

# What is a **conservation covenant?**

For over 50 years Trust for Nature has been working with private landholders in Victoria to protect important habitat forever.





Trust for Nature acknowledges the First Peoples, the Traditional Custodians of the sky, land and waters since time immemorial. We commit to listening and learning from their deep knowledge and continuous cultural and spiritual connections.

Together, we can protect, care and heal Country, so nature can thrive. We walk together. Forever and always.

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.

## What is a conservation covenant?

**Trust for Nature** is a conservation organisation that works in partnership with landowners, local communities, First Peoples and scientists to protect, manage and regenerate native habitat on private land in Victoria.

Trust for Nature is the only organisation in Victoria empowered by law to place conservation covenants on private land.

A **conservation covenant** is a voluntary, legal agreement made between a landholder and Trust for Nature. It permanently protects and conserves private land with natural, cultural or scientific values. Our 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.

By working with Trust for Nature to place permanent protection on private land, you can help contribute to local and global efforts to protect and restore biodiversity and fight climate change.

## Why do we need conservation covenants?

In Victoria we are lucky to live among extraordinary natural landscapes, from lush forests in the east to deserts in the west; from snow-covered mountains to spectacular coasts. While we're fortunate to have excellent public reserves and national parks, these aren't enough to ensure the health and survival of our environment. Two-thirds of Victoria is privately owned, so protecting, managing and improving habitat on private land can make a huge contribution to safeguarding nature – now, and for future generations. Many animals and plants depend on habitat that is found mostly on private land. These precious patches that we live among are vital for creating connectivity for these animals; as well as improving our air and water, and helping fight the effects of climate change. Trust for Nature was established under Victorian law to enable people to protect nature on their land forever. Conservation covenants are the primary way we do this.

## How do covenants work?

A conservation covenant is a voluntary, on-title agreement between Trust for Nature and the landholder about activities that can or can't occur on a property to protect indigenous wildlife, plants and habitat. They are negotiated with landholders to ensure that their wishes and the needs for the land are clearly defined. To support this, Trust for Nature works with landholders to develop a Management Plan which can evolve over time as priorities change. Through our Stewardship Program, Trust for Nature staff monitor and provide expert advice to landholders on managing the property over time. Once agreed, a covenant is permanent and remains in place when ownership changes hands.

## What do covenants mean for First Peoples?

Trust for Nature acknowledges the foundational and ongoing role that Traditional Owners have played in caring for Country for millennia, and we have partnered with First Peoples across the state for many years. Our conservation covenants now explicitly recognise and acknowledge First Peoples as the original custodians of Country, and encourage partnerships with First Peoples to undertake cultural practices on covenanted properties, such as cool burning. Introduced in September 2023, these changes do not affect earlier covenant deeds, and cultural practices can only be undertaken by mutual consent of landholders and Traditional Owners.

## How do we decide what can be covenanted?

Trust for Nature staff assess all potential covenants based on several criteria. These include the health of habitat on the property; the diversity of native plants and animals; the presence of rare or endangered species; proximity to other conservation areas and wildlife corridors; the size of the area; the presence of weeds or pests; and the management required to maintain the site. **Our Statewide Conservation Plan** outlines the areas which are the highest priority for protection on private land. Land with threatened plants or animals, or the last remaining patches of intact natural habitat in the area are high priorities. A wide range of landscapes can be covenanted, such as native grasslands on farms or remnant bushland on lifestyle properties. Covenants can also protect land that is currently degraded but that is being restored, via revegetation. Review our full covenanting requirements [here](#).





Trust for Nature is guided by its Statewide Conservation Plan which provides a scientific framework to inform conservation on private land across Victoria. It identifies areas of Victoria and species most in need of protection.

### **How long does a covenant last?**

Forever! Under the Victoria Conservation Trust Act 1972, each conservation covenant is approved by the Victorian Environment Minister. The covenant is then registered on the Certificate of Title and remains there in perpetuity, binding current and future owners of the land to the terms and conditions of the covenant.

### **What activities are typically restricted on a covenant?**

A covenant generally limits activities that can impact the environmental health of the land, including:

- removing native vegetation
- introducing non-native plants
- subdividing
- causing deterioration to the quality, flow or quantity of water
- introducing non-native animals
- removing wood or timber
- removing or disturbing soil or rocks, including cultivation
- using pesticides or fertiliser
- using trail bikes and other recreational vehicles.

In some cases, exemptions to some of these restrictions can be negotiated and agreed with a Letter of Approval from Trust for Nature, provided there is minimal risk to the conservation values of the covenant.

### **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 graze livestock at certain times of year, to keep pets on the property or to collect fallen timber as firewood. Unlike the covenant deed, 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.

