easement or licence etc. over part or the whole of a Common;
- (2) The Act does not prescribe the length of leases or licenses of Common land;
- (3) The Minister may direct how the proceeds of lease or licence is applied;
- (4) If a Common Trust is acting in good faith in its management of the affairs of the Common Trust, the liability of its members is safeguarded; and
- (5) The Minister responsible for the *Crown Lands Act 1989* or the Common Trust (with the agreement of the Minister) may prepare a Plan of Management for the Common.

1.4 MANAGEMENT PRINCIPLES

The administration, management and use of the Menindee Common shall be carried out in accordance with the:

- (1) *Crown Lands Act 1989*;
- (2) *Crown Lands Regulation 2006*;
- (3) *Common Management Act 1989*;
- (4) *Common Management Regulation 2006*, including Schedule 1 to the Regulation;
- (5) Menindee Common Plan of Management; and
- (6) Supporting Documentation for the Menindee Common Plan of Management.

The management strategies listed within the Plan are based on:

- (1) An analysis and assessment of the site's physical, cultural, environmental, historical, recreational and economic values in relation to current and future uses (see Section 3.0);
- (2) Community feedback on suitable land uses for the Menindee Common during the period 14 May 2012 to 22 June 2012;
- (3) Community feedback on the *Draft Menindee Common Plan of Management* which was publicly exhibited during the period 14 May 2012 to 22 June 2012; and
- (4) The principles of Crown land management (see Section 1.3).

The following principles establish the direction the Trust will follow in implementing specific strategies to achieve the vision:

- Recognise, protect and enhance the understanding, protection and restoration of the natural landscape and ecological values of the Common;
- Recognise, protect, appropriately interpret and promote the cultural heritage values relating to the Common and the local area, including Aboriginal and European heritage values;
- Permit a wide range of recreational opportunities compatible with the natural/physical, scenic and cultural features of the Common, in response to community needs;
- Encourage and promote public use by providing a range of high quality, safe, accessible and enjoyable recreational and leisure facilities catering for the community of Menindee and local residents;
- Protect and enhance the visual and social values of the Common;
- Assist in providing rational access to the mineral and extractive resources of the Common;
- Establish and maintain a source of funding (through appropriate licences) that will improve and sustain recreational facilities and other infrastructure, and work towards achieving self-sufficiency in carrying out land management responsibilities;
- Encourage active participation of locals and visitors in the development, care and long-term management and stewardship of the Common;
- Implement a management system which ensures long-term economic viability, informed decision making and is responsive to legal, social, technological and environmental change; and
- Provide an effective management framework and guidelines under which the following activities can be lawfully performed on the Common.

Pasturage and Watering of Stock and Stock Management

- Pasturage and watering of cattle, horses, sheep and any other stock approved by the Trust.

Land Management and Conservation

- Land rehabilitation (including tree planting and riparian restoration);
- Nature conservation and environmental protection (including threatened species);
- Aboriginal and European heritage protection and conservation;
- Bushfire control;
- Noxious weed and feral animal control;
- Soil conservation;
- Crown timber management; and
- Noise, water and air pollution control.

Mining and Extractive Industries

- Mineral exploration;
- Mining; and
- Extractive Industries.

Recreation

- Passive recreation (including walking, bird watching, cycling, fishing, and picnicking);
- Short-term camping;
- Horse riding; and
- Registered motor vehicles (only for the purpose of accessing the Menindee Common for passive recreation and camping).

Tourism, Film Making, Education, Community Purposes, Access, Infrastructure and Services

- Filming (within the meaning of the *Local Government Act 1993*);
- Access through the Common;
- Emergency occupation;
- Community purposes;
- Tourism;
- Educational and scientific studies;
- Telecommunication facilities and services;
- Advertising; and
- Services, infrastructure and utilities (including solar power plants).

Agriculture and Horticulture

- Agricultural/horticultural activities (including pasture improvement and dryland or irrigated cropping).

Additional Land Uses/Activities

- Other activities or land uses approved by the Trust, subject to their compatibility with the findings of the Menindee Common Land Assessment and providing they do not negatively impact on the natural and cultural attributes of the Common.

The Plan of Management and/or any supporting documents in no way exempt the Trust, Licensees or general public using the Common from their statutory obligations under any other legislation and regulations.

2.0 INTRODUCTION

2.1 LOCATION AND COMMON DETAILS (STATUS, PURPOSE AND ZONING)

The Menindee Common Trust is the appointed Trustee of the Reserves that comprise the Menindee Common. The affairs of the Common Trust are managed by the Central Darling Shire Council, with its Councillors meeting *'in committee of the whole'* when considering Trust business.

2.1.1 Location and Status

The Menindee Common loosely surrounds the Town of Menindee on both sides of the Darling River (see Figures 1a and 1b). The Common was first reserved on 26 August 1870 (Reserve 42, now Reserve 1016288) for Extension to Temporary Common, and has been utilized by the residents of Menindee with varying degrees of intensity since then.

Reserve 1016288 for Temporary Common (see Table 1 and Figures 2 and 3) consists of two parcels which are located approximately two kilometres north-north-west of the Menindee Post Office. Originally Reserve 1016288 linked Lake Menindee with the Darling River in combination with a now revoked Reserve. The original gazettal was for 6,740 acres (about 2,730 hectares). However, about 2,025 hectares of Temporary Common has been revoked to facilitate irrigated horticulture, residential development and grazing.

Table 1: Reserve 1016288- Land Status and Information

Status and Tenure	Reserve 1016288 (previously Reserve 42) for Temporary Common, notified 26/08/1870
Locality	Menindee
Parish	Perry
County	Menindee
Local Government Area	Central Darling
Aboriginal Nation/Language Group	Barkandji (River People)
Local Aboriginal Land Council	Menindee
Lands Office	Far West Area, West Region (Western Division)
Land District	Willyama
Catchment Management Authority	Lower Murray – Darling
LHPA District	Western
Lot and DP	<i>Not available</i>
Area	702.3 hectares (GIS)
Map Sheet	Menindee 7333, Scale: 1:100,000

Reserve 3 for Extension to Temporary Common (see Table 2 and Figures 2 and 3), located about five kilometres north of the Menindee Post Office, was originally dedicated to consist of 3,550 acres (1,437 hectares) of unalienated Crown land. However, nearly 1,200 hectares has been revoked and alienated, mostly for grazing and travelling stock purposes.

Table 2: Reserve 3- Land Status and Information.

Status and Tenure	Reserve 3 for Extension to Temporary Common, notified 17/04/1886
Locality	Menindee
Parish	Perry
County	Menindee
Local Government Area	Central Darling
Aboriginal Nation/Language Group	Barkandji (River People)
Local Aboriginal Land Council	Menindee
Lands Office	Far West Area, West Region (Western Division)
Land District	Willyama
Catchment Management Authority	Lower Murray – Darling
LHPA District	Western
Lot and DP	Lots 7027-7031 in Deposited Plan 754525
Area	555.8 hectares (GIS) / 450.5 hectares (CLID)
Map Sheet	Menindee 7333, Scale: 1:100,000

Reserve 64899 for Addition to Commonage (see Table 3 and Figures 2 and 3) was originally dedicated to consist of about 1,450 acres (587 hectares) of unalienated Crown land. However, it appears that about 330 hectares has been revoked and alienated, mostly for irrigated horticultural production and travelling stock purposes. The approximate centre of this part of the Menindee Common is located about three kilometres south-east of the Menindee Post Office.

Table 3: Reserve 64899- Land Status and Information.

Status and Tenure	Reserve 64899 for Commonage (Addition), notified 09/11/1934
Locality	Menindee
Parish	Wambah
County	Livingstone
Local Government Area	Central Darling
Aboriginal Nation/Language Group	Barkandji (River People)
Local Aboriginal Land Council	Menindee
Lands Office	Far West Area, West Region (Western Division)
Land District	Wilcannia
Catchment Management Authority	Lower Murray – Darling
LHPA District	Western
Lot and DP	Lots 7011, 7014-7016, 7018-7020, 7024-7029 in Deposited Plan 754390
Area	247.0 hectares (GIS) / 586.8 hectares (CLID)
Map Sheet	Menindee 7333, Scale: 1:100,000

Reserve 64901 for Commonage (see Table 4 and Figures 2 and 3), located about four kilometres north of the Menindee Post Office, is dedicated to consist of 40 acres (16 hectares) of unalienated Crown land. None of this reservation has been revoked and alienated.

Table 4: Reserve 64901- Land Status and Information.

Status and Tenure	Reserve 64901 for Commonage, notified 09/11/1934
Locality	Menindee
Parish	Perry
County	Menindee
Local Government Area	Central Darling
Aboriginal Nation/Language Group	Barkandji (River People)
Local Aboriginal Land Council	Menindee
Lands Office	Far West Area, West Region (Western Division)
Land District	Broken Hill
Catchment Management Authority	Lower Murray – Darling
LHPA District	Western
Lot and DP	Lot 7 in Deposited Plan 754525
Area	15.9 hectares (GIS) /16.2 hectares (CRV)
Map Sheet	Menindee 7333, Scale: 1:100,000

Reserve 71522 for Addition to Commonage (see Table 5 and Figure 2) was originally dedicated to consist of about 5,200 acres (2,104 hectares) of unalienated Crown land. However, nearly 525 hectares has been revoked and alienated, mostly for irrigated horticultural production and travelling stock purposes. The geographic centre of this part of the Menindee Common is located about four kilometres south-east of the Menindee Post Office.

Table 5: Reserve 71522- Land Status and Information.

Status and Tenure	Reserve 71522 for Commonage (Addition), notified 25/05/1945
Locality	Menindee
Parish	Wambah
County	Livingstone
Local Government Area	Central Darling
Aboriginal Nation/Language Group	Barkandji (River People)
Local Aboriginal Land Council	Menindee
Lands Office	Far West Area, West Region (Western Division)
Land District	Broken Hill
Catchment Management Authority	Lower Murray – Darling
LHPA District	Western
Lot and DP	Lots 7001-7002, 7006, 7008-7010, 7021-7023 in Deposited Plan 754390
Area	1520.0 hectares (GIS) / 2104.4 hectares (CLID)
Map Sheet	Menindee 7333, Scale: 1:100,000

The total area of the Common has been mapped with GIS technology and totals 2,967 hectares. The NSW Government Gazette notices proclaiming temporary and permanent commonage (between 1870 and 1945) in the vicinity of Menindee stated areas totalling about 32,000 acres (12,970 hectares). The discrepancies in area are principally explained by the withdrawal/revocation of areas of land from the various reserves for commonage between 1890 and 2010.

Three exclusive use grazing licences issued under the provisions of the *Crown Lands Act 1989* exist over parts of the Menindee Common.

Adjacent to and adjoining the Menindee Common are a number of other reserves (such as Travelling Stock Reserves- TSRs, and Travelling Stock and Camping Reserves- TS&CRs) and easements that, over time, have been withdrawn from the Common. The Trusts of some of these are managed by Central Darling Shire Council, the Trust Manager of the Menindee Common Trust. Other land parcels, although reserved under the *Crown Lands Act 1989*, do not have a formalised Trust management structure.

Due to previous and current resource constraints, this network of reserves and easements has never been physically separated from each other and/or the reserves comprising the Menindee Common. That is, there are no boundary fences between any of them despite the land having been reserved for different purposes. The Common Trust Manager has erected fencing to exclude livestock depastured on the Common from the vicinity of the lands used for horticulture. However, this fencing includes parts of several reserves into the Menindee Common although some of the land included was not set aside for the purpose of Common.

Figure 4 depicts where the physical (fenced) boundaries of the Menindee Common are located, irrespective of their current state of repair. As shown, there are a number of reserves and easements that have been fenced together with the Common that should have been excluded on separation. Because of this, the actual boundary and therefore the grazing capacity of the Common is not understood by the wider Menindee community.



Figure 1a: Locality Map - Menindee 1:100,000 Topographic Mapsheet No. 7333.



Figure 1b: Location Map - SPOT 5.

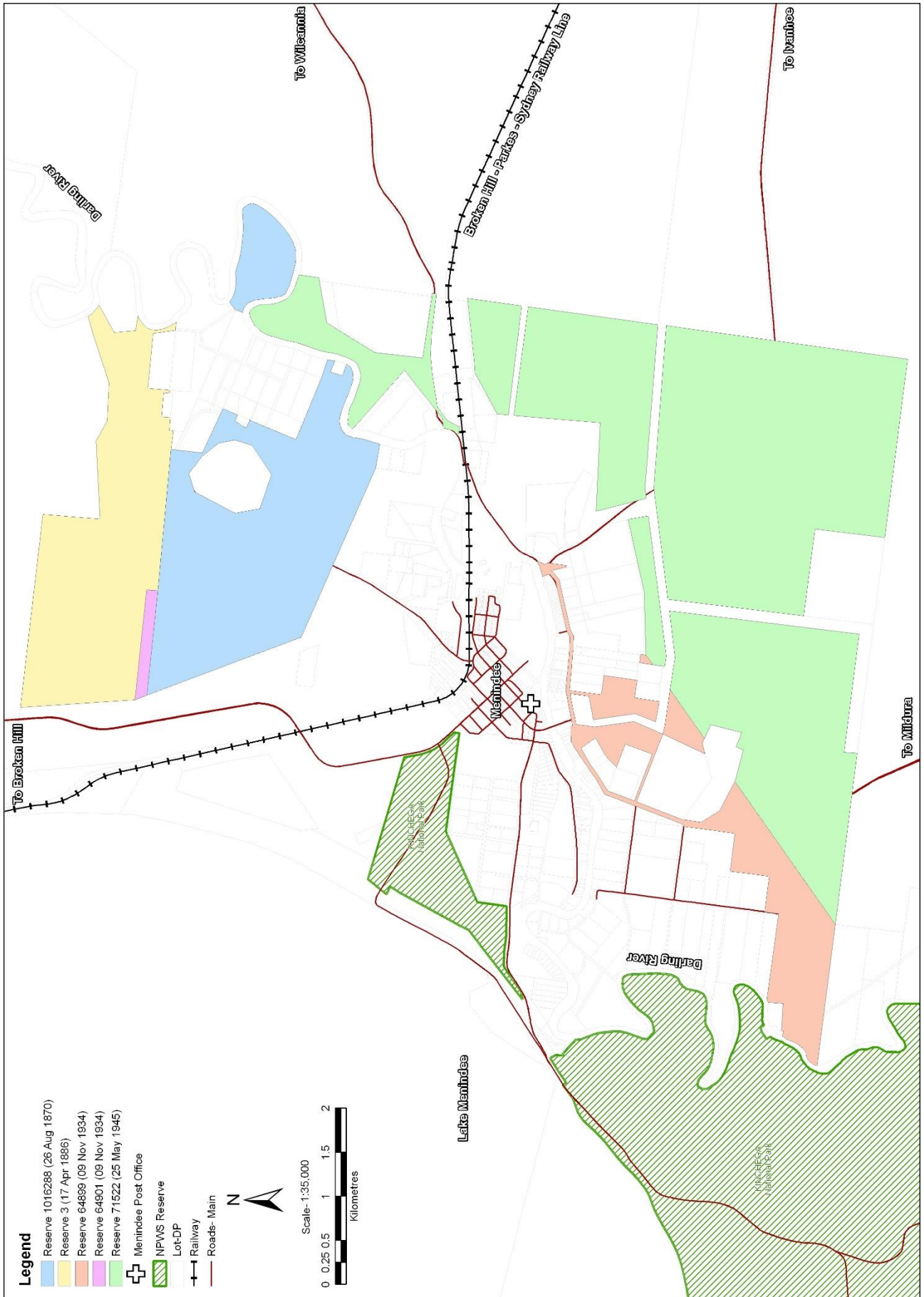


Figure 2: Reserves within the Menindee Common.

[1739]

Department of Lands,
Sydney, 26th August, 1870.

RESERVE FROM SALE.

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified, that in pursuance of the provisions of the 4th section of the Crown Lands Alienation Act of 1861, the land specified in the schedule appended hereto shall be reserved from sale for Temporary Commonage for Menindie.

JOHN ROBERTSON.

PASTORAL DISTRICT OF DARLING.

No. 42. County of Menindie, at Menindie, Darling River, 6,740 acres: Commencing on the Darling River where the eastern boundary of the suburban lands at Menindie meets it; and bounded thence on the west by that boundary bearing north 26 chains; on the south by the north boundary of those lands bearing west 142 chains; thence on the east by the west boundary of those lands, bearing south about 28 chains; thence again on the south by part of the north boundary of the Menindie Reserve from Lease, notified 8th November, 1860, bearing west 190 chains; on the west by a line bearing north 165 chains; on the north by a line bearing east about 450 chains to the Darling River; and on the south-east by that river downwards, to the point of commencement.

[Ms. 70-1905.]

[1740]

Department of Lands,
Sydney, 26th August, 1870.

RESERVE FROM LEASE.

IT is hereby notified, for general information, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to withdraw, for Commonage for the Town of Menindie, the portion of land hereinafter described, from the Menindel Run, of which it hitherto formed part.

2. Any of the described land which may contain improvements, and may not be specially reserved, may be purchased by the owner of such improvements, within twelve months from the present date, on application to the Surveyor-General, in accordance with the 6th section of the Regulations for the Alienation of Crown Lands.

JOHN ROBERTSON.

PASTORAL DISTRICT OF DARLING.

No. 8. County of Menindie, at Menindie, Darling River, about 7,068 acres: Commencing at the intersection of the north boundary of Menindie Reserve from Lease, notified the 8th November, 1860, with the right bank of the Darling River; and bounded thence on the south by part of that north boundary bearing west 4 miles and 10 chains; on the west by a line bearing north 2 miles and 6 chains; on the north by a line bearing east about 5 miles and 50 chains to the Darling River; and thence on the south-east by that river, downwards, to the point of commencement.

[Ms. 70-1905.]

TEMPORARY COMMONAGE, MENINDIE.

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified, that in pursuance of the provisions contained in the Regulations under the Crown Lands Occupation Act of 1861, the land described hereunder shall be devoted to temporary Commonage.

JOHN ROBERTSON.

County of Menindie, at Menindie, Darling River, 8,000 acres. The unalienated and unappropriated Crown Lands within the following boundaries: Commencing on the Darling River at a point where the south-eastern side of Urntah-street meets it; and bounded thence on the north-west by the south-eastern boundary of the Town of Menindie, as defined by Gazette notice, 28th April, 1863, bearing north 40 degrees east about 34½ chains; on the south-west by the north-eastern boundary of that town, bearing north 50 degrees west 58½ chains; on the south-east by the north-western boundary of the Town of Menindie, bearing south 40 degrees west about 59½ chains, to the western side of Cadell-street, at a point 1½ chain north from the north-eastern corner of portion XVIII; thence on part of the south by a road 1½ chain wide, forming the north boundary of that portion, and portions XVII, XVI, XV, and T. Pain's portions XIV, XIII, XII, and XI, bearing west 51½ chains; thence on the west by part of the west boundary of the suburban lands at Menindie, bearing north 61½ chains to the north-west corner of those lands; thence again on the south by a line bearing west 80 chains; on the east by a line bearing south about 122 chains to the Darling River; thence again on the south by the Darling River downwards, to the junction of Menindie Creek; thence by that creek upwards, in a direct line, about 90 chains; again on the west by a line bearing north to its intersection with a line west from the Darling River, distant 2 miles and 6 chains north from the north boundary of the reserve from lease at Menindie, notified 8th November, 1860; and on the north by that line bearing east 450 chains to the Darling River; and on the south-east by that river downwards, to Urntah-street aforesaid.
[Ms. 70-1905.]

Department of Lands,
Sydney, 26th August, 1870.

COMMONS, MENINDIE.

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified, that all freeholders and householders within the undermentioned boundaries will be entitled to the use of the permanent and temporary Commonage at Menindie.

JOHN ROBERTSON.

County of Menindie, at Menindie, Darling River. Commencing on the right bank of the Darling River, at a point distant 6½ chains north-easterly from the northern corner of section 45 at Menindie; and bounded thence on the east by the east boundary of the suburban lands at Menindie, bearing north 26 chains; on the north by the north boundary of the suburban lands at Menindie, bearing west 142 chains; on the west by the western boundary of the suburban lands at Menindie, bearing south 121 chains to the Darling River; and on the south-east by that river upwards, to the point of commencement.
[Ms. 70-1905.]

[2562]

Department of Lands,
Sydney, 17th April, 1886.

RESERVE FROM SALE FOR EXTENSION TO TEMPORARY COMMON FOR THE USE OF THE RESIDENTS AT MENINDIE.

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified that, in pursuance of the provisions of the 101st section of the Crown Lands Act of 1884, the land specified in the Schedule appended hereto shall be reserved from sale for extension to temporary common for the use of the residents at Menindie, and is hereby reserved accordingly.

HENRY COPELAND.

No. 3 in the county of Menindie, parish of Perry, within the resumed area of Kinchrga Holding, area about 3,550 acres. The Crown Lands within the following boundaries: Commencing at the north-east corner of the Menindie Temporary Common, notified 26th August, 1870, at the intersection of its northern boundary with the Darling River; and bounded thence on the south by the said boundary westerly to the north-west corner of the Menindie Temporary Common; thence on the west by a line north, being a prolongation of the west boundary of the aforesaid Menindie Temporary Common, to the boundary between the counties of Menindie and Tandora; thence easterly by the said county boundary to the Darling River; and thence on the east by that river downwards, to the point of commencement.

Exclusive of portions Nos. 1, 6, and 7, parish of Perry.

Within the Land Board District of Wilcannia.

[Ms. 85-21,512]

(8529)

Sydney, 9th November, 1934.

RESERVES FROM SALE AND LEASE GENERALLY.

IT is hereby notified that, in pursuance of the provisions of sections 28 and 29 of the Crown Lands Consolidation Act, 1913, the Crown Lands hereunder described shall be temporarily reserved from sale for the public purposes hereinafter specified, and temporarily reserved and exempted from lease generally, and they are hereby reserved and exempted accordingly.

E. A. BUTTENSCHAW, Minister for Lands.

FOR RUBBISH DEPOT.

LAND DISTRICT—ARMIDALE; SHIRE—COCKBURN.

No. 64,897 from sale (64,898 from lease generally). Parish and suburbs Bendemeer, county Ingle; portion 206 of 2 acres. I. 2,709-1,690. P. 34-9,295.

FOR COMMONAGE (ADDITION).

LAND DISTRICT—WILCANNIA.

No. 64,899 from sale (64,900 from lease generally). Parish Wambah, county Livingstone; about 1,450 acres. The area shown by red edging on plan W.L.B. 3,480. P. 34-9,043.

LAND DISTRICT—WILLYAMA.

No. 64,901 from sale (64,902 from lease generally). Parish Perry, county Menindie; 40 acres, portion 7. M. 7-1,514. P. 34-9,043.

(3127)

Sydney, 25th May, 1945.

RESERVES FROM SALE AND LEASE GENERALLY.

IT is hereby notified that, in pursuance of the provisions of sections 28 and 29 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be temporarily reserved from sale for the public purposes hereinafter specified, and temporarily reserved and exempted from lease generally, and they are hereby reserved and exempted accordingly.

J. M. TULLY, Minister for Lands.

FOR PUBLIC SCHOOL PURPOSES.

LAND DISTRICT—GRAFTON; SHIRE—ORARA.

No. 71,510 from sale (71,511 from lease generally). Parish Woolli Woolli, county Clarence, Village of Woolli; 1 acre 29½ perches, portion Sl. C. 3,694-1,577. P. 44-450.

