

## **Minister for the Environment Recommends Prohibition on Damming of the Nevis River**

The Minister for the Environment Amy Adams has accepted the recommendations of the Majority of the Environment Court on an application to amend the Water Conservation (Kawarau) Order 1997 (WCO) in respect of the Nevis River. The recommendations include a prohibition on damming in order to protect the Nevis River's nationally outstanding angling, wild and scenic characteristics and kayaking values. The recommendations have also brought the Nevis River's tributaries under the WCO in order to protect the Nevis galaxiid. The Minister's decision follows a lengthy legal battle of nearly seven years.

The Nevis River is set in an isolated region of the Central Otago District on the eastern side of the Hector Mountains – just east of Lake Wakatipu. The Nevis River is well recognised both nationally and internationally for its extreme kayaking, trophy trout fishing and beautiful scenery.

The proceedings began in 2006 when the New Zealand and Otago Fish and Game Councils (Fish and Game) applied to amend the WCO to prevent damming on the Nevis River. The application also sought to improve the protection for the trophy trout fishery and recognise additional outstanding characteristics such as a unique species of native fish (non-migratory galaxiid) and a rare geological feature (scientific-biogeographic river capture).

After Fish and Game applied to amend the WCO, the Central Otago District Council initiated a plan change which altered the Outstanding Natural Landscape boundary in the planning maps and reclassified it as a Significant Amenity Landscape, which provided a lower level of protection. Fish and Game appealed the Council's decision. The WCO and plan change appeals were heard together. During the proceedings the parties agreed that the planning maps should delineate the whole of the Nevis Valley as an Outstanding Natural Landscape, and this was ordered by consent.

The Environment Court issued a rare split decision, on 10 June 2013, with the Majority of the Environment Court recommending to the Minister for the Environment to amend the WCO to recognise the new outstanding characteristics, the Nevis galaxiid and scientific biogeographic river capture, along with recognising the entire length of the Nevis River as "wild". The recommendations also bring the Nevis River's tributaries under the umbrella of the WCO in order to protect the Nevis galaxiid. The Majority recommended at the end of the decision a total dam prohibition on the Nevis River in order to protect the outstanding characteristics, particularly the kayaking, angling, wild and scenic values.

The Minister for the Environment, on 1 November 2013, accepted all of the Majority's recommendations in making her final decision on the application. The Minister's decision will take effect once the Governor-General makes an Order in Council.

If you would like more information about the Nevis River proceedings or about WCOs in general please contact our specialist [Maree Baker-Galloway](#), who acted as counsel for Fish and Game and the kayaking parties throughout these proceedings.