

PLAN BALRANALD COMMON

OF MANAGEMENT

**For proposed activities under the *Crown Lands Act 1989*, *Crown Lands Regulation 2006*,
Commons Management Act 1989, and *Commons Management Regulation 2006*.**

20 December 2010



**Land & Property
Management Authority**
Crown Lands

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MINISTER'S SIGN-OFF

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

SIGNED: Graham Harding, General Manager Crown Lands
signature retained on original

DATED: 31 May 2011

ACKNOWLEDGEMENTS

Government Departments:

It is acknowledged that the Hillston Plan of Management assisted in the development of the Balranald Common Plan of Management
Hillston Plan of Management prepared by:
Shaun Barker
Land and Property Management Authority
Senior Land Management Officer
Western Region
Crown Lands Division

Assistance with site inspection and mapping advice was received from:
David Gee
Land and Property Management Authority
Rangeland Management Officer (Balranald)
Western Region
Crown Lands Division

Public Submissions:

Balranald Pony Club Inc

Prepared By:

Balranald Shire Council
On behalf of the Balranald Common Trust.

Version: 2

Date: 20 December 2010

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 Balranald Common is utilised and managed in a manner that will result in the optimum benefit to the community, the Balranald Shire Council, on behalf of the Balranald Common Trust, has evaluated past, present and future use, management and development of the Balranald Common so that a Plan of Management could be prepared.

This Plan of Management is prepared in accordance with Section 25 of the *Commons Management Act 1989* and Clause 28 of the *Commons Management Regulation 2006* and replaces the existing transitional Management Plan for the Common as set out in clause 9 of Schedule 5 of the *Commons Management Act 1989*.

With the introduction of the *Common Management Act 1989*, greater flexibility is available to allow a broader and more general purpose usage of the Common. Under the *Commons Regulation Act 1898*, Commons were permitted to be used only for the grazing and watering of stock. The purpose of this Plan of Management is to address the specific uses for which the Balranald Common may be used in terms of the Act and Regulations.

1.1 VISION

The vision of the Balranald Common Trust in managing the Balranald Common is:

“To improve and promote the Balranald Common by managing and developing the Common for traditional uses of commonage, grazing, public recreation and other community and commercial activities 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 bring forward a concept plan for the Common and to establish objectives, performance targets and the means that the Common 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 Common Trust and the Minister for Lands by 30 March 2011.

1.3 OBJECTIVES

The Land and Property Management Authority, through the Crown Lands Division, has a fundamental role in enabling the people of NSW to build harmonious communities, facilitating prosperous business growth, enhancing an environment for living, and developing and delivering better public services. All of these principles are key components of the *NSW State Plan (2006)*.

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 Trusts 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 Common 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 Balranald Common shall be carried out in accordance with the:

- (1) *Commons Management Act 1989*;
- (2) *Commons Management Regulation 2006*;
- (3) *Commons By-law 1991*;
- (4) Balranald Common Plan of Management; and
- (5) Supporting Documentation for the Balranald 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 Balranald Common was considered by Council in December 2006.
- (3) Community feedback on the *Draft Balranald Common Plan of Management* which was publicly exhibited during the period 18th September 2009 to 23rd November 2009; 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 Balranald 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:

Grazing, Pasturage and Watering of Stock and Stock Management / Commoners

- Grazing, pasturage and watering of cattle, horses, sheep and goats (milking) and any other stock approved by the Trust;
- Firewood collection by Commoners (regulated by Forests NSW).

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;
- Noise, water and air pollution control;
- Planning and Development Control; and
- Improvement of Common Lands.

Mining and Extractive Industries

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

Recreation

- Passive recreation (including walking, bird watching, cycling, fishing, and picnicking);
- Short-term camping;
- Horse riding, and horse training/ Pony Club; and
- Registered motor vehicles (only for the purpose of accessing the Balranald 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;
- Board Walk and Bird Hide (“Ben Scott Bird Trail”);
- Educational and scientific studies;
- Telecommunication facilities and services;
- Advertising;
- Services, infrastructure and utilities (includes roads, flood protection levees);
- Storage of road construction materials – extension of Balranald Shire Council Depot activities;
- Truck parking and servicing depot; and
- Rural Fire Services Shed.

Additional Land Uses/Activities

- Other activities or land uses approved by the Trust, subject to their compatibility with a 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)

2.1.1 Location and Status

The Balranald Common consists of various parcels located to the west, north and north east of the township of Balranald, as shown in Figure 1. Figures 2-8 shows satellite images for each lot. See Table 1 below for land status information.

<i>Table 1: Land status and information</i>		
Status and Tenure	Lot & DP	Approx Area
<u>Permanent Common: Dedication 630056</u>	Lot 7002 & 7003 DP 751170	580ha
<u>Temporary Common: Reserve 78245</u>	Lot 3 & 4 DP 1052692, Lot 7025 DP 1021224	72ha
	Lot 7022 DP 1021403	4ha
	Lot 7006 DP 1021401 (also TS&CR 45867)	42ha
	Lot 121 DP 751170 (also TSR)	14ha
	Lots 1, 2, 3, 4, 5 DP 1128347 (previously Lot 7007 DP 1021402 & Lot 7008 DP 1069946), Lot 7009 DP 1069946 (also TSR), Lot 7010 DP 1069947	140ha
	Common Roads (some to be revoked)	not measured

NOTE: Lots 1-4 DP 1128347 to be revoked from Common, by compulsory acquisition
 Lot 1 & 2 = McCabe St Bypass and levee, Lot 3 = Island Road (corner Bank St), Lot 4 = Rural Fire Services Shed, Lot 5 = residual land (previously Lot 7007 DP 1021402 & Lot 7008 DP 1069946)

Note: TSR = Travelling Stock Reserve; TS&CR = Travelling Stock and Camping Reserve

<i>Table 2: Location</i>	
Locality	Balranald
Parish	Balranald
County	Caira
Local Government Area	Balranald
Aboriginal Nation/Language Group	Muthi Muthi People
Local Aboriginal Land Council	Balranald
Lands Office	Balranald
Land District	Western Region (Western Division)
Rangeland Management Officer	Balranald
Catchment Management Authority	Lower Murrumbidgee
Livestock Health and Pest Authority	Western
Bushfire Management Committee	Balranald
Area	approximately 852ha – excluding roads
Topographical Map Sheet	Balranald 7628-N, Scale: 1:50,000

The total area of the Common has been not been mapped with GIS technology and no surveyed title details are available for most lots.

See Appendix A for Parish, County and Town Maps, Appendix B for Gazettal notices, and Appendix C for Lot and DP Maps.

BALRANALD COMMON LAND DESCRIPTION AND LOCATION MAP

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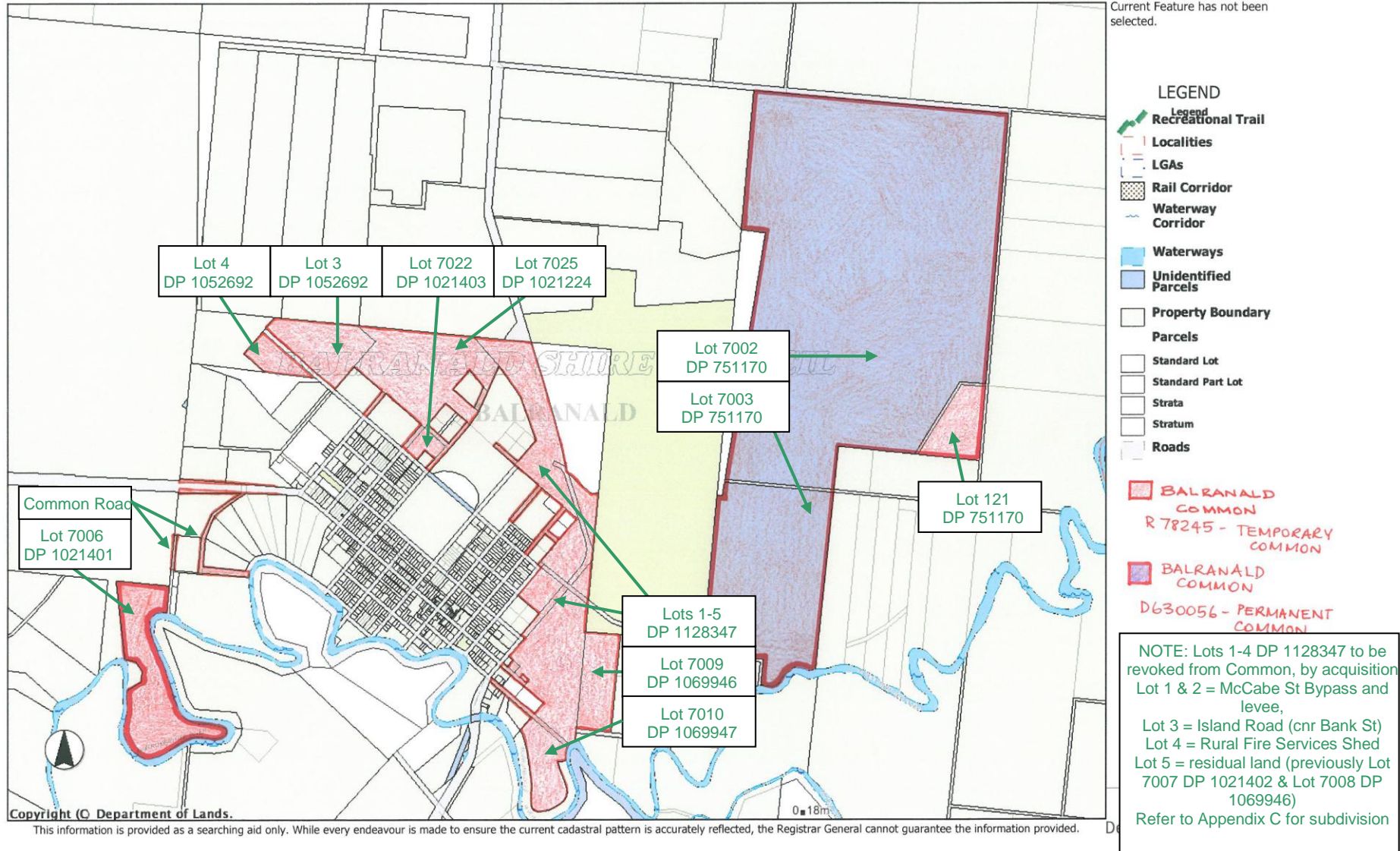
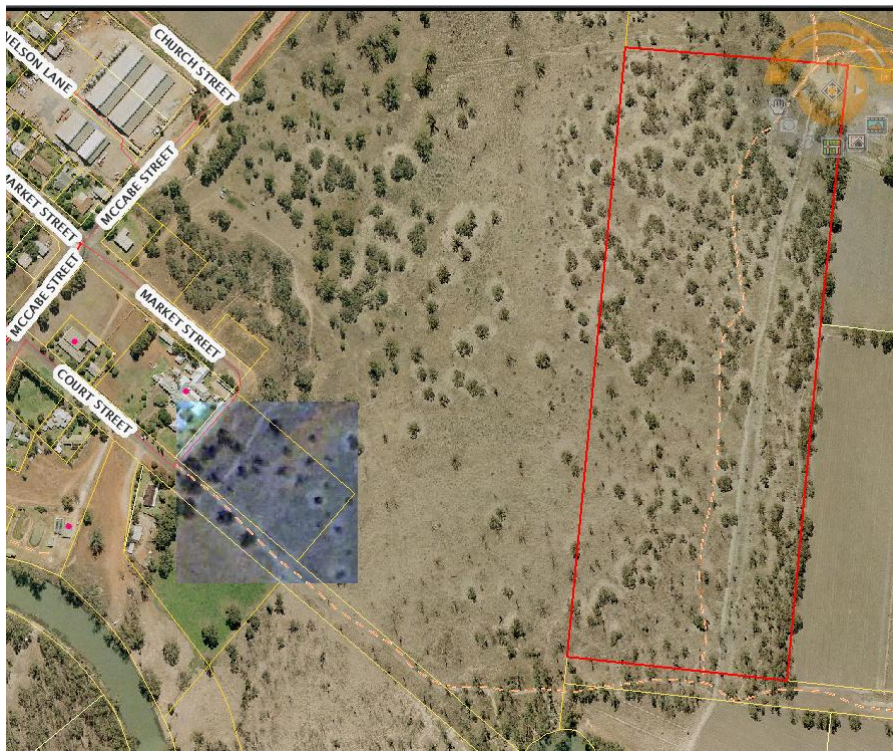


Figure 1: Balranald Common – Land Description and Location Map



Figure 2: Location Map- Satellite image – Lots 1-5 DP 1128347



Scale :1:4,282

Figure 3: Location Map Satellite image – Lot 7009 DP 1069946



Scale :1:4,007

Figure 4: Location Map- Satellite image – Lot 7010 DP 1069947



Scale :1:3,797

Figure 5: Location Map- Satellite image – Lot 3 & 4 DP 1052692, Lot 7022 DP 1021403, Lot 7025 DP 1021224



Figure 6: Location Map- Satellite image –Lot 7025 DP 1021224

Scale :1:8,965

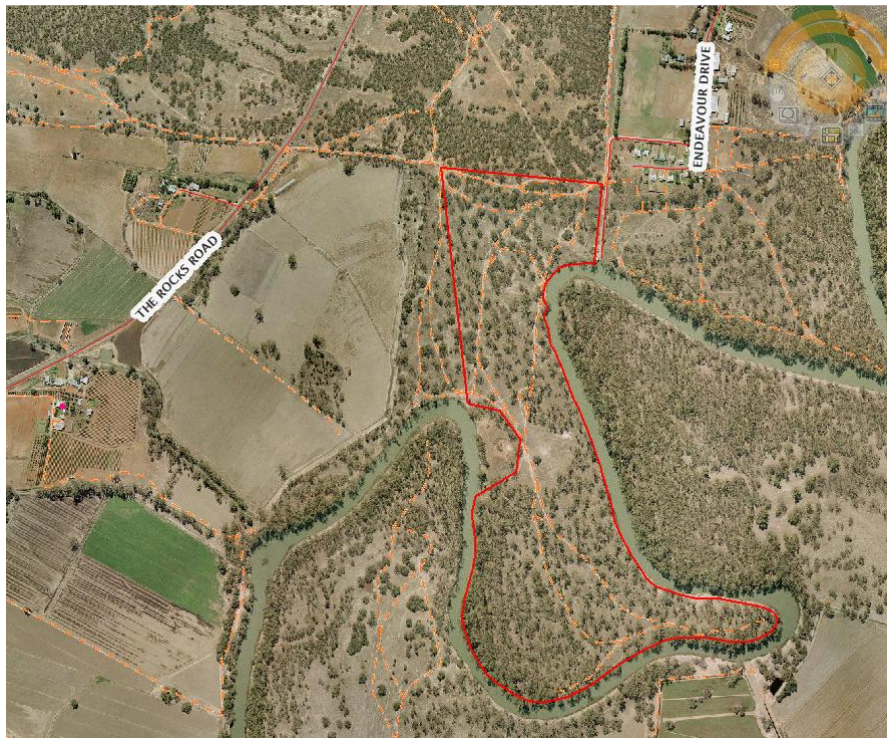


Figure 7: Location Map- Satellite image – Lot 7006 DP 1021401

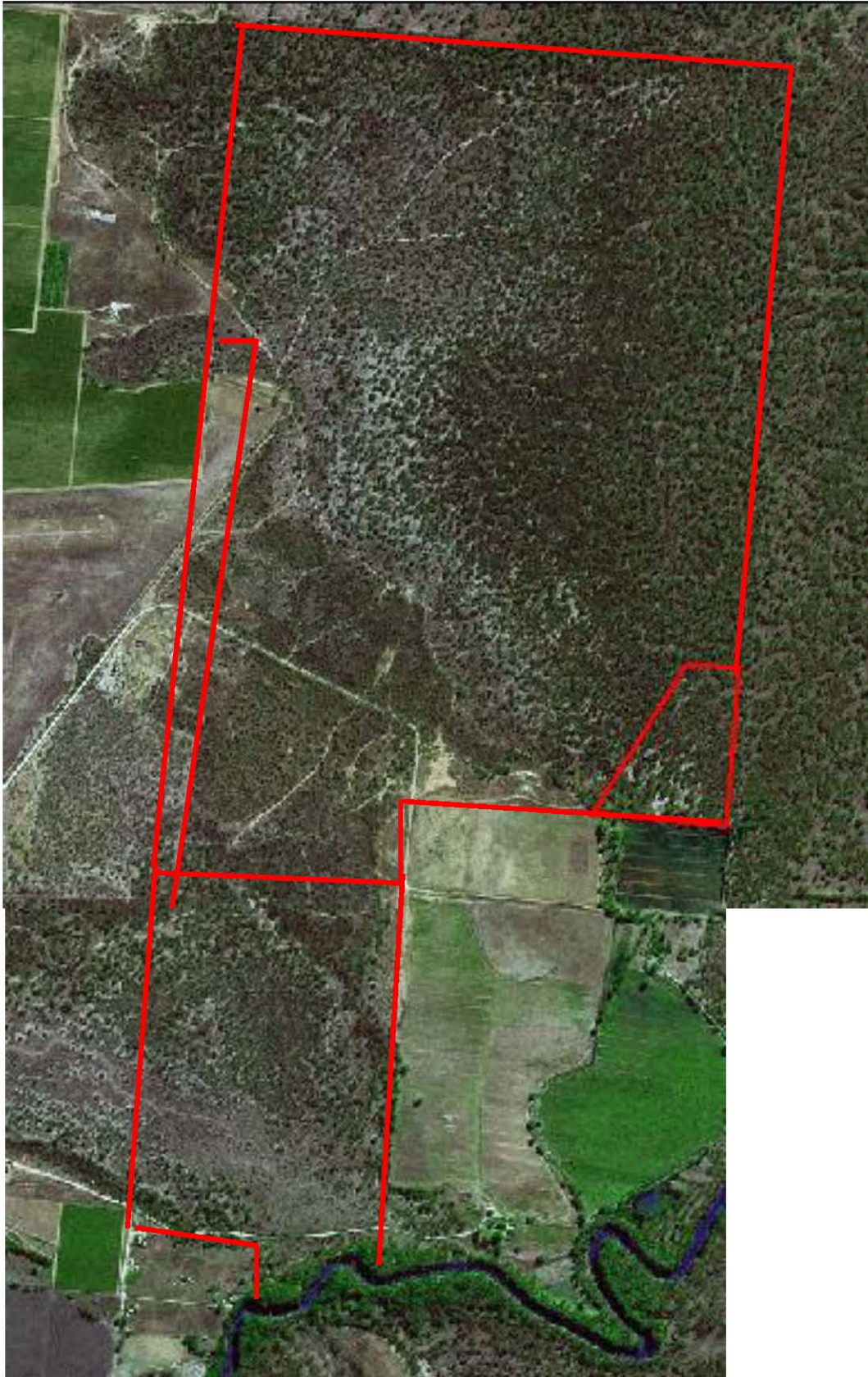


Figure 8: Location Map- Satellite image – Lot 7002, 7003 & 121 DP 751170

2.1.2 Mapping Area Descriptions

A natural resource inventory of the Balranald Common is found in Section 3.2.

The Balranald Common has been divided into five (5) land units (herein called Mapping Areas) based on the physical attributes, location and/or current land use as shown within Figure 9. The total area for the Common is approximately 852 hectares.

Mapping Area A: Open River Red Gum Forest Area

This area of the Balranald Common is situated west of the township of Balranald, largely surrounded by a deep “boot-shape” bend in the Murrumbidgee River, and is commonly known as “Muttiedattie Reserve”.

The area is dominated by River Red Gums (*Eucalyptus camaldulensis*), with scattered Black Box (*E. largiflorens*) and weed species of Prickly Pear (*Opuntia stricta* var. *stricta*). On the most northern and higher ground of this area, there is various species of Mallee (including White Mallee (*Eucalyptus dumosa*), Red Mallee (*E. socialis*), and Yorrell (*E. gracilis*))

The soil class is predominately clay with some sand overlay.

The area has been used for fishing, camping and firewood collection. Vehicular tracks providing access are located within the area.

A section of the area is fenced to protect Lot 127 DP 39863, commonly known as “Sandhills Reserve”. This area is proclaimed to have Aboriginal significance and believed to be a burial ground. This lot is landlocked by this section of the Common, so providing access is a key management consideration.

The south west, south and most of the eastern boundary, defined by the Murrumbidgee River, is not fenced. No signage is present. The north eastern and north sections are not fenced.

Mapping Area B: Open Mallee Area

This open Chenopod Mallee community area is one of the most extensively utilised areas of the Balranald Common. It is level land immediately north of the township of Balranald and is protected by the township flood protection levee. See Figure 10. The area is dominated by isolated Mallee species (including White Mallee (*Eucalyptus dumosa*), Red Mallee (*E. socialis*), and Yorrell (*E. gracilis*)) and Wattles (*Acacia melanoxylon*) along with Dillon Bush (*Nitraria billardieri*), Black Bluebush (*Maireana pyramidata*), Spear Grasses (*Austostipa* spp.), Cattle Bush (*Tricodesma zeylanicum*), Hopbush (*Dodonea viscosa*) and Lignum (*Muehlenbeckia florulenta*).

The soil class is clay.

The area is utilised by the Balranald Pony Club for a show jumping gymkhana obstacle course. The area behind the depot is a storage facility for road construction materials and Lot 7022 DP 1021403 is used as an additional holding yard/ Balranald Stock Pound and sometimes by Commoners for pasturage of horses. Two areas jutting out towards the east are cleared and would make ideal areas for acquisition for future residential development or extension of the Balranald Cemetery.

Vehicular tracks providing access are located within the area. Ivanhoe Road, (Main Road 67 North) traverses along the eastern boundary of this Mapping Area. Ivanhoe Road merges into Mayall Street and crosses through the Common. Both Ivanhoe Road and Mayall Street are fully formed, bitumen and gazetted roads. This area is not fenced from boundary properties. No signage is present.

Mapping Area C: Sparse Open Black Box Area

This open area is populated with scattered Black Box (*E. largiflorens*), Mallee species (including White Mallee (*Eucalyptus dumosa*), Red Mallee (*E. socialis*), and Yorrell (*E. gracilis*)) and some Black Bluebush (*Maireana pyramidata*). It is level land located immediately east of the township of Balranald.

