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The regional council can quote sec 62 (1)(i) and identify with the responsibilities stated in policy 7.4.1 of the POP (a) (i) and (ii) (see B page 8)

### 3.3

PRINZ inc argument is that the Act itself does not allow Regional Council to assume the legislative authority to make law. For that is what it has done.

PRINZ notes that Minister of Conservation, in her submission dated 20<sup>th</sup> of December 2011, page 2 paragraph 5, contradicts the ministers of both Conservation and the Environments own determination of the intent of the Resource Management Act amendments in 2003. as recently as 2007. (see page 35). The Minister on page 3 paragraph 5 of her submission also states that MWRC has assumed the lead role. In paragraph 4 of the same, the minister states that the Territorial Authorities were consulted with and agree, and including Clare Barton's affidavit dated December 2011, page 2-3,paragraph 7. (b) (i), (see page 4), She states none have challenged the division of responsibilities within the POP concerning maintaining indigenous biodiversity.

And included on page 10, (see page 4,) the submission points for the Territorial Authorities. (TA) This view PRINZ inc concludes is subjective at best, for the TA clearly are asking for a clarification of. If they agreed surely they would be submitting clearly in common language for Regional Council to be the lead agency, having already had regard and given effect to the requirements of sec 33 RMA and including section 83 of the Local Govt Act 2002. That is Transfer of Functions and the Special Consultative Procedure. (see page 9 and 10)

### 3.4

If as the Minister of Conservation and Ms Barton state, that the territorial authorities were consulted with and agree with, then that is a misinterpretation of power and a clear breach of the requirements of the Act.

That is the procedure required by sec 33 of the RMA, Transfer of powers, and the consequential requirements of sec 83 of the Local Government Act 2002. Special Consultative procedure. Again, thus is ultra vires.

## 4. Resource Management Act. Legal Definitions

### 4.1

PRINZ inc recognises that regional council has also rewritten the act by removing the term maintaining and replacing with the term managing. (policy 7-4 One Plan) (see page 1)

These terms have no legal definition as per the RMA and are ultra vires, and including the legal restriction on a policy statement to make rules.

### 4.2

See sec 61(1). A regional council shall prepare and change its regional policy statement in accordance with its functions under section 30. (see page 5). And 62 (1) (e) (page 2) The methods (excluding rules) used or to be used to implement the policies.

Thus creating a misinterpretation, thereby giving regional council the ability to interpret methods in sec 62 (1) (i) to mean rules.

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PRINZ inc disagrees with the courts assumption that, page 5 paragraph [8]. (**see B page 19**), öSo there is a requirement (again, mandatory ö not optional) for an RPS to specify which local authority (and a regional council is a local authority ö see definitions in sec 2 RMA) is to have responsibility for specifying objectives policies and methods including rules to control the use of land for the purpose of maintaining indigenous biological diversity..

There is nothing that says that a regional council cannot, in its RPS, specify itself as such a local authorityö.

#### 4.4

PRINZ inc will say that the court has in effect ignored its own reference to sec 68(2), (**see B page 10**), öthat every such rule shall have the force and effect of regulation in force under this act but, to the extent that any such rule is inconsistent with any such regulation, the rule shall prevail.ö

Thus it would be concluded that any such rule made as a consequence of wrongly interpreting and then applying the Act, the above would also apply.

Indeed that of, as stated in the following paragraph, öThe only exceptions specified are the purposes in (a) and (b) of sec 30(1),ö vis:

#### 4.5

PRINZ inc will say that if the above is a lawful assumption, why is there the requirement for sec 33 RMA Transfer of powers, including sister legislation written into sec 17 of the LGA 2002, (**see B page 39**) Transfer of responsibilities which refers to sec 33 RMA and including sec 83 of the LGA 2002, special consultative process. The courts assumption in the following paragraph of page 6 that:

#### 4.6

öAnd those exceptions make perfect sense ö no one needs to make rules about establishing, implementing and reviewing, preparing, objectives policies and methods. Notably, (ga) is not listed as an exception to that power, and one can safely assume that it would have if, as Federated Farmers argue, rule making powers are confined to, and by sec 30(1)(c).ö

#### 4.7

PRINZ inc state that for the above to be applicable, then (ga) would most certainly have been included in regional council core functions as specified in sec 30 (1)(c ), and including that the term for maintaining would need to be redrafted to read maintenance. As in-

(ga) the establishment, implementation, and review of objectives, policies, and methods for the (maintenance) of indigenous biological diversity (**see B page 16**)

#### 4.8

Conversely sec 31 (1)(iii) would have to be redrafted: from maintenance to maintaining

PRINZ inc will also state that the court reasoning as in paragraph [8] is subjective, in that sec 68(1) still act as bar to making rules for sec 30(1)(a) and (b), being the natural and physical resources of the region.

