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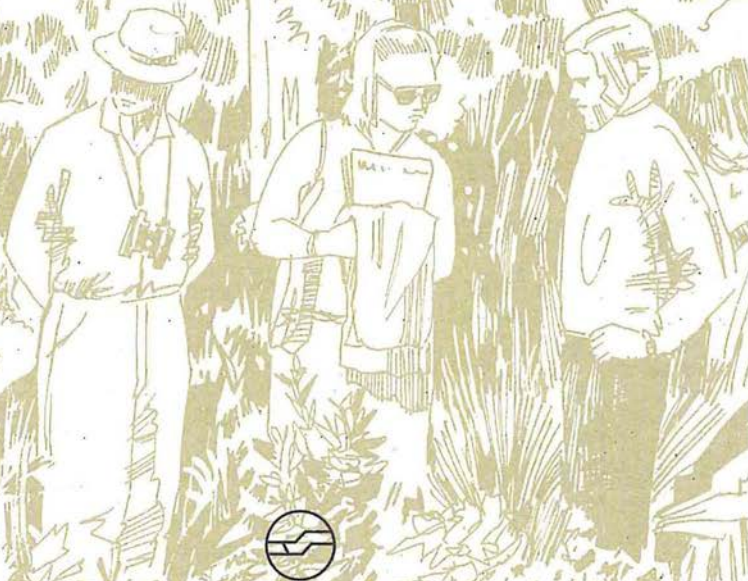
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# Partnerships in Nature Conservation

A Guide for Land Owners  
Wishing to Protect Nature Conservation Values  
on Private Land through Voluntary  
Nature Conservation Covenants



DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

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#### GRANITE ROCKS

Conservation of habitats on granite rocks is a high priority as they contain unusual plants and animals.



## INTRODUCTION

**T**hank you for your interest in Voluntary Nature Conservation Covenants. The following pages outline what Voluntary Nature Conservation Covenants are, how you can benefit from them and why they are important for long term conservation in Western Australia. In a nutshell, when a Voluntary Nature Conservation Covenant is signed between a land owner and the Western Australian Government, both parties demonstrate a mutual resolve to protect the land's natural values while retaining the existing ownership of the land.

Often, significant natural and cultural features in Western Australia are located on private property outside the government system of nature reserves, national parks and other reserves.

These areas are important for retaining Western Australia's biodiversity. Many are treasured by their owners, who may have been seeking a way to ensure that the conservation values are protected and managed beyond their stewardship of the land.

The Department of Conservation and Land Management (CALM) welcomes inquiries from interested land owners and will endeavour to meet property owners on their land to discuss the design of a covenant to suit their needs, the conservation needs of the land and how CALM can support the property owners in managing the conservation values.

## WHAT ARE VOLUNTARY NATURE CONSERVATION COVENANTS?

**N**ature Conservation Covenants are voluntary. They seek to protect and enhance nature conservation values on private land. They are a legally binding agreement between a land owner and the Executive Director of CALM. Voluntary Nature Conservation Covenants are statutory covenants; they are backed by an Act of Parliament, and enable a body, such as CALM, to enforce the covenant.

Voluntary Nature Conservation Covenants are flexible. They are primarily designed to protect nature conservation values but are individually designed to recognise human needs in living in harmony with nature. A conservation covenant can apply to all or part of a property. Voluntary Nature Conservation Covenants are supported by practical management guidelines developed by the land owner and CALM. The guidelines will support sound management of conservation land.

Covenants are registered on the title for the land and bind present and future owners to comply with the terms of the covenant. Ownership and control of the property remains with the owner. Most covenants are designed to be permanent although they can, if desired, be specified for a particular period.

Whilst covenants are binding commitments on both parties, they rely to a large extent on the goodwill of the land owner to ensure management is sympathetic to conservation values of the land. It is intended that Voluntary Nature Conservation Covenants encourage sympathetic management practices without causing economic hardship for the land owner.

## WHY DO WE NEED TO PROTECT NATURE CONSERVATION VALUES ON PRIVATE LAND?

Western Australia has an ancient landscape with a very rich and diverse flora and associated fauna. However, the agricultural development of the south-west of Western Australia has involved the clearing of some 17 million hectares of forest, woodland and shrubland since settlement. This development has brought the State economic benefits, but with considerable adverse impacts on land and water, including the significant loss of nature conservation values.

