

<b>Officer responsible</b> Property Manager	<b>Author</b> Property Services Officer, Bill Morgan
Corporate Plan Output: Waterways and Wetlands Protection Vol. III 9.3.45	

At its meeting on 10 December 1998, the Council considered and adopted a report from the Parks and Recreation Committee recommending that a number of conservation covenants be entered into pursuant to section 77 of the Reserves Act 1977. In adopting the recommendation the Council resolved further that the officers report on the financial implications to the Council of such conservation covenants.

#### BACKGROUND

It was reported to the Council that 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 freshwater 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 conservation.”*

The Council was advised by its legal advisers that a conservation covenant allowed the property to remain in private ownership but put various limitations on the owner so that he / she or they must act in accordance with the terms and conditions of the covenant. A conservation covenant may be in perpetuity or for a specified term with the area of land being defined by survey and once defined the covenant document is registered against the title for 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 area the most important attribute is to protect the environment. It is important to stress that conservation covenants are only entered into when existing waterway and wetland values are high and that expensive Council funded site enhancement is not generally involved.

The processes involved to secure a covenant are to firstly identify appropriate areas and to then approach and consult with the owners concerned. Any particular issues of concern are identified and resolved and agreement reached over any maintenance and management regimes. To this end the Council has prepared a standard covenant document which can be varied to suit individual properties and as such results in a considerable saving on legal costs. Once agreement has been reached in principle it is necessary to conduct a legal survey of the area concerned and define the area on a plan so that it can be noted against the title to the property.

Other costs vary from property to property depending upon what is involved and could include some fencing, the cleaning up of waterways and in some instances, planting. Where planting is involved the covenant document provides for the Council to maintain the area during the establishment phase following which the responsibility lies with the owner with provision being included for on-going consultation and management to ensure that the objectives of the covenant are being adhered to. Typical costs of securing a covenant could therefore be summarised as follows:

Legal Services:	\$1,000 - \$1,500
Legal Survey:	\$3,000 - \$5,000
Fencing:	\$50 per metre
Waterway Clean Up:	\$10 per metre
Planting:	\$10 per m <sup>2</sup> .

Often no planting is involved and not all conservation covenant areas include streams or waterways or wetlands and as such the above cost should only be regarded as indicative. However it is a far cheaper option than purchasing the land and as previously indicated in many instances it is the only satisfactory means of securing and protecting waterway and wetland areas.

**Chairman's**

**Recommendation:** That the information be received.