



POLICY

C033 Native Vegetation on Rateable Land Conservation Covenants and Landcare Rebates

1 Purpose

To provide Council with a policy framework to guide how an annual rate rebate (rebate or concession) may be granted to eligible properties with a registered Trust for Nature Conservation Covenant and/or a Landcare Management Agreement. The rebate is provided under section 169(1)(b) and (c) of the *Local Government Act 1989* (Vic) (rebates and concessions for environmental interest). This policy sets out eligibility criteria, evidence requirements and how the rebate is calculated, applied and administered to support the protection and ongoing management of native vegetation on private land within the municipality.

Council has established a rate rebate scheme to encourage landholders to preserve and manage native vegetation, including through conservation covenants and land management agreements. The scheme is reviewed periodically to ensure it remains clear, equitable and efficient to administer.

2 Scope

This policy applies to privately owned, rateable land within the municipality where all or part of the property is subject to either:

- a registered Conservation Covenant (including a Trust for Nature Conservation Covenant); and/or
- a current Landcare Management Agreement accepted/approved by Council for the purposes of this policy.

Principles

- Preservation of native vegetation: Council recognises the community benefit of protecting and managing native vegetation on private land and supports this through targeted rate rebates.
- Grandfathering: this policy applies only to properties that have an existing eligible arrangement (a registered Conservation Covenant and/or a current Landcare Management Agreement accepted/approved by Council). No new properties will be added to the rebate scheme unless Council resolves otherwise.

Exclusion

This policy does not apply to:

- Land that is not rateable under the *Local Government Act 1989* (for example, Council-owned land or land owned by State Government authorities).
- Properties without either (i) a registered Trust for Nature Conservation Covenant recorded on title, or (ii) a current Landcare Management Agreement accepted/approved by Council for the purposes of this policy.
- Charges that are not part of General Rates, including service rates/charges, special rates/charges and State Government charges.

3 Definitions

Conservation Covenant	means a voluntary, legally binding agreement between a private landowner and Trust for Nature to permanently protect high-value biodiversity on private land. Registered on the property title, it binds current and future owners, prohibiting actions like clearing vegetation, subdivision, or development.
Council	means Hindmarsh Shire Council
General Rates	means an annual property-based tax administered by Hindmarsh Shire Council, calculated by multiplying a property's Capital Improved Value (CIV) by a set "rate in the dollar". General Rates exclude: <ul style="list-style-type: none">• Service rates or service charges• Special rates or special charges• State Government charges.
Municipal Charge	means the annual charge declared by Council under Section 159 of the <i>Local Government Act 1989</i> .
Service Rates or Service Charges	means a service rate or an annual service charge or any combination of such a rate or charge declared under Section 162 of <i>Local Government Act 1989</i> for any of the following services: <ul style="list-style-type: none">• Waste, recycling or resource recovery• Any other prescribed service.
Landcare Management Agreement	means a written agreement between a landowner and Council that sets out management requirements for eligible vegetation areas and is accepted/approved by Council for the purposes of this policy.
Total Conservation Covenant	means a Conservation Covenant that applies to the entire rateable property.

Partial Conservation Covenant	means a Conservation Covenant that applies to part of the rateable property.
Affected area	means the area (in hectares) covered by a Partial Conservation Covenant and/or Landcare Management Agreement.
Rate rebate	means a reduction is applied to the property General Rates payable in accordance with this policy.
Adequate Fencing	means fencing maintained to effectively exclude stock from areas of native vegetation that is subject to a Landcare Management Agreement or conservation covenant, as well as exclude pests that may be present in the relevant area from any adjacent agricultural land.

4 Policy

4.1 Conservation Covenants (Trust for Nature)

A Conservation Covenant is a voluntary, legally binding agreement that is registered on the land title and restricts activities that may damage native habitat. Trust for Nature Conservation Covenants are administered by Trust for Nature under the *Victorian Conservation Trust Act 1972* (Vic) and are typically notified to Council through the land title record and/or advice from Trust for Nature.

4.1.1 Eligibility

To be eligible for a rebate under this policy, a property must meet the requirements below and Council must be satisfied the rebate delivers a community benefit consistent with section 169 of the *Local Government Act 1989* (Vic). Consistent with the grandfathering principle, eligibility is limited to properties with an existing eligible arrangement.

