



STAFF REPORT

TO: Environment & Planning Subcommittee

FROM: Graham Caradus, Harbourmaster

REFERENCE: CO 0085

SUBJECT: **JET BOAT OPERATIONS UPPER BULLER GORGE - REPORT EP06/05/23** - Report Prepared for 30 May 2006 Meeting

1. BACKGROUND

This report updates the situation in relation to the on going attempts by Mark Allen, principal of Goldrush Jet Ltd, to obtain a Commercial vessel Operator Licence from Council. The detail contained in the previous report Jet Boat Operations Upper Buller Gorge - Report EP05/07/05 - Report Prepared for 27 July 2005 Meeting is relevant.

In brief, rival commercial jet boat company Buller Experience Jets (BEJ) has operated on the Upper Buller Gorge since 2001. An application for a Commercial Vessel Operators Licence (CVOL) was initially issued to Buller Experience Jets on 13 May 2005 and it has been since renewed. Goldrush submitted an application for a CVOL on 20 December 2004, and that application was declined by Council's E&P Committee subsequent to the meeting detailed in the paragraph above.

2. LEGISLATIVE REQUIREMENTS FOR OPERATORS OF COMMERCIAL JET BOATS

The primary controller of commercial jet boat operations is Maritime New Zealand (MNZ). Maritime Rule Part 80 establishes the standards that must be met and the process of control for MNZ. In general, once MNZ's auditor is satisfied that a satisfactory Safe Operational Plan (SOP) exists and that equipment and competencies are at the necessary standard, a Certificate of Compliance is issued by MNZ. For most inland waters within New Zealand, this Certificate of Compliance is all that is needed for the commercial operation to proceed. In this District, an additional layer of control exists through the Navigation Safety Bylaw (the Bylaw) in particular, the provisions contained in it requiring commercial vessels to be licensed by Council. The Bylaw only allows a CVOL to be issued or remain valid if "any authorisation required under any other Act or Regulation in relation to the vessel..... is currently valid". An example of such authorisation in this case is the MNZ Certificate of Compliance, which is issued subject to sections 41, 443 and 444 of the Maritime Transport Act 1994.

3. RECENT HISTORY

The death of the principal of BEJ last year resulted in that company being sold. At the time of sale (earlier this year), the new owner of the company's assets changed the name of the business. This resulted in MNZ revoking/cancelling the Certificate of Compliance for Alpine Holdings (Murch) Ltd, who had been the owner of BEJ. The revocation of the Certificate of Compliance consequently had the effect of cancelling the CVOL issued to BEJ, as the underlying authorisation no longer existed. This effectively leaves no operators currently approved to operate in the Upper Buller Gorge by Council.

However, an application for a CVOL has been received (on 28 April 2006) again from Goldrush Ltd principal, Mark Allen. That application was complete and was supported by a copy of the current Certificate of Compliance and recently renewed Workplace First Aid certificate from St John. It should be noted that an earlier application was received from rival company Buller Experience Jet 2006 Limited, but that application, has subsequently been altered on 4 May 2006 to the name of the recently acquired company Alpine Holdings (Murch) Limited, and is not supported by a current MNZ Certificate of Compliance. That application is therefore on hold pending receipt of a Certificate of Compliance, and can only be considered after that requirement is met.

4. CURRENT SITUATION

The application received from the rival commercial jet boat operator is not complete as it is not supported by the required Certificate of Compliance issued by MNZ.

The application received from Mark Allen, principal of Goldrush Jet Ltd is complete and supported by all of the necessary documents. Currently, the vessel operated by that business, Goldrush 1, is the only commercial jet boat that has a Certificate of Compliance from MNZ to operate on the Upper Buller Gorge. That implies that currently no other commercial jet boat may operate legally on that section of the Buller River.

8. RECOMMENDATION

1. That a Commercial Vessel Operators Licence be granted to Mark Allen, principal of Goldrush Jet Ltd and that it includes the additional conditions as attached in appendix 1.
2. That the Commercial Vessel Operators Licence granted to Goldrush expire on 30 October 2006 and that a renewal be granted by the harbourmaster if he is satisfied that appropriate risk management and safety strategies are in place.

Graham Caradus
Harbourmaster

Draft of conditions for Goldrush Ltd CVOL

1. The precise location of any gold dredging operations shall be established prior to any excursion on the river, and extreme caution exercised when passing such operations, the SOP shall record in its hazard identification how this has been established.
2. The licence holder should note that the uplifting of the speed limit on this river does not apply within 200 metres of a vessel flying the diver's flag.
3. Vehicles used for towing the vessel including the road trailer shall be left in an obvious location at the river edge near the launching point to signal to other river users that a vessel is on the river.
4. On any occasion when more than one commercial jet boat is operated on the same stretch of the river, communication between vessels shall be as detailed in a radio protocol.
5. The necessary protocols shall be established with commercial raft and kayak companies operating on the same part of the Buller River to use a system of basic signals to ensure that vessels do not meet in parts of the river where passing is impractical and shall be recorded in the SOP hazard register.
6. As well as the provisions otherwise controlling safe navigation including the river rules, collision with other river users shall be avoided either by:
 - a. Controlling the speed and position of the vessel to such extent that it can stop or turn through 180° within half the distance of clear water visible ahead of the driver at any time; or
 - b. The driver has verified that no other person or vessel is within a particular stretch of water immediately before passing through that stretch of water at any speed greater than that required to comply with condition 6. a.
7. When other river users including fishermen, swimmers or other vessels are met vessels shall reduce speed or otherwise ensure that the passing manoeuvre is completed with as little annoyance or inconvenience of the other persons as is practically possible.
8. Temporary signs shall be erected at likely entry points of other river users on those occasions that a vessel is operating on the river. The signs should identify the fact that on the Buller River jet boats are operating and encourage other river users to phone in and advise of their intended use of the river. The necessary contact details shall be included on the sign and signs shall comply with the following conditions:
 - i) the maximum size is 1.44 square metres in any urban area and 2.88 square metres in any rural area;
 - ii) the maximum height for freestanding signs is 2 metres in any Residential Zone and 3 metres in any other zone;
 - iii) there is no reflective material on the sign;

- iv) the lettering is legible as viewed at the speed limit of the nearest adjoining public road or nearest public viewing point (if there is no road);
 - vi) a freestanding sign does not restrict visibility of motorists at any intersection or access;
9. The river must be boated with the caution required as if unknown other users are present at all times.
 10. If more than one commercial operator is operating in the Upper Buller Gorge, the section of river from swing bridge to the falls shall have no more than one commercial boat on it at any one time.
 11. A set of river protocols shall be agreed by all commercial jet boat river users and sent to any other river users for them to publish and distribute. (i.e. New Zealand Jet Boat Association, New Zealand Commercial Jet Boat Association, New Zealand Jet Boat River Racing Association, Kayakers Association, Rafting Association)
 12. A copy of any SOP relevant to this area of operation will be made available to the TDC Harbourmaster at any time along with associated documents.