

Section 55M

Section 55M provision	Where dealt with under proposed condition
<p>(1)(a)(i) - the works will not over the life of the works:</p> <p>unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland</p>	<p>The works will not limit public access as they are entirely on private land. However conditions 1(d)(v), 1(d)(vi) and 2 will ensure that access to the beach is not unreasonably limited.</p>
<p>(1)(a)(ii) - the works will not over the life of the works:</p> <p>pose or be likely to pose a threat to public safety</p>	<p>Conditions 1(d)(i), 1(d)(ii), 1(d)(v), 1(d)(vi), 1(d)(vii) and 2.</p>
<p>(1)(b)(i) - satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works:</p> <p>the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works</p>	<p>Conditions 1(d)(vi) and 2.</p>
<p>(1)(b)(ii) - satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works:</p> <p>the maintenance of the works</p>	<p>Conditions 1(d)(i), 1(d)(ii), 1(d)(iii), 1(d)(iv) and 2.</p>
<p>(2)(a)(i) - the arrangements referred to in subsection (1)(b) are to secure adequate funding for the carrying out of any such restoration and maintenance, including by either or both of the following:</p> <p>by legally binding obligations (including by way of financial assurance or bond) of all or any of the following:</p> <p>the owner or owners from time to time of the land protected by the works</p>	<p>Conditions 1 and 2 create:</p> <ol style="list-style-type: none"> 1. Legally binding arrangements for funding as positive covenants on land require the relevant landowner to expend money to comply with the obligations (this is supported by case law); and 2. Legally binding arrangements for funding will be on owners from time to time as the easement and positive covenant will be registered on title and run with the land (see section 88F of the Conveyancing Act).