

Conservation Partnerships

a guide for industry



Protection of natural and
cultural heritage under
a **Conservation Agreement**
or as a **Wildlife Refuge**

Department of **Environment & Climate Change** NSW





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This handbook has been designed to provide information to industry and other corporate landholders about how they can formally dedicate all or part of their land to protect natural and cultural heritage.

Australia's natural and cultural heritage is irreplaceable. Over the 50 million years of our continent's geographical isolation, an extensive suite of unique plants and animals evolved here. In fact Australia has more species which are not found anywhere else, than any other nation. Australia is recognised by the World Conservation Monitoring Centre as one of only 17 'megadiverse' countries, and the only developed one in the top five.

Biodiversity is the variety of all living organisms, including all species, the genes they possess and the ecosystems they form. Biodiversity is vital in supporting all life on Earth. Healthy, functioning ecosystems depend on this diversity to remain viable and capable of sustaining life. The complexity of natural ecosystems cannot be replaced. Only after many years of painstaking and expensive restoration, may some of the functions of a natural ecosystem be recreated.

More than 90 per cent of the land in New South Wales lies outside public conservation reserves. The Department of Environment and Climate Change NSW (DECC) recognises that land-management partnerships with private and other public landowners help protect places of natural and cultural significance across the entire state.

While establishment of national parks and other public conservation reserves is a key strategy for protecting biodiversity, many native plant and animal species and their ecosystems remain poorly represented in this reserve system. Other species need to range across wide areas, while the areas of public land that can be reserved for them can be relatively small and isolated. Establishing viable wildlife habitats and corridors on private land plays an essential role in conservation to complement the public reserve system, as part of a larger protected-area system across the state.

In addition to biodiversity, the state's landscape has other values that the community wants to conserve. The cultural heritage of the Aboriginal people of NSW, which includes objects and areas of significance for Aboriginal people, as well as historic heritage, significant geological features and important scenic landscapes also require protection outside publicly owned reserves.

Land committed to conservation by businesses and other corporations may, for example, contribute to a strategic native vegetation corridor or protected-area system identified in the local catchment management plan, or to an essential wildlife corridor connecting a protected area to larger natural areas of habitat.

Why conservation makes good business sense

By dedicating all or part of their properties to conservation management, private and other public landholders in NSW are doing their bit to help build a comprehensive, adequate and representative system of protected areas across the landscape. These areas complement the public reserve system by providing places for the conservation of a broad range of native species, by connecting and buffering formal reserves and protecting other conservation values.

Many industries – including mining and agriculture – already manage large areas of their properties for conservation as part of an overall strategy for operating a sustainable business. As part of this strategy, several companies have committed land to formal protection for conservation management in partnership with the NSW Government.

There are two main ways that private landholders and public authorities, in their roles as owners or occupiers of land, can formally protect areas of high-conservation value:

- by placing these areas of value under a Conservation Agreement, or
- having such areas proclaimed as a Wildlife Refuge.

2.1 Community recognition

Conservation Agreements and Wildlife Refuges have gained wide community acceptance in NSW, and participation in the process of formally protecting natural and cultural heritage on land outside the national park and reserve system continues to grow.

The first Conservation Agreement was established in 1990 under Section 69 of the *National Parks and Wildlife Act 1974* (NPW Act) and the number of agreements has increased to more than 220, protecting more than 20,000 hectares of the state.

Wildlife Refuge proclamations are a longstanding legal mechanism in Australia for protecting native plants and animals on private land. The concept was introduced more than half a century ago in the *NSW Fauna Protection Act 1948* and the first Wildlife Refuge was proclaimed in 1951. Since that time, and with the incorporation of Wildlife Refuges into Section 68 of the NPW Act, more than 640 have been established in New South Wales, protecting wildlife on almost two million hectares of the state.

This represents more than 1300 landholders across New South Wales with formal commitments for conservation on their land.

By entering into one of these formal conservation partnerships with DECC, businesses and industry benefit from increased community confidence that the partner corporation has a genuine commitment to conservation. This can also help challenge some of the negative perceptions sometimes attributed to businesses and big corporations by the community with respect to their long-term commitment to local communities and to the environment.



2.2 Demonstrating long-term commitment

Due to the need for conservation efforts to be sustained over time, Conservation Agreements and Wildlife Refuge proclamations require long-term landholder commitment. By preferring such formal arrangements over alternative temporary or non-binding ones, corporations send a clear signal to the community, shareholders and stock market that their commitment to delivering strong environmental performance is genuine rather than for short-term gain.

2.3 Legal status of formal commitments

Conservation Agreements and Wildlife Refuge proclamations are formal commitments under the NPW Act. Conservation Agreements are in-perpetuity commitments which are binding on current and successive landowners, as well as the NSW Government. The legal status of a Wildlife Refuge remains with current and successive owners unless it is formally revoked. Both types of conservation partnership offer formal structures and processes for establishment, management, monitoring and enforcement. The legal basis of these partnerships ensures their credibility and status in the eyes of company shareholders (existing and prospective) and the wider community.

2.4 The 'beyond compliance' approach

Under NSW law, all landholders have a duty of care to maintain and protect the biodiversity and cultural heritage of their land. Corporations may also be required to comply with certain minimum standards set by law. Creating a Conservation Agreement or Wildlife Refuge offers corporations a way to demonstrate environmental leadership by taking conservation and management 'beyond compliance'.

Since Conservation Agreements and Wildlife Refuge proclamations are individually negotiated, the principal commitments are tailored to meet different needs. Examples might include

an undertaking to conserve lands that have high conservation value because they contain a population of a threatened species, or include a commitment to involve Aboriginal communities in managing cultural heritage sites.

2.5 Environmental reporting

Environmental management reporting, once viewed as an optional add-on to financial accounting, is becoming part of established business practice. It is increasingly recognised that good environmental management has flow-on benefits for business, including increased levels of public and investor confidence.

Putting in place a formal conservation arrangement with government, which includes monitoring protocols, provides a tangible and reportable commitment by business to the environment.

Monitoring the condition of populations and ecosystems on land subject to such a partnership can be used to assess the success of management in maintaining and improving the conservation values of the area.



This evidence lends itself to corporate communication strategies in:

- annual reports
- triple bottom line (TBL) reporting
- environmental management system (EMS) benchmarking, and
- eco-labelling.

Annual reports

The corporation's annual report provides an important vehicle to communicate information about environmental performance to shareholders, the stock market, stakeholders and the wider community. Annual reports allow a business or other organisation to demonstrate how it is performing against objectives stated in corporate plans and in requirements under relevant legislation in the activities around conservation.

Triple bottom line reporting

Triple bottom line (TBL) reporting is the term applied to the practice of reporting company performance against short-term and long-term indicators for:

- environmental management
- social capital created, and
- economic management.

Sometimes a fourth indicator, corporate governance and ethics, is added. Increasingly TBL reporting is becoming an accepted approach for businesses and other organisations to demonstrate their performance as well as their strategies for sustainability.

When land is protected under a Conservation Agreement or as a Wildlife Refuge, success in the first, second and fourth indicators can be demonstrated. Objective indicators can be developed to measure the company's achievements in conserving natural and cultural heritage through Conservation Agreements and Wildlife Refuges. In instances where the planning and management of the land involves the community, the company's success in developing social capital can also be shown. As managing the conservation values of the land is part of the business's ethical behaviour, governance of conservation areas and Wildlife Refuges can be used for reporting on the fourth indicator.

Environmental management system

Environmental management system (EMS) is the term used to describe a structured approach to identifying and managing environmental impacts. An EMS should include objectives, procedures and performance indicators, as well as a strategy for achieving continuous improvement by integrating environmental responsibilities into everyday management.

Monitoring performance against EMS indicators that have been developed by the organisation can fulfil the environmental component of triple bottom line reporting. ISO 14000 is the world's most-recognised EMS framework and provides management tools for businesses and other organisations to control their environmental performance. It was developed by the ISO (International Organisation for Standardisation), the world's largest standards developer (see *Further information* at end of booklet).