FOR COMMONAGE (ADDITION).

LAND DISTRICT—WILCANNIA; WESTERN DIVISION.

No. 71,522 from sale (71,523 from lease generally). Parish Wambah, county Livingstone, about 5,200 acres, bounded by Western Lands Leases 4,404 and 2,902, R. 64,899 from sale, 64,900 from lease generally, for Commonage (Addition), R. 64,800 for Access and Camping, the railway from Menindee to Condobolin, a line crossing that railway, the land applied for by C. W. Carragher as a Special Western Lands Lease, portions W.L. 2,648, W.L. 2,679 and W.L. 2,852, and the Darling River upwards to the point of commencement. Plan W.L.O. 4,832. W.L.O. 45-2,806.

(2816)

Sydney, 24th December, 1971.

REVOCATION OF DEDICATIONS

WHEREAS under section 25 of the Crown Lands Consolidation Act, 1913, power is given for the revocation of any Crown land, dedicated by the Crown; Now therefore I do hereby declare that all preliminary action has been taken, in connection with the revocation of the dedications of the areas described hereunder, and I do hereby revoke the said dedications, in so far as they apply to or affect the areas described hereunder.

T. L. LEWIS, Minister for Lands.

Land District—Willyama; Shire—Central Darling

Parish Perry, County Menindee, Town of Menindee, about 60 acres, shown by blue hatching on Plan W.L.C. 7554, being the balance of land dedicated 15th August, 1871, for Permanent Common. Papers W.L.C. 68-1408.

REVOCATION OF RESERVES FROM SALE, LEASE, ETC.

IT is hereby notified that under the provisions of section 30 of the Crown Lands Consolidation Act, 1913, the reserves from sale, lease, etc., hereunder described, are hereby revoked.

T. L. LEWIS, Minister for Lands.

Land District	Reserve No.	Purpose	Date of Notification	Parish	County	Shire, etc.	Area	Part Revoked	Papers No.
Wilcannia	562	From sale for travelling stock.	15 Dec., 1884	Wambah	Livingstone	Central Darling.	3520 0 0 (about).	Part shown by yellow edge on plan W.L.C. 7554.	W.L.C. 68-1408.
Do	9475	do do do	10 Aug., 1889	do	(Town of Menindee.)	do	790 0 0 (about).	Part shown by green edge on plan W.L.C. 7554.	do
Willyama	13534	From sale for recreation.	7 Mar., 1891	Perry	Menindee	do	100 0 0 (about).	The whole shown by blue edge on Plan W.L.C. 7554.	do
Do	..	From sale for temporary common.	26 Aug., 1870	Perry	Menindee	do	1315 0 0 (about).	Part shown by yellow colour on Plan W.L.C. 7554.	do
Do	3	From sale for temporary common (extension).	17 April, 1884	do	do	do	270 0 0 (about).	Part shown by green hatching on yellow colour on Plan W.L.C. 7554.	do
Do	56500	From sale for addition to temporary common.	19 Oct., 1923	do	do	do	9 0 0 (about).	Balance shown by blue colour on Plan W.L.C. 7554.	do

RESERVES FROM SALE

IT is hereby notified that in pursuance of the provisions of section 28 of the Crown Lands Consolidation Act, 1913, the Crown lands hereunder described shall be reserved from sale for the public purposes hereinafter specified and are hereby reserved accordingly.

T. L. LEWIS, Minister for Lands.

FOR TRAVELLING STOCK

Land Districts—Willyama and Wilcannia; Shire—Central Darling

No. 88473, Parish Perry, County Menindee, and Parish Wambah, County Livingstone, about 375 acres, shown by green colour and red hatching on plan W.L.C. 7554. W.L.C. 68-1408.

Abt 3 ha Revoked 16.7.198

FOR REGENERATION

Land District—Willyama; Shire—Central Darling

No. 88474, Parish Perry, County Menindee, about 770 acres, shown by brown edges on plan W.L.C. 7554. W.L.C. 68-1408.

7.25 ha. Revoked 16 July 197

FOR TRAVELLING STOCK AND CAMPING

Land Districts—Willyama; Shire—Central Darling

No. 88472, Parish Perry, County Menindee, about 665 acres, shown by green hatching on plan W.L.C. 7554. W.L.C. 68-1408.

Figure 3: NSW Government Gazette Notices

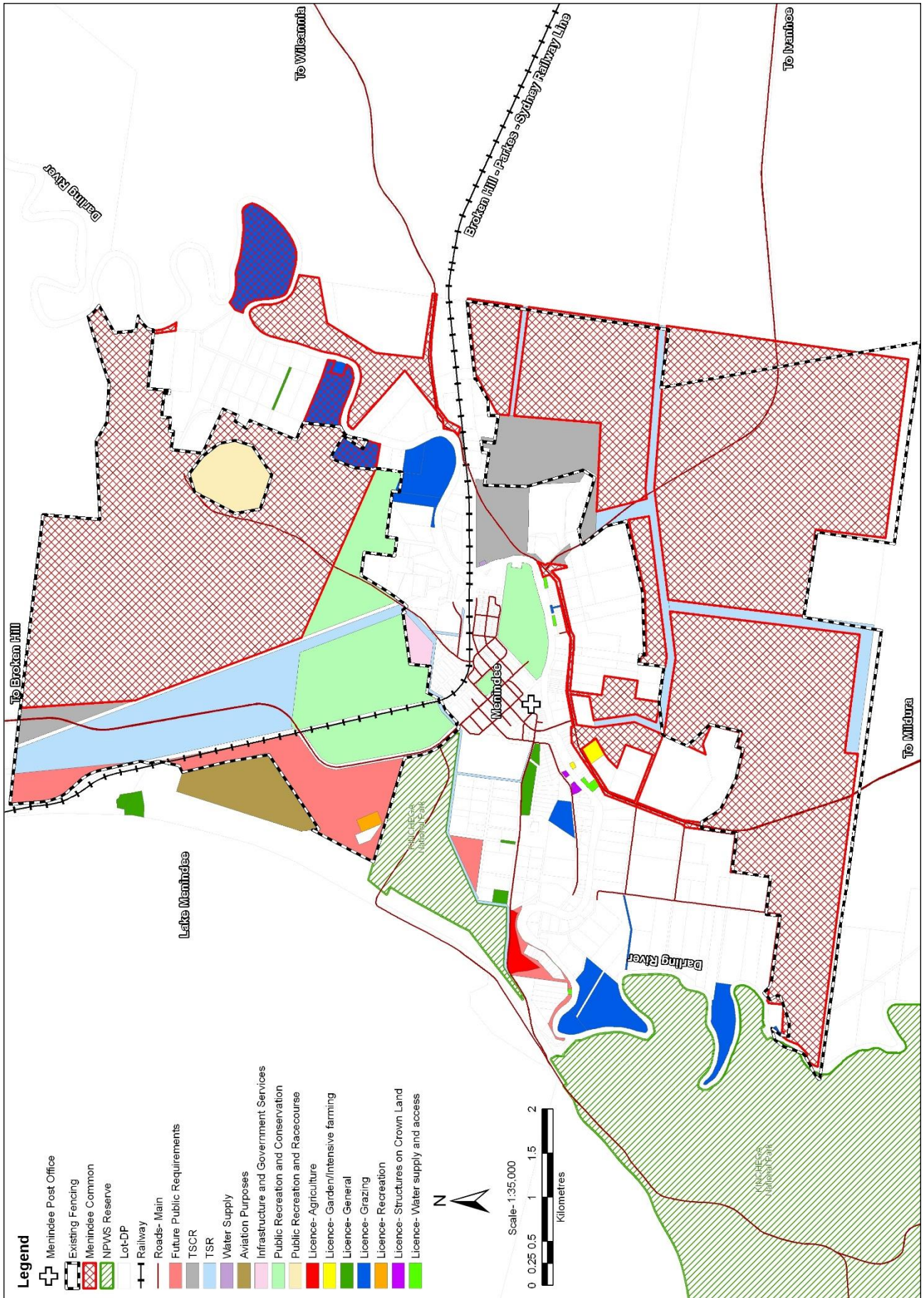


Figure 4: Reserves and Licences in and surrounding the Menindee Common, and existing fencing.

2.1.2 Mapping Area Descriptions

The Menindee Common has been divided into four land units (herein called Mapping Areas) based on the physical attributes and current land use (see Figure 5). The total area for the Crown parcels is about 3,042 hectares (GIS).

Mapping Area A: *Darling River Channel (Open River Red Gum Forested Area)- about 168 hectares*

The open river red gum forest area is level land immediately beside the Darling River. The area is dominated by River Red Gums (*Eucalyptus camaldulensis*), with scattered Black Box (*E. largiflorens*). Vertosols are the predominant soil class, with the soils displaying a shrink/swell phenomenon. The area has been previously used for grazing, fishing and camping. Vehicular tracks providing access are located within the area, along with stock, domestic and irrigation water supply pipelines and pump sites. This area is not fenced from the remainder of the Menindee Common, but is fenced along the northern and southern boundaries of the Common. No signage is present.

Mapping Area B: *Elevated Floodplain (Open Black Box Area)- about 1,475 hectares*

The elevated floodplain area, the major Mapping Area for the Menindee Common, is level land immediately adjacent to Mapping Area A. The area is dominated by Black Box (*E. largiflorens*), along with Lignum (*Muehlenbeckia florulenta*) and isolated Nitre Goosefoot (*Chenopodium nitrariaceum*). Vertosols are the predominant soil class, with the soils displaying a shrink/swell phenomenon. The area has been previously used for grazing. This area is not fenced from the remainder of the Menindee Common. No signage is present.

Mapping Area C: *Elevated Sandy Rises (Open Blue Bush Area)- about 545 hectares*

The elevated sandy rises occur predominantly east of the Darling River, although it occurs once on the western side of the Darling River. The area has been modified through grazing. Vegetation is dominated by Black Bluebush (*Maireana pyramidata*), with isolated clumps of Narrow-Leaf Hopbush (*Dodonaea viscosa* subsp. *angustissima*). Black Box (*E. largiflorens*) may occur in isolated areas where water lies for prolonged periods. Vertosols are the predominant (and underlying) soil class, with the surface soil being red sandy aeolian loam consisting of remnant dunes. The area has been previously and is currently used for grazing. Vehicular tracks providing access are located within the area. This area is not fenced from the remainder of the Menindee Common. No signage is present.

Mapping Area D: *Plains with low aligned dunes (Open Blue Bush Swales with INS Covered Dunes)- about 862 hectares*

Mapping Area D is characterised by dune-swale topography. The dunes are parallel, trending south-west to north-east. The principal vegetation on the dunes is Narrow-Leaf Hopbush (*D. viscosa* subsp. *angustissima*) and that of the swales is Black Bluebush (*M. pyramidata*). Vertosols and duplex soils (red loam) are the predominant soil classes, however they do not display a shrink/swell phenomenon. The area has been previously used for grazing. Vehicular tracks providing access are located within the area. This area is not fenced from the remainder of the Menindee Common, but is fenced along the western and northern boundaries of the Common. No signage is present.

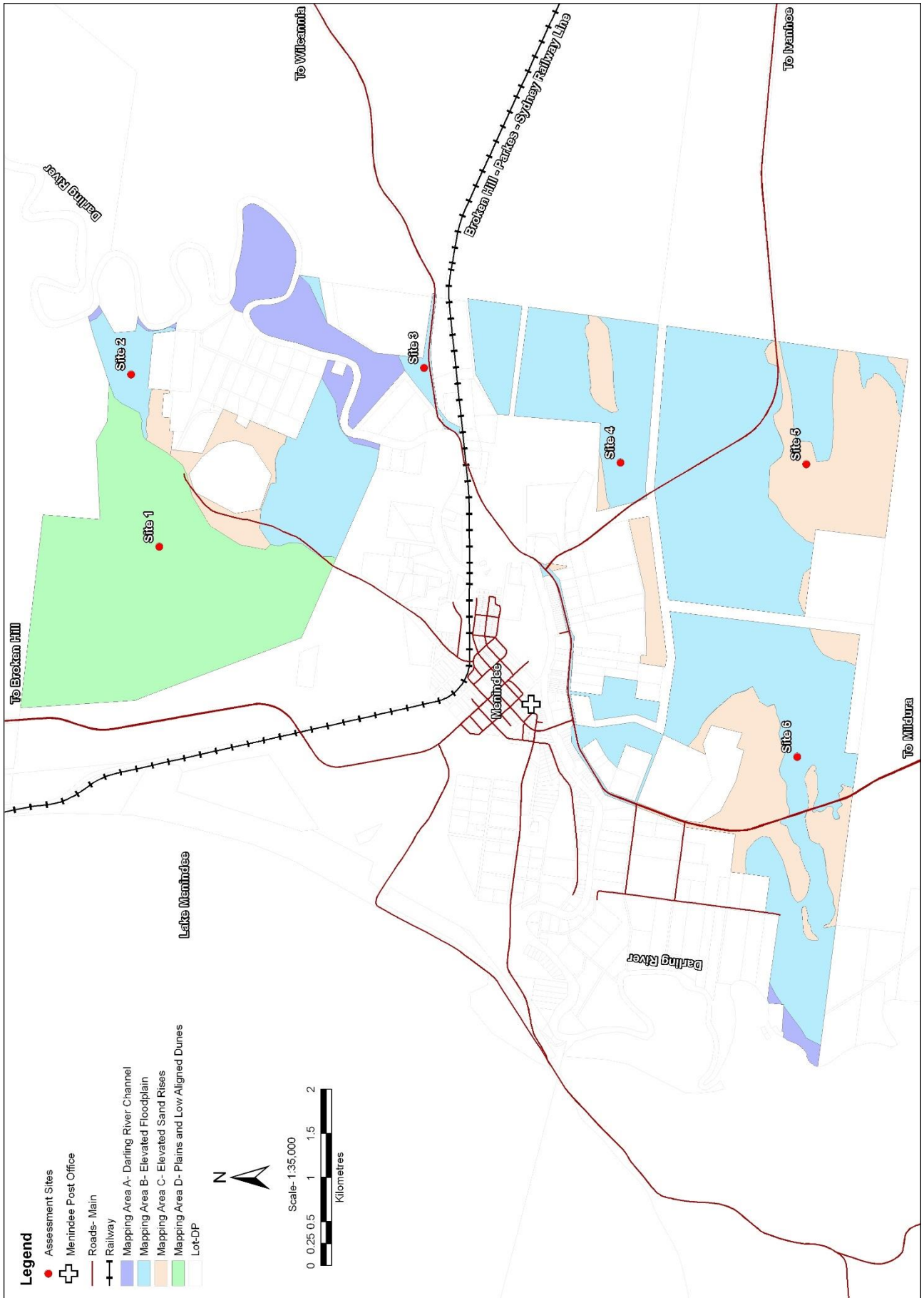


Figure 5: Mapping Areas.



Figure 6: Mapping Area A



Figure 7: Mapping Area B



Figure 8: Mapping Area C

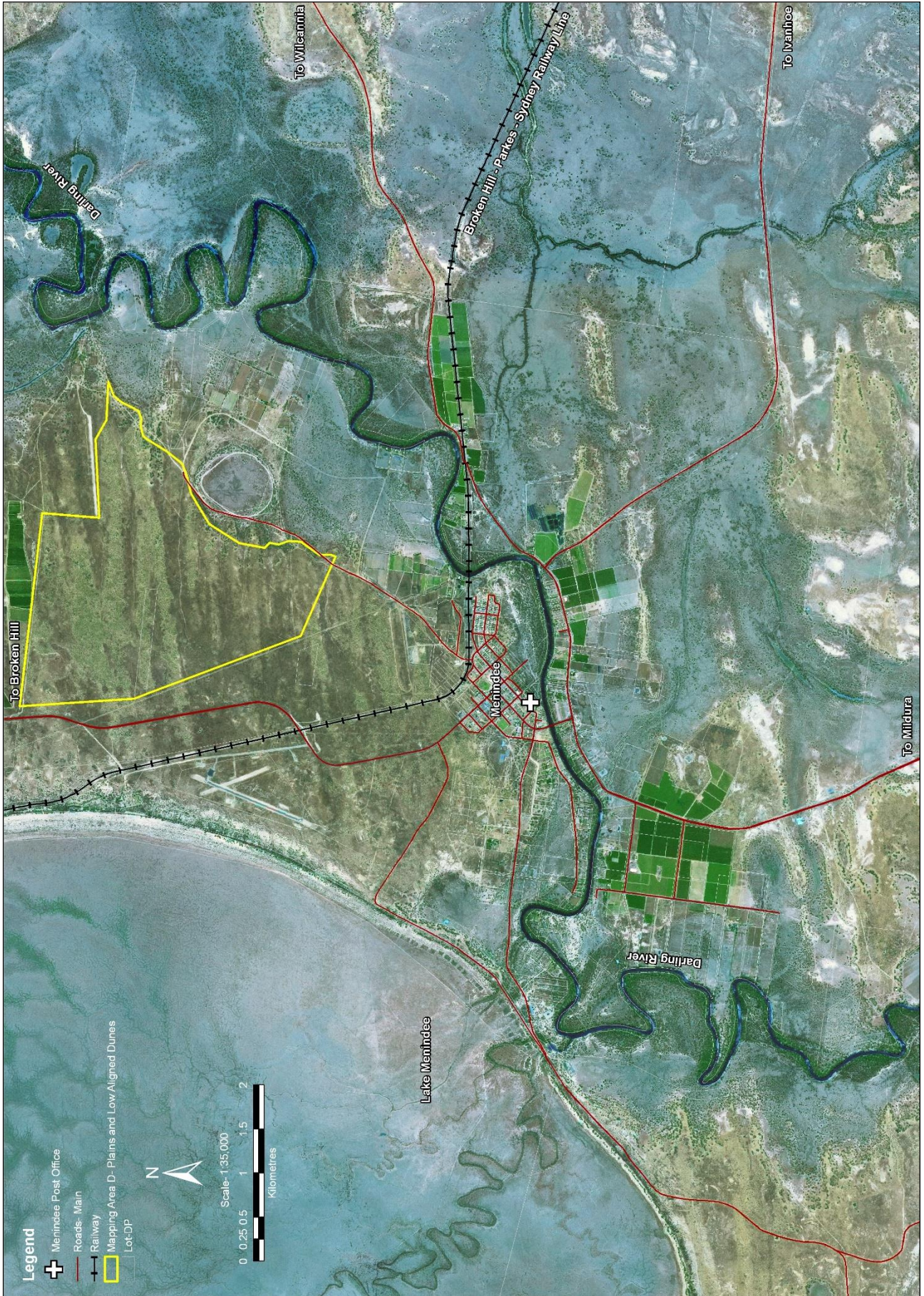


Figure 9: Mapping Area D

2.1.3 Zoning and Relevant Policies

The Menindee Common is within the Central Darling Shire local government area and is subject to the provisions of the Central Darling Local Environmental Plan (LEP) 2004, an environmental planning instrument (EPI) made under the *Environmental Planning and Assessment Act 1979*. The Common is entirely zoned as '1(c) Rural Small Holdings' (see Figure 10).

See Appendix A for further information on relevant Government legislation and policies relevant to the suitable uses for the Mapping Areas within this Plan of Management.

2.2 PAST AND PRESENT LAND USES

The occupation and uses of the Common has varied over the last 130 years but mainly included grazing of large livestock, loam extraction and firewood collection. See Appendix C for site photographs.

Commoners Usage and Grazing

The predominant disturbance in all four Mapping Areas is from grazing of native pastures principally by cattle and horses, primarily when the area was used extensively by Commoners.

Given that there is a long standing history of residents of Menindee exercising their commoner rights for personal animal pasturage and grazing (to a lesser extent) on the Menindee Common since about 1870, it is seen as historically and culturally important to maintain the rights of pasturage on the Menindee Common.

Historically, the Common has been poorly managed with regards to livestock and groundcover, with periods of overgrazing being noted by Geoffry Cullenward.

According to an inspection report from Geoffry Cullenward (RMO, LPMA), dated 27 October 2008, the Menindee Common is enclosed by a less than adequate stock-proof fence, with some parts not having a boundary fence. Furthermore, he noted that grazing had not occurred for a considerable time on the parts of the Common located within the Parish of Perry, County of Menindee.

A set of cattle yards is located adjacent to Lot 2721 in DP 764832 (Western Lands Lease 14016-WLL 14016) on Reserve 71522. The yards are in an adequate, stock-proof condition. A Reserve for Public Pound (Reserve 13527, notified 7 March 1891, being part Lot 22 in DP 758669) exists within the town of Menindee. Relicts of a large animal yard exist but the site has not been used as an adjunct to the Common since about 1988. See Figure 11 for the location of the stockyards and pound.

Fire Breaks

According to a report prepared by Geoffry Cullenward (RMO, LPMA), dated 27 October 2008, there are no fire breaks on the Menindee Common. As the vegetation commonly occurring within the Common is not highly inflammable, bushfires are only likely to occur after a continuous period of wet weather interrupted by favourable growing conditions.

A six metre wide fire break is proposed along all boundaries of the Common (approximately 30 kilometres), apart from boundaries coinciding with the Darling River, which forms a natural fire break. This will ensure:

- a. surrounding properties and assets are protected;
- b. assets and vegetation on the Menindee Common are protected; and
- c. access is provided for fire fighting operations.

Access and Public/Private Infrastructure

Access to the northern area of the Menindee Common (being Reserve 3, Reserve 64901 and Reserve 1016288) is available along Trunk Road 66 (Broken Hill – Menindee Road), with access to the southern area of the Menindee Common (being Reserve 64899 and Reserve 71522) available along Trunk Road 68 (Menindee – Pooncarie Road), Main Road 433 (Menindee – Ivanhoe Road) and Shire Road 10 (Eastern Menindee – Wilcannia Road). See Figure 11 for roads.

Various electricity transmission lines servicing homes, pumps or farming infrastructure cross the Menindee Common on both sides of the Darling River. A number of irrigation, domestic and stock water supply pipelines also traverse parts of the Common.

