



NPWS is part of the Department of
Environment and Conservation

Information on applying to have a Conservation Agreement or Wildlife Refuge.

Thank you for your interest in entering into one of our agreements, being either a Wildlife Refuge or Conservation Agreement. These are options within the Conservation Partners Program, managed by the Parks and Wildlife Division of the Department of Environment and Conservation (DEC).

Although Wildlife Refuges and Conservation Agreements are different agreements the first steps in the application and assessment process are the same.

The application form

The first step in the process is for you to complete the enclosed application form to provide information about your property and its attributes.

Some landowners may have little or no information about the attributes of their property. We suggest that you give us as much information as you can, and at a later stage we can assist in obtaining additional information, if necessary.

However, where landowners have a lot of information, the form provides the opportunity for you to supply these details about your land.

The form also provides the opportunity for you to indicate whether you are interested in a Wildlife Refuge or a Conservation Agreement. The appropriate option for you will be discussed further, once we assess your application.

A Wildlife Refuge can cover all your land parcels or a selection that you nominate. This may include parts that provide wildlife habitat or corridors but are primarily used for other activities such as cropping or dams. These should be indicated as separate zones on a 'mud map' prepared as part of the application.

A Conservation Agreement applies only to the part of the property that is of high conservation value, and you can indicate on a 'mud map', that part of your property you are considering as the conservation area to be covered by an Agreement.

Once completed, forward the application form to Conservation Partnerships Unit, Department of Conservation and Environment, PO Box 1967, Hurstville, 1481.

Initial assessment

DEC will use your application form as well as other available data to assess whether your property meets the criteria to be further considered for a Conservation Agreement or Wildlife Refuge. You may be contacted for more information and you will be advised of the outcome. However a site visit is not always required at this stage.

Sometimes a property is not considered suitable for the options that you may have originally sought. Conservation Agreements are made over land considered to be of high conservation value in the region. In some cases because of the attributes of the land, or the lasting nature of these Agreements, we would recommend that you consider other options such as a Wildlife Refuge.

Where the landowner's desired option is not consistent with the assessment outcome, selection of the appropriate option to pursue will be discussed with landholders and DEC.

Where neither of these options is suitable, we may be able to guide you to other programs that you can consider.

Your contact officer

Should DEC consider your property suitable for a Conservation Agreement or Wildlife Refuge, your local Parks and Wildlife office will assign an officer to be your DEC contact person.

The officer will contact you to discuss the next steps which may include a visit to your property to gain a better understanding of the conservation values you have identified. Please note that in some places demand is high, and your property may be on a waiting list for this visit.



The things which may be discussed include:

- what you think is important about your land;
- what you know about your land and how it should be managed;
- your future plans for the property;
- areas of particular interest to you, or areas that are particularly troublesome;
- your reasons for wishing to enter into a Conservation Agreement; or have a Wildlife Refuge, and any concerns or reservations you may have about entering into either of these Agreements.

Once your local DEC officer and yourself have determined the appropriate option for your property, either a Wildlife Refuge or a Conservation Agreement, approval to proceed is required from the Parks and Wildlife Regional Manager. In some areas there is a waiting period before the process can move ahead. However, DEC will be able to indicate an approximate time at which the process can continue.

Proceeding to WILDLIFE REFUGE GAZETAL

Once you agree to proceed with a Wildlife Refuge, a Scheme of Operations will be formulated for your approval. This consists of broad objectives to guide you in the management of your property. Once the Scheme of Operations is completed, it is incorporated into a property report, which includes details of your property and its attributes. You will be asked to endorse this report.

It takes several weeks to complete the gazettal process. The property report including the Scheme of Operations and other papers are prepared for the Minister for the Environment and the State Governor to sign. The notice of gazettal is then published in the NSW Government Gazette. Copies of these papers are returned to you after gazettal, and a Wildlife Refuge sign is given to you to display on your property boundary. The Wildlife Refuge proclamation is also noted on the title of your property.

Proceeding to a CONSERVATION AGREEMENT

Once it is determined that a Conservation Agreement is the appropriate option for your property, preparation of the documentation can commence. At the outset there are some important things to keep in mind.

- The Agreement is between **all** landowners and the Minister for the Environment. It is essential that this option be fully discussed with all of the landowners, as they are all required to sign the Agreement. You might also like to discuss the Agreement with other members of the family or your business. You should take as much time as you feel necessary to discuss the possibility of entering into the Conservation Agreement with your family and friends.
- If your land is leasehold land, we must also seek the approval of the appropriate Minister administering the lease.
- Entering into a Conservation Agreement is voluntary. We will discuss management strategies that we have found successful to manage areas for conservation consistent with your conservation area. Also strategies that you believe to be appropriate in the management of the conservation area will be discussed. It is important that you understand and are happy with the management strategies identified. If you are not, you can withdraw at any time throughout the documentation process.
- Because of the lasting nature of Conservation Agreements and the type of property for which they are suitable, during the documentation process, we may occasionally recommend to people not to enter into an Agreement. Other options that may be more suitable to your needs are discussed.
- Negotiating and processing your Conservation Agreement will take time; and your local DEC officer will be able to estimate a timeframe. There are several stages in the process. Also, there may be unexpected priority tasks that your local DEC officer is required to perform, or that you and your family may need to attend to, that interrupts the original agreed timeframe. Whilst we ask for your patience during this process, we would also like to hear from you if the process is becoming too lengthy. We also welcome any suggestions that will improve the process on your behalf.