### **What sort of management activities does a covenant require?**

A conservation covenant requires you to maintain the health of the habitat on your property, to ensure it provides a great home for Victoria's native plants and animals. Your covenant Management Plan, developed by Trust for Nature in collaboration with you, will include information about threats to nature on your property; and specific activities to manage them, including the level of risk and the best time to do the activity. These might include controlling weeds or pest animals and improving habitat by planting or putting up nestboxes. Trust for Nature will provide expert advice on these management activities through our Stewardship Program, and will update your Management Plan from time to time.

### **Who is responsible for managing the covenanted land?**

The owner of the covenanted land is responsible for its management. Trust for Nature provides support through our Stewardship Program. We also monitor covenanted properties to see how the habitat is going and to help landholders to improve biodiversity if needed. You can use stewardship visits as opportunities to ask questions and increase your ecological knowledge. Your local staff member can also let you know if there are grant or funding opportunities available in your area to help you manage the land for activities like pest and weed control or for fencing.



**Covenantors are everyone, from retirees and families with a bush block to visionary farmers.**

### **Can a covenant be changed?**

Permanent changes to a 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 Environment Minister. A Letter of Approval can be used for approved temporary changes.

### **Can a covenant be removed?**

Only in extremely unusual circumstances can a covenant be removed, which Trust for Nature and the Environment Minister would have to agree to.

### **Does a covenant prevent mining or other major infrastructure works?**

No, as with other private property, conservation covenants cannot prevent mining or statewide significant planning activities such as road developments or renewables infrastructure.

Mineral resources belong to the State of Victoria under law, and conservation covenants cannot currently override this. This applies to all privately protected areas across Australia, with the exception of Special Wildlife Reserves in Queensland.

However, under the covenant, landholders cannot apply for a mining application or minerals exploration licence on properties protected by conservation covenants and they cannot consent to a mining or exploration, unless agreed with Trust for Nature in writing.

Trust for Nature provides evidence-based input into government decisions which seek to minimise the environmental impact of mining and major infrastructure, and can offer support to landholders affected.

### **What about fire prevention?**

Managing the risk of fire is just as important for covenantors as other landholders. 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. For more information visit: [trustfornature.org.au/what-we-do/vegetation-bushfires](https://trustfornature.org.au/what-we-do/vegetation-bushfires)

### **Does a covenant have to cover an entire property?**

No, conservation covenants can either be applied to a full property, or to specific sections of the property. The size and shape of a covenant is negotiated with landholders. Covenants can also have different zones with different restrictions and management requirements

### **Can I farm on a covenant?**

Farmers have an essential role to play in protecting Victoria's environment, and around three quarters of Trust for Nature conservation covenants occur in primary production landscapes. Generally, farming activities aren't permitted on highly sensitive areas of the covenant. However, some activities in some areas, like sustainable grazing, may be permitted, and can actually help manage habitat for native plants and animals.

### **Can I build a dam on a covenant?**

Keeping waterways healthy is a key goal of covenants. Building a dam is not generally permitted on a covenant. However, Trust for Nature 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 covenant deed will need to be amended.

### **Can I build a house?**

Most covenants include a domestic area for a dwelling and related outbuildings, subject to building approvals.

### **Can I have pets on a covenant?**

The keeping of some pets can be negotiated providing they do not impact the protected native plants and animals on your covenant.

### **Can I run a business on a covenant?**

Yes, however non-farming businesses on covenants must be approved by Trust for Nature and have no impact on the conservation values of your covenant. Farming activities are generally not permitted on highly sensitive areas of the covenant, however some activities may be permitted where they manage habitat for native plants and animals.





## Conservation covenants protect Victoria's most precious and unique ecosystems, forever.

### Do covenants 'lock up' the land?

No. Land protected under a conservation covenant requires active management. As part of the covenant, the landholder agrees to manage the land for pests and weeds, and, if needed, improve its environmental condition.

### Can I lease out or license a covenant?

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

### Do I have to notify my lender?

Yes. Since the covenant is an interest affecting the land you must let your mortgage provider know if you are interested in putting a covenant on your property. Covenants will only be registered with written approval from the mortgage provider.

### What if I want to sell the property?

The beauty of a covenant is that it continues to protect habitat even if you decide to sell your property. Please let us know if you are intending to sell, as this enables us to get in touch with the new owners and assist them with getting to know their covenant and its requirements. Trust for Nature offers free listings of conservation covenants for sale on our website. To have your property listed, visit: [trustfornature.org.au/properties](https://trustfornature.org.au/properties).

### 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. Information is listed on Trust for Nature's website: [trustfornature.org.au/resources/council-rebates-for-covenants](https://trustfornature.org.au/resources/council-rebates-for-covenants).

### Can I get a land tax exemption?

Yes. Land protected with a conservation covenant through Trust for Nature is exempt from land tax. This applies to any land protected with a Trust for Nature conservation covenant. It does not apply to land not protected with a covenant. Find out more about tax at: [trustfornature.org.au/resources/tax-information-for-landholders](https://trustfornature.org.au/resources/tax-information-for-landholders).

