

# building today

THE OFFICIAL MAGAZINE OF THE REGISTERED MASTER BUILDERS FEDERATION



## Timber Design Awards



Gisborne RMBA galvanises trades in joint effort



**Kiwi builders are more at  
home with Laserframe®**



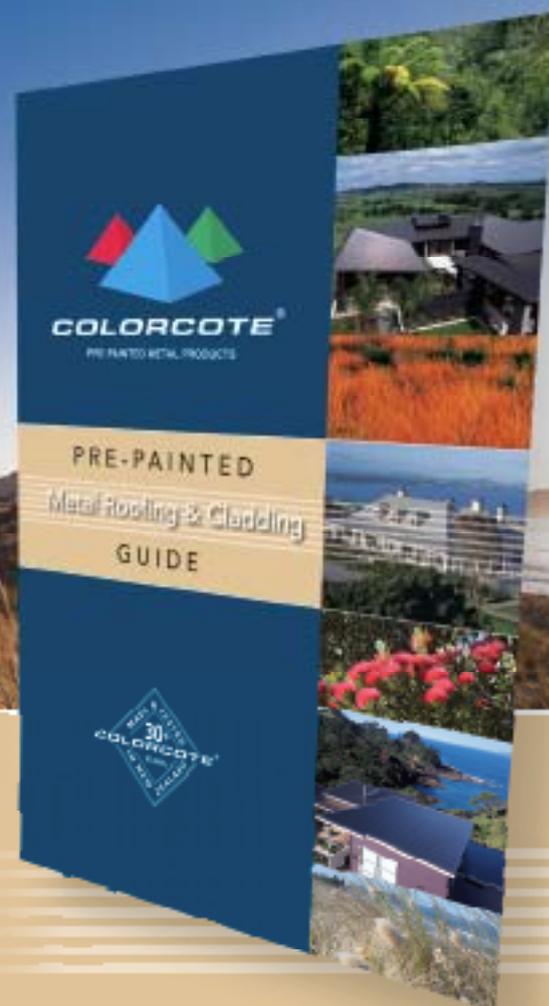
New Zealand builders prefer their sharing because it's been tried, tested and proven over 150 years in more than 45 million New Zealand homes.

For a home you know will stand the test of time, specify the sharing you can trust: [www.lasertimber.com](http://www.lasertimber.com)



**Laser Timber**

# Free advice on roofing and cladding for New Zealand homes



The ColorCote® Metal Roofing & Cladding Guide gives you helpful advice and design tips on colours, using the correct materials for your home, important information on mistakes to avoid and how to save thousands of dollars over the lifespan of your roof or wall cladding.

Your roof is usually the largest feature of your home and its design, finish and colour can make a big difference to the overall look. That's why we've produced the new ColorCote® Metal Roofing & Cladding Guide - to ensure each of our customers gets the correct product system for their building environment and gets the best value for money in regard to performance and lifecycle costs.

We'll show you how to make the most of the design flexibility offered by ColorCote® pre-painted steel or aluminium systems - how they can be roll-formed or pressed into a range of profiles and can be adapted to almost any design or construction concept... how it has the strength to span wide spaces with simple support systems and can be bent or curved to make the most of innovative designs and ColorCote's range of more than 30 colours.

For your free ColorCote® Metal Roofing & Cladding Guide visit our website:

[www.colorcote.co.nz](http://www.colorcote.co.nz)

Or contact your local ColorCote® pre-painted metal roofing and cladding supplier.



[www.colorcote.co.nz](http://www.colorcote.co.nz)

NOVEMBER 2010 | VOL 20 NO. 10

## inside this issue

### RMBF News 6-12

Isaac Alder — Apprentice of the Year; Superb effort by Gisborne RMBA

### Industry News 14-23

Timber Design Awards; NZIA Regional Awards; First Simple House opened

### Sustainability 24

Rebuild Christchurch green, says New Zealand Green Building Council

### Steel 26-28

Wellington's Indoor Community Sports Centre

### Products 29

Hi-Vis welding jacket; New Plasti Dip colour range

### Columnists 30

Trying to prise compensation out of certification authorities

It's awards season in the New Zealand construction industry, and in this issue we feature some outstanding winners in the NZ Wood Timber Design Awards and some of the regional winners from the 2010 NZIA Architecture Awards.

And, of course, later on this month will see the 20th RMBF House of the Year Awards being held in Auckland, winners from which will be featured in next month's issue of *Building Today*.

