

# Rotorua Lakes Closure Guidelines 2011

## (August 2011)

### 1 Introduction

The purpose of this document is to identify the criteria that the Harbour Master will consider when approving an application to close a lake covered by the Bay of Plenty Regional Navigation Safety Bylaw 2010 ('the Bylaw'). Clause 3.9 of the Bylaw allows the Harbour Master to temporarily reserve an area for use and uplift the speed restrictions set by the Bylaw.

This document should be read together with the Bylaw, Rotorua District Council bylaws, Maritime New Zealand Rule Part 91, and all relevant legislation.

#### 1.1 Types of Closures

<b>Full Lake Closure:</b>	<p>Gives temporary use of an entire lake, restricting public vessels during the duration of the closure. It may also include uplifting of speed limits set by the Bylaw.</p> <p>An exception is Tikitapu (Blue Lake) where the main body of the lake can be fully closed but the eastern and/or western passive areas of the lake can remain open and available for swimmers and non-powered vessels.</p>
<b>Partial Lake Closure:</b>	<p>Gives temporary use of only part of a lake, restricting public vessels during the duration of the closure. It may also include uplifting of speed limits set by the Bylaw.</p>
<b>Māori Ceremony Closure:</b>	<p>Gives temporary use of part of a lake next to an area where Maori are holding a formal ceremony to minimise disturbance from water users. It can provide for the use of ceremonial waka and a floating burial if adequate water safety measures are in place.</p> <p>Closures for events such as waka ama racing are to be made as a partial or full lake closure under the 'local club and organisations' category.</p>
<b>Harbour Master Closure</b>	<p>An immediate closure of an area when the Harbour Master considers the circumstances would endanger a person(s) while using the lake, as set out by Clause 3.11 of the Bylaw. This includes enforcing rāhui to protect public health as guided by the local kaumatua.</p>

#### 1.2 Continued Public Use

The public will continue to have the right to access the Rotorua lakes until the Harbour Master approves an application to close a lake. The public will also continue to have the right to access any public reserve, jetty, wharf, boat ramp and/or state highway unless the Rotorua District Council or the New Zealand Transport Agency has approved these areas to be closed and/or managed.

#### 1.3 Compliance with this Guideline

It is an offence under clause 3.9.1 of the Bylaw to fail to obtain written permission to hold a special event on a public lake. Not all events require a lake closure, but all event organisers must advise the Harbour Master of their event. If the event does not require uplifting a speed restriction or the event manager does not require the lake to be closed then the event manager still needs to complete the Ten Minute Form, which can be downloaded from Council's website.

## 2 Criteria for approval

The Harbour Master will assess lake closure applications based on the following criteria (not in order of priority). Council cannot guarantee the lake conditions will be suitable or safe. Applicants need to obey all warnings issued by the Harbour Master. The Harbour Master may cancel a closure without notice due to unforeseen conditions.

