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THE OFFICIAL MAGAZINE OF THE REGISTERED MASTER BUILDERS FEDERATION

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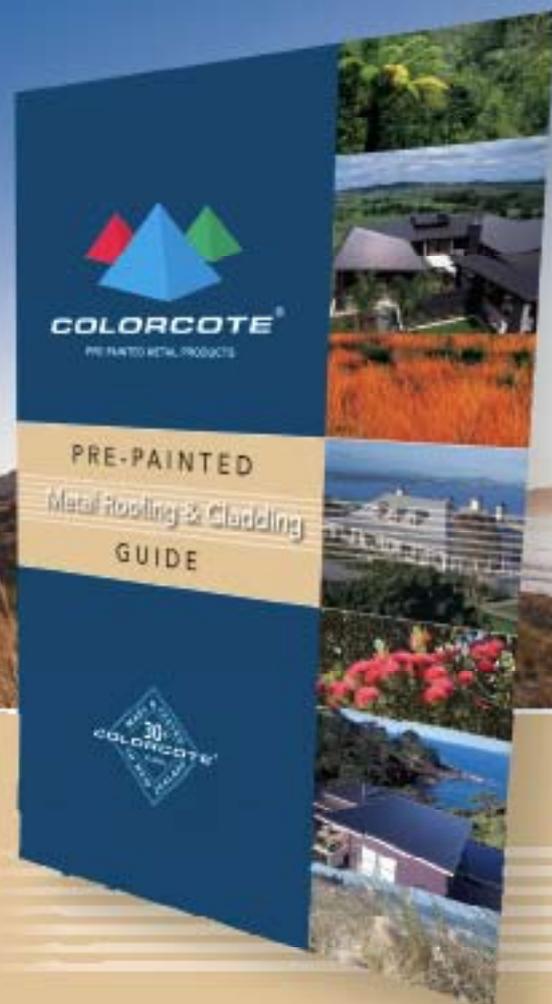


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The Government's recent review of the Building Act is part of its series of initiatives aimed at making it easier and cheaper for New Zealanders to build good quality homes and buildings. However, the RMBF says the decisions arising from the review are unlikely to have an immediate impact on housing affordability and high compliance costs. Read chief executive Warwick Quinn's summary of the stated aims of the Building Act amendments and what the RMBF's views on each of those plans are. And learn more about limitation periods from RMBF in-house counsel Leoni Carter and *Building Today* columnists Tim Bates and Suzanne Matheson.

Andrew Darlington
Editor



The "7 More London" building features a polygonal inner courtyard enclosed by the building on all sides.



Win a Stihl chainsaw worth \$895! See page 31

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chief's chat

by ceo warwick quinn

The Building Act review: What we think

The Government's announcement of its decisions arising from the review of the Building Act 2004 were made in mid-August and, for those of you who haven't caught up with everything, this is a brief summary of the announcements.

The review was conducted by the Department of Building and Housing in consultation with a Sector Reference Group and other representatives of the construction sector, consumer groups and local and central government.

The planned changes to the Act are part of the Government's "Better Building Blueprint", and will include a series of incentives to "build it right first time", making it easier and cheaper for New Zealanders to build good quality homes and buildings.

The initiatives will be phased in over time but, in the main, the Government plans to amend the Building Act in order to:

- Make it clear that builders and designers are accountable for making sure buildings and building work meet the minimum requirements set out in the Building Code.

WQ: So, the proposal is to make it very clear that designers will be responsible for ensuring the plans meet the building code, and builders will be responsible for the building meeting the design. That means should the design fail then it is the designer's problem (assuming it was built according to the design), but if something failed due to poor building workmanship then that is the builder's responsibility. We have no problem with that.



- Make it easier for home owners getting building work done to hold contractors to account through mandatory written contracts for work over \$20,000, supported by information disclosure, clearer legal obligations, home warranties and remedies, and improved dispute resolution options.

WQ: So all building work over \$20k must have a written contract — we have no problem with that. We advocate that all jobs should have a contract and we have a very good one in RBC1.

- *The contract must contain certain elements — we have no problem with that as our contract already has everything that the Government wants in one.*
- *Compulsory disclosure to the client if you can offer a home warranty — we have no problem with that as we do that now, and we have our Master Build Guarantee available for all members.*
- *Compulsory disclosure of other relevant information, eg, what licence you have, whether your home warranty has a surety backer (and other details yet to be decided). We have no problem with that concept as our members have nothing to fear. It is designed to help consumers make more informed decisions before they engage a contractor.*

- Make it quicker and easier to get a building consent for low-risk work, provided other quality assurance measures are met.

WQ: We look forward to the detail of what that looks like, but agree that not all building work should be treated as high risk. So low-risk work should require less paperwork, fewer inspections and be quicker to process.

- Exempt a broader range of minor work from needing a building consent eg, verandahs and carports.

WQ: We agree with this too, as it is an extension on the above.

The Government plans to undertake further work on:

- A preferred approach to deliver a nationally consistent and administratively efficient building regulatory system.

WQ: This is long overdue and must be fast tracked. We are a small country and have 72 BCAs processing a relatively low number of consents (by comparison) 72 different ways. We must be smarter at how we do this to obtain speed and consistency.

- Whether or not changes are needed to the way liability is allocated in negligence cases in the construction sector.

WQ: This is a biggie, and the proverbial elephant in the room, but we are pleased the Government is prepared to look at it more closely.

In addition to these new measures, the following existing initiatives will continue:

- Clarify Building Code requirements and improve education about, and access to, the Building Code and supporting information.
- Encourage building practitioners to become licensed, to promote, recognise and support professional skills and behaviour.
- Develop a joint work programme with construction sector leaders to improve sector productivity.

RMBF view

While we are supportive of these initiatives, the success of the changes will be in how they are implemented and in the operating detail.

We believe that the long-term success of any improvements hinges on the capability of the sector to enable self-certification of building work or risk-based, fast tracking of building consents with fewer inspections.

The changes are well overdue, but are unlikely to have an immediate impact on housing affordability and high compliance costs.

The RMBF will be working with the Government over the coming months on the finer points of delivering these changes to the sector.

For more info visit www.dbh.govt.nz/buildingactreview.

- More details on the review, pages 16, 17.

Finalists named in NZ's premier building awards

National finalists have been named in the Registered Master Builders 2010 House of the Year and RMB Commercial Project Awards, in association with PlaceMakers.

These Gold Reserve medal winners represent the best of more than 530 entrants in 19 regional competitions held throughout New Zealand during June, July and August.

Now in its 20th year, the competition has grown from strength to strength. From humble beginnings in 1991, with just 120 entries across four categories, the awards this year featured an impressive array of entrants across 25 categories.

The Gold Reserve finalists will now vie for New Zealand's top three building honours — PlaceMakers Supreme Awards for the House of the Year and Renovation of the Year, and the RMB Commercial Project of the Year.

Registered Master Builders Federation chief executive Warwick Quinn says 2010 has seen incredible levels of competition from around New Zealand.

"The competition has set the benchmark for building standards in New Zealand for the past two decades, and the national competition will no doubt raise the bar yet again.

"The quality of workmanship seen throughout the country is outstanding, builders are taking pride in their work and this is reflected in the quality of the entries."

Principal sponsor PlaceMakers' chief executive John Beveridge says he is proud to support the competition, and is pleased to see so many national contenders for the new PlaceMakers Supreme Award for the Renovation of the Year.

"The calibre of this year's entries is fitting of the 20-year anniversary of our sponsorship. This competition stands out as an opportunity for builders to showcase their talents, and winning an award remains an industry symbol for the best of the best," Mr Beveridge says. "We are loyal supporters of the House of the Year competition — it is a great fit."

The finalists' properties will be judged during September and October.

National category winners and Supreme Award winners will be announced at a gala dinner in Auckland on November 27.

The Awards are made possible by the support of principal sponsor PlaceMakers, and supporting sponsors James Hardie, Gib Living®, Pink® Batts® Ultra® (Tasman Insulation), Nulook, the Department of Building and Housing, and Meridian.

• To view the full list of Gold Reserve finalists visit www.masterbuilder.org.nz or www.houseoftheyear.co.nz.

How do this year's apprentices measure up?