We also take a look at what RMBAs can achieve locally, focusing on the Gisborne association's efforts in bringing together competing tradespeople to work on a local community health centre project which opened in September. Well done to all involved!

**Andrew Darlington**  
Editor



*The Scott's Landing beach residence by Stephenson and Turner Architects won the NZ Wood Timber Design Residential Architectural Excellence Award for their design of this beach house north of Auckland.*

## cover story 14

**Publisher:**

Taurean Publications Ltd  
P O Box 35 343, Browns Bay, North Shore 0753  
Top Floor, 39 Anzac Road,  
Browns Bay, North Shore 0630

**Editor/Advertising Manager:** Andrew Darlington

Ph: 09 478 4888 Mob: 021 90 11 56 Fax: 09 478 4588

**E-mail:** andrew@buildingtoday.co.nz

BUILDING TODAY is the official magazine of the Registered Master Builders' Federation.

Advertising statements and editorial opinions expressed in Building Today do not necessarily reflect the views of RMBF members, its executive or committees; or of the chief executive and staff unless expressly stated. Further, the RMBF and members are not liable for any statements made in Building Today unless otherwise stated.

The editor reserves the right to edit, amend or reject copy where necessary. The publisher does not assume any responsibility or liability for any loss or damage which may result from any inaccuracy or omission in this publication, or from the use of the information contained herein. No warranties, express or implied, are made with respect to any of the material contained herein.

1-year subscription: \$56.25 (GST incl). ISSN 1171-0225

# chief's chat

by ceo warwick quinn

## Cover pricing, its possible consequences and penalties

The Commerce Commission recently conducted a small number of qualitative interviews with commercial building contractors.

It was interested in finding out if any anti-competitive behaviour (eg, cartels, bid rigging) was evident within the construction sector in New Zealand, as similar research conducted overseas suggested the commercial construction sector could be susceptible to such practices.

This sector was chosen because certain features of the industry make collusion more likely, such as:

- repeat bidding by the same companies for similar products/services,
- few substitutes for construction products and services, and
- some of the rules around bidding for public work, eg, transparency, make it easier to rig bids (although there are good reasons for these rules).

Accordingly, the Commission engaged researchers who interviewed 12 building companies in Auckland, Wellington and Christchurch, and the findings were interesting indeed.

One important finding was that some contractors misunderstood what constituted "collusive behaviour". For example, some included co-operation between competitors in their definition, eg, getting together to discuss sustainable work practices.

They were generally of the opinion that anti-competitive behaviour just doesn't occur in their highly competitive market and, as such, were not concerned about such activity.

What is anti-competitive behaviour? This is covered by

[www.buildingtoday.co.nz](http://www.buildingtoday.co.nz)



sections 27 and 30 of the Commerce Act:

- Section 27 prohibits anyone from entering into agreements that have the purpose, or effect or likely effect, of substantially lessening competition.
- Section 30 prohibits agreements between competitors that fix, control or maintain prices.

### What kinds of behaviour could these be?

- Cartels: this is where competitors get together and fix prices.
- Bid rigging: this is when there is agreement among some or all of the bidders as to which one should win the bid.
- Cover pricing: is a practice where a tenderer collaborates with a competitor in order to invent a believable but not genuine bid for a job.

The research indicated that cover pricing is being practised by some companies in the sector now, and/or that it has been practised in the past. So what is an example of this?

- Builder A wants to put in a bid for a job to be seen to be actively tendering, but doesn't actually want the job (but fears being left off the next tender round if

he doesn't tender). Builder A knows that by putting in a higher price he won't get the job.

Builder A calls Builder B who is genuinely bidding for the job and asks for a cover price. Builder B provides Builder A with a figure that is higher than the price Builder B will submit. Builder A submits this as his bid; or

- An architect or project manager has a favoured builder who they want to get a particular job. They ask several builders to put in a higher bid for the job, just to show the client that the architect/project manager's price is competitive. The favoured builder wins the tender.

### Does cover pricing breach the Commerce Act?

It may, depending on the specific circumstances of the case. By making their intentions known to each other, competitors are reducing the independence and competitiveness of the tender process, and this may directly or indirectly affect the price paid.

It may also breach the Fair Trading Act.

### How prevalent is price covering?

Without a full survey it is difficult to say. However, all 12 respondents to the survey talked about cover pricing, unprompted, as a practice they had been involved with, either in the past or currently, or as a practice they were familiar with.