Many of the original ecosystems are very poorly represented in agricultural and urban areas. These ecosystems are often fragmented, are small and are declining due to weed invasion, disease, feral animals, changed fire regimes and local species extinctions. It is now widely recognised that these adverse impacts must be arrested and reversed if we are to retain the State's biodiversity.

The Western Australian system of conservation reserves is designed to represent and protect our native communities and species of plants and animals. However, many native animals and plants are now very rare and not adequately conserved in the reserve system, but may occur on private land. Maintenance of these landscapes and biodiversity requires recognition and support for private land owners to protect the conservation values on their land, thereby enabling a significant contribution towards protecting these values for future generations.

Partnerships between private land owners and Government, such as through Voluntary Nature Conservation Covenants, will be vital for the long-term protection of Western Australia's unique natural values.

why do we  
need them



## ROLE OF THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT (CALM)

CALM is responsible under the Conservation and Land Management Act 1984 for conserving native flora and fauna throughout the State. This role extends to private land. CALM is making use of its wealth of nature conservation research and management resources to help the community protect biodiversity, particularly through its Land for Wildlife scheme and Voluntary Nature Conservation Covenants. These two programs are providing land owners with ways of making a practical contribution to conservation of the State's heritage.

Land for Wildlife is a simple voluntary flexible program that is designed to recognise and support land owners who wish to manage some or all of their land for nature conservation. The scheme involves an agreement between the land owner and CALM, but the agreement is not binding on current or future owners of the land.

Voluntary Nature Conservation Covenants are an important legally binding tool for permanently conserving natural heritage on private land in Western Australia. Voluntary Nature Conservation Covenants are supported by Government and are recognised as an important tool in the Salinity Action Plan. They are being implemented through a combination of the Conservation and Land Management Act 1984 and recent amendments to the Transfer of Land Act 1893.



**YORK GUM WOODLAND**  
Most York gum woodlands in the wheatbelt have been lost, so their protection on private property is important.

## DOES MY LAND QUALIFY FOR A VOLUNTARY NATURE CONSERVATION COVENANT?

Land qualifies for a Voluntary Nature Conservation Covenant if it has owners who wish to permanently protect the natural values, if the land has high nature conservation values and if the land is not seriously threatened by unmanageable salinity, mining or development proposals.

The land must have freehold title. Approval of all parties with an interest in the land to be covenanted such as mortgagees, is required. Most importantly covenants are voluntary and require agreement from all owners.

Factors taken into account when determining the conservation significance of the land include:

- the presence of ecosystems which have been extensively cleared in the region;
- the presence of threatened plants, animals or ecological communities;
- corridors and stepping stones for wildlife movement;
- land which provides a buffer to a conservation reserve;
- examples of poorly reserved ecosystems of local significance;
- land which is valuable as an educational resource; and
- relics of original ecosystems which are in poor condition but which may contain important conservation values.

The land should not be subject to threats which would seriously alter the natural values in the short or medium term. Unmanageable salinity and dieback (*Phytophthora* spp.) are of particular concern. Small and narrow areas are particularly threatened by weeds and edge effects, and areas smaller than two hectares will only be covenanted in special circumstances.

Land will not be covenanted where there are conflicts with government development proposals, but CALM will endeavour to resolve the issues to enable protection of important natural values.

Land protected by a Voluntary Nature Conservation Covenant is subject to the requirements of the Mines Act and the Bush Fires Act, but CALM can play a useful role in assisting land owners resolve any conflicts which may arise.

## BENEFITS TO LAND OWNERS

Voluntary Nature Conservation Covenants are designed to be a true partnership between a land owner and CALM, a partnership where both parties make a contribution to managing the land.

The land owner is expected to manage the land to maintain and preferably enhance the nature conservation values and to abide by the terms of the covenant. In return, the land owner has peace of mind that CALM's involvement will mean capable conservation stewardship of their land in the long term.

CALM will also make significant contributions in the following areas:

- does not charge a fee for covenanting and pays for the administration, survey, legal and covenant registration costs\*;
- assists the owner to prepare management guidelines and a monitoring program;
- arranges for the land to be revalued and the rates adjusted if the land value varies as a result of the covenant;
- provides advice and assists with negotiations when there are threats to the land from development proposals.

On application CALM may assist with:

- provision of up to \$500 to cover the owner's reasonable independent legal costs to check the covenant document;
- arranging finance for fencing; and
- initial management costs to restore the land where past damage has occurred.

\* In cases where government planning allows subdivision or development subject to the owner entering into a covenant to protect all or part of the land, the owner may be expected to pay for the costs involved in establishing the covenant.