Judging is over for the Registered Master Builders Carters 2010 Apprentice of the Year competition, and regional winners are set to be announced.

We caught up with Dave Mudge (RMB), Maurice Blair (Carters) and Graeme Paton (BCITO) to find out about their judging experiences, and how this year's entrants measure up.

How would you rate the standard of entries this year?

Graham Paton: The standard of entrants is high, but that is no different to any other year. This shows that the industry takes pride in the training it does.

What qualities have impressed you most out of the entrants so far?

Maurice Blair: The technology and tools in the industry are always changing, but the apprentices are really up to speed. Health and Safety also plays a large part in the judging — each year site safety increases and the awareness of that is definitely there.

I also noticed that some apprentices were great at reading and understanding building plans. Those that took the plans home to read and study showed excellent preparation. They had clearly done the homework and this shows real commitment.

Any surprises while judging?

Maurice Blair: The apprentices really seemed to have taken note of the earlier "How to measure up" article in *Building Today*. They really prepared themselves for the judging.

What has the employer involvement been like this year?

Graham Paton: When we go on site, the employer is involved. They lend support by allowing the judges to speak with them about the apprentices' skills, attitude, teamwork and responsibility. They are always very open and honest.

What are these apprentices going to bring to the building industry?

David Mudge: In terms of the commercial apprentices, they are going to work up the ladder and become leaders among their teams. The residential apprentices are aiming towards owning their own business.

The calibre of these apprentices is such that the building industry is going to be in safe hands. They have a good understanding of the building code and requirements, and where they didn't, they knew where to go to get that information.

Does the Apprentice of the Year competition give young apprentices more incentive to do better?

David Mudge: Definitely, but these guys' workmanship is already of a very high standard. There is more incentive in the non-practical side. The apprentices have to show that they can manage their time and that they know how to put a submission together.

We were also really encouraged by the interviews. The apprentices came in nervous, but once they got started some wouldn't stop talking. They were enthusiastic, and they left the interview more confident.

Do you have any other comments or observations?

Graham Paton: I have really enjoyed the judging process, it's been really good.

Maurice Blair: We've had a blast. It's great to see young apprentices with such a high calibre of workmanship.

David Mudge: This is my fourth time judging the competition, and over the years I have seen a big difference in the quality of the entrants. These guys really are the elite of the elite.

We congratulate the efforts of the entrants this year and, whatever the results, the judges all agree that the industry is in good hands with these apprentices and the mentorship provided by their employers.

Some weathertight advice

By RMBF president
Blair Cranston

Weathertightness is a hot topic, and the current Government is wrestling with ways to solve the problem.

There is no doubt that the issue is complex with no easy answers, and can cause immense stress for home owners, builders, subcontractors, designers and all others involved.

In my opinion, one of the strengths of this Government is its willingness to consult with the industry to seek solutions to the problem.

Last month I mentioned the working groups that the RMBF has been instrumental in setting up and leading, charged with developing solutions and reporting back to the Department of Building and Housing.

One group is focusing on technical issues (how to assess and remedy problems) and the other on liability (how it should be fairly assessed and apportioned). These groups have just completed their first meetings, and are making steady progress.

In addition to this, the RMBF has also formed its own in-house group focused on ensuring our members get sound guidance if and when they are confronted with a claim of this nature.

It is no fun receiving such a claim and, in my experience, you do not have to have done much wrong to be subject to a claim. My own company has had to deal with a significant claim and has done so reasonably successfully.

The RMBF is in the process of developing a set of general guidelines that will be available on the RMBF



web site for members. In the meantime, I thought I could provide you with a number of important points that will make dealing with such a claim a little easier. In no particular order they are:

- Stay cool and calm. It's easier said than done but there is simply nothing to be gained out of getting unnecessarily stressed. A clear head is essential.
- Study your job file in detail to locate any information that may assist your defence eg, notes and instructions from designers, engineers, the local authority and your client.
- Engage a lawyer who specialises in building-related disputes. This is not a job for your "general practitioner".
- Study the claim carefully. Chronological events are important. The thoroughness of any building surveyor's report is also of great importance. You need to understand the allegations, what is being claimed against you and why.

- Try to inspect the property as soon as possible. You may benefit from employing your own building consultant to do this with you. Their opinion may not agree with the details of the claim against you.

- Remember that a defect is not a defect unless it fails. The building code is performance-based. For example, a poorly installed flashing only becomes a problem if it has failed and caused damage. Just because it is poorly installed does not necessarily mean that it has caused the damage that may have occurred.

There is an increasing responsibility on building surveyors to link the alleged defect to the damage. They do not always do this.

- Try to identify whether or not you have caused the problems being claimed. You may not have. The issues can be complex, and problems can result from poor design, lack of maintenance, and work done by others during and since the original construction period.

- Using good legal and building surveyor support, work through issues in a calm, methodical manner.

- Try to resolve matters amicably, and if work is required (and it is clear you have some liability) attempt to negotiate a position where you carry out the work, always with the proviso that the work is signed off by others.

- If you are involved in repair work, try to seek assistance from your suppliers and subcontractors, to keep cost to a minimum.

As I said earlier, these are usually extremely complex matters. You need to get the best possible advice and be in the right frame of mind to deal with them.

It's really important that you stay calm, collected, thorough and professional throughout the process.

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Winning duo

Husband and wife duo Mark and Ali Metzger of Metzger Builders Ltd (MBL) were over the moon when their home took out the Nulook Builder's Own Home category in the Registered Master Builders 2009 House of the Year, in association with PlaceMakers.

It was the second national win for MBL, which also took out an award in the National 2008 House of the Year.

"The home we built in 2008 provided us with an opportunity to test a range of new and innovative products," Mr Metzger says.

Mark and Ali believe an important part of their business is maintaining good relationships with their clients.

"We regularly invite our clients up to our place for a cup of coffee and to see some of the things we have done in our own home. It is also reassuring for them to see the type of quality they can expect from MBL," he says.

"Having a husband and wife team also adds to our offering. Not only do we pride ourselves on quality builds and place high importance on client relationships, we have the advantage of working with our clients from the luxury of our own home."

Mr Metzger started Metzger Builders Ltd in 1996, and believes the company's main point of difference is its holistic offering.

"We have been through the building process ourselves and know all the anxieties home owners face. Having won two national awards, I guess you could say we have lived and breathed what our clients are going through."

Mr Metzger says the company's goal for the next year was to raise awareness that top quality doesn't have to mean paying top dollar.

"People have a perception that quality comes at a cost, but MBL is extremely competitive. Winning awards should be looked at as an indication of value for money, not that you are unaffordable," he says.

Metzger Builders Ltd has also won two awards in the Canterbury Registered Master Builders 2010 House of the Year.

"Once you have won a national award the



This entry won Metzger Builders Ltd of Christchurch the Nulook Builder's Own Home Award in the Registered Master Builders 2009 House of the Year, in association with PlaceMakers.



challenge is to maintain the standard — it is hard to get to the top but it's even harder to stay there," Mr Metzger says.

To view some of the Metzger Building Ltd's award-winning homes, visit www.mblexcellence.co.nz.

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Take it to the limit(ation) — the new Limitation Act 2009

The new Limitation Act — will it change anything?

By RMBF in-house counsel
Leoni Carter



Anyone who has paid attention to the endless line of building defects cases will be familiar with the concept of limitation. It means there's a time limit after which a plaintiff cannot sue.

The reasons behind limitation periods are that as time goes by evidence may be lost, so prosecuting and defending an action becomes more difficult. The law requires that people take action on any claims promptly.

Limitation periods also give certainty to people (especially businesses and insurers) in arranging their affairs and providing for their liabilities within a definite period.

In New Zealand we have (had) the Limitation Act 1950. Specific limitation periods are also provided in the Building Act 2004 and the Weathertight Homes Resolution Services Act 2006.

A new Limitation Act has just been passed that will take effect from 1 January 2011. Does it change anything?

Limitation in building defects cases

Generally, limitation periods run from the date on which the cause of action accrues, ie, when the wrongful act is done. In negligence cases though, which are actionable only upon proof of damage, the time runs from the date of the damage. That time is generally six years.

In a building scenario, it can take many years for a defect to become obvious, so the law states that the time runs from the date that the damage is "reasonably discoverable" — which means that a claim could be lodged many, many years after the act itself, which runs counter to the reasons above.

