Plumbers, Gasfitters and Drainlayers Board

PIDGEON v OBORN

Plumbers, Gasfitters & Drainlayers Board Disciplinary Decision (2026/4)

Summary

Daniel Oborn, Certifying Plumber, Gasfitter, Certifying Drainlayer was charged with carrying out drainlaying in a negligent or incompetent manner. The charge related to residential drainlaying at a property in Auckland I Tāmaki Makaurau.

Mr Oborn initially engaged with the prosecution and signed agreed and disputed statements of facts. However, Mr Oborn did not file any evidence in relation to the matters which were in dispute and did not attend the hearing. The hearing therefore proceeded by way of formal proof.

Mr Oborn accepted that he had carried out the drainlaying work at the property. It was the investigator's case that that work did not comply with the New Zealand Building Code in specified respects and that Mr Oborn had deviated from the Engineering Plan Approval in carrying out the work. While it was accepted that aspects of the engineering plan appeared to be wrong, Mr Oborn had not followed the correct process in dealing with those issues and had therefore not met the standard expected of a certifying drainlayer.

The Board found that the charge against Mr Oborn was made out. It considered that while the risks from the defective work were low, Mr Oborn's failure to meet the standards expected of him as an experienced certifying level practitioner raised the seriousness of the offending to moderate.

In determining the penalty, the Board took into account that Mr Oborn has previous disciplinary history and his failure to engage in the present hearing.

The Board ordered Mr Oborn to complete a course of training, pay a fine of $5,500 and pay $12,200 towards costs.

IN THE MATTER OF a disciplinary hearing pursuant to section 101 of the Plumbers, Gasfitters, and Drainlayers Act 2006

BETWEEN **MICHAEL PIDGEON**

Investigator

AND **DANIEL OBORN**
Certifying Plumber, Gasfitter, Certifying Drainlayer, of Auckland |Tāmaki Makaurau

Registered Person

DECISION OF THE BOARD
31 AUGUST 2026

Hearing:	Held in Wellington/Te Whanganui-a-Tara on 11 June 2026
Members sitting:	Martin de Gouw (Chair), James Smith, Jason O'Connor, John Gutry, Ian Olan
Counsel:	Elena Mok for the investigator
Legal advisor:	Michael Hodge

Disciplinary hearing

1. On 11 June 2026, the Plumbers, Gasfitters and Drainlayers Board (**Board**) held a disciplinary hearing to consider a complaint by Mehdi Nourouzi Fard against Daniel Oborn, Certifying Plumber, Gasfitter, and Certifying Drainlayer. The complaint related to private drainage at a residential property in Auckland|Tāmaki Makaurau carried out in 2024.

Charge and agreed and disputed facts

2. By Notice of Disciplinary Charges dated 12 November 2025, Mr Oborn was charged with carrying out drainlaying work in a negligent or incompetent manner.

3. On 16 January 2026, Mr Oborn and the investigator signed a statement of accepted facts in which it was agreed that Mr Oborn was a registered at licensed certifying plumber and certifying drainlayer, he had been hired by Mr Fard to carry out drainlaying work at Mr Fard's property, and he had carried out that work between August and November 2024.

4. On the same date, the parties also signed a joint memorandum of disputed facts which stated that it was a matter of dispute that the work Mr Oborn had carried out had been done in a negligent or incompetent manner.

Formal proof hearing

5. Mr Oborn did not attend the hearing and the matter proceeded by way of formal proof.

Summary of investigator's submissions

6. On behalf of the investigator, Ms Mok submitted that the issue in dispute was whether issues identified with the manholes, drain lines, drain pipes, detention tank and cesspits installed at the property by Mr Oborn amounted to negligent or incompetent drainlaying.

