

Will it cost me anything?

There may be costs involved with placing a covenant over land which are dependent on various factors, therefore landholders are encouraged to approach the three covenant agencies for further information.

Tax arrangements

In some cases, a tax deduction and concessional capital gains tax (CGT) treatment, may be available to landowners entering into a perpetual conservation covenant. The Australian Taxation Office has information on conservation covenant concessions on its website at <https://www.ato.gov.au/Non-profit/Gifts-and-fundraising/In-detail/Fundraising/Claiming-conservation-covenant-concessions/>.

The **Department of Primary Industries and Regional Development (DPIRD)** has assisted landholders to covenant land since 1990. Two types of covenants are available under the *Soil and Land Conservation Act 1945*: **Conservation covenants** which are expressed as irrevocable and cannot be varied or discharged; and **Agreements to Reserve** which can be varied or revoked by mutual consent. Both types of covenant can apply for an agreed period or in perpetuity. The landowner agrees with the Commissioner of Soil and Land Conservation to manage the vegetation in such a way to retain and promote its growth.

The **Department of Biodiversity, Conservation and Attractions (DBCA)** is the government agency responsible for managing the State's conservation reserve system and for the protection of the State's flora and fauna. The Department provides covenants under the *Biodiversity Conservation Act 2016* that are in perpetuity and designed to protect nature conservation values on private land. Assistance with advice and funding opportunities are provided for the management of natural values, with ongoing support through the program's stewardship service.

The **National Trust of Western Australia (NTWA)** has been committed to conserving WA's heritage since 1964 through the *National Trust of Australia (WA) Act 1964*. In 1999 the National Trust expanded its role in order to assist landholders protect the natural values of their land through the implementation of covenants and development of Bushland Management Plans. Assistance and management advice are available through the Trust's Stewardship program.

Who to contact

To find out more about each of the covenant programs please contact:

Office of the Commissioner of Soil and Land Conservation
Department of Primary Industries and Regional Development
Locked Bag 4
Bentley Delivery Centre WA 6983
Phone (08) 9368 3282
commsoil@dpird.wa.gov.au
<https://www.agric.wa.gov.au/land-use-planning/covenants-protect-native-vegetation>

Department of Biodiversity, Conservation and Attractions
Nature Conservation Covenant Program
Locked Bag 104
Bentley Delivery Centre WA 6983
Phone (08) 9219 9518
covenant@dbca.wa.gov.au
<https://www.dpaw.wa.gov.au/management/off-reserve-conservation/nature-conservation-covenant-program>

National Trust of Western Australia
Natural Heritage Conservation Covenant Program
PO Box 1162
West Perth WA 6872
Phone (08) 9321 6088
covenantingmailbox@ntwa.com.au
<https://www.nationaltrust.org.au/services/covenanting/>

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Department of Biodiversity, Conservation and Attractions
Department of Primary Industries and Regional Development



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YOUR LAND ITS FUTURE

Choices for conservation
covenanting in Western Australia

Western Australia has a rich and diverse flora, fauna and cultural heritage.

Landholders make an important contribution to the protection and conservation of natural and cultural values on private land. Many landholders treasure the conservation values of their land and may be seeking a mechanism to ensure these values are protected beyond the current ownership.

Conservation covenants can provide statutory protection for these vitally important areas. The information in this brochure provides you with the options available for the long-term protection of conservation values through covenants.

A conservation covenant is a legal agreement between the landholder and the covenant agency, either the Department of Biodiversity, Conservation and Attractions, the Department of Primary Industries and Regional Development or the National Trust of WA. Their respective covenant programs, although similar, offer different features which suit different landholder needs.

Initially an inspection of the land may be arranged to assess its conservation values, identify specific management issues and ascertain any special covenant conditions. Covenants and supporting documents are developed in consultation with individual landholders to reflect the individual needs of the landholder and the conservation requirements of the land. A covenant can apply to all or part of the property, but usually only cover areas of native vegetation. Covenants will normally restrict the clearing and use of native vegetation, with special conditions covering buildings, other infrastructure, future subdivision of the land, timber, seed and wildflower collection, water supply, grazing and pets. Once the details are agreed on, the landholder and the covenant agency sign the covenant and it is registered on the title of the land. If the land is sold the covenant remains on the land title to provide continuing protection of the conservation values.

The landholder retains ownership and continues to be responsible for the management of the land. The National Trust of WA and the Department of Biodiversity, Conservation and Attractions maintain contact with their covenantors in order to provide advice where necessary and help monitor the area. In some cases, financial assistance is available to assist with land management.

Covenants foster good land management practices. Their success depends to a large extent on the goodwill of the landholder.

Why place a covenant on my land?

Reasons for placing a covenant on your land vary. Most people do it because they have developed a great love for their land and have worked hard to protect and manage it. Others feel it would be threatened without legal protection. A covenant may also be required to protect the conservation values of the land when there are plans for development or proposed land use changes.

A covenant:

- gives the satisfaction of making a permanent contribution to nature conservation;
- links the landholder to an interested third party (the covenant program) that offers management advice and financial assistance for management, where possible;
- ensures a subsequent purchaser is aware of the land's special values and status;
- is likely to attract a purchaser who is sympathetic to the land's conservation values;
- provides support if rezoning or works such as power lines, inappropriate fire management orders or extractive industries, threaten the land;
- gives a sense of belonging to a group of like-minded people;
- may provide taxation incentives; and
- may provide a reduction in rates.



Does my land qualify for a covenant?

Land qualifies for a covenant if it has conservation values that can be maintained in the long-term. The covenant must have the approval of all parties with an interest in the land to be covenanted, such as mortgagees, and the covenantor must have the lawful right to enter into the covenant.

Qualities of land that may be taken into account include:

- the presence of ecosystems that have been extensively cleared elsewhere or are poorly reserved;
- the presence of threatened or priority-listed flora, fauna or ecological communities;
- corridors for wildlife movement;
- areas of remnant vegetation in good condition;
- presence of specialised habitat areas, such as significant rock outcrops, freshwater wetlands, riparian zones and floodplains;
- land that provides a buffer to a conservation reserve;
- land that is valuable as an educational or scientific reference area;
- relics of original ecosystems that are in poor condition but may have important conservation values;
- land subject to erosion if cleared;
- land that minimises the risk of salinity; and
- areas with special historical, aesthetic, social, cultural or spiritual values.