Parliament has tried to balance the competing policy considerations by imposing a maximum allowable time for making a claim. Section 393(2) of the Building Act 2004 states that no civil proceedings arising from building work may be brought against a person after 10

years or more from the date of the act or omission on which the proceedings are based (the "longstop").

Section 14 of the WHRS Act states that for a claim to be eligible, the dwelling must have been built within the period of 10 years immediately before the day on which the claim is brought (the date of lodging the claim stops the clock).

Limitation and third parties

Many builders will be aware that once a claim has been lodged, even if it's not against them, they can be joined into the proceedings by another defendant.

A plaintiff has always had the right to sue whoever they want to, and that party is usually the one with the deepest pockets.

This can be harsh when the defendant is left to meet the whole judgment when other parties may have contributed to the loss in the first place.

So, again, Parliament acted to allow that party to seek a contribution from any other party that it considers should share the burden. This is found in the Law Reform Act 1936, particularly s 17(1) (c).

There have been many arguments in court about how the limitation periods in the Building and WHRS Acts operate with respect to making an application to court to join other parties.

At first, it was held that the 10-year longstop meant that no other party could be joined if the 10 years was up. Then the *Cromwell v De Geest* case held that the limitation period for a claim was not governed by the Building Act but by the Limitation Act.

On that basis, many builders and other trades have been joined into building defects cases when the work that they did was longer than 10 years previous.

Other High Court decisions have gone the other way. Decisions such as *Dustin v Weathertight Homes Resolution Service* and *Davidson v Banks* have stated that 10 years means 10 years, so no claim for contribution can be made once that time has passed.

These decisions have given primacy to the specific limitation periods in the Building and WHRS Acts.

The issue hasn't been tackled yet by the Court of Appeal, but on the basis of this trend of decisions it is well worth arguing that no third party joinder is possible if the building work was done more than 10 years ago.

Limitation Act 2009

The new Limitation Act 2009 is intended to clean up the patchwork of case law that has built up in the past 60 years. The new Act sets the clock ticking at the date of the act or omission on which a claim is based, and

stopping at six years. This means for negligence cases the limitation period is six years.

However, there is provision for a three-year "late knowledge" extension when the claimant did not know, or could not reasonably have known, that an act or omission had occurred. There is also a new

15-year longstop provision.

However, for the purposes of the Building and WHRS Acts, the new Limitation Act also includes a specific provision which states that any provision in any other Act that provides a limitation is unaffected.

A plaintiff has always had the right to sue whoever they want to, and that party is usually the one with the deepest pockets.

• More on limitation periods, page 30.



 Kota Bharu, Malaysia

Torture tested in over 130 countries.

Homeowners in parts of Malaysia are no strangers to sudden torrential downpours. During the monsoon season, they can expect as much as 1300mm of rain in just 3 months, which is significantly more than New Zealand's total rainfall in an entire year.

On one especially wet day, Kota Bharu in Kelantan, had 608mm of rain in just 24 hours.

Under such extreme conditions, even small cracks in traditional concrete or clay roof tiles can lead to serious internal damage. Which is why more and more people in Malaysia are choosing a more modern, reliable alternative: The lightweight steel tile roof from Gerard.

Get the full story on Gerard roofs at www.gerard.co.nz

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ROOFS

Honeybone Builders wins with SovereignSeries™

Brian and Sue Honeybone were looking for something very special when they decided to build their own home. Brian a Registered Master Builder began working as an apprentice in 1974 for his father Tom.

Since then, Honeybone Builders have made their mark as one of the most experienced builders of Architectural homes in Christchurch.

Brian and Sue had strong views on what they were looking for. They wanted their home to be a showcase of their skills and choose the best and most suitable products available.

“This house really demonstrates that good architecture, fine crafting and a wonderful environment for living can be achieved so simply and affordably,” said Mr Schurr, NZIA convenor of judges.

In selecting aluminium joinery they consulted Margaret Ellis, Managing Director at Raylight Aluminium a leading Nulook Licensee. Brian was adamant that the product had to compliment and add to the intrigue of the Architectural design of the home.

Margaret Ellis showed Brian and Sue the new Nulook SovereignSeries™. This architectural product offers a range of style choices and greater design flexibility.

This fitted perfectly with Brian's needs and Thomas Hick of Peter Beaven Architect Ltd's ideas. As a result the award winning Honeybone house became the first built to use Nulook's SovereignSeries™.

This home is a single storey concrete block veneer house with a mezzanine, consisting of three separate pavilions, connected by



various glass links. With a 700m² section, the clients wanted to maximise the use of outdoor spaces and keep a certain amount of privacy. To achieve this, the house is broken down by outside rooms to increase the feeling of space inside the house.

The entrance is recessed far inside the house between the garage and living block. A large oak entry door makes a clear statement about privacy. Inside, the house progressively opens up. First in the hallway, when the light comes pouring from the mezzanine above and secondly once a second pane of oak has been slid back to reveal a long axis traversing the entire house with its succession of outdoor spaces.

Changes in ceiling heights, large concrete block columns, oak thresholds and a water channel, mark further transitions between the various parts of the house. At the end of it a pavillion stands supervised by a buddha, a private world for the owners to retire in.

Awards Won

Gold Reserve Award National RMB Finalist Nulook Builder's Own Home Award 2009

Honeybone Builders Limited for their builder's own home in Waitikari, Christchurch.

Gold Award. CRMB Nulook Builder's Own Home Award 2009

Honeybone Builders Limited for their builder's own home in Waitikari, Christchurch.

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PH: 03 578 3049

TH Barnes & Co Ltd
3 Murphys Rd,
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PH: 03 768 7643

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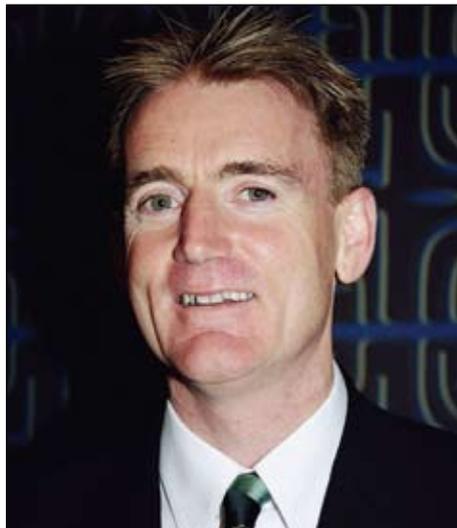
Accountability the key message of Construction Strategy Group

Accountability in the construction industry is a key message promoted by the Construction Strategy Group (CSG), comprised of high level executives actively engaged in the sector.

CSG chairman Richard Aitken, chairman of engineering consultancy Beca Group Ltd, says the extent of defective housing in the 1980s and 1990s highlighted a breakdown in quality performance.

"It is essential that all sectors in the industry, through builders, architects and designers to engineers, subcontractors, developers and material suppliers, recognise the part that they have to play in lifting standards.

"This means taking responsibility and accountability for the work we do, in line with performance obligations entered into with customers and clients."



RMBF's Mike Fox is a member of the Construction Strategy Group that is committed to lifting construction standards across the board.

At the launch of the CSG web site at www.constructionstrategygroup.org.nz, Mr Aitken said members of the CSG were committed to lifting standards across the board.

"This industry is responsible for some 5% of GDP. Inherent in its business performance is a multiplier employment ripple through the economy when new homes and commercial buildings are being built at steadily increasing rates.

"A 10% to 20% lift in new home construction above today's recessionary levels will spark hundreds of much needed new jobs.

"To get there we need better economic conditions and confidence in the industry's ability to perform to promised levels.

"We aim to see that accountability is embraced and ingrained across the sector," Mr Aitken says.

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Taranaki students to benefit from WITT and Open Polytechnic collaboration

Innovative education solution gives region's learners greater choice without having to leave

From next year Taranaki students who are interested in a construction career will be able to access a wider range of qualifications thanks to a collaboration agreement between the Western Institute of Technology at Taranaki (WITT) and distance learning provider the Open Polytechnic.

From 2011, WITT will be offering a Diploma of Construction that will prepare graduates for a career in the construction industry.