7. In December 2024, an inspection of the foul water and stormwater drainage at the property by Auckland Council (**Council**) failed because the gully trap height and support, and location and installation of the detention tank did not align with the Engineering Plan Approval (**EPA**). In addition, the foul water pipework did not have the correct gradient. When Mr Oborn was advised of the failed inspection and the need for remedial work, he proposed remedial actions. However, his proposed approach did not comply with the EPA and was not accepted.

8. In February 2025, Mr Fard made a complaint to the Board about Mr Oborn's work. A technical assessment carried out of Mr Oborn's work concluded that the deviation from the EPA and inadequate installation resulted in a poorly functioning and non-

compliant system. Ms Mok submitted that it was the investigator's position that the defects meant the work was carried out in a negligent or incompetent manner.

9. Ms Mok submitted that it was Mr Oborn's position that an EPA can be amended with new measurements; that Watercare and the engineer on site approved the amendments; and that the sumps used were correct with respect to the EPA. Mr Oborn also considered that the Council had approved the work and he was simply following instructions from the engineer, surveyors, and project manager.

10. Ms Mok submitted that the technical advisor's evidence was to be preferred over Mr Oborn's evidence. Mr Oborn had no documentary evidence to support his claims about being instructed to deviate from the EPA and the amendments being approved. In addition, she submitted that the documentation available indicated that the Council did not sign off the works and that this was a matter within the Council's jurisdiction and not Watercare's. Ms Mok submitted that while there may have been issues with the plans, it was Mr Oborn's responsibility as a certifying drainlayer to check and confirm matters that were unclear rather than unilaterally making amendments without appropriate sign-off from the necessary parties.

11. Ms Mok submitted that if the Board accepted the investigator's evidence and, in particular, the evidence of the technical advisor regarding the defects with the work, the Board could be satisfied that Mr Oborn was guilty of carrying out negligent or incompetent drainlaying work.

Summary of evidence – Mr Fard

12. The first witness was Mehdi Norouzi Fard. The Board considered Mr Fard's evidence contained in a written statement dated 17 February 2026.

13. Mr Fard stated that he was the owner of the property and he had made a complaint to the Board on 24 February 2025 about drainlaying work carried out there by Mr Oborn in 2024. He described the work and stated that an EPA had been created by Civil Hub Consultants and that Shire Engineering Consultants (**Shire**) were his consultants and civil engineers.

14. Mr Fard stated that he believed Mr Oborn completed the drainlaying work largely on his own. He stated that while the work was being carried out he had seen there was a problem with the volume of water stored in the retention-detention tank (**tank**) as it was always half full and never emptied. He also noticed that the downpipes were filled with water overflow intended to go into the tank. However, he was told by Mr Oborn that the system was working.

15. One day, when the architect came to the property, Mr Fard stated he was told the fall on the pipes was incorrect and the drainlayer had not followed the plan. He was also advised that the tank should discharge water and have minimal water when it was not raining. Mr Fard stated that despite raising his concerns with Mr Oborn a

number of times, Mr Oborn went ahead and booked Counsel inspections without remedying the issues he had raised.

16. Mr Fard stated that all the inspections Mr Oborn arranged failed and when he attended that inspection on 16 December 2024, Mr Fard learnt of a number of other problems, including:

    a. failure to comply with the EPA, building consent, and Council plan

    b. placement of manholes too shallow

    c. incorrect fall on drains

    d. incorrect depth of drainpipes

    e. incorrect installation of tanks

    f. incorrect outflow of detention tanks leading to incorrect detention volumes

    g. use of several incorrect cesspits

    h. backfalling pipes and other installations.

17. Mr Fard stated that after the failed inspection, emails were exchanged between himself, Mr Oborn, the Council, Shire and the architect. Mr Oborn was given the opportunity to fix the problems and he was informed by the Council that any changes to the EPA would require a formal amendment to the building consent. When asked by Mr Fard to provide a workable solution that would comply with the EPA in January 2025, Mr Oborn responded that he disagreed with the issues identified with the cesspits and manhole, and claimed the architect and engineer had approved the depth and heights for the stormwater system. Mr Oborn sketched a solution to the issues which Mr Fard provided to the architect and engineer seeking confirmation of whether they had approved the deviations to the EPA but neither provided their approval and felt the solution would not work.

