

5 May 2009

David Owen  
Parks and Forests Team Leader  
Canterbury Regional Council  
PO Box 345  
CHRISTCHURCH

Dear David,

**De minimis request - Proposal to excavate material over the semi-confined or unconfined aquifer**

Thank you for your letter dated 4 May 2009 in which you have asked for non-enforcement of consent requirements to excavate material over the unconfined or semi-confined aquifer to slightly enlarge the pond at Mcleans Island, and use the excavated material to create mountain bike track features within Mcleans Island Reserve.

Section 9 of the Resource Management Act 1991 (RMA) states that the proposed activity must not contravene a rule in a district plan or proposed district plan unless expressly authorised by a resource consent.

The deposition of material over the unconfined or semi-confined aquifer does not contravene the Transitional Regional Plan, and does not contravene Rule WQL41 of the proposed Natural Resources Regional Plan, Chapter 4: Water Quality. The deposition of material, as described in your letter, is therefore a permitted activity.

The excavation of material does not contravene the Transitional Regional Plan.

The proposed Natural Resources Regional Plan Chapter 4: Water Quality, Rule WQL40, states that any excavation of land over an unconfined or semi-confined aquifer is a restricted discretionary activity, so resource consent is required.

While Environment Canterbury is not in a position to waive the requirement for resource consent, it does have a discretion as to how to use its enforcement powers under the RMA in relation to such breaches. In exercising that discretion, its priorities lie with dealing with activities with more serious adverse effects first.

On the basis of the information you have supplied, it would appear that the effects of the proposed activity will be so trivial that if you decide not to obtain a resource consent, Environment Canterbury would not follow up the need for a resource consent with enforcement action as matters currently stand.

Nevertheless, this assessment is based on your description and plans of the proposal outlined in your letter and the likely effects that can be foreseen on the basis of that description.

Should effects more serious than those foreseen on the basis of your letter result, the matter will be treated in the same manner as any other contravention of section 9 with much more serious effects.

Yours sincerely

Elinor Watson  
Environmental Protection Officer