Conservation Covenant Design Policy

This policy supports the **Covenant Policy** and explains how to design covenants under Section 34 of the *Nature Conservation Act (2002)*

June 2026

Private Land Conservation Program
Department of Natural Resources and Environment Tasmania

Tasmanian Government

Purpose

Under Section 34 of the *Nature Conservation Act (NCA)*:

> *"The Minister on behalf of the Crown may enter into a conservation covenant with a landowner if the Minister considers it necessary or desirable to do so for a conservation purpose. A conservation covenant may contain such covenants and other provisions as the Minister and the landowner agree."*

The purpose of this Policy is to provide guidance for covenant proposals, registrations, and variations to existing covenants. It covers design considerations not detailed in the Covenant Policy.

Design considerations cover:

- Administration and legal matters
- Covenant spatial design principles
- Ongoing effective management.

Design considerations support the Private Land Conservation Program (PLCP) to:

- protect nature in a practical and consistent way
- ensure covenants work for current and future landowners
- allow efficient drafting of Central Plan Register (CPR) plans
- assess conservation covenant proposals consistently
- enable ongoing practical management and administration of covenant land.

The design considerations provide guidance for covenant proposals submitted by landowners, PLCP staff, consultants and external regulators seeking to establish or vary existing conservation covenants. PLCP staff may undertake site visits to ensure design considerations are achieved.

The design considerations apply to all new proposals and should be used where possible for variations to existing covenants. Proposals that do not meet these design considerations may not be accepted. Where an alternative design is proposed, proponents must clearly demonstrate how conservation outcomes will be achieved.

This Policy applies to:

- voluntary conservation covenants
- covenants required by external regulators under offset arrangements
- covenants used for compliance purposes under a range of Acts
- covenants created under market mechanisms
- variations to existing covenants.

Administration and legal matters

For covenant proposals to be appropriately and efficiently assessed, there must be regard to the following administrative and legal matters:

1. Alignment with the Covenant Policy.
2. Conservation covenants must be for a conservation purpose (refer to s 34 of the *Nature Conservation Act 2002*).
3. Prior resolution of all title issues (e.g. subdivision of land, rights of way).
4. Conflicting encumbrances on title before covenant registration (e.g. existing Part 5 agreements, Private Timber Reserves, leases).
5. Addressing requirements of the mortgagee, where the land is subject to a mortgage.

6 Describing in the covenant proposal other pertinent existing arrangements relating to the entire property and the area proposed for covenant, including with third parties. These may include Commonwealth funding, carbon rights, nature repair market project provisions, existing management and lease/licence agreements, mining or exploration licences or leases, and details of any required rehabilitation plans. These third-party arrangements must be disclosed so that the covenant can be designed, managed and administered effectively in present and future circumstances.

7 Avoiding retained rights[1] (see Notes). Retained rights are not supported in new conservation covenants as they create long term uncertainty, increase administrative burden, and may require future Ministerial approvals at both State and Commonwealth levels.

8 If a retained right included in an existing covenant agreement is exercised, PLCP reserves the right to consider any applicable legislation, policies and administrative fees in force at the time the retained rights are exercised.

9 Where relevant, considering the implications of agreements and arrangements with the Commonwealth Government including:

9.1. terms and conditions of Commonwealth Government funded programs linked to covenant proposals (e.g. under programs providing funding to NRM regions).

9.2. conditions of Commonwealth Government permits (e.g. under the *Environment Protection* and *Biodiversity Conservation Act 1999*).

9.3. any consequent requirement for Commonwealth Ministerial approval of variation or discharge of covenants.

A covenant proposal must include details of any funded program, or permit linked to the covenant proposal and either:

9.4. advice from the Commonwealth Government as to whether the covenant must include a requirement for Commonwealth Ministerial consent to vary/discharge; or

9.5. sufficient information to allow PLCP to assess whether the requirement for Commonwealth Ministerial consent to vary/discharge must be sought and provided for in the covenant agreement.

