

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

**IN THE MATTER OF** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER OF** the Queenstown Lakes  
Proposed District Plan  
Submissions and  
Further Submissions on  
Chapter 21 Rural

**BY** Queenstown Rafting  
Limited

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**STATEMENT OF EVIDENCE BY ROBIN VANCE BOYD**  
**Dated this 21st day of April 2016**

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**MACALISTER TODD PHILLIPS**  
Barristers, Solicitors, Notaries  
3<sup>rd</sup> Floor, 11-17 Church Street  
Queenstown 9300  
P O Box 653, DX ZP95001, Queenstown 9348  
Telephone: (03) 441 0125 Fax: (03) 442 8116  
Solicitor Acting: Jayne Macdonald

**1. Introduction**

- 1.1 My full name is Robin Vance Boyd. I am the Managing Director of Queenstown Rafting Limited (“QRL”) and am authorised to give evidence on its behalf.
- 1.2 I previously appeared before the Hearings Panel on 23 March 2016 in relation to the Strategic Direction Chapter of the Proposed District Plan (“PDP”).
- 1.3 I have been actively involved with Queenstown tourism as an owner and manager since 1987. QRL was formed in 1996 as a joint venture between our family trust and Real Journeys (then Fiordland Travel).
- 1.4 During the past 28 years I have advocated the benefits of responsible tourism at a local and national level. I am a past Chairman of Destination Queenstown and have served on the board of the Tourism Export Council. I am currently a member of the Otago Conservation Board.
- 1.5 QRL operates white water rafting trips on the Shotover and Kawarau rivers as well as a multiday trip on the Landsborough River. Many of these trips involve elements such as helicopter, bungee or jetboat. We also operate a bar restaurant at our operating base at Arthurs Point. In addition to these premises we have a retail shop and offices in the Queenstown CBD and a bus park in Gorge Road. QRL operates in conjunction with our sister company Adventure Discovery Ltd, which trades as Kiwi Discovery

## **2. Submission and Further submission**

2.1 QRL filed a submission on the PDP (#167). QRL submitted that all commercial boating activities be assessed as fully discretionary activities. QRL sought:

(a) the deletion of Rule 21.5.39 (relating to restricted discretionary status for commercial non-motorised boating activities); and

(b) that the discretionary status contained in Rule 21.5.43 apply to all commercial boating activities (motorised or otherwise).

2.2 As set out below, QRL believes that the QLDC should have an unrestricted discretion to consider any matter in relation to resource consent applications for commercial boating activities, regardless of whether they are motorised or not.

## **3. s 42A Report**

3.1 QRL acknowledges Mr Barr's comments<sup>1</sup> that safety is a matter for consideration by the QLDC in processing resource consent applications, and that restricted discretionary status does not mean a lower level of scrutiny to be applied.

3.2 However, in so restricting its discretion QRL is concerned that QLDC will be precluded from considering other relevant matters – most notably safety in a wider context, effects on the economic well-being of the community and the tourism

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<sup>1</sup> Para 17.27, s 42A Report

industry in general. For example, accident(s) in respect of commercial non-motorised craft could have a potentially catastrophic effect on the community in an economic sense (i.e. economic loss caused by the reluctance of tourists and locals alike to partake in certain adventure tourism activities). This is elaborated on further below.

3.3 QRL also perceives that a restricted discretionary status for commercial non-motorised activities may mean QLDC is less likely to consider it (and other recreational non powered craft users) as an affected party when QLDC is considering resource consent applications.

3.4 In my experience, QLDC has previously failed to consider QRL and other recreational non powered craft users as affected parties in relation to fully discretionary activities. For example, recently QRL was not considered an affected party by QLDC in the processing of resource consent application RM150773 by a jet boat operator applying to operate jet boats at high speed on a section of river currently rafted on by QRL and currently reserved for non-powered craft. Such notification/consultation is even more important when viewed in the light of QRL's role in undertaking river maintenance work on the Shotover River in the interests of safety (as authorised by the Resource Consents 95945, 95946 and RM14.214 annexed hereto and marked "A"), with such works benefitting all river users.

3.5 QRL has spent hundreds of thousands of dollars undertaking such monitoring and maintenance work which is essential to the safety of river users. A significant example of this is where there was a large rock fall into the Shotover River with a large mass of other rock threatening to fall and potentially dam the



water flow. QRL as the river expert, worked in consultation with QLDC (at QRL's expense costing over \$150,000) to eliminate as much of the danger as possible and take ongoing monitoring and mitigating measures to protect public safety. Please refer to the newspaper articles annexed hereto and marked "B" for further information.

**4. Impact of previous accidents on community and rafting and tourism industries**

4.1 The historic newspaper articles annexed hereto and marked "C" illustrate the wider adverse effects caused by incidents on the rafting industry, the tourism industry generally and the community. While there was concern the incidents were somewhat sensationalised, the repeated reporting of the incidents adversely affected the industry, particularly perceptions of safety.

4.2 Annexed marked "D" are newspaper articles from 2008-2010 reporting on the Mad Dog River boarding fatality (which resulted in the recent introduction of the Adventure Activities Regulations 2011). This incident also produced a huge amount of media interest, which was further exacerbated by the advent of the internet and social media. Again, repeated reporting and wide distribution of the incident had a significant effect on the perception of safety of our product, and Queenstown generally as a destination.

4.3 My experience is that these incidents had a significant negative effect on visitor and local confidence in, not just rafting, but in Queenstown as a destination and the tourism industry in general.

4.4 In the 1990s there were too many operators who were now competing for even less business. It was after this that it was decided the best way to improve safety and protect the industry was through economies of scale and a reduction in the number of “individual” operators on the river. I understand that a similar rationalisation took place with the commercial jet-boating industry.

4.5 New Zealand and Queenstown in particular are heavily reliant on tourism revenue to power the economy. To run the risk of a return to a situation like happened with rafting in the 1990s is something that should be avoided. A repeat could be catastrophic not just for the businesses involved but for the economy and tourism as a whole.

## **5. Summary**

5.1 In summary, QRL requests:

- (a) Rule 21.5.39 (relating to restricted discretionary status for commercial non-motorised boating activities) be deleted; and
- (b) that the discretionary status contained in Rule 21.5.43 apply to all commercial boating activities (motorised or otherwise).

**Robin Vance Boyd**

**21st April 2016**

"A"



Our Reference: A680610

7 OCT 2014

6 October 2014

Queenstown Rafting Limited  
PO Box 53  
Queenstown 9300

Dear Sir/Madam

**Decision on Resource Consent Application No. RM14.214 To disturb the bed of the Shotover River for the purpose of maintaining the river channel**

I advise that a decision has been given on your application for resource consent. A copy of the staff recommending report is enclosed along with the consent.

The decision is:

That Council grants to **Queenstown Rafting Limited**

Land Use Permit - General RM14.214.01

To disturb the bed of the Shotover River for the purpose of maintaining the river channel

**Reasons for decision**

These are set out at the end of the enclosed recommending report under the heading "Recommendation".

**Objection Rights**

Section 357 of the Resource Management Act 1991 provides you with the right to lodge an objection with the Council in respect of this decision and/or any associated conditions. Any such objection must be made in writing setting out the reasons for the objection and must be received by the Council within 15 working days of receiving this letter.

Alternatively, in accordance with s.120 of the Act, this decision is subject to a statutory right of appeal directly to the Environment Court, P O Box 2069, Christchurch, which must be lodged with the Environment Court and served on the Council within 15 working days of receiving this letter.



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This resource consent has been granted on a non-notified application, therefore the consent commences on the date you receive this letter unless a condition in the consent states otherwise, or an appeal is lodged.

If an appeal is lodged the consent cannot be exercised until the Court has determined the appeal, or the appeal is withdrawn, or a determination of the Court states otherwise.

#### **Conditions of Consent**

It is important that you check the conditions of your consent carefully as some of them may require you to surrender your current consent or provide information and/or plans to the Council before you may commence your activity. In addition, in some cases you may also require other permits or consents for your proposed activity and these must be obtained before you can commence your activity.

#### **Lapse of Consent**

Please note that under s.125 of the Act this consent shall lapse in five years unless you have given effect to it before then.

#### **Consent Charges**

At this stage the Council has not calculated the final costs of processing your application. Should the final costs exceed the deposit already paid, then as previously advised, you will be invoiced separately for these costs. Should the final costs be less than the deposit already paid then you will receive a refund.

#### **Compliance Fees and Charges**

Council's Environmental Services Unit will monitor your consent to ensure you have complied with the conditions of your consent. The enclosed brochure 'Fees and Charges' explains what charges are applicable to your consent. If you have any query about these charges, please contact the Environmental Data Team at Council.

Please contact **Colin Walker** at this office should you require clarification of any matter relating to this decision letter.

Yours sincerely



Christopher P. Shaw  
Manager Consents  
Encl

# ORIGINAL



Our Reference A678530

Consent No. RM14.214.01

## LAND USE CONSENT

Pursuant to Section 104B of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: Queenstown Rafting Limited

Address: 37 Camp Street, Queenstown

To disturb the bed of the Shotover River for the purpose of maintaining the river channel

For a term expiring 01 April 2031

Location of consent activity:

Shotover River, 820m north west of the intersection of Gorge Road and Oxenbridge Tunnel Road, Arthurs Point, Queenstown

Legal description of consent location:

River Bed Crown land adjoining Pt Sec 148 Blk XIX Shotover SD

Map Reference: NZTM2000 E1258313 N5009836

### Conditions

#### Specific

1. This consent allows the disturbance of the river bed to uplift rock and to place it in the Cascade Rapid in the area shown on the plan in Appendix 1.
2. Works shall, as far as practicable, be undertaken when flows in the Shotover River are low.

#### Performance Monitoring

3. (a) The consent holder shall notify the Consent Authority in writing at least five working days prior to the commencement of work authorised by this consent, and at the completion of work authorised by this consent.  
(b) The consent holder shall provide a work plan outlining the work to be undertaken including any sediment control measures with the notice given in condition 3(a).  
(c) The Consent Authority may allow a shorter period of notice where there is urgency to do the work for public and rafting safety.
4. The consent holder shall supply colour photographs (at least 150mm by 100mm) of the Cascade Rapid prior to the work being undertaken and at the completion of the work to the Consent Authority within one month of completion of the works.



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## General

5. All machinery and equipment that has been in watercourses shall be water blasted and treated with suitable chemicals or agents prior to being brought on site and following completion of the works, to reduce the potential for pest species being introduced to or taken from the watercourses, such as didymo. At no time during the exercise of this consent shall machinery be washed within the bed of a watercourse.
6.
  - (a) Work shall be undertaken with the minimum time required in the wet bed of the Shotover River and with the minimum necessary bed disturbance.
  - (b) All reasonable steps shall be taken to minimise the release of sediment to water.
  - (c) At the completion of the works authorised by this consent, the consent holder shall ensure that all plant, equipment, chemicals, fencing, signage, debris, rubbish and any other material brought on site is removed from the site. The site shall be tidied to a degree at least equivalent to that prior to the works commencing.
  - (d) The consent holder shall ensure that existing fish passage is not impeded as a result of the placement of the structure
7. The consent holder shall ensure that once completed the works authorised by this consent do not cause any flooding, erosion, scouring, land instability or property damage.
8. If the consent holder:
  - (a) Discovers koiwi tangata (human skeletal remains), or Maori artefact material, the Permit Holder shall without delay:
    - (i) Notify the Consent Authority, Tangata whenua and New Zealand Historic Places Trust and in the case of skeletal remains, the New Zealand Police.
    - (ii) Stop work within the immediate vicinity of the discovery to allow a site inspection by the New Zealand Historic Places Trust and the appropriate runanga and their advisors, who shall determine whether the discovery is likely to be extensive; if a thorough site investigation is required and whether an Archaeological Authority is required.
    - (iii) Any koiwi tangata discovered shall be handled and removed by tribal elders responsible for the tikanga (custom) appropriate to its removal or preservation. Site work shall recommence following consultation with the Consent Authority, the New Zealand Historic Places Trust, Tangata whenua, and in the case of skeletal remains, the NZ Police, provided that any relevant statutory permissions have been obtained.
  - (b) Discovers any feature or archaeological material that predates 1900, or heritage material, or disturbs a previously unidentified archaeological or heritage site, the Permit Holder shall without delay:
    - (i) Stop work within the immediate vicinity of the discovery or disturbance; and
    - (ii) Advise the New Zealand Historic Places Trust, and in the case of Maori features or materials, the Tangata whenua, and if required, shall make an application for an Archaeological Authority pursuant to the Historic Places Act 1993; and
    - (iii) Arrange for a suitably qualified archaeologist to undertake a survey of the site. Site work shall recommence following consultation with the Consent Authority.

# ORIGINAL

## Notes to Consent Holder

1. *The consent holder shall also comply with all notices and guidelines issued by Biosecurity New Zealand, in relations to avoiding spreading the pest organism *Didymosphenia geminata* known as "Didymo" (refer to [www.biosecurity.govt.nz/didymo](http://www.biosecurity.govt.nz/didymo)).*
2. *During the exercise of this consent, the consent holder should ensure that fuel storage tanks and machinery working and stored in the construction area shall be maintained at all times to prevent leakage of oil and other contaminants into the watercourse name. No refuelling of machinery shall occur within the watercourse. In the event of contamination, the consent holder shall undertake remedial action and notify the Consent Authority within 5 working days.*
3. *The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. A copy of this consent should be present on site at all times while the work is being undertaken.*

Issued at Dunedin this 6<sup>th</sup> day of October 2014.



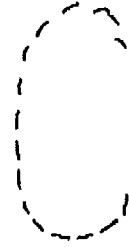
Christopher P. Shaw  
Manager Consents

# ORIGINAL

## Appendix 1 RM14.214.01 Plan of Cascade Rapid



Areas where rocks likely to be collected from



01

<http://www.google.co.nz/maps/@-44.962548,168.666025,147m/data=!3m1!1e3>





Otago  
Regional  
Council

MOTHER SECTION & TOASTER RAPID  
COUNTERPART  
MAINTENANCE

Consent No 95946\*

LAND USE CONSENT

copy

Pursuant to Section 105 of the Resource Management Act 1991, the Otago Regional Council grants consent to:

Name: [Adventure Discovery Ltd, Kawarau Raft Expeditions Ltd, Makin Waves Ltd and Danes Shotover Rafts Ltd] Queenstown Rafting Ltd

Address: P O Box 53, Queenstown

to disturb, alter and cross a bed of the Shotover River

for a term expiring 1 April 2031

for the purpose of blasting specific rocks in the river bed, locating and placing rocks and gravel into the infilled section of the Toaster Rapid and maintaining the diversion of a part flow of the Shotover River *and blasting rocks within the vicinity of the Mother Rapid inclusive of the Toilet Rapid.*

Legal description of consent location: Recreation Reserve being Section 148 Block 19 Shotover Survey District and riverbed adjacent to Section 148 Block 19 Shotover Survey District *and Crown Land adjacent to Part Run 737 Block 19 Shotover Survey District.*

Map references: Between NZMS 260: E41:679724 and E41:683716  
*Between NZMS 260: E41:667443 and E41:670737*

Conditions

1. This consent shall be undertaken in accordance with the terms and conditions of Consent No 95945.
2. Prior to undertaking any activity authorised by this consent, the consent holders shall provide to Council and Department of Conservation, Queenstown, for their written approval a work plan detailing the scope and nature of the work and the timetable for the undertaking of such works.
3. Work to be undertaken shall not be of a significant nature but shall be restricted to repairs and improvements to the infilled section of Toaster Rapid, and if agreed necessary by Council, blasting of rocks in the river upstream or other minor instream diversions caused through the placement or removal or alteration of the location of rocks.
4. There shall be no activities undertaken without the express consent of the Otago Regional Council and Department of Conservation as detailed in the above conditions. The applicant shall submit their information to the Queenstown offices of both authorities.

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70 Stafford Street, Private Bag, Dunedin. Telephone (03) 474-0827. Facsimile (03) 479-0015



## COUNTERPART

5. The Council may in accordance with Section 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the purpose of determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

First issued at Dunedin on the 27th day of March 1996  
Reissued at Dunedin on the 12th day of September 1996.

Additions shown in italics and deletions by [--]



R W Scott  
Acting Chief Executive Officer

## REPORT

- Oxenbridge tunnel  
- Toaster / Dam  
- Cascade

File No: 95945, 95946  
Previous No:

Report: 96/74  
Prepared for: Consents Panel  
Prepared by: Grant Richards, Resource Management Officer (Central)  
Date: 6 March 1996

Subject: Applications 95945 and 95946 - Adventure Discovery Limited  
Kawarau Raft Expeditions Ltd, Danes Shotover Rafts Ltd and  
Makin Waves Ltd: Shotover River, Queenstown

### 1. Purpose

To report and make recommendations on the above applications to divert the part flow of the Shotover River by infilling the head of the Toaster Rapid at the outlet of the Oxenbridge Tunnel and to disturb, alter and cross the bed of the Shotover River for the purposes of blasting specific rocks in the riverbed and locating and placing rocks in gravel into the Toaster Rapid and maintaining the diversion of a part flow of the Shotover River.

### 2. Background

Adventure Discovery Limited, Kawarau Raft Expeditions Ltd, Danes Shotover Rafts Ltd and Makin Waves Ltd, have applied for the above resource consent applications retrospective to activities undertaken in the river on 28 July 1995 at the outlet of the Oxenbridge Tunnel on a rapid known as the Toaster following a rafting accident on the river.

The Oxenbridge Tunnel was constructed between 1906 and 1909 by Ned Oxenbridge to allow diversion of the Shotover River for goldmining. The tunnel however was useless for its desired function due a mistake in the calculations. The site is gazetted as an historical reserve, a walking track with historic interpretive panels near the site describes the history of the tunnel and contribute to public awareness of the history of the Shotover River Gorge.