This was flood prone land, but the construction of the levee bank on the eastern boundary of this mapping area has provided protection from flood inundation. See Figure 10. This area is ideal for future acquisition for residential or industrial development.

The soil class is clay with some sand overlay and the soils display a shrink/swell phenomenon.

The area has been previously used for Commoner pasturage. McCabe Street bypass is constructed on top of the levee and the area is dissected by a continuation of Island Road. This area is not fenced from the remainder of the Balranald Common. No signage is present.

Mapping Area D: Open Area

This area is located to the immediate east of the township of Balranald and McCabe Street bypass. It is mostly high country and is characterised by clay soils and is only sparsely populated with Mallee species (including White Mallee (*Eucalyptus dumosa*), Red Mallee (*E. socialis*), and Yorrell (*E. gracilis*)), River Cooba (*Acacia stenophylla*) and Black Box (*E. largiflorens*). Some Bluebush/ Yanga bush (*Maireana brevifolia*), Dillon Bush (*Nitraria billardieri*) and Lignum (*Muehlenbeckia florulenta*), Curly Windmill Grass (*Enteropogon acicularis*), Spear Grasses (*Austostipa spp.*) can be found.

Other vegetation was observed including Mistletoe, Poverty Bush (*Kunzea ambigua*) and the noxious weed African Boxthorn (*Lycium ferocissimum*).

This area extends down to the Murrumbidgee River at the eastern end of Court Street, where some River Red Gums (*Eucalyptus camaldulensis*) can be found. An area 9583m² is surveyed and fenced off as it is a nominated place of Aboriginal significance.

The most southern end of this mapping area extends down to and borders the Murrumbidgee River Foreshore Reserve R 89164. This Lot 7010 DP 1069947 has been used for grazing since 1973 when a permissive occupancy for grazing was issued by the Land and Property Management Authority. That permissive occupancy was terminated in 1998 and the land was licensed to Mr WP and Mrs JA Moore (licence 314509) commencing from 13 November 1998. The Licence was issued directly by the Land and Property Management Authority and does not have an expiry date however the Minister may revoke the licence at any time.

The most western end of this mapping area (Lot 5 DP 1128347 and Lot 7009 DP 1069946), alongside McCabe Street, is used for commoner pasturage. Commoners have erected animal shelters and have fenced in their individual areas. The Rural Fire Service has erected a Rural Fire Services Shed on a portion of this land, currently being subdivided for acquisition. Land and Property Management Authority has approved for this acquisition process to proceed and for the construction of the shed on the particular site.

The soil class is clay with some sand overlay.

Vehicular tracks providing access are located within the area. The boundary areas are not fenced. This area is subject to flood inundation, excepting for the Rural Fire Services Shed. No signage is present.

Mapping Area E: Open Black Box Area

This area represents the largest area of the Balranald Common, and is located the furthest from the township of Balranald, on the eastern side. The area is dominated by Mallee species Mallee species (including White Mallee (*Eucalyptus dumosa*), Red Mallee (*E. socialis*), and Yorrell (*E. gracilis*)), Black Box (*E. largiflorens*), along with Dillon Bush (*Nitraria billardieri*) and Lignum (*Muehlenbeckia florulenta*). Some River Red Gums (*Eucalyptus camaldulensis*) can be found at the most southern part of the mapping area adjacent to the Murrumbidgee River.

The soil class is clay with some sand overlay.

A majority of the land is subject to flood inundation.

Vehicular tracks providing access are located within the area. This area of the Common is widely utilised by many different user group of the community. Such activities include fishing, recreational activities (such as motorbike riding, horse riding), firewood collection, nature observation and studies, bird hide and board walk. This area does not have a boundary fence. No signage is present.

BALRANALD COMMON MAPPING AREAS

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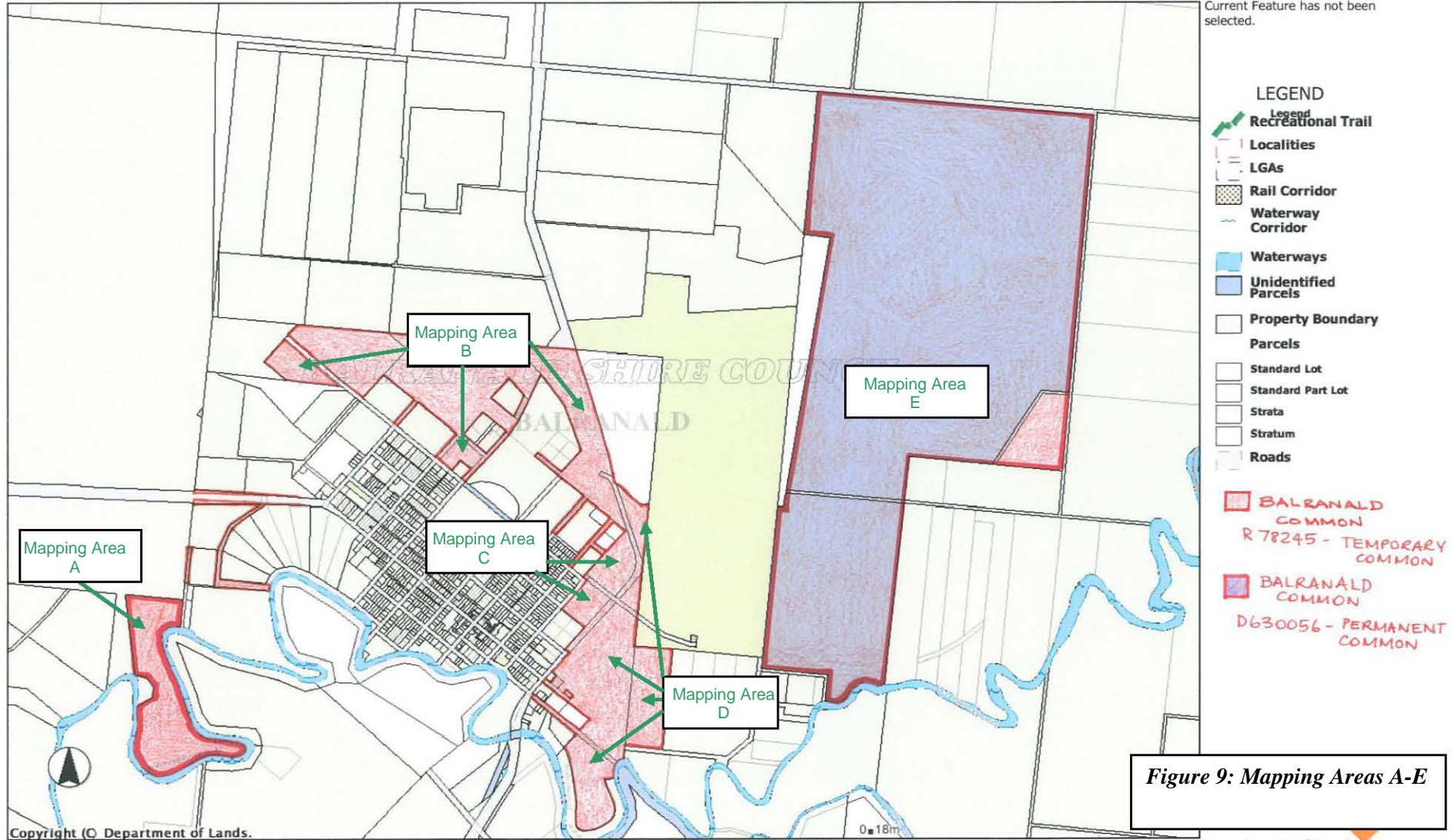


Figure 9: Mapping Areas A-E

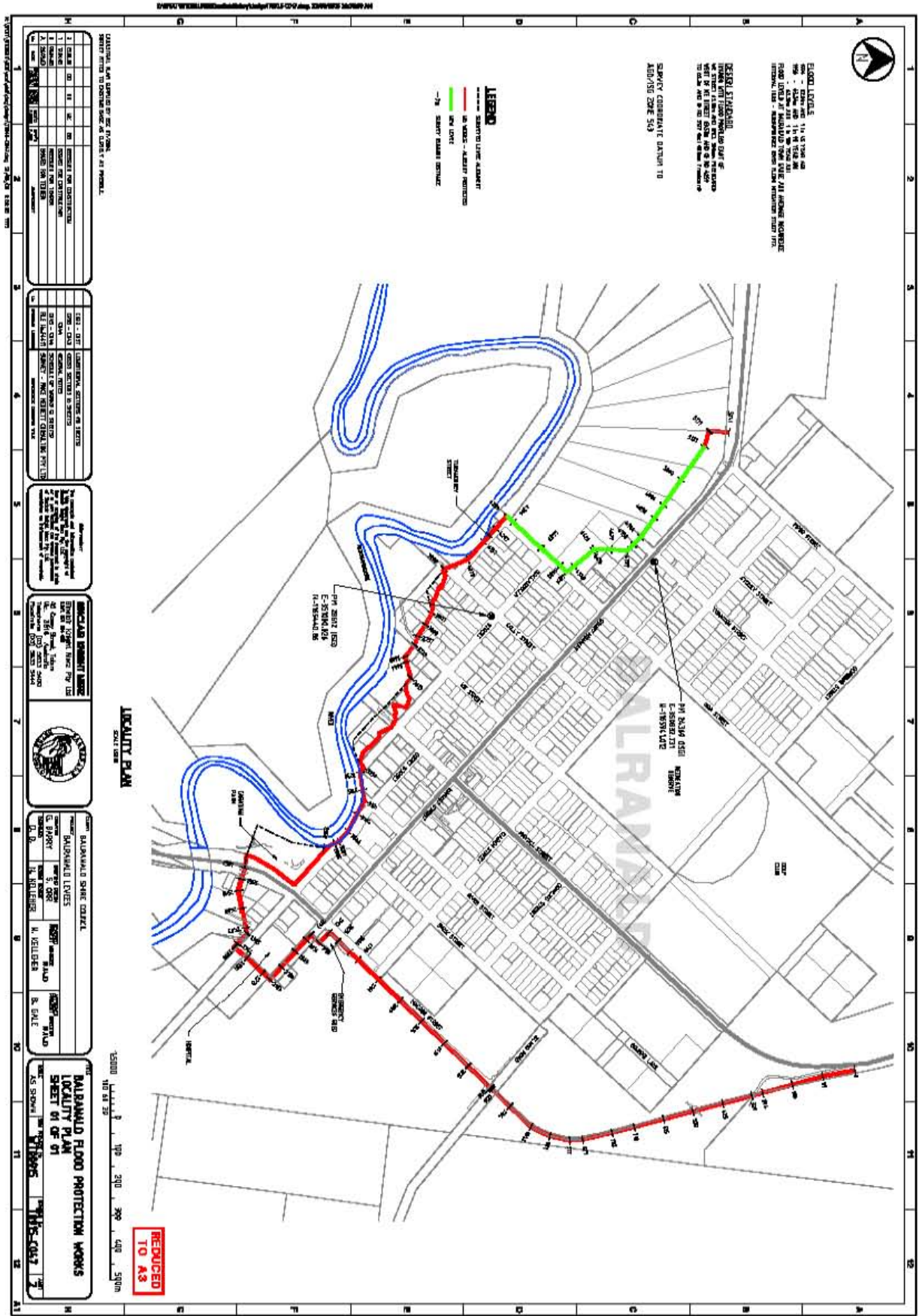


Figure 10: Flood Protection Levee

2.1.3 Zoning and Relevant Policies

The Balranald Common is within the Balranald local government area and subject to the provisions of the Balranald Local Environmental Plan 2010, an environmental planning instrument made under the *Environmental Planning and Assessment Act 1979*. Areas of the Balranald Common are zoned either RU1 Primary Production or RU5 Village under the Balranald LEP 2010- see Figure 11.

Balranald Shire Council has adopted a strategic framework plan to guide the preparation of a new Local Environmental Plan (LEP). Map D in the Appendices shows proposed uses as identified in the LEP. The new strategic framework plan was developed with consideration of Council's existing and proposed activities for the Common and community consultation.

Proposed uses that are inconsistent with the above zonings require consent from Council under Part IV of the *Environmental Planning and Assessment Act 1979*.

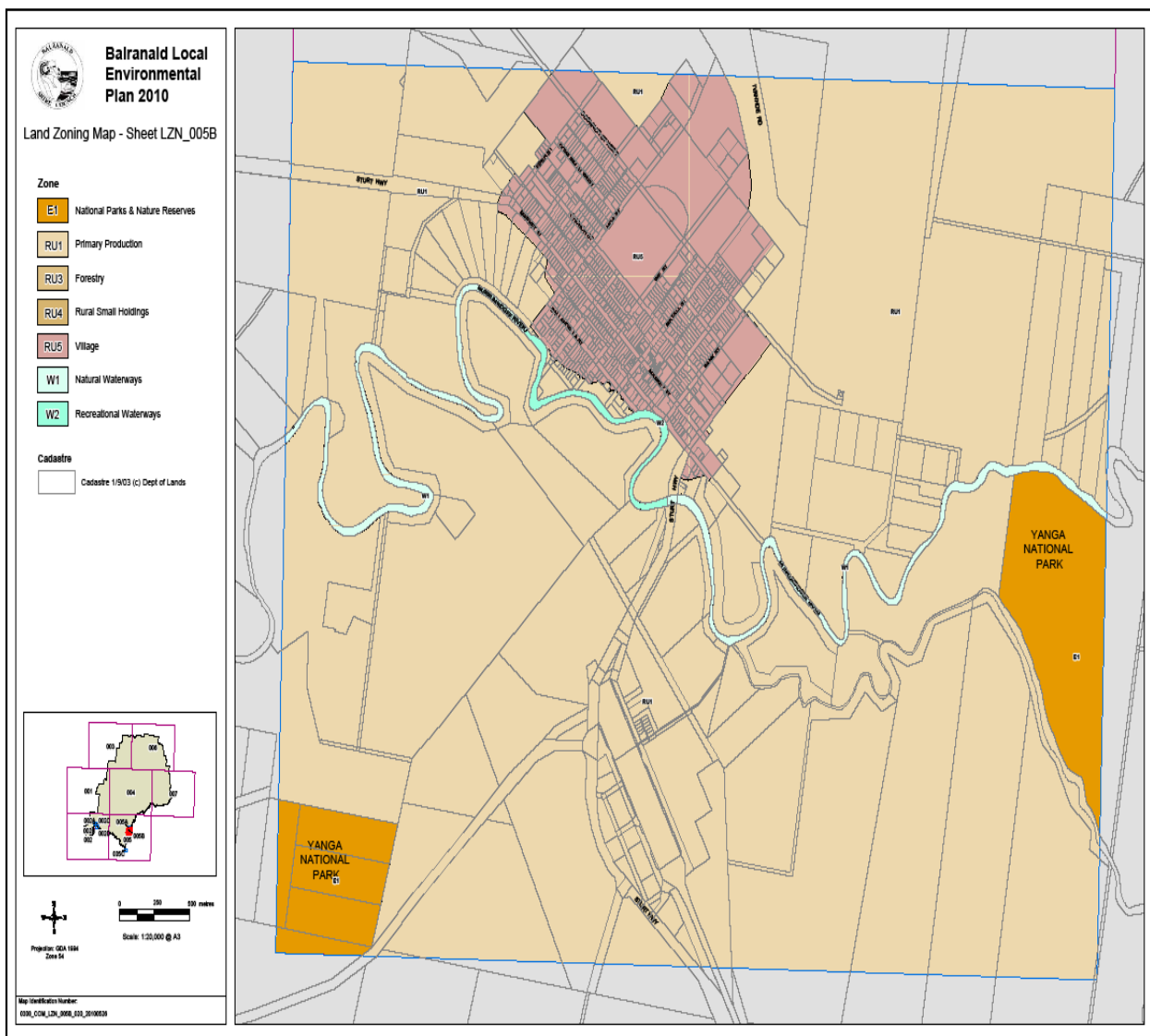


Figure 11: Map of Balranald LEP 2010

2.2 PAST AND PRESENT LAND USES

The Balranald Common dates back to at least 11th March 1873. Numerous additions (and revocations) to permanent and temporary Common areas have taken place since then. Gazettal notices are provided in Appendix B. Parts of the Common are also Travelling Stock Routes which date back to 12th October 1910. There is a long standing history of residents of Balranald exercising their commoner rights for personal animal pasturage and grazing (to a lesser extent) on the Balranald Common. However, stock pasturage numbers today are low and restricted to specific areas (individually fenced on a temporary basis for each commoner or licensee), so effects on soil and vegetation are minimal. There are currently six Commoners, with an average of three stock each and one licensed grazier. Since its first establishment, the use of the Balranald Common has evolved and grown in land usage. The current land uses are described in detail in this report and can be seen in Figure 12.

Figure 12: Balranald Common – Land Use Map (Scale 1:20,000).

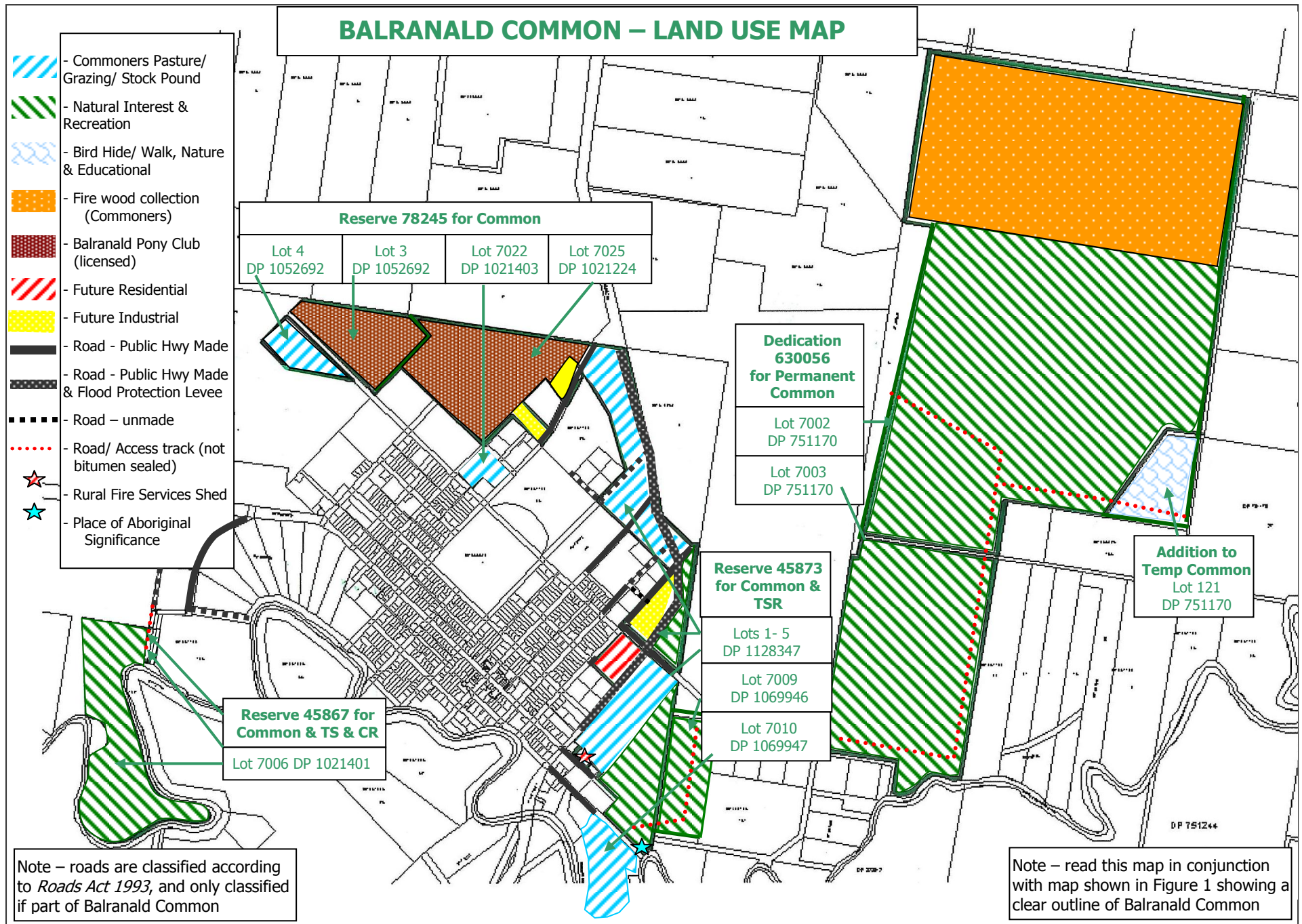


Figure 12: Balranald Common – Land Use Map (Scale 1:20,000)

Common Trust

The Common is administered by the Balranald Common Trust established under the provisions of the *Commons Management Act 1989*. The Balranald Shire Council has been appointed by the Minister for Lands to manage the affairs of the trust and has statutory responsibilities for care, control and management of the Common.

Commoners Usage

Historically Commoners have been few in number, with no more than about six Commoners pasturing on the Balranald Common at one point in time with each commoner having an average of three animals. However small commoner numbers are, it is seen as historically and culturally important to maintain the rights of pasturage on the Balranald Common.

The areas set aside for Commoners to pasture stock do not have natural watering points. Arrangements for water have been made with each commoner, depending on the circumstances.

The Balranald Common – Land Use map Figure 12 show the areas designated for pasturage of stock. It is a requirement that the commoner fences in a specified area on a temporary basis, decided by the authorised Council Officer within the areas allocated for Commoners.

Rules and conditions of pasturage of stock are contained in the Local Rules for Pasturage of Stock provided in this document.

The pasturing areas have been decided upon with consideration to:

- easy access to the specified areas by formed roads
- not to create a noise and visual nuisance to residents of Balranald
- proximity to recreational horse riding areas
- areas where disruption to native vegetation is minimal
- ability to connect to council's water supply system
- ability for area to adequately cater for stock, taking into consideration periods of drought.

A set of cattle yards is located on Reserve 37043 (Lot 76 in DP 751170) for the purpose of "Balranald Stock Pound", gazetted 16th January 1904, which is located immediately south of and surrounding Lot 7022 DP 1021403 being part of the Balranald Common. The yards are in an adequate, stock-proof condition.

