



8 January 2018

Dean White
SeaKiwi Limited
16 Clipper Place
Whitianga 3510

Dear Dean

Expression of Interest to operate on or across TCDC reserves.

Further to our conversations and your subsequent Expression of Interest, the Mercury Bay Community Board Chairperson and the District Manager North have approved your application to operate your business between 8 January 2018 and 30 June 2018.

As approval has been given outside of the standard formal process, a report will go to Mercury Bay Community Board and Council for retrospective approval in March. If this request is declined, the business will be required to cease operations immediately.

This year, concessions have been issued for a period of one year (1 July 2017 to 30 June 2018). A new Activities in Public Places Bylaw has recently undergone public consultation and is due to come into effect on 1 September 2017. As it includes provisions around trading in public places it is timely for Council to consider how it can simplify its approach to concessions and other commercial activities in public places, and the tender process. New policies and procedures will be in place for the next round of concessions in 2018; and we will ensure these are communicated to you in advance.

Your business is approved to operate from the following location:

Reserve Location:	Notes
Buffalo Beach - Esplanade Reserve	Approved subject to: <ul style="list-style-type: none"><li data-bbox="778 1391 1241 1420">• The attached terms and conditions.<li data-bbox="778 1424 1442 1480">• Area of occupation shall be as per the attached plan.

Please find enclosed the terms and conditions of your licence and the licence to operate. You may commence operating at the approved site(s) immediately and in accordance with the conditions attached.

The concession fee is \$511.00 and an invoice will be sent to you in due course. The invoice must be paid in full by the 20th month following invoicing for the licence to remain valid.

Should you require further information, please contact me on 07 8672027.

Yours sincerely

A handwritten signature in blue ink that reads 'Heather Bruce'.

Heather Bruce
Customer Service Administrator - Mercury Bay

Terms and Conditions of the Concession License

Dean White, SeaKiwi Limited (T/A Whitianga Jet Skis)

(The 'activity') has been approved by Thames-Coromandel District Council (the 'Council'), subject to you (the 'licence holder') ensuring that the following terms and conditions are met:

SPECIFIC CONDITIONS

- Please encourage your customers to access your site via approved beach steps/access points.
- Parking is limited in this area, so please encourage your customers to walk to the activity location from nearby carparks or their accommodation.
- Approval is given for a small gazebo (3m x 3m) to be erected on the beach as discussed on site. The security of the gazebo when unattended is at your risk. Council will take no responsibility or liability for any damage caused to or by the gazebo.
- Approval is given for one advertising flag to be erected against the gazebo, in addition to the conditions listed under **Signage**. This flag to be removed when the gazebo is sign written.
- Access across the beach by any wheeled vehicle is strictly prohibited.
- Parking on any Council Reserve or beach is strictly prohibited.
- The activity is non-exclusive and other activities and events may be approved at similar locations.

OBLIGATION of the LICENCE HOLDER to OCCUPY

- This approval grants the licence holder the right to utilise the site(s) for the purposes of operating a business.
- Should the licence holder decide not to utilise or occupy any site as agreed by this consent then that site may be withdrawn from the licence subject to an annual review.
- In such cases where a site is withdrawn, or the licence cancelled, for whatever reason by the Council or the Licence holder then no refund or credit on the fee charged or part thereof shall be provided.

AREA of OCCUPATION

- The area occupied by the business shall be restricted to the immediate area of the activity and shall not unduly encroach onto the general public's use of the beach or reserve; or obstruct beach / reserve users. The location shall be as marked on the attached plan.

ANNUAL REPORTING

- All concession licence holders shall provide to Council no later than 1st August of each year a report stating the number of days each area was used for the activity, any issues identified, any injuries, accidents or incidents reported. In addition the report shall have attached a copy of the current public liability insurance certificate and a current Health & Safety Plan.

MARINE ACTIVITIES

- All commercial marine activities shall notify the relevant Harbour Master of the activity before commencing the activity.
- Any activities involving water craft carrying passengers shall obtain the necessary approvals from Maritime Management Services.

REMOTE SITES

- At remote sites where no toilets exist the licence holder is responsible to ensure no persons associated with the activity use public places as "toilets". Should Council receive any substantiated reports of persons associated with the activity defecating or urinating on a public place or on private property the location will be immediately withdrawn from this licence.

