

Proposed development consent conditions

- 1 Within six months of the grant of this development consent, or such other time as agreed with the consent authority, the applicant is to submit to the consent authority a deed signed by each owner of the land ("Landowners") to which this consent relates, being a deed of agreement for easement and positive covenant that must stipulate the of the following:
- (a) A sketch plan of the proposed easement site.
 - (b) An obligation on the Landowners once the first part of the seawall is constructed, to procure a survey of the proposed easement site for the seawall (which may need to extrapolate the easement to land where the seawall has not yet been built).
 - (c) A process for the creation, execution and registration of an easement over the easement site for support and access over the easement site in favour of each of the Landowners to allow each Landowner to carry out its obligations under the positive covenant (as set out below).
 - (d) A process for the creation, execution and registration of a positive covenant that addresses the following:
 - (i) An obligation on each Landowner to keep the seawall on their land in good repair;
 - (ii) An obligation on each Landowner to repair any part of the seawall on its land which is damaged from time to time;
 - (iii) A facility for the Landowners to undertake repairs on other land within the site of the easement if a particular Landowner does not undertake the repairs and the ability for the Landowners to recover the costs of those repairs as a debt due;
 - (iv) An obligation for the Landowners to procure inspections of the seawall by a suitably qualified expert at least once each calendar year and after any major storm event;
 - (v) An obligation to remove debris from any adjoining land, including public land, if part of the seawall's structure is dispersed onto that land;
 - (vi) An obligation to restore, within a reasonable time, the adjoining land including the beach, if any increased erosion of the adjacent land is caused by the presence of the seawall;
 - (vii) An obligation for each Landowner to maintain all relevant insurances including public liability insurance in relation to the seawall on their land.

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- 2 Within 3 months of any part of the seawall being constructed, the Landowners must register the easement together with any covenants as referred to above on each land title to which this consent relates and provide evidence to the consent authority of such registration.