Collection of Fallen Timber for Firewood

Another traditional right of Commoners is to be able to collect fire wood, currently from the total area of the Common. This document restricts the collection of firewood to one area as shown on Land Use Map Figure 12 and the limitation to the northern area of Mapping Area E. This aims to minimise any impact on fauna and flora and to not disturb or intrude upon the natural interest and recreation of the southern part. Vegetation provided in this area is similar to that elsewhere in Mapping Area E as well as other sections of the Common. Habitat of the identified flora would not be adversely impacted upon as suitable trees and flora exist elsewhere. Collection of firewood must be regulated by Forests NSW and a permit from them will be required. Firewood collection is to be limited to fallen timber for a period of ten years from the date of this Plan, such time limit to the subject of review in consultation with the Land and Property Management Authority and Forests NSW at that time.

Other Long Term Historical Uses of the Common

Grazing

Grazing is a permitted activity on the Balranald Common. A license must be issued for this activity and restricted to areas shown on Land Use Map in Figure 12. There is only one area of the Balranald Common which is used for licensed grazing. The area licensed is Lot 7010 DP 1069947. The licence, PO 1973/98 LI 314509, was issued directly by the Land and Property Management Authority. This licence has no time length and may be revoked at any stage, or may be re-issued by the Balranald Shire Council as managers of the Common. The area is fenced along the Court Street boundary and is in adequate condition, however the licensee has been requested to fence the southern boundary of the licensed area which borders Reserve 89164 (Murrumbidgee River Foreshore Reserve) as stock have also been grazing in Reserve 89164 (not part of licence) and accessing river.

Travelling Stock Reserves

Parts of the Common are also Travelling Stock Routes (TSR) which date back to 12th October 1910. These routes are not extensively used, but TSR 45867 on the eastern side Balranald township provides the only route from north of Balranald, to the south across the Murrumbidgee River. The TSR located on Lot 7006 DP 1021401 on the western town is a strategically important stock camping reserve. This plan recognises all rights of TSR's under the *Western Lands Act 1901* and *Rural Lands Protection Act 1998*.

Aboriginal Cultural Land Use

Lot 7009 DP 1069946 hosts the site of the "Dippo" Tree, a place of Aboriginal Significance. Appendix E contains maps showing this area. More detail about this is located in Section 3.1 Cultural Heritage (Aboriginal and European). Any other Aboriginal cultural land use, such as the removal of medicinal plants for person use, is permitted according to *National Parks and Wildlife Act 1974* and the *Native Title Act 1993* (Commonwealth).

Mining and Extractive Industries

The Balranald Common has been used to provide sand and gravel for Council road maintenance. Any future mining or extractive industry activity would be subject to development approval.

Access Roads

Various other access roads traverse through the Common. These include formed and sealed roads which are continuations of Bank Street, Moa Street, Mayall Street, River Street (access road to Balranald Airport), O'Connor Street East/ Island Road and Ivanhoe Road. These are shown in Figure 12. There are many other unsealed access roads within the Common to access facilities and attractions within the Common.

Fire Breaks

There are no structured fire breaks on the Balranald Common. However constructed roads, naturally open areas and the Murrumbidgee River provide fire break protection within the Common. This would ensure (a) surrounding properties and assets are protected, (b) vegetation on the Balranald Common is protected, and (c) access is provided for fire fighting operations. Existing roads will assist in access in and around the Common as well as providing significant firebreaks in some areas. It is recognised that other areas do not have firebreaks, including areas immediately abutting the township. Protection Zones for the areas, including firebreaks, will considered in consultation with the Rural Fire Service of NSW with reference being had to that organisation's document "*Planning for Bush Fire Protection 2006*".

Recreational areas eg. fishing and camping areas.

The Balranald Common includes spectacular Murrumbidgee River frontage. The river is enjoyed by residents and visitors for recreational activities including picnics, walks, fishing, boating, day visitors and overnight campsites. Areas of the Common which are directly adjacent to the river are: the south of Lot 7003 DP 751170, eastern section of Lot 5 DP 1128347 and Lot 7010 DP 1069947, the Place of Aboriginal Significance and Lot 7006 DP 1021401 to the west of the township, is about two-thirds surrounded by a large "boot-shape" bend in the river. For overnight camping use, rules and regulations, refer to Section 4.2.4 Recreation, Tourism, Education, Film Making and Community Purposes.

Electricity Transmission Lines

Transmission lines traverse Balranald Common in various areas. Refer to Figure 13.

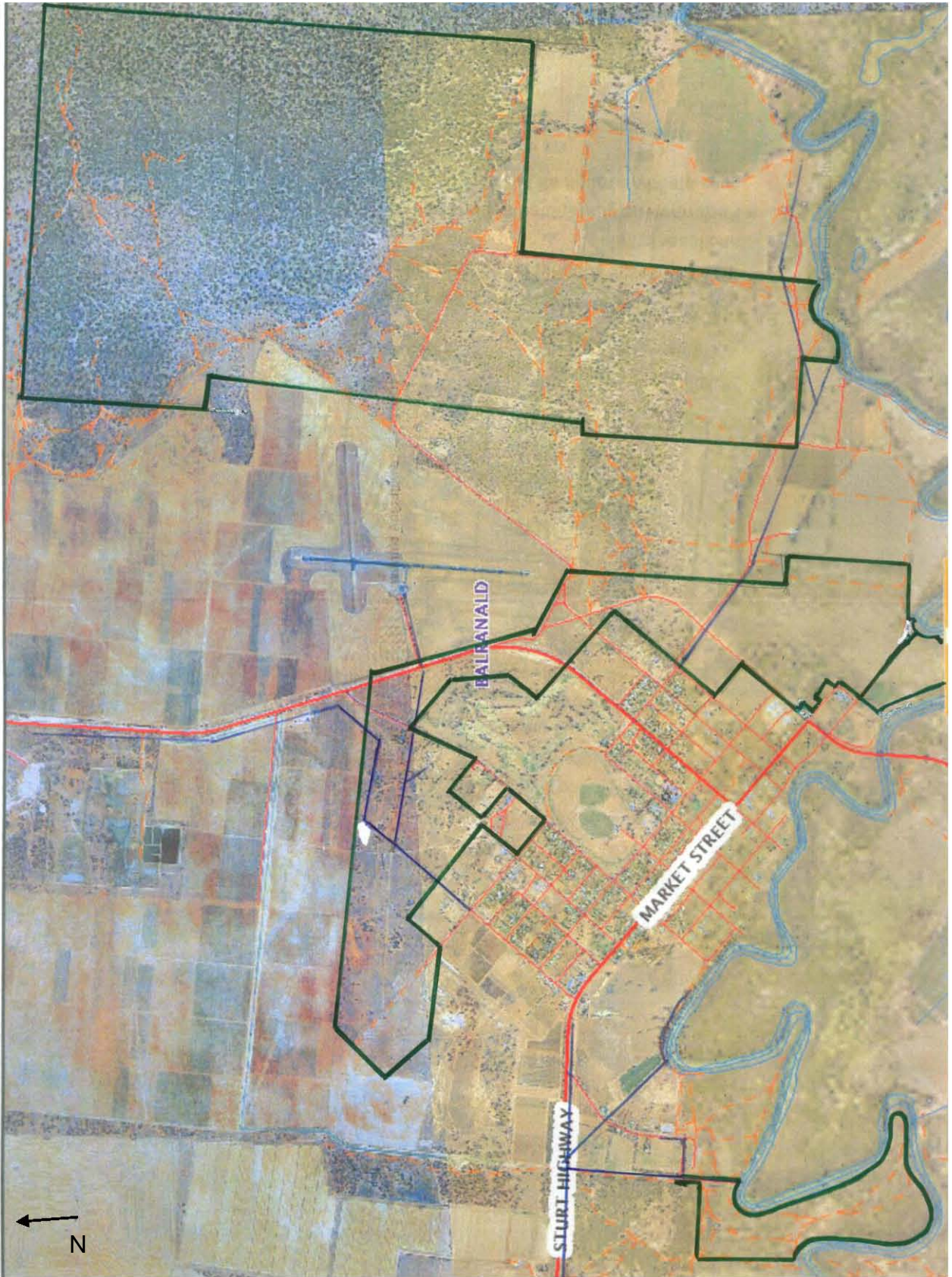


Figure 13: Electricity Power Lines on Balranald Common (Scale 1:20,000).

Common Development

In recent years, many requests have been received from within the community, from sporting groups and from Council for alternative uses of the Common. Development of the Common has taken place as authorised by the Balranald Shire Council as trust managers, to facilitate community needs and to provide residents with the ability to use the Balranald Common.

Existing Development includes

- Construction of flood inundation protection levee, roads, truck by-pass
- Formed public roads, including main roads and local streets
- Access tracks within the Balranald Common
- Rural Fire Services Shed
- "Ben Scott Bird Trail" - bird hide and board walk
- Recreational areas, eg. fishing and camping areas.
- Expansion of pony club activities (Balranald Pony Club gymkhana)
- Expansion of Balranald Council Depot activities (material stockpile area)

Flood Inundation Protection Levee

An earthen flood protection levee was constructed in 2005 through Lot 5 DP 1128347 to protect the township of Balranald. A road, to form a town bypass for heavy vehicles travelling from the main road north, to the Sturt Highway heading east from town, was constructed on top of the levee as part of the same project. Other access roads were formed at this same time.

Rural Fire Services Shed

The Rural Fire Services was given permission from the Land and Property Management Authority in 2007 to construct a fire services shed. This land was also approved to be acquired by compulsory acquisition from the department. This process has been some what delayed, but subdivision plans are now available to proceed to the next stage of acquisition (Lot 4 DP 1128347).

Expansion of Pony Club Activities

The Balranald Pony Club holds a Western Lands Lease (WLL 13274) over Lot 128 DP 720107. This lot directly adjoins Lot 7025 DP 1021224 to the north being part of Balranald Common. In 2001, the Balranald Pony Club found that their parcel of land alone was insufficient to operate successful pony club activities, so they applied to Council to set up a gymkhana obstacle course covering approx 10ha on the Common. Council, on behalf of the Balranald Common Trust gave permission for this activity, seeing it as a valuable community activity. The Balranald Pony Club remains active and is looking to further enhance the gymkhana obstacle course on the Common.

Expansion of Council Depot activities (material stockpile area)

As the Common contains many sealed and unsealed roads, along with many tracks, Council required a land area to stock pile gravel and other road construction material for maintenance of these roads. The Common area (part of Lot 7025 DP 1021224) directly behind the Balranald Works Depot (Reserve 82480 Lot 7034 DP 1028223) was an ideal location.

Bird Hide and Board Walk

A bird hide and board walk was constructed on Lot 121 DP 751170, as visible in Figure 14, in October 2005. It was named the "Ben Scott Bird Trail".

The trail is approximately 1km long and passes through remnant black box, red gum and lignum vegetation habitats. Boardwalks over intermittent channels and bird hides are located near the end of the 1km trail.

The trail is part of the „Tri Avian Corridor’ that links Balranald with Wakool and Murray Shires. Located at the south eastern end of the Lower Murrumbidgee Flood Plain, the Balranald Common has been subject to regular flooding in years gone by. In more recent times and during the last 13 year dry period, water will reach the channels in the Common when released occasionally from the Redbank Weir. When water does find its way in the local channels, the trail also provides limited access to the prolific local frog population. The Southern Bell Frog (*Litoria raniformis*), also known as the Growling Grass Frog, is an endangered species under the *Threatened Species Act 1995* and can be spotted from the board walk during these wet conditions.



Figure 14 – Lot 121 DP 751170 Location of Bird Hide and Board Walk

Future Use

From the development listed above, it is evident that the community interest in the Balranald Common is increasing for uses other than the pasturage of stock. As the growth of the Balranald township is limited by the bounds of the Common (on the east, north and west) and by the river on the south, other planned development includes:

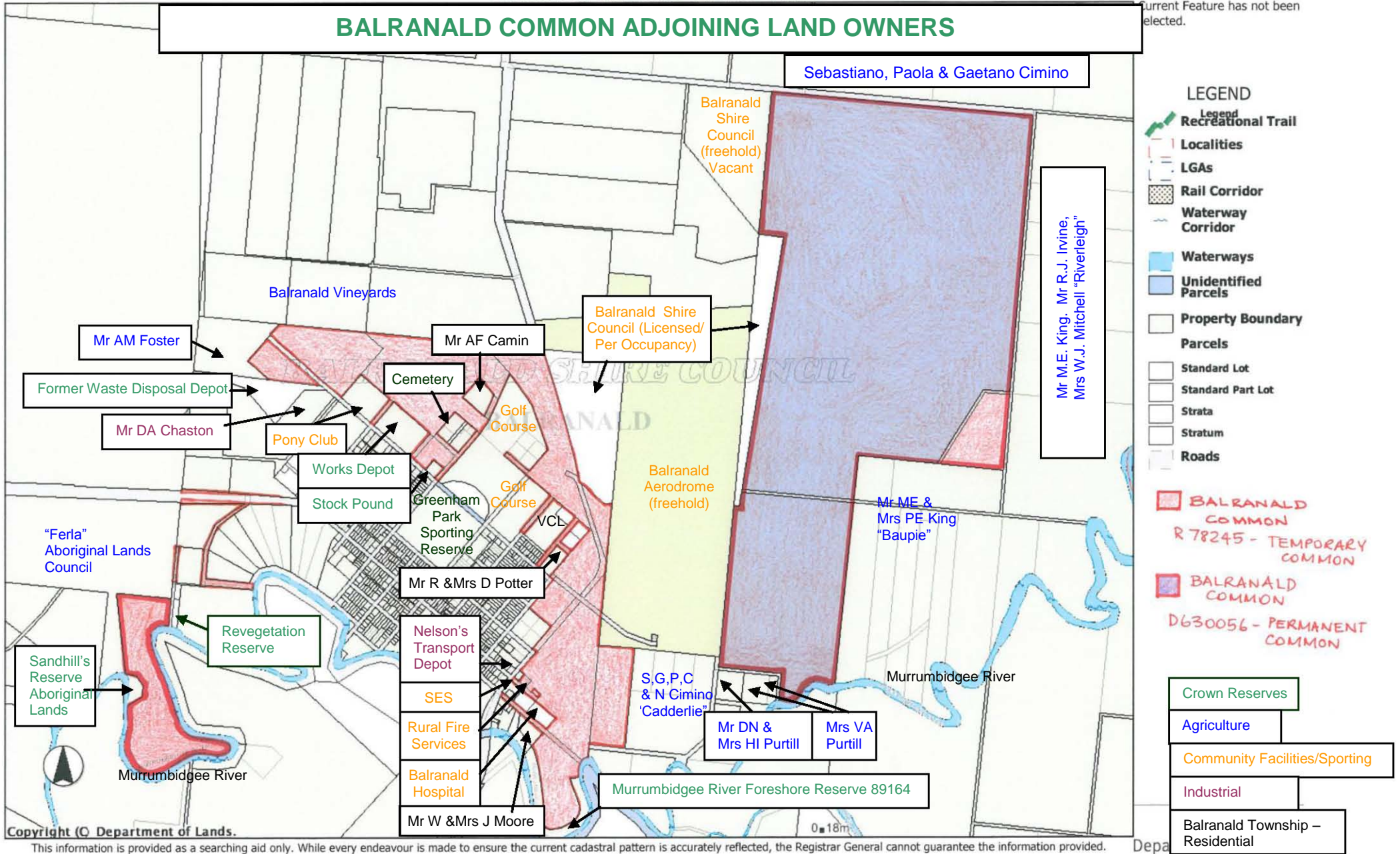
- Subdivision of specific areas of the Balranald Common for provision of larger residential allotments. See Appendix D for the Balranald Strategic Plan Map
- Light industrial development (located within Mapping Area C)
- Enhancement of recreation areas
- Truck parking and servicing depot (located within the light industrial area in Lot 5 DP 1128347)
- Further development of Balranald Pony Club gymkhana obstacle course (Mapping Area B)

Future uses would need additional environmental studies to ascertain the appropriateness of the development. Having regard to the principles of Crown Land Management, it will be necessary, through consultation with the Land and Property Management Authority, to excise areas for these uses (where they have been identified as being both capable and suitable, as well as of the highest and best use) followed by freehold conversion or long-term leasing.

2.3 ADJOINING LAND USES

As the Balranald Common is made up of various parcels of land spread around all sides of the township, there are many adjoining land uses. These include rural activities (vineyards, grazing, horticultural, and cereal cropping), general recreation (fishing, camping, etc), community sporting facilities (Balranald Pony Club, Balranald Golf Club, Motorcross), residential housing and industry, public services (including roads, Balranald Shire Council Works Depot, Balranald Stock Pound, Balranald Public Cemetery, Balranald Hospital, Balranald Airport), and rivers. See Figure 15 for surrounding land uses and landholders.

BALRANALD COMMON ADJOINING LAND OWNERS



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This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided.

Figure 15: Surrounding Land Uses and Ownership to the Balranald Common

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:

- Balranald Local Environmental Plan (Balranald Shire Council) 2010;
- *Commons Management Act 1989*;
- *Crown Lands Act 1989*;
- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth);
- *Environmental Planning and Assessment Act 1979*;
- *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 (Mining, Petroleum Production and Extractive Industries) Amendment 2010;
- 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*;
- *Western Lands Act 1901*; and
- *Rural Lands Protection Act 1998*.

2.5 CONSULTATION

As managers of the Balranald Common, Balranald Shire Council considers community consultation to be an essential part of the process in preparing a Plan of Management. Council considers the Common to be land held for the benefit of residents and visitors to the area. Prior to preparation of the Plan of Management for the Balranald Common, community consultation public meetings were held to identify land use issues around Balranald, including the Common. Feedback expressing the interests of the community were taken into account in preparing the Plan of Management for public exhibition.

2.6 EXHIBITION OF DRAFT PLAN OF MANAGEMENT

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 Lands 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.

A draft Plan of Management was placed on public exhibition for 28 days, pursuant to Section 35 of the *Crown Lands Regulation 2000*, with exhibition coordinated by the Balranald Shire Council. Public notice of the exhibition was placed in local newspapers 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 provided to the Land and Property Management Authority (LPMA) Western Region office (Dubbo) and the LPMA Rangelands Officer (Buronga) for comment. It was also sent to enrolled Commoners and parties who had expressed interested in earlier consultation. The plan was on exhibition at the Balranald Shire Council office and chambers (Balranald) and was placed on the Balranald Shire Council's website (www.balranald.nsw.gov.au).

Submissions received by Balranald Shire Council were considered before the Plan of Management was finalised and sent to the Land and Property Management Authority for Ministers approval.

2.7 PLAN IMPLEMENTATION

Under Section 114 of the *Crown Lands Act 1989*, the Balranald 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 Common will be provided principally by income generated by licences issued by the Common Trust for use of the Common, Commoners fees and through a budget allocated by the Balranald Shire Council Management Plan.

3.0 LAND INVENTORY

Five unique Mapping Areas have been identified as existing within the Balranald Common, herein referred to as Mappings Areas A to E- see Figure 9. This chapter covers the inventory of the natural resources of the Crown land within each of the five Mapping Areas. This information was gathered from field investigations and from existing reference material, where available.

Field investigations were undertaken by Balranald Shire Council staff and also Mr David Gee (Rangelands Management Officer, Land and Property Management Authority). Mr Gee has previously prepared a Balranald Land Assessment which has been considered in preparation of this plan.

3.1 CULTURAL HERITAGE (ABORIGINAL AND EUROPEAN)

The Balranald Common contains both Aboriginal and European cultural heritage that this Plan of Management endeavours to protect and enhance.

The Dippro ceremonial site upstream of Balranald township, on an embankment of the Murrumbidgee River (behind the hospital), was used by the descendants of the Mutti Mutti tribe (this site was gazetted as an Aboriginal Place in 2001). Refer to Appendix E for maps of this site. This was a traditional camping place for Aboriginal people until the 1930's. Children were born on the site using traditional birthing practices, and it was the location of the last corroboree in the area in 1919. This site is located on Lot 5 DP 1128347 and has a surveyed and fenced in area of 9583m².

Lot 127 DP 39863, outside of the Balranald Common and to the west of the Muttiedattie Reserve (Lot 7006 DP 1021401) is believed to be an Aboriginal burial site, known as "Sandhill's Reserve", held in the title of the Aboriginal Lands Council. This parcel is land locked by Lot 7006 DP 1021401 being the most western parcel of the Balranald Common. The area is associated with middens and scarred trees.

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

The Balranald Common is a Crown reserve under the *Crown Lands Act 1989* and *Commons Management Act 1989*. It has not been established whether or not therefore Native Title has been extinguished, as defined by the *Native Title Act 1993* (C/W).

European Heritage of the Balranald Common dates back to at least 11th March 1873 when the first parcel of the Common was dedicated. Numerous additions to that original parcel since then as European use and demand expanded. The longest standing use is for commonage. Parts of the Common are also Travelling Stock Routes which date back to 12th October 1910.

3.2 NATURAL RESOURCE INVENTORY

3.2.1 Ecology and Biodiversity

The vegetation associations found within the Balranald Common are representative of those found across the western region of NSW. Areas of similar habitat and condition are found around other protected areas in and around Balranald Shire, especially within Yanga National Park.

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

Mapping Areas A, D and E provide some protection to the catchment as the vegetation present on these areas contains mature trees. The riverside area vegetation structure is dominated by mature river red gum

(*Eucalyptus camaldulensis*) and black box (*E. largiflorens*) trees. Mature trees would, in part, act as ground water pumps thereby helping to reduce the incidence of ground water table recharge and any potential risks of salinity.

Nature Conservation

As all mapping areas contain isolated trees and vegetation (including grassland), all areas could provide wildlife corridors for the movement/dispersal of native flora and fauna, including threatened species. The vegetation provided within the areas is likely to provide roosting habitat for a variety of fauna species such as hawks, cockatoos, lizards, and bats.

3.2.2 Native Vegetation / Flora

The vegetation associations seen during a field investigations include open black box area, open river red gum forest area and mallee vegetation. The location of these is detailed in *2.1.2 Mapping Area Descriptions*. The black box vegetation community dominates the Balranald Common, with the remaining cover being comprised of the altered vegetation community within the commoner and licensed grazing area, river red gum vegetation community found surrounding the riverside areas, and clay soil vegetation community (saltbush, blue bush etc).

3.2.3 Fauna

The fauna present on the Common is hard to ascertain without detailed fauna surveys, and there are no records of fauna from the Common held by the Department of Environment, Climate Change and Water (DECC). However casual observation shows that the following species are present: eastern grey kangaroo (*Macropus giganteus*), topknot pigeon (*Lopholaimus antarcticus*), tree-creeper species (*Climacteris* spp.), Australian magpie (*Gymnorhina tibicen*), and willy wagtail (*Rhipidura leucophrys*).

