

BRIGALOW AND NANDEWAR COMMUNITY CONSERVATION AREA AGREEMENT

An agreement between the Minister for Climate Change and the Environment and the Minister for Primary Industries in accord with the *Brigalow and Nandewar Community Conservation Area Act 2005*.

CONTENTS

	Page
1. Terms with particular meanings in this Agreement	3
2. Context to the Agreement	5
3. Purpose of this Agreement	7
4. The Governance Framework relevant to this Agreement	7
5. The Area Subject to this Agreement	8
6. The Legislative framework relevant to this Agreement	9
7. The Vision for the Community Conservation Area	11
8. Strategic aims for the Community Conservation Area	11
9. Key drivers for the Community Conservation Area	12
10. Individual Zone Management	14
11. Coordination of cross-agency land management issues	16
12. Involvement with non-zoned lands in the Community Conservation Area	22
13. Implementation of the Agreement	26
14. Approval of Agreement	27
 List of Attachments	
Map of the Community Conservation Area	Attachment 1
Map of the Central West CCAC Area	Attachment 2
Map of the Namoi CCAC Area	Attachment 3
Map of the Border Rivers /Gwydir CCAC Area	Attachment 4

1. Terms with particular meanings in this Agreement

<i>the Act</i>	The <i>Brigalow and Nandewar Community Conservation Area Act 2005</i> .
<i>this Agreement</i>	This Brigalow and Nandewar Community Conservation Area Agreement as set out in Part 4 of the Act.
<i>Burra Charter</i>	The Australia ICOMOS charter for the conservation of places of cultural significance.
<i>Biodiversity</i>	The variety of life forms; the plants, animals and micro-organisms. Can be considered at three levels; genetic, species and ecosystem.
<i>CCA</i>	The Brigalow and Nandewar Community Conservation Area as defined by the Act.
<i>CCAC(s)</i>	The Community Conservation Advisory Committee(s) as established under Part 3, Division 2 of the Act.
<i>Approval Agencies</i>	The agencies that approve activities in Zones 1, 2, 3 and 4.
<i>CCC</i>	The Community Conservation Council as established under Part 3 Division 1 of the Act.
<i>Crown timber land</i>	Crown Timber Land includes State Forests and many types of Crown lands including; reserved Crown land, many forms of leasehold, vacant Crown land, roads and travelling stock reserves. Section 4 of the <i>Forestry Act 1916</i> provides the legal definition.
<i>Exploration</i>	Prospecting pursuant to an authority or title issued under the <i>Mining Act 1992</i> or <i>Petroleum (Onshore) Act 1991</i> .
<i>Extractive industry</i>	As defined in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
<i>Extractive materials</i>	Sand, gravel, rock and other similar substances that are not prescribed by the regulations under the <i>Mining Act 1992</i> as a mineral for the purposes of the definition of mineral in that Act.
<i>Integrated Forest Operations Approval</i>	The Integrated Forest Operations Approval (IFOA) is granted under the <i>Forestry and National Parks Estate Act 1998</i> and establishes the mechanism to regulate native forest harvesting operations.
<i>IUCN</i>	International Union for the Conservation of Nature (Now World Conservation Union). Australia is a member of the IUCN. The IUCN seeks to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.
<i>Land Management Agencies</i>	The agencies which manage Zones 1, 2, 3 and 4 within the CCA.

<i>Mineral</i>	Any substance prescribed by the Regulations under the Mining Act 1992 as mineral for the purposes of the definition of mineral in that Act and includes coal and oil shale, but does not include uranium or petroleum.
<i>Mining</i>	As defined in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
<i>Petroleum production</i>	As defined in State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
<i>State Plan</i>	<i>The NSW State Plan a 10-year plan for Government service delivery. The plan establishes goals, priorities and targets.</i>
<i>Zone</i>	An area of land defined in either Schedules 1, 2, 3 or 4 of the BNCCA Act. Where: <ul style="list-style-type: none">- Zone 1 means the land described in Schedule 1;- Zone 2 means the land described in Schedule 2;- Zone 3 means the land described in Schedule 3; and- Zone 4 means the land described in Schedule 4.

2. Context to the Agreement

2.1. The Brigalow and Nandewar Community Conservation Area (CCA)

The CCA is a defined geographic area which contains lands zoned to form the basis of a multiple-use reserve. Multiple-use reserves are widely used throughout the world to allow for improved conservation outcomes while providing for the sustainable use of natural resources.

The CCA was established through the *Brigalow and Nandewar Community Conservation Area Act 2005* with the intent to provide for:

- a) The permanent conservation of land, their natural systems and biodiversity;
- b) The protection of areas of natural and cultural heritage significance to Aboriginal people;
- c) The continuation of forestry, exploration, mining, petroleum production and other uses in an ecologically sustainable manner within nominated Zones; and
- d) Strong involvement by local communities in the management of land Zoned within the CCA.

Within the CCA there are four dedicated management Zones that have defined purposes allowing multiple uses.

