



25. 9. 2003

**SUPPLEMENTARY REPORT BY THE  
CHAIRMAN OF THE ARTS, CULTURE AND HERITAGE COMMITTEE**

**PART A - MATTERS REQUIRING A COUNCIL DECISION**

**1. CONSERVATION COVENANTS  
DELEGATION TO COUNCIL HEARINGS PANEL**

<b>Officer responsible</b> Director of Legal & Secretariat Services	<b>Author</b> Peter Mitchell, DDI 941-8549
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The purpose of this report is to seek a delegation from the Council to the Council Hearings Panel for the Panel to grant approval, on behalf of the Council, in terms of any conservation covenant made under the Reserves Act 1977 and entered into by the Council.

**BACKGROUND**

The background to this matter is the property at 19 Gleneagles Terrace is subject to a conservation covenant between the Council and the landowners. The landowners wish to carry out some alterations to buildings on the property

Under the terms of the covenants any landowner who wishes to demolish or alter structures which are subject to a conservation covenant must obtain the approval of the Council. The Council has entered into some 26 conservation covenants to date. In December 2002 the Council appointed the Heritage Covenant Officer Subcommittee with delegated power to:

- (a) approve or decline any applications made pursuant to a conservation covenant between the landowner and the Council (excluding full demolition); and
- (b) approve or decline conservation plans made pursuant to a conservation covenant between the landowner and the Council.

Since last December it has become apparent that it would be appropriate to have a mechanism in place for elected member involvement in decisions where there is conflicting heritage advice as to any particular proposal put forward by a landowner requiring Council approval under a conversation covenant.

Rather than appoint a separate elected member subcommittee it is considered that the Council Hearings Panel would be an appropriate structure to deal with these issues as all Councillors are members of the Panel and the issues would involve Councillors in hearing potentially conflicting technical heritage evidence as to the appropriateness or otherwise of any proposed alterations or demolitions.

Given that heritage issues would be involved, it is considered appropriate that the delegation be on the basis that at least one member of a Panel hearing an application for Council approval under a conservation covenant must be a member of the Arts, Culture and Heritage Committee.

It would be anticipated that the Officer Subcommittee would continue to deal with conservation covenant approvals on a day-to-day basis but that it would have the ability to decline to exercise its delegated powers, or, if having exercised them, it could refer the matter to the Council Hearings Panel.

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1 Cont'd

**Staff**

**Recommendation:**

1. That the Council delegate to the Council Hearings Panel the powers of the Council delegated to the Heritage Officer Subcommittee.
2. That the Council add the following to the resolutions delegating powers to the Heritage Officer Subcommittee:

*“To decide to refer any application, for which the power to make a decision has been delegated, or if having exercised a delegated power to refer a matter, to the Council Hearings Panel for consideration and decision.”*

3. That at least one member of the panel considering such an application be a member of the Arts, Culture and Heritage Committee.

**Chairman's**

**Recommendation:**

That the above recommendation be adopted.

**CONSIDERED THIS 25TH DAY OF SEPTEMBER 2003**

**MAYOR**