Advice and information must be received in writing, prior to drafting of the covenant agreement and the CPR. This principle relates to s 35(2) of the *Nature Conservation Act 2002* which states:

If a conservation covenant so provides, it is not capable of being varied or discharged without the prior consent of the Crown in the right of the Commonwealth.

10 Submitting proposals using the PLCP nature conservation plan template and completion of all required sections of the document, including:

10.1. Provision of spatial files for the proposed covenant area (including proposal boundary, roads/tracks, fences, water courses, dams, infrastructure, weed infestations, threatened species and exclusion zones).

10.2. Consideration of ongoing management obligations.

Covenant spatial design principles

These principles apply to all new proposals and should be used where possible for variations to existing covenants. If a proposal does not align with these principles, a clear rationale must be provided. Consideration may be given to relevant site specific factors.

Covenant spatial design principles:

1 Maximise the protection of natural features (refer Covenant Policy definition of natural features) by:
   1.1. prioritising protection of natural features with high value and in good ecological condition (especially threatened species/communities)
   1.2. minimising threats (e.g. weeds, tracks, unauthorised access, future development)
   1.3. considering the location of fences and the need to clear vegetation to maintain fences
   1.4. considering access routes and tracks, including the need to clear vegetation, bring in foreign materials such as gravel, construct drainage or undertake works for maintenance or to meet bushfire safety requirements.

2 Be a minimum of 10 hectares in size as generally larger areas provide greater conservation benefits. Smaller areas may be supported where they protect highly significant natural values.

3 Minimise edge effects to the covenant by:
   3.1. minimising edge:area ratio.
   3.2. minimising survey points e.g. straight edges as opposed to curved edges, which also simplifies Central Plan Register plan drafting.

4 Consider the overall landscape context including:
   4.1. connection (physically and/or functionally) to existing reserves and/or protected land and contribution to the Tasmanian Reserve Estate and National Reserve System.
   4.2. connection to areas of native vegetation.
   4.3. potential for impact on the natural features of the covenant by activities or features on the adjacent land and any requirements for a buffer zone e.g. weed infestation.
   4.4. alignment with the title boundary where possible.
   4.5. location of infrastructure, services and any associated easements (e.g. transmission lines, fibre-optic cables).

5 Identify an internal area excluded from the covenant as an exclusion zone[2]. Note that domestic zones[2], part A zones[2], miscellaneous zones[3], part C[3] zones do not apply (see Notes). Consider the design of exclusion zone/s, including:
   5.1. existing infrastructure and associated easements
   5.2. dwelling sites excluded and external to the covenant area where possible
   5.3. dwelling sites located in accordance with the planning scheme and building regulations (including requirements for building in bushfire-prone areas)
   5.4. nearby roads for access routes to exclusion zones. Exclusion zones without nominated access routes will not be supported.

6 The location of the exclusion zone should consider impact on natural values, service infrastructure (e.g. electrical and optic cables) and compliance with regulation and planning directives (e.g. Planning Directive 5.1 Bushfire-Prone Areas Code) for infrastructure and access routes. Where possible, location of exclusion zones should consider any future owners, as well as the current owner.

   Figure 1 provides a visual illustration of spatial design principles outlined above.

Ongoing effective management

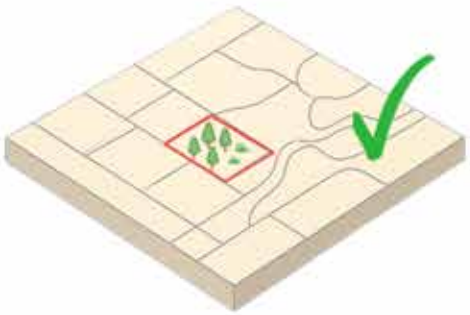
To the extent possible, covenant administration and legal matters and spatial design principles should consider ongoing effective management for current and future owners.

