

### 3. CONSERVATION COVENANTS FOR NON-HERITAGE PROPERTIES

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The purpose of this report is to consider the opportunities through the mechanism of conservation covenants, for the City Council to recognise and protect Christchurch buildings, places and objects with community and heritage values that are not listed heritage items, and to propose a Council policy in this regard.

#### CONTEXT

For a number of years the Council has been a party to conservation covenants on heritage properties registered under the Reserves Act 1977. These covenants provide for the continuing retention and protection of heritage properties listed in the City Plan. The covenants are registered against the certificate of title to the property and therefore the protection continues with subsequent registered proprietors.

There are other situations in which the Council is a party to a covenant, and this report and proposed policy is focused on those buildings, places and objects which have community and heritage values which may be less than required for listing in the City Plan, but that still merit community recognition and conservation.

#### CURRENT POLICY ON HERITAGE COVENANTS

The Council Heritage Conservation Policy 5.3 "*To promote the use of covenants to protect listed heritage buildings, places and objects*" restricts entering into conservation covenants to only those properties included in the City Plan Heritage listing and ensures that such properties are recognised as having significant heritage values.

The criteria used to judge heritage values are:

- Historical and Social Significance  
*For its historic value or significance in terms of a notable figure, event, phase or activity, and whether it is an important reflection of social patterns of its time.*
- Cultural and Spiritual Significance  
*For its contribution to the distinctive characteristics of a way of life, philosophy, religion or other belief and/or the esteem in which it is held by a particular group or community, including whether it is of special significance to the Tangata Whenua.*
- Architectural and Artistic Significance  
*For its significance in terms of a design of a particular style, period or designer and whether it has significant artistic value.*
- Group and Setting Significance  
*For its degree of unity in terms of scale, form, materials, texture and colour in relationship to its setting and/or surrounding buildings.*
- Landmark Significance  
*For its landmark significance in the community consciousness.*
- Archaeological Significance  
*The heritage item and its relevance in respect of important physical evidence of pre-1900 human activities.*
- Technology and Craftsmanship Significance  
*The heritage items importance for the nature and use of materials, finishes and/or constructional methods which were innovative for the period or of noteworthy quality.*

#### PROPOSAL FOR NON-LISTED HERITAGE PROPERTY COVENANTS

The issue of policy for the Council to enter into covenants under S77 of the Reserves Act for Christchurch buildings, places and objects which are not listed heritage items has recently arisen specifically with reference to the former home and studio of the Christchurch artist, the late William Sutton. Conservation covenants represent an obligation on the Council in relation to their preparation, monitoring and the processing of approvals. While the protection of listed heritage items is Council policy, it is not clear where it might be appropriate for the Council to be a party for the conservation and recognition of other types of Christchurch buildings, places and objects.

## **ISSUES FOR CONSIDERATION**

### **Potential Criteria for Property Covenants**

The assessment criteria for listing of heritage items would provide a measure of the appropriateness for other types of buildings, places and objects. That is, where there are community values and heritage values that are reflected in the heritage criteria, but which are individually insufficient for heritage listing, then these properties may still justify consideration for protection by the Council. The lesser importance of these properties can be reflected in a simpler and less restrictive covenant than those used for listed heritage items. In this way for example, landmark buildings, places associated with a notable figure or event, or groups of buildings in a setting of significance could be given recognition, in respect to any one of these criteria.

### **The William Sutton Property**

It will be helpful to consider this proposal for a covenant in the light of the criteria proposed above.

William (Bill) A Sutton was born in Christchurch on 1 March 1917 and was educated at Sydenham School, Christchurch Boys' High School Canterbury University College School of Art 1934 - 1938 and the Anglo-French Art Centre London 1947-48.

Sutton was:

- A lecturer at the University of Canterbury School of Fine Arts 1949 – 79.
- A Council member of the Canterbury Society of Arts 1949 - 60 and Vice President 1965-67.
- A member of the Visual Arts Advisory Council and QEII Arts Council and Trustee of the National Gallery National Museum and War Memorial.

William Sutton received many major art awards and fellowships including: Canterbury College medal 1937, QEII Arts Council Fellowship 1973, CBE 1980 and Governor General's award 1984. Sutton died on 26 January 2000.

Sutton was one of New Zealand's outstanding landscape and portrait painters of the twentieth century. Often categorised as a regionalist because of his unswerving focus on Canterbury his later work went beyond this through his abstracting and restructuring of the shapes of land and sky. Some of his most significant painting was made in his Templar Street studio where he lived between 1962 and his death in 2000.

Sutton's Templar Street property is proposed for a conservation covenant. The studio, with living quarters was purpose-built for Sutton, with the studio being the main focus of the building. The garden, front gates, street wall and plaque are ancillary features that have some significance in the setting of the house.

The importance to Christchurch of the property, and in particular the studio, is its association with a notable New Zealand painter of the twentieth century and recognition of the contribution that William Sutton has made to the cultural life of New Zealand. It is intended that if the property is preserved it can be used in the future as an artist's residency like the Rita Angus House in Wellington.

It is apparent that the William Sutton studio is an example where the Council could be justified in contributing to its protection, recognition and future use by providing a conservation covenant on the property.

The covenant entered into for the William Sutton property shall either be a S77 Reserves Act conservation covenant or a restrictive covenant on terms and conditions approved by the Legal Services Unit.

### **Legal and Financial Implications**

The effect of this proposed change in policy is for Council to bear the costs of staff time and legal expenses in assessing proposals and preparing and registering documents. In the normal course of events these are expected to total less than \$1000 per proposal, while the number of proposals on an annual basis is expected to be few.

## **POLICY FOR COVENANTS ON NON- HERITAGE PROPERTIES**

The following is proposed as the Council's policy:

1. The Council acknowledges that some Christchurch buildings, places and objects have community and heritage values that deserve to be recognised through the provision of conservation covenants.
2. That the Council shall enter into conservation covenants which will conserve the significant community values of a property where these are consistent with one or more of the heritage criteria identified in the Christchurch City Plan.
3. The conservation covenants shall be prepared under S77 of the Reserves Act 1977 or as restrictive covenants on terms and conditions approved by the Legal Services Unit, at the Council's cost.
4. The conservation covenants shall be approved under the delegated authority of the Heritage Covenant Officer Subcommittee.

- Recommendation:**
1. That the proposed policy for conservation covenants on Non-Heritage Properties be adopted.
  2. That pursuant to Section 114Q(1) of the Local Government Act the powers of the Heritage Covenant Officer Subcommittee be extended to include entering into conservation covenants under S77 of the Reserves Act or restrictive covenants for buildings, places and objects which have community and heritage values consistent with the Policy for Covenants on Non-Heritage Properties and on such terms and conditions as the Subcommittee sees fit.
  3. That the Council become a party to a restrictive covenant on terms and conditions approved by the Legal Services Unit, for the William Sutton property at 20 Templar Street with the Certificate of Title CB 159/132.