It is likely other woodland species also occur within the assessment area, including: sulphur-crested cockatoo (*Cacatua galerita*), 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 (eg. blue tongue- lizard *Tiliqua scincoids*, and other small skinks and geckos), in addition to snakes (eg. brown snake- *Pseudonaja textilis*, and red-bellied black snake- *Pseudechis prophyriacus*), would be expected to occur within the Common. Several bat species are also likely to occur on the Common (eg. lesser long eared bat- *Nyctophilus geoffroyi*, Gould's wattled bat- *Chalinolobus gouldii*, little forest bat- *Vespadelphus vulturinus*, little mastiff bat- *Mormopterus planiceps*, inland broad-nosed bat- *Scotorepens balstoni*, and little broad-nosed bat- *S. greyii*), with frog species likely in the vicinity of the riparian environment. 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* / *Felis domestica*) and dogs (*Canis familiaris*) would be itinerant visitors to the Common due to the close proximity to the Balranald township.

An *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth) Protected Matters report was conducted with results found in Appendix F. Authorised land uses listed in this plan will not have a significant impact on listed threatened species.

3.2.4 Threatened Species, Populations and Ecological Communities

Research conducted for the Balranald LEP provided the following information. There are numerous threatened species recorded in the Balranald Shire (see Table 3) with some more prominent than others. Two species are „presumed extinct’ whereas the balance are either „vulnerable’ (28 species) or „endangered’ (13 species). Identification of threatened species is relevant so that habitat for the particular species can be afforded some protection.

Table 3 Threatened Species Recorded In Balranald Shire

Table 3 Threatened Species Recorded In Balranald Shire				
BIRDS (Aves)			V or E	Recorded Sightings
Acanthizidae	Redthroat	<i>Pyrrholaemus brunneus</i>	V	
Accipitridae	Black-breasted Buzzard	<i>Hamirostra melanosternon</i>	V	
	Square-Tailed Kite	<i>Lophoictinia isura</i>	V	
Anatidae	Blue-billed Duck	<i>Oxyura australis</i>	V	
	Freckled Duck	<i>Stictonetta naevosa</i>	V	
Ardeidae	Australasian Bittern	<i>Botaurus poiciloptilus</i>	V	
Cacatuidae	Major Mitchell’s Cockatoo	<i>Cacatua leadbeateri</i>	V	
Climacteridae	Brown Treecreeper	<i>Climacteris picummus</i>	V	
Eupetidae	Chestnut Quail-thrush	<i>Cinclosoma castanotus</i>	V	
Megapodiidae	Mallee fowl	<i>Leipoa ocellata</i>	E1	
Meliphagidae	Pied Honeyeater	<i>Certhionyx Variegatus</i>	V	
Otididae	Australian Bustard	<i>Ardeotis australis</i>	V	
Pachycephalidae	Gilbert’s Whistler	<i>Pachycephala inornata</i>	V	
Petroicidae	Hooded Robin	<i>Melanodryas cucullata</i>	V	
Psittacidae	Purple-crowned Lorikeet	<i>Glossopsitta porphyrocephala</i>	V	1
	Swift Parrot	<i>Lathamus discolor</i>	E1	
	Regent Parrot (eastern subspecies)	<i>Polytelis anthopeplus</i>	E1	1
	Barking Owl	<i>Ninox connivens</i>		
FROGS (Amphibia)				
Hylids	Southern Bell Frog	<i>Litoria raniformis</i>	E1	74
MAMMALS (Mammalia)				
Burramyidae	Western Pygmy-possum	<i>Cercartetus concinnus</i>	E1	112
Dasyuridae	Southern Ningauai	<i>Ningauai yvonneae</i>	V	16
Muridae	Mitchell’s Hopping-mouse	<i>Notomys mitchellii</i>	E4	1
	Bolam’s Mouse	<i>Pseudomys bolami</i>	E1	3
	Long-haired Rat	<i>Rattus villosissimus</i>	V	1
Peramelidae	Pig-footed Bandicoot	<i>Chaeropus ecaudatus</i>	E4	1
Vespertilionidae	Little Pied Bat	<i>Chalinolobus picatus</i>	V	17
	Greater Long-eared Bat	<i>Nyctophilus timoriensis</i>	V	32
	Inland Forest Bat	<i>Vespadelus baverstocki</i>	V	48
REPTILES (Reptilia)				
Gekkonidae	Jewelled Gecko	<i>Diplodactylus elderi</i>	V	7
Pygopodidae	Mallee Worm-lizard	<i>Aprasia inaurita</i>	V	5
PLANTS (Flora)				
Asteraceae	Mossgiel Daisy	<i>Brachyscome papillosa</i>	V	2
Casuarinaceae	Swamp She-Oak	<i>Casuarina obesa</i>	E1	2

Eriocaulaceae	Austral Pipework	<i>Eriocaulon australasicum</i>	E1	1
Poaceae	Spear Grass	<i>Austrostipa metatoris</i>	V	3
Santalaceae	Bitter Quandong	<i>Santalum murrayanum</i>	E1	2
Solanaceae	Menindee Nightshade	<i>Solanum karsense</i>	V	9
FISH				
Osteichthyes	Macquarie perch	<i>Macquaria australasica</i>	V	
	Murray hardyhead	<i>Craterocephalus fluviatilis</i>	E1	
	Trout cod	<i>Maccullochella macquariensis</i>	E1	
	Olive perchlet (western population)	<i>Ambassis agassizii</i>	E1	
	Purple spotted gudgeon (western population)	<i>Mogurnda adspersa</i>	E1	
	Silver perch	<i>Bidyanus bidyanus</i>	V	
	Southern pygmy perch	<i>Nannoperca australis</i>	V	
<p>KEY Rec Number of recorded sightings. V Vulnerable (<i>Threatened Species Conservation Act 1995</i>) E1 Endangered (<i>Threatened Species Conservation Act 1995</i>) E4 Presumed Extinct (<i>Threatened Species Conservation Act 1995</i>) Sources: NPWS (National Parks & Wildlife Service) Wildlife Atlas NSW 2001 Department of Environment, Climate Change and Water Industry and Investment NSW (previously Department of Primary Industries)</p>				

An *Environmental Protection and Biodiversity Conservation Act 1999* (Commonwealth) Protected Matters report was conducted for the Balranald Common, with results found in Appendix F.

3.2.5 Climate

Balranald's climatic information is recorded by the Bureau of Meteorology at the Balranald RSL Club (Site No. 049002), which is located central to land areas comprising the Balranald Common. The data can be found in Table 4.

Climate - General

Balranald generally experiences hot dry summers with low humidity. The winters are usually mild with cool to cold nights.

Rainfall

The annual mean rainfall for Balranald is 319mm, and although there is not a great variance in the amount of average rainfall each month (21mm to 32mm), it is generally wetter in winter with more rain days.

Temperature

The annual mean maximum temperature is 24.3 °C
The annual mean minimum temperature is 9.9 °C

Relative Humidity and Evaporation

The annual mean Relative Humidity at 9am is 68%
The annual mean Relative Humidity at 3pm is 42%

Other climatic characteristics include:

Wind speeds are generally higher in latter part of the year and are most variable in winter.
There are on average 6 days per year when the maximum temperature exceeds 40 degrees Celsius, 29 days when it exceeds 35 degrees and 72 days when it exceeds 30 degrees.
The highest maximum temperature recorded is 47.7 degrees Celsius and the lowest minus 4.8 degrees.

There are on average 24 days per year when the minimum temperature is below 2 degrees Celsius and 8 days when it is below zero degrees.

Humidity is highest in June and lowest in December.

The highest monthly rainfall recorded is 145mm and all months with the exception of June, August and September have recorded no rainfall at some time over the past 125 years.

The highest recorded daily rainfall is 93.3mm.

There are on average 111 clear and 64 cloudy days per year.

Table 4 Climatic information for Balranald RSL

(red- highest value, blue- lowest value).

Site name: BALRANALD (RSL) **Site number:** 049002 **Commenced:** 1879 **Elevation:** 61 m: **Latitude:** 34.64° S **Longitude:** 143.56° E

Statistics	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	Years
Temperature														
Mean maximum temperature (°C)	33.0	32.5	29.3	24.0	19.4	16.1	15.7	17.6	20.9	24.5	28.0	30.9	24.3	92 1907 2009
Mean minimum temperature (°C)	16.4	16.3	13.6	9.5	6.8	4.3	3.5	4.7	7.1	9.8	12.5	14.7	9.9	92 1907 2009
Rainfall														
Mean rainfall (mm)	21.7	23.7	21.8	23.3	31.7	29.6	26.5	29.7	29.4	30.9	26.7	25.0	319.9	130 1879 2009
Mean number of days of rain ≥ 1 mm	2.2	2.2	2.5	3.0	4.5	5.2	5.4	5.4	4.8	4.4	3.5	2.9	46.0	128 1879 2009
Other daily elements														
Mean number of clear days	12.4	11.3	12.4	9.9	7.6	6.2	6.6	7.9	8.2	8.9	9.5	10.5	111.4	39 1967 2009
Mean number of cloudy days	3.7	3.4	3.2	4.4	7.4	7.4	7.4	6.2	5.4	5.5	5.4	4.9	64.3	39 1967 2009
9 am conditions														
Mean 9am temperature (°C)	21.6	20.9	18.5	15.2	11.0	7.8	7.2	9.2	12.8	16.4	18.0	20.1	14.9	38 1967 2009
Mean 9am relative humidity (%)	55	59	62	68	81	87	85	78	67	58	58	54	68	34 1967 2009
Mean 9am wind speed (km/h)	11.5	10.9	10.5	9.0	6.7	6.9	7.4	9.1	11.4	13.1	12.5	12.6	10.1	35 1965 2009
3 pm conditions														
Mean 3pm temperature (°C)	30.8	30.7	27.7	23.0	18.3	15.2	14.5	16.4	19.6	22.9	25.8	28.4	22.8	38 1967 2009
Mean 3pm relative humidity (%)	31	32	35	41	52	59	57	50	43	38	35	32	42	34 1967 2009
Mean 3pm wind speed (km/h)	12.7	12.1	11.4	10.9	9.8	11.0	11.9	13.8	14.5	14.1	14.2	14.0	12.5	28 1967 2009

red = highest value blue = lowest value

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 all five (5) mapping areas is described as riverine land, adjacent to level floodplains (0-2%) of the Murrumbidgee River.

The elevation range of the Balranald Common is approximate 60 metres.

Landsystems

The Balranald Common is within the (a) Riverina (RIV) Bioregion, Murrumbidgee IBRA Province (RIV2), and Southern Riverine Woodlands Major Rangetype, and (b) Murray Darling Depression (MDD) Bioregion, South Olary Plain / Murray Basin Sands (MDD1) Bioregion, and Mallee Major Rangetype. The Balranald Common extends across the Condouple (Cd) and Riverlands (Rl) landsystems.

General: Murrumbidgee River and its floodplain.

Geomorphology: Floodplain of grey fine-textured Quaternary alluvium with sinuous perennial river; billabongs and minor channels; slightly elevated discontinuous levees of browner alluvium; relief to two (2) metres. Parts of the Balranald Common are irregularly inundated by flooding.

Soils and Vegetation: Plain with grey and some brown cracking and non-cracking clays, texture-contrast soils on levees; sparse to moderate Black Box, River Red Gum, dense River Red Gum and Black Box along channel and in loops; Lignum.

Erosion: Severe scalding of levees localised gullying of river banks.

Land Management Considerations: Pasture management, scald reclamation, and stream bank erosion control.

The Balranald Common is within the Murrumbidgee Catchment Management Authority area, within a grassy woodland landscape.

3.2.7 Geology, Soils and Erosion

The soils of Area A are defined as grey cracking clays with some red sandy rises, Area B characterised by red sandy loams, Area C, D & E are defined as grey cracking clays.

No soil tests (physical or chemical) were undertaken on the Balranald Common as part of the land assessment process.

The majority of the Balranald Common drains poorly with the clay soil surface sealing preventing water from seeping into the soil. As such, the area quickly becomes impassable during rain events.

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 Balranald Common is moderate to low.

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, landform, climate, groundcover, land use and management practices. Erosion hazard for the Common is classified as moderate, where significant erosion may occur following disturbance, except for the areas which have a low erosion hazard. This can be avoided by using appropriate soil conservation measures.

Problems with salinity are not evident in this section of the Murrumbidgee region due to almost no irrigated land-use.

Given the historical activities undertaken on the Balranald Common, soil contamination is considered highly unlikely.

The 1:250,000 Geological Series Sheet SI/54-12 (Balranald), compiled by Geological Survey of NSW (revised 1963), describes the site geology.

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

3.2.8 Bush Fire Hazard

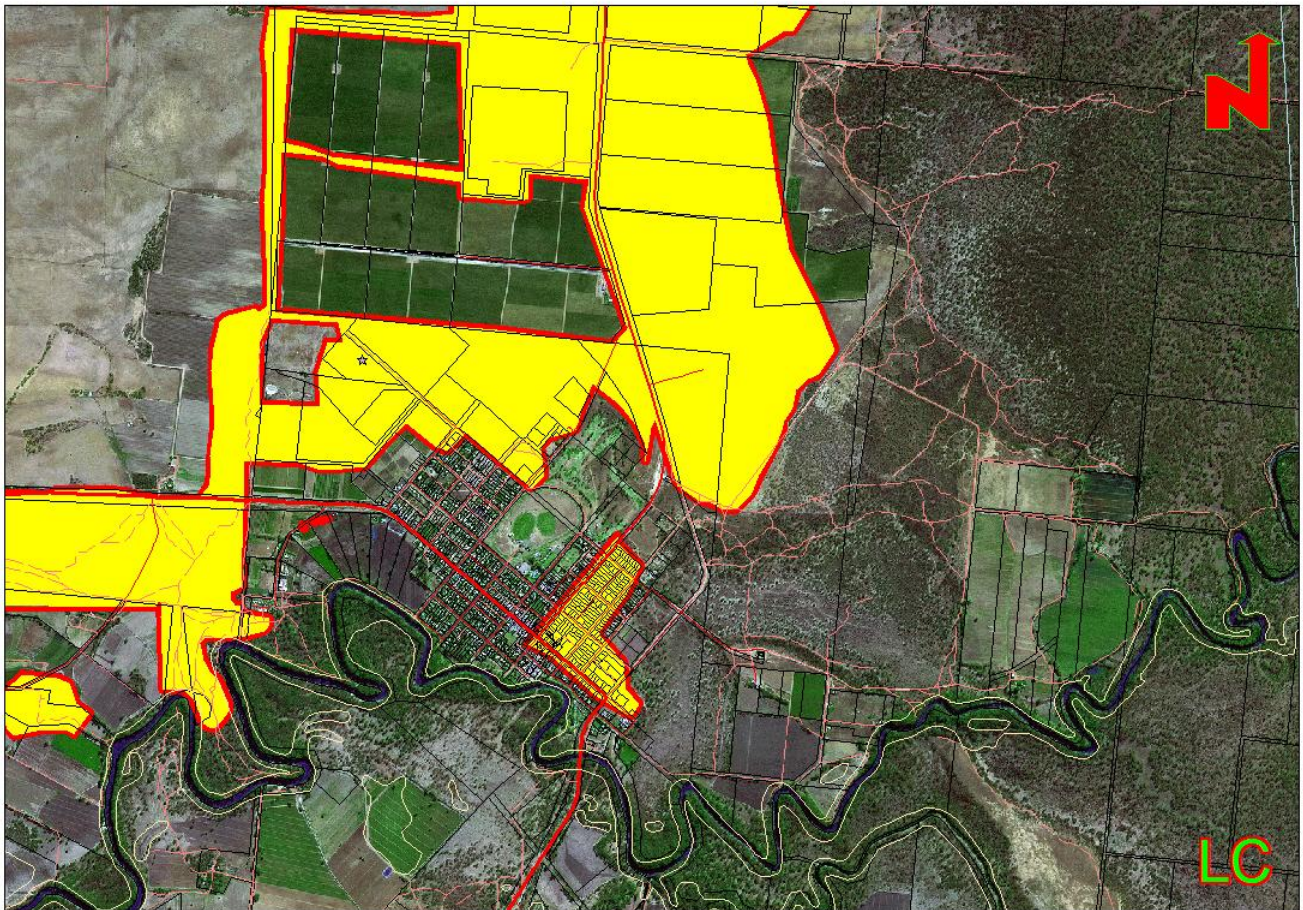
Bushfire hazard is an important consideration for determining the capability of the Balranald Common for various land uses, particularly urban development. The current system was developed by the CSIRO and adopted by the NSW Rural Fire Service for assessing bushfire hazard at a broad landscape scale (Land and Property Management Authority 2004). 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 bush fire hazard can be low, moderate or high.

The existing vegetation structures present within the Common can broadly be described as grassy woodland and grazed natural grasses. Using the above CSIRO methodology, the relative bushfire hazard for the Common is considered to be low.

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 bush fires (Rural Fire Service- RFS 2006).

The Amendment Act requires councils to map bush fire 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). Vegetation excluded from bushfire prone land maps are areas of vegetation less than one (1) hectare, managed grasslands, managed botanical gardens, agricultural lands and mangroves.

Existing mapping of bushfire prone land over the Balranald Common shows areas classified as bushfire prone land. See Figure 16 for bushfire prone land mapping.



Scale 1:100,000

Figure 16: Mapped bushfire prone land- bushfire prone land (yellow shading).

(Compare this satellite image to *Figure 1 Balranald Common - Land Description and Location Map* for land included in Balranald Common)

3.2.9 Hydrology

Surface Water

The predominant hydrological feature of the Balranald Common is the Murrumbidgee River, a prescribed stream under the *Water Management Act 2000*. Of the five Mapping Areas, only three have access to the Murrumbidgee River. Mapping Areas A, D, and E form part of the Murrumbidgee River floodplain, are subject to inundation from riverine floods, and have a high (greater than 1:20 year flood- greater than 5%) flood hazard. Refer to Figure 17.

The Balranald Common is within the Murrumbidgee Catchment Management Authority (Lower division) as seen in Figure 18.

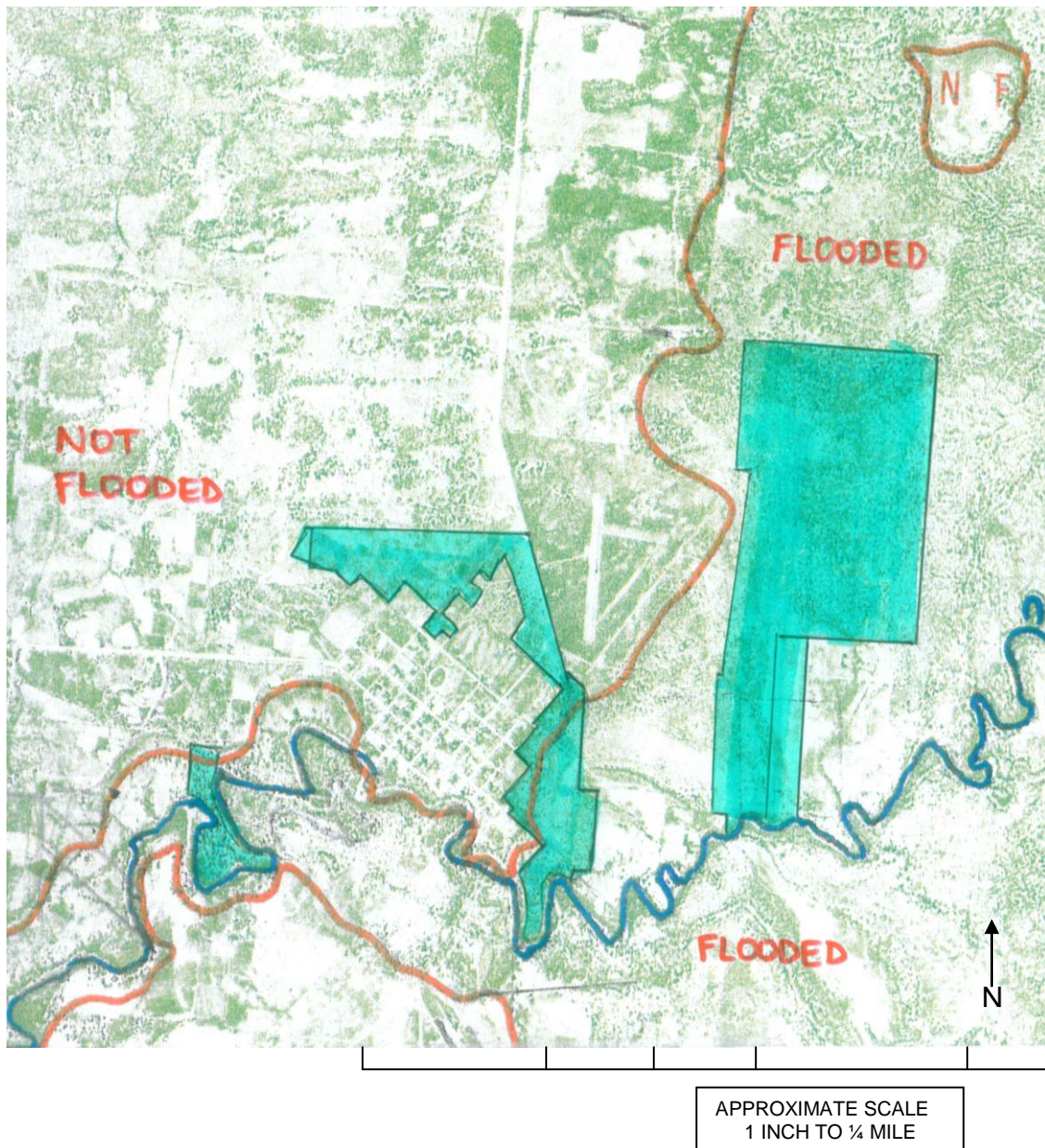


Figure 17: Floodplain extent according to the *Flood Plain Atlas*.

