

**13. CONSERVATION COVENANT REMOVAL FROM CERTIFICATES OF TITLE – 118 BEALEY AVENUE**

<b>General Manager responsible:</b>	Acting General Manager, Strategy and Planning Group
<b>Officer responsible:</b>	Programme Manager, District Planning
<b>Author:</b>	Philip Barrett, Acting Heritage Team Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to seek Council approval to remove from Certificate of Title CB 822/94 Conservation Covenant COV 7167546.1. The report also seeks that the Chief Executive Officer be authorised to instruct Council solicitors to undertake requirements for cancellation with Land Information New Zealand.

**EXECUTIVE SUMMARY**

2. 18 Bealey Avenue also known as 'Marli', is listed in the Christchurch City Plan as Group 3 and is registered Category 2 with the New Zealand Historic Places Trust. The property is subject to a Conservation Covenant. The building was demolished on or about 26 May 2011 following approval to demolish from the Canterbury Earthquake Recovery Authority.
3. The purpose of a Conservation Covenant is to preserve the heritage value of a property in consideration of having received a heritage grant. It is desirable to remove the Conservation Covenant encumbrance from the Certificate of Title given the encumbrance is no longer relevant since the building no longer exists.
4. The owner of 118 Bealey Avenue was granted a Heritage Incentive Grant amounting to \$100,000 on 19 May 2005. Council records show that a certificate of works was approved on 16 December 2006 confirming the completion of the agreed plan of works. The grant was distributed on 21 January 2007.
5. Covenant Clause 5, Fourth Schedule, requires the owner to notify the Council immediately in the event the building is destroyed. Council was notified by the owner's lawyer by letter dated 10 June 2011. However, the Heritage Response Team was aware of the decision to demolish the building on circa 26 May 2011 by way of the CERA demolition process. Clause 5 provides that if the Council confirms the property has been completely destroyed, then the obligations under the covenant cease to have effect. Council's heritage officers confirm 118 Bealey Avenue has been demolished.
6. There remains no reason why Council should not approve the removal of the Conservation Covenant from the Certificate of Title.

**FINANCIAL IMPLICATIONS**

7. There are no financial implications.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

8. Not applicable.

**LEGAL CONSIDERATIONS**

9. Council Legal Services has reviewed the file and confirm there is no legal reason not to proceed.

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

10. Yes. There are no legal implications.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

11. Not applicable.

**13 Cont'd**

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

12. Not applicable.

**ALIGNMENT WITH STRATEGIES**

13. Not applicable.

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

14. Not applicable.

**CONSULTATION FULFILMENT**

15. Not applicable.

**STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Approve the cancellation of Conservation Covenant COV 7167546.1 from Certificate of Title (CB822/94) being 118 Bealey Avenue.
- (b) That the Chief Executive Officer be authorised to instruct Council solicitors to undertake appropriate cancellation requirements with Land Information New Zealand.