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PRINZ inc will state that the court erred in its discussion of sec 30(1)(ga) page 4-6 of its decision (**see B page 20/21/22**) in that it failed to apply correctly the common meaning as defined in sec 5 of the Interpretation Act 1999 No 85.

Sec 5 Ascertaining the meaning of legislation.

- (1) the meaning of an enactment must be ascertained from its text and in the light of its purpose.

Including

Sec 2 of the same act

The purposes of this Act are-

- (a) to state the principle and rules for the interpretation of legislation; and
- (b) To shorten legislation; and
- (c) To promote consistency in the language and form of legislation.

5.2

PRINZ inc will say that the above was established clearly by the court on page 3 [4] of its decision. Words can be taken to mean what they say, and are consistent with requirement for the common meaning to prevail. (**see B page 23**)

5.3

PRINZ inc will state that the court created the perception that undue weight was given to Extrinsic contexts as in paragraph [10] page 6 of the courts decision. (**see B page 24/25**)

5.4

PRINZ inc will state that the courts decisions are confusing Policy Statements (sec 61 and 62- RMA) with Plans (sec 66 and 67 RMA) with the ability to make rules (**see B page 12/9/40/41**)

PRINZ inc will state that even sec 67 RMA does not include methods as rules, stating clearly as: -

Sec 67 Contents of regional plans

- (1) A regional plan must state-
  - (a) the objectives for the region
  - (b) the policies to implement the objectives
  - (c) the rules (if any) to implement the policies
- (2) A regional plan may state
  - (b) the methods other than rules for implementing the policies of the region.

## 6. Allocation of Responsibilities.

6.1

Sec 62 (1)(i) The local authority responsible in the whole or any part of the region for (**see B page 9**) specifying the objectives, policies, and methods for the control of the use of land-

It is a sec 30 (1) function to achieve integrated management of the natural and physical resources of the region via policy. Not through regulation, as we will discuss further in our submission. (**see B page 16**)

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0.2

The court erred in that it failed to consider Mr Gardeners argument, that for the Regional council to assume that responsibility, that first the appropriate legislative requirements must be fulfilled. Page 2. Paragraph 3. (**see B page 26**) Mr Gardener states correctly ö A consequential argument is that the source of power for the council to make rules can only arise from the transfer of powers by the Territorial Authorities under section 33 of the RMA. It is correctly contended by Federated Farmers of NZ that no such transfer has taken place. See page 2 paragraph 3. Council does not have the power to allocate responsibilitiesö. (**see B page 26**.)

6.3

Mr Gardener is correct to refer to Clause 3 and 3A of Schedule 1 RMA, in that the Triennial Agreement 2005 signed in February 2011 is not relevant to the current notified Local Authority plans, being in that it relates to Regional Council activities, not functions and is a co- ordination of responsibilities of those activities. (**see B page 42**)

6.4

PRINZ inc agrees with Federated Farmers position and disagrees with the courts decision; öthat for all powers to be given to Regional Council with regard to land use, are found only within s 30 (1) (c) ÷and that if legislature had intended to give Regional Council the ability to control the use of land for biodiversity, it would have been contained within that paragraph. (and by necessary inference) in no other paragraphö. See page 4 paragraph [5]. (**see B page 43**)

Section 30 Functions under this act.

(1) Every regional council shall have the following functions for the purpose of giving effect to this act.

(a) the establishment, implementation and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region.

(b) The preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance.

Sec 30 (1) (c ) the control of the use of land for the purpose of-

(a) Soil conservation.

