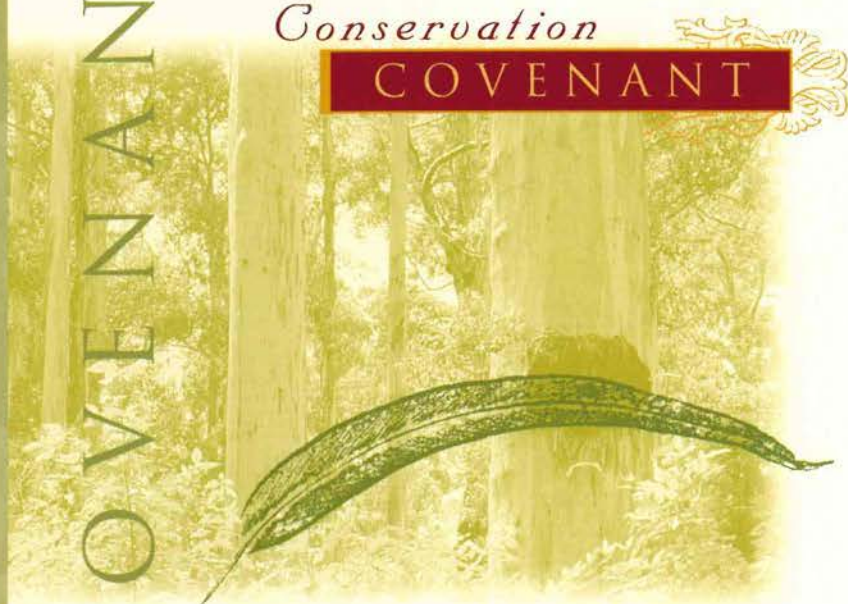


COVENANT

Conservation
COVENANT



*Information on the
Conservation Covenanting Program*



THE NATIONAL TRUST OF AUSTRALIA (W.A.)



OFFICIALLY LAUNCHED
APRIL 30TH, 1999

Conservation
COVENANT
program

NATIONAL TRUST
CONSERVATION
COVENANTING
PROGRAM



*“A new option for Western Australians
wishing to protect and manage their natural areas,
now and into the future.”*

BUSHLAND ON PRIVATE PROPERTY

Australia is an amazing and wonderful place. It contains such a rich variety of plants, animals and microorganisms that it is considered one of the 11 countries in the world that are 'mega diverse'. Although this term may sound like playground slang, it is accepted by governments around the world as an accurate description of our Australian environment.

Yet our unique ecosystems are under increasing pressure. It is estimated that across Australia, approximately 70% of our forests and woodlands have been cleared or severely modified. In WA's Wheatbelt, more than 95% of the native vegetation has been cleared. Increasing dryland salinity, salinisation of waterways, soil acidification and the slow choking of our rivers and waterways have become all too common in the wake of over-clearing and intensive land uses.

The value of native vegetation is increasingly recognized in areas ranging from the woodlands of the Wheatbelt, to the forests of the southwest, to the fringes of the urban areas around Perth and regional centres. A large proportion of remaining native vegetation and ecosystems is on private land. Many owners have a deep sense of commitment to caring for their bushland and are committed to its protection.

This booklet describes a new way of assisting landowners to protect and manage bushland and wetlands on their property, not only during their lifetime, but also for generations to come.

The National Trust's Conservation Covenanting Program has been established with the help of the Gordon Reid Foundation, the Lotteries Commission and the Natural Heritage Trust to support landowners in conserving our unique wildlife, flora and ecosystems.

WHAT IS A COVENANT?

A covenant is a voluntary agreement between a landowner and a body such as the Trust, which is capable of taking and supervising the covenant. A restrictive covenant is a legal mechanism that runs with the land title and can prevent future owners from clearing or damaging the bushland. The land remains the property of the owner at all times.

From a common starting point, each covenant is negotiated and adapted until both the owner and the Trust are satisfied that it will achieve what they wish. Covenants can be permanent, or for a specified period of time. National Trust Covenants protect the conservation values of the property once it has been sold or inherited by future generations.

The National Trust covenanting program also involves mechanisms for positive commitments on behalf of the Trust and the owners to work together to manage the land – such as a deed of agreement.



CONSERVATION COVENANTS

Covenants are relatively new in Western Australia when used as an active conservation tool. Previously local governments and the Remnant Vegetation Protection Scheme (RVPS) have used restrictive covenants to 'lock-up' native vegetation and prevent loss through clearing.

The National Trust's Conservation Covenanting Program extends the nature of covenanting through co-operative alliances between landowners (who remain the primary land managers) and the Trust. This creates an important system of privately owned 'nature reserves' across Western Australia.

Leasehold land can also be covenanted. In these circumstances, it is the lease, rather than the underlying land title that is covenanted. These covenants can be for a fixed term or for the duration of the lease.

The National Trust of Australia (WA), known locally as 'The National Trust', is a voluntary, community-based organization whose mission is 'To conserve and interpret Western Australia's heritage, both cultural and natural'. The Trust was established in WA in 1959 and incorporated under its own Act of Parliament in 1964. This Act allows the Trust to take covenants for the protection of heritage values.