18. Mr Fard stated that he understood Mr Oborn attempted to formulate a plan to have the drainlaying work signed off by the Council, but the Council did not approve of his proposed approach.

19. Mr Fard stated that he considered that Mr Oborn had been given a number of opportunities to fix the issues with the work and comply with the EPA, but ultimately Mr Oborn advised that he could not do so and walked away from the work.

20. Mr Fard stated he had to remediate almost all of the work Mr Oborn carried out involving the total replacement of the wastewater and stormwater system, including public and private drainage he had installed. Mr Fard stated that the cost of the remedial work, to date, amounted to $62,000 including fees.

21. Mr Fard stated that in addition to the financial impact of Mr Oborn's work, there had been significant stress and emotional distress for himself and his family as a result of this situation. He stated that what should have been a smooth process because he had chosen a registered professional, had become an ongoing, two-year nightmare of delays and remediations which had impacted himself and subsequent contractors working on the project due to Mr Oborn's poor workmanship and questionable practice.

Summary of evidence – Michael Pidgeon

22. The next witness was the investigator, Micheal Pidgeon. The Board considered Mr Pidgeon's evidence contained in a written statement dated 5 February 2026.

23. Mr Pidgeon stated that he was a Senior Investigator employed by the Board. He was appointed to investigate Mr Fard's complaint on 16 May 2025.

24. Mr Pidgeon described the steps taken to investigate Mr Fard's complaint and the parties he had sought information from during his investigation. This included engaging Nicholas Fleckney to provide technical advice on the work carried out by Mr Oborn and sending Peter Worsnop to carry out a site visit at the property.

Summary of evidence – Nicholas Fleckney

25. The next witness was Nicholas Fleckney. The Board considered Mr Fleckney's evidence contained in written statements dated 10 February 2026 and 10 May 2026.

26. Mr Fleckney stated that he was a licensed Certifying Plumber, Certifying Gasfitter, Certifying Drainlayer, and a Registered Engineering Associate. He stated that he had been involved in the design and installation of drainage systems for over 35 years involving domestic housing up to large scale commercial drainage and infrastructure and drainage for subdivisions.

27. Mr Fleckney described carrying out a technical review of the work in this matter based on the information collected during the investigation. As a result of that review, Mr Fleckney determined that the work carried out at the property was drainlaying as defined in section 4 of the Act as it involved laying drains for the conveyance of private and public stormwater.

28. As a result of his review, Mr Fleckney determined that:

    a. The work carried out did not comply with the EPA issued by Watercare.

    b. The work's deviation from, and non-compliance with the EPA meant it did not comply with clauses E1.3.3(a), (b), and (e) of the New Zealand Building Code (**Code**) as contained in the Building Regulations 1992.

c. The falls/gradients of the stormwater pipes installed were incorrect and did not comply with clauses E1.3.3(a) and (b) of the Code risking the pipework becoming permanently flooded with an increased risk of silt build-up and blockages.

d. The type of cesspits/sumps installed were incorrect meaning the work did not comply with the EPA.

e. The detention volume of the tanks had been reduced and did not comply with clauses E1.3.1 and E1.3.3(e) of the Code aiding in elevating the flooding risk of the nearby creek.

29. Mr Fleckney stated that there were two sets of EPA drawings but neither would have worked in his view given the cross sections of the finished ground levels compared to the final inverts. He stated that Mr Oborn was always going to have to maintain the drains at a very shallow depth but he had made height changes to what was in the EPA to minimise excavation on site. This then had a downstream effect where the detention tank heights and surrounding pipework had to be installed with a flooded section.