### 2.1 Criteria for considering Full and Partial lake closure applications:

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| <ul style="list-style-type: none"> <li>(a) The Maritime Lakes team receives the full application (not the Ten Minute Form) at least one calendar month before the start of the closure.</li> <li>(b) The area defined in the application is a public lake within the Bay of Plenty Regional Council boundary.</li> <li>(c) The length of the lake closure does not exceed 10 days.</li> <li>(d) The event's Safe Operations Plan (SOP) is provided and is relevant to the size and scale of the closure and it meets the Harbour Master's minimum standard. Note: the Harbour Master will use reasonable discretion to ensure all maritime risks specific to the closure are satisfactorily covered.</li> <li>(e) Written approval from Rotorua District Council is included if the closure requires the use of adjacent public reserves, foreshore, boat ramp, wharf, jetty or traffic management on local roads.</li> <li>(f) Written approval from the New Zealand Transport Agency is included if the closure requires traffic management on a state highway.</li> <li>(g) A request to uplift a speed restriction does not include 'Special Designated Areas' (as shown by Schedule 4 of the Bylaw), excluding Lake Tikitapu (Blue Lake). Note: you may still apply for the use of a special designated area.</li> <li>(h) The speed restrictions set out in the Bylaw are not uplifted between 7pm and 7am.</li> <li>(i) The Harbour Master is not already processing, or has approved, another application for the same lake planned for the same time.</li> <li>(j) No full lake closures during the summer, autumn or spring primary school holidays, public holidays or any weekend that incorporates a public holiday. Note: the only exception is the two historic annual events (rowing and multisport) that take place in January, as previously approved by Rotorua District Council.</li> <li>(k) No partial lake closures during the period 25 December through to 2 January.</li> </ul> | <ul style="list-style-type: none"> <li>(l) All public lakes covered by the Bylaw are fully open to the public for at least one weekend during a calendar month. No more than three lake closures per organisation in one financial year (1 July – 30 June). Note: these closures cannot be traded between organisations.</li> <li>(m) The Harbour Master agrees the event has a reasonable predicted level of support that justifies excluding the public from a lake or part of a lake. Note: closures are unlikely to be granted for small groups of participants during peak season.</li> <li>(n) The adjacent lake does not have a full lake closure at the same time. This ensures that the public can access an alternative lake, such as Lake Ōkāreka if Lake Tikitapu (Blue Lake) is closed.</li> <li>(o) Reasonable steps are taken to avoid invasive pests entering the lake. Note: see Council's Lakes Maritime team for guidance on the latest threats and precaution steps a closure may need to take.</li> <li>(p) Reasonable steps are taken to ensure petroleum and solvents do not enter the lake. Note: Rotorua District Council approves rubbish management for the event.</li> <li>(q) The event will not have a significant impact on the erosion of lake banks or beds.</li> <li>(r) The closure does not endanger the public, unreasonably restrict public access to use the lake, or raise any other matter the Harbour Master believes to be a legitimate reason for not approving the closure.</li> <li>(s) The event is aligned with the vision and goals of the Strategy for the Rotorua Lakes District, Rotorua Lakes Recreation Strategy, and adheres to Te Arawa's statutory acknowledgements.</li> <li>(t) The applicant agrees to the fees and charges listed in Section 5 of this document.</li> <li>(u) The applicant agrees to adhere to any condition(s) the Harbour Master may impose when approving a closure.</li> <li>(v) The Harbour Master may consider worthy events that exceed the criteria on a case-by-case basis.</li> </ul> |
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### 3 Procedures for approving Maori Ceremony Closure applications

- (a) A formal ceremony or hui is planned to take place at a site of significance to Maori that is next to a lake and is likely to be affected by disruptive noise from water vessels.
- (b) The Harbour Master will consider guidance from Te Arawa Lakes Trust, iwi and hapū in recognising the cultural, spiritual, historical significance of the lakes to Te Arawa as set out in the Te Arawa Lakes Settlement Act 2006 and Affiliate Te Arawa Iwi and Hapū Claims Settlement Act 2008.
- (c) If another closure has already been approved for the same area, the Harbour Master will work with both closure applicants to see if both closures are compatible and find a mutual solution that satisfies both parties.
- (d) The length of the closure does not last more than a day.
- (e) The area of the closure is of minimum size so that the public can safely use the remaining area of the lake.
- (f) The applicant agrees to adhere to any condition(s) the Harbour Master may impose when approving a closure.

### 4 Procedures for Rāhui following a missing person or a death

- (a) An issued NZ Police report states a person(s) is expected missing, or a body has been recovered, from a lake.
- (b) The Harbour Master seeks guidance from the recognised kaumatua in the area where the body was found to impose a rāhui to exclude public access to an area of a lake, except for the Coroner, NZ Police, and BOPRC staff.
- (c) If a pre-approved lake closure is scheduled to happen during the rāhui period, the pre-approved applicant may make a request to the kaumatua and Harbour Master to allow the event to go ahead. The event may be subject to additional conditions that the kaumatua recommends that the Harbour Master imposes to enable the event/closure to go ahead.
- (d) Other organisations, agencies or individuals may seek written approval to access the area of the lake covered by the rāhui for exceptional circumstances. The Harbour Master will consider these applications on a case-by-case basis.
- (e) The Harbour Master may reinstate the rāhui following the conclusion of the event in accordance with the direction of the kaumatua.

