

## Guidelines for Baches on Legal Road

The Council does not allow the construction of baches on legal road. Under certain circumstances the Council, at its pleasure, may allow a bach to remain on legal road.

An important principle in relation to structures on legal road is that the private use of public land is only acceptable where the public interest is best served.

The following guidelines are to be considered when assessing whether or not a bach may be allowed to remain on legal road and the conditions that may apply:

- 1 A licence agreement is to be completed.
- 2 Does the impact on the environment and recreational uses outweigh the benefit of the bach remaining on the land?
- 3 Is the bach located in an area that the public are likely to require access and to what degree does the bach restricts such access?
- 4 Are there any health or sanitary issues directly associated with the bach and are they able to be satisfactorily addressed?
- 5 Is the building in a reasonable state of repair?
- 6 Has the land around the bach been personalised by the bach owner and does this unduly deter a public right of access?
- 7 Are there any other structures (boatsheds, woodsheds, garages, water supplies, permanent furniture etc) considered to be part of the occupation area?
- 8 Are the risks to Council, by allowing the bach to remain, easily manageable? This requires consideration of potential complaints from the public, how they can be managed and the amount of Council and staff time that may have to be incurred dealing with issues resulting from the issue of the licence.
- 9 Licences will generally be issued for the envelope of the footprint of the bach only.
- 10 Any baches which are considered by the Council to be either unsafe or pose a health risk may be required to be removed at the expense of the owner.
- 11 No additions or improvements are to be permitted without the approval of the Council but the baches are to be maintained to a reasonable standard and to the Council's satisfaction.

## ATTACHMENT 4

- 12 Licences may be assigned at the discretion of the Manager Property Services.
- 13 Permanent residential occupation is not permitted.
- 14 Baches are not to be commercially let.
- 15 Licence fees are to be determined by a registered valuer and are to take into account the value of similar or nearby land and the rates paid thereon.
- 16 Upon termination of the licence all improvements are to be removed at the owner's expense or at Council's discretion may revert to the Council.
- 17 Licences may have a defined period but will provide for termination upon notice (usually three months).
- 18 Personal occupation and development of areas surrounding baches is generally not permitted.
- 19 Public access around the licensed area is not to be prevented.
- 20 The Council reserves the option to terminate any licence at its option.