2.2. The dedicated management zones

2.2.1. Zone 1

Zone 1 is reserved as national park under the *National Parks and Wildlife Act 1974* for the purposes of conservation and recreation.

The purpose of reserving land as a national park is to identify, protect and conserve areas containing outstanding or representative ecosystems, natural or cultural features or landscapes or phenomena that provide opportunities for public appreciation and inspiration and sustainable visitor use and enjoyment.

2.2.2. Zone 2

Zone 2 is reserved as Aboriginal Area under the *National Parks and Wildlife Act 1974* for the purposes of conservation and Aboriginal culture.

The purpose of reserving land as an Aboriginal area is to identify, protect and conserve areas associated with a person, event or historical theme, or containing a building, place, object, feature or landscape:

- a) Of natural or cultural significance to Aboriginal people: or
- b) Of importance in improving public understanding of Aboriginal culture and its development and transitions.

2.2.3. Zone 3

Zone 3 is reserved as state conservation area under the *National Parks and Wildlife Act 1974* for the purposes of conservation, recreation and exploration, mining and petroleum production.

The purpose of reserving land as a state conservation area is to identify, protect and conserve areas that:

- a) Contain significant or representative ecosystems, landforms or natural phenomena or places of cultural significance:
- b) Are capable of providing opportunities for sustainable visitor use and enjoyment, the sustainable use of buildings and structures or research: and
- c) Are capable of providing opportunities for uses permitted under other provisions of the *National Parks and Wildlife Act 1974* in such areas, including uses permitted under section 47J. Such uses include exploration, mining and petroleum production.

2.2.4. Zone 4

Zone 4 is dedicated as State forest under the *Forestry Act 1916* for the purposes of forestry, recreation and mineral extraction.

The purpose of reserving land as State forest is to permanently allocate areas that, through effective management, will result in:

- a) The growth and harvesting of trees for timber and products of economic value; and
- b) The establishment, maintenance or expansion of industry using the timber or products.

3. Purpose of this Agreement

3.1. Purpose of this Agreement

The purpose of this Agreement is to provide a co-ordinated framework for managing all the land in Zones 1, 2, 3 and 4 of the CCA in consultation with communities.

The Agreement acknowledges that Zoned lands influence, and are influenced by, the wider landscapes contained within the CCA.

4. The Governance framework relevant to this Agreement

4.1. The Community Conservation Council (CCC)

The CCC is established under Part 3 Division 1 of the Act.

The CCC consists of the Directors General of the Department of Premier and Cabinet, the Department of Environment and Climate Change and the Department of Primary Industries.

The role of the CCC is to implement or coordinate the implementation of, and monitor the achievements of, government policy objectives in respect of the CCA.

The CCC has three specific functions in relation to this Agreement:

- a) To develop this Agreement in consultation with the CCACs,
- b) To review the Agreement every 7 years in consultation with the CCACs; and
- c) To develop amendments or a replacement Agreement in accord with a) and b).

In undertaking its role and functions, the CCC is subject to the control and direction of the Premier.

4.2. The Community Conservation Advisory Committees (CCACs)

Three CCACs are established under Part 3, Division 2 of the Act.

Each CCAC consists of 15 members representing a broad range of community interests in the CCA.

The CCACs have the following functions in relation to this Agreement:

- a) To advise the CCC in the development of the Agreement;
- b) To advise the CCC on the provisions of the Agreement applicable to the relevant area for which the CCAC is established; and
- c) To fulfil other such advisory functions with respect to the CCA as the relevant Ministers may determine.

The relevant Ministers are the Minister administering the *National Parks and Wildlife Act 1974* and the Minister administering the *Forestry Act 1916*.

The wider roles and functions in providing advice to the Land Management Agencies are described within the Terms of Reference for the CCACs.

4.3. The Land Management Agencies

The Department of Environment and Climate Change is the land management agency responsible for the management of zones 1, 2 and 3 of the CCA.

The Department of Primary Industries (Forests NSW) is the land management agency responsible for the management of land in zone 4 of the CCA. Forests NSW are a government trading enterprise and a division within the Department of Primary Industries (Forests NSW).

The Land Management Agencies have the following functions in relation to this Agreement:

- a) Each Land Management Agency is responsible to its Minister for the implementation of the applicable components of this Agreement; and
- b) Each Land Management Agency retains the capacity and responsibility for making management decisions locally in the context of this Agreement.

5. Area subject to this Agreement

5.1. The CCA

The Act defines the area of the CCA by its boundary as illustrated in Attachment 1.

5.2. The relevant area for which each CCAC is established

- 5.2.1. The area for which the Central West CCAC is established is defined in Attachment 2;
- 5.2.2. The area for which the Namoi CCAC is established is defined in Attachment 3; and
- 5.2.3. The area for which the Border Rivers /Gwydir CCAC is established is defined in Attachment 4.

5.3. Lands subject to this Agreement

- 5.3.1. This Agreement applies only to those lands described in the schedules of the Act as Zones 1, 2, 3 and 4.
- 5.3.2. Land may be added to or removed from these Zones in accordance with the procedure specified in the Act. Un-zoned areas within the CCA are not subject to this Agreement.

