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YOUR LAND ITS FUTURE

Choices for conservation covenanting in Western Australia

Western Australia has a very rich and diverse flora, fauna and cultural heritage. Important examples of these are frequently located on private land outside the government system of conservation reserves.

Conservation covenants can provide permanent protection for these vitally important areas.

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. This brochure offers you information on options available for the long-term protection of conservation values through the use of covenants.



AgWest



DEPARTMENT OF CONSERVATION
AND LAND MANAGEMENT



National Trust

This project has been supported by the Commonwealth Government's Natural Heritage Trust Bushcare program.

WHAT ARE MY OPTIONS FOR LONG-TERM PROTECTION?

People who wish to protect the conservation values of their land can do so by placing a covenant on its title. This is a voluntary agreement between two parties: the landholder and the covenanting organisation. Three such mechanisms are currently available in Western Australia. While the mechanisms are similar in their purpose, each has different features. Landholders can choose the one that best suits their needs.

Initially an inspection of the land may be conducted to assess its conservation values, identify specific management issues and ascertain any special covenant conditions. Once the details are settled the landholder and the covenanting organisation sign the covenant and it is registered on the title to the land.

The landholder retains ownership and continues to be responsible for the management of the land. The covenanting organisation will maintain contact in order to provide advice where necessary and help monitor the area. In some cases financial assistance is available to assist with land management. If the land is sold the covenant remains on the title. For details of each scheme landholders should approach one of the covenanting organisations. They are:

Agriculture Western Australia (AgWest) has assisted landholders to covenant land since 1990. Conservation covenants are irrevocable and apply for an agreed period or in perpetuity. Grants to assist with fencing costs are available under the Remnant Vegetation Protection Scheme. Covenants are established under the Soil and Land Conservation Act.

The Department of Conservation and Land Management (CALM) is the government agency responsible for managing the State's conservation reserve system and the protection of the State's flora and fauna. CALM provides covenants that are normally permanent and designed to protect nature conservation values on private land. Assistance with advice and funding opportunities is provided for management of natural values.

The National Trust is a voluntary community-based organisation that has been committed to conserving Western Australia's heritage since 1964 through the National Trust (WA) Act. In 1999 the National Trust expanded its role in order to assist landholders protect the natural values of their land. Assistance with advice and funding opportunities is available through the Trust's stewardship programme.



Photo - ABHF

WHAT ARE COVENANTS?

Covenants are a practical application of a desire on the part of a landholder to protect the conservation values of their land. A covenant is a voluntary agreement. Once registered it becomes a legally binding arrangement between the landholder and the covenanting organisation.

Covenants are flexible. They are designed 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.

Covenants are registered on the title to the land and bind present and future landholders to comply with the terms of the covenant. Ownership and control remain with the landholder. Some covenants can be applied for a specified period only.

Covenants foster commitment. Their success depends to a large extent on the goodwill of the landholder and the application of sympathetic land management practices.

WHY PLACE A COVENANT ON MY LAND?

Reasons for placing a covenant on land to protect its nature conservation values vary. Overwhelmingly people have developed a great love for their land and have worked very hard to protect and manage it. Many feel it would be threatened without legal protection. A covenant:

- ✿ gives the satisfaction of having made a permanent contribution to nature conservation
- ✿ provides peace of mind that there is a capable steward taking an interest in the conservation values of the land in the long term
- ✿ 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 an interested third party (the covenanting officer) as a source of management advice and long-term stewardship
- ✿ provides an advocate if rezoning or works such as power lines, inappropriate fire prevention orders or mining threaten the land
- ✿ gives a sense of belonging to a club of like-minded people
- ✿ may provide a reduction in rates
- ✿ may provide financial assistance with fencing and management.



