

From: Geoff Hamilton
Sent: Wednesday, 10 September 2025 3:01 pm
To: Paul Anderson
Cc: LGOIMA Requests
Subject: RE: Bricks at top an ongoing issue
Attachments: 25001494 Complaint response Sept 2025 Redacted.pdf

Greetings Paul,

I'm also at a loss as to the remedies that [REDACTED] is seeking, as it is not consistent with our response either.

I have treated your email as an official information request. I see no reason to withhold our letter regarding this building consent, especially considering the complaint involved work that your team was responsible for.

It is attached FYI.

If we can be of further assistance please do not hesitate to let me know.

Kind regards

Geoff Hamilton | Chief Executive | Tumuaki Rangatira
CARTERTON DISTRICT COUNCIL | TE KAUNIHERA-Ā-ROHE O TARATAHI

geoffh@cdc.govt.nz | 0274 872 099 | 06 379 4030

PO Box 9, Carterton 5743 | 28 Holloway Street, Carterton | www.cdc.govt.nz



From: Paul Anderson <paul.anderson@gjgardner.co.nz>
Sent: Wednesday, September 10, 2025 12:47 PM
To: Geoff Hamilton <geoffh@cdc.govt.nz>
Subject: Fwd: Bricks at top an ongoing issue

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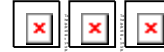
Good afternoon Geoff,

Is there any chance you would be able to share your email you sent to [REDACTED] or an understanding of the process?

I am a bit lost on this one. From my point of view a defect has been identified, I am more than happy to fix it at my cost as per my responsibilities, it is just as simple as that..... could have been all sorted in 2 hours about 3 weeks ago!

Regards
Paul Anderson

Franchise Owner | Atlantic Construction Ltd – Wairarapa Franchisee for G.J. Gardner Homes
Cellphone: (027) 248 6732 | Ph: (06) 3787991 | Web: www.gjgardner.co.nz



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----- Forwarded message -----

From: [REDACTED]
Date: Sun, 7 Sept 2025 at 10:24
Subject: Re: Bricks at top an ongoing issue
To: Paul Anderson <paul.anderson@gjgardner.co.nz>
Cc: [REDACTED]

Hi Paul,

The advice I have received is that this proposed modification needs approval under a Building Consent because it changes the roof trusses design from the one Carterton District Council (CDC) originally approved. This is a requirement of the Building Act and CDC must approve the change. More importantly, it's illegal to do work requiring a Building Consent without one. Both the contractor doing the work, and a homeowner that agrees to the work, can be prosecuted. I have written to the CDC about this matter and so you need to discuss this situation with them.

It would appear the options in this situation are either to see if CDC will approve the new work under the previous Building Consent as a Minor Amendment; or obtain a new Building Consent for the proposed modification; or complete the work as it was originally approved by reinstating the trusses to their original approved design. We have no objection to any of these options. Before any work starts to modify the trusses, if this is selected, we would first like confirmation directly from CDC that they have approved the work.

Can you please let me know whether you wish to reinstate the trusses or have CDC approval for the proposed modification.

On Mon, 1 Sept 2025 at 13:24, Paul Anderson <paul.anderson@gjgardner.co.nz> wrote:

Hi [REDACTED]

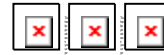
As I reflected over the weekend, I understand you have talked to the council. More than happy if they want to seek any information from me around this. But from my point of view the build has CCC, and it is just a defect identified with the truss, so I'm more than happy to get it sorted when we can gain access. Let me know when you want to book someone in, I will wait to hear from you.

Thanks

Regards

Paul Anderson

Franchise Owner | Atlantic Construction Ltd – Wairarapa Franchisee for G.J. Gardner Homes
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2 September 2025



Tēnā koe 

Re: Truss complaint

Thank you for your letter dated 25 August 2025.

I will address the points you have raised in no particular order.

Following a review of the consent documentation, it does not appear that the installation of the heat-pump/ducted system formed part of the building consent approval.

I also note that the electrician who certified the electrical installation noted that the ducted system was not within their scope of work.

The electrical certification explained that the heat-pump unit was installed and lived in by others.

The installation of a heat pump in itself would not be subject to building consent approval.

In general terms Building Consent Authorities (BCA's) cannot amend a consent where the Code Compliance Certificate (CCC) has been issued. Furthermore, a BCA cannot withdraw or change a CCC once it has been issued.

You have suggested that the modification of a truss should prevent a CCC being issued. This is not the case.

When issuing a CCC a BCA considers two factors. Firstly, the BCA must be satisfied to reasonable grounds that the work complies with the building consent, and secondly an overriding principle - that the work complies with the Building Code.

We have seen no evidence to suggest that the building does not comply with the Building Code, and as noted above it does not appear the installation of a heat-pump was part of the building consent.

In terms of inspections, I note that although Council is not specifically required to undertake inspections, Section's 90 and 222 of the Building Act provides the ability to undertake inspections.

Section 222 explains that an inspection means the taking of all reasonable steps to determine whether building work is being carried out without a building consent.

In our view it is not reasonable to expect BCA's to re-inspect previously compliant parts of a build, while undertaking subsequent inspections. In some cases - such as the foundations - this is practically impossible.

It is the role of the Licensed Building Practitioner (LBP) on a job is to ensure work complies with the building code and consent. In your case the relevant LBP issued a record of work in relation to the trusses. They did not alert to any deficiencies associated with the roof structure.

Council considers that when issuing the CCC, we were satisfied on reasonable grounds to the extent required by section 94 of the Building Act. That decision was based on the passed inspections and the findings of the final inspection.

In addition, we also had advice for relevant trades to the extent required by the LBP scheme.

Council does not consider the CCC was incorrectly issued.

Where a dispute between an owner and builder arises, the parties should refer back to their contract to find a resolution.

Where an owner considers a CCC was issued erroneously they are entitled to apply for a determination from MBIE to have the BCA's decision reviewed and either confirmed or overturned by the Ministry of Business Innovation and Employment.

Should you apply for a determination council will respond promptly to any questions from MBIE.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Geoff Hamilton', with a stylized flourish at the end.

Geoff Hamilton
Chief Executive
Carterton District Council