

1.0 Purpose

The purpose of this Parks Concession Policy is to provide an effective means for Masterton District Council to manage commercial use of parks and reserves land through the issuing of leases, licences and permits and charging appropriate fees.

2.0 Rationale

2.1 Parks and reserves are provided, maintained and developed and the flora and fauna are protected and preserved for public recreation and enjoyment. The carrying on of any trade, occupation or business is not generally considered consistent with these values.

2.2 However, in certain circumstances it may be appropriate for commercial activities to be undertaken on a reserve if:

- a) The proposed activity complements the primary purposes of the reserve and is provided for in the management plan of that reserve
- b) The activity is for the benefit, enjoyment or convenience of reserve users while they are using the reserve
- c) Any impacts on the natural environment are managed

2.3 Issuing concessions offers Council a method of ensuring that these requirements are met by any person or organisation wishing to undertake commercial activities in Council-owned parks and reserves.

2.4 Ratepayers meet the cost of providing and maintaining parks and reserves. It is appropriate therefore to charge fees for commercial use of parks and reserves to avoid or minimise ratepayers subsidising private benefits or gain.

3.0 Policy Statement

3.1 Commercial Use of Parks and Reserves

Any person or organisation carrying on a commercial activity on Council-owned parks and reserves shall first apply for an appropriate concession. At the sole discretion of Council a concession may be granted upon payment of applicable fees PROVIDED that the proposed activity is consistent and compatible with:

- a) Reserves Act 1977
- b) Current Regulations and Bylaws
- c) Operable District Plans and Management Plans
- d) Other concurrent events and activities on the park or reserve

3.2 Casual and Non-Commercial Use of Parks and Reserves

Any person or organisation may make casual use or organise a non-commercial event or activity on Council-owned parks and reserves without a concession fee being applied.

Non-commercial events and activities require a site booking to be made at least 14 days prior.

3.3 Competitive Concessions

Generally only one person or organisation may carry on the same or similar commercial activity at the same or similar location on a Council-owned park or reserve. If more than one person or organisation wishes, or may wish to, carry on the same or similar commercial activity then the successful concessionaire shall be determined through a tender process conducted in accordance with Council's Procurement Policy and procedures.

Additional concessions may be granted when, at the sole discretion of Council, it is considered necessary for the benefit, enjoyment or convenience of reserve users or event attendees.

4.0 Implementation

4.1 Concession Applications

4.1.1 Council aims to have a process that is fair and equitable for both new and renewed concession applications. Proposed activities shall be consistent with the purpose and objectives of the applicable management plan and relevant statutes.

4.1.2 Applicants shall to the satisfaction of Council be of good character, sound financial standing and be suitably qualified / experienced to carry out the proposed activity in a safe and proper manner. In considering applications Council may;

- a) Assess the impact of the proposed activity on the environment
- b) Consider the benefits to reserve users
- c) Request background information verifying the suitability of the concessionaire.
- d) Apply Procurement Policy and procedures in the case of competitive concessions

- e) In the case of a renewal application, review the performance of the concessionaire with particular regard to any complaints, damage, breaches of concession conditions and monies owed to Council.

4.1.3 If an applicant has been unsuccessful or does not agree with proposed terms, conditions or fees then the application may be referred to the delegated Council committee for review at the next scheduled committee meeting. Any review shall be at no further cost to the applicant.

4.2 Concession types

4.2.1 A Lease shall be used when it is proposed to undertake an activity over an extended period (generally more than 1 year) and the concessionaire requires an exclusive right to occupy the land or premises. Sports clubrooms or operating a cafe are typical examples where a Lease would be used.

4.2.2 A Licence shall be used when it is proposed to undertake an activity over an extended period (generally months and up to 1 year) and the concessionaire seeks non-exclusive right to use the land or premises. Paddle boats sharing a lake or guided tours over a cycle track are typical examples where a Licence would be used.

4.2.3 A Permit shall be used when it is proposed to undertake an activity over a temporary/ short term (generally a day, weekend or holiday period). A trade show or operating an amusement device for the school holidays are typical examples where a Permit would be used.

