



# Forestry (East Coast) Grants Amendment Regulations 2002

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 25th day of February 2002

Present:

Her Excellency the Governor-General in Council

Pursuant to section 72 of the Forests Act 1949, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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### Regulations

#### 1 Title

- (1) These regulations are the Forestry (East Coast) Grants Amendment Regulations 2002.

- (2) In these regulations, the Forestry (East Coast) Grants Regulations 2000<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 2000/55

## 2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

## 3 Interpretation

Regulation 3 of the principal regulations is amended by inserting, after the definition of **certified account**, the following definition:

“**closed canopy indigenous scrub** means indigenous scrub or tree vegetation that is at least 2 metres tall and has touching or interwoven branches”.

## 4 New regulations 6 to 6B substituted

The principal regulations are amended by revoking regulation 6, and substituting the following regulations:

### “6 Information to accompany application for approval certificate

- “(1) An application under regulation 5 must be made to the Secretary and be accompanied by—
- “(a) sufficient particulars of the landholding, and the area proposed for approval, to enable the Secretary to identify them; and
  - “(b) a recent aerial photograph or laser print copy of a recent aerial photograph of the area for which a grant is sought, on a scale between 1:4000 and 1:16000; and
  - “(c) a land use certificate from a land use consultant approved by the Secretary to the effect that the consultant has accurately identified the land use capability classes for the land (as defined in the *New Zealand Land Resource Inventory, Gisborne East Coast*, 1st edition 1974 or 2nd edition 1999); and
  - “(d) a land use capability plan for the proposed grant area superimposed on the recent aerial photograph supplied in accordance with paragraph (b) that shows—
    - “(i) the land use capability units of the proposed grant area; and

- “(ii) the boundaries of the proposed grant area; and
  - “(iii) any internal planting boundaries where different planting years, species, or erosion control treatments are intended; and
  - “(iv) any existing or proposed fencing; and
  - “(v) any excluded forest or closed canopy indigenous scrub within the proposed grant area.
- “(2) The approving authority may, if it thinks fit, exempt an applicant from either or both of the following requirements:
- “(a) to provide a land use certificate in accordance with subclause (1)(c):
  - “(b) to show land use capability units on a land use capability plan in accordance with subclause (1)(d)(i).

**“6A Applicant must provide additional information if forestry treatment proposed**

- “(1) If forestry treatments are proposed, an applicant for an approval certificate must also provide—
- “(a) a forestry feasibility certificate in the prescribed form from a forest consultant, being a person who is either recognised by the New Zealand Institute of Forestry Incorporated or accepted by the Secretary as having equivalent competence, to the effect the proposed treatment provides a means to achieve sustainable land management; and
  - “(b) a planting proposal or proposals in the prescribed form; and
  - “(c) if archaeological sites within the proposed area are identified by the Secretary, an archaeological survey conducted by an archaeologist approved by the Secretary; and
  - “(d) if treatments involving indigenous vegetation clearance are proposed, a copy of any resource consent required for the clearance.
- “(2) The information listed in subclause (1)(c) and (d) need not accompany the application but must be provided to the Secretary, if a certificate is issued, before the grant is paid.

**“6B Applicant must provide additional information and register covenant if reversion proposed**

- “(1) If reversion is proposed, an applicant for an approval certificate must also provide an indigenous reversion certificate in the prescribed form from a person approved by the Secretary to the effect that the proposed treatment will provide a means to achieve sustainable land management.
- “(2) If a certificate is issued, the certificate holder must—
- “(a) register a non-use covenant, of at least 30 years’ duration, against the title of the land to be treated by reversion; or
- “(b) if the Secretary thinks fit, execute a non-use agreement in relation to the land to be treated by reversion which provides that the grant must be repaid in the event of a default by the certificate holder.
- “(3) The Secretary may only exercise his or her discretion under subclause (2)(b) after consultation with the Director-General of Conservation.”

**5 Approval certificate to be issued to landholder only**

Regulation 7 of the principal regulations is amended by revoking subclause (2), and substituting the following subclause:

- “(2) An approval certificate may be issued in respect of an application at any time before 30 June in the year that forest establishment commences.”

**6 Qualifying land**

- (1) Regulation 9(1) is amended by revoking paragraph (b), and substituting the following paragraph:
- “(b) that is an area of forest or closed canopy indigenous scrub greater than 1 hectare; or”.
- (2) Regulation 9(2)(b) is amended by inserting, after the word “units”, the expression “2”.

Marie Shroff,  
Clerk of the Executive Council.

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### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, amend the Forestry (East Coast) Grants Regulations 2000 by—

- inserting a new definition of **closed canopy indigenous scrub** in regulation 3:
- substituting *new regulations 6 to 6B*, which relate to the information that must accompany an application for an approval certificate, and the requirement to provide certain additional information if forestry treatments or reversion is proposed. *New regulation 6B(2)* provides that if a certificate is issued in the case of land proposed to be treated by reversion, the certificate holder must either register a non-use covenant against the title of the land concerned or, if the Secretary thinks fit, execute a non-use agreement, which provides that the grant must be repaid in the case of a default by the certificate holder:
- amending regulation 7(2) to provide that an approval certificate may be issued at any time before 30 June in the year in which forestry establishment commences:
- making a consequential amendment to regulation 9(1) and adding land use class VIIIe2 to the target land description of the East Coast forestry project in regulation 9(2)(b).

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Date of notification in *Gazette*: 28 February 2002.

These regulations are administered in the Ministry of Agriculture and Forestry.

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