Since 1972 rafting companies have been operating guided rafting trips on the Shotover River incorporating passage through the tunnel as a feature of their trip river conditions prevailing. In more recent times rafting operators have sought and obtained resource consents from Council to undertake various activities in or around the tunnel entrance or outlet. In 1992 land use consent was granted to Danes Shotover Rafts Limited and others to temporarily block off inflow to the Oxenbridge Tunnel, remove the gravel bar upstream of the tunnel entrance, relocate two boulders 25m upstream and to construct two rock walls across existing chutes on the left bank of the main Oxenbridge Tunnel outfall chute. That particular consent was sought in respect to issues of relative safety. In 1994 Council granted to Kawarau Raft Expeditions Limited a land use consent to disturb the bed of the Shotover River for the purpose of alteration and redirection of water flow in the Shotover Rapids known as "Sequel", "Mother in Law" and "Toilet".

These rapids run adjacent to the Oxenbridge Tunnel, the work was undertaken for the purpose of improving safety and navigation.

Works undertaken and subject to this application, were undertaken without prior advice being given to Council or consent having been sought. The effect of the works undertaken were reactionary to a drowning death on the river days prior to the infilling of the rapid. The extent of works undertaken involved depositing rocks and gravel into of the Toaster Rapid, approximately 50-60 schist boulders sourced from the left bank of the river. A 30 ton digger was used to place at least six large boulders of between 6-8 tonne each, which disappeared into the hole where the fatality occurred, revealing how undercut and eroded the rock was. The effect of infilling of the rapid was to divert flow down the Cascade Rapid into the flow of the main stem of the Shotover River.

The applicants anticipate that ongoing disturbance or alteration and the need to cross the bed of the Shotover River will occur from time to time for such activities as blasting of specific rocks in the riverbed, locating and replacing rocks and gravel into the Toaster Rapid and maintaining the diversion of the part flow of the Shotover River. There is no set agenda for undertaking of such works. Works will have to be undertaken as and when required, subject to resource consents being granted.

Application 95946 has been applied for to cover in part works already undertaken and works proposed. The applicants provided Council with a copy of Royds Consulting Ltd report prepared for the applicants in the Oxenbridge Tunnel outlet. The contents of the report covered the following topics

- river flow and availability of the tunnel for rafting
- stability of outlet structures
- resource consent form
- safety issues
- monitoring future works and future investigations

Specific daily and monthly monitoring and engineering inspection recommendations were included. It would be appropriate to include these recommendations as consent conditions for any consent granted by Council in respect of the existing and proposed activities.

These applications were publicly notified.

### 3. Submissions

Two submissions were received in respect of the above applications.

- 3.1 Mr A Borrell opposed the applications on the basis of matters relevant to the proposed Kawarau Conservation Order. Mr Borrell states that no damming will be allowed and the water quality will be managed to class CR standard (for bathing). He wants DoC and QLDC left to deal with the costs of implications and wants ORC to take action to change the law so water conservation orders take notice of Sections 5 and 32 of RMA. Mr Borrell wants the applications rejected.

Council wrote to Mr Borrell on 18 January 1996 acknowledging his submission and seeking his advice as to whether or not he wished to be heard in respect of the

submission. At the time of drafting this report, Mr Borrell had not acknowledged that he wished to be heard in respect of this matter.

3.2. New Zealand Historic Places Trust wants a condition that all care should be taken not to impair the integrity of the Oxenbridge Tunnel. NZHPT do not wish to be heard in respect of their application.

### 3.3 Submitters' issues

Mr Borrell's submission is in respect of what is perceived to be damming of the Shotover River. Mr Borrell links this activity with the limitations to be imposed by the proposed Kawarau Conservation Order, and requests Council to undertake certain activities in respect of the Conservation Order and concludes that the applications should not be granted as applied for on the basis that they would not be permitted by Conservation Order.

NZHPT had not sought to be heard on this application, its concerns can be taken on board by Council through the inclusion of a condition requiring the applicants not to impair the integrity of the Oxenbridge Tunnel.

## 4. Assessment of environmental effects

An assessment of environmental effects was prepared for the applicants by Boffa Miskell of Queenstown, their report accompanies the applications. Works undertaken have been discussed earlier in this report.

Effectively, there are no alternative sites or options in respect to the applicant's consent requirements both existing and ongoing. The applicants recognise that the bed disturbance undertaken on 28 July 1995 has altered the visual characteristics of that particular section of the riverbed, being the Cascade Rapid by diverting flow from the Toaster Rapid to the Cascade Rapid.

Prior to the recent work being undertaken the Toaster had been a dynamic rapid at medium flows. The work that occurred was driven by the need to immediately improve safety in order for the Oxenbridge Tunnel and the Cascade Rapid to remain safe and raftable. By diverting water from the "Toaster" there has had a moderately significant visual effect in that it has changed a dynamic turbulent rapid, at medium flows, into a controlled cascade waterfall. Water still flows through the channel via the rock mass but at a much reduced rate of flow.

The physical effect on the bed of the river is limited to increased flow down the Cascade Rapid which will in turn result in more rapid erosion of the "Cascade" and deposition of alluvium. The outlet of the Oxenbridge Tunnel and the outlet environs has been highly modified by commercial interests since the turn of the century. The applicants note whilst it is recognised that with an increased rate of flow through the Cascade Rapid that the rate of channel erosion will increase, a consequence of the diversion has been to reduce the upper flow limit at which rafting can be undertaken which is balanced by a reduction in the lower limit of flow rate. This has direct implications on matters of economic consideration and more importantly operational safety.

It is important that any future works in the river or on or around the outlet of the Oxenbridge Tunnel should be undertaken in a manner to ensure that the visual

appearance of the area should attempt to retain a naturalistic appearance in keeping with the surrounding riverbank. The potential effects of disturbing, altering and crossing the riverbed for the purpose of blasting specific rocks, locating and placing rocks and gravel into the Toaster Rapid are by virtue of their short duration of limited environmental effect to the bed of the river in context to issues such as disturbance of fisheries, sedimentation or alteration of directional flow in respect to bank erosion. The effects of this latter group of activities can be readily mitigated by providing early advice of proposed activities to Council and other affected parties as has been done in the past for previous activities. Maintenance of the river diversion to facilitate safe navigation and other matters such as those addressed above can be covered by specific conditions on the resource consent.

## 5. Statutory considerations

Section 104 of the Resource Management Act sets out the matters to be considered when assessing an application for a resource consent. The matters that are considered to be relevant to this application are identified below.

### 5.1 Part II of the Resource Management Act (Sections 5-8)

Section 5 describes the Purpose of the Act, and includes a definition of "*sustainable management*" which emphasises the requirements to: sustain resource potential; safeguard the life-supporting capacity of air, water, soil and ecosystems; and avoid, remedy or mitigate adverse effects.

Section 6 of the Act sets out matters which are to be recognised and provided for as "*matters of national importance*".

Section 7 of the Act sets out general principles for resource management to which persons acting under the Act must have regard.

Section 8 requires persons acting under the Resource Management Act to take into account the principles of the Treaty of Waitangi.

### 5.2 The remaining provisions of Section 104(1)

The remaining provisions of Section 104(1) to which Council must have regard are as follows:

- a) any actual and potential effects on the environment of allowing the activity;
- b) any relevant regulations;
- c) any relevant national policy statement, New Zealand coastal policy statement, regional policy statement, and proposed regional policy statement;
- d) any relevant objectives, policies, rules, or other provisions of a plan or proposed plan;
- e) any relevant district plan or proposed district plan, where the application is made in accordance with a district plan;
- f) any relevant regional plan or proposed regional plan, where the application is made in accordance with a district plan;
- g) any relevant water conservation order or draft water conservation order;
- h) any relevant designations or heritage orders or relevant requirements for designations or heritage orders;

- i) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Matters (a), (c), (g) and (i) are considered to be relevant to this application and are addressed below.

The actual and potential effect have been discussed in the background.

#### Draft Kawarau Conservation Order

A draft Kawarau Conservation Order is currently under appeal. The Planning Tribunal is yet to release its decision.

It is noted that the provisions of the draft Order need to be considered by Council in making any decisions about resource consents with the Kawarau catchment. The values sought to be protected by the Order are described in the following extract from the second schedule.

Waters	Outstanding Characteristics	Restrictions and Prohibitions
Shotover River mainstem (at or about S132:645720 to S114:542262)	(b) wild and scenic characteristics; (c) natural characteristics, in particular the high natural sediment load and active delta at confluence with Kawarau River; (d) scientific value, in particular the high natural sediment load and active delta at confluence with Kawarau River; (e) recreational purposes, in particular rafting, kayaking and jetboating; (f) historical purposes, in particular goldmining	(i) no-damming allowed; (ii) water quality to be managed to Class CR standard

Part 5(c) of the Order allows a resource consent to be granted for the purpose of enhancement of, or restoration of values and characteristics for which water bodies are being preserved. In doing so the Order notes Council whilst exercising its functions under Sec 30(e) and (f) (as they relate to water) shall be restricted or prohibited as set out in the second schedule.

Section 3(1)(e) of RMA relates to ORC "control to the taking, use, damming and diversion of water, and the control of quantity, level and flow of water in the water body".

Section 30(1)(f) of RMA relates to ORC "controls of discharges of contaminants into or onto land, air or water".

The Order seeks to preserve the water body, as defined by RMA not the bed of the river. If a rock slide enters the river, or some part of the bank or some insitu boulders need to be blasted or removed, the Council would need to determine the effect of that activity on the waterbody in terms of section 30(1)(e) and (f) of RMA whilst taking into account the

second schedule of the Order and the values sought to be protected for the Shotover River.

The Council may grant a section 13 land use consent to physically remove, or to blast (remove by fracturing into smaller size), rocks in the bed of the river, or perhaps even part of the existing bed or a section 14 water permit to divert a part flow of the river if the activity is required to preserve or sustain outstanding values, in this case the safety aspect as it pertains to the use of the surface of the Shotover River.

The act of depositing rocks in the riverbed channel serves to infill the channel and divert a significant portion of flow leaving the tunnel into the Cascade Rapid. Such a diversion requires a land use consent to infill and a water permit to divert. Although the applicants and their agents refer to damming having occurred there is no specific structure present. The channel has been infilled by a rock mass through which a portion of flow is leaving the Oxenbridge Tunnel.

Other matters to be considered are:

blasting of rock etc is a one off activity with no appreciable effects on the waterbody. If the resultant blasting makes the rapid a stretch of the river safer, it must be considered as an activity able to be authorised by a resource consent.

### 5.3 Special Considerations

S 104(2) Beds of lakes and rivers. If adjoining land is held by the Crown under the Conservation Act or any other statute administered by DOC the consent authority must also have regard to any relevant management strategy or plan prepared under that Act for the adjacent area.

- \* There is not known to be any DoC reserve adjacent to the area that the applicant seeks consent for, however there is a DoC reserve nearby. There is not known to be any management plan or strategy for that reserve. If a management plan was not in place, Council would be required to consider the provisions of the draft conservation management strategy which currently has no lawful effect.

### 6. Environmental effects

The actual and potential environmental effects of the proposed activity were identified in Section 4 of this report.

Effects relative to instream habitat, biota, fisheries, fauna etc are not considered to be significant as a result of the activities undertaken and activities proposed. It is noted that there is a visual effect resulting from the proposed activity and that other effects such as increased erosion of the Cascade Rapid may occur. The applicant recognises that there is some uncertainty as to what other additional works may be required from time to time and have in their covering letter of their application requested that their resource consent applications be subjected to the following procedure:

- (a) Details of the proposed works are to be advised to the Otago Regional Council, Department of Conservation and any other parties likely to be affected. A



workplan detailing the scope and nature of the work and a timetable will be supplied.

- (b) The work will not be of a major nature but will be restricted to repairs and improvements to the dam and possibly blasting of rocks in the river upstream should this become necessary. Blocking of the Oxenbridge Tunnel may be necessary during the course of some work.
- (c) The Otago Regional Council and Department of Conservation will provide written approval detailing conditions of work as applicable.

The above procedure is quite appropriate in the circumstances for the purpose of giving Council and the Department of Conservation the ability to vet proposed activities in context to the scope of authorisation likely to be given by any consents granted and for the purpose of providing certainty to the applicants as to what works they are specifically allowed to undertake. With the applicants having requested this procedure to be imposed as consent conditions it recognises the fact that this is a sensitive area and that the applicants wish to have ongoing consultation and are in acceptance of what is in retrospect a secondary consent process.

~~Consultation, if it is to occur in the manner proposed by the applicant, would be best effected through consultation with the respective local offices of Council and DoC.~~

The anticipated effects of the proposed activities will not have any significant impact on water quality other than temporary disturbance of bed sediments during gravel removal, blasting, machinery access and selected removal processes. The removal of larger rocks should not have any detrimental effect upon the character of the riverbed and will fact enhance the level of experience that the applicants will be able to give to their clientele.

Any changes or damage to the bed of the river caused by machinery gaining access to the riverbed will be able to be repaired as machinery leaves the area.

The applicant has not requested a specific term for the consent activity sought, however a maximum term of thirtyfive years would be appropriate in the circumstances. A term less than five years could be considered however the activities proposed will be ongoing for some time, it is difficult to say how long with the ever changing nature of the river. For that reason, and for the purpose of monitoring the activities of the applicant the consents should be granted for the maximum term.

Council's engineering officer reviewed these applications and commented in the following manner:

From an engineering perspective, the proposed (or existing) works will not cause any adverse effects on channel stability outside of the immediate area, nor will they alter the risk of flooding. Engineering staff concur that comment of the local effects of the work and their performance are given in the following reports

- Shotover River: Oxenbridge Tunnel outlet, N P Johnstone (Otago Regional Council)
- Oxenbridge Tunnel outlet, Chris Gregory (Royds Consulting)
- Oxenbridge Tunnel: Assessment of Environmental Effects (Boffa Miskell)

## 7. Relevant Policy Documents

The provisions of Section 5 (Land) and Section 6 (Water) of the Proposed Regional Policy Statement for Otago are relevant to this application and it is considered that the proposed activity is not inconsistent with these provisions.

<p>5.5.6 To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:</p> <ul style="list-style-type: none"> <li>(a) Are unique to or characteristic of the Otago region; or</li> <li>(b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or</li> <li>(c) Represent areas of cultural or historic significance in Otago; or</li> <li>(d) Contain visually or scientifically significant geological features; or</li> <li>(e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.</li> </ul>	<p>Otago's natural heritage is a finite resource that must be managed in a sustainable way for the benefit of future generations. Its protection from inappropriate subdivision, use and development is a matter of national importance that must be recognised and provided for under Section 6 of the Act. Subdivision of land and its use and development can adversely impact on Otago's natural features and landscapes which form part of the regions natural and cultural heritage. It is important that natural features and landscapes that are outstanding be protected through regional policy and regional and district plan provisions.</p> <p>The recognition and identification of outstanding natural features and landscapes should be based on objective criteria and undertaken in consultation with the community or have outstanding or significant values that are substantially recognised by the Otago community. Once identified, action will need to be taken to ensure that they are protected.</p> <p>Features and landscapes that give the Otago region its distinctiveness and identity include its expansive tussock grasslands and semi arid lowland tor country, the south-east Otago bush remnants and scroll plain wetlands, glacial lakes and block mountain ranges and heritage landscapes such as the historic goldfield sites.</p> <p>It is important that identification of Otago's outstanding natural features and landscapes be carried out as part of the process for protection from inappropriate subdivision, use and development. The means of achieving protection may include voluntary arrangements, covenants, the resource consent process or where necessary and appropriate, purchase.</p>
<p>6.4.8 To protect areas of natural character, outstanding natural features and landscapes and the associated values of Otago's wetlands, lakes, rivers and their margins</p>	<p>Otago's lakes, rivers and wetlands are made up of a variety of different landscapes and natural features which make them unique. People appreciate the natural beauty and character of these water bodies and wish to retain that character. The preservation and protection of the natural character and the outstanding natural features and landscapes of lakes, rivers, wetlands and their margins is a matter of national importance under Section 6 of the Resource Management Act and important in achieving integrated management of the region's water resources.</p>

<p>6.5.8 To allow the extraction of alluvial material from Otago's rivers provided:</p> <ul style="list-style-type: none"> <li>(a) The stability of structures, riverbanks and beds within the river system is not reduced; and</li> <li>(b) The maintenance and, where practicable, enhancement of instream amenity and habitat values is considered and provided for; and</li> <li>(c) The adverse effects on water quality are avoided, remedied or mitigated.</li> </ul>	<p>The extraction of alluvial material, such as silt, sand, gravel and boulders, from Otago's water courses is an important activity for the construction and residential needs of Otago's communities. While this material is required for a variety of uses, its extraction must take account of the natural dynamics of the river systems to ensure that yields are able to be sustained over the long-term. The stability of riverbanks and structures can also be undermined by the removal of this material in excess of the natural supply. Instream values and other uses will always need to be considered in the management and use of instream alluvial resources.</p>
<p>6.5.9 To allow for the community's use, development or protection of the beds and banks of Otago's water bodies provided:</p> <ul style="list-style-type: none"> <li>(a) Any adverse effects on: <ul style="list-style-type: none"> <li>(i) Kai Tahu cultural and spiritual values; or</li> <li>(ii) The natural character of the water body; or</li> <li>(iii) Habitats of indigenous fauna; or</li> <li>(iv) Amenity values; or</li> <li>(v) Intrinsic values of ecosystems; or</li> <li>(vi) Salmon or trout habitat;</li> </ul> are avoided, remedied or mitigated, and that the life supporting capacity of the water body is maintained and, where practicable, enhanced; while</li> <li>(b) Considering the maintenance and, where practicable, enhancement of the natural functioning of river systems; and</li> <li>(c) Considering the need to provide mitigation to lessen the threat posed by flooding and riverbank erosion.</li> </ul>	<p>The use, development and protection of the beds and banks of Otago's waterbodies all have potential impacts on the many important values associated with the resource. These values include natural, cultural and intrinsic value. The use and development may include such practices as cultivation, grazing or vegetation disturbance along the beds or banks of waterbodies, gravel extraction, mining, channel modification and the building of defenses against water associated with water bodies. These practices may cause off site effects such as siltation and erosion, which impact on water quality and aquatic habitat. Steps can be taken to avoid, remedy or mitigate adverse effects, for example, the installation of fish ladders to facilitate the passage of fish over instream obstructions. There is also a need to consider adverse impacts arising from the use, development and protection of river beds and banks, upon important physical resources such as transport, energy, communication and water management structures and the need to provide for the mitigation of natural hazards.</p>

## 8. Status of the Application

*Unclassified.* There is no Regional Plan in force which classifies this proposed activity, therefore in terms of the Resource Management Act, the Council may grant or decline to grant the consent but may in its discretion impose conditions in accordance with S108.