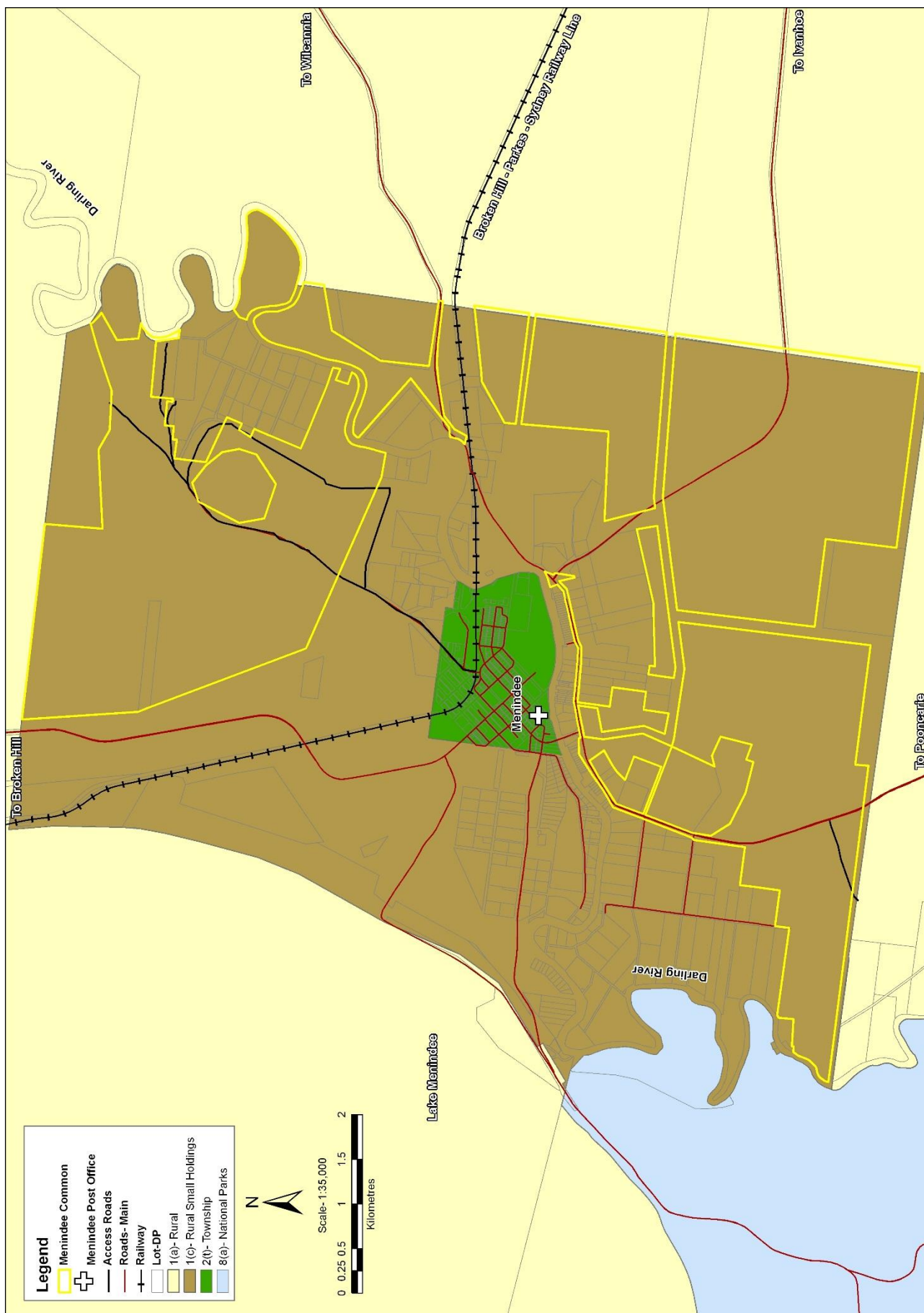


Figure 10: Map of Menindee Environs - Planning Zones (Source: Central Darling LEP 2004)



Figure 11: Access to and Infrastructure on the Menindee Common

Other Uses

Other past uses of the Common include fire wood gathering, and occasional camping and/or fishing. Additional activities have consistently occurred on the Menindee Common in recent years, in particular extractions of red sandy loam from remnant dunes to top dress orchards located on cracking clays. Other extractions include borrow pits excavated during the 1970s to provide material for a levy bank to protect the settled areas from flood waters.

Rubbish dumping also occurs across the Common, especially plant material and materials not legally acceptable at the Menindee Rubbish Depot (such as asbestos sheeting).

There is no evidence of unauthorised additional urban occupation within the Menindee Common.

2.3 ADJOINING LAND USES

Adjoining land uses that surround the Common is mainly rural activities consisting of either grazing or irrigated horticulture, but also include a combination of residences, recreation and public services.

The northern boundary of the northern section of the Menindee Common fronts agricultural land held by Tandou Ltd (WLL 11928), which is primarily used for irrigated horticulture. The western boundary of the northern precinct is immediately formed by the limits of Reserve 88472 for Travelling Stock and Camping, notified 21 January 1972. The southern boundary is the defined boundary of the Reserves for Common with Reserve 88474 for Regeneration, notified 21 January 1972. The eastern boundary of the northern precinct of the Menindee Common consists of two reaches of the Darling River and a number of Western Lands Leases (WLL) granted for mixed farming and horticultural activities.

Two grazing licences (each greater than ten hectares) have been granted prior to 1989 pursuant to Section 34 of the *Crown Lands Act 1989* within the powers granted by the *Crown Lands (Continued Tenures) Act 1989*. A third area has been licensed for exclusive grazing by the Common Trust Manager pursuant to powers granted to it under the provisions of the *Common Management Act 1989*. Each of these three grazing licenses has sterilized a stretch of the Darling River, such that Commoners' livestock either cannot access or are dissuaded from accessing the river at these points.

The eastern and southern boundaries of the southern precinct of the Menindee Common are shared with WLL 2902 and WLL 4404 (part Appin Station). A short length of the eastern Common boundary is shared with part of the boundary of the Menindee Golf Club (WLL 9646). The remaining sections (north and west) are the Darling River, Reserve 64609 for Travelling Stock and Camping, notified 22 June 1934 and a number of small holdings used for irrigated horticulture. Substantial 'give and take' fencing alignment exists in respect of the boundary fencing with Appin Station.

Within the external boundaries of the Common, there are a number of leases and freehold parcels that have been withdrawn, including the Menindee Golf Course which is located between the Common and WLL 4404 (Appin Station). Apart from the Golf Course and the Menindee Racecourse, both being public recreational facilities, the principal land use of the alienated (withdrawn) lands is agriculture (horticulture), although some parcels are used purely for recreational pursuits as 'weekenders'. Other excisions include Travelling Stock Routes (TSRs), Travelling Stock and Camping Reserves (TS&CRs), part Kinchega National Park, the Menindee Regeneration Reserve, and the Menindee Garbage Depot.



Figure 12: Adjoining land tenures or uses.

2.4 ADMINISTRATIVE FRAMEWORK

A broad range of legislation, environmental planning instruments, policies and strategies are relevant to the management of Crown reserves and have been considered in the formulation of this Plan of Management. These are as follows:

- Buffers- Planning for Sustainable Agriculture (2004);
- Central Darling LEP 2004;
- *Common Management Act 1989*;
- *Crown Lands Act 1989*;
- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth);
- *Environmental Planning and Assessment Act 1979*;
- Flood Prone Land Policy;
- *Local Government Act 1993*;
- *National Parks and Wildlife Act 1974*;
- National Strategy for Ecologically Sustainable Development (ESD);
- *Native Title Act 1993* (Commonwealth);
- *Native Vegetation Act 2003*;
- NSW Biodiversity Strategy;
- Planning for Bushfire Protection (2006);
- Policy for Protection of Agricultural Land (2004);
- Policy for Sustainable Agriculture in NSW (1998);
- *Protection of the Environment Operations Act 1997*;
- *Rural Fires Act 1997*;
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007;
- SEPP No 44 (Koala Habitat Protection);
- SEPP No 55 (Remediation of Land);
- *Soil Conservation Act 1938*;
- State Rivers and Estuary Policy;
- State Wetlands Policy;
- *Threatened Species Conservation Act 1995*;
- *Water Act 1912*;
- *Water Management Act 2000*; and
- *Western Lands Act 1901*.

These are summarised in Appendix A.

2.5 CONSULTATION

Community consultation is an essential and integral part of the preparation process for the Plan of Management. Continuous review and incorporation of community attitudes, expectations and requirements into the ongoing management of the Menindee Common are also paramount. As such, the views of and submissions from the community and relevant authorities in response to the public exhibition of the draft Plan of Management are important catalysts in better preparing a comprehensive and proactive plan for better managing the Menindee Common. This input has assisted the Trust Manager and DPI in the preparation of the Menindee Common Plan of Management for approval by the Minister for Regional Infrastructure and Services.

The following government agencies, groups and individuals were referenced as part of the Plan of Management consultation process:

- Adjoining landholders;
- Central Darling Shire Council;
- Traditional Barkandji owners at Menindee;
- Menindee residents;
- Western Livestock Health and Pest Animal Authority (LHPA);
- Barrier Daily Truth Newspaper; and
- Lower Murray Darling Catchment Management Authority (CMA).

2.6 EXHIBITION OF DRAFT PLAN OF MANAGEMENT

The then Minister for Lands authorised the Far West Area, West Region of the DPI to prepare a Plan of Management for the Menindee Common. The draft Plan of Management must be placed on public exhibition with all submissions received and assessed. All necessary amendments to the draft Plan of Management must be made before submitting the final Plan of Management to the Minister for Primary Industries for approval.

The *Crown Lands Act 1989* sets out specific requirements in relation to the referral, display and adoption of the Plan of Management.

The Act requires that the draft Plan be placed on public display for not less than 28 days and that the Minister for Regional Infrastructure and Services must consider timely comment before adopting the Plan. The Minister may adopt a Plan of Management without alteration or with such alteration as the Minister thinks fit.

The draft Plan of Management was placed on public exhibition for 28 days from 14 May 2012 to 22 June 2012, pursuant to Section 35 of the *Crown Lands Regulation 2000*, with exhibition coordinated by the Trust. Public notice of the exhibition appeared in the Barrier Daily Truth Newspaper and Menindee School Newsletter detailing where and when the draft Plan of Management was on display and inviting submissions from interested parties.

During the exhibition period, the draft Plan of Management was available for review at the Menindee Rural Transaction Centre, Menindee Post Office, Central Darling Shire Council's Administration Office in Wilcannia, DPI Office in Broken Hill, and on Central Darling Shire Council's website.

2.7 PLAN IMPLEMENTATION

Under Section 114 of the *Crown Lands Act 1989*, the Menindee Common Trust, following adoption of the Plan by the Minister, is required to implement the Plan and not allow any operation or development which is not in accordance with or not permitted by the Plan. Alteration of the adopted Plan is covered by Section 115 of the Act. Alteration may occur after a period of five years if such alteration is required to keep abreast of the changing expectations and requirements of the community and to ensure the Plan of Management remains useful and relevant. A set of performance measures is provided in the Plan of Management to assist the assessment of progress and review of the Plan.

Furthermore, an ongoing works and maintenance program for the Common is required, in addition to a development program, and must be based on a sound financial plan. Funding for the Menindee Common will be provided principally by income generated by licences issued by the Common Trust for permitted uses of the Common.

Ongoing works and maintenance include:

- Recognition that the Common has never had adequate boundary fencing. The Trust must recognise that Common lands are subject to the *Dividing Fences Act 1993* thus the Trust Manager is obligated to contribute to construction and repairs of boundary fencing; and
- Consideration of provision of artificial watering points on the northern part of the Common to reduce damage to the bank of the Darling River, and pollution within Weir 32 due to stock access having been limited over time to three small stretches of the Darling River.

3.0 LAND INVENTORY

Four unique Mapping Areas have been identified as existing within the Menindee Common, herein referred to as Mappings Areas A to D (see Figure 5). The inventory of the natural resources within each of the four Mapping Areas was gathered from field investigations and from existing reference material, where available.

Field investigations were conducted by Geoffry Cullenward (RMO, LPMA) on 15 August 2008, 22 September 2008, 15 December 2009 and 5 May 2010, particularly in respect of the management of the Menindee Common. Additional site visits have been in relation to singular management issues that confront the Common Trust and/or Commoners since the first district Pastoral Inspector was appointed by the Western Lands Commissioner in 1948.

3.1 CULTURAL HERITAGE (ABORIGINAL AND EUROPEAN)

The Aboriginal Sites Register (AHIMS) search, conducted on 23 June 2010, indicated 39 known Aboriginal objects and places within or near the Menindee Common (see Figure 13a).

An Aboriginal Cemetery exists within Reserve 71522, at GPS coordinates 634127 E, 6413527 N (GDA94, MGA Zone 54), which has been fenced to exclude livestock from damaging the exposures (see Figure 13b).

The Webster Family cemetery is on a sand hill (dune) within the Menindee Common within Reserve 71522 (see Figure 13b). Advice from Menindee Elders is that it is located on the site of the original Menindee Mission Station encampment before the Mission was first moved firstly to Lots 76 and 78 in DP 40661 and then to its current location at Lot 3 in DP 754343. The cemetery contains five (5) members of the Webster clan (traditional owners of the Menindee Common area): a husband and wife, two sisters, and a child.

Consultations with the Menindee Elders were conducted for the Menindee Common Land Assessment. Geoffry Cullenward conducted a number of interviews with one Elder (Mrs Dorothy Stephens *nee* Quayle) who then consulted with other traditional owners and Menindee Elders. Following that further interviews between Mrs Stephens and Geoffry Cullenward took place. The Elders suggested to Mrs Stephens that it was appropriate that consultations be confined to the Webster family who are the traditional owners of the lands that comprise most of the Menindee Common. The Webster family elders have one primary concern, which is that the interments of their family members remain undisturbed.

Personal observations by Geoffry Cullenward suggest that a single site record within the Menindee Common is an underestimate of the likely number of Aboriginal objects and places. This observation is supported comments from Mrs Stephens (pers. comm., recorded by Mr Cullenward) who recounts that Mr Gerald Quayle (Elder and former NPWS Sites Officer at Menindee) has previously stated that (a) “*there are a lot of Aboriginal cultural heritage sites and artefacts, along with possible burial sites, within the Menindee Common*”, and (b) there is a high probability that “*all sand hills and dunes within the Menindee Common will have ancient Aboriginal sites of occupation*”.

No items or sites of Aboriginal or European cultural heritage are listed within the Common boundaries or within 10 kilometres of the Common boundaries on the Australian Heritage Database (searched on 30 April 2010). Although the NSW State Heritage Register (searched on 29 June 2010) lists the Kinchega Woolshed as being listed for the environs of Menindee, none are listed as occurring within the Menindee Common.

No formal cultural heritage survey or local Aboriginal inspection has been carried out on the whole of the Menindee Common. Furthermore, no heritage study, conservation planning, conservation management plan or statement of heritage impact covers any of the Menindee Common.

The Menindee Common is a series of Crown reserves established and managed under the *Crown Lands Act 1989* and *Common Management Act 1989*. It has not been established whether or not Native Title has been extinguished, as defined by the *Native Title Act 1993* (Commonwealth).

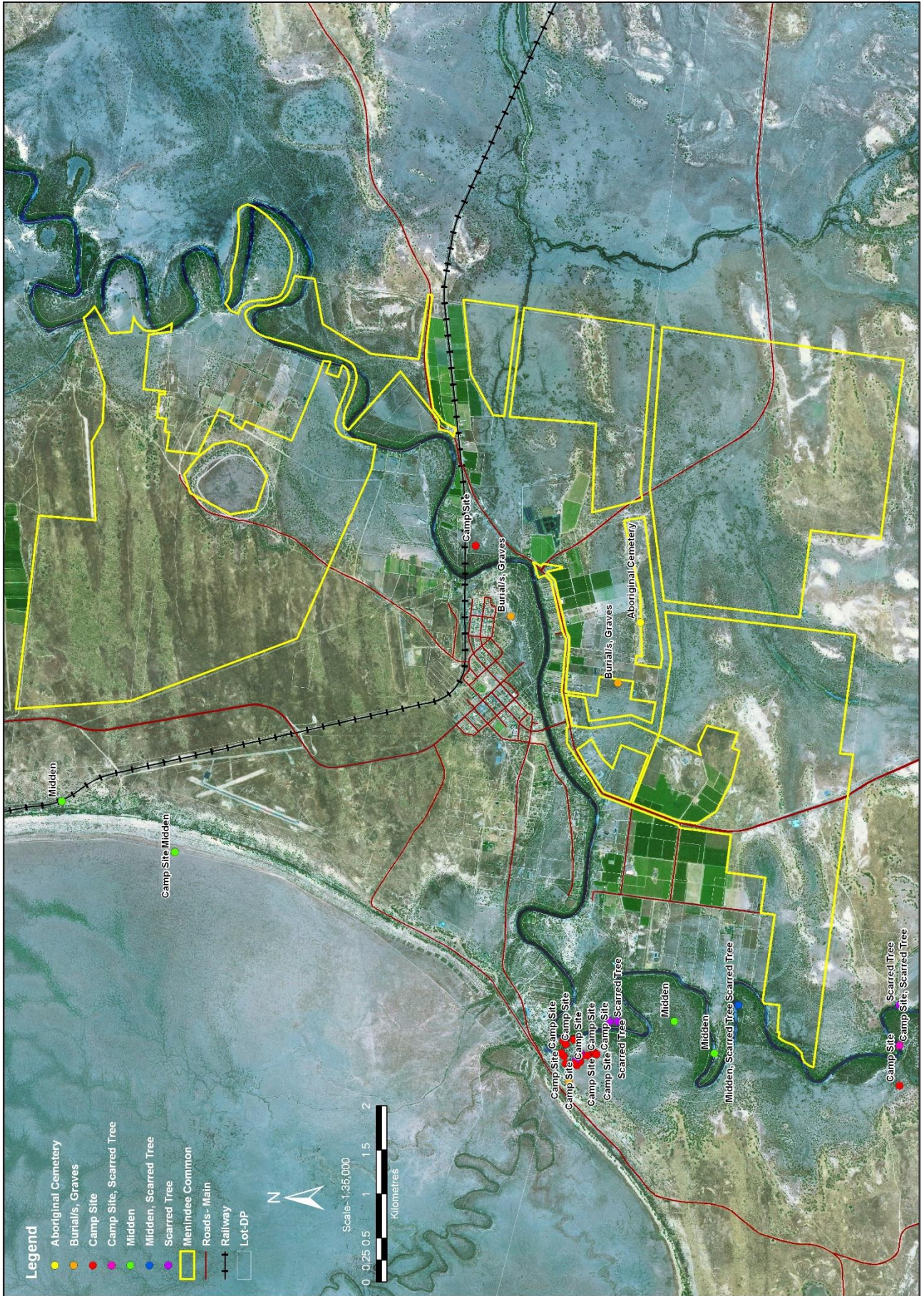


Figure 13a: Aboriginal sites within close proximity to Menindee Common.



Figure 13b: Webster Family Cemetery

3.2 NATURAL RESOURCE INVENTORY

3.2.1 Ecology and Biodiversity

The vegetation associations found within the Menindee Common are representative of those found within the Darling Riverine Plains IBRA (Bioregion). Areas of similar habitat and condition are widely distributed the length of the Darling River and Great Darling Anabranch.

There are no world heritage properties, Ramsar wetlands, nuclear actions or Commonwealth marine environments that are likely to be impacted upon by any of the permitted activities as defined by Section 4.1 of the Plan of Management.

Catchment Protection

Both Mapping Areas A and B provide some protection to the catchment as the vegetation present on these areas contains mature trees. The vegetation structure is dominated by mature River Red Gum (*Eucalyptus camaldulensis*) and Black Box (*E. largiflorens*), which act as ground water pumps and help to reduce the incidence of ground water table recharge and any potential risks of salinity, and stabilise the floodplain soils from wind and water erosion.

Nature Conservation

As Mapping Areas A, B and D contain isolated trees and other vegetation (including shrubland and grassland), all three areas could provide wildlife corridors for the movement and dispersal of native flora and fauna (including threatened species). The vegetation provided within the Mapping Areas may provide roosting habitat for a variety of fauna species, such as raptors, cockatoos, parrots and bats.

3.2.2 Native Vegetation / Flora

The vegetation associations mapped during the field investigations for the Plan of Management are:

- (a) Black Box Woodland;
- (b) Chenopod Shrubland; and
- (c) River Red Gum Woodland.

Table 6 and Figure 14 outline the vegetation communities as per the M305 GIS vegetation layer.

Table 6: Vegetation Communities (M305) - ArcGIS 9.2.

Vegetation Community	Area (ha)	Percentage (%) of Common
Black Box Woodland	1,588	55.6
Chenopod Shrubland	1,162	40.7
River Red Gum Woodland	104	3.7

Vegetation descriptions for the four Mapping Areas are as follows:

Mapping Area A: Darling River Channel (Open River Red Gum Forested Area)- 168 hectares

Mapping Area A is dominated by River Red Gums (*Eucalyptus camaldulensis*), with scattered Black Box (*E. largiflorens*) and some River Cooba (*Acacia stenophylla*) also present. The most common ground cover is Couch grass, an introduced species. The present condition is degraded with a noticeable grazing impact, however there is almost no evidence of dieback. The cover class is 80%.

Mapping Area B: Elevated Floodplain (Open Black Box Area)- 1,475 hectares

Mapping Area B is dominated by Black Box (*E. largiflorens*), along with Lignum (*Muehlenbeckia florulenta*) and isolated Nitre Goosefoot (*Chenopodium nitrariaceum*). The area has been previously used for grazing. The present condition is described as degraded, however there is no evidence of dieback. The cover class is 75%.

Mapping Area C: Elevated Sandy Rises (Open Blue Bush Area)- 545 hectares

Vegetation in Mapping Area C is dominated by Black Bluebush (*Maireana pyramidata*), with isolated clumps of Narrow-Leaf Hopbush (*Dodonaea viscosa* subsp. *angustissima*). Black Box (*E. largiflorens*) and Belah (*Casuarina cristata*) may occur in isolated areas with Black Box tending to ring small areas of clay soil having water-holding properties. The area has been previously and currently is used for grazing. Segments of Mapping Area C are significantly degraded because of high levels of vehicular use. The cover class is 60%.

Mapping Area D: Plains with Low Aligned Dunes (Open Blue Bush Swales with INS Covered Dunes)- 862 hectares

The principal vegetation on the dunes is Narrow-Leaf Hopbush (*D. viscosa* subsp. *angustissima*) and that of the swales is Black Bluebush (*M. pyramidata*). The area has been previously used for grazing. Mapping Area D is the least degraded segment of the Menindee Common, however some small areas are significantly degraded because of recreational use by motor vehicles and motor cycles. The cover class is 80%.

3.2.3 Fauna

The fauna present on the Common is hard to ascertain without formal fauna surveys, and there are no records of fauna from the Common held by the National Parks and Wildlife Service (NPWS) other than what could be derived using the *Atlas of NSW Wildlife*. However casual observation shows that the following species are present: Western Grey Kangaroo (*Macropus fuliginosus*), Red Kangaroo (*M. rufus*), Topknot Pigeon (*Lopholaimus antarcticus*), Australian Magpie (*Gymnorhina tibicen*), and Willy Wagtail (*Rhipidura leucophrys*).

It is likely other woodland species also occur within the Menindee Common, including the Red-tailed Black-cockatoo (*Calyptorhynchus banksii*), Major Mitchell / Pink Cockatoo (*Cacatua leadbeateri*), Galah (*Eolophus roseicapilla* / *Cacatua roseicapilla*), and Australian Raven (*Corvus coronoides*), together with Fairy-Wrens (*Malurus* spp.), Thornbills (*Acanthiza* spp.), Honeyeaters, Sparrows and Starlings. Furthermore, common lizard species such as the Blue-Tongued Lizard (*Tiliqua scincoids*), skinks and geckos, in addition to snakes and frogs in the vicinity of the riparian environment, would be expected to occur within the area.