6. Legislative framework relevant to this Agreement

6.1. Relevant legislation

The main pieces of legislation relevant in establishing the legislative framework for this Agreement include:

- *Brigalow and Nandewar Community Conservation Area Act 2005 (the Act)*

The Act establishes the CCA, including Zones 1, 2, 3 and 4 and sets out the provisions for the development, contents and implementation of this Agreement.

- *National Parks and Wildlife Act 1974*

The land in Zones 1, 2, and 3 is managed in accordance with the *National Parks and Wildlife Act 1974* and the *National Parks and Wildlife Regulation 2002*. This Agreement may contain additional principles for management of land in zones 1, 2 and 3 provided they are consistent with Division 2 of Part 4 of the *National Parks and Wildlife Act 1974*.

The provisions of the *National Parks and Wildlife Act 1974* relating to Aboriginal objects and places apply across all lands in the CCA.

- *Forestry Act 1916*

The land in Zone 4 is managed in accordance with the *Forestry Act 1916*.

- *Forestry and National Park Estate Act 1998*

The *Forestry and National Park Estate Act 1998* provides for Integrated Forestry Operations Approvals (IFOAs). IFOAs provide the mechanism for regulating forestry operations. The IFOA for the CCA is applicable to forestry operations on Zone 4 land and non-zoned Crown Timber lands within the CCA.

The IFOA does not apply to timber plantations in the CCA that qualify as plantations under the *Plantations and Reafforestation Act 1999*.

- *Plantations and Reafforestation Act 1999*

Timber plantations that qualify as plantations under the *Plantations and Reafforestation Act 1999* in Zone 4 will be managed in accordance with the *Plantations and Reafforestation Act 1999*.

- *Native Title Act 1993*

This Agreement must have regard to the relevant provisions of the *Native Title Act 1993* of the Commonwealth and any Indigenous Land Use Agreement under that Act relating to the CCA. The *Native Title Act 1993* may require registered native title claimants or representative bodies are notified of certain actions arising from this Agreement.

- Game and Feral Animal Control Act 2002

Parts of Zone 4 may be declared available for hunting permits under the Game and Feral Animal Control Act 2002.

- Petroleum (Onshore) Act 1991 and the Mining Act 1992

The exploration and mining aspects in relation to Zones 3 and 4 are managed in accordance with the *Petroleum (Onshore) Act 1991* and the *Mining Act 1992* and associated regulations.

Other legislation relevant to land management under the Agreement includes, although is not limited to:

- Catchment Management Authorities Act 2003;
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Environmental Protection and Biodiversity Conservation Act 1999 and Regulations;
- Fisheries Management Act 1994;
- Heritage Act 1977;
- Native Vegetation Act 2003;
- Noxious Weeds Act 1993;
- Occupation Health and Safety Act 2000; and Occupation Health and Safety Regulation 2001;
- Pesticides Act 1999;
- Protection of the Environment Operations Act 1997;
- Rural Fires Act 1997, Rural Fires and Environmental Legislation Amendment Act 2002 and Rural Fires Regulation 2002;
- Rural Lands Protection Act 1998;
- State Environmental Planning Policies; and
- Threatened Species Conservation Act 1995.

The CCC will advise the CCACs of any legislative changes which may effect their considerations under this Agreement.

7. A vision for the Community Conservation Area

That everyone in our community is co-operating to rebuild a resilient and functioning landscape system, where people enjoy living, visiting and working, into the future.”

8. Strategic aims for the Community Conservation Area

8.1. Strategic aims common to all land Zoned within the CCA

The following strategic aims are common to all Zones within the CCA:

- a) Manage all land for social, economic and environmental sustainability, based on the principle of inter-generational equity;
- b) Maintain and seek to improve the landscape function, ecological processes and natural diversity of the land;
- c) Maintain and seek to improve the natural and cultural values of the land;
- d) Provide for sustainable visitor use and recreational opportunity;
- e) Promote public understanding of the natural and cultural values of the CCA;
- f) Promote appropriate access to land and invite ongoing involvement of Aboriginal communities in land and resource management;
- g) Provide for appropriate research and monitoring;
- h) Limit threats to public health, safety and property; and
- i) Accommodate sustainable commercial activities that are consistent with the other strategic aims listed above in clause 8.1.

8.2. Strategic aims specific to Zone 1

As per 8.1 above.

8.3. Strategic aims specific to Zone 2

In addition to strategic aims common across all zones, all land in Zone 2 will be managed in accordance with the following strategic aims:

- a) Allow appropriate land use by Aboriginal people for cultural purposes; and
- b) Manage Zone 2 lands in conjunction with relevant local Aboriginal communities.