Photo - Eric McCrum

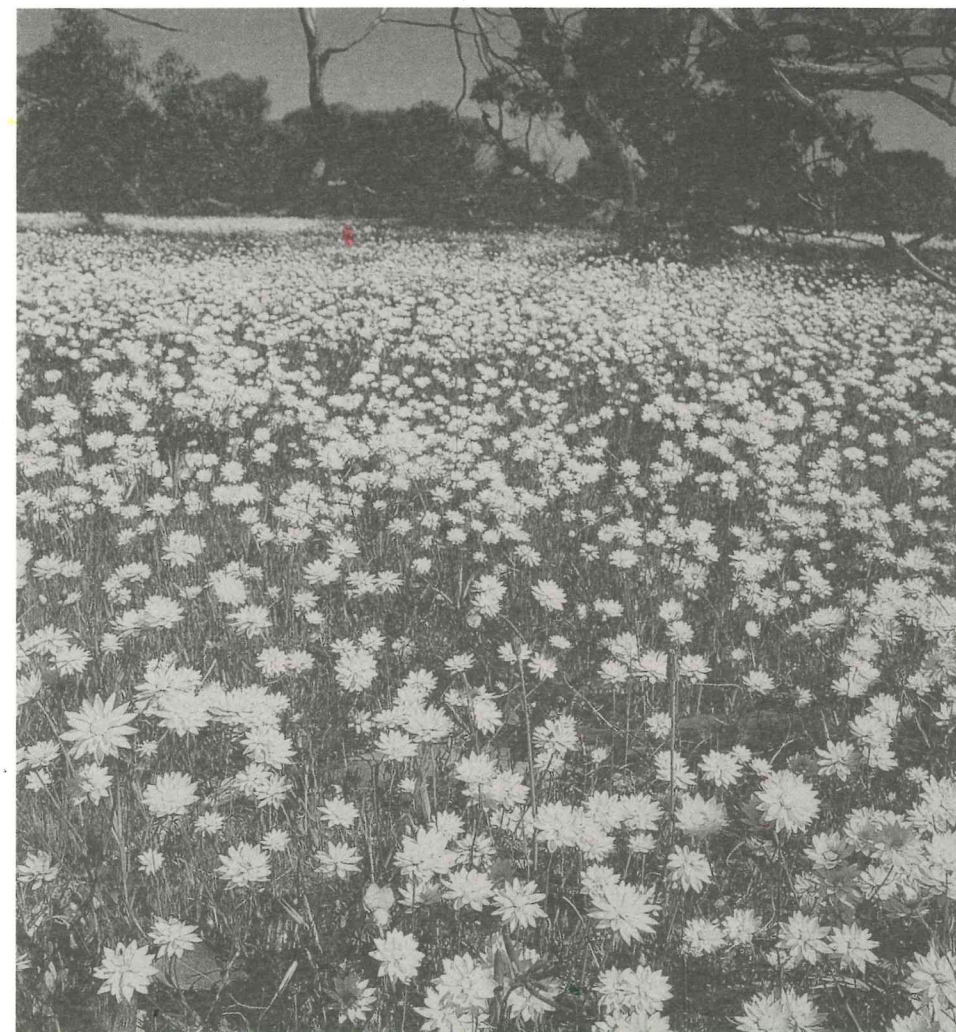


Photo - Diana Papertus

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 and if its owners wish to protect the land. The land should have freehold title, although leasehold land can be protected in some circumstances. The approval of all parties with an interest in the land to be covenanted, such as mortgagees, is required. Most importantly, covenants are voluntary.

Qualities of land which may be taken into account include:

- ✿ the presence of ecosystems that have been extensively cleared elsewhere

- ✿ the presence of threatened plants, animals or ecological communities
- ✿ corridors and stepping stones for wildlife movement
- ✿ land that provides a buffer to a conservation reserve
- ✿ examples of poorly reserved ecosystems of local or regional significance
- ✿ land that is valuable as an educational resource
- ✿ relics of original ecosystems that are in poor condition but may have important conservation values
- ✿ soils subject to erosion if cleared
- ✿ areas important for their hydrological control in catchments, and
- ✿ areas with special historical, aesthetic, social or spiritual values.

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DESIGNING YOUR COVENANT

The special features contained in the area and the wishes of the landholder determine the terms of each covenant.

A practical plan of management for the covenanted area may be prepared in consultation with the landholder.

Covenants will normally limit the clearing and use of native vegetation, with special conditions covering buildings, subdivision, timber, seed and wildflower collection, water supply, grazing and pets.

Landholders will normally agree to maintain fences and the ecological condition of the land.

Officers from the covenanting organisation will seek permission to visit the area occasionally to monitor the condition of the area and its features. Note: permission to enter the area will always be sought from the landholder prior to any visit.