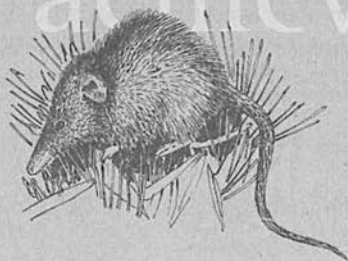
Most importantly, CALM accepts a permanent obligation as a steward for the land, to monitor the condition of the land and to provide management advice, particularly when the land changes hands and to enforce covenant conditions when required.

## HOW DO I ACHIEVE A VOLUNTARY NATURE CONSERVATION COVENANT FOR MY LAND?

Placing a covenant on the title of land is an important decision for land owners. It requires careful thought and negotiation. CALM is aware of this and aims to take a sensitive approach when negotiating covenants with land owners. Most importantly, the land owner will deal with one CALM officer (as far as is possible) for all negotiations.

The following steps are usually required. The process can take six months but is often longer if land owners wish to spend some time considering their decision. At any point the land owner can discontinue the process for a length of time or decide not to proceed.

1. A land owner hears about covenants, is interested in the concept, contacts CALM, by writing or by phone, and advises details of the land to be covenanted (such as the area, the plant communities present and any threats to the land).
2. CALM nominates an officer skilled in nature conservation and conservation covenants to discuss the proposal with the land owner.
3. The nominated CALM officer assesses the proposal from the information provided by the land owner and any other sources and determines if the land is likely to be of conservation significance. If the land appears to be suitable the officer will make an appointment to assess the land. If the land appears to be of low conservation significance the officer will suggest alternative mechanisms that the land owner might use to assist in the management and protection of the land.



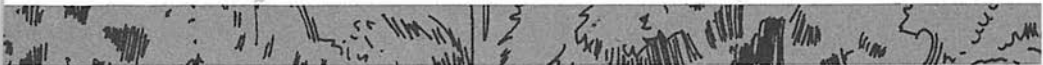
**HONEY POSSUM**  
Survival of the pollen and nectar eating honey possum requires protection of species-rich habitats.

4. The property is assessed by the CALM officer with the land owner and land owner's family. The assessment involves:
  - assessing, recording and photographing the site's nature conservation values, threats to the conservation values and management requirements;
  - discussing the conservation covenant and how the covenant can be designed to protect the conservation values of the land and suit the requirements of the owners;
  - discussing management of the land and how to monitor the natural values; and
  - discussing financial assistance, such as fencing.

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The land owner also needs to decide if they would like a draft covenant with associated management guidelines to be prepared or if they would prefer a scheme such as Land for Wildlife.

5. CALM evaluates the conservation merits of the covenant proposal. If positive, a draft covenant and management guidelines are prepared and an offer of financial assistance is made. CALM forwards the draft covenant and management guidelines to the land owner for comment.
6. Land owner comments are addressed in the covenant and management guidelines and returned to the land owner who decides whether to proceed.
7. CALM seeks legal advice, checks title details, gains mortgagee approval (if required), checks for development proposals. If there are no concerns CALM advises the land owner accordingly. If there are concerns CALM will advise the land owner and attempt to remove any obstacles to the covenant proceeding.

- 
8. The land owner seeks independent legal advice if required.
  9. The land owner decides to proceed, or the covenant is modified and the land owner decides to proceed.
  10. The covenant document is prepared. The covenant is signed by the owner.
  11. The covenant is signed by the Executive Director of CALM.
  12. The covenant and a caveat are registered at the Department of Land Administration on the land title.
  13. CALM advises the Valuer General's Office for the land to be revalued.
  14. CALM advises the owner and forwards a copy of the covenant. Arrangements are made for the provision of any financial assistance that is agreed will be provided to implement the covenant or management guidelines.
  15. The CALM officer visits the land owner to discuss implementation of the management guidelines and to establish a system for monitoring the management actions.
  16. The land owner receives the Land for Wildlife newsletter *Western Wildlife* and a covenant newsletter on a regular basis.
  17. The CALM officer contacts the land owner at least annually to share information about managing the land.
  18. The CALM officer visits the land every three years, or more often if required, to review the management guidelines and monitoring system. The CALM officer also visits the land whenever there is a change of ownership.

## DESIGNING YOUR COVENANT

Each covenant is designed primarily to protect nature conservation values with allowance made for dwellings and other activities to allow living in harmony with nature. Each covenant is individually designed to cater for the needs of the land and the land owner. The following are some of the more common variations desired by land owners that may be incorporated in a covenant.