Performance indicators can include aspects of management that are easily measured. One example could be maintaining weed populations at less than five per cent of the vegetation cover, while another could be maintaining and allowing an increase in the number of trees with hollows for animal habitat. Where local indigenous communities are involved in an area's management, and records are kept of the number of visitors whose attendance was prompted by interest in the site's heritage, performance indicators can be targeted to measure the company's contribution to conserving cultural heritage.

Eco-labelling or certification of products

Eco-labelling helps the public select products and services that are less harmful to the environment. The criteria for eco-labelling and certification vary depending on the product involved. The common theme, however, is to ensure that the manufacturing process and consumer use of certified products causes as little damage as possible to the environment. Such certification may recognise, among other things, manufacturers' strategies to minimise any loss of, or proactively improve, conservation values of land that they manage.

2.6 Investor confidence

Interest in socially responsible and ethical investment has been growing rapidly over the past few years. Targeted investor indices, including the Dow Jones Sustainability Index, have been developed to cater for the increased demand for this type of investment. Good environmental performance is likely to boost investor confidence (and with it, share price), directly through the buying power of conservation-minded shareholders, and indirectly, because it suggests an enlightened, disciplined management approach by the corporation.

2.7 Offsets and negotiated conditions of development

The process to allow development and certain activities on a site requires a range of government approvals. A supportive social context for the proposed business operation is also desirable. Strategies to optimise the retention of the area's cultural values, or native plants and animals, may be a key step in gaining the support of the surrounding community.

One approach, especially if a proposed development may impact on cultural heritage or survival of a native species, has been to arrange concurrently for land of significant conservation value to be formally protected with a Conservation Agreement. Alternatively, parcels of undeveloped land near the area, with similarly high conservation values, may be purchased and conserved by the company as an 'offset'. An in-perpetuity Conservation Agreement over such land may become one of the conditions of consent for the proposed development.

Conservation Agreements and Wildlife Refuges are often established to maintain and improve conservation values, independently of any development proposal. However, in the event a development is proposed at some later stage, this protected land may be considered as an offset, as long as it has not been part of any other development approval.

2.8 Product identity and market access

Demonstrated environmental stewardship and conservation commitment can enhance a company's public and market image. This can then provide the flow-on benefits of improved market access and sales. Managing land for conservation helps provide the context in which a company operates and allows consumers to support businesses whose environmental commitment they admire.



2.9 Staff participation and team building

Land that has been set aside by a company under a Conservation Agreement or Wildlife Refuge can provide opportunities for staff to participate in voluntary projects such as plant and animal surveys, weed control, planting or fire prevention and management planning. Not only have such activities been shown to significantly increase job satisfaction, team building and staff morale but, since they are often carried out in conjunction with local volunteers, they also improve the image and raise the profile of the company locally.

In competitive employment markets, prospective employees may wish to work for a company with a conservation ethic. This can help provide a wider pool of jobseekers from whom the company can find good staff.

2.10 Future benefits

In the long term, companies that set aside land for conservation can expect to benefit in other, as yet unforeseeable, ways. Industries are increasingly dependent on biodiversity to ensure a sustainable future and many species provide valuable products, medicines or other uses for industry. Many more have the potential for uses that have not yet been identified.

Increasing interest is being shown in strategies which may ameliorate human-induced climate change. For example, as well as providing future habitat for diverse native species, revegetation projects can also provide carbon sinks. A number of initiatives exist to reduce and offset greenhouse gas emissions, and formal conservation and revegetation areas may provide the means for business to participate in such programs.

Same land, multiple uses

3.1 Looking through a different pair of field glasses

While various people viewing the same parcel of bushland might agree on what is actually on the land – the number and type of trees, insects, grasses etc – each one will have a different opinion about the land's function, depending on their personal experience. A mine manager may see a buffer area, a farmer may see a windbreak whilst a conservation biologist sees a wildlife corridor.

In addition to being an industrial or business resource, an area of land can be valuable from a biodiversity or cultural-heritage perspective. These conservation values can be assessed and landowners can seek options to protect and improve them.

Many of the uses that a business requires of a particular piece of land can be consistent with Conservation Agreements or Wildlife Refuge status.

Some of these multiple uses are set out below:

- Areas of retained native vegetation can protect neighbouring properties from noise, dust or other effects of an industry's activities.
- Naturally occurring wetlands and watercourses as well as farm dams, provide water for the core business as well as wildlife habitat.
- Woodlots and windbreaks provide opportunities for designing and maintaining habitats, strategic wildlife corridors and links to other areas.
- Existing native vegetation on the property, or natural bushland areas off-site, may also serve as reference and demonstration sites for developing and evaluating mine restoration and rehabilitation programs.
- Areas of native vegetation such as those above underground mining operations may have restricted low-impact surface activities, thus having minimal impact on vegetation and cultural sites.
- Corridors for utilities where land has been disturbed only when the infrastructure was installed, can recover to provide wildlife habitat while being maintained for asset protection and access.
- Restored areas, such as those previously mined, may have been rehabilitated to a standard that provides wildlife habitat.

Businesses can also contribute to the broader effort to conserve the landscape by, for example:

- planning with other local landowners to establish wildlife corridors and conserve habitat and cultural heritage in an area
- contributing to landscape and catchment conservation plans developed by local and regional communities. Strategic corridors are very important



for regionally significant conservation outcomes. These plans provide opportunities for focused, community-supported investment in conservation

- helping implement recovery programs for threatened species in the vicinity of industry operations, whether these are in natural, modified or artificial habitats
- sponsoring community conservation efforts which complement the commitment of the business to conservation.

3.2 Research, education and tourism

Both private and public land can provide opportunities for research, education and tourism that cannot be accommodated in national parks and other public conservation reserves. This includes facilities that offer insight into the way industry operations conserve biodiversity and cultural heritage as part of managing a sustainable business.

The decision to use land protected by a Conservation Agreement or a Wildlife Refuge proclamation for education, research or tourism depends on the location of the property, type of environment, core industry use of the land and the wishes of the landowner. Whatever the proposal, care always needs to be taken to ensure that these uses of the land do not degrade the conservation values.

3.3 Critical issues identified by industry and business

A major two-year research project by the London-based International Institute for Environment and Development (IIED) found that the mining sector considered voluntary conservation initiatives to be successful if they created a competitive edge or improved risk management.



By establishing Conservation Agreements and Wildlife Refuges in partnership with government, corporate landholders can satisfy a wide range of stakeholder groups. The IIED report¹ states that:

For the financial sector, a key criterion [in judging the success of a mining company's voluntary conservation initiative] ... is its capacity to deliver more robust liability management and to protect the reputation of the financier throughout its association with mining. For other players – local communities, pressure groups, end consumers – the key criteria relate to whether the initiative delivers real improvement in social or environmental performance 'on the ground'.

Conservation partnerships can also satisfy other criteria identified in the IIED report as indicative of success, namely:

- voluntary commitment
- demonstrated leadership
- setting of objectives beyond legal compliance
- acknowledgement of commitment
- formal conservation status for land set aside
- commitment to local communities and shareholders
- flexibility to adapt to changing circumstances in response to business decisions, and
- assistance in environmental performance reporting.

1. Mining, Minerals and Sustainable Development project by IIED summarised as *Finding the way forward* (Walker J and Howard S, IIED, London, 2002), from 13 background documents, 21 project bulletins and 177 research articles, workshops, meetings and regional reports.

Options for voluntary conservation partnerships

The two options for conservation partnerships that are legally binding and long-term are Conservation Agreements and Wildlife Refuge proclamations.

The Department of Environment and Climate Change NSW (DECC) encourages landholders who are considering either option to contact the Conservation Partnerships Unit (see *Further information*). After learning from the landholder as much as possible about the attributes of the proposed area, DECC will generally ask the landholder to make an application for an assessment of the property to identify its conservation values, and allow DECC to recommend the option it considers most suitable.