Graduates of the WITT programme will be able to articulate into any of three construction-related diplomas offered by distance learning with the Open Polytechnic — the National Diploma in Construction Management, the National Diploma in Architectural Technology or the National Diploma in Quantity

Surveying.

As part of the collaboration agreement, students will receive course materials and tutor support from the Open Polytechnic, while still being able to access additional WITT tutorial support, library and computer access and classroom facilities.

The agreement is the latest in a round of partnerships WITT has formed with polytechnics and universities around New Zealand.

"Partnerships with specialist educational providers are a critical component of WITT's strategy to meet more of the wide and varied educational needs of Taranaki in Taranaki," WITT chief executive Richard Handley says.

"Innovative solutions like these give Taranaki greater choice and access to tertiary learning without the need

for learners to leave the region."

Open Polytechnic chief executive Dr Caroline Seelig says she is delighted that the two institutions have been able to collaborate for the benefit of local students, industry and business.

"As a national provider of flexible distance learning, the Open Polytechnic is a natural fit to partner with regional polytechnics who need access to a wider range of vocationally- applicable courses and qualifications."

"WITT construction students who decide to enrol with the Open Polytechnic will be able to choose full or part-time study, which means they can continue to work towards their qualification while also being able to seek work in their field of interest."



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New rules for regulating the construction

Last month Minister for Building and Construction Maurice Williamson announced a raft of legislative changes aimed at lifting the performance of the construction sector. *Building Today* explores what these changes mean for building practitioners.

The planned amendments to the Building Act signal a new era for the construction sector in New Zealand.

The Act will be amended to make it clear that builders must meet the Building Code's minimum standards, and new contracting and information disclosure requirements will place a greater emphasis on the need to "build right first time".

The Minister says the long-term goal of the package is to achieve a more efficient and productive construction sector that stands behind the quality of its work.

He says "the Building Act 2004 was a result of weathertightness problems. There has been a general improvement in building quality since 2004, but the current system is not creating the right incentives to improve productivity".

Incentives for improving quality in the residential sector

Under the planned changes, builders taking on residential building work worth more than \$20,000 in price will be required to have a written contract in place with

their clients.

Every contract will have to include a summary of the existing warranties in the Building Act that require building work to be fit for purpose, meet the requirements of the Building Code, and be undertaken with reasonable care and skill.

This requirement is expected to reduce the number of disputes between builders and their clients. However, it will mean that builders will be held to account for fixing their mistakes, at their own cost.

Mr Williamson says the planned changes to contracting requirements and supporting information are aimed at rebuilding confidence, by making it clearer to all parties what is expected and how any problems will be fixed.

Builders will be expected to fix any defects in their work that are reported within 12 months of completion, on top of the existing obligation to "put things right" for up to 10 years as long as there has not been misuse or negligent damage caused by the consumer.

At the same time, consumers will be informed of their responsibility to carry out reasonable maintenance and the importance of reporting any defects as quickly as possible.

New information disclosure provisions will require builders to give their clients more information about themselves, and their track record, before the contract is signed.

This includes disclosing what, if any, financial back-up or insurance is available to cover the cost of fixing any faults.

Mr Williamson says these proposals enforce in law what is already best practice in the industry. "For the many builders who already behave professionally and responsibly, these requirements will not be hard to meet. The major difference is that it will help home owners to identify the 'cowboys'."

Lifting sector performance

One of the keys to improving quality, and lifting the overall performance of the construction sector, is the licensing of building practitioners.

People commissioning building work will be able to identify competent builders and tradespeople with a good track record by their licensed building practitioner status.

The Minister says being licensed is a wise choice for responsible building practitioners — it has a definite marketing advantage.

"Home owners can be confident that licensed building practitioners working on their homes and buildings are competent and that their homes are designed and built right first time."

Licensing promotes, recognises and supports professional skills and behaviour in the construction industry. Licensed building practitioners are accountable for their work via a complaints procedure. Anyone can complain to the Building Practitioners Board about licensed practitioners if their work is substandard.

Clarifying the Code

Meeting the Building Code's minimum standards is non-negotiable under the planned law changes. Builders and designers will be expected to know the Code and will be

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sector on the way

held to account if they fail to meet minimum standards.

The Minister says there is a lot of work to do clarify the Code so that it is easier to understand, and easy to comply with.

“If we expect builders to be accountable for meeting Building Code requirements, we need to make sure they can find it easily, understand it clearly, and get good information about how to comply.”

More low-risk work exempt from consent

The law will be changed to clarify and add to the list of minor and low-risk building work that is exempt from the requirement to have building consent.

Schedule 1 of the Building Act will be amended to allow builders and home owners to build higher fences and decks, or a 20 sq m carport or verandah without building consent.

However, the requirements of the Building Code and other relevant regulations must be met.

Plans afoot to streamline the consent process

Longer term, the Government has signalled that it plans to introduce a “stepped” consenting process, where the amount of checking and inspection is directly aligned to the risk and complexity of the work, and the skills and capability of the people doing it.

This is how it might look:

- A streamlined process for some low-risk work, such as a free-standing garage or large rural shed, that simply checks that certain conditions are met (for example, the work is undertaken by a licensed building practitioner).
- A simplified and more prescribed consenting process for simple residential building work at the lower-risk end of the spectrum, such as a simple single-storey house, built using proven methods and design, with low structural and weathertightness risks.
- The existing consent and inspection requirements would continue for moderate to high-risk residential building work, such as a multi-storey house that has a complex design, and for lower-risk building work that is not done by a licensed building practitioner.

It is widely anticipated that this new approach to consenting would reduce compliance costs by doing away with unnecessary checking and inspection.

Mr Williamson said this risk-based approach will also provide incentives for builders and designers to get licensed and demonstrate their professionalism. However, the Minister made it clear that the Government won't be making any changes to the current system until it is satisfied there is a strong base of licensed building practitioners.

The planned changes to the consent system will also depend on new contracting arrangements for residential work being in place, and the results of monitoring of building quality.

Mr Williamson said there was still a lot of detail to be worked out, and builders would have an opportunity to comment on the proposed amendments to the Building Act and regulations through the select committee process.

For more information on the planned changes visit www.dbh.govt.nz/buildingactreview.

- **RMBF comments on the review, page 6.**

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Supreme Court shortlisted for international

One of Wellington's newest landmark buildings, the Supreme Court of New Zealand, has been shortlisted for two prestigious international

awards — the World Architecture Festival Awards and the IStructE Structural Awards.

Architects Warren and Mahoney were behind the striking design and Holmes Consulting Group provided

the structural engineering services.

The project involved the construction of a new Supreme Court building, together with the restoration of the neighbouring 130-year-old High Court, a Category I historic building.

The new two-storey Supreme Court building symbolises the transparency of New Zealand's justice system. Its design aims to complement, not overpower, its venerable partner, the old High Court.

The new building contains several key design features that required significant structural input to achieve the desired aesthetics.

These elements include the external bronze screen that relates to the adjacent heritage building, the spectacular main courtroom and the elegant helical access stair.

Wellington-based Warren and



The Supreme Court in Wellington.

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Mahoney director Roy Wilson says it is gratifying that a New Zealand heritage building is receiving recognition at the highest levels on the world stage.

"Integrating the two contrasting buildings presented both architectural and structural challenges," Mr Wilson says. "The unique nature of the project required a holistic design approach to ensure the architecture, structure and services could co-exist in harmony."

Holmes Consulting project director Eva Curtiss says the unique project has seen the successful fusion of old and new, truly challenging all those involved.

