



Rules for Scrub Clearance



In the last year or so there seems to have been a resurgence of scrub clearance in the North Island hill country. Mostly this is through aerial spraying but some by cutting.

Aerially spraying scrub every five to eight years could be a cheap alternative to the more traditional farming methods of applying fertiliser and weed control annually, especially in the harder hill country. This method would also result in a lower level of productivity and a significant reduction in pasture quality, but would also produce a lower cost product.

However, research from AgResearch's Ballantrae hill country property near the Manawatu Gorge has demonstrated that high fertile blocks irrespective of aspect and contour don't regenerate scrub whereas low fertility blocks will. So successfully developing pasture long-term requires a two pronged approach of clearance and increased fertility to prevent a cyclic spraying of scrub every eight years.

Some of the scrub clearance sites we have seen are unsustainable under a pastoral landuse and are probably not permissible under the local regional council vegetation rules. Irrespective of method undertaken (spraying or cutting) scrub control is classed as vegetation clearance and may require resource consent depending on the contour and position in the landscape. The table below outlines the consent requirements throughout the various regions of the North Island.

Region	Scrub Clearance Requirements
Greater Wellington Regional Council	Scrub clearance for pasture on a continuous area greater than one hectare on erosion prone land is a discretionary activity and requires resource consent. Erosion prone land is defined in GW Regional Soil Plan and divides it into two areas: Area 1 is land over 28° and occurs east of the Ruamahanga River to the east coast and west of SH1 to the west coast, north of Pukerua Bay. Area 2 is land over 23° and occurs between the Ruamahanga River and the west coast south of Pukerua Bay and SH1 north of Pukerua Bay.
Horizons Regional Council	Scrub clearance under Rule 2 of the Land and Water Regional Plan is a permitted activity provided the area cleared is less than 2 hectares and it is not within 20 m of an identified water body or within 5 m of any other permanently flowing river or other river with a bed width greater than 2 m. There are other conditions associated with debris ending up in the water way and soil disturbance. Scrub clearance that does not comply with Rule 2 above requires resource consent under Rule 3 and this will be treated as discretionary activity.
Hawkes Bay Regional Council	Scrub clearance, irrespective of area, is a permitted activity provided none of the debris ends up in a water body and no clearance is undertaken within 5 metres of any permanently flowing river or any other river with a bed width greater than 2 metres. There are also conditions on re-vegetating and erosion control to prevent future erosion, plus sediment leaving the property. Failure to meet these conditions requires resource consent which will be treated as Restricted Discretionary.
Gisborne District Council	Overlay 1: Scrub clearance of land on with a contiguous area greater than 500 m ² with an average slope greater than 35° or less than 50 mm of topsoil over 25% or more of the area is a discretionary activity. For Overlay 2 and 3: land scrub clearance of land greater than two ha of contiguous land in any 12 month period is a controlled activity. If the contiguous area is greater than 500 m ² which has a slope greater than 35° or the topsoil is less than 50 mm over 25% or more of the area then it is a restricted discretionary activity. On Overlay 3A: scrub clearance is a restricted discretionary activity and is subject to a Certified Works Plan.
Environment Bay Of Plenty	For scrub clearance on slopes up to 35 degrees, areas not in the Erosion Hazard Zone, Coastal Margin, Riparian Management Zone or an ephemeral flow path is a permitted activity. If it is in an ephemeral flow path and not in the Erosion Hazard Zone plus the slope is less than 35 degrees it is a controlled activity. If it fails the above then it is a discretionary activity.
Taranaki Regional Council	Resource consent is required where vegetation disturbance involves a contiguous area of more than five hectares carried out within one year of commencing the activity and any part of that disturbance is on land with a slope greater than 28° and the conditions outlined in Rule 1 of the Soil Plan cannot be met. Any resource consent application will be treated as 'controlled'.
Environment Waikato	Scrub clearance is required in 'high risk erosion areas'. High risk erosion areas includes any land over 25° or land adjacent to water bodies (including ephemeral watercourses draining catchments greater than 100 ha) between 10 and 100 m. The length is dependent on the slope of the bank. Land clearance

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	of between one and five hectares is controlled while greater than five hectares is a discretionary activity.
Auckland Regional Council	Scrub clearance is a permitted activity subject to the following generalised conditions: The ARC needs to be notified in writing at least 14 days prior to vegetation removal operations of one hectare or more and an effective erosion and sediment control measures need to be implemented. ARC also has some performance standards that need to be met during and after the clearance operation.
Northland Regional Council	Scrub clearance on erosion prone land greater than five ha or any vegetation clearance of land within the riparian management zone is a discretionary activity and requires resource consent. Erosion prone land is described as landuse capability classes VIIe, VIIIe, and VIII1 land.

This table shows significant variation and complexity of rules for the same thing between the different regions. Obviously if a regional council has a rule in a plan it should be monitoring the effectiveness within the region, and if a landowner and/or a contractor chooses to ignore the rule then they could one day expect some sort of reaction – generally court action or an instant fine.

When undertaking any scrub clearance irrespective whether it needs consent or not and whether it is by mechanical cutting or herbicide, it is critical to consider your land resources, the productive potential of the area and what classes of stock you are likely to run. Sometimes the economics will not stack up, particularly on areas with a slope greater than 28-30°. Scrub regeneration can enhance your property with erosion control, shade and shelter, biodiversity values, or even carbon credits.