

**Surface Water Management  
(Discharge Consent Compliance)**

**Introduction**

The Council are committed to a mediated agreement with Environment Canterbury (ECan) whereby and in summary, the Council will ensure that environmental safeguards are continually implemented through various PHASES of a subdivision consent.

This Bulletin provides guidance and instructions as to Council's requirements through these Phases.

**Phase 1: Application for a Subdivision Consent**

For applications on the Port Hills, Greenfield sites, infill situations of greater than 10 lots or where a site is larger than 5000m<sup>2</sup> the Council before processing a subdivision consent, will require evidence that one of the following has been provided:

- Correspondence from ECan that a discharge consent is not required (de minimus decision)
- Certificate of Compliance from ECan
- An issued discharge consent.

For infill situations of between 5-10 lots, advice should be sought from Council's Greenspace Unit for any specific requirements that may apply prior to an application being made.

**Phase 2: Erosion and Sedimentation Control**

As ECan's Erosion and Sediment Control Guidelines (2007) have been adopted by CCC as an appropriate standard for erosion and sediment control, where applicable, a subdivision consent will include the following condition:

*An Erosion and Sediment Control Plan (ESCP) is to be submitted for review as part of the engineering plan approval. The ESCP is to include (but is not limited to):*

- Site description, i.e. topography, vegetation, soils etc
- Details of proposed activities.
- A report including the method and time of monitoring to be undertaken.
- A locality map.
- Drawings showing the site, type and location of sediment control measures, onsite catchment boundaries and offsite sources of runoff.
- Drawings and specifications showing the positions of all proposed mitigation areas with supporting calculations if appropriate.

*The performance criteria for the ESCP, unless directed by Council through the engineering approval process, will be based on ECan's Erosion and Sediment Control Guidelines (2007).*

<http://www.ecan.govt.nz/Our+Environment/Land/ErosionAndSediment/ErosionSedimentControlGuidelines.htm>

*The approved ESCP is to be implemented on site during the subdivision construction phase and no works are to commence until such time as the ESCP has been approved.*

*The ESCP is to be designed by a suitably qualified person and a design certificate (template available on request) supplied with the plan.*

*Note: Pursuant to Section 128 of the Resource Management Act 1991 Council reserves the right, during the construction phase, to review this condition to impose further controls in respect to Sedimentation Control and Management*

It is emphasised that unless an ESCP is approved by an ECan discharge consent together with a separate land use resource consent for earthworks, no works shall commence on site until the Engineering approval or Engineering Plan Acceptance is provided.

### **Phase 3: Request for the Section 224 Certificate**

#### **(a) The Current Position**

The current practice among some consultants/developers is to give priority to completing those aspects of the subdivision which will visually attract prospective buyers and as a consequence completion of the surface water treatment system becomes almost a “scramble” in an attempt to obtain compliance for this work.

As a result in many cases, compliance has not been forthcoming either from Council or ECan. In fact there have been instances where the ECan Compliance Monitoring Report indicates that the discharge consent has significant/major non-compliance and that enforcement action is a possibility.

#### **(b) The Solution**

Developers and consultants should adopt a programme of works that will ensure a continued compliance with the discharge consent and a successful request for a section 224 certificate.

Consultants and developers should be adopting a new mindset that first priority for any engineering works should be to the construction and completion of the required surface water treatment system. This work should be completed even before trenching and road benching takes place. This would allow sufficient time for mitigation planting and grassed areas to be established with the very first discharge to the system able to be treated in accordance with the discharge consent. In this respect ECan consents emphasise that the provisions of the discharge consent require mitigation and treatment to occur from the very first discharge from hard standing areas. It is now common for the construction of dwellings to be commenced many months before the section 224 certificate is issued and potentially this could lead to significant non-compliance with the discharge consent.

#### **(c) The Process**

In requesting the issue of the section 224 certificate, the Council, in respect to surface water management compliance will require:

- Total completion of works for the treatment system.  
*Note: No bonding will be permitted other than enhancement landscaping which has been agreed to by the Greenspace Unit.*
- An up to date ECan Compliance Monitoring Report which indicates no significant or major non-compliance.
- As built plans and a certification that the system has been built in accordance with the required parameters.

### **Conclusion**

Council and ECan are of the view that if an appropriate programme of works, together with the implementation of an accepted ESCP is undertaken, then not only will a successful request for a section 224 certificate be achieved but also better environmental outcomes will result.