

POLICY ON RECREATIONAL  
AND NON-RECREATIONAL  
OCCUPATIONS ON UNFORMED  
LEGAL ROAD.

Revised and Adopted by Council:  
23 March 2017

# POLICY ON RECREATIONAL AND NON-RECREATIONAL OCCUPATIONS ON UNFORMED LEGAL ROAD.

## 1. INTRODUCTION

Westland District Council (Council) recognises that a range of recreational and non-recreational activities may wish to locate on unformed legal road. This policy sets out guidance in relation to these activities; both for baches and other recreational activities, and for non-recreational activities such as residential, agricultural and commercial uses.

Contact person for queries: Jim Ebenhoh  
Email: [jim.ebenhoh@westlanddc.govt.nz](mailto:jim.ebenhoh@westlanddc.govt.nz)  
Phone: 03 756 9035

## 2. CONDITIONS APPLYING TO ALL OCCUPATIONS ON UNFORMED LEGAL ROAD:

- On behalf of Council, Westland District Property Ltd (WDPL) manages unformed legal roads in Westland.
- Council retains ultimate responsibility for any decisions made relating to the management of unformed legal roads, including policy-setting.
- Owners of occupying activities must have a Licence to Occupy Unformed Legal Road (unless otherwise stated in this policy) and must comply with the conditions of that Licence to Occupy.
- Occupying activities must not interfere with the public right to pass and re-pass along unformed legal road. Related to this:
  - No fences are to be erected across legal road without a sty, unlocked gate or other means of public passage.
  - 'Private property' / 'Keep out' signs or similar are only allowed on private buildings and must not be posted in such a way that they are seen as applying to the legal road itself.

- Occupying activities must be ultimately relocatable (for example, wooden structures on piles rather than brick building on concrete slab).
- The holders of a Licence to Occupy must have the necessary building consents and resource consents and are responsible for obtaining them.
- Council, upon recommendation from WDPL, will set the scale of annual licence fees for occupying activities on unformed legal road as part of its Annual Plan.
- *This policy will be reviewed in line with the Long Term Plan every three years, unless otherwise agreed with Council.*

**3. ADDITIONAL CONDITIONS APPLYING TO ALL BACHES AND OTHER RECREATIONAL OCCUPATIONS ON UNFORMED LEGAL ROAD:**

Council recognises that baches have a unique place in the history of Westland and accepts their continued use for recreational purposes. Other recreational occupations such as boat sheds, hunting shelters etc may also be acceptable in some areas. The following conditions apply to all baches and other recreational occupations on unformed legal road:

- Baches (including their associated structures) or other recreational structures on existing sites with a gross floor area of less than 100 square metres (sqm) may increase their gross floor area up to 100sqm; those with gross floor area greater than 100sqm may not increase their gross floor area. Baches (including their associated structures) or other recreational structures on new sites must have less than 100sqm gross floor area.
- Baches (including their associated structures) and other recreational structures shall be single storey and shall be clad and/or painted in a colour scheme of suitably recessive colours so that the structure blends into the surrounding environment.
- Permanent residential occupation is not permitted.
- WDPL and Council management reserve the right to classify a structure as a bach, recreational structure, or a non-recreational structure. This will be determined at the time of application for the Licence to Occupy.
- The maximum number of baches on unformed legal road in the District shall be 100.
- Leases shall be granted for ten years at a time.

**4. ADDITIONAL CONDITIONS APPLYING TO NON-RECREATIONAL OCCUPATIONS ON UNFORMED LEGAL ROAD:**

Non-recreational occupations on unformed legal road include residential activities and encroachments (including sheds and gardens), agricultural uses such as grazing and

apiculture (beehives), mining, other commercial activities (e.g. fish processing and retailing, or helipads), or anything else not considered to be a recreational occupation.

The following conditions apply in these cases, additional to those conditions listed at the start of this policy as applying to all occupations of unformed legal road:

- New residential uses or new structures or occupations associated with residential uses will be considered on a case-by-case basis by mutual agreement between WDPL and WDC Management. Existing residential uses can be legalised through a Licence to Occupy unless there are significant reasons such as environmental concerns or transportation needs.
- Agricultural uses including grazing and apiculture are acceptable subject to a Licence to Occupy, unless in the view of WDPL or ~~Council~~ WDC Management the activity is incidental encroachment from a neighbouring property that does not require a Licence to Occupy.
- Mining is acceptable subject to a Licence to Occupy.
- Other non-recreational and commercial activities and/or structures will be considered on a case-by-case basis by mutual agreement between WDPL and WDC Management.
- Persons involved in any non-recreational activity must adhere to all Health and Safety legislation.