### What happens if a covenant is breached?

Failing to comply with the requirements of a covenant can lead to a breach. If covenants are breached, Trust for Nature can provide notice to you, as 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. Familiarising yourself with the covenant deed and Management Plan is important to keeping your covenant healthy and avoiding breaches.


### How do I apply for a conservation covenant?

First of all, thank you! A covenant is a huge step and a massive contribution to keeping nature healthy. If you are interested in protecting your property with a covenant, the first step is to fill in our online expression of interest form. You can also contact your local Trust for Nature team member. On occasion, Trust for Nature may also proactively contact landholders in key areas of the state to see if they are interested in protecting habitat on their land with a conservation covenant.

🌐 **Make an expression of interest:** [trustfornature.org.au/what-we-do/submit-your-expression-of-interest](https://trustfornature.org.au/what-we-do/submit-your-expression-of-interest)

🌐 **Contact your local Trust for Nature team member:** [trustfornature.org.au/about-us/our-people](https://trustfornature.org.au/about-us/our-people)





“Being able to protect the property with a covenant means that the hard work we’ve done has the chance to continue beyond us. We can be sure that even if the property is sold it will never be developed.”

**Fiona Murdoch, who placed a conservation covenant on their 450 ha property in Victoria’s Mallee district.**

### **What happens when I apply for a covenant?**

Trust for Nature staff will contact you to arrange an assessment of your property. The assessment and design of a covenant, and the associated Management Plan, is a comprehensive scientific and legal process. Once a covenant is agreed between a landholder and Trust for Nature, it is submitted to Victoria’s Environment Minister for approval and registration on title. Timelines vary from property to property, but in general a covenant can be expected to be registered on title within 10 months of commencing.

### **How much does a conservation covenant cost?**

The cost of covenanting property to protect habitat forever is \$30,000 + GST. This includes covenant assessment and documentation, registration fee, the development of a bespoke land Management Plan, and a contribution to ongoing stewardship costs to support landholders to manage the land effectively into the future.

There are a few different options to pay for a covenant:

1. You, as the landholder, may choose to cover the full costs of a conservation covenant yourself, providing a timeless gift to Victoria’s nature. This is the quickest path to covenanting, as it is not subject to the availability of grants or project funding, and it helps us protect even more habitat than we might otherwise be able to, giving vulnerable species a greater chance of survival.
2. In some cases, there may be government or project grants that can cover some of the costs associated with a covenant, if the landholder is not able to pay the full amount themselves. These opportunities are subject to availability of funding and may not be available to all types of land.

3. Trust for Nature sometimes receives funding from government, corporate or philanthropic partners to cover the full costs of conservation covenants. Generally, these projects will relate to priority landscapes or ecosystems, and/or particular regions of Victoria.

When making an expression of interest online, you will be asked if you are interested in paying for a covenant. Please ensure you tick the appropriate box, and our team will be in touch to discuss options.

For further information to make an expression of interest, visit [trustfornature.org.au/whatwe-do/submit-your-expression-of-interest](https://trustfornature.org.au/whatwe-do/submit-your-expression-of-interest)

### **What happens after a covenant is registered?**

First, give yourself a big pat on the back. Protecting your property with a covenant is a huge step towards a brighter future for nature. Once a covenant is registered, you will need to actively look after your land as required by your Management Plan. Remember to let us know about any issues that may be affecting your covenant – you can contact your local Trust for Nature team member at any time.

From time-to-time Trust for Nature team members 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, social media and events. Above all, enjoy the knowledge that the land you’ve protected, and the animals and plants that live there, are safeguarded forever.





## We're here to help

You don't need to have a good understanding of the environment to put a conservation covenant on your property and manage it for conservation.

This is where our skilled conservation officers across the state come in. They are here to help you, as part of our Stewardship Program. The program is designed to ensure that conservation values on the covenanted site are maintained and, where possible, improved. During the process of putting a conservation covenant on your property, you will also have input into a Management Plan.

## Keep in touch

- 🌐 Sign up to our newsletter: [trustfornature.org.au/subscribe](https://trustfornature.org.au/subscribe)
- 🌐 Follow us on social media: [linktr.ee/trustfornaturevictoria](https://linktr.ee/trustfornaturevictoria)
- 🌐 Read our Conservation Bulletin: [trustfornature.org.au/resources](https://trustfornature.org.au/resources)

## Support our work to protect habitat forever

For more than 50 years Trust for Nature has been working with landholders to save the last of what's left of Victoria's natural wonder. Together with conservation covenants 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](https://trustfornature.org.au/donate).

Images: Annette Ruzicka (page 1, 2, 4, 5 and 7), Ben Williams (page 3)

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