8.4. Strategic aims specific to Zone 3

In addition to strategic aims common across all zones, all land in Zone 3 will be managed in accordance with the following strategic aim:

- a) Provide for exploration, mining and petroleum production which is permissible in accordance with section 47J of the *National Parks and Wildlife Act 1974*, the *Mining Act 1992* and the *Petroleum (Onshore) Act 1991* and associated Regulations and guidelines.

8.5. Strategic aims specific to Zone 4

In addition to strategic aims common across all zones, all land in Zone 4 will be managed in accordance with the following strategic aims:

- a) Provide and encourage the use of timber, products and materials in accordance with the *Forestry Act 1916* and the Integrated Forestry Operations Approval for the Brigalow and Nandewar regions and, where relevant, the *Plantations and Reafforestation Act 1999*.
- b) Conserve, promote the growth of and utilise timber in the zone to the best advantage of the State.
- c) Provide for exploration, mining, petroleum production and extractive industry in accordance with the *Mining Act 1992* and the *Petroleum (Onshore) Act 1991* and associated Regulations and guidelines.

9. Key drivers

The following drivers seek to inform the basis of how Land Management Agencies and the communities of the CCA will work towards achieving the strategic aims for the Zones of the CCA:

9.1. Ecologically sustainable development

The concepts and practices of ecologically sustainable development will inform the governance and management of the CCA.

The CCA will strive to use, conserve and enhance its community's resources so that the ecological processes upon which life depends are maintained, and the total quality of life, now and in the future, can be improved.

9.2. Connection to country

Intrinsic to the notion of a multiple-use reserve is an acknowledgement of the traditional, historic and contemporary uses of the land and the landscape. It is important for local people to retain a living connection to the landscape and to the country they live and work in. This Agreement acknowledges that all communities within the CCA should be supported in their desire to maintain this connection.

Aboriginal people are major stakeholders in the CCA, because their lives and spirituality are related to the land. For Aboriginal people culture, nature and land are all linked.

The Aboriginal peoples of the CCA maintain a diversity of living cultures and have a strong and continuing attachment to the land and the waters, to their country. Aboriginal people have culturally specific associations with the landscape, which are based on each Aboriginal community's own distinct culture, traditions and laws.

Aboriginal communities' cultural associations with their country may include or relate to cultural practices, knowledge, songs, stories, art, paths, landforms, flora, fauna and minerals. These cultural associations may include custodial relationships with particular landscapes. These custodial relationships may determine who can speak for particular country.

The Agreement acknowledges the inseparable links between Aboriginal culture, land and everyday lives, and acknowledges Aboriginal people's cultural and custodial relationship with the landscape.

9.3. Partnership

In the fragmented remnant landscapes of the CCA, the conservation of biodiversity and the maintenance of landscape function is unachievable using the Zoned areas alone.

Land Management Agencies will work in partnership with other land managers, Catchment Management Authorities and the communities of the CCA to ensure habitat diversity and linkages across its landscapes persist over time.

9.4. Continuous improvement

Continuous improvement is the ongoing effort to improve outcomes and the processes that achieve them.

Continuous improvement involves defining objectives, planning how to achieve those objectives, implementing plans, monitoring performance against the objectives, and reviewing the results in order to refine or modify the plans, strategies and objectives to more effectively achieve intended outcomes.

The management of Zoned lands will incorporate the principles of continuous improvement. In particular, the Land Management Agencies will document:

- a) The objectives and strategies adopted for achieving the strategic aims listed in Section 8 of this Agreement;
- b) The results of monitoring performance towards these strategic aims; and
- c) The outcomes of the review process.

That documentation will be available to the CCC to assist its monitoring process described under clause 13.2.1 of this Agreement.

10. Individual Zone management

10.1. Management common to Zones 1, 2 and 3

- 10.1.1. The management of land in Zones 1, 2 and 3 is will be consistent with the management principles set out in Division 2 Part 4 of the *National Parks and Wildlife Act (1974)* for national parks in relation to Zone 1, for Aboriginal areas in relation to Zone 2 and for state conservation areas in relation to Zone 3.
- 10.1.2. Plans of Management will be prepared and implemented for Zone 1, 2 and 3 lands in accordance with Part 5 of the *National Parks and Wildlife Act (1974)*.

In the preparation of Plans of Management the Land Management Agency will seek the views of local stakeholders and consult with, and seek advice from, the relevant CCAC.

The preparation of Plans of Management will also have regard to this Agreement.

A Regional Advisory Committee constituted under the *National Parks and Wildlife Act (1974)* has no function in relation to the Community Conservation Area under the Brigalow and Nandewar Community Conservation Area Act 2005.

- 10.1.3. The Land Management Agency responsible for Zones 1, 2 and 3 will also notify, consult and seek advice from the relevant CCACs in relation to other land management plans and matters for those zones as are appropriate and consistent with the Terms of Reference for the CCACs.
- 10.1.4. The management of land in Zones 1, 2 and 3 will be reported through the State of the Parks reporting process.

10.2. Management specific to Zone 3

- 10.2.1. The Memorandum of Understanding between the Land Management Agency and the Department of Primary Industries (Minerals) which provides the process and framework within which exploration, mining and petroleum production can occur on State Conservation Areas will apply to Zone 3.