**Buildings and subdivision**

A covenant will normally allow a dwelling, an area for domestic activities and outbuildings. A covenant would not normally provide for subdivision. In special circumstances, however, these conditions can be included, particularly if any developments are on part of the land which has already been modified or valuable land is permanently protected, preventing subsequent attempts to further develop the land.

**Tiered covenants**

Sometimes management requirements are complex and require division of the land into zones with different conditions applying to each zone.

Cases for tiered covenants encompass situations where farmland adjacent to a natural area is included in the covenant as a buffer, or where part of the land is to be used for timber production or some other use and part of the land is to be kept in its natural state.

designing  
your  
covenant

### **Timber and water supply**

The covenant is designed to protect natural water bodies and native vegetation but may allow use of water for domestic or farm purposes and sustainable use of timber for firewood or fencing on the property. In some cases commercial use of timber can be permitted under strict conditions. Conditions for removal of timber are designed to retain fauna habitat, including dead and hollow timber.

### **Pets**

A covenant would normally discourage pets because of their impact on wildlife, but it may provide for pets, often up to two dogs, if kept under control or within a domestic area. Cats are normally not permitted, but in some circumstances people have an existing pet and provision can be made to retain the pet during its lifetime. For cats a curfew can be applied, keeping the cat inside at night time.

### **Grazing**

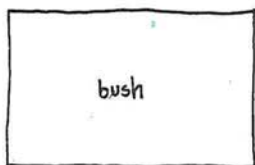
Grazing is not normally provided for, because of the impact of grazing on conservation values.

In some cases a covenant may allow grazing either for management purposes or to meet a short-term need. For example, a covenant for a native grassland area may require grazing to maintain species diversity, or a weedy area may be grazed at strategic times as a weed control measure or to reduce fire hazard. In some cases an owner may want the right to graze sheep for protection after shearing, but the provision of alternative shelter is encouraged.

The covenant normally requires fences to be maintained between grazed and ungrazed areas. To allow for the movement of fauna, fauna-friendly fencing and gates can be specified.



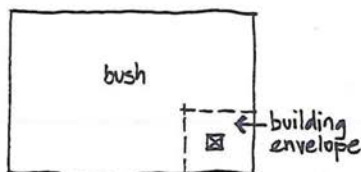
## EXAMPLES OF DIFFERENT DESIGNS FOR VOLUNTARY NATURE CONSERVATION COVENANTS



### THE BUSH BLOCK

A land owner or group of owners have bought land with high nature conservation values and do not wish to see any development or use of the land save for the quiet enjoyment of its nature conservation values.

The whole title is subject to a strict covenant.

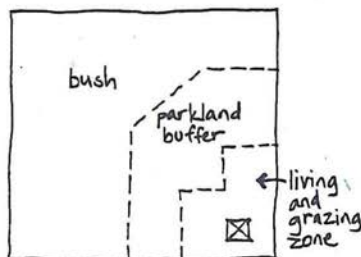


### THE BUSH BLOCK WITH A DWELLING

People have a house on the land but wish to see the complete protection of the bushland save for an envelope around the house for domestic activities and fire protection.

In some cases up to two dogs may be permitted and some people wish to plant non-invasive exotic plants within the building envelope.

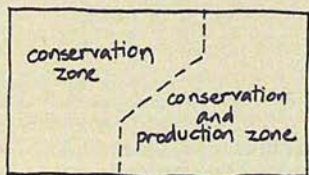
The whole title is subject to a covenant.



### COVENANT ALLOWING FOR A BUFFER AND DOMESTIC/GRAZING AREA

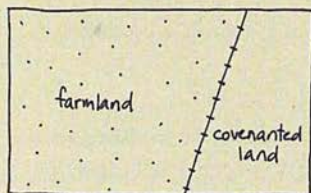
The purpose of the covenant is nature conservation with some human activities.

Part of the land is completely protected, part is a buffer with seasonal grazing or removal of fuel loads, and allowance is made for an area for horse grazing and a dwelling envelope. Up to two dogs are permitted within the dwelling envelope and grazing area. Fuelwood for use on the property can be taken. The whole title is protected by a tiered covenant.



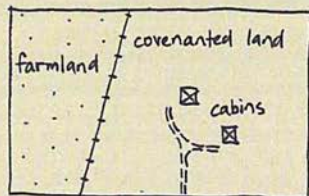
COVENANT ALLOWING FOR TIMBER  
PRODUCTION AND/OR SEED COLLECTION  
AND/OR WILDFLOWER HARVESTING

The covenant has a zone which is completely protected and a zone which is used for commercial production of natural products such as timber, seed and wildflowers under a set of management guidelines. The whole title is protected by a tiered covenant.