The Commerce Commission is aware of cases overseas in the UK, Australia and the Netherlands.

The penalties can be heavy — up to \$500,000 for an individual and, for a company, the greater of \$10 million or three times the commercial gain or 10% of turnover.

So, in summary, undertaking any collusive behaviour should be avoided at all costs, and having sound professional business ethics and office practices is essential to ensure such practices are not prevalent.

Education is an important aspect of the process, and we will be working with the Commerce Commission to bring you all up to speed, including what to look out for and where to turn to raise any concerns about such practices should you come across them.

# Isaac Alder: Destined to win

Isaac Alder was destined for carpentry success, from a six-year-old hammering nails on his own workbench to the Registered Master Builders 2010 Apprentice of the Year, in association with Carters.

On October 21 at The Boatshed, Wellington, Isaac accepted the coveted award of the 2010 Apprentice of the Year, along with the Hank Lieshout Trophy, after a lengthy interview process and a day of practical competition alongside nine other national finalists.

Now 23 years old and working in Nelson for Russell Bruce Contract Builders, Isaac always knew that carpentry would be his chosen career choice.

"Ever since a young age I've been interested in carpentry. I've always been a practical, hands-on person," Isaac says.

"I took out the Carters woodwork prize at high school every year," he says.

When asked why he entered the Apprentice of the Year competition, he said he had his BCITO training advisor to thank.

"Stephen Needham is the reason I entered. He approached me on site and said, 'I think you should give this a go.' Without him, I wouldn't have been in this competition," he says.

Isaac rates the Apprentice of the Year experience highly. "The practical aspect of the competition was really important — it's one thing to talk the talk, but performing under pressure really made the competition for me. The group of guys made it what it was. They're a good bunch of guys and I hope to catch up with them again soon."

Isaac says the competition has provided a good base for his career.

"There are expectations for me to really do something now, to step outside of my comfort zone. I want to use my skills to help people, like being a part of Habitat for Humanity, or even just going in after a natural disaster and helping to rebuild. After that, I want to own a carpentry business that is respected in Nelson."

The visual progress is Isaac's favourite aspect of building. "It's satisfying when at the end of the day you can look back and see what you've done."

He agrees that building is a good trade to get into, and encourages young guys to get involved.

"People are always going to need things built for them. It's important to remember that as you build skills it becomes more enjoyable. If you've got determination and a good work ethic, the sky's the limit."

Along with the title, Isaac will be enjoying his



From left: Ruma Karaitiana (BCITO chief executive), Jason Rusk, Lance Downer, Roddy Hepp, Rhys Doesburg, Ryan Motion, Isaac Alder, Gareth Jeune, Maurice Williamson (Minister for Building and Construction), Dane McCarthy, Warwick Quinn (RMBF chief executive), Tim Glenn, Katrina Bach (DBH chief executive), Atama O'Donnell, Blair Cranston (RMBF president) and Mark Burton-Brown (Carters SMM).



Atama O'Donnell during practical judging.



Isaac Alder and employer Russell Bruce.



National judges Paul Mitchell (BCITO), Martin Goulden (RMBF), Mark Scully (DBH) and Don Reed (Carters).



From left: Dave Mudge, Isaac Alder and John "Cocks" Cocks after practical judging.

collection of prizes, including a trip for two to an Australasian trade show and a Carters Development Grant to the value of \$5000.

"My partner Katie is most excited about the travel, but for me it's definitely the study grant. That's really going to help me develop my skills."

Isaac also received a Wholesafe Health & Safety Gear pack, a full set of compliance documents and standards

from DBH, Easy Access Co Mini Mobile scaffolding, a Paslode Impulse nail gun, and travel and accommodation for two to attend the Registered Master Builders House of the Year national awards gala dinner in Auckland as guests of the Federation.

Isaac is also looking forward to experiencing Outward Bound along with his nine fellow finalists, awarded to him as part of the regional prize package.

# Gisborne gives generously

A reminder of the passion of our Associations

By RMBF president  
Blair Cranston

**G**enerosity and commitment to community causes are strong characteristics exhibited by RMBF members and their supporting suppliers and subcontractors.

Even in tough economic times, our members have kept up their sense of doing the right thing for good and worthy causes.

