



Biodiversity Fact Sheets

Conservation Covenants

A conservation covenant is a voluntary, binding agreement between a landowner and the government to protect conservation values on private land.

Landowners who enter into conservation covenants can receive tax benefits, compensation and financial assistance for conservation work on the property.

How do conservation covenants work?

Conservation covenants are set up under the *Nature Conservation Act 2002*. In order to have a conservation covenant applied to your land, you will need to demonstrate that the land has viable, long-term conservation values. Generally this requires a scientific report on the ecological significance of the area.

Conservation covenants can include any provisions agreed between the parties, including restrictive covenants (that is, provisions that prevent particular activities) and positive covenants (provisions that require particular actions).

For example, the covenants can restrict development on the protected area, provide for payment of compensation or require the government to maintain the protected area. Conservation covenants are generally supported by a management plan detailing how the conservation objectives will be achieved.

What is the legal effect?

Conservation covenants (and any related management plans) are registered with the Recorder of Titles and run with the land. Therefore, once registered, the conservation covenant is enforceable between the parties and any future owner of the land. It is an offence to contravene a conservation covenant, punishable by a fine of up to **\$10,000**.

The Recorder of Titles may require the Minister to lodge a survey plan of the protected area with the conservation covenant. You should negotiate with Parks & Wildlife regarding this requirement – generally the government will cover the cost of surveying.

Can a conservation covenant be amended or revoked?

The Minister may vary or discharge a conservation covenant at any time with the consent of the landowner. However, if the landowner has received compensation under the agreement, the covenant cannot be amended unless a notice is published in the Gazette giving 30 days notice of the proposed amendment or revocation.

For further information about conservation covenants, visit the Protected Areas on Private Land program website at www.papl.tas.gov.au