In addition to the design considerations outlined above, it is important to:

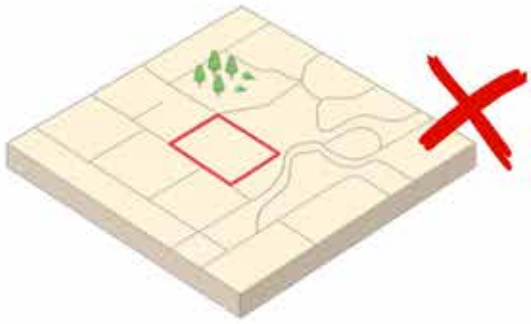
1. Recognise there are management obligations which apply to all covenants, and others which may be tailored specifically to the property.
2. Clearly address management obligations, including authorisations, prescriptions and recommendations in the nature conservation plan and the covenant agreement.
3. Identify land management practices consistent with achieving conservation objectives, which may cover activities such as weed management, invasive species management, ecological burning, habitat enhancement (e.g. installation of nest boxes) and monitoring of flora and fauna.
4. Identify land management practices which may be required for practical management and/or recreational activities allowed under the covenant agreement, which may include the maintenance of fences, tracks, access routes, and provisions for campfires, stock grazing, taking of water, domestic animals (pets) and firewood.
5. Note that collection and removal of firewood and associated activities can be detrimental to the functioning of an ecosystem. Firewood collection and associated activities from within new covenants is restricted due to its potential impact on habitat, soil health, and ecosystem function.
6. Firewood collection may occur outside the boundaries of the covenant (including exclusion zones) or may be authorised from track and/or fence maintenance.
    6.1. For existing covenants, PLCP may review authorised firewood collection (including ecological assessment) to assess the ongoing impact of firewood collection and may review or revoke authorisations if there is a decline in condition of the ecosystem.
7. Consider climate change impacts and associated management provisions which:
    7.1. assist with mitigating the impact of extreme weather events. Examples may include ecological burns to reduce the intensity of uncontrolled fire events.
    7.2. allow for timely response to extreme weather events.
    7.3. do not worsen impacts of climate change (e.g. inappropriate clearing of vegetation or soil).