## 5 Fees and charges

### 5.1 Application fee

Fees for processing approved applications cover a portion of staff time spent processing the application and installing signage around the lake. The application fee excludes the public notification fee and the Maritime Team's time on the day of the event set out in sections 5.2 – 5.4 below. The categories below recognise the different size of applications and profit status of some applicants:

	Full lake closure	Partial lake closure
Local clubs and organisations	\$115.00 (GST incl) per day	\$57.50 (GST incl) per day
Other applicants	\$230.00 (GST incl) per day	\$115.00 (GST incl) per day
Emergency service exercises	\$0 per day	\$0 per day
Māori ceremony or hui	Not applicable	\$0 per day

Note: The minimum fee is for one day. Half-day rates apply for any additional half-day/s required in addition to the first day.

### 5.2 Public notification

All closures need to issue a public notice (clause 3.9.3 of the Bylaw) so the public is aware that the lake is closed. Staff will place a public notice in an appropriate newsprint publication, *'The Review'* as an example. Council will invoice the cost for the public notice to the applicant (excluding rāhui). Staff regularly review this fee to ensure it is kept to a minimum.

### 5.3 'Ten Minute Form' - Signage fees

The Ten Minute Form informs the Harbour Master of a lake event to ensure navigation safety. It is free to submit a Ten Minute Form. The Harbour Master may consider it is necessary to erect signage to notify the public about your event. The Harbour Master will determine what signage is needed and the associated cost to be covered by the applicant. A public notification will not be required.

### 5.4 Maritime Team's time

Sometimes Regional Council staff are required to help set up the lake. For example, navigational aids need to be shifted and put back when the event is completed. The applicant will be invoiced for this time using the applicable charge out rate. A separate fee will be invoiced if Maritime staff is required to attend the event, based on the applicable charge out rate.

### 5.5 Cancellations or late changes

If the applicant wishes to withdraw an application then the fees incurred prior to the withdrawal will be invoiced to the applicant. In the event of bad weather causing the cancellation of the closure there will be no refund of the application fee or the public notification. The applicant will be invoiced for any additional signage or public notices if they wish to make a late change to the time or date of the closure. The applicant will not be charged if the Harbour Master imposes the late change.

## 6 Definitions

<b><i>Bay of Plenty Region:</i></b>	The area within the Bay of Plenty Regional Council boundary as defined by the Local Government (Bay of Plenty Region) Reorganisation Order 1989.
<b><i>An event:</i></b>	Any organised activity of an educational, commemorative, exhibitiv e or competitive nature that occurs on the Rotorua lakes for a limited time.  Note: not all events require a lake closure. All events must submit a ten minute form to the Harbour Master as set out in clause 1.3 of this Guideline.
<b><i>Local clubs and organisations:</i></b>	Any not-for-profit or charitable organisations based in the Bay of Plenty region. It excludes other not-for-profit organisations with offices in other regions. It includes locally based clubs affiliated to national bodies. It may also include local companies and businesses.
<b><i>Māori ceremony:</i></b>	A formal ceremony or hui at a recognised site of significance to Māori, that justifies minimising the disturbance from public activities on the water.
<b><i>Rāhui:</i></b>	A form of tapu restricting access to, or use of, an area or resource by persons. Iwi have traditionally used rāhui for many reasons including conservation, public health, and to protect food sources. The purpose of rāhui in these guidelines includes safeguarding public health following a death of a person(s) on a lake.  Note: Rāhui for fishing conservation values for instance are imposed under the Fisheries Act 1996.
<b><i>Rotorua lakes:</i></b>	All public lakes in the Rotorua Lakes catchment within the Bay of Plenty Regional Council boundary.
<b><i>School holiday period:</i></b>	As determined by the Ministry of Education, which includes the first and last weekend during the holiday period and includes the end of year break – December to January.