

24 February 2017

Media Release: Key landscape decision released by the Court of Appeal

The Court of Appeal judgement in *Man O' War Station v Auckland Council* has been released today and EDS has welcomed the comprehensive rejection of the appellant company's position.

This is a case in which EDS was a party because of its relationship with the earlier Supreme Court decision in *EDS v King Salmon* which established new robust legal principles for the protection of outstanding natural landscapes (ONLs).

Man O' War station, an owner of coastal land on Waiheke Island, was seeking to change the threshold for what constitutes an ONL because of the need to avoid adverse environmental effects on such landscapes.

EDS opposed the appeal, along with Auckland Council.

"Our view was that the proper response to the *King Salmon* decision should not make ONL status more difficult to attain," said EDS CEO Gary Taylor.

"It would be perverse if the response to tighter controls was to reduce the areas that warranted protection. That would render the outcome in the Supreme Court redundant. We were successful in arguing that contention in both the Environment Court and the High Court.

"The Court of Appeal has now confirmed that the test for ONLs should remain the same. It rejected all Man O'War's arguments.

"The outcome in this case reinforces the Supreme Court decision. It will have implications nationally including, ironically, for King Salmon, which is seeking to expand salmon farming in ONLs in the Marlborough Sounds.

"We'd like to thank Auckland Council for its role in defending the Waiheke coastline," Mr Taylor concluded.

EDS was represented in the Court of Appeal by Rob Enright and Madeleine Wright.