While Conservation Agreements and Wildlife Refuge proclamations are established in-perpetuity with a view to achieving long-term conservation outcomes, they retain sufficient flexibility to enable adaptive management. Any variations to conservation commitments are negotiated with the aim of achieving net conservation gains.

Landholders whose properties include an area under a Conservation Agreement or Wildlife Refuge automatically become part of the Conservation Partners Program (CPP) of DECC. This recognises the landholders as active partners in managing the state's system of protected areas, and facilitates access to a range of monitoring and support services.



Conservation Agreements

A Conservation Agreement is a voluntary commitment by a landowner to protect and conserve an area of their land with significant conservation value.

Conservation Agreements were introduced in 1987 in sections 69A to 69KA of the *National Parks and Wildlife Act 1974* (NPW Act). The rate of establishment of agreements has increased as the concept and its processes become more widely known and understood among landowners interested in conservation.

The agreements are often known as voluntary Conservation Agreements because they may be initiated by individual landowners. However, it is an in-perpetuity agreement and, once entered into and registered on the land title, is binding on all current and successive landowners. This recognises one of the major advantages of these Conservation Agreements in pursuing long-term conservation outcomes – the binding and perpetual nature of the arrangements.

Under the NPW Act, a Conservation Agreement may be entered into for areas that contain:

- scenery, natural environments or natural phenomena worthy of preservation
- places of special scientific interest
- sites of buildings, objects, monuments or events of national significance
- Aboriginal objects or places of special significance.

An agreement may also be entered into for the purposes of:

- study, preservation, protection, care or propagation of native animals or plants
- study, preservation, protection or care of karst (limestone) environments
- conservation of critical habitats or threatened species, populations or communities.

That part of the property, either the whole or part, that is protected under the Conservation Agreement, is referred to as the ‘conservation area’.

5.1 A flexible approach

Each Conservation Agreement is individually negotiated between the landholder and DECC (on behalf of the NSW Minister administering the NPW Act) and can only be finalised once all parties are willing to formally commit to its terms and conditions. This maximises the flexibility for catering to the differing needs and priorities of landowners.

A standard part of each Conservation Agreement is the development – with assistance from DECC – of a management scheme to maintain and enhance the conservation

values and condition of the land. After all parties are satisfied, the Conservation Agreement is signed, registered on the land title and becomes binding on current and all future owners of that parcel of land. All owners, lessees and mortgagees must consent in writing to the Agreement.

Prospective buyers of land that is subject to a Conservation Agreement should be made aware of its existence because they will be legally obliged to implement its terms and conditions, including the management scheme outlined for the property. As the Conservation Agreement is registered on the land title, its existence is publicly recorded and its terms readily available.

Conservation Agreements can apply to part or all of a property and different terms and conditions can apply to specific 'zones' within the area covered by the Agreement. The key aim of any clause in a Conservation Agreement – and the Conservation Agreement as a whole – is to ensure the land is managed to maintain and improve its conservation values, which may vary across the whole property.

5.2 Who can apply for a Conservation Agreement?

Any individual, group or corporation that owns land or leases land from the Crown or a private landowner, can apply for a Conservation Agreement. Agreements can also be negotiated with statutory authorities or another Minister.

Rural landholders currently comprise the largest group of landowners with Conservation Agreements, but industries, notably underground mining, are also represented. Utilities and other enterprises are also applying for Conservation Agreements in increasing numbers.

Any proposal to enter into a Conservation Agreement as part of a development application will be considered on a case-by-case basis. In these instances, the intending developer must meet any costs associated with the assessment of the suitability of the land for a Conservation Agreement, establishment of the agreement and ongoing monitoring and support.

State planning agencies and local government bodies should seek DECC's consent before making a development approval conditional upon the establishment of a Conservation Agreement.

Where a Conservation Agreement is proposed by a landowner as part of a development application, such a proposal will not pre-empt the outcome of the statutory development application process. Discussion between the approving body, DECC and the landholder should take place and the decision to put a Conservation Agreement in place deferred until the final decision has been made regarding the proposed development.

Land under a Conservation Agreement is reasonably protected from development and subdivision. Consent from the Minister is required where a statutory authority wishes to carry out development in an area covered by a Conservation Agreement. Even these are approved only if no practical alternative is available and the proposed development will be used for an essential public purpose.

On receiving an application form, the property will be assessed to determine its conservation significance and suitability for a Conservation Agreement.

5.3 Areas suitable for a Conservation Agreement

Conservation Agreements legally protect land for a range of reasons, including the area's importance as a site of significance for Aboriginal people, as habitat for threatened species or as remnant native vegetation. Many of the habitats and vegetation types protected by Conservation Agreements are under-represented in the public reserve system.

Some Conservation Agreements protect land adjoining national parks and reserves, so that the Agreement optimises conservation management across both areas. Wetlands, areas alongside rivers and lakes, and special geological or topographic features such as limestone caves and escarpments can also be protected with Conservation Agreements. Two Conservation Agreements, for example, protect abandoned mineshafts providing significant habitat for small bats, including one threatened species.

Land under a Conservation Agreement may have high conservation value because its location in the landscape complements the public reserve system by providing bush-land that links or buffers major reserves.

5.4 Benefits of Conservation Agreements

Landholders with Conservation Agreements are provided with ongoing support as part of DECC's Conservation Partners Program (see section 7 *Support for landholders*).

Conservation Agreements allow landholders to conserve land permanently while retaining management and ownership. Landholders have the added security of knowing that the Agreement remains in place for future owners, so that their investment in managing their property for conservation will be protected beyond their own stewardship.

A range of benefits are also available to landholders who enter into Conservation Agreements.

Local government rates

Section 555 of the NSW *Local Government Act 1993* provides for land set aside under a Conservation Agreement to be exempt from rates.

Land tax

Section 10 of the NSW *Land Tax Management Act 1956* provides for land set aside under a Conservation Agreement to be exempt from land tax.

Income tax

Division 31 of the Commonwealth *Income Tax Assessment Act 1997* stipulates that, subject to certain conditions, after 30 June 2002, landowners who enter into conservation covenants with any government within Australia, or with any authority of the Commonwealth or of any state or territory government, may claim a tax deduction for any decrease in the conserved land's value that is attributable to the covenant.

A fact sheet that provides more information about this type of deduction can be downloaded from www.ato.gov.au/content/downloads/N6539.pdf and is available on request from the Australian Tax Office (phone 1300 130 248).



Under Subdivision 40-G of this Act, deductions can be made for any monies outlaid for landcare operations. More information about this type of deduction can be downloaded from www.ato.gov.au/print.asp?doc=/content/33531.htm and is available on request from the Australian Tax Office (phone 1300 130 248).

Grants

Land within a conservation area may be eligible for funding and grants through DECC and other environmental bodies and schemes, most commonly administered or offered by Catchment Management Authorities, the NSW Environmental Trust, and the Commonwealth Natural Heritage Trust (see *Further information* for contact details).

Protection of native plants and animals

Protection for native plants and animals in an area subject to a Conservation Agreement may be enforced through Sections 70 and 71 of the NPW Act. A Conservation Agreement binds current and future landholders to certain uses of the conservation area. Sections 70 and 71 help landholders prevent unauthorised public access to a property in instances where access and subsequent unauthorised activities could lead to the harming of native plants or animals with significant conservation value.

Mining

A Conservation Agreement cannot prevent mining but it does provide a strong case for an area's high conservation values. Under the *Mining Act 1992* the environmental values of land are to be taken into account before mining interests are approved or conditions imposed. An understanding and appreciation of conservation values can significantly influence the approach taken in establishing the mine site, as well as in determining its management and operational layout to accommodate conservation needs. Such considerations can achieve both business and conservation objectives.