4.3 Event / Activity Plans

4.3.1 The Occupiers' Liability Act 1962 and the Health and Safety in Employment Act 1992 place obligations on Council and event organisers to ensure public safety. Where there may be an elevated risk of damage or harm then Council will require event plans to be submitted for prior approval.

4.3.2 Non-commercial events involving less than 90 participants will not require an activity plan PROVIDED the proposed activity does not include use of horses or other livestock, vehicles, machinery, or there is otherwise an increased risk of damage or harm.

4.3.3 Leases and Licences shall include a definition of the intended use / permitted activities and the rights and obligations of Council and the concessionaire. The Deed of Lease or Licence shall serve as the approved activity plan.

4.3.4 Commercial and non-commercial events involving more than 90 participants shall submit an event plan to Council for approval not less than 14 days prior to the event. As a minimum the event plan shall outline the

organiser contact details, nature/ type of activities, the dates/ times and location of the proposed event. Additional information will be required if it is proposed to:

- a) Involve more than 150 participants
- b) Use horses or other livestock, vehicles, or machinery
- c) Prepare, sell or serve alcohol and foodstuffs
- d) Close off or disrupt normal traffic on a road or footpath
- e) Use professional event organisers (insurances may apply)

4.3.5 Commercial and non-commercial events and activities require a site booking to be made not less than 14 days prior to the event or activity.

4.4 Lodgement of Bond

4.4.1 Any person or organisation arranging either a commercial or non-commercial event or activity may at the sole discretion of Council be required to lodge a bond prior to the event or activity. A bond is likely to be required when a proposed activity includes use of horses or other livestock, vehicles, machinery, or there is otherwise an increased risk of damage or harm.

4.4.2 The bond shall be refunded in full PROVIDED that;

- a) The reserve has been cleared of rubbish, signs, line marking, tents/ stalls or any other soiling, structure or disturbance that has arisen from the event or activity.
- b) Any locks, chains, bollards or gates used for the event or activity have been secured and keys returned to Council.
- c) Any damage to buildings, fences, signs, structures, turf, gardens and trees arising from the event or activity has been repaired or otherwise made good.
- d) Concession fees, electricity, telephone, water and any costs to Council arising from the event or activity have been paid.

4.4.3 Council shall retain the bond or part thereof to pay for cleaning, repairs and reinstatements that have not been remedied by the concessionaire. If such costs exceed the bond amount then Council shall invoice the concessionaire for further reimbursement as required.

4.5 Schedule of Fees

4.5.1 The schedule of fees shall be applied to all commercial events and activities undertaken at Council parks and reserves. There will be no concession fee applied to casual and non-commercial events, however a bond may be sought for activities assessed by Council to present a risk of damage or harm.

4.5.2 Council reserves the right to waive fees for activities that may qualify as commercial activities when it is considered at Council's sole discretion that special circumstances apply. A fundraising sausage sizzle, busking or

wedding photography are examples of commercial activities that may be considered for a fee waiver.

5.0 Definitions & Interpretation

Casual use	Individuals or groups of generally up to 30 participants undertaking informal/ unstructured play or other activities.
Commercial Activity	Carry on trade, occupation or business (e.g. making movies/ photography (excluding weddings), operating a cafe) Offer goods and/or services for money or exchange (e.g. food vendors, amusement rides). Activity undertaken for the purpose of profit or gain.
Concession	A concession is authorisation for a person or organisation to undertake an event or activity on Council owned/ managed land. A concession may be in the form of a lease, licence or permit and determines the relationship, rights and obligations of Council and the concessionaire.
Concessionaire	Concession-holder. The other party to a concession agreement with Council.
Council	Masterton District Council including its committees and officers or any successive territorial authority and its committees and officers.
Easement	An easement grants an interest in some benefit from the land (eg right-of-way)
Lease	A lease is a grant of an exclusive interest and possession of the land or premises and makes provision for permitted activities.
Licence	A licence grants non-exclusive interest in the land or premises and makes provision for permitted activities.
Non-commercial	Organised event or activity, generally with 30 participants or more, that is not done for the purpose of profit or private gain. (eg wedding, school sports day)
Permit	Written authority for entry or to allow an activity in a specified area for a temporary/ short period.