## 9. Evaluation

On the basis of the above analysis it is considered that the granting of consent will not be inconsistent with the provisions of the Resource Management Act or the Proposed Regional Policy Statement.

## 10. Recommendation

It is recommended that Council grant to Adventure Discovery Ltd, Kawarau Raft Expeditions Ltd, Danes Shotover Rafts Ltd and Makin Waves Ltd, C/o P O Box 53, Queenstown, the following resource consents:

95945 - Water Permit to divert a part flow of the Shotover River by infilling the head of the Toaster Rapid at the outlet of the Oxenbridge Tunnel, for a term to expire on 1 April 2031 for the purpose of improving navigational safety on the Shotover River for rafting companies.

Legal description of consent location: Recreation Reserve being Section 148 Block 19 Shotover Survey District.

Map reference Between NZMS 260 E41:679724 and E41:683716

**Conditions:**

1. That daily monitoring shall be undertaken during periods of rafting activity by suitably experienced rafting personnel. This monitoring shall include
  - comparison of the site and infill material with control photographs from two or three predetermined points
  - assessing of flow rates from tunnel outlet and infill section
  - removal if necessary of any obstacles lodged in the upstream face of the infilled channel sufficient to aid safe navigation of the Cascade Rapid.

Any significant changes observed shall be notified to the Otago Regional Council. In the event a daily observation cannot be made, the reason for omission should appear on the record.

2. Provided that pursuant to S.127 of the Act, the consent holder may apply to the consent authority after two years of the exercise of this consent for the frequency of monitoring in Condition 1 to be reduced.
3. Monitoring of predetermined control points shall be undertaken on a monthly basis to determine if there has been any significant change between the daily monitoring points on a month to month basis for the purpose of establishing a historical record.
4. At six monthly intervals or following any major flood flow period, the infill section of the Toaster Rapid shall be inspected by a suitably qualified engineer for the purpose of checking for overall movement of the infilled section of river channel. This information shall be recorded in a manner consistent with the points identified on engineering drawing 18258 that accompanied this application.
5. The consent holder shall nominate a party to be responsible for the above monitoring requirements, advise the Otago Regional Council within one month of the granting of this consent who that monitoring party will be, and advise any changes that may occur in the future, and supply to Council a copy of monitoring logs on an annual basis.
6. The consent holder may reinstate the diversion, in accordance with the provisions of any current land use consent and the conditions of this consent within the term of this consent.

7. The Council may in accordance with Section 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the purpose of determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

95946 - Land use consent to disturb, alter and cross a bed of the Shotover River, for a term to expire on 1 April 2031, for the purpose of blasting the specific rocks in the river bed, locating and placing rocks and gravel into the infilled section of the Toaster Rapid and maintaining the diversion of a part flow of the Shotover River.

Legal description of consent location: Recreation Reserve being Section 148 Block 19 Shotover Survey District and riverbed adjacent to Section 148 Block 19 Shotover Survey District.

Map references Between NZMS 260 E41:679724 and E41:683716

#### Conditions

1. This consent shall be undertaken in accordance with the terms and conditions of consent 95945.
2. Prior to undertaking any activity authorised by this consent, the consent holders shall provide to Council and Department of Conservation, Queenstown, for their written approval a work plan detailing the scope and nature of the work and the timetable for the undertaking of such works.
3. Work to be undertaken shall not be of a significant nature but shall be restricted to repairs and improvements to the infilled section of Toaster Rapid, and if agreed necessary by Council, blasting of rocks in the river upstream or other minor instream diversions caused through the placement or removal or alteration of the location of rocks.
4. There shall be no activities undertaken without the express consent of the Otago Regional Council and Department of Conservation as detailed in the above conditions. The applicant shall submit their information to the Queenstown offices of both authorities.
5. The Council may in accordance with Section 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this consent for the purpose of determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
11. Reason for recommendations
  1. That there is not expected to be any adverse effect on the environment, and the proposed activity will generate positive effects.

2. The proposed activity is consistent with the Purpose and Principles of the Resource Management Act and the policies of the Proposed Regional Policy Statement.
3. The proposed activity, and activity undertaken to date is consistent with the provisions of the draft Kawarau Conservation Order.
4. Conditions requiring monitoring and review of information have been endorsed on the consents for the specific purpose of requiring the applicant to closely monitor and record the ongoing level of erosion or damage occurred to the infilled section in order to ensure the continued safe passage of rafts exiting the Oxenbridge Tunnel.
5. The water permit 95945 has been granted a term of 35 years on the basis that whilst the diversion is required it should remain in place and be subject to those conditions endorsed on that consent. In the event the diversion is not effective, or is washed out after a flood event the diversion may be reinstated during the term of consent which is the maximum permitted.
6. A 35 year term has been endorsed on application 95946 for the specific purpose of allowing the consent holders the ability to undertake remedial works on an as required basis given a reasonable level of consultation with the controlling authorities exists in a manner that does not require them to approach the consent authority (Council) for a consent application on each individual occasion that some work, as identified, may be undertaken.

#### 12. Fees

The processing of this application incurred \$692.50 of charges in excess of the notified application fee of \$467.50 incl GST, in accordance with the Council's scale of fees and charges. This resulted in a total of \$1,160.00 incl GST.

S A McArthur  
Director Resource Management  
96-74

## ORC STAFF RECOMMENDING REPORT

ID Ref: A670922  
File No: RM14.214  
Application No: RM14.214.01  
Prepared For: Staff Consents Panel  
Prepared By: Colin Walker Senior Consents Officer  
Date: 2 October 2014

**Subject: Application RM14.214 by Queenstown Rafting Limited to disturb the bed Shotover River above the Edith Cavell Bridge Arthurs Point Queenstown.**

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### 1. Purpose

To report and make recommendations on the determination of the above application(s) under the non-notified provisions (Section 95A) of the Resource Management Act 1991 (the Act).

### 2. Background Information

**Applicant:** Queenstown Rafting Limited  
**Activity:** To disturb the bed of the Shotover River for the purpose of maintaining the river channel  
**Location:** Shotover River, 820m north west of Gorge and Oxenbridge Tunnel Roads, Arthurs Point Queenstown  
**Reason:** To provide safe access through the channel for river users

#### 2.1 Description of the Proposed Activity

The applicant held consents 2003.930 and 2003.931 which expired on the 22 March 2014. This application covers similar activities to those which were approved under these consents.

The applicant is Queenstown Rafting Limited who operates rafting trips on the Shotover River from Deep Creek downstream to the Edith Cavell Bridge. The applicant has been rafting this section of the Shotover River for many years.

Near the end of the trip the rafts go through the Oxenbridge Tunnel. At the outlet of the tunnel there is a channel in the rock known as Cascade Rapid, which takes the water from the tunnel back into the Shotover River.

In the channel a trench and hole has developed over time which has the potential to cause a hazard for rafting and other water users and could trap someone in it. To reduce the opportunity of entrapment requires some work to be carried out on the trench from time to time.

Some rock is required to be placed in the trench to direct some of the flow away from the trench. The rocks required to fill the hole will be taken from the bed of the river in close proximity to the channel. The work will be undertaken using an excavator to

select the rocks, carry them to the rapid and place them in the trench where required. This work is required to ensure the safe passage through the rapid by users.

There is also times when rocks in this area of the river need to be repositioned or removed along with the removal of any other hazardous protrusions which can form over time with natural erosions of bed rock. Explosives may need to be used to breakup or remove some rock and hazardous protrusions.

The time to carry out this work is not expected to be very long. All the proposed work is to be undertaken when the river is at low flow.

## 2.2 Site Description

The Shotover River drains approximately 1,100 square kilometres (km<sup>2</sup>) catchment which is bound by the Richardson Mountains to the west and the Harris Mountains to the east. Key tributary inflows to the river are Polnoon Burn Sheil Burn and Moonlight Creek. The Shotover River forms part of the greater Clutha River catchment.

The Oxenbridge Tunnel is located 820m upstream of the Edith Cavell Bridge on the true left side of the Shotover River adjoining Pt Sec 148 Blk XIX Shotover SD. The tunnel is historic and was formed when gold mining was being carried out in the Shotover River. The tunnel allows some of the water from the Shotover River to flow through it while the balance of the water flows around the tunnel.

Once water has exited the Oxenbridge tunnel it flows over a large rock which has been cut down over a long period to form the Cascade Rapid channel. It is in the Cascade Rapid where the rocks will be placed to reinstate the channel.

The Regional Plan: Water for Otago (RPW) outlines the natural and human use values of various watercourses throughout the Otago Region. The Shotover River is identified in this schedule for the following natural and ecosystem values:

- Large water body supporting high numbers of particular species, or habitat variety, which can provide for diverse life cycle requirements of a particular species, or a range of species.
- Boulder/gravel/sand/rock bed composition of importance to resident biota.
- Absence of aquatic pest plants identified in the Pest Plant Management Strategy for the Otago Region.
- Presence of riparian vegetation of significance to aquatic habitats.
- Presence of a significant range of waterfowl.
- Presence of indigenous waterfowl threatened with extinction.
- Outstanding
  - (a) for its wild and scenic characteristics;
  - (b) for its natural characteristics, in particular the high natural sediment load and active delta at the confluence with the Kawarau river
  - (c) scientific value, in particular the high natural sediment load and active delta at the confluence with the Kawarau river
  - (d) for recreational purposes, in particular rafting, kayaking and jet boating
  - (e) for historical purposes in particular gold mining



- Spectacular and rugged river gorge, schistose landscape, fast flowing white water and rapids, old gold sluicing landscape ,in main stem between confluence with Iron Stone Stream and Arthurs Point
- Wild and scenic characteristics , from confluence with Iron Stone Stream to its source
- Significant indigenous vegetation  
Lochnagar and Lake Creek, outstanding
  - (a) Essential characteristics that determine the ecosystem's integrity , form functioning and resilience
- Significant Habitat:  
Areas of importance to internationally uncommon species --black fronted tern, banded dotterel- in main stem between Arthurs Point and its source
- A high degree of naturalness 900 metres asl

Schedule 1B of the RPW identifies rivers where the water taken is used for public water supply purposes and Schedule 1C identifies registered historic places. There are no Schedule 1B and one 1C values being the Oxenbridge Tunnel which is in very close proximity to the proposed activity.

Schedule 1D identifies the spiritual and cultural beliefs, values and uses associated with water bodies of significance to Kai Tahu. Shotover River is identified as having the following values:

- *Kaitiakitanga: the exercise of guardianship by Kai Tahu, including the ethic of stewardship.*
- *Mauri: life force.*
- *Waahi taoka: treasured resource; values, sites and resources that are valued.*
- *Mahika kai: places where food is procured or produced.*
- *Kohunga: important nursery/spawning areas for native fisheries and/or breeding grounds for birds.*
- *Trails: sites and water bodies which formed part of traditional routes, including tauraka waka (landing place for canoes);*
- *Cultural materials: water bodies that are sources of traditional weaving materials (such as raupo and paru) and rongoa (medicines); and*

### 3. Status of the Application

There is no permitted activity rule which allows the disturbance of the bed and the depositing of rock within the river bed.

The disturbance of the bed of the lake or river is therefore a *discretionary* activity under Rule 13.5.3.1 of the RPW. The discharge of contaminants to water as a result of remobilisation of bed material is also covered by this rule

The Council may grant or decline this application and, if granted, may impose conditions under Section 108 of the Act.

### 4. Non-Notification and Written Approvals

As the effects of the proposed activity are considered to be no more than minor (see Section 5 of this report), a provisional decision was made to process this application on a non-notified basis, subject to the written approval of potentially affected parties.

- Department of Conservation on behalf of the Director General of Conservation (DoC);
- Otago Fish and Game Council (F and G)
- Shotover Jet
- Land Information NZ
- Central Otago Whitewater Incorporated
- Kai Tahu Ki Otago Limited on behalf of Kati Huirapa Runanga ki Puketeraki and Te Runga o Otakou (KTkO)

KTkO provided their written approval requesting the normal conditions for this type of activity. The conditions raised are ones which would be considered in the processing of the application.

As the written approval of all potentially affected parties has been obtained, the requirements of the decision not to publicly notify this application have been met.

As the work is proposed to occur in a Statutory Acknowledgement Area, pursuant to the Ngai Tahu Claims Settlement Act 1998, Te Runanga o Ngai Tahu (TRONT) was advised of the application. TRONT did not comment within 10 working days, therefore the application proceeded. It is noted that KTkO did provide their written approval.

Maritime New Zealand (MNZ) was sent a copy of the application as the proposed activity fell within the criteria outlined in Section 89A of the Act. MNZ did not comment within 15 working days, therefore the application proceeded.

## **5. Assessment of Environmental Effects**

### **5.1 Effects on the Hydraulic Capacity and Flow Characteristics of the Shotover River**

The applicant is proposing to place some rocks in part of the Cascade Rapid to provide a safe passage for rafts and other users of the Oxenbridge Tunnel. The rocks will be placed in the hole/trench which has worn down over time and needs to be filled in again to reduce entrapment and help deflect the water.

The work will not alter the hydraulic capacity of the rapid as only a small area of the rapid requires rock to be placed in it. Due to the shape of the channel in high flows water will over top the channel and flow over the top of the rock. It is envisaged any change in hydraulic capacity will be minor.

The overall flow characteristics of the water through this section of the rapid should not change as the rock will return the flow characteristics of the rapid to a similar flow to what occurred before the erosion developed the trench. It will spread the flow of water more evenly over the full width of the rapid and reduce the rate at which the trench continues to erode or deepen.

The rocks to be placed in the rapid will be selected from the river bed in the area near to the rapid. As the number of rocks to be used is not large their removal from the river bed should not have an effect on the hydraulic capacity and flow characteristics of the river due to its size.

With the work only occurring on an as required basis it is appropriate to have a condition which requires the applicant to provide notice of when the work is to be carried out and on its completion and to provide a plan detailing the work to be carried out.

Standard consent conditions have been recommended that require the applicant to not cause any flooding, erosion, land instability or property damage of any other person's property.

## **5.2 Effects on Aquatic Ecosystems**

The natural ecosystem values of the Shotover River are discussed in Section 2 of this report. Due to the minor nature of the work and the small amount of disturbance to the river bed the effects on the schedule 1A values are considered to no more than minor.

The scientific and recreational values identified in schedule 1A will remain unaffected by this application.

Some sediment is likely to be generated from picking up of the rocks and the excavator moving across the river bed. The amount of discolouration generated by the sediment disturbance will be small in quantity and is expected to be visible for only a short distance downstream of where the disturbance occurs. It is not expected the sediment will have more than a minor effect on the aquatic ecosystem.

To minimise contamination of the Shotover River during the works, standard consent conditions have been recommended that require all machinery used to be well maintained and clean, and for all works to be undertaken outside of the actively flowing channel. It is also recommended that no machinery is refuelled or cleaned within the Shotover River and that all machinery used in other watercourses is water blasted before being used on the site to prevent the spread of pest plant species such as didymo.

## **5.3 Effects on River Values**

The disturbance of the bed could have potential adverse effects on:

- Natural character
- Visual amenity;
- Heritage;
- Public Access; and/or
- Cultural Values (Schedule 1D).

The placing of rocks in trench in the rapid will only have a minor effect on the natural character of the river. The flow characteristics of water through the Cascade Rapid should only see a minor change if any due to the small area where the rocks are being placed. There is not expected to be a change in the water colour, clarity and ecology as a result of the work. Only part of the rocks placed in the trench will be visible and this will depend on the flow coming through the tunnel.

There is not expected to be any significant change in the visual amenity due to the small area affected by the work when compared to the total area of the Shotover River in this area.

The work will not affect the heritage values associated with the Oxenbridge tunnel.

The work is located in the Shotover River on crown land being river bed and is available for public to access. The proposed work will not restrict public access apart from a small area of the river while the work is being carried out. The duration of the work is for a short period and so any effects on public access are considered to be minor.

A standard condition has been recommended that requires the works area to be tidied on completion of the work.

There are no recognised heritage values associated with the rapid. Kai Tahu ki Otago Limited and Ngai Tahu were notified of the activity through the statutory acknowledgement process. Kai Tahu ki Otago Limited provided their approval while Ngai Tahu did not comment within the statutory timeframe and it is assumed the disturbance will have no more than minor effects on cultural values. A standard condition has been imposed that requires an accidental discovery protocol to be in place during the culvert placement works.