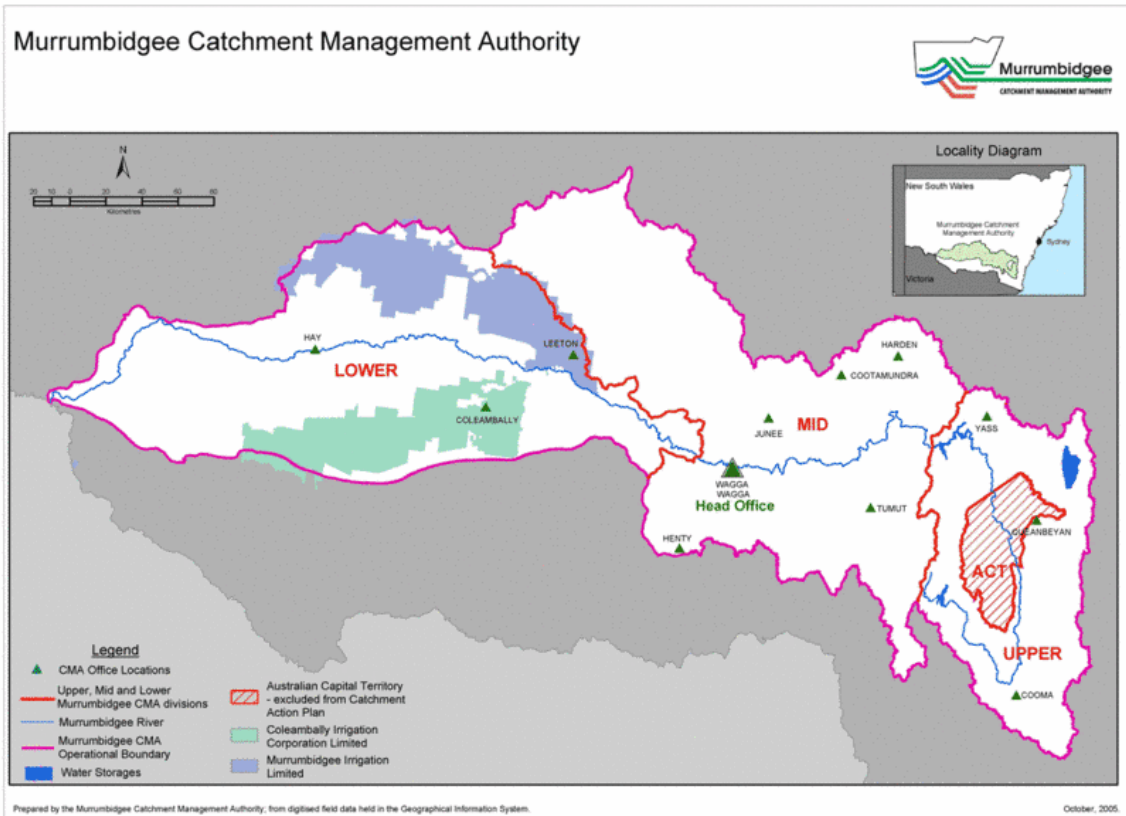


Figure 18: Murrumbidgee Catchment Management Authority.

Ground Water

The Balranald Common has no known groundwater resources.

3.3 SCIENTIFIC AND EDUCATIONAL ISSUES

The Balranald Common had trees planted on it as part of the 1,000,000 trees programme lead by Angry Anderson. As outlined earlier in this document, a bird hide and boardwalk has been constructed to enable residents and visitors to the shire to engage in bird watching and nature studies. The Southern Bell Frog (*Litoria raniformis*), which is an endangered species, has also been found on the Common and has been spotted from the board walk. (location shown on Figure 12.)

3.4 SOCIO-ECONOMIC ISSUES

Economic Production and Employment Opportunities

Past economic production from the Balranald Common has been limited to fees from commoner pasturage.

Services

This section refers to the availability of power, water, sewerage and telephone services currently within the Balranald Common. There are currently no services connected to the Common, however, all services are available in the township of Balranald. As Mapping Area B, C & D are flanked by the township of Balranald, services run through some areas of these Mapping Areas to provide services to neighbouring properties. See Figure 9 for the location of infrastructure on the Common.

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: the visual variety of each site, called relative scenic quality and the sensitivity or concerns and interests the public would place on the visual amenity of a site, called landscape sensitivity. Relative scenic quality is classified as either: high, moderate or low, based on the physical attributes of landform, water

form and vegetation. 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 (ie. how prominent the site will be to potential observers the size of the site). Three classes are given: high, moderate and low.

Using these criteria it can be stated that Mapping Area A has a high scenic quality, characterised by river red gums and a large horseshoe bend in the river. But due to its location and poor access, it has low landscape sensitivity. The area is not seen from any public roads, or the urban centre.

Mapping Area B, C and D would be contended to have a low scenic quality, excluding the small boundary of Mapping Area D along the Murrumbidgee River which would be deemed to have high scenic quality. These areas have high landscape sensitivity along formed and gazetted roads, but other areas not visible from the road to have moderate to low landscape sensitivity. Mapping Area E varies from high to moderate scenic quality and low landscape sensitivity. Of particular note is the bird hide and boardwalk deemed to have high scenic quality and the reason for its development.

Recreation

Mapping Areas A and E are predominately used for recreation pursuits of the general public, such as camping, fishing, horse riding and firewood collection (by Commoners), as well as passive enjoyment of the area by walkers. These activities are likely to have been unauthorised as no approvals appear to have been granted by the Trust.

Mapping Area B is used by the Balranald Pony Club under licence (in draft, to be approved by the minister) for their exclusive use. This area is to be fenced from adjoining areas of the Balranald Common to provide safety and to delineate the area designated under licence.

Mapping Area D is also used for active and passive recreation, particularly along the Murrumbidgee River, which is utilised for fishing and nature studies.

Access

Mapping Area A is accessed by following Endeavour Drive (first turn west of the Balranald township), turning right immediately before the Local Aboriginal Council Housing Mission and following the gravel formed road into the Common.

Mapping Area B has numerous access points as it is defined by various Lots.

Lots 3 & 4 DP1052692

This area is used exclusively by the Balranald Pony Club (licence to be approved) and is accessible through the Pony Club land (private) off O'Connor Street West.

Lot 7025 DP 1021224

This area can be accessed by the west of Moa Street, to the north and south of the Balranald Cemetery and off the east of Moa Street to the north of the Balranald Golf Club.

Lot 7022 DP 1021403

This area is fenced off from other areas of the Common, and is bordered by the Balranald Stock Pound (corner of Dowling St West and Moa Street). It can be accessed by O'Connor Street West or Moa Street.

Lot 5 DP 1128347

The lot is dominantly used for the provision of a major township bypass. It is an extension of Ivanhoe Road and connects through to McCabe Street. Other formed and gazetted streets which give access into this area are River, Mayall and Cally Streets. The Airport and Motor Bike Track Access Roads give access from the east. Island Road borders this lot on the south.

Mapping Area C is part of Lot 5 DP 1128347. It can be accessed from Bank Street and McCabe Street. This area is dissected by Island Road.

Mapping Area D is accessible by McCabe Street on the west, Island Road on the north, and Market and Church Streets on the south.

Mapping Area E is the largest area of the Balranald Common and located the furthest from the township of Balranald. The southmost part can be accessed by Island Road. The access road to the Motor Bike Track continues on to give access to the “Ben Scott” Bird trail. This is the only internal track within any area of the Balranald Common which Council maintains by grading. Various access tracks exist within this area to allow for recreational pursuits.

4.0 PERMITTED LAND USES

4.1 LIST OF ALL PERMITTED LAND USES

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

Commonage, Grazing, Pasturage and Watering of Stock and Stock Management

- Commonage, grazing, pasturage and watering of cattle, horses, sheep and goats (milking) and any other stock approved by the Trust;
- Firewood collection (regulated by Forests NSW).

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
- Extraction of sand, gravel and other material.

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 Balranald Common for passive recreation and camping).

Film Making, Tourism, Education

- Filming (within the meaning of the *Local Government Act 1993*);
- Access through the Common;
- Emergency occupation;
- Tourism; and
- Educational and scientific studies.

Community Purposes, Access, Infrastructure and Services

- Community purposes;
- Telecommunication facilities and services;
- Advertising;
- Services, infrastructure and utilities (including roads, flood protection levees);
- Storage of road construction materials – extension of Depot activities;
- Truck parking and servicing depot; and
- Rural Fire Services Shed.

Additional Land Uses/Activities

- Other activities or land uses approved by the Trust, and providing they do not negatively impact on the natural and cultural attributes of 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, 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 are strictly prohibited.

Furthermore, the following environmental protection recommendations should be implemented on the Common:

- Avoid any further clearing or modification of the native vegetation;
- Ensure the protection of riparian vegetation, the banks of the Murrumbidgee River, and the associated floodplain ecosystems;
- Ensure the protection of any identified Aboriginal heritage and other cultural heritage sites; and
- Restrict unauthorised vehicle access and the creation of more tracks.

4.2 USE, RULES AND REGULATIONS

The Common Trust may, in respect of the whole or any part of a Common, grant licences for any of the 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 Common purpose.

The Trust must fulfil the statutory requirements of the *Commons Management Act 1989* and the *Commons Management Regulation 2006*. Furthermore, the Trust must ensure that all Trust members have access to the Land and Property Management Authority Trust Handbook (revised in October 2007).

4.2.1 Commonage, 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 commonage, pasturage and watering of stock on the Balranald Common by Commoners.

Background

The majority of land covered by the Balranald Common is vacant land that has been used for the pasturage and watering of stock by Commoners since the Common was established in 1873.

It is a condition of Commoners that they provide their own water sources for stock. Council may provide a raw water connection at the cost to the commoner. Each commoner must erect a fence around the area allocated to them by the Trust. Commonage areas are confined to approved areas as shown on the map shown in Figure 12. This minimises and confines any vegetation damage caused by stock.

The recommended stocking rate or safe carrying capacity of the Common is one (1) dry stock equivalent (DSE) per 4 hectares (1 DSE = 1 sheep in forward store condition, with 10 sheep / milking goats = 1 cow and 12 DSE = 1 cow and calf = 1 horse).

Objectives

The following strategic management objectives relate to the pasturage of stock on the Balranald Common:

- Define an area within the Common suitable for pasturage and watering of stock and allow for fencing and provision of water connection points to Council's raw water system (eg. troughs);
- Implement sound stock management policies that serve to maintain the quality of soil, and vegetation resources on 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 Balranald Common:

- (1) The grazing of stock on the Common is to be confined to an approved area. Stock grazing in must be owned by an enrolled commoner and the stock must be recorded on the livestock register. Areas will be deemed suitable for stock pasturage after taking into account the following factors:
 - (a) Land suitability rankings for Mapping Areas B to D;
 - (b) The location of existing infrastructure to support the use (eg. fencing, access roads, yards, access to Council's raw water supply); and
 - (c) The current and likely future demand for stock pasturage by Commoners.
- (2) The number of stock that a Commoner can graze will be based on the recommended stocking rate for the Balranald Common- 1 DSE to 4 ha (total safe carrying capacity of 213 DSE);
- (3) Grazing activities will not be permitted in Mapping Areas A & E;
- (4) Grazing areas may also be used for other purposes by the following user categories, as defined under the Plan of Management:
 - (a) The Trust;
 - (b) Persons or organisations authorised by the Trust; and
 - (c) Authorities under other legislation.
- (5) The use of the Common for pasturage and watering of stock will be regulated by the Trust in accordance with the rules.

Rules

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

- (1) *Trust Obligation*- The Trust takes no responsibility for stock depastured on the Common. It is the sole responsibility of the Commoner to properly care for their stocks' security, condition and health;
- (2) *Authority to Pasture Stock*- The pasturage of stock is restricted to those persons who have enrolled as a Commoner for grazing;
- (3) *Pasturage Areas*- The grazing of stock on the Common is confined to their approved grazing area;
- (4) *Payment of Fees*- The Trust shall require payment of any Commoner and other fees prior to commencement of grazing on the Common;
- (5) *Pecuniary Interest*- If a Commoner has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a Trust Meeting, the Commoner must (as soon as possible after the relevant facts have come to the Commoner's knowledge) disclose the nature of the interest at the Trust Meeting. In the case of a disagreement at the meeting as to the existence of a pecuniary interest, a decision by a majority of Trust members present at the meeting will determine whether or not a pecuniary interest is deemed to exist;
- (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 the Grazing Area 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 condition. The fundamental criteria for determination of the stocking rate shall be the cover class (percentage of ground cover);

- (7) *Removal of Stock*- Should ground cover be generally reduced to less than 40%, 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 Livestock Health and Pest Authority (previously known as the Rural Lands Protection Board);
- (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 Ranger, 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 accepted onto the Common;
- (10) *Stock Movements (Notice to be Given)*- 48 hours notice must be given to a Trust Officer or Ranger 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 a Commoner's stock stray or escape from the designated grazing area of the Common, it is the responsibility of that Commoner to return their stock to the Common. Failure to do so will result in the Trust imposing a fee on the Commoner to cover costs incurred in the removal of the stock by the Trust Ranger. 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 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 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 Commoner;
- (16) *Sick or Injured Stock*- It is the responsibility of each 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 Trust Ranger 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 Trust Ranger 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 Commoner*- Should a Commoner be away for any period of time, it is that Commoner's responsibility to contact the Trust and inform it of the nominated person who is responsible for that Commoner's stock, in case of any injury, sickness or death of that Commoner's stock during his/her absence;

(19) *Maintenance and Improvements*- It is expected that Commoners aid the Trust in maintaining their approved grazing area by reporting any vandalism and general maintenance needs to the Trust Ranger. The Trust shall:

- (a) Ensure that livestock are prevented from moving onto other areas of the Common, public roads or neighbouring properties, through the erection and maintenance of fences;
- (b) Budget and prioritise for improvement activities in grazing areas, and consult with Commoners prior to undertaking improvement activities;
- (c) Coordinate contractors and voluntary labour to undertake maintenance improvements consistent with the rules.

4.2.2 Land Management and Conservation (including Cultural Heritage)

Background

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

The land management and conservation strategy adopted by this 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 Balranald 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 areas used by recreational vehicles,
- Control and/or eradicate introduced weeds (eg. African boxthorn, Bathurst burr, and Noogoora burr) and pests (eg. foxes, rabbits, hares, pigs and feral cats);
- Identify, protect 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 Balranald Common:

- (1) Use of the Balranald Common is restricted to those land uses listed under Section 4.1 of the Plan of Management, except grazing of stock/ Commoners, which are confined to Commoner areas;
- (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) When funds permit, the Trust will establish and maintain a six (6) metre firebreak around the boundary of the Common, not including any boundaries along the Murrumbidgee River or formed roads.
- (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 the person has obtained a licence from the Trust. 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 Balranald 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) Adopt a principle of nil 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;
- (4) Regularly review the safe carrying capacity of grazing areas to take into account the condition of soil and vegetation cover;
- (5) Consult with the Department of Environment, Climate Change and Water and the local Aboriginal custodial group in relation to the management and protection of Aboriginal relics and sites;
- (6) 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;
- (7) Protect vegetation of tracks, car parks, picnic areas and other areas from degradation by weeds by avoiding roadside slashing, using clean mowing equipment, and the complete avoidance of imported soils or mulches;

- (8) Ensure that all previously sprayed noxious weed areas are followed up to avoid these areas regressing;
- (9) Improve education of local residents to reduce straying of domestic dogs and cats;
- (10) Request that the public report any sightings of feral animals to the Trust;
- (11) 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;
- (12) Act to prevent unlawful activities on the Common and the removal of unauthorised structures;
- (13) Keep structures on the Common to the minimum necessary for safety and protection of the environment;
- (14) Ensure all tracks, boardwalks, viewing platforms and signage complement the natural aesthetic value of 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 enquiries and complaints received.

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

4.2.3 Mining and Extractive Industries

Background

The management strategy adopted by the Trust in relation to activities of the Mining and Extractive Industries on the Balranald 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 Industry and Investment NSW 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 are preserved.

Removal of commercial quantities of sand and gravel from the Common will require development consent from the Balranald Shire Council (under the *Balranald Local Environmental Plan 2010*) and 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 Balranald Common:

- Provide orderly access to construction materials and Crown mineral resources consistent with Government Authority 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 Balranald Common. The Trust will:

- (1) Extractive industries on the Common are to be confined to approved area approved in a licensed to be issued by the Common Trust, after taking into account the following factors:
 - (a) Land suitability rankings for Mapping Areas A to E, and
 - (b) The location of existing infrastructure (eg. Formed and gazetted roads, levee banks, access roads, power transmission lines, etc);
- (2) Cooperate with the Industry and Investment NSW 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 are 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; and
 - (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 SEPP (Mining, Petroleum Production & Extractive Industries) Amendment 2010; and
- (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 (3) cubic metres) 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 Balranald Common. The Trust shall:

- (1) Issue licences for commercial sand and gravel removals and monitor compliance with conditions; and
- (2) Maintain records of material removed and royalties received in accordance with the *Commons Management Act 1989* and *Commons 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 Balranald Common for the respective year in which the data was collected.

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

Background

The Balranald Common Trust recognises the ongoing recreation, tourism, education, film making and community purpose needs of the Balranald 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;
- 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; and
- Advertising.

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 Balranald Shire Council 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 Balranald Common:

- (1) Use of the Common for recreational, tourism, educational, film making and community purposes will be confined to those areas as designated in the Land Use Map, unless specifically authorised by the Trust;
- (2) 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;
- (3) The Trust will regulate short-term camping by permit and conditions set by Council, and limited to appropriately developed areas (within the areas designated for “Natural Interest & Recreation”, shown in Figure 12), established by Council. Permits will outline access to sites, length of stay, fees, rubbish removal, fireplaces, and approved areas for camping. Signage will be placed in areas deemed suitable for short-term camping;
- (4) Recreational users of the Common (including passive recreation, users of the Bird Hide and Boardwalk, 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 through the Industry and Investment NSW) and must abide by the relevant freshwater rules and regulations;
- (7) Use of the Common for commercial tourism and recreational purposes will be subject to the approval of the Trust; and
- (8) The Trust will authorise commercial 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 Balranald 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) Continue to develop the Bird Hide and Boardwalk to raise awareness of the values and appropriate enjoyment of the Common,
- (5) 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;
- (6) Identify and rationalise all existing tracks on the Common, and rehabilitate all unneeded tracks when funds become available;

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 Balranald Common for the respective year in which the data was collected.

4.2.5 Community Purposes, Access, Infrastructure, Utility Services and Light Industry, including Truck Parking & Servicing

Background

The Balranald 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 Balranald 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 land 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 environmental, social and economic capacity including land capability;
- (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 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 Balranald Common for the respective year in which the data was collected.

4.2.6 Urban Development

Background

Given that the Balranald Common restricts urban development on the north and east of the township of Balranald, the Balranald Common Trust recognises that land may be required in the future for Urban Development. Some land areas suitable for urban development have been identified by the Strategic Framework Plan adopted in preparing the Balranald LEP 2010, as shown on the map in Appendix D.

Urban development is not a permissible land use activity under the Plan of Management. However, the Balranald Common Trust will maintain these areas in a way that will not hinder urban development should an approval to acquire be approved by the Minister for Lands.

4.2.7 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 Balranald 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 a land assessment to ensure that the natural and cultural values of the Common are maintained.

Objectives

The following strategic management objectives apply to the use of the Balranald 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 depasturing 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 Balranald Common for the respective year in which the data was collected.

4.3 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.

4.3.1 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 Commons (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 off lead, and dumping of wastes);
- 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.

4.3.2 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 AUTHORISED USERS

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

4.4.1 Trust

Activities such as:

- Trust Ranger 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 (as Trust managers) for:
 - Development (if required); and
 - Essential public services, including construction and maintenance of roads, and town services.

Trust Ranger Duties

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

- (1) Generally become acquainted with the topography of the stock pasturage areas;
- (2) Regular inspection of stock to ascertain that stock de-pastured 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 4.2.1), other duties to be carried out by the Trust Ranger 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 *Commons Management Act 1989*, *Commons 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 or cats straying on the Common impounded or eliminated.

4.4.2 Licensees and Commoners

Activities such as:

- De-pasturing and watering of stock;
- Agricultural and/or horticultural activities,
- High impact recreation;
- High impact tourism and tourist facilities;
- Community purposes;
- Removal of extractive materials;
- Advertising;
- Temporary dwellings approved by the Trust;
- Services, infrastructure and utilities;
- Telecommunication facilities and services; and
- Light Industry, including truck parking and servicing depot.

4.4.3 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.

4.4.4 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.

4.4.5 Authorities under other Legislation

Activities such as:

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

4.5 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 breaching the stocking entitlements, as determined by the Trust, will incur a penalty of one (1) penalty unit per DSE in excess of the entitlement allowed at the time. In addition, loss of Licensee'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 seriously or repeatedly breaching the Rules (as outlined in Section 4.2) and/or the provisions of the *Commons Management Act 1989* and *Commons 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 has not paid any applicable fees or any penalty for six (6) 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 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; and/or
- (2) The Licensee's entitlements be suspended or withdrawn.

Re-Licensing

In the event of a Licensee's entitlements being suspended for non-payment of fees, that Licensee shall be eligible to apply for another licence following expiry of three months after the effective suspension date and the payment of a re-licensing fee of point two (0.2) of a penalty unit together with outstanding debts, plus interest levied in accordance with *Commons 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, 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 AND FUNDING, AND FEES AND CHARGES

5.1 MAINTENANCE

Generally, the maintenance of the Balranald Common will be carried out by the Trust, 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 Balranald 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 *Commons Management Act 1989*, *Commons Management Regulation 2006* and Commons 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). 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 Balranald Shire Council's annual budget (operational budget and capital works program);
 - (b) Public Reserve Management Fund (administered by the Land and Property Management Authority). 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, including:
 - (i) Incentives and natural resource management funding from the Murrumbidgee Catchment Management Authority (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).

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

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 pursuant to the Model By-law of the *Commons 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 Balranald 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 *Occupational Health and Safety (OH&S) Act 2000* and *Occupational Health and Safety Regulation 2001*. 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 Balranald Common, especially the banks and water of the Murrumbidgee River. While these areas were not established by 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 Balranald Shire Council as Trust Managers holds public liability cover for voluntary Community Trusts for low-risk activities and non-commercial operations. The Department maintains personal accident cover for voluntary workers which include both Trust members, and volunteer workers other than Trust members. 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 undertakes 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 *Occupational Health and Safety Act 2000* 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 OH&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 (2) years of the date of the publication of this plan; and
- (4) Prepare and implement a comprehensive OH&S Management System to achieve the full range of OH&S responsibilities of the Common Trust, and adopt the Management System as a sub-plan of this Plan of Management.