Protecting threatened plants on a mine site at Lake Macquarie

The Westside Mine Conservation Agreement was signed in July 2006 between the Minister administering the *National Parks and Wildlife Act 1974* and the owner, Macquarie Coal Joint Venture, formalising the protection of land containing threatened plant species and endangered ecological communities. The agreement covers 33 hectares on the western side of Lake Macquarie owned by Macquarie Coal Joint Venture. Xstrata Coal operates Westside Mine on the owner's behalf.

In January 2003, Xstrata Coal was granted development consent to construct and operate the Westside Mine Southern Extension open-cut coal mine and associated infrastructure. During the development consent process, Xstrata negotiated with DECC and the Minister for Planning to protect endangered native vegetation and threatened species found on the site to compensate for the loss and disturbance which will occur with the mine development.

Long-term protection is to be achieved by a Conservation Agreement over three separate sections of land.

Conservation significance

Black-eyed Susan (*Tetratheca juncea*) is listed as vulnerable in NSW, and 15 hectares of the land under the Conservation Agreement are being managed to protect sub-populations of this species. *Tetratheca juncea* is a low shrub with flowers that face downwards and vary in colour from white to pink to dark purple. It previously had a range from Botany Bay to Bulahdelah but now only occurs between the Wallarah catchment and Bulahdelah. The most significant populations of the species occur in the Lake Macquarie area.

The number of these vulnerable native plant populations that are adequately protected fulfilled the offset requirements that 50 per cent of the number of clumps disturbed must be protected. To achieve this figure, Xstrata Coal adjusted property boundaries to include additional



populations of this species in the conservation area.

The Conservation Agreement also protects 18 hectares of an endangered ecological community of coastal flood-plain swamp sclerophyll forest – actually a complex of four separate vegetation communities.

The protection has provided an offset for disturbance of this community by the Westside Mine Southern Extension, at a ratio of 2:1. The native vegetation protected by the Conservation Agreement is considered unlikely to be adequately represented in conservation areas in Lake Macquarie or the wider Sydney Basin Bioregion.

The swamp forest supports numerous native species of conservation significance, including the threatened *Melaleuca biconvexa*, *Darwinia procera* and *Eucalyptus robusta*. Regionally significant species are also present within the conservation area.

Animals of conservation significance occur within the swamp forest including the state-listed Australasian bittern, the large footed myotis, grey-headed flying fox and the nationally-listed swift parrot and regent honeyeater. The vegetation is especially important for the flying fox, parrot and honeyeater which rely on the winter-flowering swamp mahogany (*Eucalyptus robusta*).



Management of the Conservation Area

The biggest challenge for management is to control access to the sites, especially the swamp forest which has previously provided unrestricted access to walkers, motorbikes and vehicles. This has resulted in disturbance to the vegetation and dumping of rubbish with the associated introduction of weed species. The strategic placement of barriers and fences, where required, will assist in controlling access.

Other management actions will need to ensure that weeds and feral animals do not damage the areas under the Conservation Agreement. In addition, fire frequency and intensity will need to be monitored to ensure that the conservation values of the vegetation are not lost through inappropriate fire regimes.

5.5 Sale of land under a Conservation Agreement

The terms and conditions agreed to in a Conservation Agreement by the initiating owner are binding on all subsequent owners of the land and the Agreement does not need to be changed when the land is sold. As Conservation Agreements are registered on the land title, their terms and relevant boundaries are deemed to be known to any prospective owner of the property.

Under the Conservation Agreement, owners should inform DECC of the change of ownership. DECC encourages owners to make contact with the Department's Conservation Partnerships Unit (CPU) so that induction meetings can be arranged with new owners to discuss the conservation values and future management of the land. Keeping the Department informed about the contact details of new owners and handover dates is the best way to ensure a smooth transition to a new conservation partnership. Sometimes aspects of management may need to be reviewed when a property changes hands as the new owners seek to expand conservation objectives or introduce different approaches.

There are many factors involved in buying and selling properties which influence the ease of sale and the sale price of any property, including those with a Conservation Agreement. Privacy considerations limit the ability to easily obtain information about such sales, although, to date, instances of positive effects balance out any other issues.

A landholder may be eligible for a tax deduction, if the value of a particular property is shown to decrease when a Conservation Agreement has been signed (See *Benefits of Conservation Agreements* above).

5.6 Variation or termination of an agreement

Although parties entering into a Conservation Agreement should consider it permanent, in limited cases a new term or condition may be added, an existing term or condition varied, or the agreement terminated. Termination is considered as a last resort, and then only in exceptional circumstances.

In most instances, a Conservation Agreement may only be amended or terminated if all parties have consented to the change or in circumstances prescribed in the original agreement. The Minister may, however, terminate the Conservation Agreement without the consent of the landowner if the Minister is of the opinion that the area is no longer needed for, or can no longer achieve, any purpose for which it was negotiated. The Minister has the authority to make unilateral changes to a Conservation Agreement, although landholders who are dissatisfied with an imposed variation may terminate the agreement.

Conservation Agreements are only varied if the changes will result in a conservation gain or improve a property's conservation management resulting in better overall conservation outcomes. Landholders who believe a change to the Conservation Agreement is necessary should discuss their proposal with DECC's Conservation Partnerships Unit. It is often possible to accommodate specific needs without having to vary the Conservation Agreement.



5.7 Content and conditions of the agreement

Typically, a Conservation Agreement will specify:

- the area covered by the agreement
- the area's conservation values
- activities and land uses that are permitted
- land-management activities that should be performed
- financial, technical or other assistance that may be provided
- reasonable access for researchers (if the land is of scientific significance)
- reasonable access by Aboriginal people (if the land contains sites of significant Aboriginal heritage and the Conservation Agreement has been established in consultation with the Aboriginal community), and protection of Aboriginal cultural heritage
- monitoring and reporting arrangements.

The terms and conditions of Conservation Agreements must be designed to ensure the land covered by the Agreement is properly cared for and managed to conserve its conservation values.

Restrictive measures include, for example, limits to subdivision of the conservation area and the types of land use allowed. Positive management measures include, for example, control of feral animals and weeds.

Under the NPW Act, each Conservation Agreement separately defines the manner in which the land it covers is to be used and managed. Terms and conditions that are specific to each conservation area are negotiated between DECC and individual land-holders. However, a number of standard conditions apply:

- No activities that will adversely affect the conservation values and biotic and abiotic components of the area are allowed unless specific permission is given in the agreement.

- Subdivision of the conservation area is prohibited without consent.
- Where land is leased, the conditions of the Conservation Agreement must be incorporated into the lease after giving reasonable notice.
- DECC officers are allowed access to the land.

Under Sections 70 and 71 of NPW Act, offences apply when fauna is harmed or native plants are picked in a conservation area in contravention of the Conservation Agreement.

General conditions for protection of Aboriginal heritage under the NPW Act and for threatened species under the TSC Act still apply.

Area covered by a Conservation Agreement

A survey diagram showing the boundaries of the area covered by the Conservation Agreement is part of the agreement and of the legal documentation for registration on the land title. The limits of the conservation area should be decided after discussions between the landholder and DECC and based on the conservation values and management of the property. Ideally, the conservation area will be easily defined and identified and have a boundary that optimises conservation management.

Areas of land containing buildings will be excluded from the conservation area except in instances where a Conservation Agreement relates to identified cultural heritage values associated with particular structures.

In cases where a property has no existing development, it is recommended that part of the land be excluded from the conservation area. This will allow for the possibility that the property's owners may one day wish to build, and for the fire-hazard reduction works associated with any such buildings.

Existing access rights to a property by non-landowners (known as easements) are not always incorporated into the terms and conditions of a Conservation Agreement. If the easement is included in the conservation area itself, the types of land use that will be allowed will be specified in the agreement.

Uses of the conservation area

The Conservation Agreement will permit activities in the conservation area to the extent that they will not adversely affect conservation values.