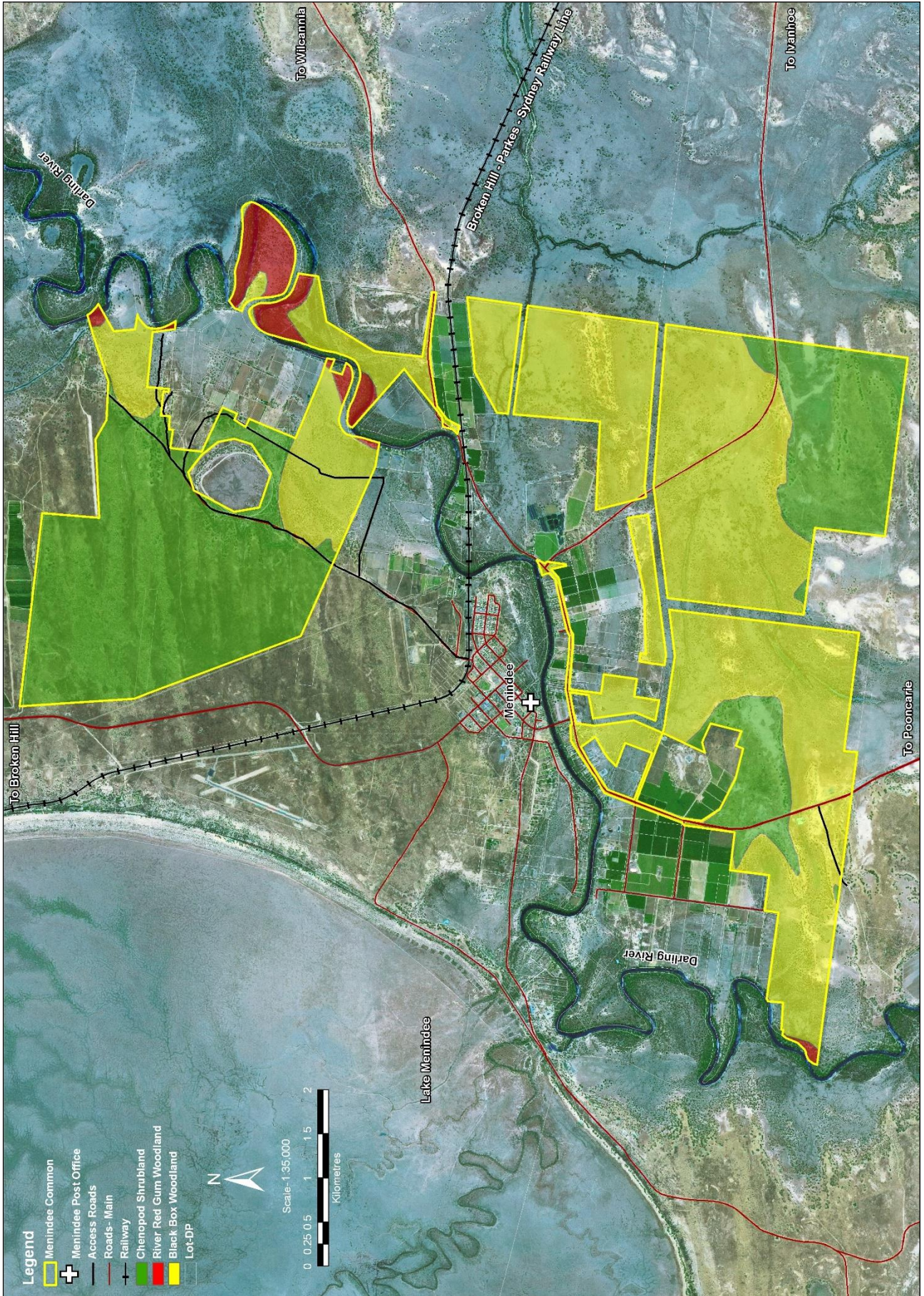


Figure 14: Vegetation Communities

Several bat species are also likely to occur on the Common, including Lesser Long-eared Bat (*Nyctophilus geoffroyi*), Gould's Wattled Bat (*Chalinolobus gouldii*), Little Forest Bat (*Vespadelus vulturnus*), Little Mastiff Bat (*Mormopterus planiceps*), Inland Broad-nosed Bat (*Scotorepens balstoni*), and Little Broad-nosed Bat (*S. Greyii*). Rabbits (*Oryctolagus cuniculus*), Foxes (*Vulpes vulpes*), Rats (*Rattus* spp.), and Mice (*Mus* spp.) may also be present, and it is expected that wandering Cats (*Felis catus* / *F. Domestica*) and Dogs (*Canis familiaris*) would be itinerant visitors to the Common due to the close proximity to the township of Menindee.

Overall, the degraded and modified nature of the vegetation that is present greatly reduces the habitat quality of the entire site. Fauna that are common within the locality are those that are highly mobile with few restrictions on movement.

3.2.4 Threatened Species, Populations and Ecological Communities

The NSW Office of Environment and Heritage (OEH) provides information on the species that are listed under the *Threatened Species Conservation Act 1995* (TSC Act) via the Atlas of NSW Wildlife and Bioclim Database, while the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) maintains the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) via the Protected Matters Database. Together these databases list 45 threatened fauna species and 14 threatened flora species- see Figure 15 for Atlas of NSW Wildlife sightings. Table 7 lists 43 fauna species and 14 flora species with habitat requirements that correspond with the environment of the Menindee Common.

Table 7: Threatened species with habitat requirements that correspond with the Menindee Common.

Species Name	Common Name	Schedule TSC Act 1995	Schedule EPBC Act 1999	Category
FLORA				
<i>Acacia carneorum</i>	Purple-wood Wattle	Vulnerable	Vulnerable	L
<i>Atriplex infrequens</i>		Vulnerable		U-L
<i>Calotis moorei</i>		Endangered		U
<i>Convolvulus tedmoorei</i>	Bindweed	Endangered		L
<i>Dodonaea microzyga</i>	Brilliant Hopbush	Endangered		L
<i>Dysphania platycarpa</i>		Endangered		U
<i>Eleocharis obicis</i>	Spike Rush	Vulnerable		U-L
<i>Leptorhynchus waitzia</i>	Button Immortelle	Endangered		L
<i>Phyllanthus maderaspatensis</i>		Endangered		U
<i>Solanum karsense</i>	Menindee Nightshade	Vulnerable	Vulnerable	M
<i>Swainsona adenophylla</i>	Violet Swainson-Pea	Endangered		L
<i>Swainsona flavicarinata</i>	Yellow-keeled Swainsona	Endangered		L
<i>Swainsona murrayana</i>	Slender Darling-pea	Vulnerable	Vulnerable	L
<i>Swainsona viridis</i>	Creeping Darling-pea	Endangered		U
FAUNA				
<i>Anseranas semipalmata</i>	Magpie Goose	Vulnerable		U
<i>Antechinomys laniger</i>	Kultarr	Endangered		U
<i>Ardeotis australis</i>	Australian Bustard	Endangered		U
<i>Burhinus grallarius</i>	Bush Stone-curlew	Endangered		L-M
<i>Cacatua leadbeateri</i>	Major Mitchell's Cockatoo	Vulnerable		R
<i>Calidris alba</i>	Sanderling	Vulnerable		L
<i>Calyptorhynchus banksii</i>	Red-tailed Black-cockatoo	Vulnerable	Endangered	M
<i>Chalinolobus picatus</i>	Little Pied Bat	Vulnerable		U
<i>Cincoloma castanotus</i>	Chestnut Quail-thrush	Vulnerable		U
<i>Circus assimilis</i>	Spotted Harrier	Vulnerable		M
<i>Cyclodomorphus branchialis</i>	Gunther's Skink	Vulnerable		U
<i>Daphoenositta chrysoptera</i>	Varied Sittella	Vulnerable		L
<i>Epthianura albifrons</i>	White-fronted Chat	Vulnerable		L
<i>Falco hypoleucos</i>	Grey Falcon	Vulnerable		L
<i>Grantiella picta</i>	Painted Honeyeater	Vulnerable		U

<i>Grus rubicunda</i>	Brolga	Vulnerable		U-L
<i>Hamirostra melanosternon</i>	Black-breasted Buzzard	Vulnerable		L
<i>Hieraaetus morphnoides</i>	Little Eagle	Vulnerable		L
<i>Lerista xanthura</i>	Yellow-tailed Plain Slider	Vulnerable		U-L
<i>Liasis stimsoni</i>	Stimson's Python	Vulnerable		L
<i>Limosa limosa</i>	Black-tailed Godwit	Vulnerable		M
<i>Lophoictinia isura</i>	Square-tailed Kite	Vulnerable		L-M
<i>Melanodryas cucullata cucullata</i>	Hooded Robin	Vulnerable		L
<i>Ninox connivens</i>	Barking Owl	Vulnerable		L – M
<i>Oxyura australis</i>	Blue-billed Duck	Vulnerable		M
<i>Pachycephala inornata</i>	Gilbert's Whistler	Vulnerable		L
<i>Pedionomus torquatus</i>	Plains-wanderer	Endangered		L
<i>Phaps histrionic</i>	Flock bronzewing	Endangered		U
<i>Pomatostomus temporalis temporalis</i>	Grey Crowned Babbler	Vulnerable		U
<i>Pseudomys hermannsbergensis</i>	Sandy Inland Mouse	Vulnerable		L
<i>Pseudonaja modesta</i>	Ringed Brown Snake	Endangered		U
<i>Rattus villosismus</i>	Long-Haired Rat	Vulnerable		L
<i>Rostranula benghalensis australis</i>	Australian Painted Snipe	Endangered		L
<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail-bat	Vulnerable		U
<i>Sericornis brunneus</i>	Redthroat	Vulnerable		L
<i>Sericornis campestris</i>	Rufous Fieldwren	Vulnerable		L
<i>Sminthopsis macroura</i>	Stripe-faced Dunnart	Vulnerable		U
<i>Stagonopleura guttata</i>	Diamond Firetail	Vulnerable		U
<i>Stictonetta naevosa</i>	Freckled Duck	Vulnerable		M
<i>Tiliqua occipitalis</i>	Western Blue-tongued Lizard	Vulnerable		L
<i>Tyto capensis</i>	Grass Owl	Vulnerable		L
<i>Tyto novaehollandiae</i>	Masked Owl	Vulnerable		L
<i>Vespadelus baverstocki</i>	Inland Forest Bat	Vulnerable		L - M

(Category: R = Recorded on Common, H= High probability of occurring on Common, M = Moderate probability, L = Low probability, U= Unlikely)

3.2.5 Climate

Menindee's climatic information is recorded for the Bureau of Meteorology at the Menindee Post Office (Site No. 047019), which is approximately central to the Menindee Common. The data can be found in Table 8.

Table 8: Climatic information for Menindee Post Office (red- maxima, blue- minima).

Mean Statistics	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Temperature													
Maximum temperature (°C)	34.3	33.8	30.7	25.6	20.7	17.3	17.0	19.3	22.9	26.5	30.0	32.8	25.9
Minimum temperature (°C)	18.5	18.1	15.2	10.8	7.5	4.9	4.0	5.3	8.0	11.3	14.5	16.7	11.2
Rainfall													
Rainfall (mm)	23.0	20.6	17.6	16.2	22.9	21.8	18.1	18.1	18.5	22.6	20.5	21.8	241.6
Number of days of rain ≥ 1mm	2.0	2.0	1.7	2.0	2.9	3.3	3.2	3.1	2.7	2.9	2.5	2.1	30.4
9am conditions													
Temperature (°C)	24.4	23.5	20.4	16	11.6	8.4	7.8	10.1	14.2	18.1	21	23.4	16.6
Relative Humidity (%)	46	51	55	62	73	80	79	71	61	52	48	45	60
Wind speed (km/h)	10.1	9.3	9.2	7.7	6.7	6.9	7.3	8.7	10.6	11.7	11.7	11.3	9.3

Note: There are no records depicting 3pm recordings for Menindee Post Office.

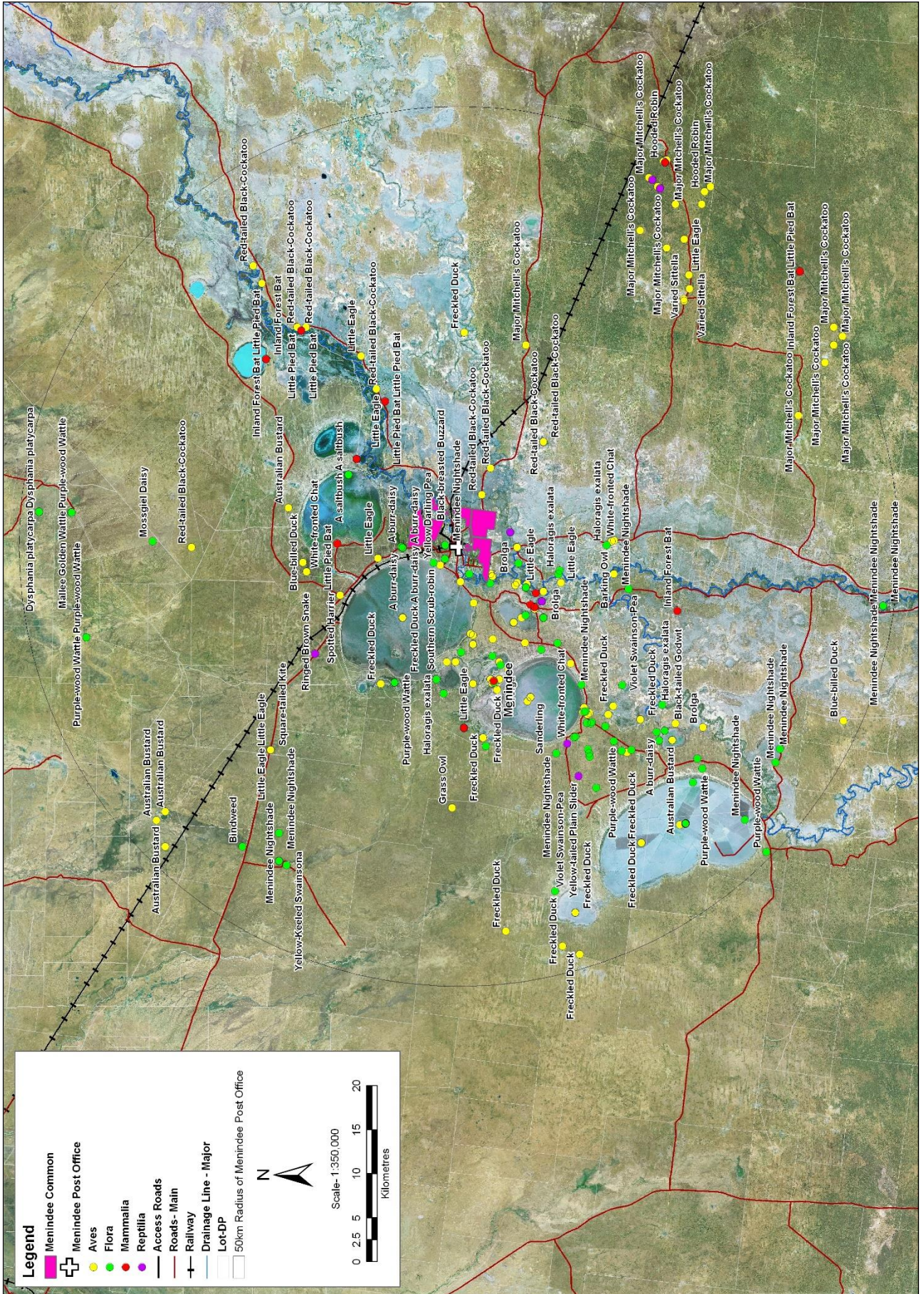


Figure 15: Threatened Species within 50 kilometre Radius of Menindee Post Office

3.2.6 Landforms and Landsystems

Landforms

'Landform is a composite resource feature comprising two individual elements of slope and terrain. Landform is of prime importance when determining the capability of the site for various land uses' (*Crown Land Assessment Manual - 2003*). The landform of two of the four Mapping Areas is described as level floodplains (0-2%) of the Darling River. The landform of the remaining two Mapping Areas can be described as alluvial, one being a sandplain and the other as a remnant dunefield.

The elevation range of the Menindee Common is 55-62 metres at the randomly selected sample points.

Landsystems

The Menindee Common is within the Darling Riverine Plain (DRP) IBRA Region, the Menindee IBRA Province (DRP8), and is split between Southern Riverine Woodlands Major Rangeland and the Belah and Bluebush Major Rangeland.

The Menindee Common extends across parts of the Darling, Haythorpe and Menilta landsystems, which have the following descriptions:

Darling (DI) Landsystem- Area: 1,751 hectares. *General*: Lower Darling River and its floodplain. *Geomorphology*: Floodplain of grey fine-textured Quaternary alluvium; scalded plains and levees; relief to 3m; back channels and billabongs to 30m wide; irregularly inundated by flooding. *Soils and Vegetation*: Plains with cracking and non-cracking grey clays, levees of brown and red texture-contrast soils; lunettes of deep, cemented siliceous and calcareous sands; sparse to moderate blackbox, river cooba and river red gum; stands of nitre goosefoot, lignum, cane-grass and narrow-leaf hobbush; abundant annual saltbushes, copperburrs and forbs. *Erosion*: Minor gullying and watersheeting. *Land Management Considerations*: Pasture management, water erosion control, streambank erosion control and control of lignum

Haythorpe (Hy) Landsystem- Area: 605 hectares. *General*: Undulating plains, often associated with large lakes. *Geomorphology*: Broadly undulating sandplain with some well developed linear, east-west trending dunes, relief to 10m; narrow level swales, internal drainage. *Soils and Vegetation*: Undulating plain with red sandy earths, calcareous red earths, sands and solonchaks; scattered belah, banded dense clumps of narrow-leaf hobbush and turpentine, variable black bluebush; bottlewashers, variable speargrass, copperburrs and forbs. *Erosion*: Minor to locally moderate watersheeting. *Land Management Considerations*: Pasture management, woody weed control, wind erosion control, bluebush management, and bluebush re-establishment.

Menilta (Mt) Landsystem- Area: 498 hectares. *General*: Scalded sandplain with unstable dunes adjacent to the Darling river floodplain. *Geomorphology*: Gently undulating sandplain, partially scalded, with recent aeolian reworking into high unstable dunes, relief to 10m; depressions and swamps transitional between floodplain and sandplain. *Soils and Vegetation*: Sandplain of loamy solonchaks, siliceous sands and brown and red texture-contrast soils; scattered belah, rosewood and white cypress pine, black box around depressions, scattered black bluebush; variable speargrass, bottlewashers, copperburrs and forbs. *Erosion*: Moderate drift on dunes, minor windsheeting on plains. *Land Management Considerations*: Pasture management, erosion hazard if cleared, woody weed control, bluebush management and wind erosion control.

The Common occurs within the Lower Murray Darling Catchment Management Authority area, within, principally, a grassy woodland landscape.

3.2.7 Geology, Soils and Erosion

The 1:250,000 Geological Series Sheet SI 54-3 (Menindee), compiled by Geological Survey of NSW in 1969, describes the site geology as Quaternary unconsolidated material from the Phanerozoic eon and Cainozoic era, specifically 'floodplains, outwash areas and drainage flats of black and red clayey silt and sand' (Qrs) interspersed with 'dune deposits of red and brown clayey sand, loam and lateritic soils and irregular deposits of aeolian sand' (Qrd).

There are no rocky outcrops in the Menindee Common, nor is the Common subject to geo-hazards.

The soils of Mapping Areas A and B are defined as medium grey cracking clays (vertosols), with a shrink/swell phenomenon. The soils found in Mapping Area C are comprised mainly of red sandy loam (rudosols), and those of Mapping Area D are comprised of dunes of red sandy loam (rudosols) and swales comprised of vertosols, with no shrink/swell phenomenon.

No soil tests (physical or chemical) were undertaken on the Menindee Common as part of the Plan of Management process.

Soils across the Menindee Common are generally greater than 1.5 metres deep, with no existing erosion. All soils have moderate structural stability and are not likely to be significantly affected by land degradation processes, however the rudosols present within the Menindee Common cannot be described as having potential stability under land degrading processes.

The predominant landsystem of the Menindee Common, being the Darling Landsystem, drains poorly with the clay soil surface sealing preventing water from seeping into the soil. As such, these areas quickly become impassable during rain events.

The land capability zones of the Menindee Common have never been mapped.

Erodibility is the inherent susceptibility of the soil to detach and be transported by erosive forces such as wind or water. The erodibility of the soil types within the Menindee Common is moderate, except for Mapping Areas C and D which have high erodibility.

Erosion hazard is a measure of the degree to which the soil within a parcel is susceptible to erosion. It is determined by a combination of factors such as soil erodibility potential, landform, climate, groundcover, land use and management practices. Erosion hazard for the assessment sites are classified as moderate, where limited erosion may occur following disturbance, except for Mapping Areas C and D which have a high erosion hazard potential. This can be avoided by using appropriate soil conservation techniques and implementing appropriate land and grazing management regimes.

Problems with salinity are not evident in this section of the Darling River due to relatively deep, fertile soils, and the absence of recharge areas in the larger undulating landscape. There is, however, evidence of the presence of naturally saline plastic clays on the Darling floodplain.

Soil contamination by hazardous materials can be a serious concern in many industrial, mining and intensive agricultural sites. Contamination may occur through (a) the intentional application over long periods of materials such as industrial effluent, agricultural chemicals or sewage, and/or (b) the accidental discharge of industrial chemicals, mine tailings or petroleum products. Former tick dip, waste disposal, mineral processing or industrial processing sites are particularly susceptible to contamination.

There is no historical information suggesting that irrigation activities or any other process that presents an overt source of potential for soil contamination occurred on the Menindee Common. Therefore, soil contamination from any agricultural or other source is considered highly unlikely.

3.2.8 Bushfire Hazard

Bushfire hazard is an important consideration for determining the capability of the Menindee Common for various land uses, particularly intensive and urban development. The current system was developed by the CSIRO and adopted by the NSW Rural Fire Service (RFS) for assessing bushfire hazard at a broad landscape scale (Department of Lands 2003, DLWC 1999). The hazard pertaining to an area is assessed by combining the vegetation type with the slope to give a relative hazard score, as well as taking into account the factors of rate-of-spread, fuel load and burn out time. The relative bushfire hazard can be low, moderate or high.

The existing vegetation structures present within the Common can broadly be described as a grassy woodland and grazed pasture. The slope present can be described as level (0-3%). Using the above CSIRO methodology, the relative bushfire hazard for the assessment area is low.

On 01/08/2002, the *Rural Fires and Environmental Assessment Legislation Amendment Act 2002* came into effect. The Act amends both the *Environmental Planning and Assessment Act 1979* and the *Rural Fires Act 1997* to ensure that people, property and the environment are more fully protected against the dangers that may arise from bushfires (RFS 2006).

The Amendment Act requires councils to map bushfire prone land within their local government area, which becomes the basis for planning for bushfire protection. Bushfire prone land maps act as a trigger mechanism for development of land within bushfire prone areas to ensure where appropriate the bushfire safety provisions are incorporated into the development (RFS 2006).

Existing mapping of bushfire prone land over the Menindee Common indicates that the riparian and associated floodplain zone along the Darling River is classified as bushfire prone land, totalling an area of approximately 1,700 hectares (see Figure 16).

3.2.9 Hydrology

Surface Water

The predominant hydrological feature of the Menindee Common is the Darling River, a prescribed stream under the *Water Management Act 2003* (previously *Water Act 1912*). Two of the four Mapping Areas form part of the Darling River floodplain, and are classified as a floodplain wetland according to the Kingsford Wetland GIS Layer (January 2005). The Menindee Common is subject to inundation from riverine flood, with a high (greater than 1:20 year, 5%) flood hazard potential.

All surface water from the Menindee Common drains into the Darling River, which generally flows in a north to south direction. However, the majority of the Menindee Common drains poorly with the clay soil surface sealing, thereby preventing water from seeping into the soil profile.

Ground Water

At the time of preparation of the Menindee Common Plan of Management no empirical research results were available. Therefore, no conclusions may be reached in respect of the status of groundwater in the vicinity of the Menindee Common.

3.3 SCIENTIFIC AND EDUCATIONAL ISSUES

It is unlikely that the Menindee Common has been used for formal education in the past. However, more recent education curricula changes involving environmental studies may have resulted in parts, especially ephemeral wetlands, being used as a physical resource for students.