REMNANT NATURAL AREAS WITHIN A LARGER  
LOT—NO DEVELOPMENT

Bushland or wetland exists within a larger farming title. The purpose of the covenant is to protect the natural values from grazing and development. In some cases allowance is made for taking of small amounts of natural produce such as firewood for use on the farming property. Only the bushland is protected by a covenant.

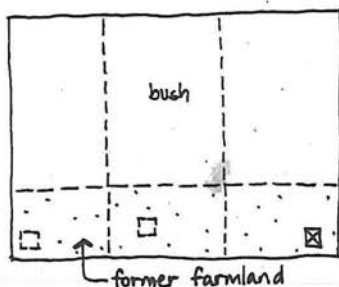


REMNANT NATURAL AREAS WITHIN A LARGER  
LOT—MODEST DEVELOPMENT

Bushland or wetland exists within a larger farming title. The purpose of the covenant is to protect the natural values from grazing, but modest development for ecotourism, such as walking tracks and cabins, is permitted. Only the bushland is protected by a covenant.

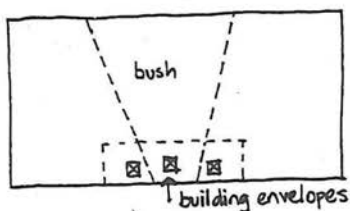
COVENANT ALLOWING FOR SUBDIVISION (SUBJECT TO PLANNING REGULATIONS)

In some cases land can be subdivided and the special nature conservation values retained. Three examples are provided:



**A. Bushland is protected by a strict covenant, development on adjacent farmland and individual titles.**

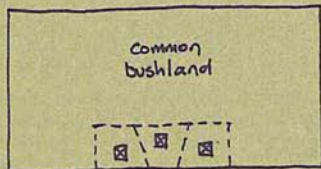
Fencelines are marked but no fences or firebreaks are permitted in the bushland. The whole title including the former farmland is protected by a tiered covenant. No cats or invasive plants are permitted in the farmland.



**B. Land is divided into three titles with building envelopes clustered together. Most of the bushland is protected by strict covenants.**

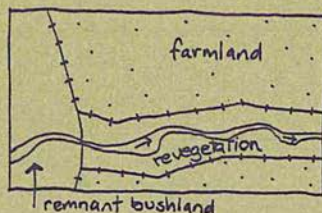
Fencelines are marked but no fences or firebreaks are permitted in the bushland. The whole title is protected by a tiered covenant.

No cats or invasive plants are permitted on the land.



### C. Strata title subdivision with bushland retained as a common land.

The whole title including the former farmland is protected by a tiered covenant. No cats or invasive plants are permitted on the land.



### REVEGETATION COVENANT

An area which has been revegetated with a suite of native overstorey and understorey species is covenanted after it has met strict completion criteria. These must ensure that it can regenerate itself in the future and therefore be sustainable in the long term.

Only the remnant bushland and the revegetated land are protected by the covenant.



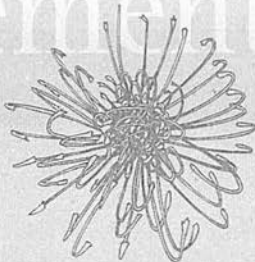
## MANAGEMENT GUIDELINES

Management guidelines are developed by the land owner and CALM to set out the desired management strategies, actions and performance indicators required for effective conservation. The management guidelines are not binding, and allow for regular review and refinement of management practices particularly when land ownership changes. The management guidelines is an active document that is used to guide day-to-day management of the site and includes:

- Values—which identify the conservation values and covenant zones of the land;
- Management objectives—which state the objectives for protecting the conservation values in each zone of the land;
- Strategies—which identify threats to the conservation values and mechanisms through which the threats can be managed;
- Actions—which outline specific activities for managing threats; and
- Monitoring—which identifies and measures performance indicators to evaluate the success of strategies and actions in meeting management objectives. Performance indicators are practical, helping to identify management problems as they arise and to encourage adaptive strategies.

The management guidelines should be reviewed at least every three years but are adaptable to ongoing amendment if required.

management  
plans



CORRIGIN GREVILLEA  
Government and  
community are working  
in partnerships to  
conserve rare species such  
as the Corrigin Grevillea  
(*Grevillea scapigera*).