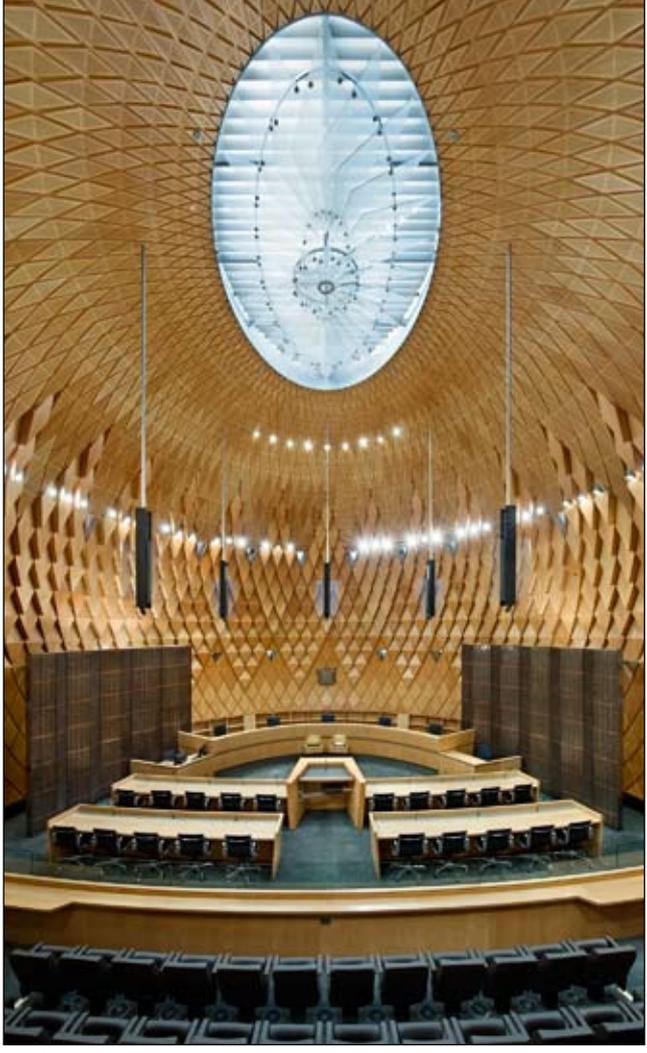
"The restoration of this significant heritage building and introduction of the new Supreme Court required the use of specialist techniques and cutting-edge technology to deliver a quality project," Ms Curtiss says.

"Holmes is very pleased to be part of the consultant team receiving the recognition this project deserves."

The structural solution addresses the high seismicity of Wellington, delivering a spectacular modern building and minimal structural intrusion into the heritage building.

Warren and Mahoney architects are heading to Barcelona in November to present their case to the World Architecture Festival Award judges.

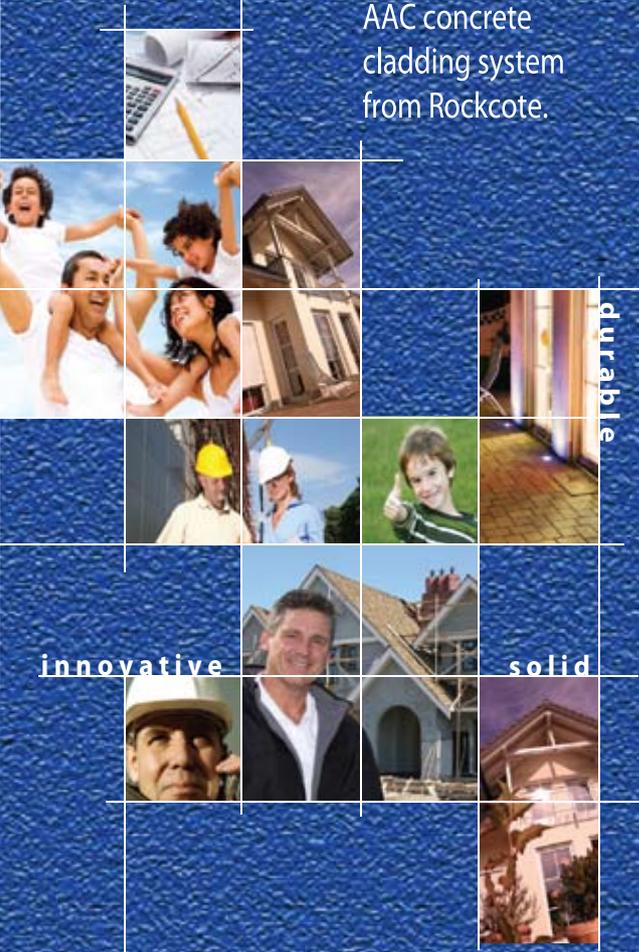
The Holmes Consulting team will travel to Britain in November for the IStructE Structural Awards.



Inside the courtroom.

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Cafe kicks off budding Hobsonville community

A unique destination, award-winning coffee and two well recognised faces in the industry are all part of the package for the first new business at Hobsonville Point.

Opened on August 22, the Catalina Cafe kicked off the growth of Auckland's newest coastal community that will eventually see 10,000 people living and working at the former air base.

The cafe proprietors, renowned for their ongoing contribution to New Zealand's cafe culture, are Wayne Jackson and Rachael Aitken.

The pair, who have a shared 35-year history in the industry, are passionate about creating a hub for Hobsonville Point residents and the wider community that not only provides great coffee and food, but a place to gather and socialise.



"We want to provide our customers with fresh, healthy, affordable food and create a second home for residents," Mr Jackson says.

"Both Rachael and I have set up and run a number of successful establishments such as The Black Dog coffee house in Matakana and the Leigh Sawmill cafe. We are excited to bring our knowledge and passion for the industry to Hobsonville Point."

Stunning coastal walkway

Hobsonville Land Company chief executive Sean Bignell says it is the site's amenities, beautiful landscape and recreational opportunities that will

make it a popular destination for family trips.

"There's a lot to take in here, from the Catalina Cafe to the stunning coastal walkway, and the modern new playground with custom-made artworks for kids to enjoy. It's a great day out for the whole family," he says.

With a number of energy and water-efficient features such as on-site solar electric generation, solar hot water rain tanks and LED lighting, the cafe is a modern-style eatery with a contemporary design. Features include wireless access for customers via ultra-high speed broadband as part of a partnership with Vector.

The cafe is also home to a community space for public events and the Hobsonville Point Information Centre, where locals can learn more about the development features, residential opportunities, technologies and energy management systems.

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'7 More London' gains top rating

The historic quarter of Southwark in London is the location of Great Britain's first office building that has achieved the internationally-renowned Breeam "Outstanding" rating for particularly sustainable technical building design.

The 10-storey "7 More London" was planned by the architect group Foster & Partners. The use of renewable energies, modern technical facilities and the energetically optimised solar control glass facade keep CO₂ emissions low. In fact, they are 74% below the CO₂ limit specified in 2006.

Ipasol neutral solar control glass from Interpane reduces the rise in office temperatures in the summer, cutting air-conditioning costs.

Immediately next to Tower Bridge, the glass architecture of the project "More London" rises into the sky. The latest building, 7 More London, the new headquarters of PricewaterhouseCoopers, is located in the historic quarter of Southwark, south of the River Thames.

Having been a dubious entertainments district in the middle ages and the site of Shakespeare's theatre, it has developed into an economically important centre of the mega-city over the course of the centuries.

The highly diverse quarter, with around 250,000 residents, is home to service providers and lawyers, as well as the Tate Modern gallery — the world's largest museum of modern art — and to London City Hall.

Harmonious architecture

Neighbouring, centuries-old, historic buildings and modern architecture fits in harmoniously with the cityscape without destroying the quarter's flair, a mixture that is typical of London.

The More London area has already been under development since 2003. Due to their glass facades, the office buildings have an open, transparent and inviting appearance.

7 More London completes the project. At more than 60,000 sq m, the building's floor space has the size of

four football fields. It is convincing in terms of architecture as well as technology, due to its innovative shape and the consequent use of ecological and energy-saving technologies and materials — for example the 16,500 sq m solar control glass facade using Ipasol neutral 50/27 from Interpane.

The multi-angled building encloses a polygonal inner courtyard, and the wings of the building are interconnected by curved sky bridges that are several storeys high and concave on both sides.

This very noticeable building opens towards the River Thames. Passers-by strolling along the riverbank can see the building's highly diverse faces — the smooth, flowing facade of the internal atrium is simple and unobtrusive.

The so-called zig-zag façade around the building is more distinct in appearance because the entire surface is meandering.

The solar control glazing reduces the rise in office temperatures at times of intense solar irradiation.

At the same time, it provides a neutral view to the outside and abundant daylight inside, and electrical lighting needs to be switched on only at a fairly late hour.

The energetic characteristics of the glass help keep the building's operating costs low. Due to the low total solar energy transmittance, the rooms stay comfortably cool even in mid-summer, and air conditioning costs are substantially reduced.

