

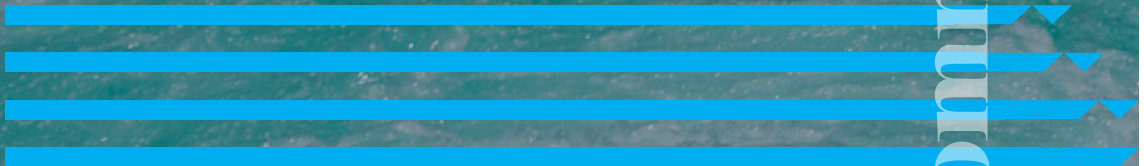


TŪWHARETOA  
MĀORI TRUST BOARD

# Commercial Users Policy

Taupō Waters

Commercial Users Policy



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## Applying for a Commercial License

**If you want to run a commercial operation undertaking commercial activities on Taupō Waters you must get permission from the Taupō Waters Trust in the form of a licence.**

### Why do I need to apply for a licence?

Ownership of Taupō Waters was vested in the Tūwharetoa Māori Trust Board (Trust Board), on behalf of Ngāti Tūwharetoa, under a Deed with the Crown in 2007.

In July 2021, the High Court issued a declaratory judgment which confirmed the property rights of Ngāti Tūwharetoa including the ability to require commercial users to obtain from the Trust Board, rights to occupy or use parts of the lake for commercial activities, and to charge commercial uses for the same.

### What makes up Taupō Waters?

Taupō Waters includes the bed of Lake Taupō, the space occupied by the water of the lake, the tributaries flowing into the lake and the Waikato River from the outlet of Lake Taupō to the Rock of Tia (inclusive of the Huka Falls).

### What is the Taupō Waters Trust?

The Trust Board is trustee of the Taupō Waters Trust which holds the title to the Māori freehold land which makes up the Taupō Waters.

### What is a commercial activity?

A commercial activity means an activity that has the purpose (either primary or subsidiary) to operate a business and/or obtain profit or gain from operations utilising Taupō Waters.

Commercial activities may include, but are not limited to, the following operation types:

- ↪ boat operation
- ↪ water activities
- ↪ aircraft
- ↪ accommodation on Taupō Waters
- ↪ guided fishing

If you are unsure whether your use of Taupō Waters classifies as a commercial activity, please be in touch with our Taupō Waters Permissions team.

### What happens if I don't have a licence?

If you do not have a licence and you undertake commercial activities on Taupō Waters, you are at risk of trespass and the Trust Board has the right to pursue legal action.

## Making an Application

### What do I need to complete my application?

- Aerial Map of Operation (refer to Taupō District Council free map system - Mapi)
- Location information
- Regulatory consents (if required), such as:
  - Harbourmaster approval
  - Maritime NZ Certificate
  - District or Regional Council approval
- Health & safety plan
- Public liability insurance
- Cultural impacts information
- Environmental impacts information

You must also hold all other consents, certification, statutory approvals, concessions or licences necessary to ensure that the commercial activity can be lawfully undertaken or maintained on Taupō Waters before applying for a licence.

### How long is the term of a licence?

You can apply for a licence for a term of 2 years. The licence will continue for the specified term and can be terminated on 3 months' written notice to the Taupō Waters Trust.

What are the timeframes for making an application and the granting of a licence?

We will endeavour to process your application, within the following timeframes from the date we receive all the required information from you:

- Standard application - 15 working days from the date all information required has been provided.
- Complex application - 30 working days from the date all information required has been provided.

### What happens once the application is granted?

We will send you a licence agreement for signing. Once signed by both parties, you have a legal right to access and use the Taupō Waters for the prescribed use in accordance with the terms of the licence agreement.

## Environmental Impact Information

**If you undertake a commercial activity on Taupō Waters, you must provide information on any environmental impacts with your application.**

### Who needs to provide information on environmental impacts?

Everyone applying to undertake a commercial activity on Taupō Waters must provide information on any real or potential environmental impacts with their application.

This information is an integral part of each application and helps us to understand the potential environmental impacts and determine whether a licence can be granted and if so, whether conditions and monitoring may be required.

### What information will I need to provide?

The application form will ask you for the following information when making an application:

- a declaration that you will at all times comply with the Trust Board's taiao/environmental protocol. The taiao/environmental protocol can be found [here](#)
- describe in detail your proposed commercial activity
- identify the potential environmental effects of the proposal, both positive and adverse
- describe any measures to avoid, remedy or mitigate adverse effects
- identify any alternative locations, times or designs that would mitigate the adverse effects of the proposal
- prescribe a programme to monitor any ongoing effects.

We may impose conditions in the licence to remove and/or mitigate adverse effects.

## Cultural Impact Information

**If you undertake a commercial activity on Taupō Waters you must provide information on any cultural impacts with your application.**

### Who needs to provide information on cultural impacts?

Everyone applying to undertake a commercial activity on Taupō Waters must provide information on any real or potential cultural impacts with their application.