PERMIT

- The permit shall be available on demand for any Council Officer to view the permit.

WASTE MANAGEMENT / MINIMISATION

- All litter from the immediate area of operations must be removed and the area must be left in a clean and tidy condition.

ADJACENT RESERVES and LAND

- This licence does not grant the holder the right to occupy, enter upon or cross over any other land owned or managed by any other authority, person or corporation.

TRAFFIC MANAGEMENT

- Parking can occur where legally permitted.
- Unless specified, no vehicles shall be driven or parked on any beach.

SIGNAGE

- A single sandwich board is permitted to be displayed at the location of the activity.
- All signage is to be removed at the end of each day.
- Signage shall be confined to the site unless otherwise authorised if agreed by the appropriate authorised TCDC officer.

CONCESSION FEE

- The fee charged for this activity may be reviewed annually or at any time by Council as required through Annual Plan or Long Term Plan reviews.
- The fee charged for this permit will not be refunded if the licence holder decides to cancel or terminate the licence once granted.

DAMAGE TO PUBLIC PROPERTY

- Vegetation, buildings, roads and other facilities must not be damaged or unduly disturbed at any time during the activity or any set up or pack down period associated with it. If any damage does occur, the licence holder, as soon as practicable and at the licence holder's cost, will repair or replace (at the Council's direction, acting reasonably) the damaged property.
- In the event of wet weather care shall be taken to avoid damage to the reserve turf.

ACCESS TO PROPERTIES

- Public and private access ways surrounding the site area are to be kept clear at all times.
- Access and egress must remain clear/open at all times for residents, business and emergency vehicles.
- The public shall not be unduly inconvenienced by the activity.

PUBLIC LIABILITY INSURANCE

- It is the licence holder's responsibility to obtain and keep current Public Liability Insurance for this activity.

HEALTH and SAFETY

- The concession holder is responsible for ensuring the provisions of the Health & Safety at Work Act 2015, all relevant regulations, standards and approved codes of practice are complied with at all times.
- The licence holder shall notify Council immediately of any serious harm incidents involving the activity.
- A Health and Safety Plan is required for any commercial business operating on or over any reserve or public place. This shall be reviewed annually by the licence holder and supplied to the Council by August 1st of any year. The Health and Safety plan shall address all requirements of the NZ Health and Safety legislation.
- In case of any accident or injury on the reserve, the concession holder must notify the Council by the start of the next working day.

SCHEDULE CHANGES

- The Council is to be advised as soon as possible of any proposed change to the nature of the activity, which shall be subject to approval by TCDC.

COMPLIANCE, LIABILITY and INDEMNITY

- Compliance by the operator is required with all conditions, Council bylaws, any relevant Reserve Management Plan and the Council's District Plan.
- The licence fee is to be paid by the due date or the licence may be cancelled.
- The licence holder shall comply with all New Zealand legislation, statutes and law.
- The licence holder shall not operate activities in any other areas under the control of TCDC which are not specified by this licence without prior written approval.
- The licence holder shall comply with all applicable laws and regulations and the terms of all permits, consents, and approvals issued in respect of the activity. The Council shall not be liable for any act or omission of the licence holder in relation to the activity and the licence holder shall at all times indemnify the Council in respect of any direct loss, damage, cost (including costs incurred on a solicitor/client basis) or expense, whether arising in contract, tort (including negligence or breach of statutory duty), or otherwise, which may be suffered or incurred by the Council as a direct result of any breach by the organiser of any of these conditions or as a direct result of any other act, error, or omission on the part of the licence holder (including any employee, contractor, or volunteer engaged by or on behalf of the licence holder) in relation to the activity.
- Should the terms and conditions of this agreement not be met, the licence may be revoked and may not be issued again in future years.



The Thames-Coromandel District Council

approves

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CONCESSION LICENCE TO OPERATE

to

**Dean White, SeaKiwi Limited
(T/A Whitianga Jet Skis)**

From

8 January 2018 to 30 June 2018

at the following sites:

Buffalo Beach - Esplanade Reserve



District Office: 515 Mackay Street, Private Bag, Thames 3540, New Zealand P
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