

<p>Officer responsible Property Manager</p>	<p>Author Property Services Officer, Bill Morgan</p>
<p>Corporate Plan Output: New Assets (Waterways and Wetlands 9.3.45)</p>	

The purpose of this report is to obtain Council approval to enter into conservation covenants in accordance with the Reserves Act 1977 with the owners of three properties within Christchurch.

BACKGROUND

Section 77 of the Reserves Act 1997 provides that the Council is authorised to enter into conservation covenants over private land. Specifically section 77 provides as follows:

“Any local authority satisfied that any private land should be managed so as to preserve the natural environment or landscape amenity or wildlife or fresh water life or marine life habitat and that the particular purpose or purposes can be achieved without acquiring the ownership of the land for a reserve may treat and agree with the owner for a covenant to provide for the management of that land in the manner that will achieve the particular purpose or purposes of conservation.”

The conservation covenant allows the property to remain in private ownership but puts various limitations on the owner so that he/she must act in accordance with the terms and conditions of the conservation covenant. A conservation covenant may be in perpetuity or for a specific term with the area of land being defined by survey and once defined the covenant document is registered against the title to the property.

In order to protect, preserve and enhance many of our waterways and wetlands it is not always possible to acquire the appropriate land from the owners but in many instances they are agreeable to a covenant being placed on the property to provide the appropriate protection without suffering the loss of any land. This has the advantage as far as the Council is concerned in that it is not faced with the capital cost of acquiring the land but still affords the appropriate protection and permits it to undertake the necessary works to enhance the respective areas. While it does not always permit public access to the areas the most important attribute is to protect the environment.

A copy of the standard conservation covenant document is tabled for Councillors' information and it should be noted that the document by negotiation is varied to suit individual properties and the particular circumstances pertaining to each. The document provides for the management of the area under agreed terms as well as restricting and controlling certain activities which could damage or endanger the environment. The obligations of each of the parties i.e. the Council and the owner, are also specified. Should the proposal involve any enhancement work the Council normally agrees to accept responsibility and maintenance for the works until the establishment phase has been completed which generally can take between three to five years. From this point on the responsibility lies with the owner under strict terms and conditions and ongoing consultation is undertaken at specified intervals to ensure that the intent of the covenant is being complied with.

PROPOSED COVENANTS

The Council has entered into a number of negotiations with various owners around Christchurch to secure conservation covenants and agreement is now being reached with three of the owners concerned. In order that the matters may be finalised it is necessary to seek the Council's approval. The three properties concerned are:

- 1. Address:** 203 Mt Pleasant Road
Owners: B G & M Marsh
Legal Description: Lot 1 DP 43023
Area: 2001m²
Certificate of Title 23A/1407
Purpose of Covenant: The purpose of the covenant is to protect and enhance the Mt Pleasant Stream which bisects the property and which the owners have agreed to grant the Council a covenant in perpetuity over parcels "A" and "B" as depicted on the tabled plan SP 78573.
- 2. Address:** 426 Sawyers Arms Road
Owners: M B & G L Walls
Legal Description: Lot 4 DP 54474
Area: 3.0196 ha
Certificate of Title: 32B/170

Purpose of Covenant: The purpose of the covenant is to protect and enhance a wetland area at the head of one of the tributaries of the Styx River as depicted and outlined as parcel "A" on the tabled plan S2985.

3. **Address:** 3 Skylark Lane

Owners: A J & S B Scull

Legal Description: Lot 3 DP 67544

Area: 1035m²

Certificate of Title: 39C/363

Purpose of Covenant: The purpose of the covenant is to protect a bog land area which is the one of the last remaining in this area of the city. The area concerned is depicted on the tabled plan 3104.

Recommendation: That the above conservation covenants be entered into pursuant to Section 77 of the Reserves Act 1977.

(Note: Councillor Harrow declared an interest in the property at 426 Sawyers Arms Road and abstained from the discussion and voting on this section of the report.)