6.5

PRINZ inc notes that the court, page 4 paragraph [6], notes (**see B page 27/28**) ö(c) does not stand alone, that para (a) and (b) also relate to control of land use. Land is plainly a natural and physical resource in terms of (a), and the effects, which are regionally significant, arising from land use, fall under (b). Paragraph (c) then details further purposes for which land use can be controlled.ö

6.6

PRINZ inc states that the court erred in its interpretation of sec 30(1) (c) in the first instance in that there is no reference to the control of land use in sec 30 (1) (a) or (b). In (b) the act talks only of objectives and policies. And sec 68 RMA bars rules for (a) and (b) see FF submission page 20 para 69

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Just go to sec 68 RMA, regional rules to see what .(i-v)

#### Sec 68 Regional rules

- (1) A regional council may, for the purpose of-
  - (a) carrying out its functions under this act ( other than those described in paragraphs (a) and (b) of section 30 (1)); and
  - (b) achieving the objectives and policies of the plan-, include rules in a regional plan.
- (2) any such rule shall have the force and effect of a regulation in force under this Act but , to the extent that any such rule is inconsistent with any such regulation, the regulation shall prevail.
- (2A) Rules may be made under this section for the protection of other property (as defined in section 7 of the Building Act 2004) from the effects of surface water. (Infrastructure projects). **(see B page 46-52)**

This is one of 2 references with regard to soil conservation in this Act. The other being sec 86B (3) rules in proposed plans and refers to local authorities, not necessarily regional councils.

Sec 30 (1) (gb), which relates to the integration of infrastructure with land use.

PRINZ inc states that the court erred in its interpretation of sec 30 (1) (a) and (b).

Sec 30 (1) (a) states;

- (a) the establishment, implementation and review of objectives, policy, and methods to achieve integrated management of the natural and physical resources of the region.

#### 6.7

Again sec 68 Regional rules, states clearly that under subsection (1), A regional council may, for the purpose of-

- (a) carrying out its functions under this act other than those described in paragraphs (a ) and (b) of sec 30 (1) ; and
- (b) achieving the objectives and policies of the plan include rules in a regional plan.

#### 6.8

PRINZ inc states that sec 68 (1) (a) precludes regional council from making rules for sec 30 (1) (a) and (b).

PRINZ inc also argue that sec 68 (2) RMA is relevant, in that regional council policy 7.4, and 7-1 are inconsistent with any such regulation and therefore the regulation shall prevail.

## 7. Interpretation of Methods

### 7.1

PRINZ inc does not agree with the courts assertion, page 5 paragraph [7]. **(see B page 29)**

we note immediately that Mr Gardener conceded, rightly that the term methods in that section does include rules. That is the way the term is used throughout the Act, and there can be no doubt about it

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he way the term is used through out the Act  
Referring to the court doc page 5 para 7 ( see **B page 29**)  
PRINZ inc will say that Mr Gardener said, page 6 paragraph 18. (**see B page 30**) ð It is important to note that there are many types of methods, that a council has at its disposal other than rules, and it is notable also that methods do not necessarily have to be rules, and-

PRINZ inc will say that the following sections state other wise.

The following sections of the Act use the term method. None of them describe a rule.

#### 7.2

Sec 30 (1) (a) policies and methods to achieve integrated management of the natural and physical resources of the region through policy and methods other than rules.

Note - Sec 68 (1) (a) and (b) is a bar to include rules in a regional plan. Thus relegating regional council to policy only. (**see B page 10**)

#### 7.3

Sec 30 (1) (ga). The establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity. ( Note 6 30 (1) (ga)) Maintaining indigenous biological diversity as distinct from sec 31(1) (b) (iii) the Maintenance of).

(Note- PRINZ inc will discuss this point of maintaining and the maintenance of, at greater length later in its appeal in paragraph 9)

#### 7.4

PRINZ inc has identified 26 references in the RMA which refer to the use of methods that do not define a rule.

Sec 32 (3) (b) The policies, rules, or other methods. Consideration of alternatives, benefits, and costs.

Sec 35 Duty to gather information, monitor, and keep records.

35 (2) (b) the efficiency and effectiveness of policies, rules, or other methods in its policy statement or plan.

Sec 35 (2) (e) and take appropriate action ( having regard to methods available to it under this Act)

Sec 36 AA. Local authority policy on discounting administrative charges.

Sec 36 AA(4) The policy must specify the discount, or the method for determining the discount.

Sec 36 (B) Power to make a joint management agreement.

Sec 36B (1)(b) (ii) that a joint management agreement is a efficient method of performing or exercising the function or power, or duty.

Sec 36C Local authority may act by itself or under joint management agreement.

Sec 36 C(2) The local authority may perform or exercise the function, power, or duty by itself if a decision is required before the parties to the joint management agreement

, power, or duty and the joint management  
and for making a decision of that kind.

Sec 37 Power of waiver and extension of time limits.

Sec 37 (1)(b) waive a failure to comply with the requirements under this Act, regulations, or a plan for the time, or method of service of documents.

