

# Australian Property Law Journal

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#### Article

Restrictive covenants for the conservation of private land: Can, and should, an old dog be taught a new trick?

— *Benjamin J Richardson*

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The recent push for private land conservation in Australia has relied on statutory conservation covenants. Historically, by contrast, freehold restrictive covenants were used to safeguard environmental amenity values, particularly with development of garden suburbs. However, their potential contribution to private land conservation has received little attention today. An analysis of the design and implementation of conservation covenants compared to restrictive covenants suggests that whilst conservation covenants are more advantageous, they do not exclude a role for restrictive covenants in certain circumstances. Furthermore, statutory municipal planning covenants may provide another option for motivated landowners. Overall private land conservation in Australia should be better supported by a combination of these covenants.

#### Case Notes

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