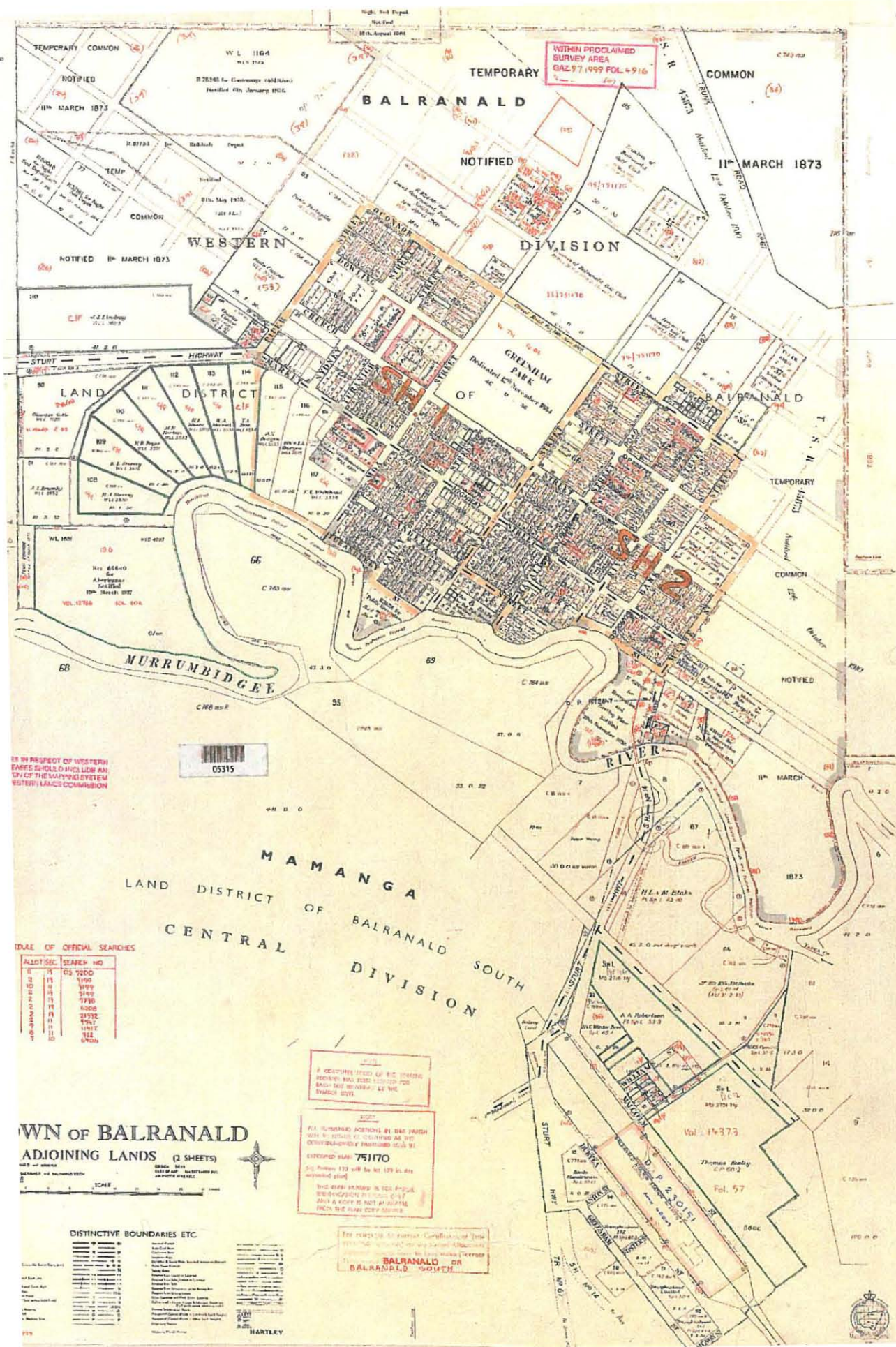
7.0 REFERENCES / BIBLIOGRAPHY

- Brown, C.M. and Stephenson, A.E. (1991). *Geology of the Murray Basin, South-Eastern Australia (1:1,000,000 scale map)*- Bulletin 235. Bureau of Mineral Resources, Canberra ACT Australia.
- Balranald Shire Council (1979). *Interim Development Order No. 1 – Shire of Balranald*. Balranald Shire Council, Balranald NSW Australia.
- Commonwealth Department of Environment and Heritage (2007). *EPBC Act Protected Matters Database* (www.environment.gov.au/cgi-bin/erin/ert/epbc/epbc_report.pl). Commonwealth Department of Environment and Heritage, Canberra ACT Australia.
- Commonwealth Department of Environment and Heritage (2007). *Register of the National Estate* (www.environment.gov.au/cgi-bin/ahdb/search.pl). Commonwealth Department of Environment and Heritage, Canberra ACT Australia.
- Department of Agriculture (2004). *Buffers- Planning for Sustainable Agriculture* (<http://www.agric.nsw.gov.au/reader/landuseplanning/buffers-sustainable-agric.htm>). NSW Department of Agriculture, Sydney NSW Australia.
- Department of Agriculture (2004). *Policy for Protection of Agricultural Land 2004* (<http://www.agric.nsw.gov.au/reader/landuseplanning/policy-ag-land.htm>). NSW Department of Agriculture, Sydney NSW Australia.
- Department of Agriculture (2004). *Buffers- Planning for Sustainable Agriculture*. NSW Department of Agriculture, Sydney NSW Australia.
- Department of Environment, Climate Change and Water (2007). *Atlas of NSW Wildlife* (<http://wildlifeatlas.nationalparks.nsw.gov.au/wildlifeatlas/watlas.jsp>). Department of Environment, Climate Change and Water, Sydney NSW Australia.
- Department of Environment, Climate Change and Water (2007). *Terrestrial and Aquatic Threatened Species (TATS) Database*. Department of Environment, Climate Change and Water, Sydney NSW Australia.
- Land and Property Management Authority (2004). *Crown Land Assessment Manual (Draft)*. NSW Land and Property Management Authority, Sydney NSW Australia.
- Land and Property Management Authority (2004). *Crown Land Information Database and Spatial System*. NSW Land and Property Management Authority, Sydney NSW Australia.
- Land and Property Management Authority (2008). *Hillston Common Plan of Management*. NSW Land and Property Management Authority, Sydney NSW Australia.
- NSW Heritage Office (2007). *State Heritage Register* (www.heritage.nsw.gov.au). NSW Heritage Office, Sydney NSW Australia.
- Parliamentary Counsel's Office (2007). *NSW Consolidated Acts and Regulations and Environmental Planning Instruments* (<http://www.legislation.nsw.gov.au/maintop/scanact/inforce>). NSW Parliamentary Counsel's Office, Sydney NSW Australia.
- Rural Fire Service (2006). *Planning for Bushfire Protection*. NSW Rural Fire Service, Sydney NSW Australia.
- Walker P.J. (1991). *Land Systems of Western NSW (Soil Conservation Service of NSW- Technical Report No. 25)*. Soil Conservation Service of NSW, Sydney NSW Australia.

8.0 APPENDIX

- 8.1 Appendix A - Parish, County and Town Maps,
- 8.2 Appendix B - Gazettal notices,
- 8.3 Appendix C - Lot and DP maps
- 8.4 Appendix D - Balranald Strategic Plan
- 8.5 Appendix E - Place of Aboriginal Significance, located Lot 5 DP 1128347
- 8.6 Appendix F - EPBC Act Protected Matters Report

8.1 APPENDIX A - PARISH, COUNTY AND TOWN MAPS



TOWN OF BALRANALD AND ADJOINING LANDS (2 SHEETS)

COVERED BY G.D.B. PARTITIONS - UPDATES REQUIRED -

WITHIN

05316

SMALL PORTIONS		NOTES	
Portion	Area	Notes	Particulars
1
2
3
4
5
6
7

REFERENCE TO ALLOTMENTS		SMALL ALLOTMENTS	
Alotment	Area	Alotment	Area
1	...	1	...
2	...	2	...
3	...	3	...
4	...	4	...
5	...	5	...
6	...	6	...
7	...	7	...

FOR CONTINUATION OF GRANT SCHEDULE SEE BETWEEN ALLOTMENT SCHEDULE

Alotment	Area	Notes
1
2
3
4
5
6
7

PLAN COVERED BY G.D.B. PARTITIONS - UPDATES REQUIRED FOR ALL UPDATES -

BALRANALD NORTH
 ALL SUBDIVISIONS IN THIS TOWN WILL BE REVISIONED AS THE COMPASS POINTS ARE IDENTIFIED AS THE COMPASS POINTS IDENTIFIED IN SECTION 8.

BALRANALD SOUTH
 ALL SUBDIVISIONS IN THIS TOWN WILL BE REVISIONED AS THE COMPASS POINTS ARE IDENTIFIED AS THE COMPASS POINTS IDENTIFIED IN SECTION 8.

8.2 APPENDIX B GAZETAL NOTICES

741

[164]

Department of Lands,
Sydney, 11th March, 1873.

PARISH ROADS.

NOTICE is hereby given, in conformity with the provisions of the Act 4th William IV. No. 12, that no objections having been made to the proposed opening of the Parish Roads mentioned in the annexed Schedule: His Excellency the Governor, with the advice of the Executive Council, has been pleased to confirm the said roads; and it is hereby declared expedient to open and make the roads referred to according to the plans and books of reference to be seen at the Police Office mentioned.

Any persons intending to claim compensation in respect of the said lines, are reminded that notice must be served on the Colonial Secretary within forty days from the date hereof, as provided by the 6th section of the Act above referred to, or they will be for ever foreclosed from such claim.

By His Excellency's Command,
JAMES S. FARNELL.

BOUNDS REFERRED TO.

Route No.	Description of ROAD.	Date of previous Notice of Intended opening of Road.	Plant, &c., lodged at the Police Office at—	REMARKS.
12-139	Road from Orange, via the Cornish Settlement, to the Main Western Road, with a branch road to the Harbour and Upper Road at N. Water's 737 acres (preliminarily notified in Government Gazette, 26th December, 1867), with the declaration at William Town's 67 acres 1 road 21 sections (preliminarily notified in Government Gazette, 21st October, 1871), county of Darling.	21st October, 1871	Orange.	Where they pass through "Robert's" land, crossing the parish through "The Top" 450 acres, on George Street Corner, and the "Devil's" to the Main Western Road, at N. Water's 1,000 acres.
1128	Deviation (of T. Quinn's land) in the road from Stone to Herricks, county of Liverpool in lieu of part of the road confirmed 29th October, 1868, folio 2122.	6th October, 1872	None.	
1111	Deviation (at Duggan Creek) in the road from the ford between Yarrrol and Sharnood to Duggan Creek, county of Dudley, in lieu of part of the road confirmed in Government Gazette, 6th September, 1868, folio 2120.	6th October, 1872	West Kentucky.	
1122	Part of road from Wanga Wanga to Urana, counties of Urana and Mitchell.	6th October, 1872	Wanga Wanga and Urana.	Where it passes through "Robert's" land.
1123	Road from the town of Murrumbidgee, up Page's Street, to the west boundary of Geo. Armstrong's 25 acres, county of Brisbane.	6th October, 1872	Murrumbidgee.	
1124	Part of road from Murrumbidgee to Harden, parish of Murrumbidgee, county of Brisbane.	6th October, 1872	Murrumbidgee.	

R 513, 1000 g
R 513, 1000
R 1206, 1000
R 718, 1000
R 1025, 1000
R 1114, 1000
R 1114, 1000

[474]

Department of Lands,
Sydney, 12th March, 1873.

It is hereby notified, that the person whose name is hereunder mentioned, will be permitted to purchase, under the 11th clause of the Crown Lands Alienation Act of 1861, the portion of land specified against his name.

2. The purchase money must be paid into the Colonial Treasury, Sydney, within three months from the date of the publication of this notice, under a penalty of an addition to the appraised value of 10 per cent.; and should that increased price not be paid within a further period of three months, the claim to purchase will lapse, and the land will be brought to auction.

JAMES S. FARNELL.

Digit-Intention No.	Name of Applicant.	Area.	Part of	Location of Land.	Appraised Value (exclusive of Road Fee).
No. 22, 100	Geo. Sleight	11 5 0	10	Adjoining applicant's property in the parish of Oxen Oxen, county of Brisbane.	£ s. d. 19 0 0

[475]

Department of Lands,
Sydney, 11th March, 1873.

TEMPORARY COMMONAGE, BALRANALD.

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 for Balranald.

JAMES S. FARNELL.

County of Chiro, at Balranald, Murrumbidgee River, Pastoral District of Murrumbidgee and Darling, 11,133 acres. The unalienated, unappropriated, and uninclosed Crown Lands within the reserve on account of population of the town of Balranald, within the following boundaries: Commencing on the Murrumbidgee River at the south-east corner of portion 26, parish of Balranald; and bounded thence on part of the east by part of the east boundary of the reserve on account of population of the town of Balranald, bearing north 2 miles and 25 chains; on the north by the north boundary of the reserve on account of population of the town of Balranald, bearing west

4 miles 08 chains to the north-west corner of that reserve; on the west by the west boundary of the reserve on account of population of Balranald, bearing south 2 miles 28 chains, crossing the Murrumbidgee River at 18 chains west from the west boundary of C. Williamson's 320 acres, to the south-west corner of that reserve, at about 6 chains south from the south bank of the river; on the south by the south boundary of the reserve on account of population of Balranald, bearing east 2 miles and 68 chains; and on the remainder of the east by the remainder of the east boundary of the reserve on account of population of Balranald, bearing north about 2 miles and 20 chains, to the point of commencement; but exclusively of the town of Balranald, within the following boundaries: bounded on the north-west from the Murrumbidgee River by the north-western side of Yerragh-street, north-easterly about 34 chains and 70 links; on the north-east by the north-eastern side of Church-street 83½ chains; on the south-east by the south-east side of Macabe-street 10½ chains to the Police Paddock; on the south-west by the Police Paddock north-westerly to the Murrumbidgee River, and by that river down to the point of commencement. (Ms. 4,363-72.)

[The above is in lieu of the notice dated 4th February, 1873, the words 4 chains and 08 links appearing in 14th line of description instead of 4 miles and 28 chains.]

[235]

Department of Lands,
Sydney, 12th January, 1883.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to dedicate the Crown Lands hereunder described, for the several religious and public purposes mentioned in connection therewith, an Abstract of such intended dedications having been laid before Parliament in accordance with the 5th section of the Crown Lands Alienation Act of 1861. (No. 82-20,702.)

List No. 1 of 1883.

JAMES S. FARNWELL.

Name	County	Abstr. No.	Section	Parish	Locality	Area	To what purpose dedicated	No. of Pages	Ord. No. of Plan
Balranald	Cook	.....	.....	.....	Parish of Balranald	1964 0 0	Permanent Commonage	Ms. 82-10,708	D 10-1,833
Katoomba	Cook	.....	.....	.....	..... Meringong	10 3 27	Public Cemetery	80-17,276	C 18-2,062
Molong	Wellington	.....	.....	.....	..... Copper Hill	93 2 24	" "	82-13,129	W 17-2,075
Parramatta	Geelong	.....	.....	.....	..... St. John, Town of Parramatta	0 1 6	" "	82- 0,781	C 23-2,063
Tweed River (North Arm)	Howe	.....	.....	.....	Parish of Bowdler	8 2 10	General Cemetery	82- 8,022	C 19-6-1,284
Willawarrin	Dudley	.....	.....	73	..... Willawarrin	2 0 0	Public School Sites	81-14,529	P 778-1,279

[236]

Department of Lands,
Sydney, 12th January, 1883.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to dedicate the Crown Lands hereunder described, for the several religious and public purposes mentioned in connection therewith, an Abstract of such intended dedications having been laid before Parliament in accordance with the 5th section of the Crown Lands Alienation Act of 1861. (No. 82-2 1709.)

List No. 1 of 1883.

JAMES S. FARNWELL.

Name	County	Abstr. No.	Section	Parish	Locality	Area	To what purpose dedicated	No. of Pages	Ord. No. of Plan
Balranald	Cook	.....	.....	.....	Parish of Balranald	1964 0 0	Permanent Commonage	Ms. 82-10,708	D 10-1,833
Katoomba	Cook	.....	.....	.....	..... Meringong	10 3 27	Public Cemetery	80-17,276	C 18-2,062
Molong	Wellington	.....	.....	.....	..... Copper Hill	93 2 24	" "	82-13,129	W 17-2,075
Parramatta	Geelong	.....	.....	.....	..... St. John, Town of Parramatta	0 1 6	" "	82- 0,781	C 23-2,063
Tweed River (North Arm)	Howe	.....	.....	.....	Parish of Bowdler	8 2 10	General Cemetery	82- 8,022	C 19-6-1,284
Willawarrin	Dudley	.....	.....	73	..... Willawarrin	2 0 0	Public School Sites	81-14,529	P 778-1,279

[237]

Department of Lands,
Sydney, 12th January, 1883.

[8306]

Department of Lands,
Sydney, 31st December, 1833.

EXTENSION TO TEMPORARY COMMONAGE,
BALRANALD.

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 at Balranald.

JAMES S. FARNWELL.

REVOCAION OF RESERVES FROM SALE, LEASE, &c.

IT is hereby notified, for public information, that, under the provisions of the Crown Lands Act, the reserves from sale, lease, &c., hereunder described, are hereby revoked,—but such revocation shall not take effect until after the expiration of sixty days from the above date.

E. W. MOORE.

Land District.	Division.	Reserve No.	Purpose.	Date of Notification.	County.	Parish.	Holding, &c.	Area.	Part revoked.	Papers No.
Glry. Town.	Eastern.	12,212	From sale for travelling stock.	23 Feb., 1896	Gough	Langhills	Ben. James & Co., and S. J. Hill.	28 2 10	That part within section 16, (Plan G. 2418-1,201.)	Alto 1910-19,400.
Build. Wood.	do	113	From sale for supplying and access to water.	8 May, 1892	Kurray	Morgan	Tal 2244 & 2147.	2 3 4	Sixt part within reserved section 123 n° 2 area 3, 200 & 200 (Plan No. 11, 1,402-1,201.)	Alto 1910-15,352.
Griffiths.	do	37,109	From sale for water supply.	15 Feb., 1904	Claremont	Lawrence.	135	19 0 0	Two whole	No. 1710-16,202.
Balranald South.	Central.	---	From sale for water supply.	11 Mar., 1913	Craig	Mahony.	Balranald	1,500 0 0	See footnote	No. 1,516-15,976.
do	do	---	From annual licence (recognition) reserve for travelling stock.	12 April, 1912	do	do	1,200 0 0 (about).			

Note.—That part within the following boundaries: Commencing at the north-western corner of portion 71; thence bounded by that portion north, by portion 70 and east, north, by portions 11, 55, and 57 south to a point west of the north-western corner of portion 71; by a line and portion 11 east to the north-west corner of portion 70; by a wire and existing fence north-westerly to the north-west boundary of portion 11; a steel & chain fence from the most northern corner of that portion, by portion 11 north-westerly and north-easterly about 3 chains; by a wire and existing fence westerly to the northern end of Yanga Creek with the Murray-Darling River; and by the Murray-Darling River downwards, to the point of commencement,—but exclusive of portion 8 and reserve 33,819 (area 29,520 acres less) for temporary common, notified 23rd January, 1906, and travelling stock reserve 36,617 of 230 acres (about), notified 7th February, 1905, which are previously revoked from the reserve.

(5631)

Sydney, 6th January, 1916.

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 they are hereby reserved accordingly.

F. H. HAWKINS, Minister for Lands.

FOR COMMONAGE (ADDITION).

LAND DISTRICT—BALRANALD; MUNICIPALITY—BALRANALD.
No. 78,245 from sale. Parish Balranald, county Cairn, 91 acres 2 roads, being portion W.L. 1,164. Plan W.L.B. 2,573. (Papers W.L.C. 55-4,411.) P. 55-8,787.

[Published in Government Gazette No. 75 of 8th June, 1928.]

[13916]

Sydney, 8th June, 1928.

COMMONS REGULATION ACT, 1898.

IT is hereby notified that, in accordance with the provisions of the Commons Regulations Act, 1898 (as amended by the Act No. 41, 1919), His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the appointment of the Councils of the undermentioned Municipalities as Trustees respectively of the Commons hereinafter particularised, namely:—

Balranald: The Council of the Municipality of Balranald. [Commons 31-1]

Cobar: The Council of the Municipality of Cobar. [Commons 11E-1]

R. T. BALL, Minister for Lands.

Sydney, 6th January, 1956.

RESERVES FROM SALE.

They notified that, in pursuance of the provisions of section 18 of the Crown Lands Consolidation Act, 1933, the Crown lands hereunder described shall be reserved from sale for the public purposes hereinafter specified, and they are hereby reserved accordingly.

J. H. HAWKINS, Minister for Lands.

FOR TRAVELLING STOCK.

LAND DISTRICT—INVERELL; SHIRE—TUTUA.

No. 78,239 from sale. Parish Chigwell, county Hardinge, about 2 acres, being the Crown land bounded by portions 43 and T.S.R. 771. L. 54-1,148.

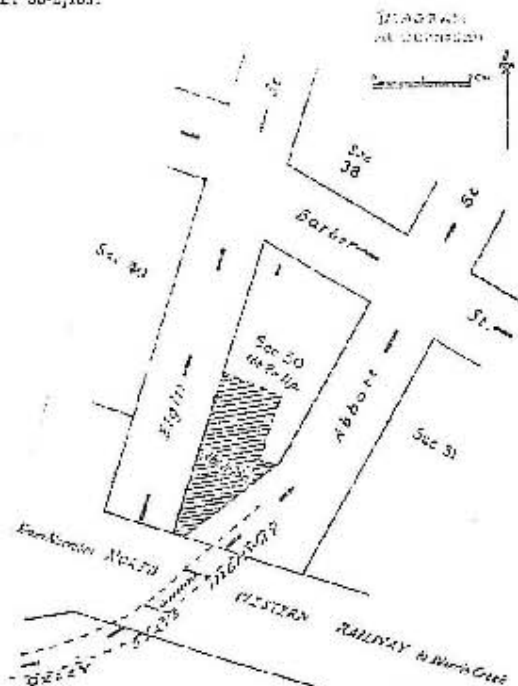
LAND DISTRICT—DUNDIG CENTRAL; SHIRE—GULGONG.

No. 78,251 from sale. Parish Willaroo, county Lincoln, about 6½ acres. The north-easterlymost section of road closed, Gazette, 18th November, 1955. B. 47-590.

FOR DAY NURSERY.

LAND DISTRICT—GUNNERRAH; MUNICIPALITY—GUNNERRAH.

