



**THE FORESTRY (EAST COAST) GRANTS REGULATIONS 1992,  
AMENDMENT NO. 4**

—

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 9th day of August 1993

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

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

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ANALYSIS

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Forestry (East Coast) Grants Regulations 1992, Amendment No. 4, and shall be read together with and deemed part of the Forestry (East Coast)

Grants Regulations 1992\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Applications for approval certificates**—(1) Regulation 4 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclauses:

“(1) Subject to these regulations, any person who—

“(a) Is a landholder; or

“(b) Provides written evidence acceptable to the Secretary of an intention to become a landholder,—

may apply for an approval certificate.

“(1A) Every person who applies for an approval certificate shall hold—

“(a) A certificate from a land use consultant approved by the Secretary to the effect that the land specified in the certificate comprises land of class VI and class VII, subclass ‘e’ (as defined in the Land Use Capability Survey Handbook issued by the Ministry of Works and Development in 1974); and

“(b) A certificate 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 that—

“(i) Not less than 60 percent of the land is land of class VII, subclass ‘e’ (as so defined); and

“(ii) All of the land of class VI (as so defined) specified in the certificate is within the same tributary watershed as the land of class VII (as so defined) within that area and is, in the opinion of the forestry consultant, within practical or workable catchment or sub-catchment boundaries; and

“(iii) The land specified in the certificate is suitable for afforestation in accordance with these regulations.”

(2) Regulation 4 of the principal regulations is hereby amended—

(a) By omitting from subclause (2) the word “landholder” in both places where it occurs, and substituting, in each case, the word “applicant”;

(b) By inserting in subclause (2) (a), after the word “landholding”, the words “or proposed landholding”.

**3. Approval certificate to be issued to landholder only**—The principal regulations are hereby amended by revoking regulation 5, and substituting the following regulation:

“5. (1) An approval certificate in respect of any approved area shall not be issued unless the applicant is the landholder for that area.

“(2) An approval certificate may be issued in respect of an application at any time before the close of the 30th day of June in the year following the year in which the application is made.”

**4. Time for application for approval certificate**—Regulation 6 (3) of the principal regulations (as added by regulation 2 of the Forestry (East Coast) Grants Regulations 1992, Amendment No. 1) is hereby amended by

\*S.R. 1992/301

Amendment No. 1: S.R. 1992/378

Amendment No. 2: S.R. 1993/91

Amendment No. 3: S.R. 1993/236

omitting the expression "1st day of March 1993", and substituting the expression "31st day of August 1993".

**5. Qualifying land**—Regulation 7 (1) of the principal regulations is hereby amended by adding the words "or any area of land where less than 60 percent of the area is land of class VII, subclass 'e' (as defined in the document referred to in regulation 4 (1) (a) of these regulations)".

**6. Approval certificate may include conditions**—Regulation 11 of the principal regulations is hereby amended by omitting the words "conditions relating to the work specified in the certificate", and substituting the words "reasonable conditions".

**7. Variation of approval certificates**—The principal regulations are hereby amended by inserting, after regulation 11, the following regulation:

"11A. (1) With the agreement of the holder of an approval certificate, the approving authority may, in writing, at any time while the certificate is in force, vary any term or condition of the certificate to reflect any change—

"(a) In the boundaries of the area specified in the certificate; or

"(b) In the operation to which the certificate relates.

"(2) A variation made under subclause (1) of this regulation shall be effective on and from the date of the making thereof or such later date as may be specified by the approving authority."

**8. Saving**—Nothing in any of regulations 2, 3, 5, and 6 of these regulations shall apply in respect of any application for an approval certificate that was lodged with the Secretary in accordance with regulation 6 (1) of the principal regulations, in respect of the year 1993.

DIANE WILDERSPIN,  
Acting for 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 day after the date of their notification in the *Gazette*, amend the Forestry (East Coast) Grants Regulations 1992.

*Regulation 2* amends regulation 4 of the principal regulations by—

(a) Requiring supporting certificates to show that areas contain at least 60 percent of land of class VII, subclass "e";

(b) Allowing applications to be made by prospective landholders.

*Regulation 3* revokes and replaces regulation 5 of the principal regulations to—

(a) Limit the issue of approval certificates to persons who are landholders;

(b) Enable certificates to be issued up until 30 June in the year following the year in which the application is made.

*Regulation 4* extends from 1 March 1993 to 31 August 1993 the closing date for applications under regulation 6 (3) of the principal regulations by non-landholders.

*Regulation 5* amends regulation 7 of the principal regulations by requiring that a landholding contain at least 60 percent of land of class VII, subclass "e" before an approval certificate may be issued.

*Regulation 6* amends regulation 11 of the principal regulations to enable an approving authority to make the grant of an approval subject to any reasonable conditions. Formerly, such conditions could relate only to work specified in the approval certificate.

*Regulation 7* enables approval certificates to be varied by agreement to take account of changed circumstances affecting boundaries or operations carried out on a landholding.

*Regulation 8* provides that the amendments made by these regulations, other than the amendments made by regulations 4 and 7, do not apply in respect of applications made in respect of the year 1993.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 12 August 1993.

These regulations are administered in the Ministry of Forestry.