Sec 37A requirements for waivers and extensions.

Sec 37A(1) A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document.

Sec 43 Regulations prescribing national environmental standards.

Sec 43(2)© methods for clarifying a natural or physical resource

Sec 43(2)(d) Methods, processes, or technology to implement standards.

Sec 62 contents of Regional policy statements; plus. 26 in all

7.5

The court ascertained the meaning of legislation as per sec5 of the Interpretations Act 1999 No 85. (**see B page 31/32**)

For completeness we include from the same Act Sec 2. Purposes of this Act

2. The Purposes of this Act are

- (a) to state the principle and the rules for the interpretation of legislation.; and
- (b) to shorten legislation; and
- (c) to promote consistency in the language and form of legislation.

PRINZ inc argues that the interpretation of ömethodsö by the court in sec 62(1)(i) is inconsistent with that that is used through out the Act.

Indeed the only methods used in the rules of the POP, is rule 12-3 and is merely an advice note advising of alternative methods for minimising sediment run off. And can be found in the Code of Practice for Commercial Vegetable Growers.

PRINZ inc contends that this is not a rule. (**see B page 33**)

7.6

PRINZ inc state that the court erred in its assessment of the way the term

methods is used throughout the Act. Page 5 paragraph [7] (**see B page19**)

PRINZ inc agree that it isö mandatory , not optional on every regional council , the function of making objectives, policies, and methods for maintaining indigenous biodiversity. And the power necessary to make plan provisions to do so is not to spatially or other wise restricted.ö

PRINZ inc will argue that the court erred in its determination that there is Nothing in sec 30 to prohibit that.

Clearly PRINZ inc has shown that sec 30 cannot be used to control the use of Land, and those methods are not rules. As described in the following sections of The Act. Therefore Policy is the only interpretation. PRINZ can apply.

## 8. Purpose of Regional Policy Statements

8.1

Sec 59 Purpose of a regional policy statement- (**see B page 34**)

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Statement is to achieve the purpose of the Act by  
ce management issues of the region and the  
policies, and methods to achieve the integrated management of the natural and  
physical resources of the whole region.

## 8.2

Policy 7-1 Responsibilities for maintaining indigenous biological diversity.

As it is written in the POP is

(a) The Regional Council must be responsible for:

- (i) developing objectives, policies and methods for the purpose of establishing a Region wide approach for managing indigenous biological diversity .
- (ii) developing rules controlling the use of land to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna

The above policy is ultravires, in that sec 59 RMA determines: that the purpose of the regional policy statement is to provide an over view of the resource management issues of the region. Not to as stated in Policy 7-1, to allocate responsibilities. (**see B page 8**)

## 9. Separation of Functions

### 9.1

PRINZ inc would also address the separation of functions by defining the common meaning of Maintaining as in sec 30(1)(ga).

Sec 30(1)(ga) states the establishment, implementation, and review of objectives, policies, and methods for Maintaining indigenous biological diversity.

The term Maintaining describes as. To continuing, or retain, to keep in existence, carry on, continue, finance.

Sec 31(1)(b)(iii) the Maintenance of indigenous biological diversity. (**see B page 17**)

The term Maintenance describes the act of maintaining, the state of being maintained, relating to the maintaining of, the interference in a legal action by a person having no interest in. a provision ordered to be made.,

Further PRINZ inc will point out that in the Act, sec 31(1)(a) directs, as a function of Territorial Authorities, to control the Effects of the use, development, or protection of land and associated natural and physical resources of the district.

Sec 31 (1) every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district.

(a) The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated resources of the district.

Sec 31(1)(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of-

- (iii) the maintenance of indigenous biological diversity.

This is clearly a control function of territorial authorities of which they May or May not choose to transfer that responsibility to regional council via the transfer of powers through sec 33 RMA and the use of the special consultative procedure as in sec 83 Of the Local Government Act 2002.

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5 Preparation and change of other regional plans  
also acts as a bar to making rules for (ga) (see **B page 35**)

Sec 65 Preparation and change of other regional plans

- (1) A regional council may prepare a regional plan for the whole or part of its Region for any function specified in section- 30(1)(c),(ca),(e),(f),(fa),(fb),(g) or(ga)

MWRC have a plan for both functions. PRINZ inc says that sec 65 of the Act precludes that. In that the word or precludes that ability. That is as the definition of the ordinary meaning discussed on page 3 of the courts decision; Principles of interpretation and this is prohibited by sec 68 (1) (a) via sec 30(1) (a) and (b) as we have already discussed to make rules for the integrated management of the natural and physical resources of the region..