No. 78,238 from sale. Parish and town Gunnedah, county Pottinger, about 1 and 25 perches, part allotment 1, section 53, shown by holding as diagram hereunder. G. 23-1,619. P. 55-2,181.



FOR COMMONAGE (ADDITION).

LAND DISTRICT—BALRANALD; MUNICIPALITY—BALRANALD.

No. 78,245 from sale. Parish Barrowfield, county Caica, 91 acres 2 rods, being portion W.L. 1,164. Plan W.L.B. 2,573. (Papers W.L.C. 25-4,411.) P. 55-2,787.

FOR FUTURE PUBLIC REQUIREMENTS.

LAND DISTRICT—DUNDIG CENTRAL; SHIRE—GULGONG.

No. 78,243 from sale. Parish Bolara, county Lincoln, 12 acres, portion 170. L. 2,688-1,564. P. 55-8,664.

LAND DISTRICT—WAGGA WAGGA; SHIRE—LOCKHART.

No. 78,248 from sale. Parish Asleroft, county Mitchell, 5 acres 1 rod 9 perches, village of Millbrulong, within allotments 1 to 10, section 8, and intersecting lane; Millbrulong R. T. 55-7,009.

LAND DISTRICT—YOUNG; MUNICIPALITY—MURRUMBURRAH.

No. 78,249 from sale. Parish Murrumbrook, county Harden, 11 acres 3 rods 10 perches, being portion 200. H. 4,753-1,713 B. T. 55-6,238.

FOR SOIL CONSERVATION.

LAND DISTRICT—BATHURST; SHIRE—LEIGHURST.

No. 78,247 from sale. Parish Three Brothers, county Bathurst, 230 acres, portion 361. E. 3,137-2,003. T. 55-2,096.

Sydney: A. H. Pether, Government Printer—1956

10 MAY 1996

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedules hereunder is reserved land specified opposite thereto in Column 2 of the Schedules.

KIM YEADON, M.P.,
Minister for Land and Water Conservation.

Note: R83404 for Night Soil Depot notified 18 August 1961 of about 1.175 hectares is hereby revoked.

SCHEDULE 2

SCHEDULE 1

COLUMN 1
Land District: Balranald
Shire: Balranald
Parish: Balranald
County: Cairn
Locality: Balranald
Area: About 1.175 hectares
being R83404

COLUMN 2

Crown land reserved for the public purpose of Commonage (Addition) by notification in the *Government Gazette* of 6 January 1956 as Reserve No. 78245.

COLUMN 1

Land District: Balranald
Shire: Balranald
Parish: Balranald
County: Cairn
Locality: Balranald
Area: Lot 4, D.P. 842983 of 18.47 hectares
File No.: WL86 H 709

COLUMN 2

Crown land reserved for the public purpose of Travelling Stock Reserve by notification in the *Government Gazette* of 12 October 1910 as Reserve No. 45871.

ADDITION TO RESERVED CROWN LAND

PURSUANT to section 88 of the Crown Lands Act 1989, the Crown Land specified in Column 1 of the Schedules hereunder is reserved land specified opposite thereto in Column 2 of the Schedules.

KIM YEADON, M.P.,
Minister for Land and Water Conservation.

SCHEDULE 1

COLUMN 1

Land District: Balranald
Shire: Balranald
Parish: Balranald
County: Cairn
Locality: Balranald
Area: About 1.175 hectares
being R83404

COLUMN 2

Crown land reserved for the public purpose of Commonage (Addition) by notification in the *Government Gazette* of 6 January 1956 as Reserve No. 78245.

Note: R83404 for Night Soil Depot notified 18 August 1961 of about 1.175 hectares is hereby revoked.

File No.: WL98R1/63.

For a term commencing this day.

SCHEDULE 4

Column 1

Balranald Shire
Council.

Column 2

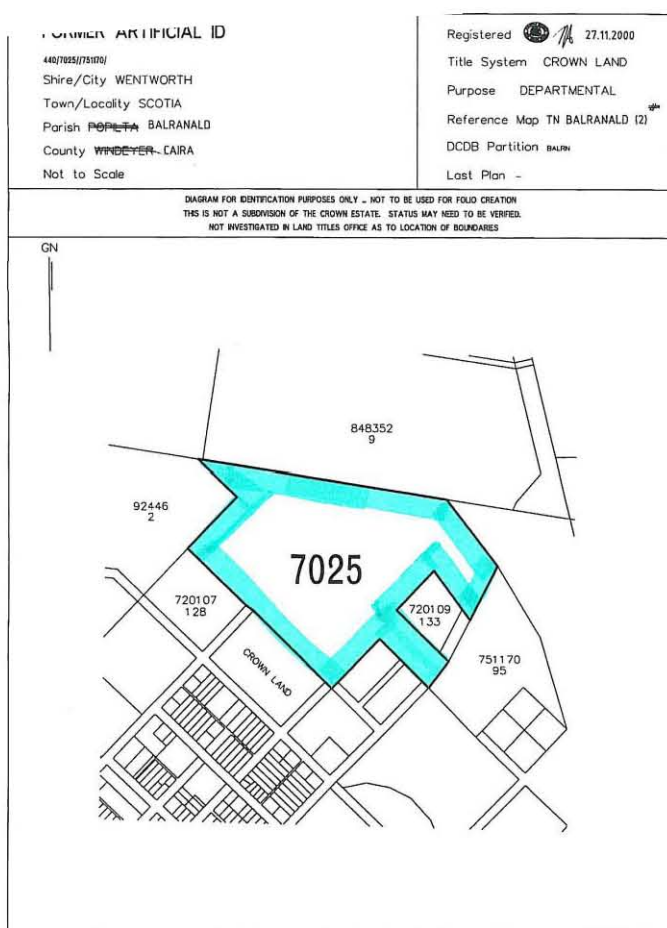
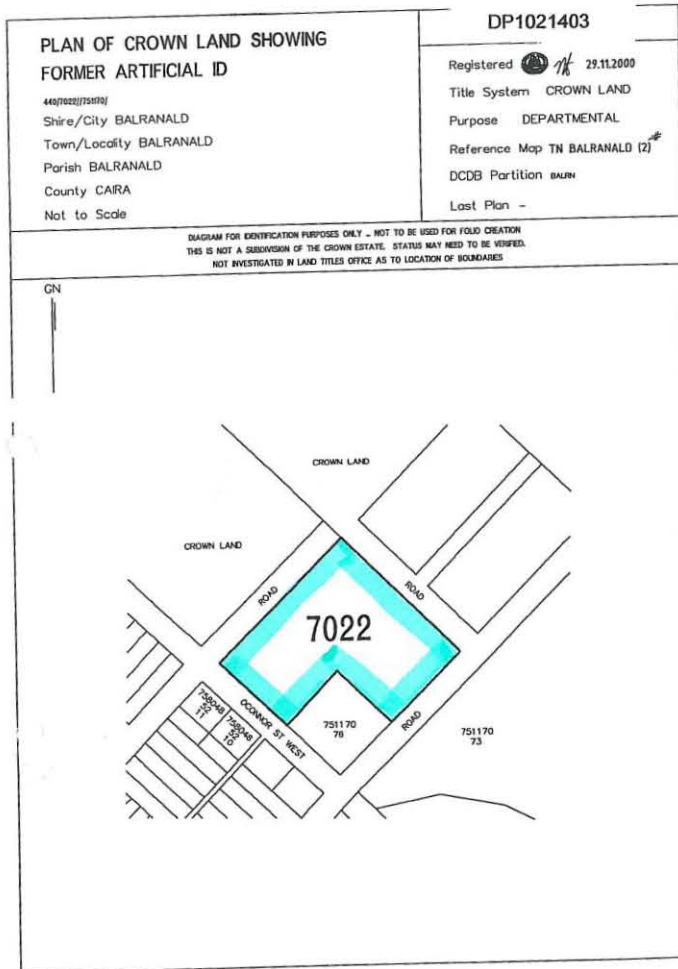
Balranald
Common Trust.

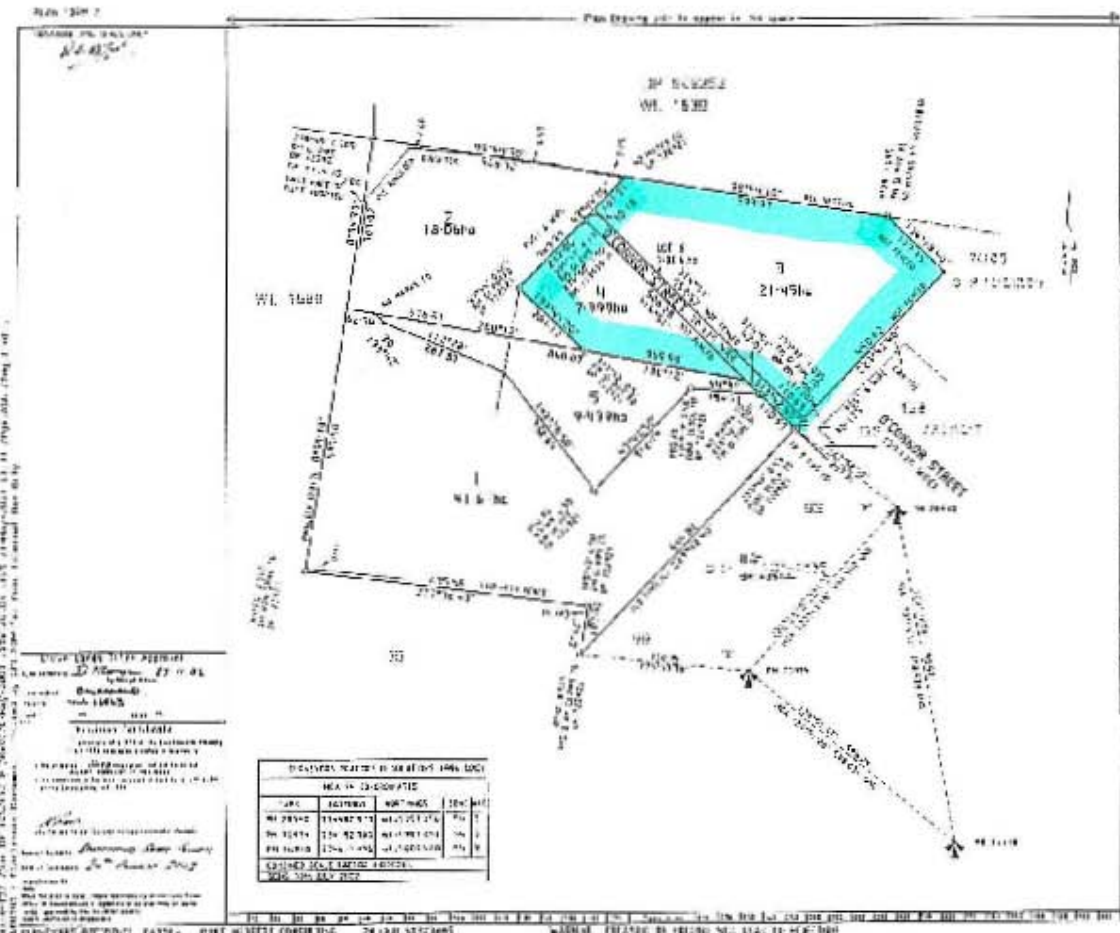
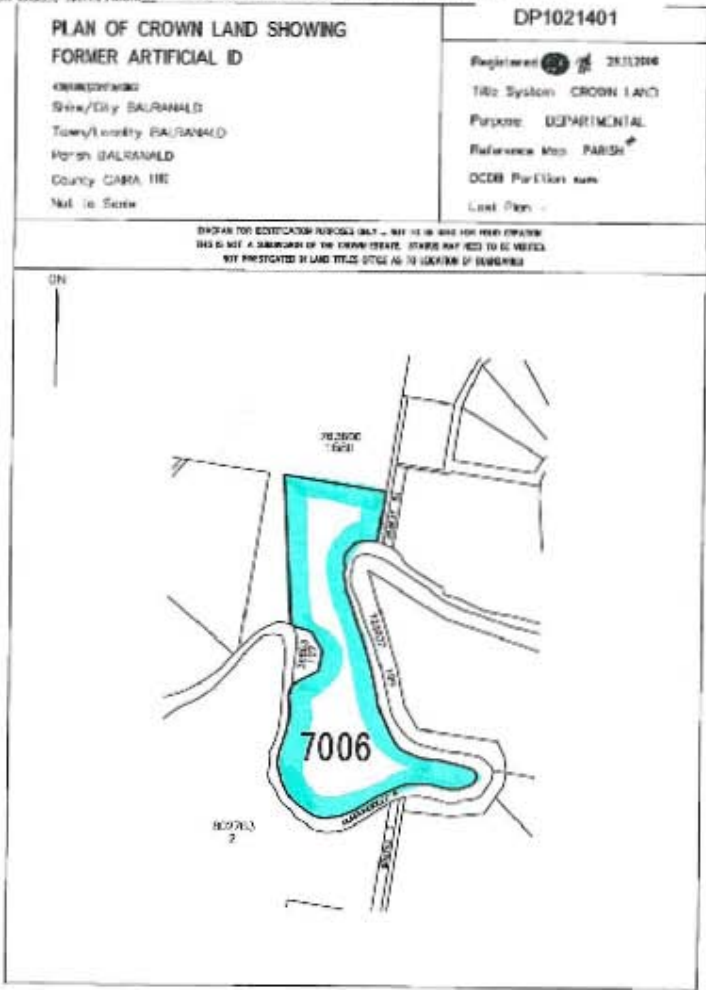
Column 3

Public Purpose: Commonage.
Reserve 630056.
Notified: 12 January 1883.
Reserve 78245.
Notified: 6 January 1956.
File No.: WL04 R 37.

For a term commencing this day.

8.3 APPENDIX C – LOT AND DP MAPS





DP1052852

Registered DP1052852
 Title System CROWN LAND
 Purpose DEPARTMENTAL
 Reference Map PARISH
 OCEB Particulars none
 Last Page -

PLAN OF SUBDIVISION OF
 18 05ha LOT 1 & 2
 21 45ha LOT 3 & 4

Lot 1 18 05ha
Lot 2 21 45ha

Lot 1 18 05ha
Lot 2 21 45ha

Lot 1 18 05ha
Lot 2 21 45ha

Locality : BALRANALD

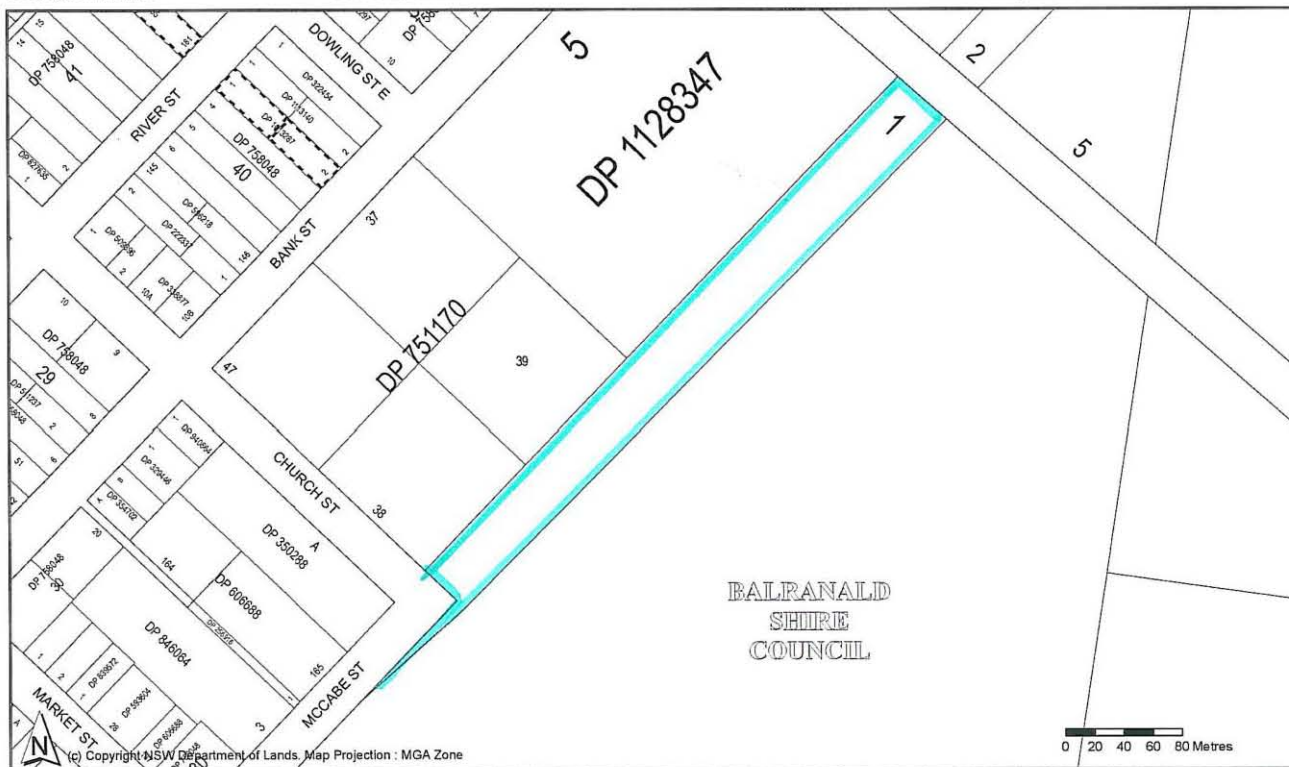
Requested Parcel : Lot 1 DP 1128347

Identified Parcel : Lot 1 DP 1128347

LGA : BALRANALD

Parish : BALRANALD

County : CAIRA



Report Generated 11:49:35 AM, 12 May, 2009

This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided. For all ACTIVITY PRIOR to SEPT 2002 you must refer to the RGs Charting and Reference Maps.

Page 1 of 3

Locality : BALRANALD

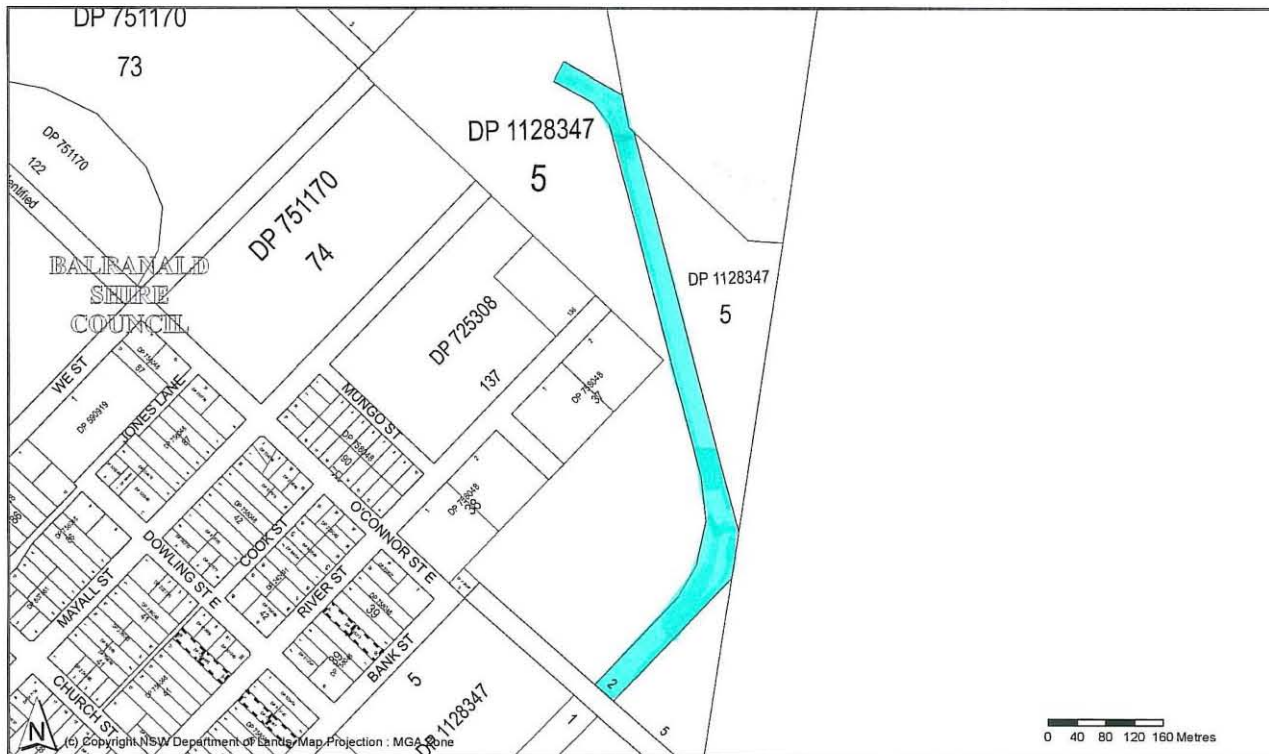
Requested Parcel : Lot 2 DP 1128347

Identified Parcel : Lot 2 DP 1128347

LGA : BALRANALD

Parish : BALRANALD

County : CAIRA



Report Generated 11:52:33 AM, 12 May, 2009

This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided. For all ACTIVITY PRIOR to SEPT 2002 you must refer to the RGs Charting and Reference Maps.