Figure 1: Visual illustration of covenant spatial design principles

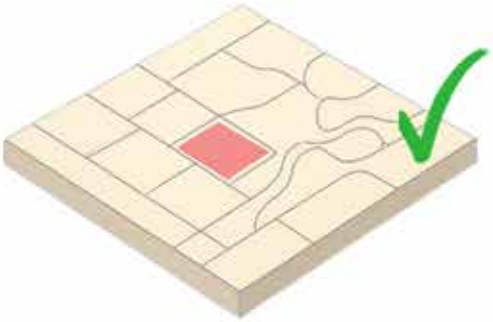
Safeguards natural features



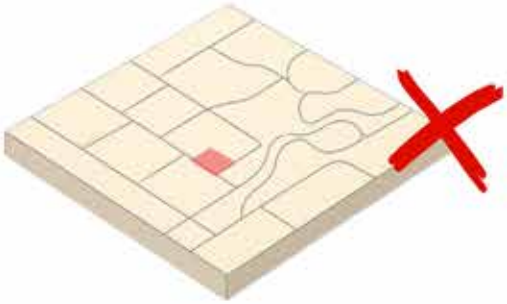
Does not protect natural features



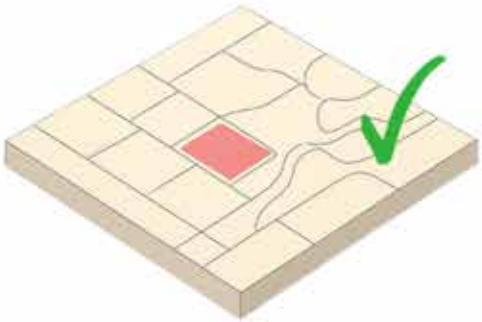
Size is greater than 10 ha



Does not meet minimum size



Shape is simple and considered



Shape is overly complicated

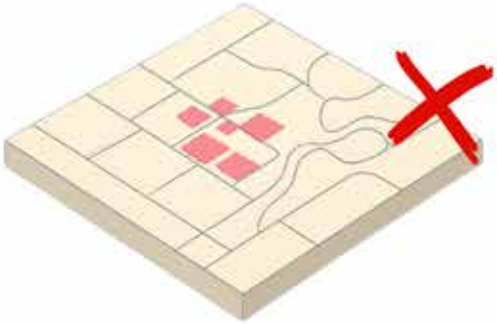
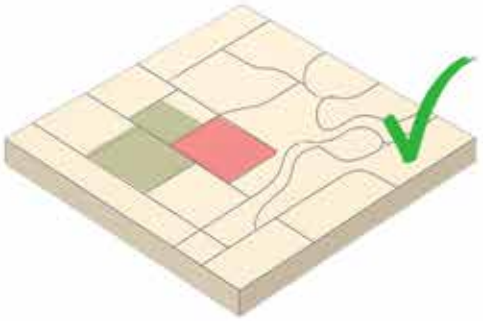
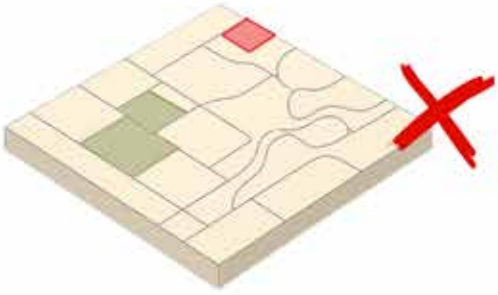


Figure 1: Visual illustration of covenant spatial design principles (continued)

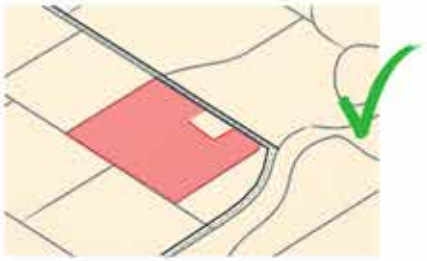
Landscape connectivity



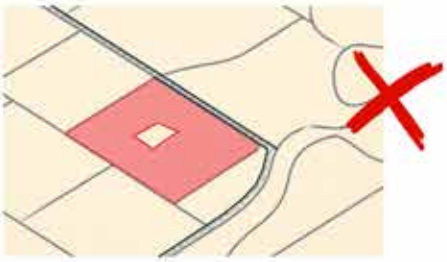
Disconnected from nearby nature



Exclusion zone links to a road and can support a future dwelling



Exclusion zone is impractical or unreachable by road



Notes:

1. Historically some covenant agreements have included retained rights (e.g. for subdivision or the establishment of domestic zones). Retained rights create uncertainty for landowners, typically require the redrafting of a CPR plan and nature conservation plan, the variation or discharge and replacement of a covenant agreement and often require both state and Commonwealth ministerial consent.
2. Exclusion zones are areas that are excluded from the covenant and may cater for dwellings or other infrastructure. Historically, some covenant agreements have included provisions for a domestic zone or part A zone to allow the construction or occupation of a dwelling. The management and administration of domestic zones and part A zones is inherently complex and the application of different covenant provisions causes confusion for landowners. Domestic zones will no longer be included in conservation covenant agreements.
3. Miscellaneous zones (or part C zones) are areas of land subject to covenant that cater for activities such as bushfire management, weed management or that may be required by regulation (for example slashing required for maintenance of an area surrounding a CASA regulated windsock). Historically, covenant agreements have included provisions applicable to miscellaneous zones or part C zones. These zone descriptions can cause confusion for landowners and will no longer be included in new conservation covenant agreements as they add unnecessary complexity. Any areas of land subject to covenant and which require specified management should be described in the nature conservation plan.

Version history

Approved by the General Manager Environment May 2026.

Tasmanian Government

Contact

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