

8th March 2022

Hemara and Davies Properties Limited
430 Huia Road
Laingholm
Auckland

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Dear Sir/Madam

Building consent number: BCO10078004 (COM-2001-1476)
Address: 430 Huia Road Laingholm
Description: New Dwelling
Area office: Henderson

Section 95A Refusal to issue Code Compliance Certificate (CCC) – Durability

This letter is to advise you that under Section 95A of the Building Act 2004 your application for a CCC has been refused because Council cannot be satisfied on reasonable grounds that the completed building work complies with the building code.

Supporting reasons for this decision are set out below:

1. Basis for Decision.

A final inspection was carried out by Durability Inspector Geoffrey Brand on 28th February 2022.

Unfortunately, the inspection has failed with the following issues identified (but not limited to) as non-complying or unable to be verified as compliant on the attached checklist.

1. Non-compliant installation of solid plaster wall cladding
2. Cracks in wall cladding
3. No deck stringer/ house cladding wash down gap provided
4. Missing driveway retaining wall barrier

Any other items identified in the final inspection report will also need to be addressed

In addition to the above issues, the following documentation is also required:

1. As-built drainage plan (Sanitary Sewer)
2. Gas and Electrical Safety Certificates

2. Age of construction and durability of elements

The durability clause B2 of the New Zealand Building Code sets out the minimum durability timeframes for all elements of a building. As per the Building Regulations 1992, the durability timeframe commences at the issue of the Code Compliance certificate (CCC).

Due to the age of your building, much of the durability time of the building elements has passed. Therefore, the Council is unable to confirm that your building elements will meet the performance requirements of clause B2 of the New Zealand Building Code.

3. Summary

The code compliance certificate application has been refused due to Council not being able to determine compliance with the following Building Code clauses; B1 Structure, B2 Durability, E2 External Moisture, F4 Safety from falling

4. Way Forward

Refusal to issue the Code Compliance Certificate does not constitute a full and final decision. Council strongly recommend that you engage the services of a certified building surveyor to survey the works, investigate the weathertightness and provide a report to Council which can be used to support reasons for overturning this decision. Alternatively, the report may also provide proposed remedial works to address defects found.

Please note that any weathertightness surveyor chosen should be a member of the New Zealand Institute of Building Surveyors, or other appropriately qualified and experienced consultant.

If you disagree with this decision, you may seek a Determination from the Ministry of Business Innovation and Employment. A determination looks at the Council decision and determines whether it is appropriate or not. These determinations are a binding decision which Council must accept. For further information on the Determinations process, please visit the Ministry's website @ www.mbie.govt.nz

Note: Please do not commence any remedial work until approved by Council, this work may require an application for a new building consent.

If you have any further queries regarding this matter, please do not hesitate to contact the writer below quoting the Building Consent number.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G Brand', with a small flourish at the end.

Geoffrey Brand

Building Surveyor | Specialist Field Surveying | Durability and COA | Building Consents

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