Note: This may be classified as a traditional European heritage viewpoint.

The activities, including story-telling and passing of information between generations of the local Aboriginal traditional owners who have affinity with the Menindee area, are also viewed as educational activities and are likely to have occurred on the Common for a significant period of time.

3.4 SOCIO-ECONOMIC ISSUES

Economic Production and Employment Opportunities

Past economic production from the Menindee Common has been limited to grazing enterprises and some extractive industries / quarries for (a) levee bank material, and (b) more recently, incorporation of sandy loam into the cracking grey clays of surrounding orchards. Currently, there are no extra employment opportunities on the Common.

Services

Services refers to the availability of power, water, sewerage and telephone services currently within the Menindee Common. Only power and telephone services are currently available across the extent of the Common. However all services are available in the township of Menindee, which lies in a central position *vis-a-vis* the reserves that comprise the Menindee Common. There are underground telephone cables crossing, firstly Reserve 1016288 and Reserve 3, and secondly, Reserve 64899 and Reserve 71522 servicing adjoining landholders (see Figure 11).

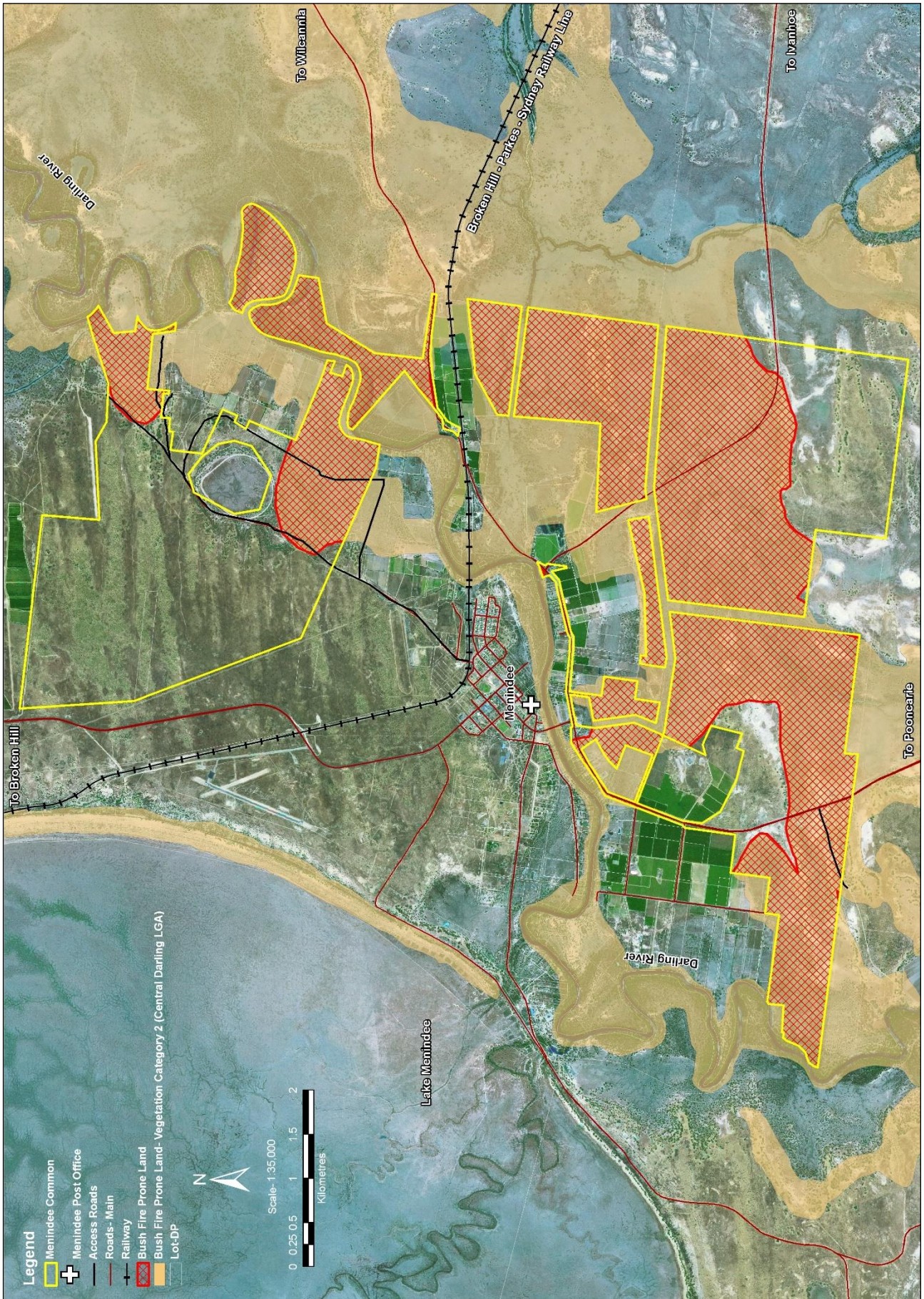


Figure 16: Mapped bushfire prone lands (Source: RFS Western Region GIS Team 2004)

Visual Quality

Visual quality assessment is important for protecting significant landscapes and can also be important in identifying areas suitable for visual improvement. The assessment scheme used involves the assessment of two aspects: (a) the visual variety of each site, called relative scenic quality, and (b) the sensitivity or concerns and interests the public would place on the visual amenity of a site, called landscape sensitivity.

Landscape sensitivity provides an indication of the importance of the scenic values to the public, whether the site is on or visible from a primary or minor travel route, urban centre or recreation area. This relates to the number of people that will actually be in a position to see the site, whether the site is in the foreground, middle ground or background with respect to the travel route, urban centre or recreation area—that is, how prominent the site will be to potential observers is dependent on the size of the site (ie. the larger the site, the more prominent it will be). Three classes are given: high, moderate and low. Examples of each class are given below:

- *High*- the site is prominent in foreground of a major travel route or urban centre;
- *Moderate*- the site is in the foreground of a secondary travel route or in the background of a major travel route; and
- *Low*- the site is in background of a minor travel route.

Using these criteria it can be contended that the open river red gum forest of the riverine channel within Mapping Area A contains moderate scenic quality, and high landscape sensitivity. Mapping Area B, covering the elevated floodplain is considered of low scenic quality and moderate landscape sensitivity at the present time. The open red sandy and loamy soils areas (Mapping Areas C and D) are deemed to have low scenic quality and moderate landscape sensitivity. All areas are visible from the six roads that connect the Menindee township with other regional centres and adjoining pastoral holdings.

Recreation and Other Uses (excluding Grazing)

All Mapping Areas appear to have been used for horse riding. Mapping Area A has been used for camping and fishing, as well as passive enjoyment of the area by walkers. Mapping Areas B, C and D have been used for motor cycle riding and other recreational motor vehicle sports. Several sites in Mapping Area C have also been used for quarrying loam. All of these activities are likely to have been unauthorised.

The DPI has issued a number of licences for pump sites and pipelines within the Menindee Common because the Trust Manager has not fulfilled the requirement to develop a Plan of Management.

Note: Unless there is an approved Plan of Management for a Common, its Trust Manager may not licence any activity or use of Common land other than its use by grazing.

Access

The Menindee Common may be accessed via a number of points, roads and tracks as its boundaries have been fenced in an *ad hoc* manner (see Figure 11).

4.0 PERMITTED LAND USES

4.1 LIMITATIONS ON DETERMINING APPROPRIATE LAND USES

There are several significant constraints on establishing appropriate land uses for the Menindee Common in the context of the Plan of Management undertaken in response to the requirements of the *Crown Lands Act 1989*.

Adjacent to and adjoining the Menindee Common are a number of other reserves and easements that have been withdrawn from the Common, some of which are managed by Central Darling Shire Council, the current Trust Manager of the Menindee Common Trust. Other parcels (such as TSRs and TS&CRs), although reserved under the *Crown Lands Act 1989*, do not have a Trust.

Due to previous and current resource constraints, these reserves have never been physically separated (via fencing) from each other and/or the Menindee Common. The Common Trust Manager has erected fencing in order to exclude stock from the horticultural land adjoining the Menindee Common, however this fencing incorporates parts of several reserves into the Menindee Common although some of the reserved land was not set aside for the purpose of Common. Because of this, there appears to be a false perception as to the grazing capacity of the Menindee Common within the local community. Figure 4 depicts where the fenced boundaries of the Menindee Common are located, irrespective of their current state of repair.

The Plan of Management has established a number of suitable land uses for various parts of the Menindee Common that will add value and return a benefit to the whole Menindee community. See Table 9 for preferred uses.

Table 9: Potential uses of lands reserved for Common at Menindee.

Potential Uses	Area A	Area B	Area C	Area D
Catchment Protection	✓	✓	X	X
Nature Conservation	✓	✓	✓	✓
Heritage Protection	✓	✓	✓	✓
Recreation and Tourism	✓	✓	✓	✓
Grazing	X	✓	✓	✓

Currently the sole authorised use for the Menindee Common is grazing. Other uses may be undertaken by licence but require the approval of a delegate of the Minister for Regional Infrastructure and Services.

The Land Assessment concluded that the following environmental protection recommendations should be included in the Plan of Management:

- avoid further clearing or modification of the native vegetation;
- avoid further removal of top soil, except in emergency situations (flooding) where the District Emergency Management Officer has approved such removal;
- avoid further alienation of Common lands;
- ensure protection of the riparian vegetation, banks of the Darling River, and associated floodplain ecosystems;
- ensure protection of any identified Aboriginal heritage and other cultural heritage sites; and
- restrict unauthorised vehicle access and the creation of more tracks.

4.2 LIST OF ALL PERMITTED LAND USES

The permitted land uses for which the Menindee Common may be used are:

Pasturage and Watering of Stock and Stock Management

- Pasturage and watering of cattle, horses, and goats (milking) and any other stock approved by the Trust.

Land Management and Conservation

- Land rehabilitation (including tree planting and riparian restoration);
- Nature conservation and environmental protection (including threatened species);
- Aboriginal and European heritage protection and conservation;
- Bushfire control;
- Noxious weed and feral animal control;
- Soil conservation;
- Crown timber management; and
- Noise, water and air pollution control.

Mining and Extractive Industries

- Mineral exploration;
- Mining; and
- Licensed extraction of sand, gravel and other material.

Recreation

- Passive recreation (including walking, bird watching, cycling, fishing, and picnicking);
- Short-term camping (limited to three nights);
- Horse riding; and
- Registered motor vehicles (only for the purpose of accessing the Menindee Common for passive recreation and camping).

Film Making, Tourism, Education, Community Purposes, Access, Infrastructure and Services

- Filming (within the meaning of the *Local Government Act 1993*);
- Access through the Common;
- Emergency occupation;
- Tourism;
- Educational and scientific studies;
- Community purposes;
- Telecommunication facilities and services;
- Advertising; and
- Services, infrastructure and utilities.

Additional Land Uses/Activities

- Other activities or land uses approved by the Trust, subject to their compatibility with the findings of the Menindee Common Land Assessment and providing they do not negatively impact on the natural and cultural attributes of the Common. This section includes the licensing of pumpsites and pipelines on and across the Common.

Prohibited Use/Activities

- The discharge of firearms is strictly prohibited on the Common (except for destroying sick or injured stock, or the control of feral animals, both of which requires authorisation by the Common Trust);
- No unlawful activity may be undertaken on the Common, including the dumping of rubbish; and
- Unauthorised activities that pose or potentially pose a risk to any person using the Common is strictly prohibited. This includes trail bike riding and driving on wet claypans.

4.3 USE, RULES AND REGULATIONS

The Common Trust may, in respect of the whole or any part of a Common, grant licences for any of above-mentioned purposes in accordance with Section 108 of the *Crown Lands Act 1989* and Section 31 of the *Crown Lands Regulation 2006* provided that:

- Management of the land is in accordance with the Plan of Management, relevant Crown policies and guidelines; and
- The use and/or occupation of the land is considered to be in the public interest and consistent with the permitted uses.

The Trust must fulfil the statutory requirements of the *Common Management Act 1989* and the *Common Management Regulation 2006*. Furthermore, the Trust Manager must ensure that all Trust officers have access to the Department's Trust Handbook (last revised October 2007).

The Menindee Common has been split into two land use zones (see Figure 17):

- Zone 1 which includes Catchment Protection, Nature Conservation and Passive Recreation (1,099 hectares); and
- Zone 2 which includes Grazing and Public Use (1,755 hectares).

Permitted land uses within each land use zone are outlined in Sections 4.3.1 to 4.3.8.

4.3.1 Pasturage and Watering of Stock and Stock Management

The Plan of Management outlines the objectives, policies, rules and evaluation criteria formulated to assist the Common Trust in strategically managing the pasturage and watering of stock on the Menindee Common by Licensees.

Background

The majority of land covered by the Menindee Common is vacant land that has been used for the pasturage and watering of stock by Commoners since 1870.

The recommended stocking rate or safe carrying capacity of the Common is one (1) dry sheep equivalent (DSE) per 4.9 hectares (1 DSE = 1 Merino sheep in forward store condition, with 10 sheep = 10 milking goats = 1 cow and 12 DSE = 1 cow and calf = 1 horse). This equates to a total safe carrying capacity of 358 DSE on Land Use Zone 2.

Note: In respect of exotic sheep breeds (eg. Dorper, Damarra etc.), the DSE value ascribed for Merino sheep is to be divided by three (3) to accommodate safe stocking rates for these breeds.

The Darling River is a permanent watercourse and is the only available water source for stock grazing Common lands. Consideration should be given to the provision of alternative watering points in grazing areas that bound the Darling River for relatively short distances. This would also allow riparian fencing and rehabilitation to be undertaken.

While pasturage and watering of stock is a valid use of the Menindee Common, the potential decrease in demand for this activity, the degraded vegetation on much of the Common, and increasing community pressure for alternate recreational uses, have foreshadowed a need to re-evaluate the area of the Common available for stock pasturage.

Objectives

The following longer term strategic management objectives relate to the pasturage of stock on the Menindee Common:

- Define areas within the Common suitable for pasturage and watering of stock, and allow for fencing and provision of alternative watering points (eg. troughs);
- Implement sound stock management policies that serve to improve the quality of soil, water and vegetation resources on the Common;
- Control stock movement onto main roads, and neighbouring properties; and
- Promote good animal health and optimum productivity for stock grazing within the Common.

Policies

The following policies have been adopted to assist the Trust in fulfilling the strategic management objectives relating to pasturage of stock on the Menindee Common:

- (1) Stock grazing on the Common is to be confined to Zone 2 as identified in the Plan of management – see Figure 17. Stock must be owned by a Licensee or enrolled Commoner and the stock must be recorded in the Common Herdbook;
- (2) Grazing activities will not be permitted in Zone 1;

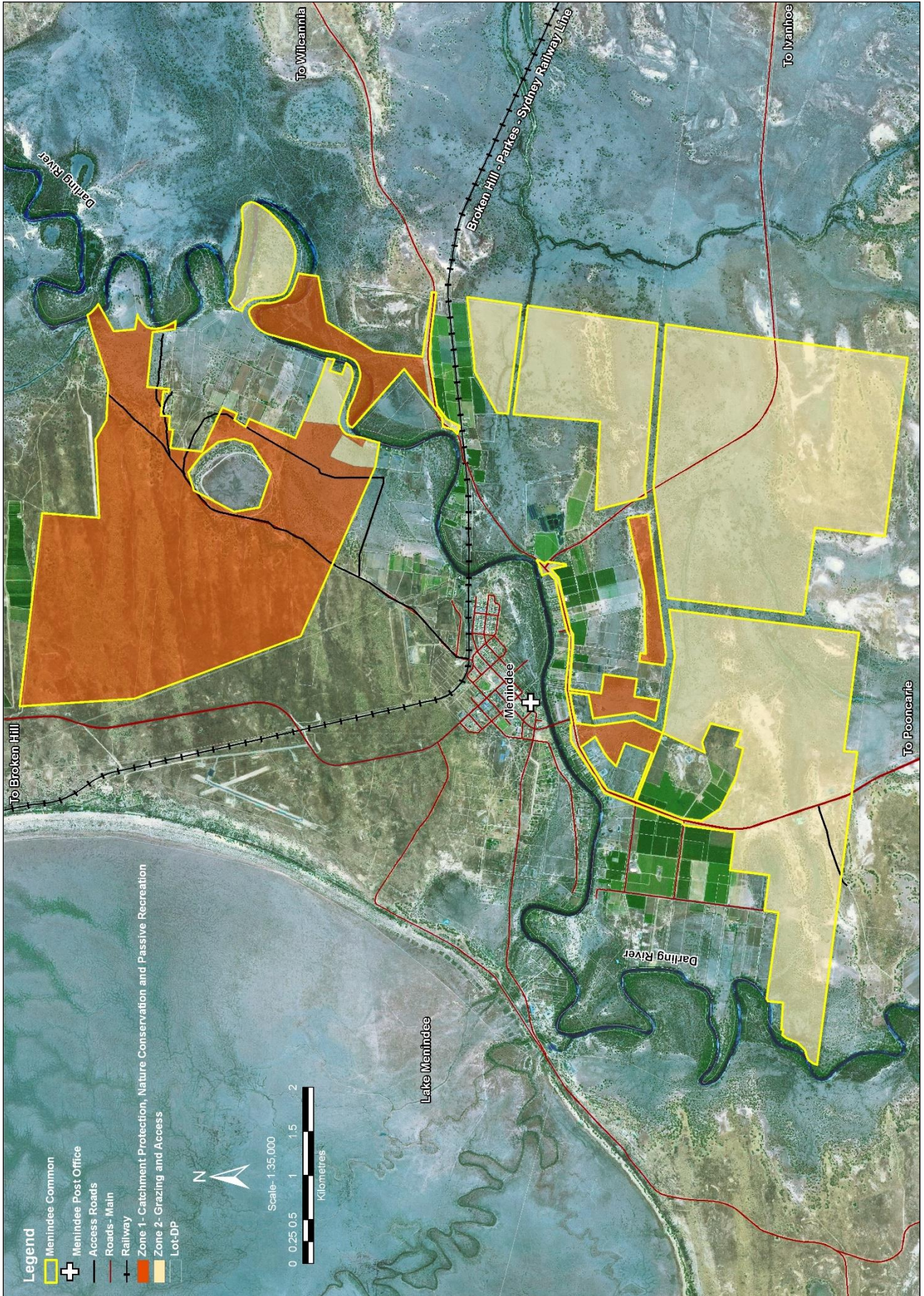


Figure 17: Menindee Common Land Use Zones

- (3) Existing grazing licenses, conferring exclusive use to the Licensee to a part of the Menindee Common, shall be reviewed jointly by the Trust Manager and the DPI (Far West Area, West Region, Catchment and Lands Division) before issue of a new licence under the Plan of Management. The area held under the Trust-issued temporarily grazing licence is to be utilised for temporary grazing subject to relevant rest periods between each grazing period. The temporary grazing period is to be no longer than three (3) consecutive months, followed by a rest period of three (3) consecutive months. This cycle is to continue, with reviews to be undertaken by the Trust in conjunction with the DPI every six (6) months;
- (4) No further licences issued under section 34 of the *Crown Lands Act 1989* conferring exclusive grazing rights to any part of the Menindee Common shall be granted by either a delegate of the Minister for Regional Infrastructure and Services or the Trust Manager from 1 December 2012;
- (5) The number of stock that a licensee or enrolled Commoner can be grazed on the Menindee Common will be based on the recommended stocking rate for Zone 2 of the Menindee Common - 1 DSE to 4.9 hectares (total safe carrying capacity of 358 DSE);
- (6) Zone 2 of the Menindee Common should not be used by the general public unless authorised by the Trust; and
- (7) The use of the Common for pasturage and watering of stock will be regulated by the Trust in accordance with the rules and licence conditions.

Rules

The following rules have been adopted to assist the Trust with achieving the strategic objectives relating to pasturage of stock on the Menindee Common:

- (1) *Trust Obligation* - The Trust takes no responsibility for stock depastured on the Common. It is the sole responsibility of the enrolled Commoner and/or Licensee to properly care for the security, condition and health of their stock;
- (2) *Authority to Pasture Stock*- The pasturage of stock within Zone 2 is restricted to enrolled Commoners and those persons who hold an appropriate licence for grazing;
- (3) *Pasturage Areas*- The grazing of stock on the Common is confined to Zone 2 identified in the Plan of Management;
- (4) *Payment of Fees*- The Trust shall require payment of any licence and other fees prior to commencement of grazing on the Common;
- (5) *Pecuniary Interest*- If the Trust is the local government council, pecuniary interest rules shall be those that apply under the *Local Government Act 1993* (LGA) from time to time. Should the Trust Manager appoint a Common Management Committee (CMC) under Section 355 of the LGA, the same pecuniary interest rules apply as if the CMC were a Council Committee comprised of elected Councillors;
- (6) *Seasonal Stocking Rates (Common Closure)* - It is the responsibility of the Trust to periodically review and make determination as to the appropriate stocking rate of the Common. In the event of poor seasons or other adverse seasonal influences, the Trust may vary stocking rates to suit conditions or in extreme circumstances may close Zone 2 altogether. In exercising such actions, the Trust shall take into account meteorological forecasts, markets, fodder cost, ground cover, land degradation and any other natural resource or environmental conditions. The fundamental criteria for determination of the stocking rate shall be cover class (percentage of ground cover);
- (7) *Removal of Stock*- Should ground cover be reduced to less than 40% (on average), as determined by the Trust, stock shall either be removed from the area exhibiting less than this level of ground cover or removed from the Common. In the event of a dispute arising regarding ground cover, the Western Lands Commissioner shall be the arbitrator;
- (8) *Stock Identification*- All stock must be ear tagged in compliance with the Meat and Livestock Australia National Livestock Identification Scheme (NLIS). Such tags are to have a relevant Property Identification Code (PIC) as issued by the Western LHPA;
- (9) *New Stock*- All new stock proposed to be depastured on the Common will require proof of ownership. Proof of ownership is to be sighted by a Trust Officer or Herdsman, otherwise stock will not be allowed to be placed on the Common. Grazing fees for such new stock is to be prepaid prior to the stock being placed onto the Common;
- (10) *Stock Movements (Notice to be Given)*- 48 hours notice must be given to a Trust Officer or Herdsman before any stock can be removed from or placed on the Common. Furthermore, there is a requirement that any movement of stock onto or away from the Common is to be registered with the NLIS by the owner;
- (11) *Swapping of Stock*- The swapping of stock between a property and the Common is not permitted. Stock may only be removed in accordance with Rule 9. Any stock replacing removed stock become 'New Stock', and are subject to Rule 10;

- (12) *Straying Stock*- Should an enrolled Commoner's or a Licensee's stock stray or escape from the designated grazing area of the Common, it is the responsibility of that enrolled Commoner or Licensee to return their stock to the Common. Failure to do so will result in the Trust imposing a fee on the enrolled Commoner or Licensee to cover costs incurred in the removal of the stock by the Trust Herdsman. The Trust may direct that any stock that persistently stray or escape from the Common and/or cause a nuisance must be removed from the Common;
- (13) *Poddy Calves*- No poddy calves are allowed on the Common. A breach of this rule is an infringement incurring a penalty of one (1) penalty unit per poddy calf owned by the Licensee or enrolled Commoner;
- (14) *Bulls*- No bulls are allowed on the Common. A breach of this rule will incur a penalty of one (1) penalty unit per bull held by the Licensee or enrolled Commoner;
- (15) *Stallions*- No stallions are allowed on the Common. A breach of this rule will incur a penalty of one (1) penalty unit per stallion held by the Licensee or enrolled Commoner;
- (16) *Sick or Injured Stock*- It is the responsibility of each Licensee or enrolled Commoner to treat their sick or injured stock. In the event of an owner failing to attend to such stock, treatment may be administered by the Common Herdsman on a cost recovery basis. Any animal found on the Common infected with any contagious or infectious disease that is beyond treatment (where necessary, confirmed by a veterinarian) may be destroyed by the Herdsman following the giving of notice to the owner describing the animal and stating that it is the Trust's intention to destroy such animal. It is to be understood that such destruction shall not entail any liability at common law or otherwise upon any person giving or acting under any such direction by the Trust. All cost incurred by the Trust will be recovered from the owner on a cost recovery basis. Such a breach will also incur a penalty not exceeding one (1) penalty unit per head treated;
- (17) *Dead Stock*- Disposal of dead stock is the responsibility of the respective owner. Should the owner fail to do so within 24 hours, the Trust Ranger will make arrangements for disposal. All costs incurred in completing such disposal will be the responsibility of the owner who will be billed by the Trust accordingly and be liable to a penalty not exceeding one (1) penalty unit of every head of stock not satisfactorily removed or destroyed. Where the owner carries out this responsibility, the owner must consult and obtain the approval from the Trust Ranger or Trust Secretary as to the method and place of disposal;
- (18) *Absence of Licensee or Enrolled Commoner* - Should a Licensee or enrolled Commoner be away for any period of time, it is that Licensee's or enrolled Commoner's responsibility to contact the Trust and inform it of the nominated person who is responsible for that Licensee's or enrolled Commoner's stock, in case of any injury, sickness or death of that Licensee's or enrolled Commoner's stock during his/her absence; and
- (19) *Maintenance and Improvements*- It is expected that Licensees and enrolled Commoners aid the Trust in maintaining Zone 2 by reporting any vandalism and general maintenance needs to the Common Herdsman. The Trust shall:
 - (a) Ensure that livestock are prevented from moving onto public roads or neighbouring properties, through the erection and maintenance of fences;
 - (b) Develop a plan for improvements including fencing and improved grazing management (eg. strategic watering points);
 - (c) Budget and prioritise for improvement activities in the Common and consult with Licensees and enrolled Commoners prior to undertaking improvement activities; and
 - (d) Coordinate contractors and voluntary labour to undertake maintenance improvements consistent with the rules.