Examples of activities that may be permitted with restrictions include:

- track construction (in specified or approved locations)
- camp areas or bird hides (the number, footprint and locations being specified in the agreement)
- use of firearms (if required for a specific management purpose such as feral animal control)
- access by working dogs, guard dogs, the owner's dog or other domestic animals
- livestock grazing in certain vegetation types as an ecologically sound management tool (rather than for livestock production), with stock access closely managed and monitored

- picking native plants, under specified terms and in accordance with any required license conditions
- using small amounts of timber for domestic heating or for limited site fencing
- collection of seed and other material for propagating local native species (with specified limitations and after fulfilling any appropriate licensing conditions).

Pests

To maintain the important conservation values of the conservation area, the landowner may need to control weeds and animal pests. Requirements for landholders under the *Noxious Weeds Act 1993* and the *Rural Lands Protection Act 1998* still apply (see *Further information*).

Fire

Fire is an important ecological and land-management tool, but it can also have a negative impact on conservation values if applied too regularly, not regularly enough, or during inappropriate weather conditions. Proposals to use fire (for example, in controlled burns for asset protection, fuel reduction or habitat maintenance) need to be discussed in detail during negotiations for the Conservation Agreement and, if agreed on, incorporated into the specified management scheme. Requirements for landholders under the *Rural Fires Act 1997* still apply.

Community access

There are no increased rights for public access to areas for which Conservation Agreements are negotiated, unless specified in the agreement. In cases where some community access is desired or is a requirement as an outcome of another process (for example, enhancing or conserving Aboriginal cultural heritage), agreed protocols and procedures can be included in the agreement. Such a protocol has been incorporated into a Conservation Agreement which protects Aboriginal cultural heritage in western Sydney.

Management schemes and management plans

All Conservation Agreements include a management scheme with guidelines for permitted activities. Some permitted activities may be included in the scheme, even if not required at the time of signing the Conservation Agreement, to provide a mechanism for adapting the management of the area if conditions change, or monitoring indicates a need to change management. For example, fencing the boundary of the conservation area may be permitted under the Conservation Agreement but not carried out initially if the adjoining property is bushland. The owner would still have the right to erect fencing later if necessary, to prevent stock entering from neighbouring properties.

Sometimes the Conservation Agreement's management scheme indicates that prior written permission may be needed to be given by DECC's Director General to undertake any management action not described in the agreement. This provides flexibility in the management of the area and can be used to deal with unforeseen situations. Such adaptive management may be needed to deal with unanticipated threats to the conservation values of the area, such as weed invasion.

Landholders with a Conservation Agreement may wish to elaborate on the management scheme by devising a comprehensive management plan, which will provide details of the practices outlined in the management scheme. Such a plan may also include areas of land not covered by the agreement, but must refer back to the Conservation Agreement. A whole property plan, for example, could be developed to include management of the conservation area and management of the rest of the property.

5.8 Monitoring and reporting

Each Conservation Agreement contains clauses referring to monitoring. Monitoring is set up to ensure that management of the conservation area maintains the conservation values described in the agreement. This enables a timely response to changes in the condition of the area and informs adaptive management. Monitoring is also used to ensure compliance with legal requirements for the protection of natural and cultural values.

Monitoring methods

The Conservation Agreement contains a map showing an aerial image of the property overlain with the shape of the conservation area. Future aerial imagery can be used to assess changes in the extent of native vegetation in the conservation area over time.

Photographs from specified locations are included in the Conservation Agreement and these record the visual condition of the site, at that time. The locations are selected where it is anticipated that any changes in the vegetation and other conservation values may occur. Comparisons of the photos taken at the time of the agreement with photos taken at a later date at the specified photopoint locations can help identify changes.

Landholders are asked to complete a report on the condition of the area on a regular basis. This report is an assessment based on observations by the landholder. Changes to be recorded may include:

- any perceived changes in populations of native plant and animal species
- any destruction, removal or dieback of native plants
- any changes to native vegetation structure such as loss of understorey species
- evidence of exotic plants and animals and whether their numbers are increasing or decreasing
- deterioration in the condition of any cultural heritage sites through, for example, weathering or physical impacts, and
- effects of access, use and visitation levels.

Property visits by DECC officers are made on a routine periodic basis with prior arrangement. At this time the observational assessment can be carried out and discussed with a view to implementing any suggested management changes and avenues for assistance.

Some Conservation Agreements may also include a reference to a more formal monitoring regime. This type of reporting is usually reserved for conservation areas where the outcome of specific management actions or a change in threatened species numbers is used to provide guidance for future management, or where the agreement is part of a development consent.

The Conservation Agreement contains a clause which asks the landowner to inform the Director General of DECC of any deterioration of the conservation values of the conservation area, or of any threat to these values, to enable a timely response and support.

Informing conservation management

Monitoring may result in the continuation of the current management, or changes to management may be advised by DECC. On-ground works to control threats or to improve protection may be warranted and DECC will provide advice and facilitate possible access to resources and funding if needed.

Most changed management regimes can be accommodated under the terms of the Conservation Agreement. If some suggested changes cannot be implemented under the terms of the agreement, a variation to the agreement may be sought.

5.9 Final steps in establishing the agreement

Once a Conservation Agreement has been prepared it will come into effect after being signed by the landowner and the NSW Minister administering the NPW Act. Any mortgagee, chargee or lessee will also be asked to sign the Agreement. Likewise, Conservation Agreements involving any areas under NSW Crown, Western Lands or Forests NSW leases will also need the written consent of the Minister administering those leases.

DECC is responsible for arranging for Conservation Agreements to be registered on the title with the NSW Land Titles Office and for notifying the relevant local government authority, so that council rate exemption can be applied. Copies of the signed Conservation Agreement and supporting documentation will also be sent to the landowner once registration is complete.

5.10 Applying for a Conservation Agreement

Landholders who are considering having part or all of their property protected under a Conservation Agreement can find more information on the DECC website at www.environment.nsw.gov.au/cpp/ConservationPartners.htm and also download an application form.

Landholders are also advised to read the *National Parks and Wildlife Act 1974* – in particular sections 69A to 69KA – to familiarise themselves with the legal framework for establishing a Conservation Agreement in partnership with DECC.

The DECC Conservation Partners Unit (see *Further information*) can discuss any proposals, questions or concerns that relate to any part of the process of establishing a Conservation Agreement, as well as any ongoing matters such as landholder support and site monitoring.

Protecting Aboriginal heritage in the Hunter Valley

The Yorks Creek Conservation Agreement was signed in November 1994. As well as protecting native vegetation and wildlife habitat, it was the first conservation agreement in the Hunter Valley formalising the protection of significant Aboriginal sites. Covering 28.5 hectares along Yorks Creek adjacent to the Mt Owen mine in the upper Hunter, the land conserved by the agreement is owned by Xstrata Mt Owen, formerly Hunter Valley Coal Corporation.

The Yorks Creek Conservation Agreement resulted from the recognition in 1991 of many sites of Aboriginal cultural significance within mining leases at Mt Owen. Hunter Valley Coal Corporation (HVCC) was proposing an open-cut coal mine and coal preparation plant on part of the leases and the sites were found during surveys carried out as part of the Environmental Impact Assessment.

Although the Yorks Creek catchment had already been proposed as a buffer area for the mine development, the extensive cultural sites provided evidence of an intense Aboriginal settlement. HVCC approached the National Parks and Wildlife Service (NPWS), now part of DECC, with a proposal to conserve the sites through a formal Conservation Agreement.

After extensive discussion between HVCC, NPWS and the Wanaruah Local Aboriginal Land Council, a Conservation Agreement over the area in the Yorks Creek catchment was formalised.

Under the agreement, HVCC was permitted to mine in an area adjacent to the catchment protected by the Agreement, resulting in the destruction of some of the Aboriginal sites in that area.

Conservation significance

The Yorks Creek area contains artefact scatters and open camp sites and hearths, in addition to a range of raw materials. At the time the sites were surveyed in 1991, around 70 per cent of previously recorded Aboriginal sites found in the major coal mining areas of the Hunter valley had disappeared. No conservation reserves existed in the area to protect such sites from mining development.

