

2. PROPOSED DELEGATIONS FOR CONSERVATION COVENANTS AND ESPLANADE STRIPS

RR 8336

Officer responsible Water Services Manager	Author Ken Couling, Waterways & Wetlands Team Leader
Corporate Plan Output: Waterways & Wetlands Protection (Vol 3, p 9.3.45)	

The purpose of this report is to seek a delegation of the Council’s powers for the establishment of conservation covenants and esplanade strips for the protection of riparian areas, wetlands and some other areas of high actual or potential conservation values. This report has been prepared in consultation with the Legal Services Unit.

In the Asset Management Plan for Christchurch’s waterways and wetlands developed jointly by the Water Services and Parks Units the most important activities identified for the sustainable management of these natural assets were restoration and protection. Restoration involves improving the condition of land adjoining waterways and wetlands where improvement is needed by stabilising riverbanks and planting the margins to restore the waterways and wetlands state requiring a relatively low level of future maintenance.

Waterway protection involves the Council securing an appropriate level of management control over the margins of waterways and wetlands to not only protect their condition but also to ‘protect’ City Council investment in restoration works. Protection instruments available for conservation and enhancement purposes range from City Plan setback rules, easements, conservation covenants, esplanade strips and esplanade reserves to land acquisition.

CONSERVATION COVENANTS

Conservation covenants are established between willing partners such as a private waterside resident and the City Council who agree on natural values to be protected on a particular piece of land and the management regime to be implemented. Covenants can be used where conservation purposes may be achieved without acquiring ownership of the land.

Typically the City Council first becomes involved through an approach by a private land owner seeking assistance to protect part of their land with high natural values. City Council assistance is provided in the preparation of a management plan which includes site survey, a significant contribution towards the cost of fencing the area and minimal assistance with ongoing maintenance where necessary.

Conservation covenants are established under the Reserves Act 1977 which authorises organisations like the Department of Conservation and District Councils to enter into such agreement with land owners.

A standard form of agreement is tabled.

ESPLANADE STRIPS

At present, esplanade strips are created along some waterways at the time of subdivision pursuant to the subdivision chapter of the proposed City Plan. Esplanade strips are created under these circumstances pursuant to the Resource Management Act to contribute to the protection of conservation values to enable public access or to enable public recreational use. Unlike esplanade reserves, esplanade strips are legal instruments which do not affect the underlying ownership of the land which remains with the adjoining owner.

The use of esplanade strips need not be restricted to the subdivision rules within the proposed City Plan. There is an opportunity to establish an esplanade strip agreement between a willing streamside resident and the City Council where both parties are keen to protect or enhance the natural values associated with riparian land.

In this context, esplanade strips are analogous to a simple easement for conservation and enhancement purposes. The advantages of an esplanade strip rather than a conservation covenant include avoiding the need for an expensive legal survey to establish the strip (identification of the land affected on an aerial plan for example is generally sufficient definition) and the flexibility to protect a riparian area when existing natural values do not warrant conservation covenant status.

A standard agreement form for esplanade strips is tabled.

PROPOSED DELEGATION OF AUTHORITY:

To streamline Council processes, a delegation is sought (as per the recommendation set out below).

Recommendation: Conservation Covenants

1. That the Council, pursuant to Section 114P(1) of the Local Government Act 1974, appoint a Sub-Committee of the Parks and Recreation Committee to be known as the Conservation Covenant Committee comprising the Parks Manager, Property Manager and Water Services Manager.
2. That, pursuant to Section 114Q(1) of the Local Government Act 1974, the Council delegate to the Sub-Committee the power to enter into conservation covenants pursuant to the Reserves Act 1977 for the protection or enhancement of riparian areas, wetlands and some other areas of actual or potential conservation values.
3. That the power to enter into Conservation covenants be exercisable by any two of the three Sub-Committee members signing the conservation covenant deed.

4. That the Sub-Committee report to the Parks and Recreation Committee on a six monthly basis with details of the number of conservation covenants entered into in the previous six month period and the key details of each covenant.

Esplanade Strips

1. That the Council delegate to the Water Services Manager, the Parks Manager and the Property Manager the power to enter into voluntary esplanade strips pursuant to the Resource Management Act 1991 for the protection or enhancement of natural values associated with riparian land.
2. That the power to enter into voluntary esplanade strips be exercisable by any two of the three delegates signing an instrument for esplanade strip.
3. That the Water Services Manager report to the Parks and Recreation Committee on a six monthly basis with details of the number of voluntary esplanade strips entered into in the previous six month period and the key details of each instrument.

(Councillor Buist declared an interest in the foregoing item and abstained from the voting and discussion thereon.)