## OWNER'S RIGHTS

The covenant does not change an owner's normal rights to the enjoyment of the land save for complying with the covenant conditions. Covenants do not provide for access to the land by the general public, although provision for this can be made.

The covenant does allow entry by authorised CALM personnel for monitoring the covenant but only after giving reasonable notice. Normally the land owner will deal with one nominated CALM officer, who will have responsibility for covenants in a particular area. Other CALM personnel may visit the property but would usually be introduced by the nominated officer.

Land protected by a Voluntary Nature Conservation Covenant is subject to the requirements of the Mines Act and the Bush Fires Act, but CALM can play a useful role in assisting land owners to resolve any conflicts which may arise.

Owners are asked whether they are willing to have their covenant publicised. Publicity concerning one covenant will often stimulate others. If preferred, CALM will process a covenant on a confidential basis.

## FAIRY WREN

For survival, birds such as fairy wrens need buffer plantings around bushland patches and corridors of vegetation in the landscape.

owner's  
rights

## COVENANTS AND LAND VALUES

Normally covenanting has little effect upon land values since land use generally remains unaltered. Experience elsewhere suggests that covenanting may even lead to a slight increase in land value because of the superior land management practices that often result. However, where covenanting occurs in an area that could otherwise be developed, the value of land may decrease.

It is recognised that the number of prospective purchasers will be reduced, as the property will not, for example, attract people wanting to graze the covenanted land. The advantage of the covenant is that sympathetic purchasers will be attracted but the property may take longer to sell, depending on its location. It all depends on the particular circumstances of the property, and anyone concerned with the potential impact should consult a qualified land valuer.

**WETLAND**

The aquatic plant and animal life in wetlands is remarkable, with many species adapting to long dry periods. Wetlands conservation is a high priority.

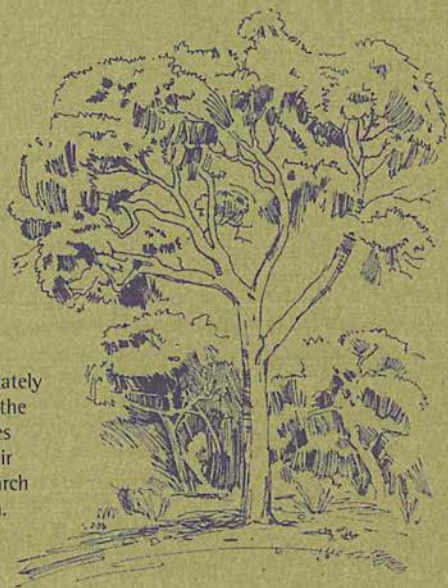
## LEGAL BASIS FOR REMOVAL OF COVENANTS

Covenants are designed to be permanent, or for a specified period, and bind all future owners of the land. There are, however, circumstances where a covenant should be removed or modified, such as where the conservation values for which the covenant was accepted no longer exist.

Voluntary Nature Conservation Covenants under the Transfer of Land Act may be discharged or modified either by achieving the written consent of all parties with a registered interest in the covenant or by a process of notification allowing for objection and notification of any objection received. If there are no objections the removal or modification of the covenant is straightforward. If an objection is received, the issue can be resolved on application to a judge or court.

**SALMON GUM  
WOODLANDS**

Survival of the stately salmon gums of the wheatbelt requires protection of their habitat and research into regeneration.





## PROPERTIES CHANGING HANDS

The purpose of Voluntary Nature Conservation Covenants is to ensure good long-term management of conservation land with changing ownership. Covenant holders are therefore encouraged to notify CALM if they intend to sell. With the owner's permission, CALM can then ensure that the agent selling the land has a good knowledge of the covenant and can advise prospective purchasers of the covenant and of the conservation values of the land. CALM can also advise the new owners of the terms of the covenant, the support provided, and 'best practice' management of the land.

CALM may be able to assist in the sale of land with high nature conservation values by advertising the land in CALM publications as one way of attracting a sympathetic purchaser, or suggesting other promotion strategies.

Experience suggests that CALM may not always be notified of property sales, particularly for deceased estates. CALM will therefore arrange for an absolute caveat to be registered on the title of each covenanted property to ensure that it is notified of property ownership changes. A caveat should ensure peace of mind to covenantors, who will know that CALM will be liaising with new owners to ensure continuity of management.

**MALLEE FOWL**

The mallee fowl, a unique mound-building bird, is increasing in numbers as habitats are protected and baiting reduces fox predation.