As laminated safety glass, the glazing also meets high safety standards. On particularly hot summer days, additional protection from the sun is provided by external aluminium slats.

The Breeam "Outstanding" rating method was



The smoothly flowing Ipasol solar control glass facade protects 7 More London from overheating at times of intense solar irradiation.



The zig-zag facade is divided into small sections, and has an impressive appearance with its continuously meandering shape.

introduced in 1990 for assessing the sustainability of new office buildings in Great Britain.

It analyses aspects such as energy and resource input, room air quality and the execution and organisation of the construction works.

In order to get the much sought-after rating, the building has to meet strict standards and score at least 85 out of 100 points in the evaluation.

These points are awarded in various fields, including CO₂ emissions and energy demand, recycling of materials, management, health and well being, transport, water and land use.

Further technical information can be found at www.interpane.com.



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- Ingersoll Rand generator sets from 60kVA trailerised through to 250kVA skid-mounted, the latter featuring a comprehensive synchronisation module to easily effect most operation modes.
- Ingersoll Rand mobile air compressors, each featuring quiet, low-emission engines and after-cooling on some models.
- Ingersoll Rand light towers featuring quiet operation, hydraulically-powered mast lifts and remote-tilting lamp arrays.
- AUSA 4WD forklifts from 2.5 tonne to 4 tonne capacity. Compact equipment with hydrostatic transmission, suitable for everyday usage and when

you need to access in rough terrain.

- AUSA 4WD site dumpers with articulated chassis with hydrostatic transmission, suitable for all jobs from the walking-friendly 850kg capacity unit to the 180° swivelling 4-tonne model.

When hiring any equipment with HireQuip, all users are provided with full training on operating, with the option of providing onsite training and qualifications to your team.

"As we enter a new financial year, HireQuip continues to improve its overall business fitness levels preparing for the welcomed forecast improvement on the current activity levels," according to HireQuip chief executive Brian Stephen.

"A key area of focus for HireQuip has been 'fleet extensions', with significant investment in new 'best-in-class' fleet."

This commitment provides customers with safer, more efficient and even more environmentally-friendlier hire solutions.

In addition to the product extensions and this fleet investment, HireQuip has been focused on delivering even better services from its branch operations.

HireQuip says this consolidation will improve plant and equipment availability and delivery to customers with unmatched levels of commitment to health and safety, along with reliable technical support when required.

"It was pleasing that our recent customer survey responses confirmed that our areas of concentration are directly in line with our clients' future business needs," Mr Stephen says.

For further information contact your nearest HireQuip branch or call 0800 727 727.

Local technology reduces pressure on New Zealand landfills

A new, locally-made building product has been launched to try and reduce the 163,000 tonnes of concrete dumped in New Zealand landfills each year.

According to recent Ministry for the Environment statistics, construction waste makes up 17% of the 3.2 million tonnes of refuse dumped in New Zealand landfills annually.

Auckland company Cemix has developed a new product to provide an environmentally-friendly option for home DIY Kiwis and tradesmen alike.

Cemix Envirocrete is a blended concrete mix which contains 50% recycled materials, including recycled concrete, fly ash (a post industrial by-product) and cement.

Cemix managing director Bhav Dhillon says the new Envirocrete is a more sustainable concrete choice for builders and renovators who don't want to sacrifice performance.

Mr Dhillon says the new recycled crushed concrete is a sustainable alternative to natural aggregates, which means that consumption of non-renewable resources such as riverbeds and quarries can be reduced considerably.

"Any community that opts for this product will reduce their environmental footprint by cutting landfill volume and preserving non-renewable virgin aggregate."

Mr Dhillon says for every 1000 tonnes of Envirocrete produced there is a reduction on landfill volume by 500 tonnes, and a further 500-tonne reduction on depletion of the virgin, natural, non-renewable aggregate resource by the same amount.

Turning up the heat . . .

Aquafire Industries is a company that distributes a range of New Zealand-designed hot water heat pumps.

Its four appliance models secured EECA approval for the Energywise pilot scheme in 2009, and have been independently tested at the University of Otago and the Australian National Test Laboratory.

A typical hot water system can use more energy than any other household appliance, consuming up to 40% of an average power bill.

360% more efficient

Aquafire hot water systems can save up to 75% of those hot water costs.

Their advanced heat pump technology has been shown to be up to 360% more efficient than a standard hot water cylinder, which translates directly into significantly reduced energy consumption.

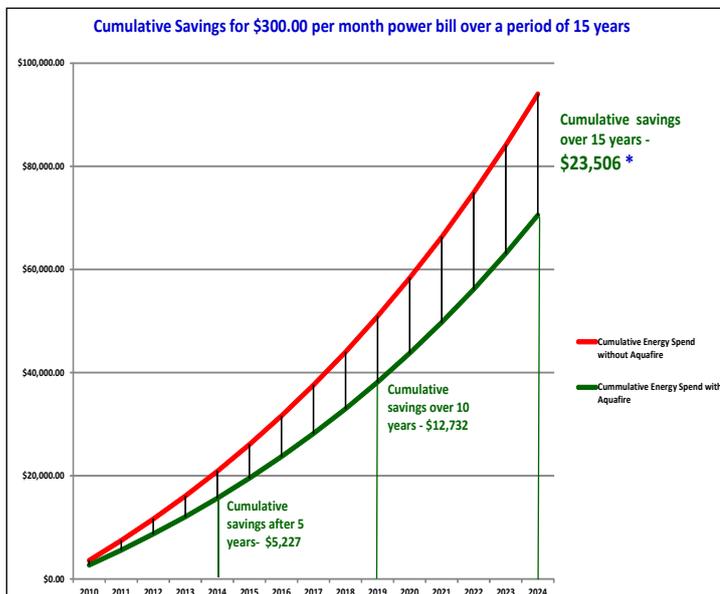
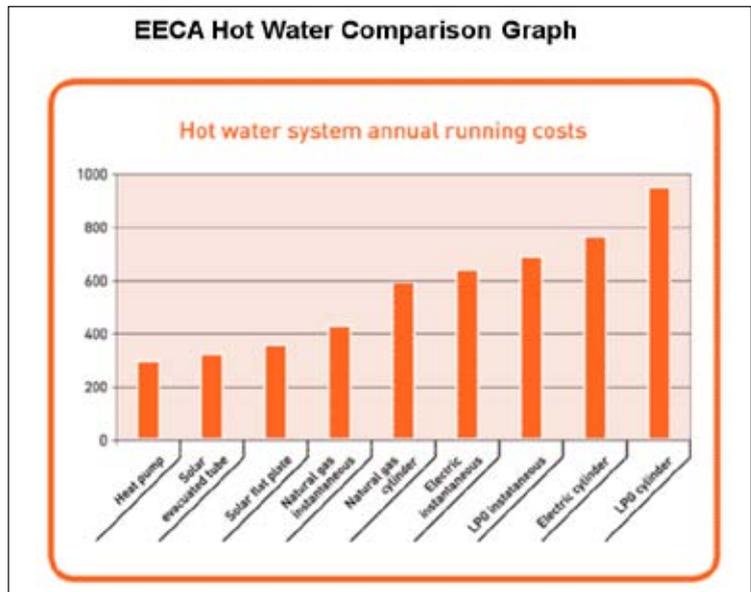
The appliances use the free latent heat in the air to consistently deliver mains pressure, 60°C water, whatever the weather.

They are quickly and easily installed outside, then connected directly to a new or existing hot water cylinder — due to their low power consumption, they bypass the ripple control system.

They can also be linked to under-floor, radiator or convector fan heating systems.

And if a home owner moves house, they can simply unhitch the Aquafire unit from the cylinder and take it with them, leaving the cylinder intact.

For more information call 0800 AQUAFIRE, or visit the company's web site at www.aquafire.co.nz.



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- An HWHP is a future-proof solution for long-term lower power bills

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- An Aquafire 6kW unit can heat twice as fast as a 3kW hot water cylinder while only using 1.7kW of electricity

- The split-system Aquafire is designed specifically for Kiwis by Kiwis to be portable — so it can be relocated when moving, leaving the electric cylinder intact



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Multi-storey car park to support



An architect's impression of the five-and-a-half storey car park building being constructed at the Wintec campus in Hamilton.

