



## TRUST AGREEMENTS

The information provided below is a general guide to help understand Trust Agreements.

### What is a Trust Agreement?

A Trust Agreement is a legally binding agreement between the landholder and the Nature Conservation Trust to protect the natural heritage values and associated cultural heritage values of a property. The signed Trust Agreement is registered on the property title which ensures the land is protected by current and all future owners.

The Nature Conservation Trust is able to enter into these agreements under the *Nature Conservation Trust Act 2001 (NSW)*.

### How does a Trust Agreement protect my land?

When a Trust Agreement is entered into the landholder assumes legal obligations, together with the Nature Conservation Trust, to uphold the terms of the agreement. While the landowner who enters the agreement is not likely to violate their own agreement, this may not be the case for subsequent owners. The Nature Conservation Trust will support, monitor and defend all of its agreements through a long term Monitoring and Support Program. This program ensures that future owners respect the natural and cultural heritage values that you have worked to protect.

### What is the Monitoring and Support Program?

The Nature Conservation Trust's Monitoring and Support Program provides a range of services to help you manage the Trust Agreement and assist you in best managing your land. The program is designed to ensure that support and advice is provided to all Private Reserve Managers, including periodic visits to observe the condition of the land.

### What are natural heritage values?

The *Nature Conservation Trust Act 2001* defines **natural heritage** to include (but not limited to) the following:

- ecosystems and ecosystem processes
- biological diversity (within the meaning of the *Threatened Species Conservation Act 1995*)
- landforms of significance (for example, caves of scientific significance), including geological features and processes

The Act outlines **cultural heritage**, in relation to land, to include the following:

- places, objects and features of cultural value in the landscape, including (but not limited to) places, objects and features of significance to Aboriginal people



## **What land can be conserved?**

The Nature Conservation Trust is interested in the following types of natural heritage:

- properties with an unusually high species richness, vegetation diversity or that support examples of regional vegetation communities in good condition
- vegetation communities and ecosystems that are poorly represented at a sub-regional level in existing public reserves, or that have a high national, state or regional conservation priority, and that are in good condition and likely to benefit from covenanting and management
- habitats or populations of State and Commonwealth listed threatened species that are viable and likely to benefit from covenanting and management
- vegetation communities and habitats that contribute to maintenance of essential ecosystem processes such as the provision of corridors and links, communal roosting and nesting sites, migratory bird habitat, or that play a significant role in reducing soil erosion and air and water pollution

## **How does the Nature Conservation Trust decide which land is suitable for an agreement?**

A site visit will be made by a representative of the Nature Conservation Trust to discuss the site and your plans. Factors taken into account when considering a natural area include the:

- land's environmental values
- degree of disturbance
- property's value as a buffer to existing protected areas
- landscape position of the property such as providing a wildlife corridor or climate change corridor
- size and shape of the area
- presence of weeds and feral animals
- level of management required

## **Is the whole property covered by a Trust Agreement?**

Each agreement is unique. Some Trust Agreements cover all of the property, some cover only part of the property. Where management requirements are complex the property may be broken into zones which have different conditions.

All properties will have a 'conservation area' where high conservation value vegetation is protected and the conditions are quite stringent. Others may have an 'agriculture area' which has fewer restrictions or may not be part of the agreement at all. Most Trust Agreements have a 'domestic area' for a dwelling and related outbuildings which are not included in the agreement.

## **Can a Trust Agreement be removed?**

Trust Agreements provide permanent protection of conservation values on private land, so removal of the legal agreement is only possible in extreme and unusual circumstances. The Nature Conservation Trust, the landowners and any other parties must unanimously agree to the termination of a Trust Agreement.





### **Who is responsible for managing the Trust Agreement land?**

A Trust Agreement is voluntary. The landholder plays an important role in deciding the conditions included in the Trust Agreement, as they continue to own and manage their land. A management plan will be prepared for the property by the Nature Conservation Trust in conjunction with the landowner, and reviewed periodically, to provide the landowner guidance for ensuring the conditions are met.

The Nature Conservation Trust can help source advice on most aspects of land management and is also able to direct landholders to various grants and agencies which offer financial subsidies and assistance for landholders to help protect the conservation area.

### **What happens if I want to sell the property?**

Properties with Trust Agreements almost always attract sympathetic purchasers. The terms of the Trust Agreement require you to inform the Nature Conservation Trust when you are selling your land. We will then contact the new owners and familiarise them with the terms of the Trust Agreement. Furthermore, through our Monitoring and Support Program we will revisit the property to ensure it is being cared for.

### **What happens if someone breaches a Trust Agreement?**

If the Trust Agreement is breached, the Nature Conservation Trust will make every effort to work with the owners to achieve an amicable resolution. However, if necessary, legal enforcement will be applied. For this reason it is important that the landowner reads and understand the terms of the Trust Agreement before purchasing a property with a registered Trust Agreement.

For more information on Trust Agreements contact:

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