The Conservation Agreement provides for access by the local Aboriginal community which saw the agreement as an important step by the mining industry in recognising the significance of Aboriginal heritage and the need to protect it. In a landscape where sites are frequently destroyed through legal mining operations, the area will be an important asset where learning about Aboriginal culture can take place.

Although the land has been cleared and grazed, the native vegetation is dominated by unimproved pasture and eucalypt species such as narrow leaf ironbark (*Eucalyptus crebra*), broad leaf ironbark (*E. fibrosa*) and spotted gum (*Corymbia maculata*). The mid-storey contains hickory wattle (*Acacia implexa*) and Parramatta wattle (*A. parramattensis*), with a diverse ground layer including a number of native grass species. The native vegetation is representative of plant communities that existed in the area prior to European settlement.



Management of the conservation area

Under the agreement, the area had to be fenced and soil conservation works carried out to protect the site's cultural heritage. In 1994 the area was fenced off to prevent domestic grazing stock from contributing to further erosion.

The removal of stock has also allowed natural regeneration of native vegetation. In 2005, 24 native plant species were noted that were not known from 1996. Weed control has also contributed to the improvement of the vegetation, with weed species reduced from 20 in 1996 to seven in 2005. While erosion continues to be a significant management issue, DECC has provided funding for soil conservation works to address the erosion problems.

In 2004, DECC reviewed a report on cultural heritage associated with the proposed Glendell mining area adjacent to the Mt Owen mine and also managed by Xstrata Mt Owen. After DECC sought information on possible conservation options for Aboriginal cultural heritage in the Glendell area, negotiations between the miner, DECC and the Aboriginal community decided that the best option was to increase the conservation values of the existing Yorks Creek Conservation Area by undertaking landscape remediation works in the wider catchment.

In 2005 a working group, with representatives from Xstrata Mt Owen and the Aboriginal community, was set up to oversee the project. An Aboriginal Cultural Landscape Remediation and Management Plan is being prepared with close involvement of the Aboriginal community being integral to the project.

The work will improve the condition of the conservation area established under the Conservation Agreement by carrying out on-ground works both in the conservation area and the surrounding catchment. These works include identification and mapping of artefacts, erosion stabilisation works, revegetation and fencing.

A draft plan of management for the conservation area has been prepared and it is anticipated that, as part of the Yorks Creek landscape remediation project, a plan of management for the entire project area will be developed that incorporates management of the conservation area.

Wildlife Refuges

Dedicating land as a Wildlife Refuge is a voluntary commitment by a landholder to protect and conserve native wildlife and its habitat.

Wildlife Refuges have legal status under section 68 of the *National Parks and Wildlife Act 1974* (NPW Act). They are proclaimed by the NSW Governor acting on formal advice from the Minister administering the NPW Act.

Under the NPW Act, land can be proclaimed as a Wildlife Refuge for:

- preserving, conserving, propagating and studying wildlife
- conserving and studying natural environments
- creating simulated natural environments.

In general, Wildlife Refuges are areas that provide for the protection and conservation of wildlife and its habitat. Under the NPW Act, wildlife is defined as native plants and animals. They can be areas of natural woodlands, grasslands, rangelands and wetlands; modified natural areas; or artificially created habitat. A Wildlife Refuge can also support a range of other land uses, such as agricultural production or underground mining, in addition to conservation.

Wildlife Refuge proclamations are noted on the land title and this status stays in place for current and future owners unless formal revocation takes place by the NSW Governor acting on advice from the NSW Minister. Landowners may formally request that the Wildlife Refuge status relating to their properties be amended or revoked.

6.1 An integrated approach

The ability to have multiple land uses within a Wildlife Refuge suits many landowners who are keen to protect wildlife habitats while managing for agricultural production, industrial uses, utilities or tourism. A Wildlife Refuge also suits landowners who carry out native animal release programs.

Unlike Conservation Agreements, Wildlife Refuge proclamations usually apply to the whole of a land parcel. A standard part of the process of proclaiming a Wildlife Refuge is the development – with assistance from DECC – of broad management objectives called the ‘Scheme of Operations’. This scheme identifies areas of high habitat value, as well as areas where other land uses preclude retention of quality habitat. This also includes a description of the different activities to be carried out on the property, such as agriculture, tourism and industrial uses.

A multipurpose management system, on agricultural lands in particular, contributes to total productivity. Retaining native vegetation, which is well adapted to the Australian environment, ensures some supply of drought feed, as well as cover for erosion-prone soil once the drought breaks. Integrating the retention and improvement of habitat into property management strategies means that at least some predator-prey cycles are maintained and some pest species are biologically controlled.



Maintaining biodiversity has significant benefits for agriculture, science and medicine. Agriculture contributes to, and benefits from, the retention and management of native vegetation.

Key cross-benefits between agriculture and conservation include:

- Tree planting to link significant remnants of native vegetation protects soil and water resources, and provides shelter for livestock and crops. Protection of soil and water are 'ecosystem services' provided by the retention of native vegetation.
- Providing habitat for insect predators reduces the need to use agricultural pesticides and increases opportunities to conserve native plants and animals.
- Conserving wetland biological diversity, and plant and wildlife habitats ensures improved water quality by recycling nutrients and absorbing and breaking down pollutants.

6.2 Who can apply for a Wildlife Refuge?

Wildlife Refuges can be proclaimed on freehold, leasehold, community or Crown land. Any landholder – whether an individual, company, local council or other government authority – can seek a proclamation for their land.

If the land is leased, the lessee may ask for the Wildlife Refuge proclamation, but the landowner's permission must be obtained. Many Wildlife Refuges on Western Lands leases have been proclaimed at the instigation of a lessee who is interested in maintaining and improving important wildlife habitat on the property.

Once DECC has received an application, the property needs to be assessed to ascertain the significance of the wildlife and habitat conservation values.



6.3 Areas suitable for a Wildlife Refuge

A Wildlife Refuge can have a variety of vegetation types and land uses. Land uses considered compatible with Wildlife Refuge status include:

- natural habitats such as native vegetation, watercourses and wetlands
- simulated habitats, including revegetation areas and wetlands such as farm dams
- parcels of land where the principal use is business-based, including grazing, woodlots and ecotourism, which results in modification of the natural systems but where management allows wildlife and biodiversity to coexist with commercial enterprises
- areas that have special features, including cultural heritage, fossil beds and unusual landforms
- areas where threatened species occur, or where threatened animals use the area for feeding or breeding
- areas used by migratory bird species, or
- woodlands and native grasslands where strategic grazing allows for conservation of wildlife habitat.

However, where the land has high conservation value, some landowners may wish to use a Conservation Agreement to protect the land given the high security and in-perpetuity nature of this type of agreement.

6.4 Benefits of a Wildlife Refuge

Landholders with Wildlife Refuges receive ongoing support as part of DECC's Conservation Partners Program (see section 7 *Support for landholders*).

Wildlife Refuge status helps landholders control unauthorised public access and activities on a property in instances where this could lead to the harming of native plants or

animals with significant conservation value. Through the provision for offences under sections 70 and 71 of the NPW Act, a Wildlife Refuge proclamation provides legal protection for the native plants and animals on the property.

6.5 Sale of a Wildlife Refuge

Wildlife Refuge status runs with the land title, and remains with successive owners. It is noted on the land title and remains in place when the property is sold or subdivided.

Successive owners have historically viewed official status as Wildlife Refuge to be a positive sign that the land provides important habitat for native plants and animals. Although the Wildlife Refuge status may be revoked at the formal request of the landowner, requests for revocation by new owners are relatively rare.

6.6 Changes to Wildlife Refuge status

As stated above, a Wildlife Refuge, once proclaimed, remains in-perpetuity, although landowners may formally request to have the proclamation revoked or the boundaries varied by an amendment.