#### **5.4 Effects on Other Water Users**

There are no downstream consented water takes on the Shotover River in the immediate vicinity of the work. There are recreational and other water users who use this section of the river from time to time. These users could be affected only while the excavator is crossing the river and placing rocks in the rapid. No access to the Cascade Rapid will be allowed while the work is being carried out but there is an alternative route available being the Mother in Law rapid for users to use. The effect is only for a short period and is considered to be no more than minor.

#### **5.5 Consideration of Alternative Methods**

The applicant has used concrete in the past to try and fill in the trench in the rapid but this has not lasted the same period of time that natural rock has. The placing of rock in the trench is the best method to stabilise the trench with the least amount of impact on river values.

### **6. Statutory Considerations**

Section 104 of the Act sets out the matters to be considered when assessing an application for a resource consent. These matters are subject to Part 2, the purpose and principles, which are set out in Sections 5 to 8 of the Act. Those matters which should be considered for this application are as follows.

#### **6.1 Part 2 of the Act**

The application to disturb the river bed to place rocks in a rapid trench is consistent with the purpose and principles of the Act, as outlined in Section 5. The proposed activity will have a no more than minor effect on the ability of the waterway to meet the reasonably foreseeable needs of future generations, or on the life-supporting capacity of the waterway or any ecosystem associated with it. Proposed consent conditions will ensure that any adverse effects of the activity will be avoided, remedied or mitigated.

There are no matters of national importance that may be affected by the proposed activity under Section 6 of the Act. The application is also consistent with the requirements of Section 7 of the Act, and particular regard has been given to the maintenance and enhancement of the quality of the environment. With regard to Section 8 of the Act, the proposed activity is not inconsistent with the principles of the Treaty of Waitangi.

Overall, the application is considered to be consistent with Part 2 of the Act, given the minor nature of the activity and the proposed conditions of consent.

## **6.2 Section 104(1)**

The remaining matters of Section 104(1) to be considered when assessing an application for a resource consent are as follows:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of*
  - (i) *a national environmental standard;*
  - (ii) *other regulations;*
  - (iii) *a national policy statement;*
  - (iv) *a New Zealand coastal policy statement;*
  - (v) *a regional policy statement or proposed regional policy statement;*
  - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

These matters are discussed in the following sections.

### **6.2.1 Environmental Effects**

The actual and potential environmental effects of the proposed activity were considered in Section 5 of this report. Given the nature of the activities and the recommended consent conditions, any adverse environmental effects should be avoided, remedied or mitigated.

### **6.2.2 National Policy Statement Freshwater Management**

The NPS for Freshwater Management took effect on 1 July 2011 and provides overarching objectives and policies for managing the quality and quantity of freshwater resources in New Zealand. Policies A1 and A2 require the Council to make changes to existing plans in order to establish freshwater objectives and freshwater quality limits for all bodies of freshwater and to establish methods (including rules) to avoid over-allocation. Until changes to the RPW to give effect to Policy A1 and Policy A2 have become operative, the following policy applies:

*When considering any application for a discharge the consent authority must have regard to the following matters:*

- a. *the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and*

- b. the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.*

There will be some sediment generated as a result of the work in the river bed. If the sediment is considered a discharge under this policy then the effects will have no more than a minor adverse effect of freshwater and the ecosystem associated with freshwater.

### **6.2.3 Regional Policy Statement**

The Regional Policy Statement for Otago (RPS) provides an overview of the resource management issues for the Otago Region and the ways of achieving integrated management of its natural and physical resources. The most relevant objectives and policies are contained in Chapter 6 (Water), and Chapter 9 (Built Environment). The objectives and policies particularly relevant to this proposal seek to:

- safeguard the life-supporting capacity (6.4.3),
- maintain and enhance the ecological, intrinsic, amenity and cultural values (6.4.4),
- avoid, remedy or mitigate degradation of the resource resulting from the use development or protection of the beds and banks of water bodies (6.4.5),
- maintain and enhance public access (6.4.7 and 6.5.10),
- allow for the community's use, development or protection of the beds and banks of water bodies providing adverse effects are avoided, remedied or mitigated while considering the maintenance and enhancement of the natural functioning of the river system and the need to provide mitigation for flooding and erosion (6.5.9),
- protect areas of natural character (6.4.8),
- minimise the adverse effects of urban development and settlement, including structures, through avoiding, minimising or mitigating discharges of contaminants to water, and significant irreversible effects on natural values and character, values of significance to Kai Tahu, intrinsic values of ecosystems and habitats of indigenous fauna, heritage values, amenity values, and salmon or trout habitat (9.5.4),

Subject to the recommended consent conditions which should avoid, remedy or mitigate any potential adverse effects, the proposal is considered to be consistent with the objectives and policies of the RPS.

### **6.2.4 Regional Plan: Water for Otago**

Relevant objectives and policies of the RPW are found in Chapter 5 (Natural and Human Use Values of Lakes and Rivers), Chapter 7 (Water Quality) and Chapter 8 (The Beds and Margins of Lakes and Rivers). The most relevant policies of the RPW, including Plan Change 6A (Water Quality) are as follows:

- to undertake the works in a manner that avoids, in preference to remedying or mitigating, adverse effects on natural values and character, ecology and habitat, water supply values, historic places or archaeological sites, values of significance to Kai Tahu, amenity values, lawful water users and causing or exacerbate flooding, erosion, land instability, sedimentation or property damage (5.4.2).
- to avoid adverse effects on existing lawful uses and priorities (5.4.3).
- to recognise Kai Tahu's interests in Otago's lakes and rivers by promoting opportunities for their involvement in resource consent processing (5.4.4).

- to recognise the Water Conservation (Kawarau) Order 1997 by preserving, as far as possible, the waters set out in Schedule 1 of the Water Conservation Order in their natural state, protecting the outstanding characteristics of waters set out in Schedule 2 of the Water Conservation Order, and sustaining the outstanding amenity and intrinsic values set out in both Schedules of this order (5.4.5).
- requires regard to topography, natural flow characteristics or water levels, water colour and clarity, ecology, the extent of use or development within the catchment, when considering adverse effects on natural character of lakes, rivers and their margins (5.4.8).
- requires regard to aesthetic values and recreational opportunities provided by a lake or river, or its margins when considering adverse effects on amenity values (5.4.9).
- requires regard to any heritage values of any site, building, place or area for any activity involving surface water or the bed or margin of any lake or river (5.4.10).
- manage water quality in Otago lakes, rivers, wetlands and groundwater by: recognising the differences in the effects and management of point source and non-point source discharges; defining in Schedule 15, characteristics and standards that describe good quality water; maintaining good quality water; enhancing water quality where it does not meet Schedule 15 standards; and recognising discharge effects on groundwater (7.B.1).
- avoid objectionable discharges of water or contaminants that degrade the natural and human use values of Otago lakes, rivers, wetlands and groundwater (7.B.2).
- allow discharges of water or contaminants to Otago lakes, rivers, wetlands and groundwater that have minor effects or are short term (7.B.3).
- to give priority to avoiding changes in the nature of flow and sediment processes in those water bodies, where those changes will cause adverse effects on the stability and function of existing structures; associated erosion, sedimentation or land instability; or any reduction in the flood carrying capacity of any lake or river (8.4.1).
- to have regard to any adverse effect on the spawning requirements of indigenous fauna, and trout or salmon; bed and bank stability; water quality; amenity values caused by any reduction in water clarity; and downstream users (8.6.1).
- to promote best management practices for activities that occur within or adjacent to the bed of lakes and rivers in order to avoid, remedy or mitigate any adverse effect (8.6.2).

Policy 7.B.1 seeks to ensure water is of good quality to support natural and human use values by, among other things, minimising disturbance of the beds of rivers and lakes. Granting of this consent will be in accordance with this policy.

Overall, subject to the recommended conditions of consent, it is considered that the application is consistent with the relevant objectives and policies of the RPW.

#### 6.2.5 Other Matters

The Kai Tahu ki Otago Natural Resource Management Plan 2005 (NRMP) outlines general policies for activities within Otago. The following requirements apply to river and instream works:

- To require that work be undertaken when water levels are naturally low or dry.
- To require that works are not undertaken during spawning season of certain fish species and fish passage is provided for at all times.
- To require that any visual impacts at the site of the activity are minimal.

- To require that all practical measures are undertaken to minimise sediment or other contaminant discharge and that wet concrete does not enter active flow channels.
- To require that machinery only enters the dry bed of the waterway to the extent necessary to undertake the work, and that it is kept clean and well-maintained, with refuelling occurring away from the waterway. Machinery operating in flowing water is to be discouraged.

The proposed activity is consistent with the above policies of the NRMP. The affected Papatipu Runaka did not identify any potentially affected species with regard to spawning or any other concerns and provided its written approval to the proposal. The other matters have been provided for through the conditions of consent.

There are no other matters considered relevant or reasonably necessary to determine the application.

## **7. Recommendations**

That the Otago Regional Council grants to Queenstown Rafting Limited land Use consent, subject to the terms and conditions set out in the attached consent.

### **7.1 Reasons for the Recommendation**

- (a) It is expected that the adverse effects on the environment will be minor, and can be adequately addressed through the recommended consent conditions.
- (b) The application meets the non-notification requirements of Section 95A of the Act.
- (c) The proposed activities are consistent with the requirements of the Act and the relevant statutory requirements.

### **7.2 Term**

The applicant sought a term of 17 years for this consent so it will align with the expiry date of other consents the applicant has for similar work on the Shotover River. There is merit in having the consents for similar work expiring at the same time so that the number of consents may be reduced and a wider view of the work can be considered. It is recommended the term of the consent be for 17 years and expiring on 1 April 2031.

Colin Walker  
Senior Consents Officer



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## Commercial rafting set to resume on Shotover

Home » News » Queenstown Lakes

By Tracey Roxburgh on Wed, 27 Aug 2008

News: Queenstown Lakes

Commercial rafting will resume on the Shotover River tomorrow, following a meeting between Queenstown Rafting and the Queenstown Lakes District Council yesterday.

It has been seven weeks since the last commercial rafting trip on the river, with a major slip on the banks of the Shotover causing serious concern for the safety of river users and those walking the Moonlight Track.

Commercial operators voluntarily ceased operations and the council closed the river until the slip "failed".

The Moonlight Track was also closed because of its close proximity to the slip.

After a week of water-jacking the slip, it finally failed on Friday morning when 30,000 tonnes of schist rock fell, much of it crumbling before hitting the river.

The rocks that did hit the river have not affected its flow.

On Monday, a representative from engineering firm Tonkin and Taylor visited the site and prepared a report, which was passed to the council and Queenstown Rafting yesterday.

Queenstown Rafting director Vance Boyd said the report was favourable and it was expected commercial rafting trips would resume tomorrow.

The slip would be monitored by rafting crews before passing the area for an initial two-week period and that process would be reviewed again in a fortnight.

"It has been seven weeks today since operations ceased and we are really looking forward to getting out on the river again," Mr Boyd said.

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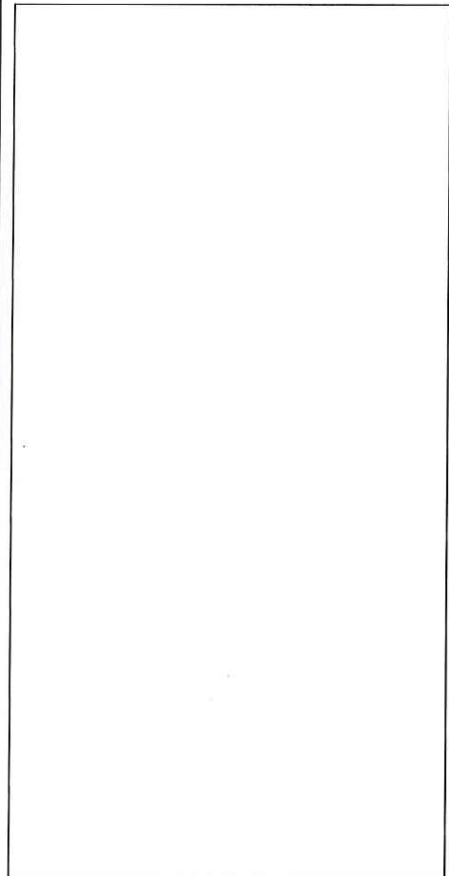
A raft-load of tourists enjoys a ride down the Shotover River before it was closed almost two months ago by a large slip. Photo by Felicity Wolfe.

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# Loud crash as Shotover River slip is finally swept away

8:22 pm on 22 August 2008



The bulk of a massive slip, which has been hanging precariously above the Shotover River for six weeks, has finally been swept away.

Queenstown Rafting has funded several attempts over the past few weeks to sluice the 100,000 cu m slip away.

Its manager Vance Boyd says local residents heard a loud crash early Friday morning, when the major part of the slip collapsed.

He hopes his company will be able to resume rafting trips soon.

Mr Boyd says he'll talk to his insurance company about recouping the cost of the work, which could total tens of thousands of dollars.

Next story in Regional: [Front end loader used to raid gang building](#)

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# Rafting firm to pay for Shotover River slip removal

12:05 pm on 12 August 2008



**The company Queenstown Rafting has agreed to foot what is likely to be a bill for tens of thousands of dollars to clear a slip above the Shotover River.**

Efforts to dislodge the 100,000 cubic metre slip, which has been hanging precariously for five weeks, could begin as early as Wednesday.

Queenstown Rafting manager Vance Boyd says the slip is not only putting people's lives at risk, but is affecting his company's livelihood.

"At this stage we're accepting the cost for our commercial gain because the alternative is simply too unpalatable for us", he says.

Vance Boyd says water will be directed at the base of the slip in an attempt to sluice it away.

He does not know how much the operation will cost.

Next story in Regional: [Three Mangere schoolchildren hospitalised](#)

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## Shotover River slip finally falls

Friday, 22 August 2008, 1:57 pm

Press Release: [Queenstown Rafting](#)

Media Release from Queenstown Rafting

Friday August 22

Shotover River slip finally falls

A large slip above the Shotover River, which has closed the river to commercial operators for six weeks, has finally fallen.

Queenstown Rafting managing director Vance Boyd said about 30,000 tonnes of rock fell down the face of the slip in the early hours of this morning (Friday Aug 22).

Work began on August 14 to 'water jack' the slip by pumping water through and over the slip at the rate of up to 200 litres a minute, with the help of contractors McNeill Drilling and Pumping and the Queenstown Volunteer Fire Brigade.

"We were unable to work on the slip on Wednesday because cold temperatures meant the pipes froze, but since then have been pouring water over the slip day and night," Mr Boyd said.

"Yesterday afternoon (Thursday) we noticed more new movement in the slip and further fracturing, then this morning a local resident heard a loud noise at about 6.30am.

"Inspection this morning revealed that the majority of the remaining block of rock has fallen, around 30,000 tonnes of it. The material has fallen into the chute below the active face and broken up, and only one or two rocks have reached the edge of the river, making no change to the route or flow of the water.

"The heavy rain falling in the early hours of this morning obviously helped, but we know that all the hard work of our contractors and the volunteer





# REGIONS



Slipping away? The Shotover River slip on July 15 (top) and eight days later, on Wednesday.  
PHOTOS: FELICITY WOLFE/EMILY ADAMSON

>Queenstown

## Scientists camp to scan slip

By FELICITY WOLFE

PERCHED precariously on the edge of a bluff, high above the Shotover River, a small tent has been "home" for two scientists this week.

Surveyor Neville Palmer and engineering geologist Simon Nelis have been keeping watch on a large slip first reported on July 7, using a terrestrial laser scanner to monitor any movement.

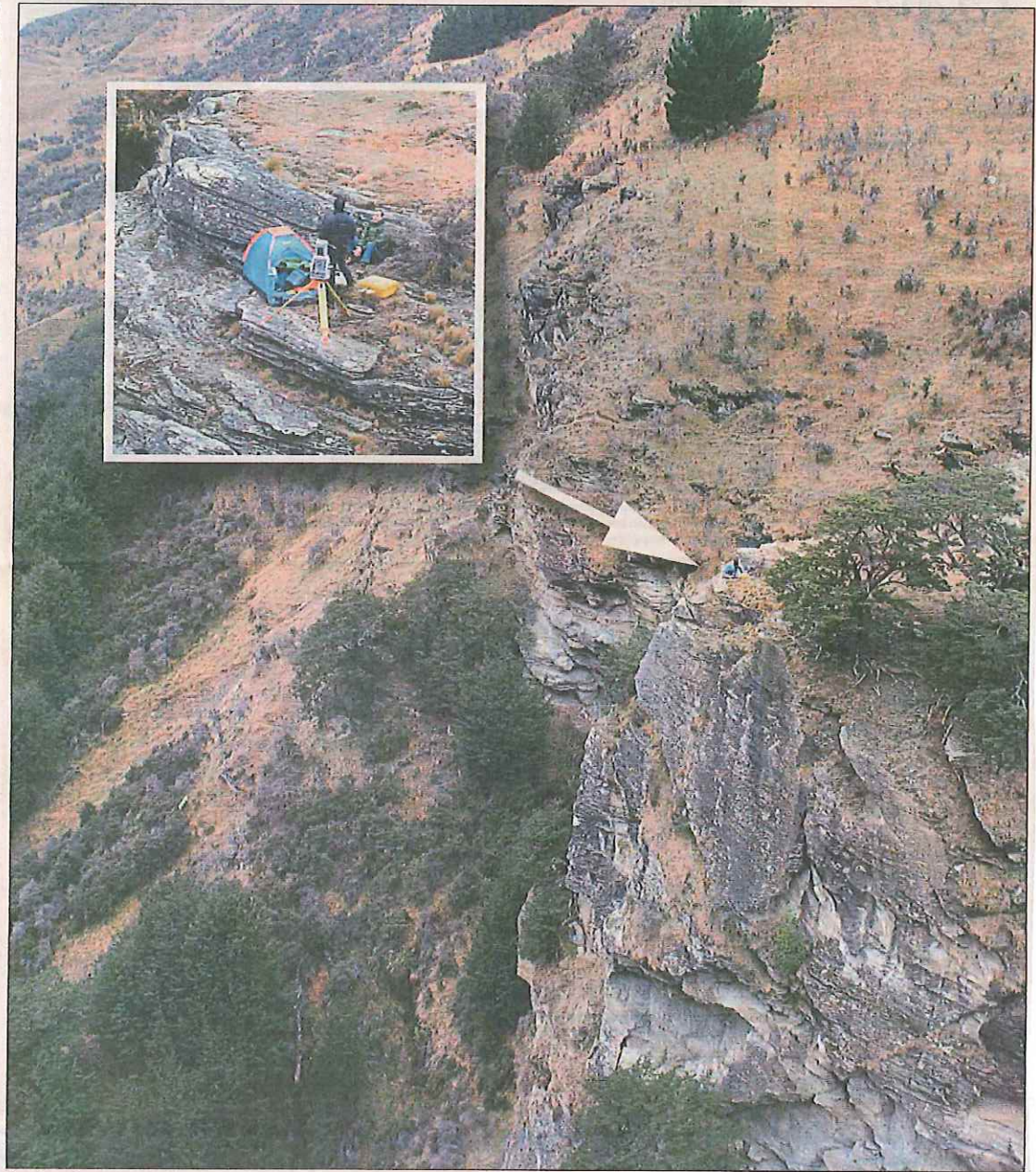
They are gathering data for the Institute of Geological and Nuclear Sciences.