Impounding of Stock

For the benefit of all Licensees, enrolled Commoners and other Common users, it is important that the rules stated for pasturage of stock are followed. Breaches of these rules may result in the impoundment of the stock concerned. Stock will be impounded under the following circumstances:

- (1) Stock located outside of Zone 2;
- (2) Stock located on the Common after a licence has expired;
- (3) Stock in Zone 2 that is unregistered or not owned by Licensees or enrolled Commoner;
- (4) Stock identified in excess of the agreed stocking rate will be treated as unregistered stock; and
- (5) In circumstances considered by the Trust as necessary (eg. mismanaged or ill treated stock, inappropriately behaved stock etc.).

Upon impounding of stock by the Common Herdsman, notice of such impounding shall be undertaken in the following manner:

- (1) Recording in the Pound Keeper's book;
- (2) To the owner of the stock (if known) by way of post within 24 hours;
- (3) By advertisement in a local newspaper, once per week, of all animals impounded; and
- (4) By notice exhibited on the notice board at the pound and, if appropriate, conspicuous places on the Common.

Prior to the release of the impounded stock to the identified owner, a fee totalling all costs incurred as a result of impounding of the stock must be paid to the Trust. This fee will include driving charges, expenses of advertising, impounding fee, fodder fee, release fee and deterrent fee. In the event that no owner of the stock is located after one week of impounding, the stock shall be sold by auction to the highest bidder.

Animals impounded by the Trust may be destroyed if:

- (1) Diseased, injured, starved or if in any other way infirmed;
- (2) Not able to be sold at auction; or
- (3) The RSPCA has been informed, inspected the animal(s) concerned and approved of such action.

Evaluation

The following data will be collected to provide for assessment of the effectiveness of the rules:

- Name and address of all Licensees recorded in the Trust Book;
- Quarterly livestock numbers and type recorded in the Trust Book;
- Number and type of livestock found outside of Zone 2 of the Menindee Common;
- Number of complaints or disputes relating to livestock on the Common; and
- Register of maintenance and improvement activities and initiatives implemented by the Trust.

All data collected will be included in the Trust's Annual Report for the Menindee Common for the respective year in which the data was collected.

4.3.2 Land Management and Conservation (including Cultural Heritage)

Background

Management and conservation of the natural and cultural values of the Menindee Common are considered fundamental to the long-term sustainability of the Menindee Common for a variety of alternate land uses.

The land management and conservation strategy adopted by the Plan of Management recognises that the semi-arid environment of the Common is sensitive and prone to degradation as a result of land use activities unsuited to the environment. Consequently, the strategy places emphasis on the marriage of alternate land uses with areas of the Common that can support those alternate land uses, without experiencing degradation of their natural and cultural values.

Objectives

The following strategic management objectives apply to management of land and conservation issues for the Menindee Common:

- Define areas within the Common that due to their natural and/or cultural values are capable of supporting alternate land uses, without experiencing degradation of those natural or cultural values;
- Recognise, protect and enhance the natural and cultural resources of the Common through the implementation of ongoing sound management and monitoring policies relating to grazing and recreational activities and other approved land uses (eg. to maintain adequate vegetation cover and species mix, which will also ensure soil stability and minimise land degradation);
- Remediate degraded areas, particularly related to the banks of the Darling River, areas used by recreational vehicles, and animal tracks;
- Control and/or eradicate introduced weeds (eg. African boxthorn, Bathurst burr, and Noogoora burr) and pests (eg. foxes, rabbits, hares, and feral cats);

- Identify, protect, interpret and promote sites of Aboriginal and European cultural and heritage significance; and
- Remove and correctly dispose of waste materials.

Policies

The following policies have been adopted to assist the Trust in fulfilling the strategic management objectives relating to land management and conservation on the Menindee Common:

- (1) Use of the Zone 1 is restricted to those land uses listed under Section 4.1 of the Plan of Management, except grazing of stock, mining and extractive industries, which are confined to Zone 2- see Figure 17;
- (2) Land uses listed under Section 4.1 of the Plan of Management may only be conducted on specific areas of the Common, identified by the Trust as being suitable for that specific land use;
- (3) Recreational users of the Common will be subject to guidelines published by the Trust as information leaflets to ensure adequate control and to protect against land and vegetation degradation on the Common;
- (4) The Trust will promote land management and conservation programs relating to the natural and cultural aspects of the Common, involving Licensees, the community and bona-fide groups or agencies;
- (5) The Trust will maintain a six metre fire break around the boundary of the Common, not including the boundaries along the Darling River;
- (6) The dumping of rubbish, litter, refuse, dead animals, offal or other waste on the Common, is strictly prohibited and will incur the maximum penalty that applies to the offence(s), with the exception of dead stock as authorised under Rule 17 of Section 4.2.1;
- (7) The Trust may destroy, control or remove feral animals that are on the Common, and may eradicate noxious weeds that grow on the Common, as required in compliance with any other applicable laws, such as the *Noxious Weeds Act 1993* and;
- (8) The Trust must not permit a person to remove dead timber, logs or tree stumps, whether they are in the ground or not, from any part of the Common unless that person is a *bona-fide* camper or picnic site day user.

Maximum Penalty- five (5) penalty units.

Rules

The following rules have been adopted to assist the Trust with achieving the strategic management objectives relating to land management and conservation on the Menindee Common. The Trust may:

- (1) Budget and prioritise for the maintenance and improvement of land affected adversely by past land use activities;
- (2) Promote involvement with *bona-fide* groups or agencies wishing to initiate land management and/or Landcare activities;
- (3) Collaborate with local educational institutions to incorporate surveys of the fauna and flora of the Common into student projects;
- (4) Pursue the preparation of a *Track Rehabilitation Action Plan*, and adopt the plan as a sub-plan of this Plan of Management;
- (5) Prepare and implement a comprehensive '*Vegetation Restoration and Plan of Management*' to achieve the full range of vegetation restoration activities required for appropriate natural area management (including solutions for preventing and addressing land degradation), and adopt the plan as a sub-plan of this Plan of Management;
- (6) Adopt a principle of zero physical disturbance to soils in the Common to the extent practicable and undertake erosion control measures in a manner that avoids damage to archaeological sites and soils considered to be archaeologically rich;
- (7) Regularly review the safe carrying capacity of the Zone 2 of the Common to take into account the condition of soil and vegetation cover. This review may be undertaken in consultation with a Departmental Officer from DPI;
- (8) Consult with the Office of Environment and Heritage, in conjunction with the local Aboriginal Elders in relation to the management and protection of Aboriginal relics and sites;
- (9) Erect appropriate fencing and signage around areas of natural and/or cultural sensitivity, with signage to include requests not to remove cultural sites and other requests as appropriate;

- (10) Prepare and implement a *Cultural Heritage Management Strategy*, and adopt the strategy as a sub-plan of this Plan of Management, including the undertaking of an Aboriginal inspection of the Common;
- (11) Protect vegetation of tracks, car parks, picnic areas and other areas from degradation by weeds by avoiding roadside slashing, using clean mowing equipment in the picnic area, and the complete avoidance of imported soils or mulches;
- (12) Ensure that all previously sprayed noxious weed areas are followed up to avoid these areas regressing;
- (13) Improve education of local residents to reduce straying of domestic dogs and cats;
- (14) Request that the public report any sightings of feral animals to the Trust;
- (15) Prepare and implement a comprehensive *Pest Management Plan (Weeds and Feral Animals)* for the Common and ensure it complies with other statutory obligations, and adopt the plan as a sub-plan of this Plan of Management;
- (16) Continue to maintain the internal fire break (at an effective but not excessive frequency) along all boundaries of the Menindee Common, except where it joins the Darling River, to the specified width of six metres only;
- (17) Prepare and implement a comprehensive *Fire Management Plan* to achieve the full range of fire management activities for the Common and ensure it complies with the other statutory obligations, and adopt the plan as a sub-plan of this Plan of Management;
- (18) Ensure the Fire Management Plan is acknowledged in the *Central Darling Bushfire Risk Management Plan*;
- (19) Maintain liaison and develop co-operative strategies with the Rural Fire Service, local government and neighbours to ensure co-ordination of fire management on the Common;
- (20) Seek the cooperation of all relevant authorities in eliminating unplanned fires and improve the rapid response to fire within the Common to achieve an ecologically and socially responsible fire management regime;
- (21) Develop a surveillance and action plan for the prevention of unlawful activities on the Common and the removal of unauthorised structures;
- (22) Keep structures on the Common to the minimum necessary for safety and protection of the environment;
- (23) Adopt a suitable set of construction standards to ensure all tracks, boardwalks, viewing platforms and signage complement the natural aesthetic value of the Common; and
- (24) As needed, prepare 'position papers' or policies on a small number of more complex policy areas (eg. 'Pets and the Common').

Evaluation

The following data will be collected to provide for assessment of the effectiveness of the rules:

- Noxious weeds and feral animals identified;
- Land management and Landcare achievements (eg. cost of weed and pest control, area of weeds controlled, number and type of pests eradicated);
- Number of coordinated control programs;
- Number of projects initiated by students or interest groups; and
- Number of enquiries and complaints received.

All data collected will be included in the Trust's Annual Report for the Menindee Common for the respective year in which the data was collected.

4.3.3 Mining and Extractive Industries

Background

The management strategy adopted by the Trust in relation to activities of the Mining and Extractive Industries on the Menindee Common acknowledges:

- Mineral resources and extractive material on the Common land are owned by the Crown and their removal is subject to the approval of the Division of Resources and Energy (Department of Trade, Investment, Regional Infrastructure and Services), the DPI (Catchment and Lands Division), and other relevant Government Authorities; and
- Community requirements for sand and gravel for infrastructure development and maintenance.

Consequently, the Trust aims to work cooperatively with all Government Authorities and the mining and extractive industries, whilst serving to represent the best interests of the Common and the community in ensuring that the natural and conservation values of the Common is preserved.

Removal of commercial quantities of sand and gravel from the Common will require a licence from the Trust. Any rental or royalty payable to the Trust will be used for financing management activities on the Common.

Objectives

The following strategic management objectives relate to the activities of mining and extractive industries on the Menindee Common:

- Provide orderly access to construction materials and Crown mineral resources consistent with Government requirements, environmental planning constraints, and the land management and conservation strategy of the Plan of Management; and
- Supplement the income of the Trust to offset the management costs associated with operation and maintenance of the Common.

Policies

The following policies have been adopted to assist the Trust in fulfilling the strategic management objectives relating to the activities of mining and extractive industries on the Menindee Common. The Trust will:

- (1) Confine extractive industries on the Common to Zone 2 as identified in the Plan of Management - see Figure 17. Such activities are to be licensed by the Common Trust. Zone 2 of the Menindee Common has been deemed suitable for extractive industries after taking into account the following factors:
 - (a) Land suitability rankings for Mapping Areas A to D of the Land Assessment, which highlights the generally low suitability of Zone 2 for environmental protection and recreation purposes; and
 - (b) The location of existing infrastructure to support the use of Zone 2 (eg. access roads);
- (2) Cooperate with the Division of Resources and Energy (Department of Trade, Investment, Regional Infrastructure and Services) in relation to approved activities of the mineral exploration and mining industry on the Common under the *Mining Act 1992*;
- (3) Ensure that it receives fair and reasonable compensation from the mineral exploration and mining industry in relation to any activity by that industry on the Common where compensation is duly payable;
- (4) Ensure that any remediation or rehabilitation works undertaken by the mineral exploration and mining industry on the Common is completed to standards that:
 - (a) Will assist with the return of the land to a condition equivalent to or better than the pre-disturbance condition;
 - (b) Prevent further degradation of the land;
 - (c) Assist with the preservation of the natural character and visual amenity of the Common;
 - (d) Are completed in priority of safety, environmental impact and historical value.
- (5) Issue licences for all activities associated with the commercial removal of sand, gravel or other natural commodities from the Common;
- (6) Ensure that any commercial removal of sand, gravel or other natural commodities are undertaken within the guidelines of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*;
- (7) Collect from all Licensees a market-based rental and royalty, payable to the Trust; and
- (8) Issue approvals to local residents for the removal of small volumes (less than three cubic metres-3m³) of sand and gravel from designated parts of the Common upon request, if deemed appropriate. Such removals will not be the responsibility of the Trust and will be self-loaded (shovel and utility/trailer).

Rules

The following rules have been adopted to assist the Trust with the implementation of policies relating to the activities of mining and extractive industries on the Menindee Common. The Trust shall:

- (1) Issue licences for commercial sand and gravel removals, and monitor compliance with conditions;
- (2) Maintain records of material removed and royalties received in accordance with the *Common Management Act 1989* and *Common Management Regulation 2006*.

Evaluation

The following data will be collected to provide for assessment of the effectiveness of the rules:

- Number of licensed operators;
- Volume and type of material removed;
- Compliance with conditions;
- Income from extractive industries;
- Number of sites rehabilitated, including area and cost;
- External funding received; and
- Number of hazardous sites identified.

All data collected will be included in the Trust's Annual Report for the Menindee Common for the respective year in which the data was collected.

4.3.4 Recreation, Tourism, Education, Film Making and Community Purposes

Background

The Menindee Common Trust recognises the ongoing recreation, tourism, education, film making, access and community purpose needs of the Menindee community and proposes that the following activities be permitted, providing they do not serve to diminish the natural or heritage values of the Common:

- Passive recreation (including walking, bird watching, cycling, fishing and picnicking);
- Short-term camping (limited to three nights);
- Horse riding;
- Registered motor vehicles (only for the purpose of accessing the Common land for passive recreation and camping);
- Tourism;
- Filming (within the meaning of the *Local Government Act 1993*);
- Access through the Common;
- Emergency occupation;
- Educational and scientific studies;
- Telecommunication facilities and services;
- Advertising; and
- Services, infrastructure and utilities.

Objectives

The following strategic management objectives apply to the use of the Common for recreation, tourism, education, film making and community purposes activities:

- Provide orderly access to and encourage the use of the Common for the approved recreational, cultural, tourism, educational, film making and community purpose activities;
- Ensure that approved activities do not negatively impact on, or compete with, existing adjacent land use activities, either on the Common or other adjacent landholdings; and
- Where applicable, regulate the issue of licences for recreational and tourism activities (eg. recreational clubs) in accordance with demand and the presence or absence of similar facilities in the Central Darling Local Government Area.

Policies

The following policies have been adopted to assist the Trust in fulfilling the strategic management objectives relating to recreational and tourism activities on the Menindee Common:

- (1) Use of the Common for recreation, tourism, educational, film making and community purposes will be confined to Zone 1 of the Menindee Common, unless specifically authorised by the Trust- see Figure 17;
- (2) Zone 2 of the Common should not be used by the general public unless authorised by the Trust;
- (3) Approved recreational, tourism, educational, film making and community purpose activities are only permitted on approved areas of the Common, assessed as being capable of supporting those activities without being adversely affected in terms of their natural or cultural values;

- (4) The Trust will authorise short-term camping by issuing licences;
- (5) Recreational users of the Common (including passive recreation, short-term camping and horse riding) will be subject to guidelines published by the Trust as information leaflets to ensure adequate control and to protect against land and vegetation degradation on the Common;
- (6) Recreational fishers will require a recreational fishing licence (obtainable from agents of DPI- NSW Fisheries Division) and must abide by the relevant freshwater fishing rules and regulations;
- (7) Use of the Common for commercial/intensive tourism and recreational purposes will be subject to the approval of the Trust; and
- (8) The Trust will authorise commercial/intensive tourism and recreational activities and facilities by issuing licences.

Rules

The following rules have been adopted to assist the Trust with the implementation of the management strategy relating to recreation and tourism activities on the Menindee Common. The Trust shall:

- (1) Identify and promote recreational, tourism, educational, film making and community purpose opportunities for the Common;
- (2) Plan for and investigate funding opportunities to develop recreational, tourism, educational and community purposes facilities;
- (3) Promote the use of the Common in cooperation with various cultural community and educational organisations;
- (4) Publish guidelines covering the use of the Common for recreational and associated purposes in information leaflets titled '*Guidelines for Recreational Activities on the Menindee Common*' and '*Guidelines for the use of Motor Vehicles on the Menindee Common*' (including prohibitions of any off-road use of vehicles of any sort), and shall ensure that all vehicles are registered and all drivers are licensed;
- (5) Develop and implement a program of on-site walks on a range of subjects to raise awareness of the values and appropriate enjoyment and management of the Common, including a leaflet that includes directions for any self-guided walks;
- (6) Monitor the impact that recreational, tourism, educational, film making and community purposes activities have on the natural and cultural values of the Common, including visitation rates and trends;
- (7) Maintain information provided to visitors;
- (8) Maintain prohibitions on dog walking and pets of any sort (excluding horses);
- (9) Identify, map and rationalise all existing tracks on the Common, and rehabilitate all unneeded tracks to a high standard;
- (10) Limit short-term camping to three nights;
- (11) Construct appropriate fencing and display signage for the purpose of user awareness and safety; and
- (12) Develop a surveillance and action plan for removal and prevention of unauthorised structures and unlawful activities on the Common.

Evaluation

The following data will be collected to provide for assessment of the effectiveness of the rules:

- Requests received from the community or organisations for use of the Common for recreational, tourism, educational, film making and community purposes;
- Number of licences issues;
- Liaison and cooperative projects with other local groups and Trusts;
- Number of complaints and enquiries relating to recreational, tourism, educational, film making and community purposes activities (including police statistics of nuisance and unauthorised usage);
- Number of commercial activities and income; and
- Achievements with planning and development.

All data collected will be included in the Trust's Annual Report for the Menindee Common for the respective year in which the data was collected.

4.3.5 Services, Infrastructure and Utilities

Background

The Menindee Common Trust recognises that land may be required for a range of land use activities to provide for new, or to support existing, services infrastructure and utilities used by the Menindee community. Consequently, the Trust must ensure that adequate provision is made under the Plan of Management to enable approval of such land use activities, should they be required.

Objectives

The following strategic management objectives apply to the use of the Common to provide for new, or support existing, services, infrastructure and utilities:

- Provide for the use of the Common for such land use activities, should the demand arise; and
- Ensure that use of the Common for such land use activities do not negatively impact on either the natural and cultural values of the Common, or adjacent land use activities on the Common or other landholdings.

Policies

The following policies have been adopted to assist the Trust in fulfilling the strategic management objectives relating to the use of the Common to provide for new or support existing services, infrastructure and utilities:

- (1) Assess all requests for use of the Common for such land use activities against the land capability rankings of the Menindee Common Land Assessment;
- (2) Issue licences for the area approved for such land use activities; and
- (3) Assess whether as a condition of the licence, an Annual or Biennial Environmental Report is required, dependant on the nature of the land use activity and the impact on the Common.

Rules

The following rules have been adopted proposed to assist the Trust with the implementation of the management strategy relating to such land use activities. The Trust shall:

- (1) Regularly inspect and monitor the impact that approved land use activities have on the natural and cultural values of the Common;
- (2) Ensure that all licence conditions are complied with by the Licensee; and
- (3) Review and regularly audit the findings of Annual or Biennial Environmental Reports, if appropriate.

Evaluation

The following data will be collected to provide for assessment of the effectiveness of the rules:

- Information relating to site inspections, environmental and other issues of non-compliance, remediation work required and findings of follow-up inspections; and
- Number of complaints and enquires relating to activities occurring on land licensed for such activities.

All data collected will be included in the Trust's Annual Report for the Menindee Common for the respective year in which the data was collected.

4.3.6 Urban Development

The use of the Menindee Common for urban development is not a permissible land use activity under the Plan of Management.

4.3.7 Other Land Use Activities Not Defined Under Section 4.1

Background

The Trust recognises that requests for use of the Common for land use activities other than those listed under Section 4.1 of the Plan of Management may be received in the future. In instances where such requests relate to projects or infrastructure of significant importance to the Menindee Community, the Trust shall reserve the right to consider approval of such activities or land uses. Any consideration of such activities or land uses will be undertaken in consultation with the relevant Government Authorities and will draw upon the land capability ranking information in the Menindee Common Land Assessment to ensure that the natural and cultural values of the Common is maintained.

Objectives

The following strategic management objectives apply to the use of the Menindee Common for activities other than those listed under Section 4.1 of the Plan of Management (herein termed small-acre land uses), which would be licensed by the Trust:

- Define those areas within the Common that due to their natural and cultural values are capable of supporting small-acre land uses without experiencing degradation of those natural or cultural values; and
- Ensure that small-acre land uses do not negatively impact on, or compete with, existing adjacent land use activities, either on the Common or other adjacent landholdings.

Policies

The following policies have been adopted to assist the Trust in fulfilling the strategic management objectives relating to the issue and management of licences for small-acre land uses. The Trust shall:

- (1) Authorise access to the Common through the issue of fixed-term small-acre land licences;
- (2) Erection of all structures or buildings on licences will be subject to the approval of the Trust. No permanent structures or buildings may be erected on small-acre land licences;
- (3) Ensure that any land use activity, other than the grazing of stock, would adequately address any relevant issues associated with Native Title, prior to the issue of a licence; and
- (4) Reserve the right to revoke a small-acre land licence if it can be demonstrated that the natural and cultural attributes of the licensed land are being degraded as a result of activities occurring on that land.