Mainzeal has begun construction of a five-and-a-half storey carpark at Wintec's central city campus in Hamilton.

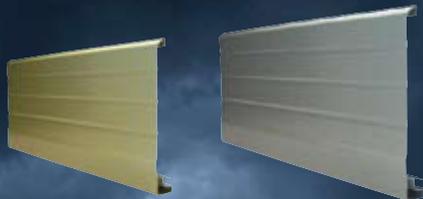
The \$5 million, 257-bay car park is being built along Nisbet Street, close to Wintec's historic brick corner building. It will primarily service students and staff and some local commercial tenants, with public parking available after hours, on weekends and during school holidays.

The steel support frame will contain 200 tonnes of fabricated steel — equivalent to the weight of around 135 cars. The building is set for completion in early 2011.

Mainzeal Waikato manager Finlay

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historic building

Irwin says his team is looking forward to leading this major project for Wintec.

“Our local Mainzeal office has contracted to Wintec on several major projects, including the current renovations we’re doing to this building and construction of the new hub on their Avalon campus, which opened in March.”

Mr Flowers says the first step in construction involves excavating and removing soil from the Nisbet Street site.

“Our team will begin the project by excavating 5000 cu m of dirt from the site, which is equivalent to the weight of approximately four million Huntly bricks. That’s around four thousand tonnes of dirt,” Mr Irwin says.

The Wintec car park will feature an architectural facade of random patterned glass, known in the building industry as “crazy glass”.

The car park will include a link bridge to a newly-landscaped courtyard, which is part of the refurbishment Mainzeal is leading at Wintec’s historic building.

Energy efficiency lighting is also a key feature of the new car park.

Additional facts include:

- 750 cu m of reinforced concrete will form the car park foundation. That is equivalent to 81,000 20kg bags of concrete, or the weight of around 240 elephants.
- Each of the precast concrete floors will measure 6400 sq m, just a few square metres smaller than a rugby field.
- There will be more than one kilometre of protection barriers surrounding the site.

New Colorflo Fascia offer

Over the past year, Dimond has been working on the Colorflo range to deliver a complete and consistent national offer, including the addition of some new systems and the removal of some old products.

The company is pleased to announce that a new fascia machine has been successfully commissioned in its Rotorua factory, introducing both the 147 small panel Fascia and the 185 Fascia to the North Island market.

The 185 Fascia has gained wide popularity in the South Island market over the past five years and, on the back of this success, will now be offered in the North Island.

The 147 Fascia captures the same classic lines and the simplicity of the 185 Fascia, giving the option of a small panel.

The offer is available in a range of stock colours and accessories, including profiled hip corners.

Both systems are now available, replacing the existing 165 Fascia and 205 Fascia systems which will be removed from the range at a later date.

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Visiting the Big Apple NYC!

The city "Where your dreams can come true" was the destination for the Carters Advantage Group Travel Tour 2010. A city full of iconic sights, New York City was always going to be a busy and exciting week, and the excitement started with the arrival of the MiTek pre-departure gift.

Arriving at the gorgeous city lights was one of the first highlights for the group. The next morning they awoke to a balmy New York day and headed off to get their bearings.

Courtesy of James Hardie, they enjoyed a carriage ride through Central Park, an amazing view as they headed to the Top of the Rockefeller Centre, where the whole of Manhattan extends as far as the eye can see.

Onwards the group visited Little Italy and Chinatown for some taste sensations before heading into the skies for a birds-eye view with a stunning helicopter tour.

Having viewed Manhattan from all angles, courtesy of Clearlite Bathrooms and Fortress Fasteners, the group moved to an evening on a luxury launch, capturing the city from the Hudson River. Photos in front of the Statue of Liberty, a glass of champagne in hand and watching the sunset made a perfect finish to the day.

Manhattan is great, but heading out to the countryside is a must. Courtesy of GIB, the group travelled in style to the Hudson Valley, departing Grand Central Station in a private carriage.

The group visited various attractions, including Westpoint Military Academy, Boscobel (a refurbished Federal period 1808 mansion), the Culinary Institute of America and Vanderbilt Mansion (home to the famous Vanderbilt Family) or, for the daring, a trip to the Woodbury Common 200+ Outlet Mall!

A trip to New York would not be the same without taking in a Broadway show. Courtesy of Sika and Marley, the group started the evening with dinner at one of New York's oldest restaurants, Sardi's, where they enjoyed a fabulous traditional Italian meal whilst posing for their own New York caricature.

The evening concluded with great seats at their favourite show and a surprise occurred once the curtain fell and the cast members from each show came out to meet the Carters group!

Paslode ensured that everyone had a great start each morning with breakfast, but added a twist with a guest speaker mid-week. For many New Zealanders, living overseas is just part of what you do as a young adult. For some Kiwis living in New York, "Living the dream" is a reality.

www.buildingtoday.co.nz



Above left: Andrew and Tracey Ballantyne enjoying Italian gelato in Little Italy.

Above: Dinner at New York restaurant Tao.

Above right: David Goldsack tucks into a hot dog in Central Park.

Left: Visting Westpoint Military Academy Boscobel.

Above: Bill and Mrietta Horncastle and Cathy and Richard Field enjoy a carriage ride.

Above right, from left: Kelvin O'Connell, Andrew Ballantyne and Andrew Pearson on the Hudson River launch.

Right: Visting the amazing Culinary Institute of America.

As the group dined on breakfast in the rooftop suite of the St Regis Hotel, Tim Wilson, USA correspondent for Television New Zealand, joined the group to give a brilliant speech on what it is really like living in New York and reporting on all the latest events that have occurred in the USA.

The group had a day at leisure and consulted with the Pink Batts Help Desk for ideas on what to see and do. That night, dinner was a Carters Advantage regional affair. Famous restaurants such as Buddakan, Tribeca Grill and Del Friscos were the locations, and the groups had fun experiencing dinner New York-style, with a few famous people spotted!

Seven days disappears so quickly on holiday, and before long it was time to really set New York on fire and show the locals how the Kiwis party. The Carter

Holt Harvey Show Night was the perfect conclusion to the end of a great week. With appearances from stars such as Marilyn Monroe, the Andrews Sisters, Liza Minelli and Frank Sinatra, the evening was full of great music and dancing.

Carters always likes to keep a secret, but the location for Barefoot 2011 was announced in grand style with drums and lions as Barefoot China 2011 was launched.

Carters would like to thank all the customers that joined them and made the trip incredible, and the following suppliers that assisted in making the trip possible — Carter Holt Harvey Woodproducts, Winstone Wallboards, Tasman Insulation, James Hardie, Paslode, MiTek, Euro Corporation, Clearlite Bathrooms, Fortress Fasteners, Marley and Sika.

There is some light at the end of the tunnel!

BCITO says employment expected to exceed peak 2007 levels

Almost 10,000 jobs in the construction industry have been shed since the peak of 2007.

It is said that employment in the industry bottomed out in 2009. However, the industry has been slow to recover, with experts predicting employment will increase only marginally in 2010.

The latest report from the Department of Labour (*Jobs Online*, 11 August 2010) shows the number of job ads has risen over the July 2010 quarter by 7.2%, with skilled jobs rising 8.2%.

Skilled job ads for construction and engineering grew the most with a 13.3% increase.

The upturn is coming

From 2010 onwards, the employment of occupations within BCITO coverage will grow sharply, with employment levels expected to exceed the levels experienced at the peak of the construction boom in 2007.

In an upturn, as has been the case in previous boom and bust cycles for the New Zealand construction industry, firms initially increase the hours worked by their existing workers before they consider hiring new workers.

Therefore, the trend in New Zealand has always been for growth in employment of construction-related occupations to lag slightly behind the growth in construction activity.

Since the residential collapse in 2008, home building costs have not kept pace with inflation. The sharp drop in demand reduced the ability of builders to push through price increases, and the cost of home building subsequently levelled out.

While demand is still relatively weak, cost pressures are beginning to build again. The cost of home building is set to rise.

Timber prices have been rising since late last year as greater demand for export logs puts pressure on the local supply chain.

Steel prices are also on the way up and, with margins already tight in the industry, home builders may have

little choice but to pass these increases on to buyers.

Strong competition keeping margins low

The Department of Building and Housing's *Building and Construction Quarterly Report – June Quarter 2010* says subcontractors continue to report pressure on margins, and that there is intense competition for jobs.