"It [the scanner] makes a three dimensional topographical map," institute engineering and geology team leader Grant Dellow told the *Otago Daily Times*.

"This is the first time we have been able to use this equipment on a block that is reported to be moving."

Readings had been taken over the past two days, with a last reading scheduled for today, before the men leave.

Past surveying techniques used to measure slip movements have only been able to measure



No place for a sleepwalker . . . This pup tent, on the edge of a steep bluff, has been home for two scientists this week.

PHOTOS: EMILY ADAMSON

the movement of certain points.

The new scanner, which the institute has had for about 12 months, "scans . . . and picks up thousands of different points at once", Mr Dellow said.

The "experiment" will be able to determine if there is movement and where it is coming from.

"It may show there's blocks

coming from certain places [on the slip]," he said.

The information will be taken back to the team's base in Lower Hutt tomorrow and analysed over the next two weeks.

However, if the slip does not fall soon, the scientists are likely to come back for a second lot of data.

While the institute's main

interest in the slip is on trialling the scanner, the crown research institute will make the information publicly available once it has been analysed, probably in about a fortnight, Mr Dellow said.

Queenstown Lakes District Council communications manager Meaghan Miller said parts of the slip continued to break off

and new cracks had appeared in the last day, but the "significant failure" council was looking for had not happened.

All rafting operations near the slip area have been suspended for about a fortnight with authorities deciding last week they would not take any action to hasten a fall of the remaining unstable rock.



> Queenstown

# Slip rock still on the move

By FELICITY WOLFE

THE slip which precluded river traffic on a section of the Shotover River remained active throughout the day yesterday, with tonnes of rock continuing to fall down the steep hillside, some of it landing in the river. Queenstown Lakes District Council emergency management officer Brenden Winder said sizeable sections of rock continued to fall away.

He emphasised the need for people to keep away from the area, which he described as a "highly volatile zone".

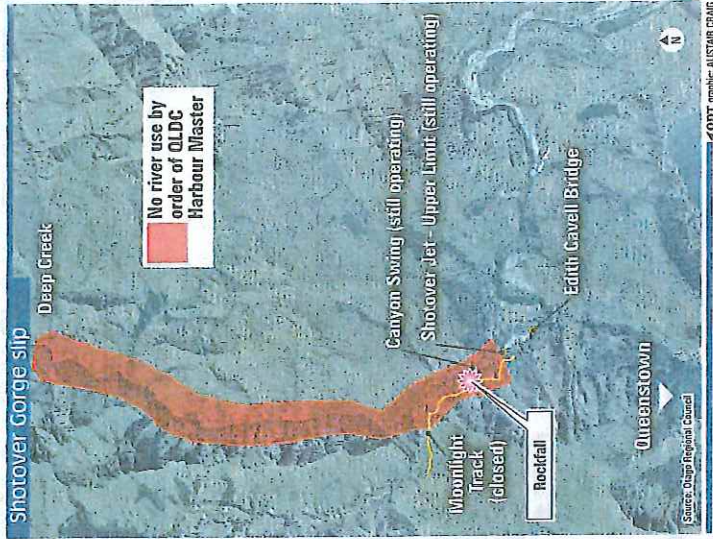
Both Mr Winder and Otago Regional Council consultant geotechnical engineer Jeff Bryant continually monitor the area.

They will update commercial river users today and tomorrow and discuss possible intervention options with them on Friday if the rock remains in place.

Those curious about the slip might be able to see it up close by the end of the week — thanks to technology.



Cracking off . . . A large amount of unstable rock is poised above the Shotover River. PHOTO: Otago Regional Council



ODT graphic: AUSTIN CHAM

The two major slips on Saturday sounded like the rumble of an earthquake but without the shaking. While neighbours had been discussing their preferred options for dealing with the slip, he said most people understood it was a natural process which happened fairly frequently.

The two major slips on Saturday sounded like the rumble of an earthquake but without the shaking. While neighbours had been discussing their preferred options for dealing with the slip, he said most people understood it was a natural process which happened fairly frequently.



"C"

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INSIDE: This Week's Special Offers & Holiday Info

## Whitewater Warning

BY PHILIP CHANDLER & FRANK MARVIN

*Running rapids in rubber rafts...images of muscled arms, big water and wild times. Fast paced and exciting...maybe even hair wetting stuff-- but to unknowing passengers there's a fine line between fun and danger, particularly since recent changes to flood swollen local rivers.*

*Next week sees an unprecedented official enquiry into rafting safety on Queenstown's Shotover and Kawarau Rivers. Maritime watchdog Capt. Steve Ponsford will hear formal submissions into whether rafting safety standards need stiffening.*

After recent torrential flooding, serious questions have again been raised about safety on the Shotover. There've been fears expressed that customers' lives were put at risk, especially because several senior raft guides experienced in such conditions, have left the industry. The river has risen, but after a three-hour 'whitewater watch' by MOUNTAIN SCENE and rafting experts last Sunday morning, it appears some safety practices have not.

One of the observing experts, experienced raft trip leader Rosco Gaudin, is critical of harbourmaster Marty Black for

failing to take a firm hand on Shotover rafting.

He's calling for an urgent meeting of guides to discuss the dangers posed by the new flood-transformed Shotover River. "I'm worried, and so are a lot of others in the industry, that a

**"You can't have people constantly swimming through major rapids like Pinball in flood without putting their lives at risk."**

small minority of less experienced guides is jeopardising rafting's reputation. Some situations they're finding themselves in, they simply can't handle."

The concerns are timely. As well as next week's Ponsford review, just yesterday (Wednesday), Tourism Minister John Banks took a raft trip himself.

Within the past week, rapids on the Shotover normally graded III or IV, were transformed into raging torrents of IV plus or even V. Grade V is the absolute limit for commercial rafting -- the official description of this grade of rapid reads in part: "Very

powerful water, confused and violent...Situations liable to flip a raft will be common".

Grade IV to V rapids require the highest competence on the part of river guides -- but alarmingly, that wasn't always in evidence when senior river guides and a MOUNTAIN SCENE reporter watched 12 rafts on Sunday, trying to cope with two stages of the

And what was seen? Raft guides from Danes, Makin' Waves and Kiwi Discovery, and two (of four) from Kawarau Rafts all handled the challenging conditions very well, taking only acceptable risks. For differing reasons, passengers on two other Kawarau Rafts boats faced unreasonable risks, according to the two senior river guides watching from the bank.

First, one raft was inadvertently sucked backwards and then 'surf'ed at Toilet rapid. After a short time it flipped, and all passengers took a swim. This situation would not have been hazardous, had all passengers been successfully rescued.

This time, however, two hapless rafters were carried 100 metres down to -- and through -- turbulent Pinball. The guide failed to get the boat to shore, even with a paddle, and was himself swept into Pinball sitting atop his up-turned raft.

A French visitor, Patrick Vaiss, hit a rock after surviving

Pinball rapid's first 'hole'; from the second 'hole' he was sucked under water for eight to 10 seconds, resurfacing 30 metres downstream.

MOUNTAIN SCENE's experts agreed it was only by sheer luck that he went left instead of right, and avoided a potentially life-threatening part of the first 'hole'. Shaken up, Mr Vaiss said: "I've certainly had enough water for the day!"

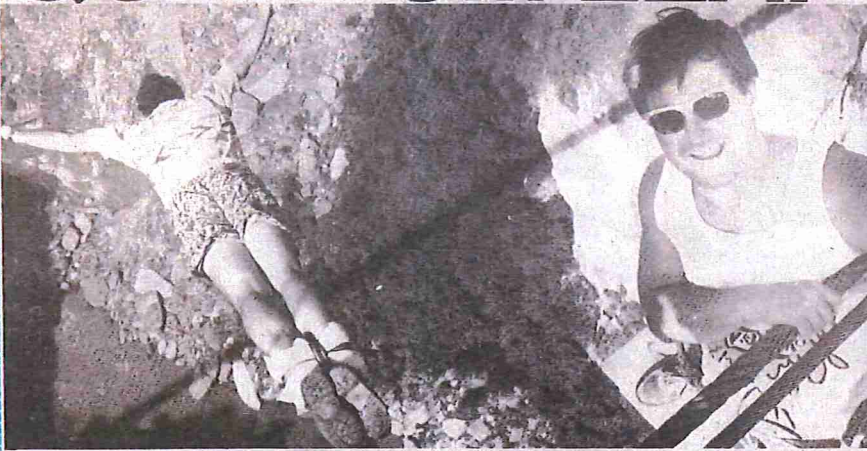
Rosco Gaudin says, "You can't have people constantly swimming through major rapids like Pinball in flood without putting their lives at risk".

CONTINUED PAGE 2



An unidentified Kawarau Rafts guide looks shoreward -- moments before being swept into the Pinball rapid on Sunday. Two of his passengers also had to take their chances through the grade IV plus water after unsuccessful rescue attempts.

## QUANTUM LEAP



**EXCLUSIVE:** Just another bungy photo? Look again. This is the big one...Pipeline Bungy's new 102 metre jump in Skippers Canyon. Pictured taking the plunge on Sunday, is Andrew Brinsley, with jump master Glenn Russell at the controls. Both men were formerly employed as managers by A.J Hackett Bungy before setting up their own international bungy consultancy service. Pipeline Bungy is their 'baby', but first jump honour went to land-owner Jerry Hohneck. **FULL STORY PAGE 6.**

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FROM PAGE 1

# Whitewater Warning "Council embarrassed"

The second big heart-stopper occurred with the last boat taken through that morning by Kawarau Rafts, under guide Keith. The boat was overloaded, with 15 people (including himself) when he took on the full fury of Pinball in his 15 foot Incept raft.

Experts suggest an overloaded boat is excusable only if there is no other option. In this case, the boatman - COULD have offloaded excess passengers for an easy 80

metre bank walk around the rapid -- but Keith ploughed on with all his passengers on board.

The raft then took the major drop through Pinball. One of the riverbank observers exclaimed: "If he pulls this off, I'll take my hat off to him!". (Keith did just that -- and MOUNTAIN SCENE's experts were relieved, admiring his daring but deeming him foolhardy.)

More disturbing, though, was the lack of safety back-up. When the overloaded raft rode Pin-

ball, the nearest guides were about 200 metres downstream.

By contrast, each time a Danes boat ran the rapid, there were several guides anchored to the shoreline, ready to rescue swimmers with rope throw bags. Makin Waves and Kiwi Discovery river runners teamed up to do likewise.

Danes guides were also observed taking a safety precaution which their Kawarau Rafts counterparts didn't appear to take. Before running the Mother rapid, about half a dozen guides 'scouted' the whole stretch of river from the bank, setting up safety procedures and examining both 'holes' at Pinball particularly closely.

When an interview with Kawarau Rafts was requested, MOUNTAIN SCENE was told: "The management of Kawarau Rafts has no interest in discussing any aspect of our rafting operation with (this newspaper), either now or in the future".

Rosco Gaudin says Sunday's experience more than justified his initial concerns that following early January floods, rafting trips on parts of the Shotover could be extremely hazardous with inexperienced guides. "My point was that this is not the Shotty (sic) we're all familiar with".

Finally, Mr Gaudin emphasises he was not biased in making his assessments last Sunday. ■

The Queenstown-Lakes District Council's policeman role in rafting safety is seen as a joke by many. MOUNTAIN SCENE has established that the QLDC appears to have breached -- flagrantly -- one of its key rafting bylaws.

Bylaw 60 states that commercial rafting is forbidden on the Shotover River if water is above the orange marker at Edith Cavell Bridge, near Arthurs Point.

But on January 9, that marker was washed away -- and a week after the council gave the January 13 go-ahead for limited rafting to resume, that crucial marker -- one of two -- STILL hasn't been replaced.

And according to other river operators, until yesterday (Wednesday) the level at Arthurs Point had been well above that of the former orange marker -- and has only just now returned to the legal, safe limit.

Confronted with this information, regulatory services manager Colin Walker admits the council has probably breached its own key bylaw on rafting safety. Is he embarrassed? "Yes."

*From Me to You... Give Guides A Say*

Understandably, no rafting guides have felt brave enough to buck their bosses and make their own independent submissions to Captain Steve Ponsford's rafting bylaws enquiry next week.

But MOUNTAIN SCENE believes it's essential Capt Ponsford grant a confidential forum for the ordinary boatmen and women who take responsibility for hundreds of passengers on the river every week -- and who have a very different view on many safety issues from their bosses.

Further, MOUNTAIN SCENE says the guides should be entitled to have their say behind closed doors, WITHOUT the presence of rafting company owners, who already have their own speaking slots.

So how about it, Cap'n?

*Philip Chandler*  
PHILIP CHANDLER (Editor). ■

RAFTING GUIDES ARE READY TO MAKE A VOTE OF NO-CONFIDENCE IN MR BLACK.

Council's positive stance in that regard.

Mr Walker conceded he may now be forced to eat these words, before next week's Ponsford enquiry.

One of the observing experts Rosco Gaudin also blames harbourmaster Marty Black for not talking fast enough in revising these river-level markers. Overnight heavy rain, he says, could have left bylaws 'open to liberal interpretation' when in fact the

Shotover could have been dangerously high.

It's Marty Black's job to re-set the safety Plimsoll line -- and he appears to have been slow in carrying out that responsibility. The green/orange/red marks have to be re-set FAST, while the river is dropping.

"I believe rafting guides are ready to make a vote of no-confidence in Mr Black", maintains Mr Gaudin.

Colin Walker, too, had difficulty elaborating on the extent of the rafting monitoring undertaken by his \$60,000 a year harbourmaster, Marty Black. For example he doesn't know what checks Mr Black makes on overloading. Mr Black or his staff have currently misplaced the loading specifications for a 15 foot Incept craft.

And has Mr Black been down the river this week, either by raft or by foot, to check the new river conditions? Mr Walker doesn't think so. He says it's raft guides' responsibility to regrade the river -- but adds, "Marty could have perhaps gone down the river. I most probably would have gone and looked, or even rafted."

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What is wrong with this picture? Thirteen people are visibly crammed into this 15 foot INCEPT raft -- but as other photos clearly show, there are in fact FIFTEEN on board. A MOUNTAIN SCENE photographer captured this overloaded raft last Sunday as it exited the grade IV plus Pinball rapid on Queenstown's Shotover River.

Incept Rafts Ltd (Taihape) manufacturer John Booth says the maximum loading for a 15 footer is 1000 kilos, including the boat weight of about 100 kilos. Working on the manufacturer's conservative estimate of 75 kilos per person, Kawarau Rafts' craft on Sunday was overloaded by at least 22 per cent.

Ironically, Kawarau Rafts managing director Robert Eymann says in his written submission to Captain Ponsford's enquiry next week: "We believe the fairest method to adopt is a policy ensuring that rafts cannot be loaded beyond the specifications of the manufacturer of the raft."

Long-time former rafting boss Jim Archibald, in his submission, says: "...companies are forcing guides to take overloaded rafts". ■



# FREE MOUNTAIN SCENE

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INSIDE: This Week's Special Offers & Holiday Info

THURSDAY,  
FEBRUARY 3 -  
WEDNESDAY,  
FEBRUARY 9, 1994

## Special Report

# RIVER OF RISK

By Philip Chandler, Shaan Miller & Frank Marvin

Whitewater rafting in Queenstown faces "a shakeup". Since MOUNTAIN SCENE first publicised important safety concerns just a fortnight ago, a visiting Australian has drowned on the mighty Shotover River.

Suddenly, officials have been galvanised into frank admissions. Unprecedentedly, council boss Keith Grantham publicly censures his harbourmaster AND the harbourmaster's immediate superior.

But on the same day that Grantham calls for an urgent and industry-wide rafting "shakeup" his own boss, mayor David Bradford, is reassuringly reported by local radio as saying "local raft companies run professional, safe operations."

This 3-page Special Report chronicles a fortnight of controversial change in Queenstown's \$5 million rafting industry...

CONTINUED PAGES 2 & 6

Whitewater Warning

MS JANUARY '94

## Chilling prediction

Same river. Same rapid. Just eight days apart. A 'surfing' raft flips and a helpless thrill-seeker is carried toward flood-affected Pinball rapid.