30. Mr Fleckney stated that it was his opinion that as the drainlayer it was Mr Oborn's responsibility to check and confirm the heights set out in the EPA. The deviations from the EPA did not comply with the Code and meant the stormwater system did not function in accordance with the consented design's intent. Mr Fleckney considered the defects posed a medium likelihood of harm to persons or property.

31. Mr Fleckney addressed responses provided by Mr Oborn in relation to the drainlaying work at the property and the evidence from other parties provided during the investigation. In particular, Mr Fleckney's view was that:

a. The engineer did not approve any amendments to the EPA and the Council had failed the work based on issues with the gully trap, drainage, pipework, and compliance with the EPA.

b. He agreed that if the engineer had picked up any discrepancies while the work was being carried out, the work should have been stopped. However, Mr Oborn also carried this responsibility as well. In addition, as the certifying drainlayer on site, Mr Oborn was also responsible for checking that the work complied with the EPA.

c. The required outlet size for the sumps on the cesspits was 150mm and not 100mm. The use of 100mm was contrary to the EPA.

d. The changes to the tank heights impacted the design of the system which ought to have reduced the volume of water being released into the nearby creek. Overflow water from the cesspit would also have contributed to overland surface flow and this was not part of the consented design.

32. In his second written statement, Mr Fleckney responded to a number of points raised by Mr Oborn in response to Mr Fleckney's first written statement.

33. Mr Oborn claimed that the EPA had been amended with the proposed new measurements on the as-built drawing and this had been accepted by Watercare. He also claimed that the engineer changed the original EPA after the work was completed in relation to depths. Mr Fleckney stated that Mr Oborn had not provided any evidence from Watercare or the engineer to support these claims and that, as this was not a minor change to the EPA, there would need to have been documentation of this.

34. In relation to the sumps, Mr Fleckney stated that Mr Oborn said the sumps that were installed had the same capacity of volume except that they have 100mm outlet to connect to the 100mm manhole inlet. Mr Oborn said that the 150mm sump outlet could not be reduced to a 100mm manhole inlet and the sumps were installed to prevent traffic imposition. However, Mr Fleckney stated that Mr Oborn had not provided any calculations showing the catchment volumes or sump capacity including inflow and outflow. Nor had Mr Oborn provided any producer statements from the sump manufacturers confirming the adequacy of their sumps based on product flow test results. Mr Fleckney accepted that Mr Oborn was correct that he would not have been able to reduce the pipe size in the direction of the flow by reducing the sump outlet to fit the manhole inlet. However, as Mr Fleckney had identified in his technical assessment, this should have been picked up at the consent stage and also questioned by Mr Oborn as the certifying drainlayer on site.

35. Mr Fleckney repeated that he agreed with Mr Oborn that there were possible issues with the constructability of both the civil engineers drawings and the design heights appeared incorrect from the outset. However, Mr Fleckney also repeated that as the certifying drainlayer on site Mr Oborn should have stopped the job until all the parties were in agreement and all instructions were recorded in writing and approved by Watercare and the Council. The same applied to Mr Oborn's issues with the architectural drawings, which expressly stated that if anything was unclear the issue should be raised with the architect/designer to verify.

Summary of evidence – Peter Worsnop

36. The final witness for the investigator was Peter Worsnop. The Board considered Mr Worsnop's evidence contained in a written statement dated 29 January 2026.

37. Mr Worsnop stated that he was a licensed Certifying Plumber and Certifying Gasfitter who provided technical advice to the Board.

38. Mr Worsnop stated that Mr Pidgeon requested that he visit a property as part of an investigation to inspect the drainlaying work. He stated that a site visit was considered necessary to establish the levels and gradients of the stormwater

drainage and sanitary sewer as it was difficult to establish these things on the basis of the photographs of the work that had been provided.