This information is an integral part of each application and helps us to understand the potential cultural impacts and determine whether a licence can be granted and if so, whether conditions and monitoring may be required.

### What information will I need to provide?

The application form will ask you to make the following declarations when making an application:

- a declaration that you will at all times comply with the Trust Board's cultural protocol. The cultural protocol can be found [here](#)

We may impose conditions in the licence to ensure that the commercial activity does not have an adverse effect on matters or sites of cultural significance.

## License Fees

Here's what you need to know about the fees you will be charged under your licence.

Our current fees are available here. Below is an overview of how our fees are structured.

### Application fee

We charge a fee to process your application. The application fee must be paid at the time of submitting your application.

### Use type fee

Depending on the nature of the activity, we will charge a usage fee. The different types of usage fees include:

1. Commercial Operator - % of gross revenue
2. Structure – area covered by the structure
3. Event – % of entry fee charged to participant and any sponsorship or other contributions
4. Filming & photography – refer to rate card

### Annual management fee

We also charge an annual management fee, which is charged annually in advance. This fee covers our ongoing costs of monitoring and managing the licensing regime.

### Monitoring fee

If TWT is required to monitor the effects of your activity, we will charge you a monitoring fee to recover our costs. The fee will depend on what your activity is and how much work is required by TWT permissions staff.

### Iwi Consultation fee

There may be times where you will require iwi consultation to support your application. If you are unable to do this consultation yourself, a fee will be charged for our Permissions team to undertake this on your behalf.

### Transfer fee

There will be a fee if you wish to transfer the licence if you decide to sell your business.

### Surrender fee

There will be a fee if you wish to surrender the licence if you decide to sell your business.

### Review of fees

The terms on which we review our fees and your rights if we decide to increase fees will be set out in the licence agreement.

### Waiver of fees

In limited circumstances, at the discretion of the Taupō Waters licencing team, we may apply a fee waiver where a commercial user provides a service to the public at zero cost.

### Amendment (Licence) Fee

There will be a fee if you wish to amend your licence.

## License Changes, Expiry and Review

You may change your activities and wish to vary your licence to reflect this.

### Making changes to your licence

You may wish to change your activity or the conditions of your licence at the discretion of the Trust Board. There are two ways to do this:

1. You can apply for a 'variation' if the change is only minor. A variation can't be used if you want to extend the term, substantially change the location, or increase the environmental effects of your commercial activity. You will need to follow the process in number 2 below to do any of these things.
2. To apply for a more substantial change such as adding a new activity or location all you need to do is fill in the amendment application form. It will be assessed in the same way as your original application.

### Selling or closing your business

You can't sell your licence, but if you sell your business you can apply to the Taupō Waters Trust using a transfer application form to transfer it to the new owner. The standard fee for assignment of a licence is set out in our rate card.

If you close your business or no longer require your licence, you can surrender it for a fee. You must write to us to request the surrender of your licence using a surrender your licence application form. The surrender will take effect from the date your application is received. All licence fees up to the date of the surrender must be paid.

### Expiry of your licence

You must stop running your activity at the end of the day on which your licence expires. If you keep operating, you are trespassing.

If you want to continue your commercial activity you must apply for a new licence at least 3 months before your current licence expires.

### Licence 'reissue'

If you have complied with the terms of your licence during the term of your licence you may be offered the opportunity to apply for a 'reissue' of your licence.

This is a shortened process which can only be used for licences of up to 10 years.

We will endeavour to process a reissue within 10 working days.

## Compliance

**Complying with the terms and conditions of your licence helps to ensure the ongoing protection of Taupō Waters.**

### Complying with your licence

If you do not comply with the conditions of your licence it can be suspended or cancelled and you could face legal action. Your rights are set out in your licence agreement.

Once you begin your activity, if you find that certain conditions mean you cannot operate your business or activity effectively or you want to change something about the way you operate your activity you can apply for a variation to your licence.

If you do breach the conditions of your licence it is better to let us know immediately rather than wait for someone to report you and face the legal consequences.

You should also let us know if you notice illegal commercial activity on Taupō Waters. Please contact the Taupō Waters Trust licencing team.

### Complying with the relevant legislation

You are responsible for complying with all applicable legislation. If in doubt, please obtain legal advice. Such legislation includes the Health and Safety at Work Act 2015 and the Health and Safety at Work (Adventure Activities) Regulations 2016.

The Health and Safety at Work Act places obligations on persons who control workplaces to take all practicable steps to ensure that people in the workplace as well as other people in the vicinity of the workplace are not harmed by any hazards in or arising from the workplace.

The Health and Safety at Work (Adventure Activities) Regulations require adventure activity operators to have a safety audit certificate and to be registered with WorkSafe New Zealand



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Taupō Waters

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