One week and one day after concerns of senior river guides were publicised - a life was claimed.

"You can't have people constantly swimming through major rapids like Pinball in flood without putting their lives at risk", said Rosco Gaudin (MS 20.1.94).

As MOUNTAIN SCENE reported then, Mr Gaudin and others witnessed several raft passengers 'swimming' the infamous Pinball rapid. One of them was Frenchman Patrick Vaiss.

CONTINUED PAGE 2.

# Tragedy triggers action

Last Friday's rafting tragedy has exposed glaring shortcomings in the Queenstown council's responsibility for the safety of Shotover River rafting.

Just four days after Australian Terry Hardie's death by drowning, council boss Keith Grantham has announced he's "belatedly" adopting a 'get tough' policy: not only with rafting operators, but also with his contracted harbourmaster, Marty Black -- AND even with Black's boss, senior council executive Colin Walker.

Messrs Black, Walker and Grantham all deny any blame for Friday's fatality -- but enforcement measures now being put in place, are designed to avoid a similar occurrence.

"There comes a time", says Mr Grantham, "and this belatedly might be the time, to say 'the rules is the rules' -- it's 'time we grew up' time.

In an unprecedented move, he's gone over the harbourmaster's head, demand-

ing, "in the next day or two", to sight the registrations of every raft guide who runs the river.

On Monday, experienced guide Rosco Gaudin -- the respected river man who two weeks ago uncannily predicted a rafting tragedy exclusively in MOUNTAIN SCENE (see story at right) -- told Mr Walker and deputy mayor Margaret McHugh that he held the harbourmaster "indirectly" responsible for the drowning.

Mr Gaudin says Black should have summoned operators immediately after the flood, to discuss safety back-up at the Mother series of rapids (which include Pinball and Toilet). Mr Gaudin claims Mr Black is too influenced by operators only, on what constitutes safe water level marks.

The next day, Mr Grantham told MOUNTAIN SCENE he was disturbed Marty Black STILL hadn't concluded enquiries into two serious rafting accidents over three months ago -- but added he'd "express my disappointment in another forum".

He says both Marty Black

and Colin Walker "have been given a shake-up" for not giving him some instant responses. For the future, he concedes "it might be a positive step" for Mr Black to subcontract his rafting duties to an experienced former river guide.

(Company operators, though, told MOUNTAIN SCENE in a combined statement yesterday they have confidence in Mr Black and don't believe "the administration of the bylaws requires a full-time rafting specialist", pointing out Black has "from time to time employed a person with industry experience to assist with some matters". They say they have worked "very closely with the harbourmaster since the January 7 floods", and have always constantly evaluated conditions so that trips are only run at safe river levels.)

In another revelation, Mr Black admits he hasn't rafted the infamous Mother rapids -- where Mr Hardie met his fate -- "for 18 months to two years". Queenstown-born Colin Walker has never rafted, though he "intends to", Keith Grantham hasn't either, saying "Nor do I intend

to".

CONTINUED PAGE 2.

## Get together, guides told

Deputy mayor Margaret McHugh and council boss Keith Grantham are this week urgently cajoling local river guides to club together -- to take a tougher collective stance on when, and when not, to raft the mighty Shotover.

CONTINUED PAGE 2.



Makin Waves, the raft company at the centre of last Friday's tragedy, pictured last month negotiating the Pinball rapid on the Shotover River.

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FROM PAGE 1

Special Report

# RIVER OF RISK Code White!

## Tragedy triggers action

Mr Black's also been slow to put his new monitoring programme in place, Colin Walker confesses.

But Mr Grantham's beef isn't only with Marty Black, but also with operators. Concerning Friday's tragedy, he admitted he'd be concerned if it was found there were no back-up guides below the Pinball rapid, through which Terry Hardie was swept.

Four days after the drowning, Mr Grantham was also "extremely disappointed" the raft company trip leader's report still hadn't been received. "I'm certainly looking to recourse under the bylaws." (However company operators says "reports arising from last Friday's death were made soon afterwards to the police and a copy was made available to the harbourmaster. We are unaware of any other outstanding reports".)

He's also heard reports of an 84-year-old being carried on a Shotover raft trip - and if correct, that's "irresponsible". Mr Grantham's personally going to ensure stronger checks are made on client suitability for the white water. (The four rafting companies claim they DO screen passengers.)

Operators and senior guides also, according to Colin Walker, are quibbling over a new safety edict made by Marty Black on Saturday (though not put in writing for three days, nor monitored yet) - demanding four raft guides equipped with throw-bags be stationed below Toilet rapid. Mr Walker now wants this incorporated as part of companies' operating emergency plans.

In response, the companies say "Queenstown rafting operators are constantly reviewing the requirements for

safe operation on the river. The number of guides to be stationed downstream of Toilet (rapid) was discussed with the harbourmaster last Saturday.

"The requirements for safety vary day by day depending on river levels and it is not possible to predetermine where staff should be. Companies have recently had a minimum of four guides below Toilet (rapid), but this requirement may change".

Marty Black says minimum guide numbers aren't the only requirement - he also stresses proper guide training, correct use of throw-bags and other back-up procedures. (Operators are suggesting a 'cata-raft', faster than a raft and stationed below Pinball rapid.)

Keith Grantham says the council also intends to rely more on river guides to help enforce the bylaws, and suggests they must influence their bosses more strongly if necessary. "If their judgement is impaired by their employers, it does concern me."

Company owners, asked if they brought pressure to bear on guides to raft when they weren't happy to, said: "We have no knowledge of this and deny this allegation".

At the same time council bosses are trying to "belatedly" police the rafting bylaws, local radio said yesterday (Wednesday) that mayor David Bradford believed "local raft companies run professional, safe operations".

Between four and five pm last Friday, an emergency radio message crackled from deep in the Shotover gorge. The coded message, "W6", sounded innocent enough, but in fact referred to a drowning.

box's Terry Hardie was one of six Australians on Makin Waves' afternoon rafting trip, say several sources spoken to be MOUNTAIN SCENE.

After being helicoptered in to the Deep Creek 'put in', Mr Hardie was kitted up and briefed on safety. His raft then headed downstream, part of a seven boat convoy, made up from three different companies.

Mr Hardie's locally certified boatman was Vern Malaka - a Canadian with rafting experience overseas, as well as several months in Queenstown.

He explained that recently the Shotover River had been in flood, but had receded, and was running at a good level. Between Deep Creek and the 'Mother' series of rapids, there was lots of fun and the normal few minor incidents, including people falling out of boats.

Before running Toilet rapid, guides from all companies scouted ahead, positioning themselves so as to 'protect' the stretch of water below the rapid. They were equipped with rope bags which could be thrown to 'swimmers', thus bringing them in to safety. The first two rafts made it through Toilet; one of them flipped and all passengers were rescued. Ultimately five out of the seven rafts were to capsize.

By the time Vern steered his raft through Toilet, there were four guides in position on shore as well as two 'FOC' passengers 'who the guides were confident had sufficient rescue skills', according to police witness reports. All were ready to rescue any pas-

sengers being swept towards the potentially dangerous Pinball rapid, 100 metres downstream.

Not unusually, when Vern's raft entered Toilet, it was 'surfed' (sucked back into a hole) and eventually capsized. Everyone swam...but, while his friends made it to shore, Terry Hardie did not.

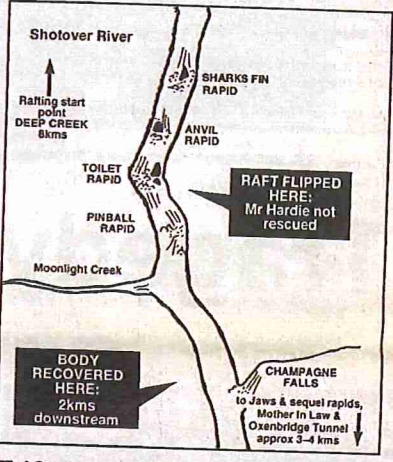
All rafting clients (no matter which company they run with) are told, in effect: When in the water, try to stay with the raft. Failing that, hold on to a rope thrown by a guide. If this is not possible, swim to the true left of the river. As a last resort, adopt the white water rapid position, lying on your back with head out of the water using legs as shock absorbers if encountering rocks.

An eyewitness says Mr Hardie couldn't reach the

paddle extended to him. He missed at least one rope bag, held on to another but eventually let it go and was carried by the river towards the churning Pinball rapid. Apparently he was seen attempting to swim to the left, but eyewitnesses say he went over the drop at the middle or right hand side of the rapid.

Huge forces of grey water would have recirculated him in a 'hole', 'working' him (holding him under) until he was released. Mr Hardie was carried downriver to Champagne Falls, a distance of about two kilometres.

Tragically, expert and extensive CPR by raft guides failed. By the time the rest of the rafters arrived at Champagne Falls, a helicopter had landed with doctor Moira Collins on board. It was the first Terry's friends knew of his death.



Friday's accident scene.

FROM PAGE 1

## Get together, guides told

The near-dormant local branch of the NZ River Guides Association may be the weakest link in the rafting 'safety chain'. MOUNTAIN SCENE understands the branch is strapped for funds, doesn't hold regular meetings - and significantly, until last Monday hadn't formally met to discuss wholly-new river conditions on the flood-transformed Shotover.

"Guides have got to start taking a regulatory interest in their own industry", says Mr Grantham firmly.

Ms McHugh was asked to chair a closed-door meeting of 25 guides last Monday night. She's saying little except "They (the guides) have to form a united front".

However sources say guides had a heart-to-heart with McHugh on a first-name only basis and reportedly told her:

● They want an expert rafting policeman to assist harbourmaster Marty Black for 20 hours a week.

● Because the QLDC hasn't recalibrated safe-level river markers after

flooding - now belatedly urged by council boss Keith Grantham - there are differing opinions on waters levels between guides themselves and raft companies.

Ms McHugh simply says she "totally" believes guides must have an effective organisation, to represent their (guides') views as a contrast to the views of council administrators and raft companies.

Popular Queenstown lawyer Kevin Phillips has voluntarily offered to act as a confidential 'listening post' for guides with concerns about rafting practices.

FROM PAGE 1

## Chilling Prediction

From MS 20.1.94: "...experts agreed it was only by sheer luck that he went left instead of right, and avoided a potentially life-threatening part of the first 'hole'."

According to one eyewitness account Terry Hardie's fatal encounter on Friday was with the 'true right' side of the rapid.

Although the coroner has yet to conduct his inquest, the similarities between the 'incident' and the 'accident' seem remarkably uncanny.

At the time of MOUNTAIN SCENE's 'Whitewater Warning' story a fortnight ago, the mighty Shotover River was in flood, transformed forever. Mr Gaudin and other sources were critical then of harbourmaster Marty Black's apparent lack of regulatory action.

Since then, though, the river level has dropped, and Mr Gaudin's January 20 statement has now been belatedly acknowledged by top council officials: "My point was that this is not the Shotty we're all familiar with", said Rosco Gaudin.

Two weeks later, council boss Keith Grantham has "belatedly" acted to "shake up" local rafting safety enforcement (see front page).

## "Very safe" - Raft Ops

In a combined written statement, Queenstown's four rafting companies - Dames, Kawarau, Kiwi Discovery and Makin Waves - say: "Rafting is a very safe activity considering the number of people participating each year. Like many other adventure activities, there is a small element of risk".

Answering council boss Keith Grantham's criticisms, they say they "work pursuant to bylaws and guidelines. There is no evidence to suggest that these bylaws and guidelines are not being followed".

The companies acknowledge the Shotover has "certainly changed in some areas since the floods", but "this is not a new situation (and) conditions on the river have always been constantly evaluated."

"We believe the degree of professionalism in Queenstown is as high or higher than anywhere in the world."

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*From Me to You...*  
MOUNTAIN SCENE is sometimes accused of airing Queenstown's dirty laundry in public.  
But Terry Hardie's tragic death last Friday is hardly dirty laundry. Coming just one week after whistle-blowing rafter Rosco Gaudin's expert predictions on these pages, this Special Report is dedicated to the memory of the visiting Australian whose drowning was so sadly presaged.  
The Report is also dedicated to ALL Queenstown visitors. For while many of them may be thirsting for greater, yet greater thrills, further fatalities on our rivers will not only hit the \$5 million per year rafting industry. Like the 1990 Milford Sound air tragedy, all of us in the resort will ultimately suffer from the stayaway ripple effect.  
Short term, Queenstown's precious 'thrill' image may be tarnished by our 'Whitewater Warning' campaign and by this extended coverage of council's dereliction to duty in regulating rafting. Had the council pulled its own socks up BEFORE Terry Hardie's death, not only would this Report never have been published, nor would negative publicity over the death have screened on Aussie TV.  
Whitewater rafting is markedly different in one important respect from other adrenaline activities like bungee jumping and paragliding. In those, while exposed to perceived danger, the visitor is at all times under the direct hands-on control of the expert operator.  
We recognise, in a rafting situation, despite the best efforts of our boatmen and women, this is simply not possible all the time.  
Our aim is to see all those responsible for rafting - guides, companies and PARTICULARLY the dilatory council - get their act together.  
For the sake of safer thrills.  
*Philip Chandler*  
**PHILIP CHANDLER (Editor)**



FROM PAGES 1 & 2

Special Report

# RIVER OF RISK

## Safety first fanatic

The Australian visitor who drowned on the Shotover River last Friday was an internationally recognised pilot.

Chief flying instructor Alexander Terence Hardie had logged 17,000 accident free flying hours, and taught more than 1,000 student pilots to fly.

A friend, Jack Butler, observes, "His demands for perfection were reflected in the record that no pilot he trained has ever been involved in a fatal accident...Terry was a low profile person with extremely high standards".

Mr Hardie, 52, hailed from the small rural ser-

vice town of Swan Hill, in North-West Victoria.

Last November he was recognised by the Federation Aeronautique Internationale with an elite award for his life-time contribution to the aviation industry.

Friends say Terry was in good health (he passed a full aviation standard medical each year) and a strong swimmer. Terry Hardie, his wife Joy and two other couples came to New Zealand for a three week holiday. Arriving in

Queenstown for a few days, they enjoyed all the usual activities.

Like thousands of visitors before them, the party went for a thrill ride on the Shotover Jet prior to their white water rafting trip. On Terry's agenda next was a parapente flight off Skyline.

Tragically, this was never to be. The next time Terry flew was when his body was heli-evacuated from the Shotover River. The holiday was over -- two weeks short.

# Q'TOWN'S PADDLE PLATOON

By Shaan Miller

Queenstown's army of 30 or so commercial raft guides have a few things in common. Besides being young, fit and generally male, they've come to town for similar lifestyle reasons. Likewise, it could be said, they end up facing the same 'foot soldier' dilemmas.

After a string of seasonal jobs and accommodation crises, the prospective raft guide shells out \$500 and takes a six day training course with one of five local companies.

He or she learns swift water rescue skills and is trained in first aid. After successfully logging at least 25 commercial trips (without pay) on local rivers, the guide becomes certified with Queenstown-Lakes District Council on recommendation from a raft company operator.

Thus trained and licensed, there is no guarantee that any company will offer a job to the new recruit.

If lucky, he/she is placed at the bottom of several rosters, at several competing rafting companies. On busy days the junior boatman is called in.

The money isn't marvellous at first, about \$60 for a four hour trip. It is possible to guide both morning and afternoon trips in one big day, bringing in a maximum of \$120 nett.

Boatmen and women pride themselves on running big water without mishap. A voluntary, unwritten code ensures they pay some percentage of their wages into a beer kitty. For example, flipping a raft equates to a 'shout' of five jugs of beer (\$20) for colleagues at the pub.

It's not all light-hearted, though. On the river the guide is directly responsible for between three and 14 lives. For example, passengers may or may not speak English, may be overweight, too old for intense physical activity or non-swimmers -- sometimes all of the above.

One thing is universal: The river guide realises NONE of the passengers are expected to have any understanding of river dynamics. They've paid their \$95 and have "come rafting for a good time", considering getting wet to be the most serious possible consequence.

The boatman demonstrates all possible safety procedures on dry land before launching the raft. His or her skill is generally sufficient in getting the passengers downstream, with the only chance of injury being them inadvertently braining each other with their paddles.

Sometimes, however, especially when the river is high, no amount of skill will

stop a raft from being surfed or flipped in a rapid.

In this event, the guide must scramble back on to the boat, do a hurried head count and rescue as many 'swimmers' as possible.

Some paying passengers actually enjoy this experience -- others will sometimes be so stunned by their sudden immersion in cold, turbulent water that they will be unable to make any effort to save themselves or even take advantage of rescue attempts.

At some stage in his or her career, a raft guide must expect to deal with injured passengers or worse -- resuscitation attempts.

Hopefully, though, safety back-ups work, but all agree even in a perfect situation, accidents happen.

If all goes to plan without undue drama, the rafts regroup, head downstream and repeat the exercise at the next rapid.

For the boatman, rafting is generally enjoyable, exciting, and adventurous fun in the great outdoors, but like any glamour job it can soon become "just a job".

Piloting an inflatable raft through full-on rapids is physically demanding - there are stressful moments.

When concerned with safety issues, the humble Queenstown guide has no credible governing body to which to address grievances.

The local branch of the New Zealand River Guides Association is generally considered within the industry to be a toothless organisation, having few resources and even less clout.

In the past the council seems to have taken an inadequate interest in raft guides or in fact, rafting in general.

So it's not all water fights on the river. Many newcomers to Queenstown are attracted to the image and lifestyle of the raft guide, creating a competitive work environment for those with marriages, mortgages and children to consider.