THE CONSERVATION AGREEMENT PROCESS

The Conservation Agreement is a comprehensive document including:

- reference to those parts of the *National Parks and Wildlife Act 1974*, which pertain to Conservation Agreements. These are found in Section 69 A-K of the Act.
- description of the land parcels.
- the types of activities that will be allowed within the conservation area. Most Agreements have standard clauses that set out these activities. Some properties have particular management issues that will not be covered in the standard Agreement, and new clauses will be written to cover these.
- a formal Diagram, showing which parts of the property form the conservation area, covered by the Agreement (Annexure A).
- description and identification of the conservation values of the conservation area, including an aerial photograph and photographs from agreed photo points (Annexure B).
- Management Scheme for the conservation area, for the management and maintenance of the conservation values (Annexure C).

Preparing the Draft Agreement

Initially your DEC contact officer will discuss and identify the conservation values and the issues relating to your proposed conservation area and possible management strategies. It is suggested that you talk about management of the conservation area with your family and list issues to discuss and clarify with DEC.

During this part of the process, a 'mud map' should be developed to show which parts of the property are to be included in the conservation area. The conservation area should be able to be defined on a plan diagram of the property. Consideration should be given to the inclusion of areas that, through ongoing management and natural regeneration over time, will contribute to the conservation values and function of the conservation area.

The DEC contact officer, working with the Conservation Partnerships Unit in Hurstville, will prepare a draft Conservation Agreement. During the drafting of an Agreement, experts may be called on to give additional advice, for example,

a fire management officer may assist with the fire management section of the document.

The draft Agreement will be forwarded to you for discussion and comment. Please remember it is important that all people who own the land are happy with the draft, as they will all need to sign the Agreement.

Conservation Surveys

Your DEC contact officer may wish to obtain more specific details of some aspects of your property to assist in determining how to best manage the area, and a conservation survey may be suggested to be undertaken. This may be to identify particular flora or fauna, to examine some aspects of cultural heritage or karst conservation. In any conservation survey we encourage you to contribute your knowledge and participate where possible.

Reviewing the Agreement

The process of review and changes to the Conservation Agreement will continue until all parties are happy with the Agreement.

Legal review and conservation area boundary survey

Once you and your DEC contact officer have agreed to a final draft it is legally reviewed. Since Conservation Agreements are binding, we encourage you to get your own solicitor to check the document. In most cases DEC will pay for reasonable legal expenses incurred by the landowner for review of the Conservation Agreement. Again, any comments or changes suggested by either your or our legal representations are discussed between yourself and the DEC contact officer.

A survey Diagram must be prepared, based on the 'mud map' outline, showing the exact boundary of the conservation area. This will be carried out after everyone is happy with the rest of the Agreement. The Diagram is based on the Deposited Plan or Crown Plan of the property. The conservation area should be a simple shape, where possible following existing surveyed boundaries, creeklines or road alignments and be enclosed by straight lines where possible. DEC will arrange and pay for the Diagram to be completed, although if a suitable survey is already available we welcome the chance to make use of it. Note that a sketch plan signed by a registered surveyor is required (not a registered plan).

The aerial photo included in Annexure B must also accurately show the boundaries of the conservation area as shown on the Diagram. This provides a baseline picture of the location of the conservation area and the vegetation, habitat and other values within.

Points should also be established from where photos of the conservation area are taken to show attributes of the area. These photopoints will also be mapped and the photos taken at these points included in the Agreement to show the condition on the conservation area.

Signing the Agreement

With the completion of all the elements described above, the Conservation Agreement is ready for signature by all landowners. DEC arranges for landowners to sign the documentation first. If you have a mortgage, you will also need to arrange for the Mortgagee, eg the bank, to countersign the Agreement.

The signed documentation is then returned to DEC for forwarding to the Minister for the Environment for signature. Once the Minister has signed the documents, he will inform you by letter.

When the papers have been returned from the Minister's office, DEC will make arrangements for the Conservation Agreement to be registered on the title of the land. When this is completed you will receive an original signed copy of the Conservation Agreement for your records.

DEC will also notify your Council to inform them that you are eligible for rate relief in proportion to the part of your property under the Conservation Agreement. We suggest that you contact your Council to ensure this is implemented.

On ground assistance

DEC has usually been able to provide some financial assistance to landholders willing to enter into a Conservation Agreement. In the past the DEC has assisted with weed and pest control and fencing. Assistance is generally a one off payment following the registration of the Agreement.

Signs

Every area covered by a Conservation Agreement is eligible for a sign, free of charge, from DEC. It should be located at the main

entrance point to your conservation area to inform other people of the importance of the area.

Media

DEC would like to spread the word when individual Conservation Agreements are signed. We may ask if a media release or other publicity can occur around your Conservation Agreement. Of course this is controlled by you. If you do not want this to occur we will not pursue it. If you agree and a media release is drafted, you will be asked to approve the draft.

Further Information

For more information, contact:
Conservation Partnerships Unit
Department of Environment and Conservation,
PO Box 1967,
Hurstville NSW 1481

Phone: 02 9585 6040 or 02 9585 6671

conservation.partners@environment.nsw.gov.au
www.nationalparks.nsw.gov.au