WHO TO CONTACT

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

AGWEST

Office of the Commissioner
Agriculture Western Australia
Locked Bag Number 4
Bentley Delivery Centre WA 6983
Phone (08) 9368 3282
Fax (08) 9368 3654

CALM

Conservation Covenant Coordinator
Wildlife Branch
Department of Conservation and Land Management
Locked Bag 104
Bentley Delivery Centre WA 6983
Phone (08) 9334 0455
Fax (08) 9334 0278

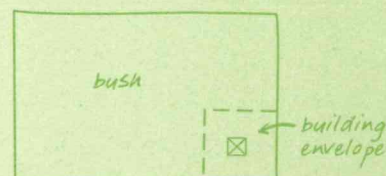
NATIONAL TRUST

National Trust of Australia (WA)
Project Manager
Covenanting Program
PO Box 1162
West Perth WA 6872
Phone (08) 9321 6088 or (08) 9321 0693
Fax (08) 9324 1571

EXAMPLES OF DIFFERENT DESIGNS FOR COVENANTS

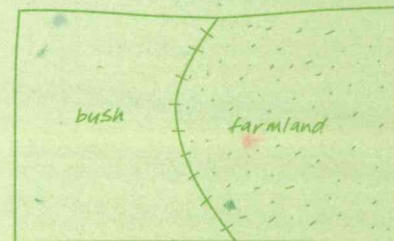
The bush block with a dwelling

People have a house in bushland but wish to see the complete protection of the area save for an envelope around the house. This excluded area is used for domestic purposes and fire protection measures. In some cases pets may be permitted as well as the planting of non-invasive exotic plants within the area of the building envelope. Generally the whole title is subject to a covenant.



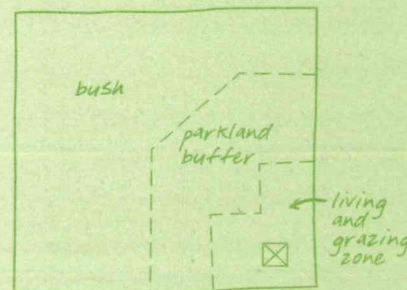
Remnant natural areas within a larger allotment such as a farm

For bushland or wetlands existing within a larger farming title, the purpose of the covenant is to protect the natural areas from grazing and development. On occasion allowance is made for the removal of small amounts of natural produce, such as firewood for use on the farm. Note: access for special needs such as stock access during extended drought may be considered. Only the bushland is protected by this covenant.



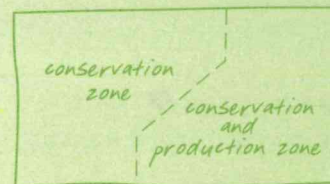
Variations to the covenant with buffer and domestic grazing area

The purpose of this covenant is nature conservation with some human oriented activities. Part of the land is completely protected; part is a buffer with seasonal grazing or removal of fuel loads. Allowance is made for horse grazing and a dwelling envelope. Some pets are permitted within the dwelling and grazing area. Other conditions may be included, such as taking firewood for use on the property. The whole title is protected by this covenant.



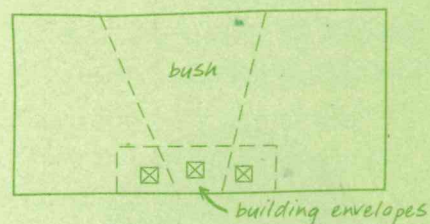
Covenant for timber production/ seed collection/wildflower picking

The covenant has a zone that is completely protected, and a zone used for commercial production. Under an agreed management plan the use of natural products such as timber, seed and wildflowers is permitted. The whole title is protected by this covenant.



Covenant allowing for subdivision (subject to planning regulations)

Land is divided into separate titles with building envelopes clustered together. Most of the bushland is protected by the covenant. Boundaries are marked on the title but no fences or firebreaks are permitted in the bushland. No exotic plants or animals are permitted. The whole title is protected by this covenant.



Revegetation covenant

An area that has been revegetated with a suite of native overstorey and understorey species is covenanted after it has met agreed completion criteria. Usually, that is when an area is considered able to regenerate itself and therefore be sustainable in the long term. Only the remnant bushland and the revegetated land are protected by this covenant.