Sure there are perks, but at the end of the day, amongst other dubious pleasures, someone has to deal with a huge, smelly pile of wetsuits. ■

## Business as usual

'Innocent punters' spoken to outside Queenstown rafting company shops this week, all knew about Friday's tragedy on the Shotover River -- but didn't appear to be put off. Among them were:

● FOONG TAI, Malaysia, who turned up too late to book a Tuesday afternoon trip: "I'm not worried - the first time (a death has happened on the river), wasn't it?" He was looking forward to "excitement".

● LARRY DISKIN, USA had known about the fatality before taking a trip (which he enjoyed) on Monday. "It made me a little nervous, but okay, I figured the chances (of an accident) were pretty slim".

● MICHELLE O'SHANNESY of Wellington was considering a raft trip, when approached -- but wasn't put off. "Any of the things around Queenstown adventure-wise are risks." ■

## Rapid report

Coincidentally, last week's tragedy occurred just days after Captain Steve Ponsford conducted an enquiry into the council's 1989 commercial rafting bylaws.

But already, Capt Ponsford's sent off his recommended amendments, which have to be ratified at both council and government (including Ministry of Transport) level. He won't reveal what exactly these are, but says "they mainly reflect the submissions that were put through...with the end objective of enhancing safety."

"The whole reason for the bylaws is (to have) procedures for preparing trips, safety of trips, qualifications, etc., and also a section dealing in the event of accidents, and then further down the track, (the) means of investigating and penalising." ■

## Pre-screening precautions

During preparation of this Special Report, MOUNTAIN SCENE's been told that local raft companies should beef up the 'screening' of their clients.

Some clients are too by guides during tense to run a kilometre and

frail or too old to run moments on the swim 100 metres, before being accepted on the raft trips involving high grade rapids. Both run rivers in California, a state without actual laws governing commercial rafting. However, both operators confirmed stringent self-regulatory codes of screening. Intending passengers are made

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THURSDAY,  
FEBRUARY 17 -  
WEDNESDAY,  
FEBRUARY 23, 1994



**RIVER OF RISK** Week three in a continuing examination of rafting safety, following a January 28 drowning.

Wellington Watchdog Warns:

## Don't Raft 'Death Rapid'

BY PHILIP CHANDLER & FRANK MARVIN

Wellington's top water safety watchdog is this week warning visitors to Queenstown: **DON'T** raft the treacherous Shotover River rapid that last month precipitated the drowning of Australian Terry Hardie.

Maritime safety director Russell Kilvington issues the warning after sighting documents obtained by MOUNTAIN SCENE in which a consultant acting for all four Queenstown raft companies admits Toilet rapid can't be tackled "in a safe and acceptable manner". (Two other rapids are given the same description by the consultant, but no company is presently rafting either of these.)

The four raft companies (Danes, Kawarau Rafts, Kiwi Discovery and Makin Waves) are collectively seeking permission to

blast rocks at the Shotover River's Toilet, Sequel (Jaws II) and Mother-in-Law rapids--because they're "unraftable", according to their planning consultant Fred Coates of Boffa Miskell.

A copy of their February 5 submission to Otago Regional Council was this week obtained by MOUNTAIN SCENE. Recent flood damage, it says, has created "negative and adverse effects", and "a number of accidents have occurred primarily due to the changed nature of the river.

"The river alteration has increased the grade of the abovementioned rapids to a level that prevent the rafters from negotiating the area of the river in a safe and acceptable manner", says the raft companies' consultant.

In a written statement on February 2, however, the raft companies maintained to MOUNTAIN SCENE: "Rafting is a very safe activity...It has always been our policies to run only at safe river levels".

Yet despite Toilet's terrible reputation as the major "flip rapid" since the early January floods -- as the entry point for the fatal January 28 swim by Australian Terry Hardie --

MOUNTAIN SCENE convincingly established, on both Tuesday and again yesterday (Wednesday) of this week, that all four companies are STILL running Toilet. (Companies are, however, presently avoiding Sequel and Mother-in-Law rapids entirely.)

None of the companies' front-line staff disclosed that Toilet had a "safety warning" on it, when twice phoned by associates of MOUNTAIN SCENE posing as would-be rafting clients.

**CONTINUED PAGE 8.**



Four operators say the Department of Conservation's Routeburn track clean-up is losing them business.

Since January's devastating floods, DOC in conjunction with military muscle have been working to get the area back to normal -- expecting completion by mid-next month.

But Queenstown and Glenorchy operators who rely on the Routeburn track's international pulling power say DOC's handling of the situation has left them out of pocket.

"Negative reporting in national media hasn't helped either," says Glynn Kemp of Glenorchy Holiday Park.

Mr Kemp also runs a transport service for backpackers and says "as far as I'm concerned this tramping season has been a gone goose".

He suggests the blasting and other heavy work that needs to be done could easily have been organised to allow trampers through at certain times of the day.

DOC's Queenstown manager Robin Thomas replies: "It's possible to do anything but I would have thought everyone's prime objective is to get the track open as quickly, safely and efficiently as possible. Obviously when dealing with explosives, chainsaws and other nasties, having people wandering around is not advisable".

Regional conservator Jeff Connell points out "We as a department are losing revenue as well, and the shortfall will probably have to be recovered internally before the Government bails us out".

Back in Glenorchy, Glynn Kemp says "the bottom line is they'll get the big cheque -- we won't".

Access to the Routeburn Falls hut has been restricted to helicopters ferrying hikers over damaged terrain. Mr Kemp admits "this has helped but by and large people are staying away".

"The Greenstone and Caples are open but the problem is everyone comes to New Zealand with a Routeburn mentality and often won't settle for substitutes".

## Liten up!

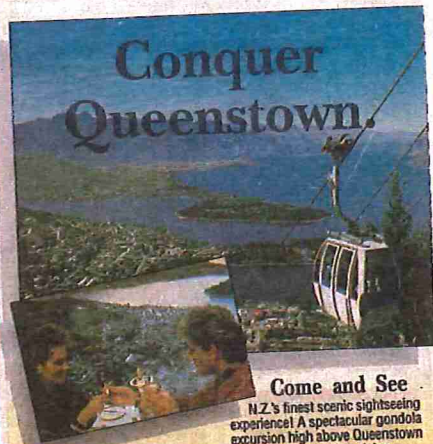
Mount Earnslaw's snowy peaks and local talent star in a 'Coors lite' beer TV commercial being shot in the Wakatipu this week by NZ based Blackstump film company.

Coors lite, produced by North American Molson breweries will broadcast their ads on Canadian television only.

A spokeswoman says "over 60,000 feet of film have been shot around the area to be used in a series of four ads. Thirty locals have been employed, half as crew, the rest actors".

Queenstown casting specialist Di Aspinall selected the local talent including Melanie Goombes, Eric Billoud and Karen Costello. ■

The fear of Rachel Hunter! Local four-year-old Rachel Turner turns on the sunshine at Frankton Beach on Tuesday as she and others celebrate a belated summer... More on page four. ■



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FROM PAGE 1  
**RIVER OF RISK**

However a Danes staffer sounded a mild warning bell on Tuesday, saying guides might ask passengers "deemed to be unsuitable" to walk around Toilet.

However he's undertaken to contact all raft operators "imminently", to see how they square their submission that the Toilet rapid is presently "unraftable", with the fact they're still running it.

A Wellington source says Transport Minister Maurice Williamson is being "kept posted", although Russell Kilvington himself wouldn't confirm that.

Russell Kilvington, Wellington-based director of Maritime Safety Authority, yesterday (Wednesday) said based on the Boffa report there "appears to be a significant problem" -- warning visitors who intend rafting to check whether their chosen operator is running any of the three "unraftable" rapids.

Would Mr Grantham consider himself accountable if another death occurred before blasting took place? "I am not accountable for the performance of any rafting company. But in such circumstances, I'd be looking very hard at all aspects of the bylaws."

## Inquest

The coroner's inquest into the drowning of Australian Terry Hardie during a commercial raft trip on the Shotover River on January 28, will be held in Queenstown next Wednesday (February 23). Council chief executive Keith Grantham is withholding the release of harbourmaster Marty Black's report into the fatal accident, 'til after the inquest.

"If they ask and are told 'yes', they shouldn't go (rafting)."

The report by Boffa Miskell, he points out, "says those areas (of the river) are not safe. If professionals (Boffa) state that, you would assume their advice should be heeded".

Mr Kilvington intended urgently faxing Keith Grantham, boss of Queenstown Lakes District Council, responsible for regulating local rafting safety. He won't comment on the content of his communication to Mr Grantham, nor specifically on whether rafting should be suspended until the dangerous rocks have been blasted away.

Mr Grantham has officially signed his support for the raft companies' rock blasting application, on the grounds of safety. But he defends their running of Toilet rapid, following harbourmaster Marty Black's directive that at least four guides be stationed below with throwbags.

Mr Grantham says companies are also "rafting Toilet with an awareness of all the recent incidents".

Meanwhile, Russell Kilvington's Maritime Safety Authority (formerly part of the Ministry of Transport) is taking an active interest in Queenstown's handling of rafting safety. The recently amended bylaws will go to Mr Kilvington, who'll look at them "very carefully, to ensure they're appropriate to today's safety standards". The Authority may also consider "further action" once it receives the harbourmaster's report into the Terry Hardie tragedy.

Last weekend Mr Kilvington instructed his superintendent of mercantile marine, Captain Bill Galer, to urgently -- and secretly -- check out Queenstown's \$5 million whitewater industry. (MOUNTAIN SCENE sources say Capt Galer posed as an intending rafter, visiting all four companies to find out what visitors were being told.)

Director Kilvington says: "It would appear that all may not be right and proper (in Queenstown rafting)... It would certainly suggest that urgent attention is appropriate -- and indeed, that's what I'm going to give it".

## Guides' concerns kept secret

Safety concerns held by many of Queenstown's professional river guides were aired at a council committee meeting last week -- but the public was excluded.

Deputy mayor Margaret McHugh was insistent her colleagues hear of concerns raised when she'd chaired a meeting of 25 guides just three days after last month's Shotover River fatality -- BEFORE considering the rafting bylaws amendments suggested by Captain Steve Ponsford following his recent enquiry.

Chris Blackford, chairman of the regulatory services committee, at first didn't think the forum was appropriate, preferring to wait 'til a meeting with guides next Monday (February 21). But he then proposed the deputy mayor be heard behind closed doors -- according to councillor Warwick Goldsmith, to allow staff to be discussed.

MOUNTAIN SCENE has appealed the shut-out to the Ombudsman, asking him to review the matter "urgently", due to the overriding public interest. Also, it's understood the "staff" member under discussion was harbourmaster Marty Black, who's an independent contractor.

## EMERGENCY!

A local radio ham, who won't be named, says listeners like him could be the difference between life and death -- by picking up the weak signal of a river emergency call from deep inside Skippers Canyon, and relaying it to rescue services in Queenstown.

The official rafting 'Emergency Radio Call Code', prepared by harbourmaster Marty Black and carried by all raft companies, warn of 'bad radio areas'.


'Code Blue' is a call-up for 'Police Required At Scene'. Various contingencies, quoted directly from the official 'code card', are: B/1 - person(s) lost overboard; B/2 - sudden death (DOA); B/3 - serious collision; B/4 - fire, explosion.

'Code White', sub-headed 'Medical Personnel Required', breaks down as: W/6 - drowning(s); W/7 - heart attack, chest pains; W/8 - cardiac arrest (CPR in progress); W/9 - severe asthmatic, diabetic; W/10 - severe hypothermic; W/11 - severe laceration (shock); W/12 - fracture of spine, head; W/13 - fracture of pelvis, femur; W/14 - fracture upper body, lower leg; W/15 - unconscious, head injury; W/16 - burns.

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## Banks on rafting



Minister of Tourism John Banks is making only limited comment on commercial rafting safety -- wary, perhaps, of getting into water beyond his depth.

Echoing the soothing statements of Queenstown mayor David Bradford, he told MOUNTAIN SCENE this week: "I recently experienced first hand the rafting sensation, and the particular operation was very professional with safety being paramount."

"I'm saddened about the recent fatality, but an element of risk will always be inherent in this kind of outdoor pursuit. My experience is that the operators are extremely safety conscious."

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1/5/08

# Kawarau trips defended

By CHRIS MORRIS

STUNNED tourism operators in Queenstown are defending guided trips down the Kawarau River, following the death of an English tourist who drowned while on a commercial river boarding expedition.

Police yesterday named the dead woman as Emily Louise Jordan (21), of Worcester, England.

She died after becoming wedged underwater between rocks in the Kawarau River, just upstream from the Roaring Meg Power Station, about 2.15pm on Tuesday.

She and her boyfriend were part of a party of 10 tourists and three guides on a commercial river boarding trip, organised by Queenstown company Mad Dog River Boarding.

The couple had travelled through South America and the North Island before arriving in Queenstown, Sergeant Steve Ereckson, of Cromwell, said yesterday.

The woman's family had been contacted in England, and were understood to be planning to travel to Queenstown to collect their daughter's body, he said.

Miss Jordan was believed to have been planning to take up a job as a lawyer on her return to England, he said.

From Bewdley, a small town to the northwest of Worcester in Worcestershire, she was a top scholar and keen sportswoman.

According to the *Worcester Standard*, she graduated with a first-class honours degree in law from Swansea University in 2007, where she had also captained the lacrosse team.

Yesterday, in a statement from Alice Ottley School in Worcester, which she had attended, she was remembered as "hard-working and conscientious".

One of her school tutors recalled that "Emily was full of life, she relished challenges and took advantage of all the oppor-

Sgt Ereckson said relatives of the woman's boyfriend were already in New Zealand, and had flown to Queenstown to comfort the young man, who was also being assisted by victim support staff.

The man was still in Queenstown yesterday, but was "pretty shook up".

The Mad Dog expedition at the centre of Tuesday's tragedy was one of three companies operating at the time, with Serious Fun River Surfing and White Water Sledging also using the river.

Mad Dog guides who tried desperately to save the woman declined to comment, but Serious Fun managing

director Neil Harrison, of Queenstown, told the *Otago Daily Times* the river was considered "low risk" by New Zealand standards.

Rafters, river boarders, sledgers and others using the Kawarau were in a deep and high-volume body of water, which usually helped protect against rocks and other haz-

ards, he said.

"As you would expect in a situation like we have been in, everyone is coming together to support each other," he said.

Queenstown Rafting general manager Tim Barke agreed the Kawarau was "one of the tamer rivers" in New Zealand, but said some tourists arriving to tackle adventure tourism activities expected zero risk.

"Any kind of adventure activity involves risk, as does crossing a road.

"It's a real river, it's real water, there's real rocks, there's real risk," he said.

There was potential for the tragedy to hurt water-based adventure tourism activities across the district, but "we feel for the operators [Mad Dog]", he said.

Sgt Ereckson said those involved in Tuesday's tragedy were being interviewed by police in Queenstown yester-



Emily Jordan



# River trips defended

> From Page 1

Police would forward their findings to the coroner, who would decide if an inquest would be held.

The Department of Labour was also investigating the accident, and Maritime New Zealand had been asked to assist, spokesman Ross Henderson confirmed.

Sgt Ereckson said Queens-town Lakes District Council harbourmaster Marty Black had also been asked to examine the circumstances surrounding the accident.

New Zealand Water Safety Council general manager Matt Claridge said there had been two recorded drownings involving tubing, sledging or river boarding in New Zealand from 2004 until last month.

That increased with the Kawarau River death and the loss of six pupils and a teacher in the Mangatepopo River in the North Island.

> Queenstown

# River-boarding parties hoping for 'outcome'

STAFF REPORTER

AFTER four days of evidence heard in the Queenstown District Court this week, the Maritime New Zealand prosecution of river-boarding company Black Sheep Adventures Ltd and its managing director Brad McLeod was adjourned yesterday, in the hope the prosecution and defence would reach "an outcome" by Monday.

The hearing arose after a Maritime New Zealand investigation into the drowning of English tourist Emily Jordan (21), while on a river-boarding trip with Mad Dog River Boarding on the Kawarau River on April 29, 2008.

Ms Jordan drifted out of alignment as her group floated past a large rock in a swift current and became entrapped against it. It took about 20min to free her despite repeated efforts by the three Mad Dog guides and others from another company, Black Sheep Adventures Ltd, which trades as Mad Dog River Boarding, and McLeod have been charged with three Health and Safety in Employment Act 1992 charges of failing to take all practicable steps to ensure the safety of Ms Jordan's, their employees' and other customers' safety.

Over the past week, Judge Brian Callaghan was presented with evidence from prosecution witnesses seeking to show the "practicable steps" Maritime New Zealand believed Black Sheep Adventures Ltd could have taken to provide better safety.

At the beginning of the hearing on Monday, Maritime New Zealand investigator and health and safety inspector Bruce McLeod presented a DVD with footage of jet skis and inflatable kayaks being used on the section of the Kawarau River where Ms Jordan was entrapped. It also showed Maritime New Zealand's white-water sports expert witness, Donald Calder, demonstrating the use of a throw bag, a rescue device with a rope stuffed loosely into a bag, at the

site. Having been called to give evidence relating to the day's events, former Mad Dog operations manager Nicholas Kendrick said the company had improved and updated its safety policies since he started working there six years ago. However, Mr Calder said the company's position that carrying ropes could cause an entanglement hazard in the river was far outweighed by the benefits of a rope in a rescue situation, and ropes could be cut with knives. Having ropes and knowing how to use them may have changed the outcome, he said. The company's jet ski could have provided another platform

from which to pull Ms Jordan during the rescue. River hazards had been noted, but there were no ways to mitigate or avoid the hazards noted in the operational safety plan, Mr Calder said. While there had been safety briefings on the bus journey to the river, Ms Jordan's boyfriend, Jonathan Armour, and another client, Anne Nichols, told the court via video links that the tone had not been serious and, if they had been aware of the real risks, they might not have gone river boarding. Ms Nichols said she had not been prepared for the reality of the river. Yesterday, on the fifth day of

the proceedings, the presentation of the prosecution's evidence was halted as a series of meetings were held between Maritime New Zealand representatives, the prosecution and defence lawyers and McLeod. About midday, Maritime New Zealand prosecuting counsel Brent Stanaway told Judge Brian Callaghan both parties had agreed to apply for an adjournment until noon on Monday. Mr Stanaway said the matter was "likely to be resolved" at that point, with "an outcome" at the hearing. Judge Callaghan agreed to the adjournment. The defence is yet to begin presenting its case.



