

WHAT IS A CONSERVATION COVENANT?

There is no greater gesture an individual can make to Victoria's nature than placing a conservation covenant on a property to protect habitat forever.

Trust for Nature permanently protects Victoria's unique plants and animals, and the habitats they need to survive. We are a conservation organisation empowered by the law to place conservation covenants on private land, protecting it forever. We work with Victorians who voluntarily want to protect and conserve their land.

A **CONSERVATION COVENANT** is a voluntary, legal agreement made between a landholder and Trust for Nature. It permanently protects the natural and/or cultural values of the land. The Trust's conservation covenants are entered into under the Victorian Conservation Trust Act 1972, and registered on title making them legally binding forever, even when the property changes hands.

Why do we need conservation covenants?

Native plants and wildlife need places to live. Some of the most important habitat for our state's threatened species is on private land—including woodlands, wetlands and grasslands. The opportunity for landholders to make a difference is underscored by the fact that almost two-thirds of Victorian land is in private hands. There is no greater gesture an individual can make to Victoria's biodiversity than placing a conservation covenant on a property to protect habitat forever.

How do covenants work?

A conservation covenant has restrictions and rights for a property about the activities that can happen on it. Conservation covenants are negotiated with landholders to ensure that their wishes and the needs of the land are clearly defined. Once agreed, the Trust monitors the restrictions and rights agreed to through our stewardship program.

What land can be covenanted?

Land with natural, cultural or scientific values can be protected with a conservation covenant. Land with threatened plants or animals, or the last remaining patches of intact natural habitat in the area are high priorities. Land that forms part of an important wildlife corridor, or acts as a buffer to protect a neighbouring bush property, national park or conservation reserve is also considered important. Covenanted land includes farmland, bush blocks owned by city dwellers and lifestyle properties.

How do we decide what can be covenanted?

We assess properties based on their ecological values. We take into account things like: the degree of disturbance; the diversity of native plants and animals; rare or endangered species; proximity to other bush properties, wildlife corridors; the size of the area; the presence of weeds or pests; and the management required to maintain the ecological integrity of the site.

Can I contribute to paying for a conservation covenant?

While our aim is to protect as much habitat as possible to safeguard Victoria's wildlife and plants, the costs of covenanting are considerable, and we need to prioritise what we covenant because the demand for new covenants currently exceeds the available funding.

Landholders can protect Victoria's nature by paying for their covenant. The cost and process are as follows:

- STEP 1: Covenant assessment and documentation = \$5,000 (+GST)
- STEP 2: Covenant registration fee = \$25,000 (+GST)

How long does it take to process a conservation covenant?

The assessment and design of a covenant, and the associated management plan, is a comprehensive

scientific and legal process. Ministerial approval of the covenant can generally be expected within 10 months of commencing the assessment and documentation, however timelines do vary from property to property depending on the complexity of the covenant and its conditions.

How long does a covenant last?

The beauty of a covenant is that they provide plants and wildlife safe homes forever. In accordance with the Victoria Conservation Trust Act 1972, each conservation covenant is approved by the Victorian Minister for the Environment. The covenant is then registered on the Certificate of Title and remains there forever, binding current and future owners of the land to the terms and conditions of the covenant.

Do covenants apply to the whole property?

Some covenants cover all of the property, some cover only part. In some cases it could be helpful for the long term management of a property to separate it into multiple zones within the deed of covenant. These are known as tiers. A separate tier will be defined when different sections of the property require different restrictions. For example, if half of the property has a mature forest and the other half has regenerating forest, two separate tiers could be useful so that the regenerating forest tier allows for more management to encourage a healthy forest growth.

Do covenants 'lock up' the land?

No. Land protected under a conservation covenant requires management so that it is habitable for native plants and animals. As part of the covenant, the landholder agrees to manage the land for pests and weeds, and, if needed, improve its environmental condition.

Who is responsible for managing the land?

The landholder continues to own and manage the land. The Trust provides support through its stewardship program.

Can I build a house?

Most covenants allow for a domestic area for a dwelling and related outbuildings. They are of course still subject to relevant building approvals.

Can a covenant be changed?

Permanent changes to the covenant will generally only be considered if the changes improve the land's conservation values or pose no threat to them. A fee may apply for changes and all covenant deed amendments need approval from the Trust for Nature board and the Minister for the Environment. A Letter of Approval can be used for some temporary changes.

What is a Letter of Approval?

A Letter of Approval provides exemptions to some of the restrictions in the deed of covenant. For example, an allowance to keep a dog or collecting fallen timber as firewood. Unlike the deed of covenant, a Letter of Approval is not registered on the title. If a landholder sells their land, the Letter of Approval will expire with that change of ownership. If the new landholder wants the same conditions they will need to apply for a new Letter of Approval, which will be assessed based on its impact on the conservation values of the property.

Can a covenant be removed?

Covenants are the best way to ensure plants and animals have a safe place to live forever. They are placed on the property's title and are permanent, even if the property changes hands. Only in extremely unusual circumstances would they be removed, which the Trust and the Minister for the Environment would have to agree to.

