

#### 4. HERITAGE CONSERVATION COVENANTS

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Corporate Plan Output: City Design and Heritage	

The purpose of the report is to advise on the present use of heritage conservation covenants and to obtain delegated authority for future Council approval of these documents.

The use of a Conservation Covenant between the Council and a Heritage property owner provides for the full protection of the heritage item rather than the more limited level of protection provided under the Christchurch City Plan Rules. This protection from a potential loss of heritage values through demolition, alteration or removal is increasingly a requirement by the City Council in return for financial assistance to heritage property owners.

The Heritage Conservation Policy of the City Council provides Policy 5.3 “*To promote the use of covenants to protect Listed heritage buildings, places and objects.*” This Policy recognises the additional protection which can be provided by registering a covenant on the Certificate of Title of any heritage property. Any protection measures included in a covenant remain with the property and are not limited to a specific owner.

A conservation covenant is a legal document prepared under Section 77 of the Reserves Act (1977). The covenant is a voluntary deed between the property owners and (in this instance), the Christchurch City Council. A covenant identifies matters affecting alterations and conservation of a heritage property where the Council retains the right, to be used at its discretion, to ensure that there will not be a loss of heritage values. It provides for restoration and conservation of the heritage item. Demolition or damage of the heritage item is not permitted. The owners retain their discretion to use the property in a manner which will not cause any loss of heritage values. These rights are held in perpetuity. Both specific and a generic covenant have been prepared by Buddle Findlay for use by the Council for heritage conservation purposes.

The covenant documents require Council approval as a party to the covenant. A resolution of Council for every heritage conservation covenant is therefore required for the registering of the document. With the increasing use of heritage covenants it is therefore more appropriate to consider the use of a delegated Council authority for this purpose. This delegated authority has been previously approved for conservation covenants prepared by Parks and Waterways for the protection of waterways and wetlands.

At present a covenant for the protection of St Mary’s Heathcote, which is a Group 1 listed heritage building, has been prepared with the owners. Council approval is required to register this covenant.

**Recommendation: Heritage Conservation Covenants**

1. That pursuant to Section 114Q(1) of the Local Government Act 1974, the Council delegate to the Director of Policy and the Associate Directors of Policy the power to enter into conservation covenants pursuant to the Reserves Act 1977 for the protection of listed heritage buildings, places or objects.
2. That the Director or Associate Director report to the Environment Committee on a six monthly basis with the number and details of conservation covenants entered into in the previous six month period.
3. That prior to any Conservation Covenant being entered into, the advice of the Senior Heritage Planner be sought.
4. That the performance achieved be included in the Unit's six monthly monitoring report.