- a. Be rateable land under section 154 of the *Local Government Act 1989* (Vic) (that is, land on which Council may lawfully declare and levy rates and charges).
- b. Be privately owned and located within the municipal boundaries.
- c. Have an **existing** registered Trust for Nature Conservation Covenant recorded on title under the *Victorian Conservation Trust Act 1972* (Vic) and be identified by Council as part of the existing rebate scheme.

4.1.2 Conservation Covenant Rebate

Where a Trust for Nature Conservation Covenant applies to the entire rateable property (total covenant), the rebate is 75% of the property's General Rates for the rating year. Council may confirm the ongoing status of a Trust for Nature Conservation Covenant (including any variation or discharge) through title searches and/or direct confirmation from Trust for Nature.

4.1.3 Calculating the Rebate

The annual rebate will be calculated each rating year and applied against the property's General Rates component only (excluding the Municipal Charge and any service rates/charges, special rates/charges and State Government charges).

- For properties with a total Conservation Covenant, the rebate is 75% of the property's General Rates for the rating year.
- For properties with a partial Conservation Covenant and/or a Landcare Management Agreement, the rebate is calculated at \$5.00 per hectare for the affected area, subject to a minimum rebate of \$50.00 and a maximum rebate of \$250.00, and provided that the rebate does not exceed 75% of the General Rates payable.
- Council will record the calculation and apply the rebate to the rating account for the relevant rating year.

4.2 Landcare Management Agreements

A Landcare Management Agreement is a written agreement between a property owner and Council that sets out management requirements for eligible native vegetation areas on a rateable property. The agreement is administered by Council (including through the Landcare Facilitator or delegate) and may include requirements such as agreed management actions, access for inspection, and provision of information needed to calculate the affected area. Requirements of the agreement should include that the landholder –

- Maintains adequate fencing of affected areas;
- Controls pest animals including rabbits, hares and foxes;
- Controls all pest plants listed as noxious weeds in Victoria and significant regional weeds such as Fleabane.
- Not remove or allow the removal of native vegetation, including dead trees, without a prescribed exemption applying; and
- Not substantially modify the management of the area unless agreed to by Hindmarsh Shire Council.

4.2.1 Eligibility

To remain eligible, landholders must continue to comply with the Landcare Management Agreement, including completing required management actions and participating in any scheduled reviews. Council may review agreements periodically and may vary, suspend or end an agreement (and any associated rebate) where requirements are not met.

4.2.2 Landcare Rebate

Where a property is covered by a Landcare Management Agreement, the rebate is calculated at \$5.00 per hectare for the affected area (minimum \$50.00 and maximum \$250.00), capped at 75% of the General Rates payable.

4.3 Evidence

Property owners must provide ongoing evidence of the relevant eligible arrangement, being either (a) the registered Trust for Nature Conservation Covenant recorded on the title, and/or (b) a current Landcare Management Agreement accepted/approved by Council. Where relevant, owners must also provide evidence of the affected area (hectares) used to calculate the rebate. Council may request additional information reasonably required to confirm ongoing eligibility (including under the grandfathering principle) and any conditions attached to the rebate under section 169 of the *Local Government Act 1989*. Council may verify covenant status through title searches and/or confirmation from Trust for Nature.

4.4 Cessation, Changes and Review

All properties receiving a rebate under this policy are subject to review (and may be subject to inspection) at least once each year by the Landcare Facilitator (or delegate) to confirm covenant/agreement status and the eligible (affected) area. The Landcare Officer will report to Council on the condition of the property and any recommended action to support compliance with the covenant/agreement. Where covenant/agreement conditions are not met, the rebate may be cancelled (and/or eligibility suspended) effective 1 July of the next financial year. Where a property is sold, revalued, becomes non-rateable, or the Conservation Covenant is varied or discharged (or a Landcare Management Agreement is varied or ceases), Council may amend or remove the rebate from the effective date of the change. If the rebate has been applied in error, Council may recover the amount as a debt in accordance with the *Local Government Act 1989* (Vic) and Council's standard rates and charges processes.

5 References

Related documents	Legislation
Hindmarsh Shire Council Revenue and Rating Plan	<i>Local Government Act 1989 (Vic) (including ss 154 and 169)</i> <i>Victorian Conservation Trust Act 1972 (Vic)</i>

6 Document Control

Native Vegetation on Rateable Land		Policy Category	Council
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