Rules

The following rules have been adopted to assist the Trust with the implementation of the management strategy covering small-acre land licences. The Trust shall:

- (1) Publish information leaflets explaining the environmental responsibilities of small-acre land Licensees;
- (2) Regularly inspect and monitor the impact that land use activities occurring on small-acre land licences have on the natural and cultural values of the Common; and
- (3) Develop a communications policy between Trust and its volunteers.

Evaluation

The following data will be collected to provide for assessment of the effectiveness of the rules:

- Requests received from the community for the issue of small-acre land licences; and
- Number of complaints and enquires relating to activities occurring on small-acre land licences.

All data collected will be included in the Trust's Annual Report for the Menindee Common for the respective year in which the data was collected.

4.4 LIMITS OF ACCEPTABLE CHANGE

Limits of Acceptable Change (LAC) is based on a recognition that all types of recreational or other activities in natural areas can have impacts that degrade the quality of the environment and/or the quality of the recreation experience of other users.

LAC planning requires a community to identify:

- The values to be retained; and
- The indicators that can help managers predict when environmental or social values may be potentially damaged by an activity.

Application of the LAC approach requires the monitoring of indicators of impacts on environmental or recreational values on a regular basis, then putting in place procedures for management actions that would bring these indicators back to within acceptable levels. This allows that activity to be modified or discontinued before damage occurs.

4.4.1 Limits of Acceptable Change

Heritage

- Nil impact on cultural heritage sites or artefacts.

Biodiversity and Soils

- Modification of vegetation to the minimum extent necessary to maintain access tracks, car parks, picnic areas and visitor facilities;
- Nil impact on the vegetation communities except for clearance for approved walking tracks and temporary access for fire fighting;
- Nil impact on threatened species habitat;
- Nil increase in weed invasion;
- Minor management presence but natural forms still dominant; and
- Necessary soil erosion works.

Recreation

- Signs installed and maintained at a minimum number of track entrances;
- Designated walking tracks in particular locations; and
- Minimal social interaction (eg. on walking tracks only) to moderate social interaction (eg. picnic areas).

4.4.2 Indicators of Unacceptable Change

Heritage

- Non-participation by the local Aboriginal custodial group due to actions or attitudes of the Trust or of visitors to the site;
- Damage to Aboriginal and/or European cultural heritage artefacts or sites during construction works or use of the Common (eg. souveniring of artefacts by the public); and
- Publication of Aboriginal materials, stories or views without the consent of the custodial group.

Biodiversity and Soils

- Increased invasion by weed species and exotic grasses;
- Harm to or reduction of native fauna due to humans or pest species;
- Reduction in number and density of perennial plant species;
- Continued incidence of fire at the frequencies higher than those identified in the Fire Management Plan;
- Increased damage from trampling (vehicle, animal or walking tracks) or erosion; and
- Low awareness by the local community of the values and sensitivities of the Common.

Recreation

- Long term continuation of safety issues at walking tracks;
- Continued use or further proliferation of informal tracks;
- Increase in visitation numbers to a point users experience 'overcrowding';
- Conflict between recreation types; and
- Marring of the scenic beauty of the Common through poorly designed or located structures or signs.

Other Values

- Occurrence of excluded activities (eg. vehicular access of off-road areas, artefact collection, shooting, dog walking, and dumping of wastes);
- Failure to attract and maintain volunteers;
- Failure to secure funds for rehabilitation and maintenance; and
- Failure to formalise programs in keeping with duty of care to the site, to volunteers and the public.

4.5 AUTHORISED USERS

The users of the Menindee Common fall into five categories. These categories, and the respective activities that the users are permitted to undertake, are as follows:

4.5.1 Trust

Activities such as:

- Common Herdsman's duties, including stock management and animal husbandry;
- Land management and conservation;
- Improvements to the Common, including construction and maintenance of fencing, tracks, and picnic areas; and
- Council (if Trust managers) for:
 - Development (if required); and
 - Essential public services, including construction and maintenance of roads, and town services.

Common Herdsman Duties

In order for the Trust to manage the Menindee Common in relation to stock pasturage, a Herdsman may be employed by the Trust as per Section 8(3) of the *Common Management Act 1989*. As part of the Herdsman's activities, the following duties are considered necessary:

- (1) Generally become acquainted with the topography of the stock pasturage area;
- (2) Regular inspection of stock to ascertain that stock depastured are duly registered in the Trust book and that the fees thereon are duly paid;
- (3) Report all straying stock to the Trust and to the owners thereof;
- (4) Impound, in the name of and under a general authority from the Trust, all stock found illegally on the Common;
- (5) Regularly inspect and clean out troughs at all watering points provided for stock; and
- (6) Plot the fencing, note the condition and implement repairs.

As well as impounding of stock (as outlined in Section 4.3.1), other duties to be carried out by the Herdsman which relate to the whole of the Common and the various users include the following:

- (1) General policing and inspection of the Common and the appropriate uses within the guidelines of this Plan of Management;
- (2) Issue of penalty notices for infringements and other illegal activities;
- (3) Report to the Trust any person who in any way infringes any provision of the *Common Management Act 1989*, *Common Management Regulation 2006*, *Local Government Act 1993* and policy statements as per this Common Plan of Management;
- (4) Plot noxious weeds in order that a plan to eradicate them may be introduced; and
- (5) Take whatever steps are necessary to have dogs straying on the Common impounded or eliminated.

4.5.2 Enrolled Commoners

- Grazing and watering of stock;

4.5.3 Licensees

Activities such as:

- Grazing and watering of stock;
- High impact recreation;
- High impact tourism and tourist facilities;
- Community purposes;

- Removal of extractive materials;
- Advertising;
- Services, infrastructure and utilities; and
- Telecommunication facilities and services.

4.5.4 Persons or Organisations Authorised by the Trust

Activities such as:

- Low impact recreation;
- Low impact tourism;
- Heritage conservation;
- Nature conservation; and
- Environmental protection, including Landcare.

4.5.5 General Public

Activities such as:

- Passive recreation, including walking, horse riding, fishing, picnicking, short-term camping, and nature study (eg. users of bird walks);
- Registered motor vehicles (only for the purpose of accessing the Common for passive recreation and short-term camping);
- Users and visitors to facilities authorised and/or licensed by Trust; and
- Educational studies.

4.5.6 Authorities under other Legislation

Activities such as:

- Bushfire management;
- Health and engineering services;
- Heritage and cultural preservation;
- Land management and rehabilitation (including tree planting); and
- Mineral exploration and mining.

4.6 COMPLIANCE, PENALTIES AND COMPLAINTS

Definition of Penalty Units

As stated in Section 17 of the *Crimes (Sentencing Procedure) Act 1999*, unless the contrary intention appears, a reference in any Act or statutory rule to a number of penalty units (whether fractional or whole) is taken to be a reference to an amount of money equal to the amount obtained by multiplying \$110 by that number of penalty units.

Breach of Rules and Penalties

Any Licensee or enrolled Commoner breaching the stocking entitlements, as determined by the Trust, will incur a penalty of one penalty unit per DSE in excess of the entitlement allowed at the time. In addition, loss of Licensee's or Commoner's rights may also apply for a period as determined by the Trust. The Trust may impose penalties for breaches of the Rules (as outlined in Section 4.2) as provided in the individual Rules.

Serious or Repeated Breach of Rules

Any Licensee or enrolled Commoner seriously or repeatedly breaching the Rules (as outlined in Section 4.2) and/or the provisions of the *Common Management Act 1989* and *Common Management Regulation 2006* will lose all entitlements, and will incur a penalty (as outlined in the legislation or Section 4.2).

Non-Payment of Grazing Fees or Other Charges or Penalties

Where a Licensee or enrolled Commoner has not paid any applicable fees or any penalty for six months or more, the Trust may take either or both of the following actions as it may deem appropriate:

- (1) The stock recorded in the Trust Book as belonging to the Licensee or enrolled Commoner be impounded and sold by the Trust to recover the debts and any costs. All excess proceeds over the debts and costs incurred will be returned to the Licensee or enrolled Commoner; and/or
- (2) The Licensee's or enrolled Commoner's entitlements be suspended or withdrawn.

Commoner and Licence Entitlements

In the event of a Licensee's or enrolled Commoner's entitlements being suspended for non-payment of fees, that Licensee or enrolled Commoner shall be eligible to apply for another licence or grazing rights (respectively) following expiry of three months after the effective suspension date and the payment of a fee of zero point two (0.2) of a penalty unit together with outstanding debts, plus interest levied in accordance with *Common Management Regulation 2006*.

Causing Nuisance

Any person who, in the opinion of the Trust, persistently causes nuisance so as to cause unrest and trouble among users of the Common, may, at the determination of the Trust, forfeit all rights to use the Common.

Complaints

Any complaints regarding the Common, the Trust, enrolled Commoner, another Licensee or other Common user(s) shall be made in writing and signed by the complainant, and be lodged with the Secretary of the Trust. Any complaint received shall be considered at the next meeting of the Trust.

5.0 MAINTENANCE, FUNDING, FEES AND CHARGES

5.1 MAINTENANCE

Generally, the maintenance of the Menindee Common will be carried out by Officers of the Trust Manager, Licensees, and/or persons or organisations authorised by the Trust, as well as volunteers. Where persons or organisations are licensed or authorised by the Trust for use of a specific area of the Common, they are responsible for maintenance of that area as detailed by the conditions stated in their licence. Members of the general public also have a duty of care in their use of the Common.

5.2 FUNDING

Funding arrangements need to address recurrent costs of management and maintenance, together with capital costs for upgrading works. The maintenance of the Menindee Common is to be managed by the Trust, with identified sources of funding for work under this Plan including:

- (1) Payment of annual fees, licence fees (including grazing fees), rental and royalties, fees or charges as prescribed or imposed by the *Common Management Act 1989*, *Common Management Regulation 2006* and Common By-Law;
- (2) Other sources of funds, including contributions or sponsorship from the private sector, and donations or bequests (where applicable, these funds will be expended in accordance with the wishes of the donor). Sponsorship could cover the cost of newsletters and information flyers, and would increase the sense of involvement and 'ownership' of the Common by the Menindee community. Potential also exists to establish a National Trust tax deductible appeal for donations to make the management of the Common more attractive to potential contributors;
- (3) Volunteer contributions, including the contributions of Trust members to the running of the Common and interacting with Council (if not the Trust), schools, various community groups, and the public. Other volunteer contributions may comprise bush regeneration work, weed management, and track construction and maintenance, as well as cooperative studies undertaken by students from educational institutions; and
- (4) From other funding that may be obtained from or granted by Government Authorities, including:
 - (a) Funds allocated from Central Darling Shire Council's annual budget (operational budget and capital works program);
 - (b) Public Reserve Management Fund (administered by the DPI). Funding is limited and provided either by way of a loan or cash grant;
 - (c) Specialised funding and grants from both State and Federal Governments, which currently include:
 - (i) Incentives and natural resource management funding from the Lower Murray Darling CMA (eg. for fencing and rehabilitation of riparian areas, alternative watering points etc.); and
 - (ii) NSW Heritage Incentives Program- Funding for projects that support the community's identification, conservation, management and promotion of NSW heritage;
 - (iii) NSW Environmental Trust- Potential exists for the local Aboriginal community to apply for a 'Protecting our Places' Grant. Furthermore, the Trust is eligible to apply for grants for restoration and rehabilitation of environmental damage and/or for environmental education;
 - (iv) NSW Threatened Species Network Community Grants; and
 - (v) Commonwealth *Caring for Country* (previously known as the Natural Heritage Trust) Grants.

Income from these sources shall be expended in accordance with the provisions of the *Common Management Act 1989* and the Menindee Common Plan of Management. Furthermore, works may need to be staged having regard to funding availability and funding priorities.

It is recommended that any future arrangements involving the provision of funded maintenance works and services by Council are formalized with an appropriate service agreement between the Council and the Common Trust (if different entities).

5.3 FEES AND CHARGES

Licence fees will be determined and administered as follows:

- (1) All annual fees and charges shall be set at the Annual General Meeting of the Menindee Common Trust pursuant to the Model By-Law of the *Common Management Regulation 1996*;
- (2) All licence fees, as determined by the Trust, must be paid within 28 days of notice;
- (3) The Trust must serve on each Licensee written notice of any annual fee payable by the Licensee;
- (4) If an instalment of an annual fee is not paid by the due date, the Trust may charge interest at a rate not exceeding the rate prescribed for the purposes of Section 148(2) of the *Crown Lands Act 1989*;
- (5) Any stock placed on the Common after the quarterly payment date will incur the full quarterly fee as no discounts will be allowed for part of the quarter; and
- (6) No fees will be refunded for any reason.

The Trust may impose such charges as it considers appropriate with respect to:

- (1) The use of the Common by other persons or organisation;
- (2) The use and parking of vehicles on the Common; and
- (3) The use of the Common or any part of the Common as a camping place.

The Trust may use the fees and charges received by it for:

- (1) Paying the Trust's administrative costs and expenses;
- (2) Maintaining and improving the Common; and
- (3) Any other purposes specified in the Menindee Common Plan of Management.

6.0 ACCOUNTABILITY AND RISK MANAGEMENT

6.1 ACCOUNTABILITY

The *Crown Lands Regulation 2006* sets out the accountability of the Common Trust in terms of the management of the Common. Section 33 directs that reports must be prepared annually by a Common Trust detailing income, expenditure, assets, liabilities and improvements on the Common, as well as details of any leases or licences granted by the Trust.

Where a corporation or council is Common Trust manager, the Regulation requires that it keep records that enable dissection of all monetary details in respect of the revenue received from the Common, details of improvements, and details of all licences.

6.2 RISK MANAGEMENT

The Common Trust has an obligation to consider the issues of risk management on the Common and a duty of care in terms of public safety issues on the Common, as defined under the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011*. Therefore, a comprehensive risk assessment of the Common is required to reduce the Trust's exposure to liability.

6.2.1 Risks to the Public

Natural areas, by definition, contain risks that are inextricably linked to the 'untamed' values that attract visitors. Reflecting this, the *Civil Liability Amendment (Personal Responsibilities) Act 2002* limits liability for obvious or inherent risks which are commonly understood by the community to be risky (McDonald 2003). Nonetheless, where a foreseeable but not commonly understood danger occurs in association with sites which visitors are encouraged to visit, the natural areas manager is advised to:

- (1) Avert risks associated with man-made structures or facilities; and/or
- (2) Provide appropriate warning information where a natural risk exists and the risk is not obvious or commonly understood (eg. falling limbs from trees, especially from Eucalypt species such as River Red Gums- *Eucalyptus camaldulensis*).

While the Plan of Management does not provide legal advice on this subject, there are known risk areas on the Menindee Common, especially the banks and water of the Darling River. While these areas were not established by the DPI or the Common Trust, they are likely to be frequented by visitors to the Common. As such, the Trust may find that a duty of care applies to the condition of the Common from a point of view of public safety.

6.2.2 Risks to Trustees and Volunteers

The DPI holds public liability cover for voluntary Community Trusts for low-risk activities and non-commercial operations, and maintains personal accident cover for voluntary workers, which include both Trust members and volunteer workers. However, for this to be in place, the activity in which the person is engaged must be authorised and managed by the Trust. In cases where it is not managed by the Trust, the Trust must: issue licenses to the groups and contractors to ensure they are fully covered by their own insurance.

6.2.3 Current and Future Solutions

It is recommended that the Trust undertake a full assessment of risks and any associated legal obligations including the need, if any, for warning information and/or signage (eg. at the entrance to the Common or in self-guided track brochures) about any hazards that may not be common knowledge.

The following policies and rules have been adopted to assist the Trust in fulfilling its obligations and requirements under the *WH&S Act 2011* in relation to any employee and/or volunteer:

- (1) Ensure appropriate workplace arrangements are put in place, including appropriate supervision arrangements and proper workplace compliance (particularly in relation to such activities as chemical handling, and the use of machinery- eg. chainsaws or power tools);
- (2) Ensure all volunteer activities are logged on a daily register according to Trust guidelines and that appropriate workplace plans, supervision and WH&S arrangements are in place. Log book details are to include, but not be limited to:
 - (a) Volunteer attendances;
 - (b) Description of all the voluntary activities managed and approved by the Trust; and
 - (c) Any prior and new injuries;
- (3) Undertake a risk management assessment (to be reviewed bi-annually) and produce a comprehensive risk management plan within two years of the date of the publication of this plan; and
- (4) Prepare and implement a comprehensive WH&S Management System to achieve the full range of WH&S responsibilities of the Common Trust, and adopt the Management System as a sub-plan of this Plan of Management.

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APPENDICES

APPENDIX A- LEGISLATIVE FRAMEWORK

A broad range of legislation, policies and planning instruments are relevant to the management of Crown reserves (including Common) and have been considered in the formulation of the Menindee Common Plan of Management. These are summarised below.

A1- LEGISLATION (ACTS AND REGULATIONS)

Crown Lands Act 1989 (CLA)

Crown reserves (including Common) in New South Wales are subject to the general land management objectives and provisions of the CLA.

This Act and its Regulation (2006) are the principal legislation in the management of Crown lands. The objectives of the CLA are 'to ensure that Crown land is managed for the benefit of the people of NSW and in particular to provide for the:

- (a) *Proper assessment of Crown land;*
- (b) *Management of Crown land having regard to the principles of Crown land management contained in this Act;*
- (c) *Proper development and conservation of Crown land having regard to those principles;*
- (d) *Regulation of the conditions under which Crown land is permitted to be occupied, used, sold, leased, licensed, or otherwise dealt with;*
- (e) *Reservation or dedication of Crown land for public purposes and the management and use of the reserved or dedicated land; and*
- (f) *Collection, recording and dissemination of information in relation to Crown land'.*

The principles of Crown land management, as defined in Section 11 of the CLA, prescribe the basis for the management and administration of Crown land. They are that:

- (a) *Environmental protection principles be observed in relation to the management and administration of Crown land;*
- (b) *Natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible;*
- (c) *Public use and enjoyment of appropriate Crown land be encouraged;*
- (d) *Multiple use of Crown land be encouraged, where appropriate;*
- (e) *Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, where appropriate; and*
- (f) *Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.*

Section 33 of the CLA states 'In identifying suitable uses for the land and, where practicable, the preferred use or uses, regard shall be had to the':

- (a) *Particulars relating to the land as contained in the inventory;*
- (b) *Assessment of the land's capabilities;*
- (c) *Principles of Crown land management and any current policies relating to the land approved by the Minister; and*
- (d) *Views of any government department; administrative office or public authority which has expressed an interest in the land.*

In practice the process involves identifying the optimum number of suitable uses for the land based on the inventory and the assessment of the land's capabilities; then considering these in accordance with the views of other government authorities, the principles of Crown land management, and the influence of any relevant government legislation or policy.

For the purposes of Crown Land Assessment, environmental protection principles include:

- (a) *Land use and management should not lead to significant, degradation of the soil resources, or loss of local biodiversity;*
- (b) *Land should be used and managed so that it does not cause significant off-site environmental impact;*

- (c) *Environmentally sensitive and significant lands should be used and managed so that the sensitive lands are not degraded and the environmentally significant features are protected; and*
- (d) *Land considered to be of high agricultural quality should be managed so that agricultural production is maintained.*

The Minister may reserve or dedicate Crown land for any public purpose, or, may on behalf of the Crown, sell, lease, exchange or otherwise dispose of or deal with Crown land or grant easements, rights-of-way, licences or permits in respect of Crown land. However, the Minister may not exercise these powers unless satisfied that the land has been assessed in accordance with the provisions of the CLA. Assessments of Crown land are completed under the provisions of Part 3 of the CLA and the CLR, 2000 in satisfaction of this requirement.

It should be noted that the Act requires that the proceeds of operations on reserved Crown land be applied by the Reserve Trust towards the management of that reserved Crown land, unless otherwise directed by the Minister. The revenue generated from Menindee Common contributes to the funds required for the on-going management of the Common.

Western Lands Act 1901 (WLA)

The Western Division makes up 42% of the area of NSW. The vast majority of the Western Division is Crown land, administered by the Crown Lands Division of the DPI under various Crown Lands Acts, in particular the WLA. The objects of the WLA are to:

- (a) *Establish an appropriate system of land tenure for the Western Division;*
- (b) *Regulate the manner in which land in the Western Division may be dealt with;*
- (c) *Provide for the establishment of a formal access network, by means of roads and rights of way, in the Western Division;*
- (d) *Establish the rights and responsibilities of lessees and other persons with respect to the use of land in the Western Division;*
- (e) *Ensure that land in the Western Division is used in accordance with the principles of ecologically sustainable development referred to in Section 6(2) of the Protection of the Environment Administration Act 1991;*
- (f) *Promote the social, economic and environmental interests of the Western Division; and*
- (g) *Make other provision for the effective integration of land administration and natural resource management in the Western Division.*

Common Management Act 1989

This Act provides for the establishment of trusts in relation to Common and the election of trust boards, and in certain cases the appointment of local authorities or administrators, to manage the affairs of those trusts; to provide for the care, control and management of Common; to provide for related matters; and to repeal the *Common Regulation Act 1898* and certain other enactments.

Environmental Planning and Assessment Act 1979

The Act provides the statutory planning framework in NSW to control the use and development of land, incorporating the assessment of the environmental, social, and economic impact of proposed developments and plans. Environmental planning instruments, including Local Environment Plans (LEPs) and State Environmental Planning Policies (SEPPs), need to be considered when new development is undertaken.

The objectives of the Act are to:

- (a) Encourage the-
 - (i) Proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment, the promotion and co-ordination of the orderly and economic use and development of land;
 - (ii) Protection, provision and co-ordination of communication and utility services;
 - (iii) Provision of land for public purposes;
 - (iv) Provision and co-ordination of community services and facilities;

- (v) Protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats; ecologically sustainable development;
 - (vi) Ecologically sustainable development; and
 - (vii) Provision and maintenance of affordable housing.
- (b) Promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) Provide increased opportunity for public involvement and participation in environmental planning and assessment.

If a proposal does not require an approval under the Central Darling LEP 2004, assessment of the proposal under Part 5 of the *Environmental Planning and Assessment Act 1979* must be undertaken. The Trust must take into account the following factors concerning the impact of the future activities on the environment, including any:

- Environmental impact on a community;
- Transformation of a locality;
- Environmental impact on the ecosystems of the locality;
- Reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality;
- Effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations;
- Impact on the habitat of protected fauna (within the meaning of the *National Parks and Wildlife Act 1974*);
- Endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air;
- Long-term effects on the environment;
- Degradation of the quality of the environment;
- Risk to the safety of the environment;
- Reduction in the range of beneficial uses of the environment;
- Pollution of the environment;
- Environmental problems associated with the disposal of waste;
- Increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply; and
- Cumulative environmental effect with other existing or likely future activities.

Threatened Species Conservation Act 1995

The Act provides for the protection of native plants and animals identified as threatened in NSW. Under the Act threatened species includes endangered species, vulnerable species and species presumed extinct, and requires the production of recovery plans for all threatened species. The Act also allows for the listing and protection of threatened populations of any plant or animal and of threatened ecological communities. Under the Act key threatened processes can also be declared.

A licence to 'harm' or 'pick' a threatened species is required from the Director-General, Office of Environment and Heritage, where development impacts on a threatened species, population or ecological community or damages their habitat.