National Trust of Australia (WA)

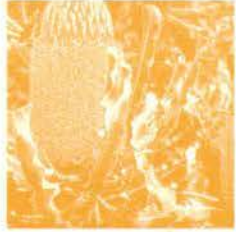
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CONSERVATION COVENANTING PROGRAM

The Trust also carries out a range of other programs including education, advocacy, asset management and membership.

In 1998, the Trust received funding from the Lotteries Commission to establish a conservation covenanting program as described in this booklet. Since then funding has been received from the Natural Heritage Trust to extend the program and set up a network of regional representatives to provide a regional focus for the delivery of the program.

HOW CAN IT WORK FOR YOU?



The National Trust forms a co-operative alliance with each covenanting landowner. For its part, the Trust covers the cost of taking out the covenant, including legal and registration fees for all voluntary covenants. The Trust also undertakes an environmental assessment of the covenanted area and can prepare, or assist with preparation of a management plan for the area. This plan is not legally binding and is tailored to meet the needs of the land and the landowner. In some cases landowners may not be in a position to carry out active management themselves due to age or disability. The Trust can assist owners in these circumstances.

The Trust maintains an ongoing relationship with each landowner through its network of regional representatives. The representatives can provide support and advice as needed, and assist where possible in locating resources for implementing the management plan. Currently the Trust has 12 representatives throughout the Agricultural region and the Southwest. Contact details are available from the Covenanting Office.

Through current funding, the National Trust can provide some assistance for management costs such as fencing, erosion control, bushland restoration or weed management, subject to approval. National Trust covenantors are eligible for fencing funding through various fencing subsidy schemes. The Trust can also assist with seeking other funding for specific management or protection activities.

The National Trust also has a vigorous advocacy program, and can provide support when and as needed, particularly when the conservation values are under threat from external decision-making.

**DEDICATED FUNDS,
DONATIONS AND BEQUESTS**

The Trust, under its Act, can establish dedicated purpose funds capable of receiving tax-deductible donations. Where covenanted land has a strong community focus or ownership, dedicated funds can be used in fund-raising for the management of the land. Please contact the Trust if you require more information about dedicated funds.

One way you can support the conservation covenanting program is through tax-deductible donations, which are used to protect bushland areas through the covenanting program. Bequests can also be used to support the contribution of private landholders to conservation.



MEMBERSHIP OF THE TRUST

Covenantors also receive five years' free membership of the National Trust. This entitles you to free entry into Trust properties in WA, as well as free or discounted entry into Trust properties interstate and overseas.

Membership also provides access to the Trust's heritage conservation expertise. Membership also includes a subscription to Trust News and Memo to Members.

**BENEFITS OF COVENANTING WITH
THE TRUST**

As a landowner, you gain many direct and indirect benefits as a result of covenanting with the National Trust. These include:

- ❖ ACCESS TO SPECIALIST ENVIRONMENTAL MANAGEMENT ADVICE
- ❖ MANAGEMENT PLANNING FOR YOUR BUSHLAND
- ❖ ACCESS TO REGIONAL OFFICERS THROUGHOUT THE AGRICULTURAL AND SOUTHWEST REGIONS.
- ❖ POTENTIAL ACCESS TO SOME FUNDING SUPPORT FOR MAJOR MANAGEMENT ACTIVITIES THROUGH THE COVENANTING PROGRAM, IN IMPLEMENTING YOUR MANAGEMENT PLAN
- ❖ POTENTIAL ACCESS TO OTHER FUNDING PROGRAMS
- ❖ LINKAGES TO A RANGE OF SPECIALIST COMMUNITY GROUPS AND OTHER PROGRAMS THAT CAN PROVIDE TRAINING AND SUPPORT WITH EXPERTISE, VOLUNTEERS AND SPECIALIST ACTIVITIES, SUCH AS SEED COLLECTION, REVEGETATION AND WEED CONTROL
- ❖ ADVOCACY AND SUPPORT IF THERE ARE REGIONAL OR PLANNING ISSUES THAT MAY AFFECT THE VIABILITY OF THE CONSERVATION VALUES ON YOUR PROPERTY
- ❖ LEGAL COSTS IN ESTABLISHING THE COVENANTS ARE COVERED BY THE TRUST

The Trust is also looking at options to reduce the burden of rates and taxes on covenanted land.

BUSHLAND OWNER'S MANUAL

Each National Trust covenanted area will have its own management plan, the Bushland Owner's Manual. The Manual can be drawn up by the owners themselves, or in consultation between the Trust and the owners. The focus is on practical strategies to make sure that the conservation values are protected, within the physical and financial resources available. This may include management of weeds, fire and dieback hygiene provisions. In some cases, landowners may not be in a position to carry out active management themselves due to age or disability. With the owner's agreement, the Trust can seek ways of assisting the owners through the involvement of community volunteer groups with particular expertise in on-ground conservation works.

WHAT ABOUT RATES AND TAXES?