A number of Wildlife Refuges have multiple owners, each of whom has title to a discrete area. This may have resulted from the sale of a large Wildlife Refuge which has been subdivided. If, after a time, some of the landholders of a multi-owner refuge wish to revoke the Wildlife Refuge status of their parcels, the original proclamation can be amended to reflect this.

In other instances, multi-owner Wildlife Refuges have come about because a number of landowners of adjoining properties have requested proclamation of all their properties as one Wildlife Refuge.

Although additional protection for a Wildlife Refuge may be provided through a covenant to restrict its use under section 88 of the *Conveyancing Act 1919*, in recent years DECC has preferred the all-in-one legal instrument of the Conservation Agreement to permanently protect land of high conservation value.

However, other covenants and contracts are available to landholders to help them conserve native plant and animal habitats. Wildlife Refuge owners who obtain a covenant on their land titles through additional legal means, continue to receive support as part of the DECC Conservation Partners Program.

6.7 The scheme of operations

At the time of proclamation of a Wildlife Refuge, a Scheme of Operations is developed, and because every property is different, these schemes will vary. The aim of the Scheme of Operations is to ensure that other property management objectives can be achieved while maintaining and improving native wildlife protection and conservation. A Scheme of Operations may specify, for example, that some areas be set aside for conservation management, or that habitat management be integrated with compatible land uses (regardless of whether the environment is natural, modified or artificial).

Where land is considered to be suitable as a Wildlife Refuge, this generally means that past management practice will have maintained its biodiversity. Thus, the Scheme of Operations may recommend that, except for possible minor operational improvements,

management regimes would remain largely unchanged. DECC will, however, discuss with landholders any methods that might be useful in improving the habitats and diversity of native species on the property.

Land uses

The various land uses are described in the scheme of operations as follows:

- *Habitat retained* – natural areas managed exclusively for conservation of wildlife and its habitat.
- *Habitat modified/restored* – natural areas where conservation is practised in tandem with other compatible activities. This includes areas modified by grazing on native unimproved grasslands, rangelands or woodlands; restored and simulated habitat such as artificial wetlands or dams which supply water for stock; and revegetated landscapes. Paddock trees can be an important habitat component in these areas and in developed areas.
- *Developed* – areas that are unlikely to provide significant wildlife habitat because they were previously altered for agricultural, housing or other purposes. However some developed areas may also provide habitat for particular species.

Managing natural habitats

Most Wildlife Refuges contain natural environments. These may have been retained for proactive reasons such as conservation, recreation or education, or passive ones where, for example, the land capability for commercial production is limited due to poor soil or accessibility. Areas of native vegetation may also be retained to provide ecosystem services which include the maintenance of water quality and soil structure and to minimise erosion and flooding.

Any remnant native vegetation contains useful wildlife habitats and is valuable as a feeding and breeding area for local native animals. Small parcels of native plant communities may be important as dispersal corridors for plants or animals, and can provide core areas for rehabilitation of surrounding lands.

Landholders are encouraged to manage and improve the habitat quality of these areas. Strategies suggested in the scheme of operations are likely to include ways to minimise the risk (and mitigate the damage) of bushfire, and means of controlling weeds and feral animal populations. Where livestock grazing has adversely affected some stretches of the Wildlife Refuge, the use of fences to control and limit stock numbers will be suggested to reduce grazing pressure, soil degradation and loss of native plant species.

Some native animals depend on hollows in tree trunks and branches for nesting and roosting. For this reason, land where mature and dead trees have been left undisturbed has special value as wildlife habitat.

Bush rock and fallen timber are other important habitat components and, similarly, should be left undisturbed.

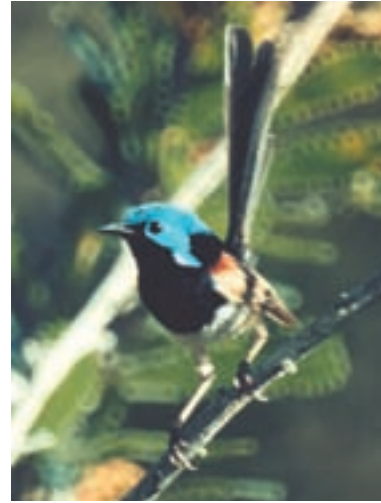
Improving and creating wildlife habitats

While the majority of Wildlife Refuges contain natural environments retained by the owner, some Wildlife Refuge proclamations have been applied to sites where wildlife

habitat has been created or improved. In the case of land that is used concurrently for agriculture or other industries, DECC will advise the land manager on ways to incorporate habitat-enhancing regimes into everyday practices.

The Scheme of Operations for a Wildlife Refuge may identify a number of ways in which habitat can be created or sites where this work has already been undertaken and has reached a stage where it is being used by wildlife. These include:

- Revegetation programs for properties where past clearing has reduced the available wildlife habitat. Advice can be sought for the development of a site-specific revegetation plan that will optimise habitat, reduce soil erosion and protect water quality in creeks and rivers – ideally using local native plant species.
- Encouraging natural regeneration around scattered remnant trees by fencing off areas around these trees and controlling weeds for a number of years.
- Establishing woodlots to provide shelter for stock, wood for domestic heating, windbreaks for pasture or wildlife habitat and refuge.
- Establishing and maintaining windbreaks that provide transit routes for a variety of arboreal animals, including possums, koalas and birds.
- Managing wetlands. Waterbirds are attracted to almost any stretch of water, but will remain only if the water is associated with their food, shelter and breeding requirements. Frogs and fish are also found in waterbodies. Correct management, including maintenance of appropriate wetting and drying cycles, is important for maintaining high water quality and for wildlife habitat.
- Constructing farm dams to provide wildlife habitat and water for property use. Habitat components include sloping edges, irregular shorelines, fringing vegetation of wetland plants, and refuge islands. Planting of some trees around the margins can provide roosting, refuge and eventually nesting sites. If planted too thickly, however, trees may obstruct bird flight paths to and from the water.
- Improving management of watercourses by providing off-stream (or controlling on-stream) drinking-water access for stock, which leads to better stock health and helps retain viable wildlife habitats and corridors along natural watercourses.



Managing threats

The purpose of a Wildlife Refuge is to provide a safe, viable habitat for the diversity of native wildlife. Managing for conservation may involve reducing impacts that threaten the survival of wildlife and degrade habitat and native vegetation.

Weeds may alter habitat and feral animals may threaten the survival of native fauna. Control of these threats will be needed. A population of native animals on a Wildlife Refuge may have increased to a level that damages the broader diversity of native animals and their habitats. In this case, the landowner can apply to DECC for a licence to manage the disproportionately high population.

Advice can also be sought from DECC on how to minimise the negative impacts of projects where works could degrade the property's value as a Wildlife Refuge.

Monitoring

Landholders can monitor and self report on the quality of the wildlife habitats on their Wildlife Refuge, using the standard reporting form supplied by DECC. From time to time a DECC officer may undertake property visits with prior arrangement to review the Wildlife Refuge and discuss management changes and avenues for assistance.

6.8 Final steps in proclaiming a Wildlife Refuge

Once the scheme of operations for the refuge has been finalised, papers will be prepared by DECC and forwarded to the NSW Minister administering the NPW Act and NSW Governor to proclaim the land as a Wildlife Refuge. The proclamation will then be published in the NSW *Government Gazette* and copies of the relevant signed papers sent to the landowner.

6.9 Applying for a Wildlife Refuge

DECC recommends that landholders who are thinking about applying to have their property proclaimed a Wildlife Refuge first obtain background information on the DECC website at www.environment.nsw.gov.au/cpp/ConservationPartners.htm where an application form can also be downloaded. Landholders should also read the NPW Act – in particular section 68 – to familiarise themselves with the legal background for establishing Wildlife Refuges in partnership with DECC.

The Conservation Partners Unit (see *Further information*) can discuss any proposals, questions or concerns that relate to the Wildlife Refuge proclamation process, ongoing landholder support and site monitoring.