10.3. The management of Zone 4

- 10.3.1. The management of land in Zone 4 is will be consistent with the management principles defined by the *Forestry Act (1916)*.
- 10.3.2. The Land Management Agency responsible for Zone 4 is required to supply timber committed under wood supply agreements.

It is acknowledged that timber volumes for wood supply agreements will be principally provided by the Land Management Agency from Zone 4. However, timber volumes may also be supplemented with timber from Crown-timber lands within the CCA consistent with the provisions of the

IFOA and/or through accessing other supply regions outside of the CCA as required.

Decisions relating to the sourcing of timber to fulfil wood supply agreement commitments are at the discretion of the Land Management Agency consistent with 10.3.3 and 10.3.4 below.

- 10.3.3. Zone 4 lands will be managed in accordance with a management plan, as required by the *Forestry Regulation 2004*, such as the current Western Region Ecologically Sustainable Forest Management (ESFM) Plan. The management will be underpinned by an Environmental Management System that identifies the key environmental issues for operations, and seeks to apply appropriate measures to mitigate adverse impacts. An ESFM system and an Environmental Management System currently operate over Zone 4 lands.

The Land Management Agency will consult with CCACs in the development of the Western Region ESFM plan as part of its normal public consultation process.

- 10.3.4. An integrated Forestry Operations Approval (IFOA) for the CCA will be prepared under the *Forestry and National Parks Estate Act (1998)* and will be applicable to the carrying out of forestry operations on Zone 4 land.

The IFOA will integrate with the Environmental Management System and the ESFM system already operating over the Zone 4 lands.

- 10.3.5. Within Zone 4 the Forest Management Zoning system will be implemented in accord with Forests NSW guidelines. Under this system, areas with special values will be identified for special management

The Land Management Agency will consult with the relevant CCACs in the application of the FMZ system in Zone 4 including the notification of amendments.

- 10.3.6. The Land Management Agency responsible for Zone 4 will also notify, consult and seek advice from the relevant CCACs in relation to matters concerning Zone 4 lands as are appropriate and consistent with the Terms of Reference for the CCACs.

- 10.3.7. The management of land in Zone 4 will be reported through the ESFM, EMS and IFOA reporting processes.

11. Coordination of cross-agency land management issues

The Land Management Agencies will work in partnership with each other, the CCACs and the communities of the CCA, on issues that:

- a) Are common to land in zones 1, 2, 3 and 4; and
- b) Will impact on the attainment of the strategic aims for the CCA.

The Land Management Agencies will seek a consistent and integrated approach regarding in the following areas:

11.1. Aboriginal community interests in land management

The Land Management Agencies will facilitate Aboriginal community involvement regarding:

- a) Management of the land for maintaining Aboriginal cultural heritage values, including:
 - Identification and management of sites and site complexes; and
 - Cultural resources.
- b) Access to land for cultural use; and
- c) Opportunities for appropriate Aboriginal business ventures and commercial enterprise.

11.2. Co-management

Co-management is a type of partnership arrangement between a Land Management Agency and a relevant Aboriginal caretaker group and/or local Aboriginal community for the shared responsibility for a Zone's management.

Co-management can occur on lands within Zones 1, 2, 3 and 4 of the CCA and will be subject to negotiations between the appropriate Land Management Agency and the relevant Aboriginal caretaker group and/or local Aboriginal community.

Co-management partnership arrangements will be formalised through written agreement between a Land Management Agency and the relevant Aboriginal caretaker group and/or local Aboriginal community.

The aim of co-management is to ensure Aboriginal people have the opportunity to participate in the planning and decision making process for a Zone while maintaining appropriate access and use of that Zone according to its strategic aims outlined in Section 8 of this Agreement.

11.3. Aboriginal cultural information

- 11.3.1. Land Management Agencies will notify the Director General of the DECC in accord with s91 of the *National Parks and Wildlife Act 1974* in relation to Aboriginal objects they may become aware of in their management of Zones 1, 2, 3 and 4 of the CCA.

Land Management Agencies will also ensure that places of significance to Aboriginal people (whether associated with objects or not) that they may become aware of in Zones 1, 2 3 or 4 of the CCA are notified to DECC.

Notification will lead to information relating to the object being registered on the Aboriginal Heritage Information Management System (AHIMS) register. Land Management Agencies will also consult with local Aboriginal communities to in order to seek additional information on the object or place as may be appropriate.

11.3.2. Access to and use of cultural information recorded on AHIMS by Land Management Agencies will be governed by established AHIMS protocols.

11.4. Non-Aboriginal cultural heritage

A range of non-Aboriginal cultural heritage sites are known within the Zones 1, 2, 3 and 4.

Land Management Agencies will record significant non-Aboriginal sites known or found as required under s170 of the *Heritage Act 1977* on the respective Zones they manage.

The land managers will assess these sites and others as they are found, and develop conservation strategies for significant sites that warrant specific management.