39. Mr Worsnop stated that he visited the property on 5 August 2025 where he viewed the work and took photographs of the stormwater pipes. As a result of that visit, Mr Worsnop determined that:

    a. The manhole installed to connect the stormwater was 900mm deep.

    b. The depth of the detention tank appeared to have been determined by the depth of the manhole.

    c. The depth of the detention tank had impacted the levels and gradients of the private stormwater drains.

    d. The stormwater drains were above the level of the finished floor height meaning the installation of any sump would need to be below the level of the stormwater drains.

    e. The 150mm PVCu drainage running along the northern boundary of the property did not meet the revised gradient of 20 percent in the EPA.

    f. The private sanitary sewer was installed at a level above the ground floor finished height.

Consideration of liability

40. Having heard the submissions for the investigator and reviewed the evidence, the Board proceeded to consider each element of the charge against Mr Oborn. The Board was satisfied that Mr Oborn was a registered person and had carried out the work. This was accepted by Mr Oborn. The Board was also satisfied that the work concerned was restricted drainlaying under the Act, with the exception of the manholes which were on public drains and therefore outside the definition of drainlaying in the Act.

41. Turning to the aspects of the drainlaying work which were alleged to be negligent or incompetent, the Board was satisfied that the work had deviated from the approved plan as height changes were made to pipework surrounding the detention tanks and the Board accepted that this was contrary to clauses E1.3.3(a), (b), and (c) of the Code. The Board was also satisfied that the stormwater pipework had incorrect falls and gradients, and this was a breach of clauses E1.3.3(a) and (b) of the Code. The evidence established that Type 1 sumps had been installed for the cesspits rather than Type 2 as required by the plans. Finally, the Board considered that the evidence also established that the volume of the detention tanks had been reduced and this breached clauses E1.3.1 and E1.3.3(e) of the Code.

42. Having considered all of the evidence, the Board was satisfied that the drainlaying work carried out by Mr Oborn in this case was negligent or incompetent and the charge was therefore made out.

Summary of investigator's submissions on penalty

43. Ms Mok submitted that the purposes of disciplinary proceedings were not to punish but to ensure public protection and maintenance of proper industry standards through both specific and general deterrence. She submitted that any penalty imposed on Mr Oborn should correct his behaviour while being consistent with other decisions of the Board and be the least severe penalty appropriate to achieve the relevant principles and purposes of the proceedings in this case.

44. Ms Mok submitted that Mr Oborn's offending was moderately serious. She submitted that there had been various defects with the drainlaying work resulting in the system functioning poorly and not in accordance with consented design's intent. The defective work had required remediation and the technical advisor had considered there was a medium likelihood of harm to persons or property from the defective work. Ms Mok submitted that there were also fundamental issues with Mr Oborn's approach to the EPA and his deviation from it which reflected poorly on his competence as a certifier.

45. Ms Mok referred the Board to its previous decisions in *Broughton v Dodd* (2020/1), *Jury v Joblin* (2015/3) and *Thomas v Nahu* (2018/10), all of which involved negligent or incompetent drainlaying. In the first two cases the Board considered the offending was moderately serious and adopted a starting point for the fines of $4,000. In *Nahu*, the Board considered the defects were serious and a final fine of $3,500 was imposed along with a restriction on Mr Nahu's certifying drainlayer licence requiring him to work under supervision.

46. Ms Mok submitted that all of the cases referred to involved non-compliant drainlaying work and deviations from approved plans. Having regard to the orders imposed in those cases, Ms Mok submitted that the appropriate starting point for the fine in Mr Oborn's case was $4,000 - $5,000.

47. Ms Mok submitted that the investigator was not aware of any mitigating factors personal to Mr Oborn but recognised that he had previous disciplinary history. Mr Oborn had previously been found guilty of unauthorised and negligent or incompetent gasfitting and had been fined $5,500 and ordered to pay costs.

48. Ms Mok submitted that Mr Oborn could be required to pay a contribution towards the costs and expenses of the investigation, prosecution, and hearing. She submitted that the usual starting point for costs was half of the actual costs. However, it was a matter for the Board in its discretion to determine the amount of costs Mr Oborn should pay. She submitted that no reduction to costs was available for Mr Oborn for acceptance of liability.