Currently, there is no blanket arrangement for relief of covenanted land from rates and taxes. However, the Trust has a number of mechanisms available which can reduce the burden of rates and taxes on covenanted land. As the mechanisms vary from shire to shire, this should be discussed with covenanting staff or representatives. The Trust believes that the taxation and rate burden on private conservation land and its management should be reduced and is working with government on a number of strategies to achieve this.

HOW DOES THE TRUST DIFFER FROM OTHER COVENANTING SCHEMES?

The National Trust's Conservation Covenanting Scheme differs from the two other main covenanting schemes in WA (the Remnant Vegetation Protection Scheme and CALM Conservation Covenants) in the following ways:

- ❖ THE TRUST IS INDEPENDENT FROM GOVERNMENT AND THEREFORE HAS GREATER FREEDOM TO ACT AS AN ADVOCATE, AND FLEXIBILITY TO ADAPT ITS SCHEME TO THE NEEDS OF ITS COVENANTORS.
- ❖ THE NATIONAL TRUST, AS A HERITAGE-BASED BODY, CAN ACCEPT A BROADER RANGE OF PROPERTIES, SUCH AS CULTURAL LANDSCAPES.
- ❖ THE TRUST CAN ALSO OFFER HERITAGE ADVICE & SERVICES AS MANY PROPERTIES ALSO CONTAIN BUILT OR CULTURAL HERITAGE VALUES AS WELL AS NATURAL HERITAGE VALUES (IE, HOMESTEADS, FORMER RAIL LINES ETC).
- ❖ THE TRUST CAN OFFER PERMANENT OR FIXED TERM COVENANTS THAT RUN WITH THE TITLE, TO ENSURE THAT YOUR VISION FOR THE LAND IS CARRIED FORWARD.
- ❖ COVENANTS CAN BE TAILORED TO MEET THE OWNER'S NEEDS.

HOW DO I FIND OUT IF A COVENANT IS RIGHT

FOR MY PROPERTY AND FOR ME?

If you are interested in exploring whether a covenant is right for you, contact the Trust (details are given below). We will meet you to discuss the options. If you decide to proceed, you will be given a copy of the draft covenant. This draft can be amended to reflect your objectives and needs in conserving your land, within the overall objectives of the covenant. For example, some owners wish to protect their bushland from any clearing and development; others make provision for limited subdivision and the placement of a dwelling or low-impact tourism development. Other owners wish to prevent any collection of natural materials from the bushland, other than for revegetation purposes. Others wish to make provision for collection of craftwood or firewood for personal use. All of these provisions can be looked at in terms of how they affect the overall objectives of the covenant, which are generally to protect bushland and wildlife habitat.

WHAT ABOUT WHEN I WANT TO SELL MY PROPERTY?

Covenanted land can be sold when and how the owner wishes, as with any other land. The Trust is able to talk to interested buyers to explain the covenant and its benefits. Two programs you may want to know about are Bush Brokers and WA's Bush Bank. Bush Brokers are REIWA registered real estate agents who are part of a program to correctly and effectively market bushland. Please contact REIWA (Ph 9380 8222) for your local Bush Brokers.

Bush Bank is a new initiative, a revolving fund to purchase and on-sell properties of high conservation value. The objective of Bush Bank is to ensure that these properties are placed, with a covenant, in safe hands. Further details on Bush Bank are available from the Trust.

WHAT IF I AM REQUIRED TO TAKE OUT A COVENANT AS A CONDITION OF SUBDIVISION OR DEVELOPMENT APPROVAL?

This is what is defined as a 'commercial covenant'. The covenant needs to reflect the approval conditions, where appropriate. Owners seeking commercial covenants will be required to pay the costs of preparing and lodging the covenant(s), as well as management planning. The costs will vary according to the circumstances and the number of covenants required. Owners requiring commercial covenants should ring the Covenanting Manager for further information.

CONTACT DETAILS

Please contact the Covenanting office
for details of the Program's Regional Representative in your area.

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THE NATIONAL TRUST
OF AUSTRALIA (W.A.)

THE NATIONAL TRUST IS A VOLUNTARY COMMUNITY-
BASED ORGANISATION WHOSE MISSION IS TO CONSERVE
WESTERN AUSTRALIA'S HERITAGE.

THIS INCLUDES PLACES AND OBJECTS OF LOCAL,
STATE OR NATIONAL SIGNIFICANCE.

The Trust largely depends upon the enthusiasm and generosity of its members, volunteers, friends, and community for its existence. The Trust has many historically important properties open for inspection throughout Australia.

To find out more about the Trust's programs of advocacy, education, conservation, asset management and membership as well as National Trust properties in Western Australia, please contact the Trust. Friends of individual properties are also being established.



*help conserve
Australia's
Heritage*

MEMBERSHIP OF THE NATIONAL TRUST is available to everyone. It gives free entry to all Trust properties in Australia, Britain, New Zealand and many other countries worldwide. It also provides you with many opportunities and information on being actively involved with conserving Western Australia's heritage. Application forms are available to all Trust properties.

Membership can be issued by mail from Trust Headquarters or any Trust historic property in Western Australia.



THE NATIONAL TRUST OF AUSTRALIA (W.A.)