

16. HERITAGE CONSERVATION COVENANTS AND HERITAGE AGREEMENTS

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The purpose of this report is to obtain the delegated authority of the Council for the approval of Heritage Agreements and for consents and conservation plans under registered Conservation Covenants.

CONTEXT

The City Council approved at the Council meeting of 26 April 2001 the delegation to an officer Subcommittee of the Council's approval for Conservation Covenants under S77 of the Reserves Act (1977). The Heritage Covenant Officer Subcommittee comprises the Director of Policy and the Associate Directors of Policy or their nominee.

The Council resolved at a meeting of 26 September 2002 that all owners receiving Heritage grants between \$10,000 and \$49,000 would be required to sign an Agreement ensuring that they would not apply for a demolition consent, or demolish a heritage item for a period between five and fifteen years, which had benefited from a heritage grant (Heritage Grant Agreements).

Heritage Agreements

A standard form of Heritage Grant Agreement has now been drafted by the Legal Services Unit to ensure protection from demolition for heritage items for the specified number of years. Current grants now subject to this agreement are required to obtain owner and Council approval. At present the Covenant Subcommittee's powers for approval do not extend to approval for Heritage Grant Agreements. It would appear to be appropriate that the delegated powers of approval for covenants be extended to include approval for Heritage Grant Agreements.

Conservation Covenants

Delegated approval to the Covenants Subcommittee for the signing and registration of conservation covenants has been resolved by Council. However, in the administration of conservation covenants, the consent of Council is also required for any proposed alterations, partial demolition, demolition, subdivision, additions or modifications to the covenanted property.

A Conservation Plan forms the basis for considerations of consents to be agreed or declined by Council under a registered Covenant. Where covenants are registered before a Conservation Plan has been agreed and a Conservation Plan is subsequently prepared, agreement to the Conservation Plan is required from Council.

For clarification and the avoidance of doubt, it is proposed that the approval or declining of consents and Conservation Plans under registered conservation covenants shall be included within the authority delegated by Council to the Heritage Covenant Officer Subcommittee.

Staff

- Recommendation:**
1. That pursuant to Section 114Q(1) of the Local Government Act 1974, the Heritage Covenant Officer Subcommittee be delegated the power to approve or decline any applications made pursuant to a conservation covenant between the landowner and the Council (excluding full demolition).
 2. That pursuant to Section 114Q(1) of the Local Government Act 1974, the Heritage Covenant Officer Subcommittee be delegated the power to approve or decline Conservation Plans made pursuant to a conservation covenant between the landowner and the Council.

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3. That Pursuant to Section 114Q(1) of the Local Government Act 1974 the Heritage Covenant Officer Subcommittee be delegated the power to enter into Heritage Grant Agreements as approved pursuant to a Council resolution of 26 September 2002 and the power to vary such Heritage Grant Agreements from time to time as the Heritage Covenant Officer Subcommittee thinks appropriate.

Chairman's

Recommendation:

Not seen by the Chairman.