

The Building Code (clause E1 – Surface Water) requires surface water from sitework to be disposed of so that it avoids the likelihood of damage or nuisance to other property. This includes protecting roads, drains and waterways. Effective erosion and sediment control is required to be designed and implemented as a part of the building consent process.

Below are guidelines on how this can be achieved, and how an erosion and sediment control (ESC) plan can be prepared.

HOW DOES THIS AFFECT A BUILDING CONSENT APPLICATION?

Before the Council will issue a building consent for building work that could result in sediment leaving the site, a proposal for controlling sediment will need to be provided and approved as a part of the plans and specifications.

Note that under the Building Act 2004 “siteworks” are considered to be part of the “building work” and cannot occur until the building consent has been issued.

The consent will be issued with the following advice note:

Erosion and sediment control plan: *The plan for the control of erosion and sediment during construction must be made known to the building contractor before any site works are carried out. The objective of this plan is to control run-off to prevent muddy water flowing, or earth slipping, onto neighbouring properties, legal road (including kerb and channel). Muddy water is defined being water with a total suspended solids (TSS) concentration of greater than 50mg/L. Failure to comply with the plan may lead to enforcement action being taken under the Building Act 2004.*

WHICH SITES ARE AFFECTED BY THIS REQUIREMENT?

All sites where building work may result in disturbance of the ground, including:

- Sediment run-off from the disturbed ground; and
- Transfer of sediment/materials off the site by vehicles.

Sites are considered to be high-risk, and therefore have a higher level of assessment and inspection where there is a disturbed area greater than:

- 1,000 m²; or
- 500 m² and the proximity to a waterway is less than 20 m; or
- 500 m² and the slope is greater than 5 degrees.

WHAT DO I HAVE TO DO?

You need to provide the Council with a programme that sets out your intentions to control stormwater and sediment.

Environment Canterbury have developed a resource, the “Erosion and Sediment Control Toolbox for Canterbury” to be followed when preparing and implementing an ESC plan. The resource is only available online and can be found at <https://esc.canterbury.co.nz/>

We suggest that this Toolbox is used to develop an erosion and sediment control plan. If you choose to use some other means of demonstrating compliance, you need to be aware that Council processing officers will be comparing this against the Toolbox, which will be more time consuming than if you use the Toolbox yourself.

WHAT HAPPENS IF I DO NOT PROVIDE A SEDIMENT CONTROL PROGRAMME?

Your building consent will not be issued until the Council is satisfied that you have provided sufficient details to show that run-off of sediment from the site will be avoided or minimised.

WHAT HAPPENS IF THE SEDIMENT CONTROLS ARE NOT PUT IN PLACE OR MAINTAINED?

The Council's Building Inspector will check that the sediment controls are in place at the time of the first inspection. For high-risk sites, this will be after the ESC measures are in place, but before any excavations or site clearance begins. For other sites, this will usually be at the Foundation or slab inspection. The measures will be checked at each further inspection.

A building inspection will fail if necessary measures are not in place. A 'notice to fix' may also be issued if the Inspector is not satisfied that your proposals are being maintained. This may require work to cease until the issue is resolved.

If poorly installed or maintained systems cause sediment discharge into the Council's stormwater drain or into local waterways, enforcement action may be taken under the Building Act or the Council's Water Related Services Bylaw.

WHERE CAN I GET MORE INFORMATION?

Environment Canterbury have prepared guidelines that would be useful in preparing a management plan. Their website is www.ecan.govt.nz and their documents are available at:

esccanterbury.co.nz/

Or contact a Christchurch City Council Building Consent Officer on ph:(03) 941 8999 for further advice.