

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application for approval pursuant to clause (6) of consent notice CONO 670359.5 registered on Certificate of Title 241010 (Lot 8 DP 359131 by **TUI DEVELOPMENT TRUST COMPANY LIMITED** to construct pedestrian access.

**Decision by the Resource Management Committee, Wairoa District Council.**

**1.0 APPLICATION**

Tui Development Trust Company Limited (the applicant) applied to the Wairoa District Council for approval pursuant to clause (6) of consent notice CONO 670359.5 registered on Certificate of Title 241010 (Lot 8 DP 359131). This consent notice condition was imposed on subdivision consent RM020047 which created the Lot 8 DP 359131. Clause 6 reads:

*In respect of Lots 4 to 8 inclusive, there shall be no pedestrian access constructed within the CEHZ referred to in (d) above unless the design for such has been approved by the Wairoa District Council following recommendations from a suitably qualified and experienced expert in dune preservation provided at the expense of the developer.*

The condition refers to the coastal erosion hazard zone (CEHZ) identified in the report *Coastal Hazard Assessment for Mahanga Beach, Wairoa District* prepared by Dr Jeremy Gibb dated November 2002, which was submitted in support of the application for subdivision.

The applicant proposes to construct a board and chain walkway, commonly referred to as a sand ladder and this would be fenced to prevent access onto other parts of the ecological reserve.

This subdivision consent was granted subject to another condition that was not made subject of a consent notice, but is also relevant to the consideration of this application:

*Pedestrian access shall only be permitted within defined routes running across (and not lengthways down) the ecological reserve. The access points shall be constructed after consultation with the Department of Conservation as to the appropriate location and method of construction of the accessway.*

The Council's Resource Management Committee considered this matter as part of a resource consent application to subdivide and develop Lot 8 DP 359131 for residential purposes. That decision is issued separately.

## 2.0 CONSIDERATION

The Resource Management Committee considers that private access across the ecological reserve in this location is unnecessary. This is particularly given the location to two alternative accesses to the coast in close proximity to the proposed access. The construction of the pedestrian access would therefore, unnecessarily adversely affect the ecological values of the dune system.

## 3.0 DECISION

Pursuant to Clause (6) of Consent Notice CONO 6760359.5 registered on the Certificate of Title 241010 (Lot 8 DP 359131) that approval be declined for the construction of the pedestrian access across the ecological reserve (Lot 9 DP 359131).



Les Probert JP  
**MAYOR**

Date 14/8/07