You cannot have rules for the integrated management of the natural and physical resources, including lands of regional significance. Sec 30 (1) (a) and (b).

## 10. The Meaning of Effect.

10.1

Sec 31 Functions of territorial authorities under this Act.

PRINZ inc agrees with Mr Gardeners appeal, page 5 paragraph 16. (see **B page 53/54**) ñ The functions described in sec 30 (1)(ga) and sec 31(1)(b) are a great deal more than ñsubtlyñ different, they are very different functions, albeit that both types of Local Authorities, in carrying out their respective functions, may address the same issues and pursue similar outcomes.

Further, federated Farmers does not agree that the functions described in sec 30(1) (ga) and sec 31(1) (b) will necessarily overlap. PRINZ inc agrees.

10.2

Thus PRINZ inc will state that sec 31 RMA give the Territorial Authorities the legislative power to control the effects of the use and development of land, therefore are the only local authority with the legislative power to make rules to control the use and development of land for: (see **B page 55 and 17**)

Sec 3 Part 1 of the RMA describes the term effects as; (see **B page 55**)

Sec 3 Meaning of effect

In this Act unless the context otherwise requires, the term effect includes-

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects- regardless of the scale, intensity, duration, or frequency of the effect, and also includes-
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

PRINZ inc considers that the court erred in that they did not capture the principle of statutory interpretation, sec 2 and 5 of that Act specifically in relation to sec 31 roles and functions of Territorial Authorities. The control of the effects

10.3

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It being Information about the statement of  
Rare and Threatened Biodiversity on Private Land is  
the Only relevant document released with regards to Governments intentions on  
biodiversity. Report no ISBN: 0-478-30135-9 publication number ME: 805. April  
2007

On page 45 of this report it is stated the intentions of the Government reforms of the  
biodiversity provisions of the RMA 2003 amendments. (**see B page 37/38**)  
Legislative Provisions for Protecting Indigenous Biodiversity.

#### 7.1.1 Resource Management Act 1991.

The key points highlighted are as follows.

1 Section 5 is relevant because all plants and animals come within the definition of  
natural resources.. Section 5(1)(b) refers to safeguarding ecosystems.

2 section 6 (c) is the section most identified with the maintenance of biodiversity  
because it refers of the protection of areas of significant indigenous vegetation and  
significant habitats of indigenous fauna. However, this section represents just one  
dimension of managing indigenous biodiversity..

3 Section 7(d) refers to the intrinsic values of ecosystems. The definition of öintrinsicö<sup>ö</sup>  
includes values derived from biological and genetic diversity..

4 Section 30(1)(c)(iiia) provides that is a function of regional councils to control the  
use of land for the purpose of maintaining and enhancing ecosystems in water bodies  
and coastal waters.

5 Section 30(1)(ga) provides that it is a function of regional councils to establish,  
implement and review objectives, policies and methods for maintaining indigenous  
biodiversity.

6 Section 31(b)(iii) provides that it is a function of territorial councils to control the  
effects of the use and development of land on the maintenance of indigenous  
biological diversity.

Amendments to the Act in 2003 clarified that:

1. regional councils and territorial authorities both have responsibilities for managing  
indigenous biodiversity.
- 2 local authorities must consider the consequences of all effects on indigenous  
biodiversity, not simply the significance of the species or habitats  
(quote the amendment. 2003)

#### 10.4

PRINZ inc notes the distinction between the sec 30 and sec 31 functions with  
regard to the term Maintain (sec 30(1)(ga) and Maintenance (sec 31(b)(iii)). With  
regards to point 5 and 6 of the above. And as argued in paragraph 9.1 page 11  
previously.

PRINZ inc also notes the significance of the word maintenance, as in point 2,  
section 6(c) matters and including point 1, safeguarding ecosystems, and including  
point 3, intrinsic values of ecosystems.

## **biological Diversity in the Bed of a Water Body.**

11.1

PRINZ inc will, having argued that sec 30(1)(ga) does not bestow a regulatory function on regional council to control the use of land for the protection of indigenous biodiversity, but that it is the regulatory domain of territorial authorities under sec 31(1)(b), argue that section 30(1)(ga) falls within the orbit of sec 30(1)(c) (iiia). (see page11)

Whilst Sec30(1)(c ), the control of the use of land for the purpose of-

- (iiia) the maintenance and enhancement of ecosystems  
in water bodies and coastal water.