The development of these strategies will be undertaken with input from relevant local communities and management of these sites will be in accordance with Burra Charter Principles.

11.5. Managing in a changing climate

The conservation of biodiversity and the maintenance of landscape function is likely to be challenged by the changing climate of the CCA.

Changes in rainfall, temperature and the frequency of extreme events may directly effect the values of all Zones. Existing threats may be exacerbated and their impacts extended. Currently vulnerable species and communities may be increasingly threatened as the impacts of some pests species may increase and ecological functions may be altered or disrupted.

Land Management Agencies will work in partnership to:

- Ensure best available climate information informs land management;
- Identify key climate change enhanced threats; and
- Develop new management strategies and approaches in response to changes.

In the absence of clear understanding of climate change impacts on the ecology of the CCA, Land Management Agencies should focus on activities that improve the

ecological resilience of species and communities in all zones in the context of the wider landscapes of the CCA.

11.6. Fire management

Existing cooperative arrangements through the appropriate Bush Fire Management Committees will continue for all Zones.

Land Management Agencies will prepare and implement plans to manage fire responsibilities relating to the Zones they manage.

Across substantial parts of the CCA, Zone boundaries between Land Management Agencies are contiguous. For these areas in addition to any Zone or combined fire operations plans, if deemed necessary by the Land Management Agencies the Land Management Agencies will prepare overarching Landscape Fire Management Plans or supplementary plans to manage specific issues of concern.

11.7. Industry and economic initiatives

The Land Management Agencies will encourage and facilitate economic enterprises consistent with the purposes and permitted uses of Zones. Such enterprises may include those dealing with wood products, mineral and petroleum products, recreation, or tourism.

11.7.1. The Land Management Agencies managing Zones 1, 2, 3 and 4 will work with:

- a) Aboriginal communities and traditional owners to improve social, economic and cultural outcomes;
- b) Tourism and recreation organisations to develop, promote and implement sustainable visitor experiences;
- c) Scientific organisations to provide access for appropriate research programs; and
- d) Livestock Health and Pest Authorities or appropriate land manager to improve the conservation value and/or timber productivity of Travelling Stock Reserves in the CCA.
- e) Mineral, petroleum and extractive industries to facilitate development of resources (Zones 3 and 4 only). Note that extractive industry is only permissible within Zone 4.

11.7.2. The Land Management Agency responsible for Zone 4 will work with:

- a) The Cypress Sawlog Industry to progress the Cypress Strategic Plan; and
- b) The Firewood Industry in the transition to the Green Firewood Strategy.

11.8. Mineral and petroleum exploration and extraction

The Land Management Agencies will manage exploration, mining, petroleum production and extractive industry in their respective Zones in accordance with legislation, policies and operating practices. Extractive industry may be permitted only in Zone 4.

11.9. Pests and weeds

The Land Management Agencies will collaborate to develop cooperative pest animal and weed management programs that deal with the issues of mutual concern across Zone tenures. These programs may involve vertebrate pest animals, invertebrate pests, noxious weeds and/or environmental weeds.

Collaborative pest and weed management programs will be inclusive of the appropriate Livestock Health and Pest Authorities and Zone neighbours and should include resource sharing arrangements between Land Management Agencies as appropriate.

It is noted that parts of Zone 4 may be declared available for hunting permits under the *Game and Feral Animal Control Act 2002*.

11.10. Interpretation and education

Land Management Agencies will collaborate to develop an integrated cross-tenure strategy which will guide interpretation and education in relation to the important natural, cultural, economic and social values of lands zoned within the CCA.

The strategy will inform the Land Management Agencies programs and actions in implementing consistent and effective interpretive and education opportunities that foster awareness, understanding and the development of knowledge in peoples both living within and visiting the CCA.

The strategy will seek to be holistic in its consideration of opportunities and interpretation resources within the wider landscapes of the CCA and their relationship to values occurring on zoned lands.

Importantly the interpretation and education opportunities provided through the strategy will inform and influence a strategy for recreation use that ensures integrated and/or value adding initiatives.

The interpretation and education strategy will be developed by the Land Management Agencies in consultation with the CCACs, and such local groups and bodies as may be appropriate.

11.11. Recreational use

The Land Management Agencies will collaborate to develop a cross-tenure recreation strategy for zoned land within the CCA.

The recreation strategy will be consistent with the policies of the Land Management Agencies and will have regard to the directions of the State Plan. In particular, Land Management Agencies will seek to address those elements important to contributing to meet Priority E8 of the State Plan.

The recreation strategy will consider both what is desirable in encouraging the appreciation and understanding of the CCA's natural, cultural, economic and social values balanced with uses that are sensitive to those values and are sustainable long-term.

While the recreation strategy will focus on the recreation use of land in Zones 1, 2, 3 and 4 the strategy will have consideration for recreation use and opportunity in the wider landscape.

The strategy will be integrated with and consistent with the Interpretation and Education Strategy described in 11.10 above.

