

## 7. HERITAGE COVENANT OFFICER SUBCOMMITTEE: DELEGATIONS

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8462
<b>Officer responsible:</b>	Democracy Services Manager
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### PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to delegations to the Heritage Covenant Officer Subcommittee.

### EXECUTIVE SUMMARY

2. At its meeting on 13 December 2007 the Council approved the establishment of a number of officer subcommittees and the delegations for these. Amongst these was the Heritage Covenant Officer Subcommittee which consists of:

- General Manager Strategy and Planning
- Corporate Support Manager
- Programme Manager Liveable City
- and their nominees

with any two members as a quorum

3. This officer subcommittee existed in the previous term of the Council with delegated authority for a number of matters relating to conservation covenants and heritage grants.
4. The report to the Council meeting of 13 December 2007 omitted, however, to detail the delegations for this officer subcommittee and it is now necessary therefore for the Council to resolve that the delegations previously exercised by the subcommittee be granted to it.
5. These delegations are listed in the staff recommendation below and are the same as those previously exercised by the Subcommittee.

### FINANCIAL IMPLICATIONS

6. There are no direct financial implications in granting these delegations to the Subcommittee. Any financial expenditure involved is covered by existing unit budgets.

### Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

7. Yes, see above.

### LEGAL CONSIDERATIONS

8. The Local Government Act 2002, clause 30, Schedule 7, allows any local authority to appoint a subcommittee and to make delegations to it.

### Have you considered the legal implications of the issue under consideration?

9. Yes, see above.

### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. See page 11 of the LTCCP, Level of Service under Democracy and Governance refers.

### Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

11. As above.

## **ALIGNMENT WITH STRATEGIES**

12. Not applicable.

### **Do the recommendations align with the Council's strategies?**

13. Not applicable.

## **CONSULTATION FULFILMENT**

14. Not applicable.

## **STAFF RECOMMENDATION**

It is recommended that the Council grant to the Heritage Covenant Officer Subcommittee the delegations as listed below:

1. The power to enter into conservation covenants under section 77 of the Reserves Act 1977 or other appropriate legal instruments for the protection of heritage buildings, places or objects listed in the City Plan or the Banks Peninsula District Plan on such terms and conditions as the subcommittee thinks fit from time to time.
2. The power to enter into conservation covenants under section 77 of the Reserves Act 1977 or other appropriate legal instruments for the protection of 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 thinks fit from time to time.
3. The power to approve or decline any application made pursuant to a conservation covenant or other legal instrument entered into for heritage purposes (excluding an application for consent for demolition).
4. The power to approve or decline a conservation plan prepared pursuant to a conservation covenant or other legal instrument entered into for heritage purposes.
5. The power to exercise any discretion of the Council given by any conservation covenant or other legal instrument entered into for heritage purposes to enforce the terms of any such conservation covenant or other legal instrument or to require any act or thing on the part of the landowner or person giving such conservation covenant or other legal instrument following any breach of its terms and conditions.
6. The power to institute enforcement proceedings where the terms and conditions of any conservation covenant or instrument entered into for heritage purposes have been breached by the landowner or the person giving such conservation covenant or instrument.
7. The power to issue a dispute notice and to refer any dispute or difference arising with a party to a conservation covenant or other legal instrument entered into by the Council for heritage purposes to mediation or arbitration in terms of such conservation covenant or other legal instrument and the power to negotiate a resolution to such dispute on behalf of the Council.
8. The power to approve individual heritage grants to owners of heritage buildings, places or objects listed in the City Plan or the Banks Peninsula District Plan of up to \$50,000, on such terms and conditions as provided by the Council's heritage grant policies, provided that:
  - (a) applications for such grants in excess of \$50,000 be referred to the Council for approval, or otherwise; and
  - (b) staff be requested to report back twice a year, listing heritage grants which have been approved by the Subcommittee pursuant to its delegated power within the preceding six months.