Consideration of penalty

49. When it comes to imposing penalties in disciplinary cases, the Board's primary considerations are the need to protect the health and safety of the public and maintain industry standards. Any disciplinary penalty should aim to ensure the competency of a practitioner by holding them to account for their offending, assist with their rehabilitation, and deter them and other practitioners from disciplinary offending.

50. The Board considered that Mr Oborn's offending in this case was moderately serious. It accepted that he had faced challenges with the approved design, but agreed with the views of Mr Fleckney that, as a certifying drainlayer, it was his responsibility to know what to do in such a situation. While the potential risks from the defective work were low, the Board considered Mr Oborn's failure to meet the standards expected of an experienced certifying drainlayer in those circumstances raised the seriousness of the offending to moderate.

51. The Board concluded that it was not aware of any mitigating factors personal to Mr Oborn. The Board also concluded that Mr Oborn's previous offending and failure to participate in the present hearing were aggravating factors in this case.

52. In the circumstances, the Board determined that Mr Oborn should do some training on drainlaying processes and documentation, particularly in terms of how to deal with approved plans that are not going to work. He should complete this training at his own cost and is required to do so in order to renew his certifying drainlayer practising licence after the 2026-2027 licensing year.

53. The Board also determined that Mr Oborn should pay a fine and adopted a starting point of $5,000. The Board determined that the fine should be increased by 10% in recognition of the personal aggravating factors and concluded that the final fine should be $5,500.

Costs

54. The Board was provided with a schedule of estimated costs for the investigation, prosecution, and hearing amounting to $24,409.37.

55. The Board accepted that under section 107 of the Act, it could require Mr Oborn to pay a reasonable sum towards costs. The Board recognised that the usual approach to an order of costs in an occupational disciplinary context was half of the actual costs. The Board also recognised that as the disciplinary function was fully funded from a levy on all practitioners, any costs not paid by Mr Oborn had to be borne by all other practitioners.

56. The Board's adopted a starting point for costs in this case of half the estimated costs. This reflected the personal responsibility of Mr Oborn who had been found guilty of disciplinary offending and the benefits to industry as a whole in setting and maintaining standards. The Board determined there were no grounds for increasing or decreasing costs in this case and ordered that Mr Oborn should pay $12,200 towards costs.

Publication

57. The Board determined that details of Mr Oborn's disciplinary orders should be recorded on the public register in the usual way. Any other publication should be at the discretion of the Registrar of Plumbers, Gasfitters, and Drainlayers.

Board orders

58. Being satisfied that Mr Oborn was guilty of a disciplinary offence under section 89(a)(i) of the Act, the Board made the following orders:

    i. Pursuant to section 106(1)(f) of the Act, Mr Oborn pay a fine of $5,500.

    ii. Pursuant to section 106(1)(e) and 106(2)(c), Mr Oborn successfully complete a course of training in drainlaying compliance processes, documentation, and requirements at his own cost in order to be eligible to renew his certifying drainlayer practising licence after the 2026-2027 licensing year.

    iii. Pursuant to section 107 of the Act, Mr Oborn pay $12,200 towards the costs of the investigation, prosecution, and hearing.

59. In accordance with section 74(1)(c)(viii) of the Act, the Board orders the Registrar to publish the details of the action taken against Mr Oborn on the register of plumbers, gasfitters, and drainlayers.

Appeal

60. If Mr Oborn is dissatisfied with the whole or any part of this decision, he may appeal to the District Court under section 162(1)(f) of the Act. Any appeal must be brought

within 20 working days from the date on which this formal written decision is received, or within any other timeframe the District Court may allow.

Dated 31 August 2026

Signed



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Martin de Gouw
Chair
Plumbers, Gasfitters and Drainlayers Board