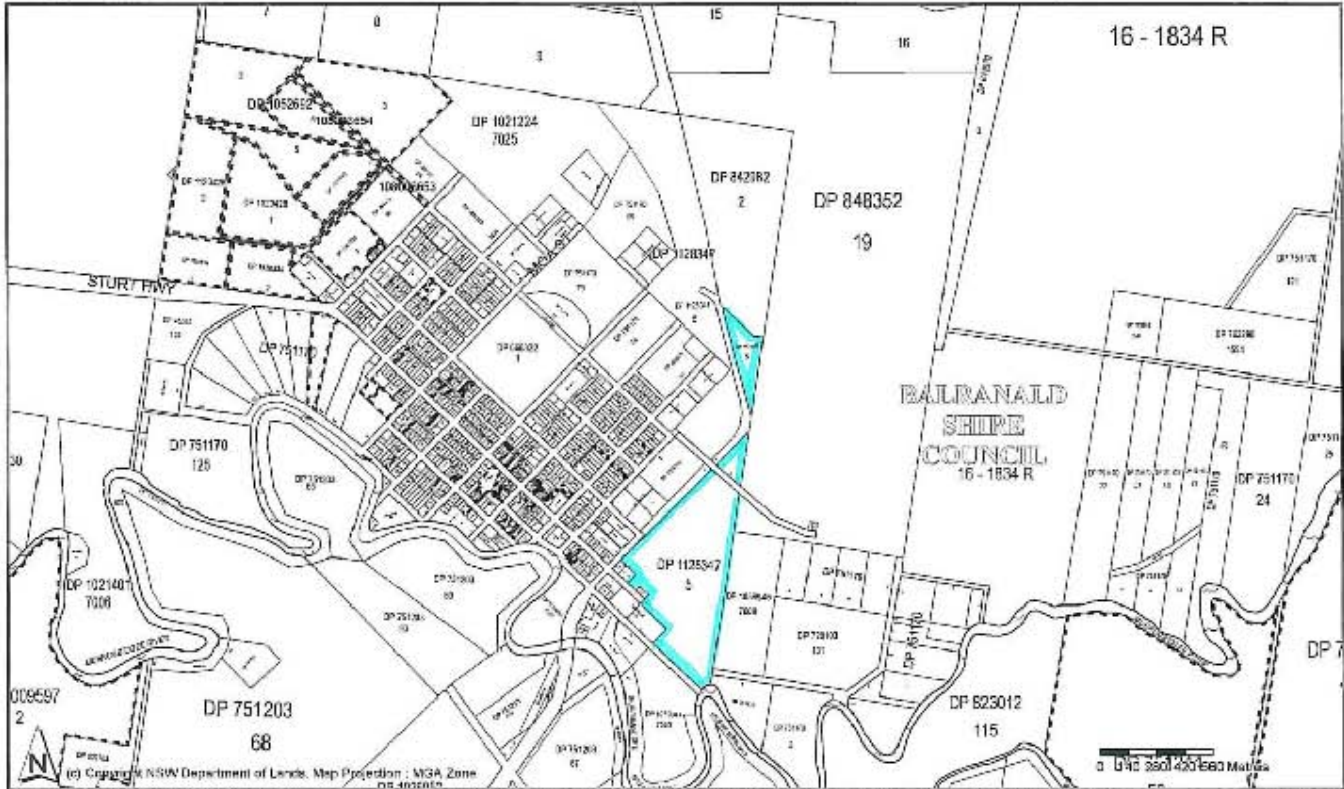
Page 1 of 3

Locality : BALRANALD

Requested Parcel : Lot 5 DP 1128347
 LGA : BALRANALD

Parish : BALRANALD

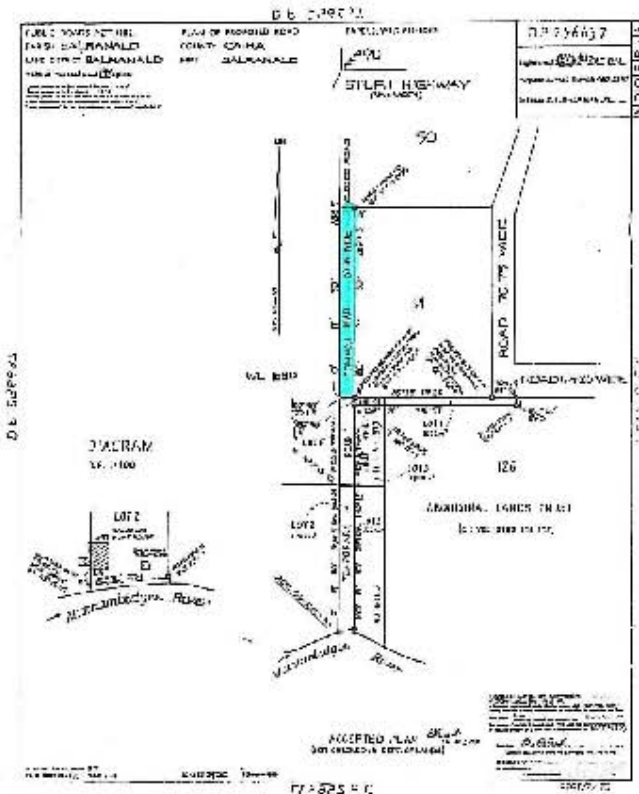
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 County : CAIRA



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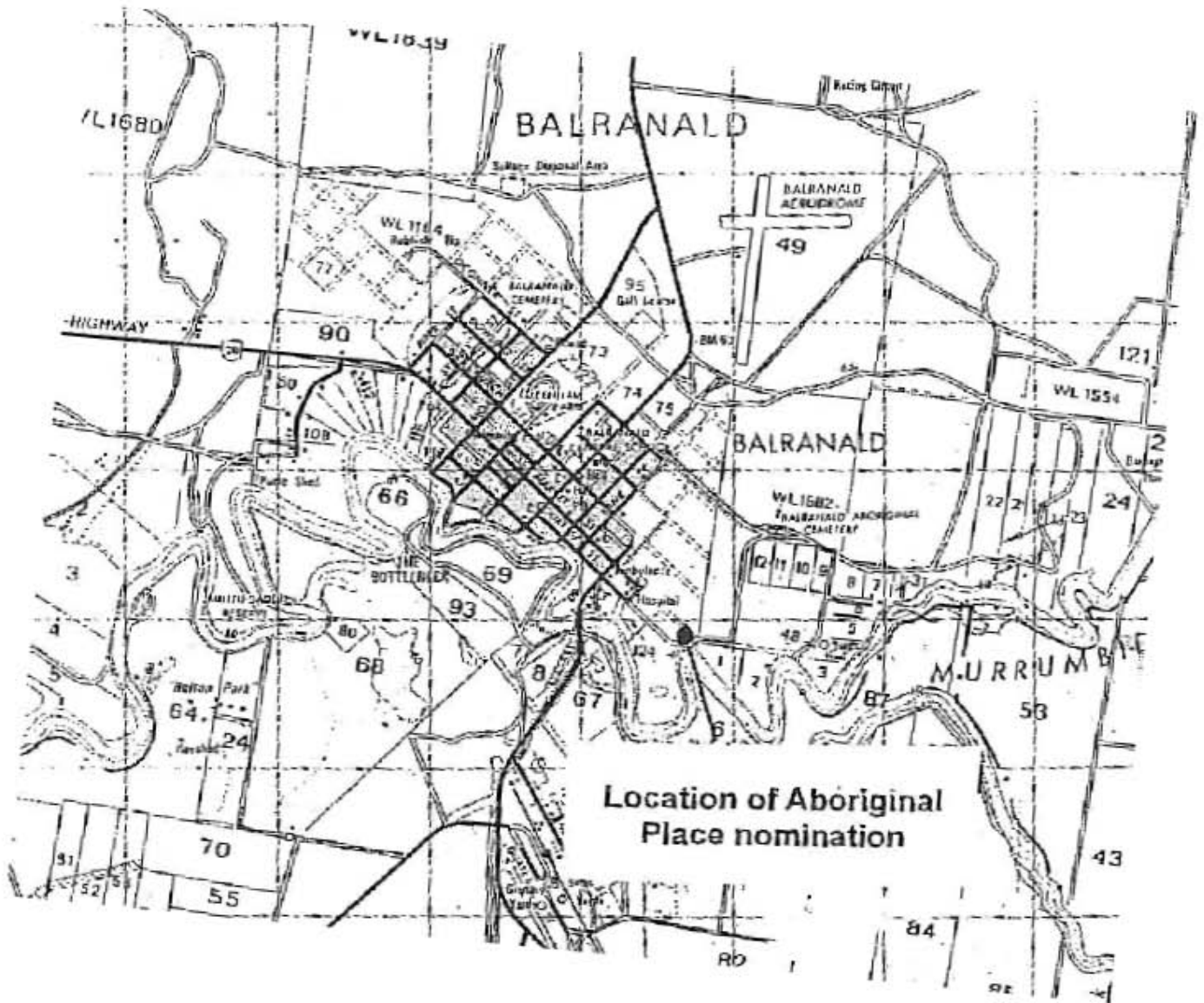
This information is provided as a searching aid only. While every endeavour is made to ensure the current cadastral pattern is accurately reflected, the Registrar General cannot guarantee the information provided. For all ACTIVITY PRIOR to SEPT 2002 you must refer to the RGs Charting and Reference Maps.

Page 1 of 9



Information regarding the parcel and its history, including details about the Registrar General and the Department of Lands.

8.5 APPENDIX E – PLACE OF ABORIGINAL SIGNIFICANCE



*OFFICE USE ONLY

PLACE OF ABORIGINAL SIGNIFICANCE

Plan Drawing only to appear in this space

PLAN FORM 1

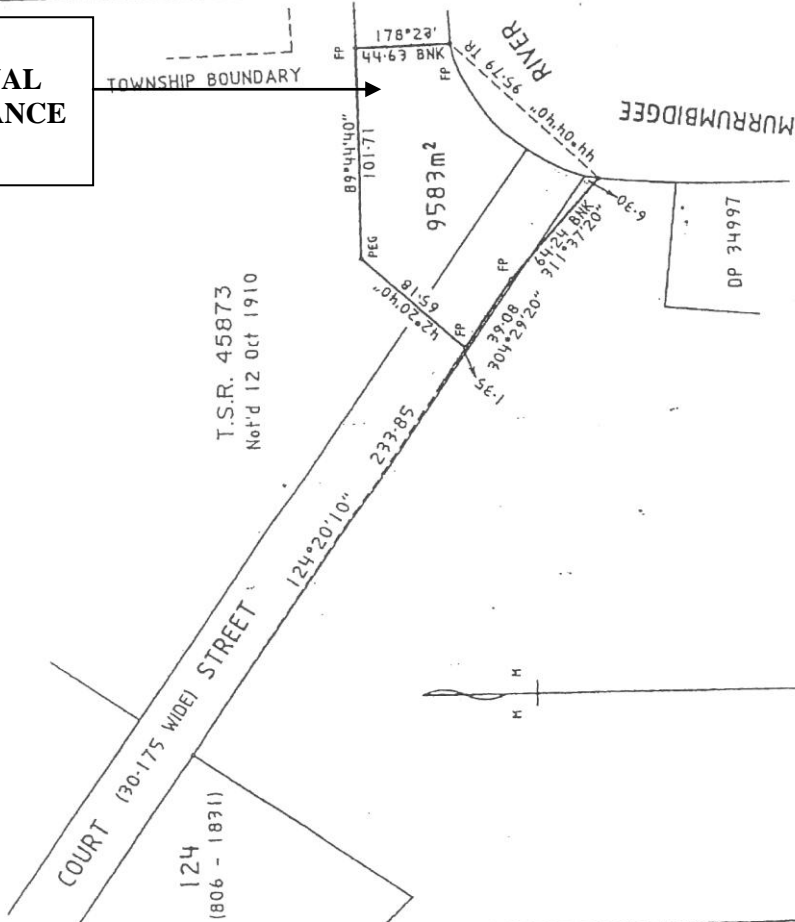
SIGNATURE AND SEALS ONLY

Registered.
 C.A.
 Title System.
 Purpose.
 Ref. Map.
 Last Plan.

PLAN OF SURVEY

Lengths are in metres. Reduction Ratio 1:2000
 LGA. BALRANALD SHIRE COUNCIL
 Suburb/Locality. BALRANALD
 Parish. BALRANALD
 County. CAIRA

I, PHILIP RAYMOND PRICE
 of 69 BEVERIDGE STREET SWAN HILL
 do hereby certify that the survey represented in this plan in accordance with the Surveyors Act 1923 hereby
 verified that the survey represented in this plan in accordance with the Surveyors Act 1923
 (Practical Registration 1914 and was completed
 The survey address is AREA ENCLOSED BY THICK LINES
 here specify the land actually surveyed, or specify any land shown in the plan that is not subject of the survey.
 District.
 Date.
 Zone. Country
 Surveyor or registered under the Surveyors Act 1923
 Plans used in preparation of survey/management



T.S.R. 45873
 Not'd 12 Oct 1910

124
 (806 - 1831)

DP 34997



Crown Lands Office Approval

PLAN APPROVED:
 Authorised Officer
 Land District
 Paper No.
 Field Book page

Council Clerk's Certificate

I hereby certify that
 fulfils the requirements of the Local Government Act, 1919 (other than
 the requirements for the registration of plans), and
 while the requirements of section 146 of the Metropolitan Water
 Meter, Sewerage and Drainage Act, 1931 are waived
 have been complied with by the applicant in relation to the
 proposed or "consolidated lot" actual heretofore

8.6 APPENDIX F – EPBC ACT PROTECTED MATTERS REPORT

EPBC Act Protected Matters Report

10 March 2010 15:11

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Information on the coverage of this report and qualifications on data supporting this report are contained in the [caveat](#) at the end of the report.

You may wish to print this report for reference before moving to other pages or websites.

The Australian Natural Resources Atlas at <http://www.environment.gov.au/atlas> may provide further environmental information relevant to your selected area. Information about the EPBC Act including significance guidelines, forms and application process details can be found at <http://www.environment.gov.au/epbc/assessmentsapprovals/index.html>

This map may contain data which are © Commonwealth of Australia (Geoscience Australia) © PSMA Australia Limited

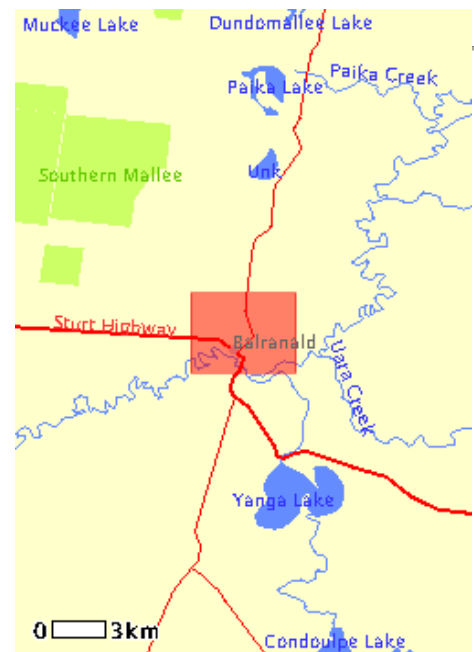
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Buffer: 10 km
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Report Contents: [Summary](#)
[Details](#)

- [Matters of NES](#)
- [Other matters protected by the EPBC Act](#)
- [Extra Information](#)

[Caveat](#)
[Acknowledgments](#)



Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the Administrative Guidelines on Significance - see <http://www.environment.gov.au/epbc/assessmentsapprovals/guidelines/index.html>.

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Significance: (Ramsar Sites)	5
Commonwealth Marine Areas:	None
Threatened Ecological Communities:	3
Threatened Species:	14
Migratory Species:	11

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place and the heritage values of a place on the Register of the National Estate. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage/index.html>.

Please note that the current dataset on Commonwealth land is not complete. Further information on Commonwealth land would need to be obtained from relevant sources including Commonwealth agencies, local agencies, and land tenure maps.

A permit may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species. Information on EPBC Act permit requirements and application forms can be found at <http://www.environment.gov.au/epbc/permits/index.html>.

<u>Commonwealth Lands:</u>	1
Commonwealth Heritage Places:	None
<u>Places on the RNE:</u>	3
<u>Listed Marine Species:</u>	9
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	None
Other Commonwealth Reserves:	None
Regional Forest Agreements:	None

Details

Matters of National Environmental Significance

Wetlands of International Significance [[Dataset Information](#)]
(Ramsar Sites)

Banrock Station Wetland Complex	Within same catchment as Ramsar site
Coorong and Lakes Alexandrina and Albert	Within same catchment as Ramsar site
FIVEBOUGH AND TUCKERBIL SWAMPS	Within same catchment as Ramsar site
Hattah-Kulkyne Lakes	Within same catchment as Ramsar site
RIVERLAND	Within same catchment as Ramsar site

Threatened Ecological Communities [Dataset Information]	Status	Type of Presence
Buloke Woodlands of the Riverina and Murray-Darling Depression Bioregions	Endangered	Community may occur within area
Weeping Myall Woodlands	Endangered	Community may occur within area
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	Critically Endangered	Community may occur within area
Threatened Species [Dataset Information]	Status	Type of Presence
Birds		
Lathamus discolor Swift Parrot	Endangered	Species or species habitat may occur within area
Leipoa ocellata Malleefowl	Vulnerable	Species or species habitat likely to occur within area
Polytelis anthopeplus monarchoides Regent Parrot (eastern)	Vulnerable	Species or species habitat likely to occur within area
Rostratula australis Australian Painted Snipe	Vulnerable	Species or species habitat may occur within area
Frogs		
Litoria raniformis Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog	Vulnerable	Species or species habitat known to occur within area
Mammals		
Nyctophilus timoriensis (South-eastern form) Greater Long-eared Bat, South-eastern Long-eared Bat	Vulnerable	Species or species habitat may occur within area
Ray-finned fishes		
Craterocephalus fluviatilis Murray Hardyhead	Vulnerable	Species or species habitat may occur within area
Maccullochella peelii peelii Murray Cod, Cod, Goodoo	Vulnerable	Species or species habitat may occur within area
Macquaria australasica Macquarie Perch	Endangered	Species or species habitat may occur within area
Plants		
Austrostipa metatoris	Vulnerable	Species or species habitat likely to occur within area
Lepidium monoplocoides Winged Pepper-cress	Endangered	Species or species habitat likely to occur within area
Maireana cheelii Chariot Wheels	Vulnerable	Species or species habitat likely to occur within area
Solanum karsense Menindee Nightshade	Vulnerable	Species or species habitat likely to occur within area
Swainsona murrayana Slender Darling-pea, Slender Swainson, Murray Swainson-pea	Vulnerable	Species or species habitat likely to occur within area
Migratory Species [Dataset Information]	Status	Type of Presence
Migratory Terrestrial Species		
Birds		
Haliaeetus leucogaster White-bellied Sea-Eagle	Migratory	Species or species habitat likely to occur within area

<i>Hirundapus caudacutus</i> White-throated Needletail	Migratory	Species or species habitat may occur within area
<i>Leipoa ocellata</i> Malleefowl	Migratory	Species or species habitat likely to occur within area
<i>Merops ornatus</i> Rainbow Bee-eater	Migratory	Species or species habitat may occur within area

Migratory Wetland Species

Birds

<i>Ardea alba</i> Great Egret, White Egret	Migratory	Species or species habitat may occur within area
<i>Ardea ibis</i> Cattle Egret	Migratory	Species or species habitat may occur within area
<i>Gallinago hardwickii</i> Latham's Snipe, Japanese Snipe	Migratory	Species or species habitat may occur within area
<i>Rostratula benghalensis s. lat.</i> Painted Snipe	Migratory	Species or species habitat may occur within area

Migratory Marine Birds

<i>Apus pacificus</i> Fork-tailed Swift	Migratory	Species or species habitat may occur within area
<i>Ardea alba</i> Great Egret, White Egret	Migratory	Species or species habitat may occur within area
<i>Ardea ibis</i> Cattle Egret	Migratory	Species or species habitat may occur within area

Other Matters Protected by the EPBC Act

Listed Marine Species [Dataset Information]	Status	Type of Presence
Birds		
<i>Apus pacificus</i> Fork-tailed Swift	Listed - overfly marine area	Species or species habitat may occur within area
<i>Ardea alba</i> Great Egret, White Egret	Listed - overfly marine area	Species or species habitat may occur within area
<i>Ardea ibis</i> Cattle Egret	Listed - overfly marine area	Species or species habitat may occur within area
<i>Gallinago hardwickii</i> Latham's Snipe, Japanese Snipe	Listed - overfly marine area	Species or species habitat may occur within area
<i>Haliaeetus leucogaster</i> White-bellied Sea-Eagle	Listed	Species or species habitat likely to occur within area
<i>Hirundapus caudacutus</i> White-throated Needletail	Listed - overfly marine area	Species or species habitat may occur within area
<i>Lathamus discolor</i> Swift Parrot	Listed - overfly marine area	Species or species habitat may occur within area
<i>Merops ornatus</i> Rainbow Bee-eater	Listed - overfly marine area	Species or species habitat may occur within area
<i>Rostratula benghalensis s. lat.</i> Painted Snipe	Listed - overfly marine area	Species or species habitat may occur within area

Commonwealth Lands [[Dataset Information](#)]

Communications, Information Technology and the Arts -

Indigenous

[Balranald Aboriginal Sites Complex NSW](#)

[Balranald Island NSW](#)

Natural

[Great Cumbungi Swamp Area NSW](#)

Caveat

The information presented in this report has been provided by a range of data sources as [acknowledged](#) at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the *Environment Protection and Biodiversity Conservation Act 1999*. It holds mapped locations of World Heritage and Register of National Estate properties, Wetlands of International Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

For species where the distributions are well known, maps are digitised from sources such as recovery plans and detailed habitat studies. Where appropriate, core breeding, foraging and roosting areas are indicated under "type of presence". For species whose distributions are less well known, point locations are collated from government wildlife authorities, museums, and non-government organisations; bioclimatic distribution models are generated and these validated by experts. In some cases, the distribution maps are based solely on expert knowledge.

Only selected species covered by the [migratory](#) and [marine](#) provisions of the Act have been mapped.

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as [extinct or considered as vagrants](#)
- some species and ecological communities that have only recently been listed
- [some terrestrial species](#) that overfly the Commonwealth marine area
- migratory species that are very [widespread, vagrant, or only occur in small numbers](#).

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites;
- seals which have only been mapped for breeding sites near the Australian continent.

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Acknowledgments

This database has been compiled from a range of data sources. The Department acknowledges the following custodians who have contributed valuable data and advice:

- [New South Wales National Parks and Wildlife Service](#)
- [Department of Sustainability and Environment, Victoria](#)
- [Department of Primary Industries, Water and Environment, Tasmania](#)
- [Department of Environment and Heritage, South Australia Planning SA](#)
- [Parks and Wildlife Commission of the Northern Territory](#)
- [Environmental Protection Agency, Queensland](#)
- [Birds Australia](#)
- [Australian Bird and Bat Banding Scheme](#)
- [Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [Queensland Herbarium](#)
- [National Herbarium of NSW](#)
- [Royal Botanic Gardens and National Herbarium of Victoria](#)
- [Tasmanian Herbarium](#)
- [State Herbarium of South Australia](#)
- [Northern Territory Herbarium](#)
- [Western Australian Herbarium](#)
- [Australian National Herbarium, Atherton and Canberra](#)
- [University of New England](#)
- Other groups and individuals

[ANUCLiM Version 1.8, Centre for Resource and Environmental Studies, Australian National University](#) was used extensively for the production of draft maps of species distribution. Environment Australia is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.