Rising material costs are likely to keep a lid on margins for the foreseeable future, especially set against a backdrop of weak demand.

Residential property prices in New Zealand are still rising, but at a slower rate, with some experts predicting they will fall around 4% in the next 12 months.

QV research director Jonno Ingerson states that the volume of sales is about a third below the long-term average, with buyers putting off plans to enter the market in favour of reducing debt.

'A do nothing sentiment'

"The lack of buyer demand, combined with an increasing supply of unsold houses, is causing values to gradually drop," Mr Ingerson says.

"Unlike 2008 when the overwhelming negative sentiment of the global economic crisis drove house values down, we are now seeing more of a do nothing sentiment," he explains.

As economic recovery continues during 2011 and 2012, the undersupply of new building is expected to put a floor under house prices.

That would prevent more significant declines and result in accelerating house price growth in 2012 to 2013.

The recovery of residential and non-residential building



from 2011 onwards, together with continued strong growth in infrastructure, will result in strong employment growth for the construction industry through to 2014.

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Events centre — well utilised and much appreciated

Dr Kerry Rodgers ruminates upon a Manukau success story

Back in April 2005, the Counties Manukau Pacific Trust unveiled its TelstraClear Pacific Events Centre.

Remarkably, the building opened debt-free. Since its opening, it has proved to be a well utilised and much appreciated community asset, providing an object lesson for any New Zealand community needing a similar indoor public space.

The centre is located between SH1 and Great South Road in Manukau City. Primarily, it is an indoor multi-purpose venue that has successfully hosted exhibitions, trade shows, conferences, concerts, community events, banquets and indoor sports such as basketball.

It is unique as a venue in that it successfully brings together art, culture, leisure and business. In particular, it is a living expression of Pacific arts and culture, especially dance, theatre and music.

The Counties Manukau Pacific Trust was formed in July 2000 when the need for a Manukau-based events centre had become apparent. From the beginning, Richard Jeffery was chief executive.

He arrived with 19 years' experience in venue management, hospitality and tourism. Previously, he had worked as Director of Theatre and Convention Services at The Edge.

The construction cost was \$48.7 million, with less than half coming from Manukau City Council.

Architects Cox Creative Spaces created two main spaces — the Sir Woolf Fisher Arena and the Genesis Energy Theatre. The arena has an end-theatre stage and a capacity of 3000 when terraced and flat floor seating are combined.

This seating can rise into the ceiling to open the area up for sports, an exhibition space, or a conference banquet hall. Within the arena complex are four changing rooms.

The Genesis Energy Theatre has a capacity of 340. Its changeable seating provides for a traditional end stage format, or can be set up for banquet or convention table events. It, too, has four dressing rooms.

The prevailing theme of the centre since inception has been Coming Together As One. This theme is incorporated in aspects of the centre's architecture.



Above: The TelstraClear Pacific Events Centre is located between SH1 and Great South Road in South Auckland.

Below: Construction of the building in March 2004.





The entrance and plaza lie beside water, and represent the journey across the seas to Aotearoa. The plaza serves as the arrival point prior to entering the centre for gatherings.

And the centre itself combines traditional Maori and Polynesian approaches to building, but expressed in a contemporary manner. The exterior truss symbolises the waka, with the internal ceiling creating a lattice effect representing a net to embrace all who gather within.

The combination of theme, iconic architecture and functionality has seen TelstraClear Pacific score a number of awards since Day 1, including:



- 2005 NZIA Resene, Local Award for Architecture, Community & Cultural category
- 2005 Origin Timber Design Awards, Commercial or Public Architectural Excellence category (Cox Creative Spaces, Sinclair Knight Merz & Mainzeal Construction) Supreme Award Winner
- 2006 Property Council of New Zealand / Rider Hunt Property Awards, Special Purpose Property Award of Excellence category (Ignite Architects)
- 2006 AGENZ, Silver Award of Merit, In recognition of an outstanding project category
- 2006 Westpac Manukau Business Excellence Award, Excellence in Tourism category — Finalist and Winner.



Check your dates — and the impact of limitation periods

Tim Bates and Suzanne Matheson of Auckland law firm Legal Vision examine the process in determining construction contract dates and the effects of limitation periods.



A useful reminder of the effect of limitation periods has emerged from the recent case of Auckland Christian Mandarin Church Trust Board v Canam Construction (1955) Ltd (HC 25/6/2010; Priestley J, Auckland, CIV-2008-404-8526).

His Honour highlighted the range of dates to be considered in determining the end date to a construction period.

In particular, the date of issue of the code of compliance certificate (CCC) is not necessarily the relevant date to work from for the purposes of calculating limitation periods relating to construction contracts.

Background

Auckland Christian Mandarin Church Trust Board (ACMH) entered into a contract with Canam Construction (1955) Ltd (Canam) on November 14, 1997, for the design and construction of a church in Henderson.

Construction of the church was completed in the second half of 1998. ACMH took possession of the

building in June 1998 and advised Canam of minor defects, including various minor leaks.

Canam practically completed the building on approximately August 8, 1998. Canam then entered into a three-month contractual maintenance period.

The Waitakere City Council completed its final inspection in October 1998, then recorded that all outstanding certificates had been completed on December 14, 1998. The CCC was issued by Waitakere City Council on January 7, 1999.

As part of the original contract between ACMH and Canam, Canam was obliged to provide a two-year guarantee for the cladding, and rectify any notified defects.

ACMH did not make final payment for the construction works until May 1999.

Between 2000 and 2003, water leakage problems were discovered. After initially carrying out some minor repairs, persistent problems resulted in extensive remedial work being carried out in 2005.

ACMH filed the proceeding against Canam (and a director of Canam) on December 19, 2008. The relevant causes of action by ACMH against Canam included:

- Canam had breached its contract by failing to construct the church in accordance with the Building Act 1991 and Building Code,
- negligence by Canam in their design and construction of the church, and
- negligence and misstatement by Canam relating to the advice provided, and repairs carried out by Canam when the problems with the church building became apparent.

What dates should be applied?

The two relevant limitation periods to be applied are the 10-year longstop limitation period and the six-year limitation period in negligence. Naturally, each party had differing views of the relevant dates from which these periods began.

ACMH insisted that the 10-year provision did not start until the CCC was issued on January 7, 1999, and the six-year limitation period did not begin until 2003 when Canam had carried out the last repairs on the church.

Alternatively, they argued the 10-year period might not have begun to run until the date the final payment

under the contract was made in May 1999.

Given the December 2008 filing date, each of these interpretations would have meant the proceeding was filed just within the 10-year period.

Unfortunately for ACMH, Justice Priestley took a different approach. In his view, Canam had completed its contractual obligations by August 8, 1998 and, certainly, by the time the council conducted its inspections in October 1998.

The date applied by his Honour was actually November 28, 1998, the date by which Canam had responded to all outstanding council queries.

However, he did acknowledge that from ACMH's perspective, the best possible date could actually be the date of final inspection, that being December 14, 1998. The date of actual issue of the CCC was not deemed to be relevant.

Given that the proceeding was filed on December 18, 2008, s 4(1) of the Limitation Act 1950 and s 91(2) of the Building Act 1991 provided a statutory defence for Canam against ACMH's first cause of action and, therefore, it was struck out.

It is worth noting that in this case ACMH did not raise any allegations against Canam in respect of any remedial work, only the original contract.

Other causes of action against Canam

ACMH also failed in its cause of action against Canam for negligence in their design and construction of the church.

This cause of action was dismissed on the basis that New Zealand law does not currently permit a cause of action in negligence against a builder for an alleged breach of duty of care to the owner of a commercial building or to a church owner.

ACMH was requested to replead the particulars for negligence and misstatement by Canam relating to the advice and repairs carried out by Canam when the problems with the church building became apparent.

The reason for this order was that his Honour saw difficulties in ACMH being successful with the claims as pleaded.

• **New statutory limitation periods coming soon, page 10.**



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Showerdome winner

Building Today congratulates Dino Lorando of Pakuranga, Auckland, who has won the \$395 installed Showerdome.

Asking the question

Over the past couple of months we asked you to vote on whether you thought liability risks made leaky building remedial work unappealing.

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