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## John Key's film shoot

It took him six takes but he got there in the end

Page 5



## Barney brewing

Pub boss frothing at Frankton rival's name change

Page 9



## Winter wonders

All the action from the Games in a picture special

Page 11-13

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SATURDAY Fine .... -2-11  
SUNDAY Sunny .. -1-10

FRIDAY FORECASTS Details P30

Araratown ... -3-10 Milford Sound ... -1-10  
Te Anau ..... 0-12 Wanaka ..... -2-12

Business ..... 9 Sport ..... 10  
Time Off ... 11-18 Scene/Heard 16-17  
Real Estate ... 22 TV ..... 27-31



# Death river demand



Marty Black



Chris Jordan



Brad McLeod



Stephen Pahl

Dark day: More than a year after river boarding victim Emily Jordan's body is pulled from the Kawarau these four men (right) say Maritime NZ must regulate

WELLINGTON, this is Queens-town calling - you have a problem.

That's the chorus after last week's trial over the April 2008 death of English backpacker Emily Jordan on the Kawarau River.

Wellington's Maritime New Zealand - the national water watchdog which prosecuted Mad

## Special Report

### FRANK MARVIN

Dog River Boarding - is now being urged to finish what it's started by tightly regulating the adventure activity.

Emily's grieving father, Chris

Jordan, understandably has the loudest cry (see page 3).

But he's joined by harbourmaster Marty Black, Destination Queenstown boss Stephen Pahl - and, surprisingly, the man in the dock last week.

Despite Mad Dog having to pay \$146,000 in fines and reparations, owner Brad McLeod is worried

MNZ will now wash its hands of river boarding - leaving loose ends.

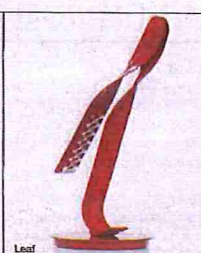
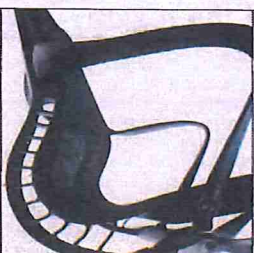
"The industry needs a regulator and MNZ is the logical one," McLeod says. He wants the same "statutory enforcement" for his industry as jetboating and rafting have - and urgently.

CONTINUED PAGE 2

■ Maritime's boss breaks silence on Mad Dog case: p2

■ Source speaks on plea bargain that ended court case: p2

■ 'Don't let Emily's death be in vain', pleads victim's dad: p3



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# A vodka toast on top of the world

AN ARROWTOWN mountain man is tackling rarely-climbed summits in a remote Central Asian country.

An email from Jock Jeffery in Tajikistan - neighbours with Afghanistan, Pakistan and China - reports he recently made the third ascent of 6060m peak White Pyramid.

He was turned back just 80m shy of the 6130m summit of unclimbed Zartosh mountain, which two British colleagues subsequently conquered on their third attempt.

For one 30-day stretch Jeffery says he didn't see "a living creature, bush or tree", but plenty of dust storms.

Temperature extremes range from "very hot desert conditions" of 40-plus degrees Celsius at base camp to -25 on mountains.

But it's not all bad, Jeffery says - in the capital of Dushanbe, vodka comes cheap.

"Vodka very cold and \$3 a bottle - love those Russians."

According to Wikipedia, mountains comprise 93 per cent of Tajikistan, which gained independence from the former Soviet Union 18 years ago.

Jeffery has been on several Himalayan climbing expeditions and pioneered a number of first ascents and new routes in Pakistan and Bolivia. - PHILIP CHANDLER

# Wake-up call to Wellington

FROM PAGE 1

Black sings off the same hymn sheet. "There's a lesson for everyone from [Emily's] death and the way forward is by proper regulation - the same as rafting or jetboating - by MNZ."

DQ boss Pahl will lobby via the Tourism Industry Association for MNZ regulation and enforcement of river boarding - "absolutely".

Common criticism is that MNZ wasn't pro-active on river boarding before Emily died and - despite last week's court case - hasn't done enough since.

Breaking her silence in a rare interview, MNZ director Catherine Taylor refutes this (below). But until the drowning, sources say, MNZ allegedly paid river boarding scant attention. Originally disinterested in setting safety protocols, MNZ rapidly prioritised them after Emily died. The protocols were finally agreed with the industry in February.

And last November, MNZ spent \$5000 on a four-day river rescue training course in Queenstown for 30 guides.

But that's where it ends, say local critics. The high-profile court case was followed by MNZ trumpeting "a wake-up call" for river boarding firms - then the river sheriff shuffled off back to Wellington.

River boarding remains unregulated, neither operators nor guides having to be licensed by MNZ, critics cry - and the new safety regime is totally voluntary.

With regulation by MNZ, river boarding firms would be licensed under a "safe operating plan" and guides would have compulsory training standards.

There'd be formal audits at least annually. "Right now MNZ is putting the police car at the bottom of the cliff," one critic says.

Currently, river boarding's only specific regulatory regime is a new Queenstown Lakes District Council bylaw covering all tourism activities - fines are just \$300-\$500. Mad Dog's McLeod has two reasons for pleading with MNZ to finish what it's started by regulating.

"MNZ has far greater resources to audit operators and [impose] higher standards than any individual company or small [river boarding] association is ever going to have.

"And [regulation would] change what's happened since Emily's incident - and what the Jordan family and myself have had to go through."

With 10,000 thrill-seekers river boarding here yearly, many Queenstowners may feel the plea for regulation holds water. frank@scene.co.nz



# That surprise plea bargain

MARITIME New Zealand conducted its prosecution of Mad Dog River Boarding amid a blaze of publicity during four days - then suddenly the trial was over without a word of the defence case heard.

A plea bargain saw Mad Dog plead guilty - and three charges against company owner Brad McLeod dropped.

Who blinked first? Word on the street is that MNZ made the first move on the plea deal but MNZ director Catherine Taylor will neither counter nor corroborate that.

Why would MNZ throw McLeod a lifeline? One reasonably well-placed source has a "personal theory". "MNZ had everything in

front of the judge that they wanted - and in front of the media. The case was about to turn [with defence arguments] so it was time for them to use their escape route."

Having "done the publicity damage", the source says, "it was very important for MNZ to get a conviction - albeit not the full one". - FRANK MARVIN

## SCENE TEAM

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# Watchdog bites back

FRANK MARVIN

IN A rare interview, Wellington's top water watchdog breaks her silence on river boarding - and riles the rapids of criticism.

Maritime New Zealand director Catherine Taylor prefers a light-handed regime - but she'll turn the screw if river boarding firms don't play ball.

"MNZ expects operators in this area to be responsible for the safety of people...we'll regulate if they don't take that responsibility seriously."

Taylor first wants to see how new river boarding industry safety protocols pan out.

"At this stage, I'm quite happy to let the guidelines settle in and we'll be monitoring operators against these."

How? "More regular oversight - that's more regular auditing - and more regular meetings with the industry to determine whether the guidelines in practice are working for them."

Taylor admits Emily Jordan's death spurred action - and not just of the legal variety - on river boarding.

"My concern as director immediately was ongoing continuing safe



Water cop: Maritime NZ director Catherine Taylor

operations on the river with this type of activity."

Was Mad Dog a cowboy in an otherwise responsible industry? "We'd say Mad Dog was the exception rather than the rule."

The new protocols MNZ's developed with river boarding firms are a form of regulation, Taylor believes.

She wants "voluntary, willing compliance - that's much more powerful than sitting here in the Wellington office and dictating to somebody down in a river that this is what you'll do. The regulator is not there every day".

Anyhow, "this industry is not unregulated", Taylor says. "It's not appropriate for people to say it's not regulated - it is."

Health and safety laws under which Mad Dog was prosecuted "set a very, very high standard".

Asked if it was going to take more deaths to prompt regulation, Taylor says earlier warnings from audit reports might be the catalyst.

"But again, my first step would be to work with the industry to get them to comply voluntarily."

"Until you actually get into the minds of operators that at all times they need to think of safety as being paramount, you're not going to improve safety outcomes." frank@scene.co.nz

## NEWSWEEK: best of the rest around the region

**Parking fines almost \$1m**  
QUEENSTOWN Lakes District Council nearly scores the magic million in parking fines - \$967,148. Over 25,000 tickets were issued in the June 30 year, with Shotover Street topping the poll at 2299. - Southland Times

**Government abandons Flyer**  
WELLINGTON won't bail out the vintage Kingston Flyer steam train, says a statement from Prime Minister John Key's office. The Flyer

company is just one of many suffering in the recession and the train's future is up to its operators and their mortgage company, says the statement. Kingston Acquisitions was caught up in the collapse of big-talking - now bankrupt - developer Dan McEwan. - Southland Times

**Cut-price booze**  
COMPULSORY 4am closing is resulting in "out of control" price wars among Queenstown bars, the Liquor Licensing Authority is told.

Bar director Scott Stevens claims licensees are being pushed into happy hours, drinks discounts and street touting to regain lost revenue. - Otago Daily Times

**Big dig rejected**  
DEVELOPER Buena Vista loses its bid to excavate 888 cubic metres of public reserve in Thompson St. As Mountain Scene first reported, Buena Vista wanted better views for a proposed apartment complex. - Southland Times



# Don't let my daughter's death be for nothing

CELIA WILLIAMS

THE father of Emily Jordan fears her death will be in vain if safety procedures and regulations don't change.

Chris Jordan is calling for tougher controls over the whitewater boarding industry and wants Maritime New Zealand "to ensure that safety becomes a proactive process, not a reactive one".

"If river boarding had been inspected and licensed and good quality safety systems had been put in place then there is a high chance my daughter would not have died," he says.

Jordan, from Worcestershire, England, travelled to Queenstown for the harrowing trial two weeks ago of Mad Dog River Boarding – the operator responsible for his daughter's drowning on the Kawarau River in April 2008.

Feeling "very let down" by NZ safety and legal systems, he tells *Mountain Scene* he's setting up a website to lobby for change.



River of tears: Chris Jordan with daughter Emily who drowned when trapped by this rock (circled far left) in Queenstown's Kawarau River

Jordan believes any voluntary code of practice agreed by MNZ and the river boarding operators won't be properly policed and calls for several safety aspects of the extreme activity to be made mandatory.

Like supplying proper buoyancy aids – the one Mad Dog supplied slipped off Emily as rescuers tried desperately to free her.

Veteran North Island whitewater expert Donald Calder, called as a witness for MNZ in court, says the

design of canoe-polo-style vests used by Mad Dog wasn't safety approved – despite a MNZ legal requirement stipulating a required standard.

"They were operating outside that law," Calder claims.

"The manufacturers have cut the buoyancy out of the front of the buoyancy aid which means there's more buoyancy in the back of it which for a starter is quite bad because it means that somebody is going to float face-down in the water."

This aspect wasn't part of the court case because "there was no proof it was a contributing factor to her death", Calder says.

New MNZ safety guidelines "recommend" that river boarders now wear a buoyancy aid like the ones used by whitewater rafters – with more straps and a head support.

"A proper lifejacket will float you on your back even if you're unconscious. It has a pillow under your head," Calder says.

Jordan also believes river boarding operators should make the activity a day trip – starting off in easy water – instead of just one jaunt down the river: "It cannot be right to give individuals maybe 10 minutes' training and then expect them to go down grade 3, 4 or even 5 rivers."

The court heard that Mad Dog guides specifically didn't warn clients about entrapment risks in case they became scared.

The new guidelines say operators should now warn participants about "the inherent risk of drowning" in any whitewater activity.

Guides should also make their clients familiar with hazards and emergency procedures before getting on the river.

But Jordan says the guidelines "have so many holes in them it's ridiculous". "These need tightening up substantially if they are going to make any difference in terms of safety."

celia.williams@scene.co.nz



## When rafting ran wild on the Shotover River ...

ONE death on the water is always one too many – but in the mid-1990s Queenstown cried a river over carnage in commercial rafting.

Cowboy practices – by company owners no longer in the business – saw four deaths, a brain-death and two close shaves on the Shotover River during 1994-95.

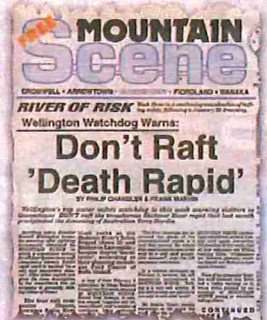
Rafting was big business then. One example was so-called "Asian Tuesdays", when tour groups of 300-400 braved rapids.

Some didn't know they were on a wild, untamed river, thinking it was a theme park-like ride with rafts on underwater rails.

Client vetting and safety briefings were rudimentary. Newly set-up Maritime New Zealand – then called Maritime Safety Authority – was caught unawares. "This is all new to us," MSA director Russell Kilvington told this reporter at the time.

The second death triggered an MSA prosecution – a company, its co-director and a trip leader were convicted of negligence and recklessness.

After the third death, when an American woman drowned on



Whitewater warning: How *Mountain Scene* covered Maritime NZ's rafting alert in February 1994

her honeymoon in July 1995, the Court of Appeal gave her husband a rare clearance to sue the company, Queenstown Lakes District Council and harbour-master Marty Black.

Five years later, there was an undisclosed settlement.

It took forever but the MSA gradually got its regulatory act together and, while a death risk remains, new rafting operators now appear to have minimised it.

- FRANK MARVIN

## River boarding – what it is all about

A WHITewater activity where people don a wet-suit, buoyancy aid, helmet and use a body board or sledge to float down a river. It's also known as river surfing and river sledging. The activity originated in Europe in the 1970s and the first commercial trips on the Kawarau River began in the mid-late

1980s. Serious Fun River Surfing and Mad Dog River Boarding are the two companies that operate in Queenstown and Frogz White Water Sledging – owned by Serious Fun – runs in Wanaka. Companies say there's a degree of risk with the activity and water confidence and swimming skills are required.



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# Adventure tourism toll

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Nearly 850,000 international tourists took part in adventure activities while in New Zealand in 2008.

The report showed the health and safety of participants in adventure activities was not covered by any specific legislation, but by the Civil Aviation Act, Health and Safety in Employment Act, and the Maritime Transport Act.

The review was sparked by Prime Minister John Key in September, after he became concerned about incidents in the adventure and outdoor commercial sectors, including the tragic death of British backpacker, Emily Jordan.

Ms Jordan (21) died while river boarding in the Kaitiaki River in April 2008, and Queenstown's Mad Dog River Boarding was fined \$66,000 and ordered to pay \$80,000 in reparation to the Jordan family after pleading guilty to two Health and

## Safety in Employment Act charges.

Department of Labour head of workplace health and safety policy Craig Armitage said Mr Key noted public concerns about the various regulatory regimes governing activities in New Zealand.

The review is being overseen by a group including representatives from the Queenstown Lakes District Council on behalf of Local Government New Zealand.

Mr Armitage said the department had also written to people who had had family members die in adventure tourism activities over the past five years and invited them to comment. These would be collated separately.

A final report, with options and recommendations for ways of improving risk management and safety in the sector, was due to be presented to the Minister of Labour by May 31.

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# 29 adventure tourists die in 5 years

By JOANNE CARROLL

TWENTY-NINE people died while taking part in adventure tourism activities in New Zealand in the five years to June 30 last year, a Department of Labour report on safety in adventure tourism reveals.

The report, released yesterday, was one of three from the first phase of the department's review. The first phase included con-

sultation with operators and compiling an industry overview.

The next phase will look at any gaps in safety and make recommendations for improvements.

The first report, a snapshot of the industry, shows there were 19 fatalities in the adventure and outdoor commercial sectors, with seven of these in one incident, the Mangatepopo canyoning tragedy, which is the subject of a coroner's inquest this week. Six lives were lost in the wider

maritime adventure sector and four in the aviation sector.

More than 540 incidents resulted in "serious harm" in the same period, the highest numbers in snow sports, followed by rafting and horse trekking.

The department's questionnaire prompted 142 responses, more than 70% of which were from industry operators.

Respondents noted the industry could provide more clarity on standards including

operating practices and staff qualifications.

Concern was expressed about "inconsistencies" in instructors and guides' qualifications.

Some acknowledged different training organisations provided different courses, which could result in staff doing the same job differently.

Some said a greater commitment to learning and sharing the learning from incidents was needed and operational audits

could be improved. Two respondents said they had no compulsory standards, codes, local operating procedures, and licensing regimes or other documents that guide their business.

One heli-skiing operator believed no scheme was available with the skills and knowledge to audit its operation.

Several respondents commented on high compliance costs. One respondent noted: "Most clients see it as a nuisance if

they are briefed about risks, and don't pay enough attention".

A few respondents raised concerns about the lack of recording and reporting of incidents because of fear of prosecution or losing a competitive advantage.

Several commented that regulatory agencies such as the Department of Labour and Maritime New Zealand could be more proactive in pursuing ways to improve risk management in the sector, rather than just respond-

ing when incidents occurred. Several respondents said more operators were taking a proactive approach towards safety management and most companies had a commitment to a genuine safety culture.

New Zealand has nearly 40 activities, 888 operators, most notably in the Queenstown area, which is the most popular destination for adventure tourists.

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