Support for landholders

7.1 Conservation Partners Program

DECC's Conservation Partnerships Unit manages and coordinates the statewide Conservation Partners Program (CPP), which includes provision of ongoing support to landholders who commit all or part of their properties for conservation, through a Conservation Agreement, Wildlife Refuge or property registration.

The level of service is matched with the type of conservation commitment that landowners have entered into.

Technical advice and assistance begins with the application process, during which DECC's assessment of the conservation values and condition of the land often provides a landholder with valuable information about the property.

Development of a management scheme (for Conservation Agreements) or a scheme of operations (for Wildlife Refuges), allows discussion of management activities which can best retain and enhance conservation values, both for natural and for cultural heritage.

Through this process, assistance is also given for the development of a monitoring program with indicators that can be used for environmental monitoring and reporting.

After the Wildlife Refuge proclamation or Conservation Agreement is in place, signs are supplied for display at the boundaries of the protected area.

The CPP will provide assistance to landowners should they wish to pursue opportunities for publicity and promotion regarding their Conservation Agreement or Wildlife Refuge.





Ongoing monitoring and support includes networking and training opportunities provided to landholders locally, and routine periodic property visits. These provide land managers with the opportunity to increase their knowledge and ability to monitor changes on the property. Advice on management issues is available. The ability to discuss management strategies and learn from the experiences of other landowners is a positive outcome of networking.

DECC facilitates access to funding for on-ground conservation projects as programs become available, as well as assisting with applications for grants.

A twice-yearly newsletter, *Bush Matters*, that contains information about different aspects of conservation-based land management, is provided to all conservation partners. Profiles of CPP members and their properties are also included, providing insight into the management experiences, challenges and successes.

Conservation management notes are produced about specific conservation management topics. Subjects covered to date include farm management, fox control, and photographic monitoring. Back issues of both the newsletter and the notes are available on the Conservation Partners pages of the DECC website.

The Conservation Partners Program web pages provide background information on the program as well as access to *Bush Matters*, conservation management notes and other material. An 'Events' page provides details of relevant courses and workshops.

7.2 Change of ownership

Since both Conservation Agreements and Wildlife Refuge status remain in place through successive transfer of property ownership, DECC is active in welcoming new owners to the CPP, and in ensuring that the land that has changed hands continues to be managed in ways that preserve and enhance the conservation values which the initiating owner had sought to protect. As part of this function, new owners are given the opportunity to discuss with DECC the management of their land, and the terms and conditions of the agreement.

Publicity or privacy?

Under section 69H of the NPW Act, a public register of all Conservation Agreements must be kept and made available for inspection by appointment at DECC offices during business hours. Wildlife Refuge proclamations are published in the *NSW Government Gazette*, which is also publicly available.

Any other landowner and property information held in DECC databases for the purpose of managing the CPP, is subject to the *Privacy and Personal Information Protection Act 1998* (see *Further information*).

In accordance with these legislative requirements for public information, DECC obtains permission from the landowner before publicising or promoting any Conservation Agreement or Wildlife Refuge.

DECC's Conservation Partnerships Unit which manages and coordinates the Conservation Partners Program (CPP) maintains a database of landholder contact details and the details of their protected land. Although specific information is provided to all parties to each Agreement – principally the landowner and the Minister – no personal information or information traceable to a person or persons is released without the consent of the landholder. Within DECC, only staff involved in managing and administering the CPP have direct access to the details of Conservation Agreements or Wildlife Refuges.

Statistics relating to conservation partnerships are collated and may be used in preparing reports and responding to enquiries but these do not identify individual properties or landowners. Examples of such statistics are the relative contributions of private and public landholders to long-term protection of land with high conservation values; the number of Conservation Agreements signed in particular local government areas; and the number of Wildlife Refuges within each bioregion in NSW.

Occasionally, DECC may also approach CPP members on behalf of another government agency or a non-government organisation to invite participation in conservation-related projects that have potential benefit for conservation partners. When issued, these invitations are for information only and participation is not an obligation.

Landholders interested in publicity and promotion regarding their contribution to conservation through their Conservation Agreement or Wildlife Refuge are able to pursue this with support from DECC.

Conservation Agreement	A legal instrument, described under Division 12 (sections 69A to 69KA) of the <i>National Parks and Wildlife Act 1974</i> , for establishing a conservation area on land outside the national park estate
conservation area	That part of a property, either whole or part, that is protected under a Conservation Agreement
CPP	Conservation Partners Program – a program administered and staffed by DECC to provide for the establishment of Conservation Agreements, Wildlife Refuges or property registration and ongoing monitoring and support for these landholders
CPU	Conservation Partnerships Unit – the relevant management unit within DECC administering the Conservation Partners Program
DECC	Department of Environment and Climate Change NSW – the peak NSW government agency for environmental matters
Minister	Minister administering the <i>National Parks and Wildlife Act 1974</i>
NPW Act	<i>National Parks and Wildlife Act 1974</i> – the key legislation relating to conservation of native plants and animals in undeveloped habitat in NSW, the establishment of public reserves, protection of Aboriginal cultural heritage, and provisions for conservation partnerships between the NSW Government and private or corporate landholders operating commercial enterprises
TBL	Triple bottom line – TBL reporting applies to the reporting of company performance against short-term and long-term indicators in a single document for environmental management, social capital created, and economic management. Sometimes a fourth category, corporate governance and ethics, is included
Wildlife Refuge	Legal status given to land outside the national park estate by proclamation under section 68 of the <i>National Parks and Wildlife Act 1974</i>

Further information

10.1 Enquiries

Conservation Partners Program Coordinator
 Conservation Partnerships Unit
 Department of Environment and Climate Change NSW
 Phone: 02 9585 6040
 Fax: 02 9585 6402
 Email: conservation.partners@environment.nsw.gov.au

10.2 Key websites

Conservation Partners Program

Which includes link to *Bush Matters* and conservation management notes:
www.environment.nsw.gov.au/cpp/ConservationPartners.htm

ISO 14000 (EMS framework)

www.iso.ch/iso/en/prods-services/otherpubs/iso14000/index.html

Department of Local Government council rating and revenue raising manual

www.dlg.nsw.gov.au/Files/Information/05-64%20Rating%20Manual%20Sept%2005%20version.pdf

Grant programs

NSW Environmental Trust

www.environment.nsw.gov.au/grants/envtrust.htm

NSW Catchment Management Authorities

www.cma.nsw.gov.au

Commonwealth Natural Heritage Trust

www.nht.gov.au

Other Commonwealth Government Grants

www.environment.gov.au/programs/index.html

10.3 Relevant legislation

Conveyancing Act 1919

www.legislation.nsw.gov.au/viewtop/inforce/act+6+1919+FIRST+0+N

Income Tax Assessment Act 1936 (Commonwealth)

www.austlii.edu.au/au/legis/cth/consol_act/itaa1936240/

Income Tax Assessment Act 1997 (Commonwealth)

www.austlii.edu.au/au/legis/cth/consol_act/itaa1997240

Land Tax Management Act 1956

www.legislation.nsw.gov.au/viewtop/inforce/act+26+1956+FIRST+0+N

Local Government Act 1993

www.legislation.nsw.gov.au/viewtop/inforce/act+30+1993+FIRST+0+N

National Parks and Wildlife Act 1974

www.legislation.nsw.gov.au/viewtop/inforce/act+80+1974+FIRST+0+N

Noxious Weeds Act 1993

www.legislation.nsw.gov.au/viewtop/inforce/act+11+1993+FIRST+0+N

Privacy and Personal Information Protection Act 1998

www.legislation.nsw.gov.au/viewtop/inforce/act+133+1998+FIRST+0+N

Rural Lands Protection Act 1998

www.legislation.nsw.gov.au/viewtop/inforce/act+143+1998+FIRST+0+N

Threatened Species Conservation Act 1995

www.legislation.nsw.gov.au/viewtop/inforce/act+101+1995+FIRST+0+N

Wilderness Act 1987

www.legislation.nsw.gov.au/viewtop/inforce/act+196+1987+FIRST+0+N

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