

Decision 1: Improving pre-1990 forest land offsetting to allow greater flexibility of land use

1. We propose to introduce four changes to the CCRA to improve the effectiveness of the off-setting provisions:
 - a. Extending the time frame for offsetting to allow four years from the application date or clearance (whichever comes first) to establish the new forest (effectively four planting seasons) in all cases; and
 - b. Allow a one-off opportunity to adjust the areas of land being 'deforested' and established (to a smaller area), once the application has been approved, provided the offset forest still meets the conditions around maintaining forest area and carbon stock; and
 - c. Making it clear that the land owner is liable for only the deforestation which is not offset once the adjustment (if any) is completed; and
 - d. Allowing the land owner to 'carry over' any new forest not already used into a new application (this new application will be within a time frame set in regulation).

Decision 2: Simplifying the process to access exemptions from deforestation liabilities for areas of tree weeds (including wilding conifers)

3. We propose to create a regulation-making power for tree weed deforestation exemptions, moving the relevant Act detail to regulations, and:
 - a. Removing the need to publish a public notice prior to tree weed removal;
 - b. Enabling applications to be submitted at any time;
 - c. Removing the criterion that the land has not been the subject of unit allocations under the pre-1990 forest land allocation plan;
 - d. Removing quantitative limits on emissions from tree weed clearance; and
 - e. Ensuring regulations can determine relevant operational details.

Decision 3: Excluding post-1989 land with tree weeds from the ETS

4. We propose to amend the relevant section to exclude all future Post-1989 and permanent post-1989 forest land registrations for sites that contain predominantly tree weeds, regardless of who applies to register. This exclusion will also prevent the addition of new forest land with tree weeds to extend existing forest land parcels registered in the ETS.
5. We propose that forest land that is already registered in the ETS and is in a tree weed species can remain registered as land eligible for earning NZUs. This is because a very small number of participants have registered tree weeds in the ETS and are using the income from their land to pay for management of the tree weeds.

Decision 4: Enabling simpler access to an existing exemption from deforestation liabilities for multiply owner Māori land (and other land in similar situations)

6. First, we propose to allow the trustees, in respect of a land title (that existed on 1 Sept 2007) who were trustees appointed after 1 September 2007 to apply to have the pre-1990 forest land contained within the title to be declared exempt provided the forest area (as at a 1 September 2007) was less than 50 hectares.
7. For multiple owned land administered under this section of the CCRA, we propose amendments to ensure that the 50 hectare threshold for the exemption applies to the land title rather to an individual. With many trustees on multiple trusts, applying the 50 hectare test to the trustee will exclude some from the application.
8. We also propose that provisions are drafted that enable an agent appointed by the Māori Land Court in respect of a block of Māori freehold land may apply for this exemption and provided the application is within the scope of the agent's powers, it be considered.
9. We propose that there be a condition in the drafting of these provisions that ensures that eligibility for accessing these provisions is restricted to land in which the land title listed at least 10 owners as of 1 September 2007, or is subject to provisions under the Te Ture Whenua Māori Act. We note for clarity that the owners of land under the Te Ture Whenua Māori Act may continue to apply in their own right (provided the declarations can be obtained from all owners on 1 September 2007).
10. We propose to retain any provisions that ensure that land that has previously received a forest allocation plan allocation is not eligible for any exemptions relating to land in multiple-ownership.
11. To implement these decisions, we propose that the CCRA is amended to remove the deadlines for submitting <50 ha exemption applications (so that we can consider applications from multiply-owned land that are now eligible and others).