11.2

PRINZ inc will say that this fits within the rule making ability of, but does not necessarily bestow the ability to , of sec 30(1)(c ) (iiia) RMA.

The reason is because (ga) is described as maintaining, indigenous biological diversity. The Act it&self under sec 68 regional rules refers to sub section (2A) being sec 7(2) of the building act, and including sec 2 of the Act which refers specifically to the RMA application of section 7 of the building Act. And including sec 166 RMA, and describes network utility operators.

Sec 69 RMA adds more weight to PRINZ inc assertion. (**see B page 56**). That is that; Sec 69 Rules relating to water quality.

(1) Where a regional council-

- (a) provides in a plan that certain waters are to be managed  
for any purpose described in respect of any of the classes specified in  
schedule 3; and
- (b) includes rules in a plan about the quality of water in those waters-  
the rules shall require observance of the standards.etc.

Schedule 3 RMA, as referred to above (**see B page 57**) specific water quality classes.

1 Class AE Water (being managed for aquatic ecosystem purposes), thus linking to sec 30(1) (c ) (iiia). ecosystems in water bodies.

11.3

PRINZ inc will state that sec 30(1)(g) is relevant in that it describes a function with regard to the bed of a water body. (**see B page 16**)

- (g) in relation to any bed of a water body, the control of the introduction or planting in, on, or under that land, for the purpose of-
  - (i) soil conservation
  - (ii) the maintenance and enhancement of the quality of water in that body:

Note, (i) soil conservation, (but no function devolved to it.)

11.4

PRINZ inc accepts that (g) relates to the bed of a water body as stated in the act. Then (ga) must also be a subset of (g) other wise it would be (h). Thus the assumption that (ga) is the establishment, implementation, and review of objectives, policies, and

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biological diversity in the bed of a water

PRINZ inc also accepts that (go) must be a subset of both (g) and (ga), other wise it would be (i), and so on.(see **B page 16**)

(gb) the strategic integration of infrastructure with land use through objectives, policies, and methods:

11.5

Thus (ga) as described in sec 30(1)(ga) must be the establishment, implementation, and review of objectives, policies, and methods for the strategic integration of infrastructure with the methods for maintaining indigenous biological diversity in the bed of a water body. A policy not a control function.

11.6

Sec 2 of the RMA.. Interpretation and application describes infrastructure ,(as in sec 30 of the Act), (a-l) as activities relating to the use and development of land, including-

(c) facilities for the generation of electricity, etc, which of course can be in the bed of a water body.

**(See B page 58)**

11.7

Sec 2 of the RMA interpretation of biological diversity, includes the term ecological complexes, linking it to schedule 3 RMA. (**see B page 59**)

11.8

PRINZ inc will accept that, that is why (ga) as in sec 30(1)(ga ) has a function given to regional council for the purpose to maintaining indigenous biodiversity and not the maintenance of. For clearly that is a function of territorial authorities as per sec 31(1)(b) of the Act. The control of any actual or potential effects of the use and development, or protection of Land including for the purpose of-

(iii) maintenance of biological diversity.

## 12. Conclusion.

12.1

PRINZ inc will say that after an comprehensive analysis of the Resource Management Act 1991 as to ōwhichö Local authority controls the use and development of land for the maintenance of biological diversity as described in sec 2 of the Act, and as described in the above reasoning, the court erred, page 8 paragraph [14], of the decision. In that the RMA does not give rule making power to regional councils for sec 30(1)(ga) for methods for maintaining indigenous biodiversity, or indeed for the natural and physical resources of the region. But rather, a policy making function to ensure the integrated management of the natural and physical resources of the region.

That sec 30(1)(ga), the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity: - Is describing the strategic integration of infrastructure with associated land use and the protection of biological diversity, whilst recognising the legislative requirements of each local authorities respective role in managing the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects

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of a river or lake, on the natural and physical  
on.

PRINZ inc will say that there is no overlap of functions in this instance, being clearly defined by the use of the terms, Maintain and Maintenance as used through out the Act.

The respective functions of each local authority are further reinforced in the Local Government Act 2002. Sec 12. Status and Powers.

- (1) A local authority is a body corporate with perpetual succession.
- (2) For the purposes of performing its role, a local authority-
  - (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction: and
  - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (3) subsection (2) is subject to this Act, any other enactment, and the general law.  
**(see B page 60)**

End

Dated 4<sup>th</sup> April 2012

Property Rights incorporated  
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