The strategy will be developed by the Land Management Agencies in consultation with the CCACs, local recreation groups and regional tourism organisations.

11.12. Research

Land Management Agencies will collaborate on research across zones 1, 2, 3 and 4 in order to enhance their capacity to achieve the strategic aims that are common across zones.

Research must be authorised by the Land Management Agency responsible for the Zone on which it is to occur and research permits under relevant legislation are required for this research to occur.

11.13. Ecological thinning and silviculture

The application of practices to achieve structural manipulation outcomes in ecosystems will depend on the strategic aims of the respective Zone to which they are applied.

11.13.1. In Zones 1, 2 and 3 non-commercial ecological thinning of dense cypress regrowth may be applied to enhance habitat values and ecosystem function, consistent with the current policy of the Land Management Agency regarding ecological restoration.

11.13.2. In Zone 4, silvicultural practices will be applied to optimise timber production consistent with the IFOA and the approved Environmentally Sustainable Forest Management (ESFM) Plan for the Zone.

11.14. Access roads and their maintenance

Across substantial parts of the CCA, Zone boundaries between Land Management Agencies are contiguous and share common access and boundary roads. Access and boundary roads are required for a range of uses including land management operations, recreation, fire protection, harvesting, exploration and mining, bee keeping, and other recognised uses.

Land Management Agencies will collaborate to produce a plan for common access and boundary roads. The plan for common roads will:

- a) Define existing uses and proposed uses;
- b) Define an agreed base standard (or standards) for general access;
- c) Management responsibility;

- d) Cost sharing arrangements for costs associated with the upgrading and maintenance of access roads beyond the agreed base standard where mutually beneficial (as appropriate); and
- e) Resource sharing arrangements (as appropriate).

For other existing access roads within zones, the Land Management Agency on whose land the section of the road or trail is will bear the full cost of maintenance, and decision making on the future of the road except where otherwise agreed between the Land Management Agencies.

Collaboration on cross-agency issues will not relieve individual Land Management Agencies from responsibilities in managing those issues occurring on the respective Zones they manage. Each Land Management Agency will be financially responsible for the programs that occur on the Zones for which they are responsible.

12. Involvement with non-zoned lands in the CCA

In managing Zoned land within the CCA, Land Management Agencies will also need to consider and have involvement with certain non-zoned lands in the wider landscapes of the CCA.

12.1. Increasing the area of zoned lands in the CCA

12.1.1. Reservation of additional lands in Zones 1, 2 and 3

The Land Management Agency responsible for Zones 1, 2 and 3 may seek opportunities to acquire additional high conservation value lands to improve the levels of comprehensiveness, adequacy and representiveness of conservation values within the CCA.

Newly acquired lands will be Zoned 1, 2 or 3 (as appropriate) with the exception of land that by virtue of its location would more appropriately represent a boundary rationalisation or management addition to an existing un-zoned reservation category.

In exceptional instances where a particular conservation value would be more appropriately protected through a different reservation category under the *National Parks and Wildlife Act 1974*, the Land Management Agency may seek approval from the relevant Ministers for this to occur.

12.1.2. Dedication of additional lands in Zone 4

The Land Management Agency responsible for Zone 4 may seek opportunities to dedicate additional lands to improve the capacity to meet government timber supply commitments from the CCA.

Land dedicated for timber production will be included in the CCA as Zone 4.

12.2. Reserve referral

In seeking to reserve additional lands under the *National Parks and Wildlife Act 1974* within Zones 1, 2 and 3 or in non-zoned reservation categories, standard within-government processes of referral and negotiation will apply.

Land to which these processes apply includes:

- a) Crown land;
- b) Lands of the Crown; and
- c) Freehold title proposed for voluntarily purchase or offered through donation or bequest.

Land to which these processes do not apply includes:

- a) Freehold land defined as an inholding;
- b) Reservation proposals resulting from the Western Regional Assessment processes;

- c) Proposals endorsed through a NSW Cabinet decision making process; and
- d) Proposals that have written agreement between Ministers (notwithstanding consultation with agencies not included on the Ministerial agreement is still required).

12.3. Crown lands in the CCA

12.3.1. Perpetual leases subject to the special purchase offer

The Land Management Agencies will seek opportunities available to them through the conversion to freehold tenure of perpetual leases subject to the special purchase offer within the CCA to improve the values of the CCA. Opportunities may include:

- a) The voluntary acquisition of perpetual leases and their reservation as per 12.1.1 above;
- b) The dedication of state forest over perpetual leases and inclusion within Zone 4 as per 12.1.2 above; and/or
- c) The exercising of profit-a-prendre provisions by the Land Management Agency responsible for Zone 4 over leases converted to freehold tenure.

Land Management Agencies will pursue such opportunities subject to assessment and acquisition funds as appropriate.