What about tenants or licensees?

If you lease or license your property, you are required to ensure all the rights and restrictions of the covenant are adhered to. You should also let the Trust know when you lease or license your covenanted property.

Do I have to notify my lender?

Since the covenant is an interest affecting the land you must let your mortgage provider know about your intention to covenant. Covenants will only be registered with written approval from the mortgage provider.

What are the standard restrictions of a covenant?

A standard covenant generally prohibits activities that can impact on the conservation values of the land, including:

- removing native vegetation
- introducing non-indigenous plants
- subdivision
- grazing livestock
- deteriorating quality, flow or quantity of water
- introducing non-indigenous animals, such as pets or livestock
- removing wood or timber
- removing or disturbing soil or rocks, including cultivation
- using fertiliser
- introducing pasture
- using trail bikes and other recreational vehicles.

Does a covenant prevent mining?

No. A conservation covenant cannot override mining legislation. However, a landholder will be in breach of the covenant if they apply for a mining or minerals exploration licence on the covenanted property.

Can I manage for fire prevention?

Yes. The terms of the conservation covenant allow you to remove native vegetation for reasonable fire protection purposes or if required by law. Generally permits are required to remove native vegetation and we suggest you talk to your local council to find out if you can legally clear vegetation on your property.

Can I build a dam?

Not unless it is expressly provided for within the deed of covenant. The Trust may consider additional requests for dams on the condition that it won't have a negative impact on the conservation of the land. If approval is given, the deed will need to be amended.

Are livestock allowed?

Covenants usually don't allow stock in the natural bush areas of the property. You will need to apply for a Letter of Approval for grazing which will be assessed based on the likely impact to the habitat. If stock are allowed, the timing and the length of grazing will be dependent on the type of vegetation and its sensitivity to grazing.

Do I get a council rates discount?

Many councils acknowledge the generosity of people who permanently protect and look after nature in their local area by offering full or partial rate rebates to covenantors. Get in touch with your local council to find out if they do.

What is the new land tax exemption?

From January 1 2024, land protected with a conservation covenant through Trust for Nature will be exempt from land tax. You can find out more details about this here: trustfornature.org.au/resources/tax-information-for-landholders

Who will this tax change apply to?

This change will apply to any landholder with a Trust for Nature conservation covenant.

What part of the land will the tax exemption apply to?

The area of land subject to the covenant will be exempt from land tax. Any part of the land that is not covenanted will continue to remain potentially liable for land tax (note: not all land uses are liable for land tax).

Does the covenant replace existing planning laws?

No it doesn't replace planning laws. It can provide more protection to the conservation values on your land than legislation does.

What happens if a covenant is breached?

Familiarising yourself with the deed of covenant helps you know what you can and can't do. If covenants are breached the Trust can provide notice to the landholder asking for rectification. If necessary, legal action can take place. We also supply covenantors with signs to attach to gates or fences which let others know the land is special and is protected for conservation.

Management plans

A **management plan** is developed in collaboration with landholders before the deed of covenant is registered.

The plan is a great resource for landholders because it identifies important biodiversity values on the property, the threats that might affect those values and the work that landholders can do to improve the health of the land. It's helpful regardless of your level of conservation knowledge. Over time, the Trust will work with you to review the plan and update it as needed. The plan forms part of the covenant and landholders are legally obligated to manage their covenant in accordance with it.

From time-to-time staff in your local area will organise field days which are a great way for you to connect with other covenantors. We also publish a magazine twice a year which is sent to all covenantors, and you can stay in touch with us via electronic newsletters and events.

In consultation with landholders, we also monitor covenanted properties to see how the habitat is going and to help landholders to improve biodiversity if needed. You can use these as opportunities to ask questions and increase your ecological knowledge. Your local staff member can also let you know if there are grants or funding available in your area to help you manage the land for things like pest and weed control or for fencing.

How can I request an assessment?

To speak to someone about a covenant for a property, please complete the below at trustfornature.org.au/what-we-do/conservation-covenants and a relevant local staff member will be in touch with you.

What if I want to sell the property?

The covenant remains on the property title. You are required to let the Trust know if you sell the property. We will also get in touch with the new owners and introduce them to the covenanting terms and let them know about our stewardship support. You are also welcome to list the property on the properties for sale pages of our website for free, which might help attract a buyer who has the same conservation interests as you. Email properties@tfn.org.au for more information.

Support our work to protect Victoria's plants and animals

For more than 50 years Trust for Nature has been working with landholders to protect important habitat on private land, forever. Together with conservation covenants (more than 1,500) and reserves, we have protected more than 110,000 ha across Victoria. We couldn't do this without the support of the public and philanthropic organisations. To help support our work go to trustfornature.org.au/donate.

Recognition of Traditional Owners

Trust for Nature recognises the continuing spiritual and cultural connection of Traditional Owners to Victoria's land, wildlife, freshwater and saltwater environments.

We are committed to helping Aboriginal Victorians conserve, restore, and protect natural environments, wildlife and cultural heritage values.

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