

Reprint
as at 28 August 2014

**Forestry (East Coast) Grants
Amendment Regulations 2002**

(SR 2002/37)

Forestry (East Coast) Grants Amendment Regulations 2002: revoked, on
28 August 2014, pursuant to clause 3(1) of the Forestry (East Coast) Grants
Regulations Revocation Order 2014 (LI 2014/249).

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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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made
in this eprint. See the notes at the end of this eprint for further details.

These regulations are administered by the Ministry for Primary Industries.

1 Title

- (1) These regulations are the Forestry (East Coast) Grants Amendment Regulations 2002.
- (2) In these regulations, the Forestry (East Coast) Grants Regulations 2000¹ are called “the principal regulations”.

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 Re-

¹ SR 2000/55

- source 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.

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).

Eprint notes

1 *General*

This is an eprint of the Forestry (East Coast) Grants Amendment Regulations 2002 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Forestry (East Coast) Grants Regulations Revocation Order 2014 (LI 2014/249): clause 3(1)