12.3.2. Transfers of high conservation value negotiable Crown lands to Zones 1, 2 or 3

The Land Management Agency responsible for Zones 1, 2 and 3 will:

- a) Work with the Land Management Agency responsible for Zone 4 and other Government stakeholders to develop a Heads of Agreement document that specifies the processes, parameters and timeframes relevant to the assessment and transfer of appropriate negotiable Crown lands to Zones 1, 2 or 3 of the CCA.
- b) Conduct a conservation assessment to determine the conservation values of 'negotiable' Crown lands within the CCA.

Negotiable Crown lands are those Crown lands within the CCA that may be considered for a change in management or tenure from their current status to another classification of Crown land such as Zone 1, 2 or 3.

Non-negotiable Crown land is Crown land that has some form of title or agreement that would prevent a change of management or tenure.

- c) Seek the transfer of high conservation value Crown lands into Zones 1, 2 or 3 of the CCA that:

- Improve values of comprehensiveness, adequacy and/or representiveness; or
- Improve the manageability of existing Zones through perimeter or inholding additions.

12.3.3. Competing aspirations in relation to Crown lands

From time to time the Land Management Agencies may have competing aspirations for the same piece of Crown-timber land within the CCA.

The Land Management Agencies will refer their interests in Crown-timber land with each other, the Department of Primary Industries (Minerals) and the Department of Lands.

Where competing aspirations are found between Land Management Agencies, then the CCC will recommend to relevant Ministers the best long-term use of that Crown land for the State based on the following considerations:

- a) The conservation values of the land and their potential contribution to the CAR reserve system consistent with Priority E4 in the State Plan;
- b) The location of the Crown land in relation to existing Zones; and
- c) The necessity of harvesting Crown timber land to meet Wood Supply commitments.

In formulating its recommendations the CCC may seek advice from the relevant CCAC.

12.4. Improving timber industry sustainability

- 12.4.1. The Land Management Agencies will support Government initiatives subject to the *Forestry and National Park Estate Act 1998* to assist in restructuring the timber industry on public lands within the CCA through the Brigalow Assistance Fund.

12.5. Landscape conservation and biodiversity management

- 12.5.1. Integrated management of non-zoned lands reserved under the *National Parks and Wildlife Act 1974* with lands zoned 1, 2 and 3.

The Land Management Agency will manage non-zoned lands reserved under the *National Parks and Wildlife Act 1974* which fall inside the CCA boundary in an integrated manner with the zoned lands of the CCA.

- 12.5.2. Landscape Biodiversity Monitoring

Land Management Agencies will contribute to Monitoring, Evaluation and Reporting (MER) initiatives in relation to the NSW Government's state-wide targets for natural resource management under Priority E4 within the State Plan.

12.5.3. Private land conservation

Land Management Agencies will liaise with Catchment Management Authorities to assist in achieving private land conservation outcomes which may enhance the conservation of values on Zoned land within the CCA.

12.5.4. Consistency in landscape management

Land Management Agencies will ensure the management of land in Zones 1, 2, 3 and 4 is not inconsistent with the provisions of relevant Catchment Action Plans, except where actions may be inconsistent with this Agreement.

13. Implementation of the Agreement

13.1. Making of the agreement

This Agreement has been prepared by the CCC following:

- a) Consultation with the CCACs; and
- b) Public exhibition of a draft prepared by the CCC, and receipt (within the time period allowed by the CCC) of any public submissions on the draft.

13.2. Monitoring, amendment and review of the agreement

13.2.1. Monitoring

In the context of this Agreement the CCC will monitor results in relation to the strategic aims for zones 1, 2, 3 and 4.

The CCC will also monitor the implementation plan giving effect to elements of coordinated land management across Zones of the CCA.

13.2.2. Reporting

Land Management Agencies will report to the CCC by 30 June annually and as required in relation to the implementation of this Agreement.

13.2.3. Amendment of the agreement

The CCC may develop amendments or a replacement Agreement in accordance with the requirements relating to the development of the initial Agreement.

13.2.4. Review of the agreement

The CCC will review the Agreement every 7 years from its commencement, in consultation with the CCACs.

13.3. Dispute resolution

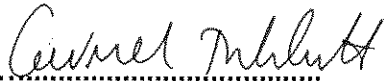
All disputes in relation to the Agreement or its implementation will be referred to the CCC. A written notice of dispute may be provided to the Chair of the CCC by a Land Management Agency, Approval Agency or by the Chair of the relevant CCAC.

The Land Management Agencies are bound by decisions arbitrated by the CCC unless those decisions are inconsistent with the management legislation governing their zones.

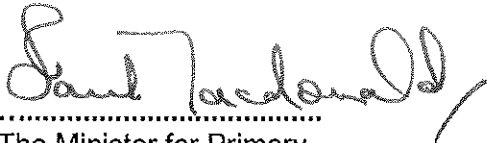
14. Approval of Agreement

The Community Conservation Agreement has been prepared by the Community Conservation Council in accord with the *Brigalow and Nandewar Community Conservation Area Act 2005*.

The Community Conservation Agreement is made on the day of ...11 June 2009
for the period of time concluding ...10 June 2016.....



.....
The Minister for Climate
Change and the Environment



.....
The Minister for Primary
Industries