ROTAP List

The Rare or Threatened Australian Plants (ROTAP) list and associated coding system was developed and has been maintained by CSIRO since 1979, and lists plants that are Presumed Extinct, Endangered, Vulnerable, Rare or Poorly Known at the national level. Briggs and Leigh (1996) published a ROTAP list of native Australian plants considered to be rare or threatened. Some flora species may be listed under both the *Threatened Species Act 1995* and in ROTAP.

Native Vegetation Act 2003

This Act commenced on 1 December 2005 and sets the legislative framework for protecting the health of our land, rivers and wildlife while delivering investment security and increased flexibility for landholders. The supporting *Native Vegetation Regulation 2004* and Environmental Outcomes Assessment Methodology sets out how the Act is implemented.

The new system is based on voluntary agreements between landholders and Catchment Management Authorities (CMAs) called Property Vegetation Plans (PVPs), with any clearing of native vegetation needing to meet the 'maintain or improve' provision of the Act.

The area of the Menindee Common is within the Lower Murray Darling CMA area.

Water Act 1912 / Water Management Act 2000

Floodplain management in the western rural areas of NSW is primarily managed by the NSW Office of Water (NOW) through its administration of Part 8 of the *Water Act 1912*. Part 8 was gazetted in 1984 and makes provisions concerning 'controlled works' that affect, or are likely to affect, flooding and/or floodplain functions. Part 8 was amended in 1999 to allow for more strategic control of such works through the preparation of Floodplain Management Plans and a more streamlined and resource efficient approval process. The amended *Water Act 1912* provides for a broader consideration of issues in the approval of existing and proposed 'controlled works' and strengthens NOW's ability to deal with unauthorised works.

The *Water Management Act 2000* consolidates most of the Acts previously covering water management in NSW. It has replaced Part 8 of the *Water Act 1912* and contains floodplain management provisions that relate closely to previous provisions under the amended *Water Act 1912*.

National Parks and Wildlife Act 1974

The Act regulates the management of National Parks, protection of flora and fauna, and the protection of Aboriginal sites. As such, permits and/or licences are required from the Director-General, Office of Environment and Heritage, for damage to Aboriginal sites, holding of native fauna, and removing flora.

Soil Conservation Act 1938

The Act protects sensitive areas from tree removal and provides for the prevention of land degradation and erosion.

Protection of the Environment Operations Act 1996

The Act overhauled other Environmental Protection Agency (EPA) legislation including the Clean Air, Clean Waters, Noise Control and other Acts, providing for the protection of air and water quality and outlines enforcement and penalties.

Local Government Act 1993

The Act allows Local Government to undertake a range of functions and responsibilities, including opportunities for works such as drainage, removal of obstructions, erosion control, and protection of roads.

Rural Fires Act 1997, and Rural Fires and Environmental Assessment Legislation Amendment Act 2000

On 1 August 2002, the *Rural Fires and Environmental Assessment Legislation Amendment Act 2002* (Amendment Act) came into effect. The Act amends both the *Environmental Planning and Assessment Act 1979* and the *Rural Fires Act 1997* to ensure that people, property and the environment are more fully protected against the dangers that may arise from bushfires (Rural Fire Service- RFS 2006).

These Acts outline the responsibilities of landholders in terms of minimising fire hazard and controlling fires on their properties. All fire ignitions are to be suppressed or at least prevented from spreading from one land tenure to another. Landholders must implement fuel hazard reduction programs as per their local Fire Management Plan or direction from the Bushfire Management Committee.

Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The Act regulates the assessment and approval of activities which have a significant impact on 'matters of national environmental significance', activities by Commonwealth government agencies anywhere in the world, and activities by any person on Commonwealth land. It protects biodiversity by creating and regulating protected areas such as World Heritage properties and National Parks, and outlines the listing and management of threatened species and ecological communities.

The objects of this Act are to:

- (a) Provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- (b) Promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- (c) Promote the conservation of biodiversity, and provide for protection and conservation of heritage;
- (d) Promote a cooperative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;
- (e) Assist in the cooperative implementation of Australia's international environmental responsibilities;
- (f) Recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- (g) Promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.

In order to achieve its objects, the Act:

- (a) Recognises an appropriate role for the Commonwealth in relation to the environment by focussing Commonwealth involvement on matters of national environmental significance and on Commonwealth actions and Commonwealth areas;
- (b) Strengthens intergovernmental cooperation, and minimises duplication, through bilateral agreements;
- (c) Provides for intergovernmental accreditation of environmental assessment and approval processes;
- (d) Adopts an efficient and timely Commonwealth environmental assessment and approval process that will ensure activities that are likely to have significant impacts on the environment are properly assessed;
- (e) Enhances Australia's capacity to ensure the conservation of its biodiversity by including provisions to:
 - (i) Protect native species (and in particular prevent the extinction, and promote the recovery, of threatened species) and ensure the conservation of migratory species;
 - (ii) Establish an Australian Whale Sanctuary to ensure the conservation of whales and cetaceans;
 - (iii) Protect ecosystems by means that include the establishment and management of reserves, the recognition and protection of ecological communities and the promotion of off reserve conservation measures; and
 - (iv) Identify processes that threaten all levels of biodiversity and implement plans to address these processes.
- (f) Includes provisions to enhance the protection, conservation and presentation of world heritage properties and the conservation and wise use of Ramsar wetlands of international importance, and includes provisions to identify places for inclusion in the National Heritage List and Commonwealth Heritage List and to enhance the protection, conservation and presentation of those places; and
- (g) Promotes a partnership approach to environmental protection and biodiversity conservation through:
 - (i) Bilateral agreements with States and Territories;
 - (ii) Conservation agreements with landholders;
 - (iii) Recognising and promoting indigenous peoples' role in, and knowledge of, the conservation and ecologically sustainable use of biodiversity; and
 - (iv) The involvement of the community in management planning.

Native Title Act 1993 (Commonwealth)

The Act recognises that indigenous people have been dispossessed of their traditional lands, and enables a form of native title that reflects the entitlement of indigenous peoples. It enacts that native title is extinguished by valid government acts such as the grant of freehold or leasehold estates.

A2- ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

Planning and development is carried out under the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. Planning controls are contained within local environmental plans (LEPs) and State environmental planning policies (SEPPs), and are made under the provisions of Part 3 of the *Environmental Planning and Assessment Act 1979*.

LEPs are prepared by local councils and guide planning decisions for their local government areas through zoning and development controls. They allow councils to supervise the ways in which land is used.

SEPPs deal with issues significant to the state and people of NSW. They are made by the Minister for Planning and may be exhibited in draft form for public comment before being gazetted as a legal document.

The following planning instruments are applicable to the Crown land within the Menindee Common:

Central Darling Local Environmental Plan (LEP) 2004

Zone No 1 (a) (Rural Zone)

1 Objectives of zone

The objective of the zone is to promote the proper management and utilisation of resources by:

- (a) protecting, enhancing and conserving:
 - (i) agricultural land in a manner that sustains its efficient and effective agricultural production potential, and
 - (ii) soil stability by controlling and locating development in accordance with soil and land capability, and
 - (iii) forests of existing and potential commercial value for timber production, and
 - (iv) valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits, and
 - (v) trees and other native vegetation on environmentally sensitive land where the conservation of the vegetation is significant to scenic amenity, recreation and protected and threatened species, populations or ecological communities or their habitats (including corridors) or is likely to control land degradation, and
 - (vi) water resources for use in the public interest, and
 - (vii) areas of significance for nature conservation, including areas with rare, threatened and protected plant species, populations or communities (including native grasslands), wetlands and significant wildlife habitats and corridors, and
 - (viii) heritage items and items of archaeological significance, and
- (b) fostering development of land for purposes other than agriculture to allow for income diversification, provided that any such development does not conflict with agriculture and does not place a burden on the community (such as through infrastructure requirements) without recompense, and
- (c) facilitating farm adjustments, and
- (d) minimising the cost to the community of:
 - (i) fragmented and isolated development of rural land, and
 - (ii) providing, extending and maintaining public amenities and services.

- 2) Without development consent
Development for the purpose of:
agriculture (other than irrigated agriculture); farm buildings; forestry (other than pine plantations); low impact opal mining.
- 3) Only with development consent
Any development not included in item 2 or 4.
- 4) Prohibited
Development for the purpose of:
motor showrooms; residential flat buildings; shops (other than general stores).

Zone No 1 (c) (Rural Small Holdings Zone)

- 1 Objectives of zone
The objectives of the zone are:
 - (a) to promote development of land identified as suitable for rural residential or hobby farm purposes:
 - (i) in accordance with the need for that development, and
 - (ii) in a manner that does not unduly interfere with the efficient and effective agricultural and irrigated agricultural use of adjacent land or the extraction of valuable deposits of minerals, and
 - (iii) in a manner that does not result in undue inefficiency in the provision of services and facilities, and
 - (b) to provide a range and mixture of allotment sizes:
 - (i) to meet various individual needs, and
 - (ii) to ensure that the density of development carried out is compatible with land capability (including soil resources and soil stability), natural constraints and hazards of the land, and
 - (c) to conserve trees and other native vegetation where the conservation of the vegetation is significant to retain scenic amenity or natural habitat or is likely to control land degradation, and
 - (d) to enable a range of light industrial and business land uses to be carried out in association with the rural residential or hobby farm use of the land where those industrial or business uses are compatible with the environmental capability of the land and the amenity of the area, and
 - (e) to allow for light industrial and service uses that are compatible with adjacent land uses and are unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for residential use.
- 2 Without development consent
Development for the purpose of:
agriculture (other than irrigated agriculture).
- 3 Only with development consent
Any development not included in item 2 or 4.
- 4 Prohibited
Development for the purpose of:
boarding houses; extractive industries; hotels; institutions; intensive livestock keeping establishments; liquid fuel depots; mines; motor showrooms; offensive or hazardous industries; residential flat buildings; shops (other than general stores); waste depots.
 - (1) This clause:
 - (a) applies to land within Zone No. 1 non-Urban; and
 - (b) applies subject to the other provisions of this Order;
 - (2) Land may be developed for the purposes of agriculture (other than pig-keeping or poultry-keeping establishments or animal feed lots) and dwelling house on allotments 40 hectares or more in area or allotments in subdivisions for agricultural purposes approved by the Western Lands Commissioner, without the consent of the Council.
 - (3) Development for the purposes of motor showrooms, residential buildings or shops (other than general stores) is prohibited.
 - (4) Subject to subclause (2) and (3), land may be developed for any purpose with the consent of the Council but not otherwise.
 - (5) Notwithstanding subclause (4), development for the purposes of industries (other than rural industries, extractive industries, offensive or hazardous industries or home industries) shall not be carried out without the concurrence of the Commission.

SEPP No 44 (Koala Habitat Protection)

SEPP 44 applies to local government areas where koalas are known to occur (Schedule 1), and requires studies to accompany Development Applications (eg. if certain koala food trees are present).

Central Darling Shire is listed in Schedule 1 of SEPP No 44, thus the provisions of SEPP No 44 apply to the Menindee Common.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The aims of this Policy are, in recognition of the importance to NSW of mining, petroleum production and extractive industries:

- (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and
- (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and
- (c) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources.

A3- POLICIES, STRATEGIES, PLANS AND STUDIES

National Strategy for Ecologically Sustainable Development (ESD)

The strategy defines ESD as *using, conserving and enhancing the community's resources so that ecological processes on which life depends, are maintained, and the total quality of life, now and in the future, can be increased* (Commonwealth Government 1992).

The core objectives of the strategy are:

- (1) To enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations,
- (2) To provide for equity within and between generations, and
- (3) To protect biological diversity and maintain essential ecological processes and life support systems.

The guiding principles of the strategy are:

- Decision making processes should effectively integrate both long and short-term economic, environmental, social and equity considerations;
- Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- The global dimension of environmental impacts of actions and policies should be recognised and considered;
- The need to develop a strong, growing and diversified economy that can enhance the capacity for environmental protection should be recognised;
- The need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised;
- The cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms; and
- Decisions and actions should provide for broad community involvement on relevant issues.

Recommendations of this assessment and future use and management of the study will, where appropriate, be consistent with the overall goal of the strategy.

State Rivers and Estuary Policy

The objective of the policy is to manage the rivers, estuaries and adjacent wetlands of NSW in ways which:

- Slow, halt or reverse the overall rate of degradation in their systems;
- Ensure the long-term sustainability of their essential biophysical functions, and
- Maintain the beneficial use of these resources (NSW Government 1992).

The policy contains a set of management principles to achieve the objective of the policy, as well as several sub-policies including the State Wetlands Policy. Recommendations of this assessment will, wherever possible, be consistent with this policy.

State Wetlands Policy

This policy has the goal of providing for ecologically sustainable use, management and conservation of wetlands in NSW for the benefit of present and future generations. It encourages land use and management practices that maintain or rehabilitate wetland habitats. Principles of the policy relevant to the study are that new developments will require allowance for suitable water distribution to and from wetlands and water entering natural wetlands will be of sufficient quality so as not to degrade the wetlands (NSW DLWC 1996).

Planning for Bushfire Protection (2006)

The 2006 Planning for Bushfire Protection Guide has been prepared by the NSW Rural Fire Service in cooperation with the Department of Planning. It provides guidelines for bushfire protection strategies and planning considerations when developing areas for residential use in residential, rural-residential, rural and urban areas where development sites are in close proximity to areas likely to be affected by bushfires.

The guidelines outline how bushfire protection relates to the NSW planning system namely the *Environmental Planning and Assessment Act 1979* and the Building Code of Australia. The principle consideration of these guidelines is to provide for the protection of human life and property of the community and the safety of fire fighters suppressing bushfires.

NSW Biodiversity Strategy

The goal of this strategy is to protect the native biological diversity of NSW and maintain ecological processes and systems. It aims to ensure the survival and evolutionary development of all species, populations and communities of plants and animals. It recognises that protecting biodiversity requires management of the threatening processes, addressing the causes of biological diversity loss and the establishment of a comprehensive, adequate and representative reserve system (NPWS 1999). Recommendations of this assessment will, wherever possible, be consistent with this strategy.

Policy for Sustainable Agriculture in NSW (1998)

The *Policy for Sustainable Agriculture in NSW* forms part of the process of incorporating principles and objectives of ecologically sustainable development into the ethos of agricultural industries in this State. It also aims to facilitate a change in agricultural production in NSW towards ecologically and economically sustainable practices and farming systems.

The purpose of this Policy is to facilitate a coordinated approach to achieving an ecologically and economically sustainable agricultural sector in NSW. Agriculture, as with all human activity, must operate within the capacity of available resource to better secure the sector's long-term viability.

Agriculture's positive economic and social contribution to the State relies on the establishment and maintenance of agricultural management systems that are economically viable both now and in the future, and take into account the environmental and social impacts of production upon present and future generations.

Policy for Protection of Agricultural Land (2004)

The *Policy for the Protection of Agricultural Land* (DPI- NSW Agriculture Division) aims to retain good options for sustainable agriculture through keeping the best land available for agricultural use. This policy is represented in over 60% of new LEPs and is well recognised by planning professionals state-wide.

This policy document guides officers of the DPI (NSW Agriculture Division) in their input to development and implementation of environmental planning instruments under the *Environmental Planning and Assessment Act 1979*.

Strategies in the *Policy for Sustainable Agriculture in NSW 1998* provide the context for this policy. Protecting agricultural land includes maintaining the availability of land for agriculture, avoiding unnecessary limitations on the use of that land, and promoting agricultural enterprises that are consistent with the principles of ecologically sustainable development (ESD) as elucidated in National Strategy for Ecologically Sustainable Development 1992. Agricultural policies directed at conserving natural resources to maintain their long term productive potential for the community as a whole are a fundamental component of sustainable agriculture. The threats to sustainable agricultural production include degradation of the natural resources on which agriculture relies and alienation of agricultural land. Agricultural land may be alienated directly through lands being used for non-agricultural purposes and indirectly by incompatible developments on adjacent land restricting routine agricultural practices. Non-agricultural development of land currently used for agriculture contributes to this and may force future agricultural production onto more marginal lands.

Buffers Policy- Planning for Sustainable Agriculture (2004)

The DPI (NSW Agriculture Division) also has involvement in the planning process through providing strategies that promote sustainable agriculture within the context of state government policies. The purpose of a buffer is to separate conflicting land use activities and thereby lessen the potential impact of one activity or series of activities on an adjoining activity or land user.

In land use planning, 'activities' are typically land uses of one form or another and the manner in which those land uses are undertaken. Agriculture is a series of industries and activities that can be in conflict with adjoining land uses:

- The common '*clash*' between residential use and agriculture;
- Conflict between agricultural enterprises (eg. '*organic*' versus '*non-organic*'); and
- Conflict between agriculture and sensitive environments such as waterways, native habitats, wetlands, schools and public places.

Failure to effectively mitigate land use conflict can be extremely costly to landholders, the community and government.

Buffers can assist in separating conflicting land uses and can involve specific solutions to minimise the impact of activities (eg. installing a sediment trap, constructing a noise barrier), or can consist of open space, vegetation screens, grassed areas or natural barriers such as hills. The type of buffer required is determined by the:

- Issue the buffer needs to deal with (eg. Noise, odour, chemical use, visual intrusion);
- Level of impact involved (eg. Continual noise or occasional noise);
- Level of impact mitigation required (ie. 'no impact' situation, or an acceptable impact);
- Existing features which mitigate off-site impacts (eg. Remnant native vegetation); and
- Existing constraints or opportunities which provide the required buffer and separation.

An effective buffer is one that:

- Protects the rights of all parties;
- Preserves the greatest options for adjoining land uses;
- Provides an agreeable quality of living; and
- Minimises the potential for conflict.

Flood Prone Land Policy

The primary objective of the Government's *Flood Prone Land Policy* is to reduce the impacts of flooding on individual owners and occupiers of flood prone land, and to reduce private and public losses caused by flooding. A central tenet of the policy is that land use proposals for flood prone land be treated within the framework of a strategically generated floodplain risk management plan prepared using a merit approach. *Floodplain Development Manual* (NSW Government 2005) supports the policy and outlines a merit - based approach to floodplain management.

APPENDIX B- ACRONYMS

AHIMS	Aboriginal Heritage Information Management System
C/W	Commonwealth
CMA	Catchment Management Authority
CR	Camping Reserve
CRV	Cadastral Records Viewer
DECC	Department of Environment and Climate Change (<i>now abolished</i>)
DECCW	Department of Environment, Climate Change and Water (<i>now abolished</i>)
DEH	Department of Environment and Heritage (C/W) (<i>now abolished</i>)
DEHWA	Commonwealth Department of Environment, Heritage, Water and the Arts (<i>now abolished</i>)
DLWC	Department of Land and Water Conservation (<i>now abolished</i>)
DNR	Department of Natural Resources (<i>now abolished</i>)
DOL	Department of Lands (<i>now abolished</i>)
DP	Deposited Plan
DPI	Department of Primary Industries
DWE	Department of Water and Energy (<i>now abolished</i>)
EOI	Expression of Interest
EP&A	Environmental Planning and Assessment
EPBC	Environment Protection and Biodiversity Conservation
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FMP	Floodplain Management Plan
FRMS	Flood Risk Management Study
GIS	Geographic Information System
GPS	Global Positioning System
I&I NSW	Industry and Investment NSW (<i>now abolished</i>)
IBRA	Interim Biogeographic Regionalisation for Australia
LEP	Local Environmental Plan
LGA	Local Government Act
LPMA	Land and Property Management Authority (<i>now abolished</i>)
NOW	NSW Office of Water
NPWS	National Parks and Wildlife Service
NSW	New South Wales
NVC	Native Vegetation Conservation
OEH	Office of Environment and Heritage
REP	Regional Environmental Plan
RFS	Rural Fire Service
RMO	Rangeland Management Officer
SCS	Soil Conservation Service
SEPP	State Environmental Planning Policy
SEWPAC	Commonwealth Department of Sustainability, Environment, Water, Population and Communities
SWL	Standing Water Level
TATS	Terrestrial and Aquatic Threatened Species
TSC	Threatened Species Conservation
TS&CR	Travelling Stock and Camping Reserve
TSR	Travelling Stock Reserve
WLL	Western Lands Lease

APPENDIX C- SITE PHOTOGRAPHS



PLATE 1. *Mapping Area B [Site 2] (15/12/2009).*



PLATE 2. *Mapping Area B [Site 2] (15/12/2009).*



PLATE 3. *Mapping Area B [Site 4] (15/12/2009).*



PLATE 4. *Mapping Area B [Site 4] (15/12/2009).*



PLATE 5. *Mapping Area B [Site 6] (15/12/2009).*



PLATE 6. *Mapping Area B [Site 6] (15/12/2009).*



PLATE 7. *Mapping Area C [Site 5] (15/12/2009).*



PLATE 8. *Mapping Area C [Site 5] (15/12/2009).*



PLATE 9. *Mapping Area D [Site 1] (15/12/2009).*



PLATE 10. *Mapping Area D [Site 1] (15/12/2009).*



PLATE 11. *A section of the boundary between the Menindee Common and Appin Station, renewed entirely by Appin Station (15/08/2008)*



PLATE 12. *Mapping Area A - Darling River Channel. Note the dense stands of juvenile River Red Gums (*Eucalyptus camaldulensis*) (15/08/2008)*



PLATE 13. Mapping Area B— dense stand of Lignum (*Muehlenbeckia florulenta*) with an overstorey of black box (*E. largiflorens*) (15/08/2008)



PLATE 14. Mapping Area B- The boundary fence between the Menindee Common and Appin Station several hundred metres east of the part shown in Plate 11 (15/08/2008)



PLATE 15. Mapping Area C- Horses grazing on short ephemeral chenopod growth. At the time of inspection they were being supplementary fed a maintenance ration (15/08/2008).



PLATE 16. Mapping Area C- Despite prolonged drought conditions prevailing at the time of photo, the Black Bluebush (*Maireana pyramidata*) was generally healthy in the soft red soils due to (a) quick infiltration of any moisture and (b) not being part of the preferred diet of horses (15/08/2008).



PLATE 17. *Mapping Area B- The boundary fence between the Menindee Common and Appin Station has been renovated in several places to a stock-proof condition (15/08/2008).*



PLATE 18. *Mapping Area B- The fence eastward of that shown in Plate 17 needs replacement (15/08/2008).*



PLATE 19. *Mapping Area C- Apart from the degraded pasture plants, note evidence of a large Aboriginal camp site area, probably first occupied about 5,000 to 7,000 years BP (15/08/2008).*



PLATE 20. Mapping Area B- New fence along eastern boundary of the southern portion of the Common with Appin Station. The inspection occurred several weeks after NSW State Water released an environmental flow from Lake Wetherell along the 3 Mile Creek, east of Menindee. The flow line shown is a flood runner westward to the Darling River (15/08/2008).



PLATE 21. Mapping Area B- View south-westerly across the southern portion of the Menindee Common from the position where Plate 20 was taken (15/08/2008).



PLATE 22. *Mapping Area B- Pruned grape vines illegally dumped on the Menindee Common (15/08/2008).*



PLATE 23. *Mapping Area C- A considerable quantity of dumped material on the Common behind the adjoining (and visible) horticultural premises (15/08/2008).*



PLATE 24. Reserve 13527 for Public Pound, notified 7 March 1891. The large animal stockyards have been allowed to deteriorate over the last 20 years (05/05/2010).



PLATE 25. Transportable large animal stockyards located on the southern boundary (with Appin Station) of the Menindee Common. The yards seem permanently located at the site on the eastern side of WLL 14016 (Lot 2721 in DP 764832) (05/05/2010).



PLATE 26. *As for Plate 25 (05/05/2010).*