Over the years we have seen charity homes built to raise money for causes such as Starship Children's Hospital and the Middlemore Burns Unit. We have seen numerous charity auctions and events raise money for fantastic causes such as Kids First and Hospice.

This article does not have sufficient room for me to list every example. But the recent effort by the Gisborne Association is worth telling you a bit more about.

Along with RMBF chairman Mike Fox, I attended the official opening of Tui Te Ora, a new centre situated within the grounds of Gisborne Hospital.

The new building (approx 330 sq m, with a value of \$935,000 and housing a staff of 13 people) is a one-stop shop for treating, supporting and educating people about diabetes and chronic lung and heart disease.

The project was conceived by the Gisborne Association, led by president Kath Kitchen and a management team including association stalwarts



Francis Yates, Peter Stevens and Kim Currie.

Concept discussions took place in July 2008, construction started in October 2009 and completion was achieved in September 2010.

Essentially, with the generosity of Gisborne's members and their suppliers and subcontractors, this building was built at no cost to the community — a fantastic effort.

The building proudly displays the name of the Gisborne Registered Master Builders Association, which will remain there for years to come.

Efforts like this bring people together. Former RMBF national president Francis Yates noted that the project even brought industry competitors together because

everyone wanted to be a part of it.

At one stage, virtually every blocklayer in the district was on the site!

Mike and I thoroughly enjoyed the privilege of attending the formal outdoor opening ceremony on a glorious Gisborne afternoon.

The opening was followed by afternoon tea, drinks at the local game fishing club and then dinner at a local restaurant — a fabulous occasion.

It reminded us of the passion of our provincial associations and the place they have in their communities.

Well done Gisborne!

• Full story, pages 10 and 11.

**Has your local RMB Association or its members completed a noteworthy project recently? Let *Building Today* know about it so we can pass it on to our readers.**

**Email Editor**  
**Andrew Darlington at**  
**[andrew@buildingtoday.co.nz](mailto:andrew@buildingtoday.co.nz)**

**RMBF Head Office: PO Box 1796, Wellington**

**Ph: 04 385 8999 or 0800 762 328 Fax: 04 385 8995**

**[www.masterbuilder.org.nz](http://www.masterbuilder.org.nz)**

**Registered Master Builders Association Managers:**

Ashburton: Kimberley Sexton 027 292 5014  
Auckland: Sally Mehrrens 09 302 2894  
Canterbury: Katrina Prattley 03 357 9469  
Gisborne: Katrina Duncan 06 863 3678  
Gore: Jacque Lloyd 03 208 9240  
Hawke's Bay: Helleene Overend 06 844 7339

Manawatu: Donna Dowse 06 353 1992  
Marlborough: Richard Morriss 03 577 6638  
Nelson: Karen Lane 021 749 091  
Otago: Rowan Howie 03 455 5165  
Rotorua: Jacki Parr 07 332 3625  
South Canterbury: Trish Harris 03 684 5005

Southland: Jenny Pascoe 027 432 8065  
Taranaki: Gary Lord 027 448 2332  
Taupo: Rob McKnight 027 444 2420  
Tauranga: Lani Christensen 07 577 0628  
Waikato: Colleen Walker 07 853 7012  
Wairarapa: Angelina Colquhoun 06 378 8008

Wanganui:  
Wellington: Gerald Rixon 04 381 2850  
West Coast: Jo Donaldson 03 789 4191  
Whakatane: Shelley Morgan 07 312 6291

**RMBF Regional Service Team:**

Wally Walters: Auckland South, Coromandel, 027 480 4055  
Grant Hayes: Auckland North, Whangarei, 027 285 9516  
Bob Bringans: Tauranga, Waikato, Rotorua, Whakatane, Taupo, 027 496 1050

Peter Philipson (NZ Regional Service Manager): Wellington (South/Central), Manawatu, Taranaki, Wanganui, 027 484 6207  
Darryl Fawcett: Wellington North, Kapiti, Wairarapa, Hawke's Bay, Gisborne, 027 457 4146

Ian Gould (Southern Region Manager): Ashburton, South Canterbury, Otago, Gore, Southland, 027 435 7397  
Peter Winchester: Nelson, Marlborough, West Coast, Canterbury, 027 472 2226

# Building the dream

**D**avid Harwood felt “totally elated” when he heard his name announced as the National Winner of the James Hardie Show Home Award in the Registered Master Builders 2009 House of the Year, in association with PlaceMakers.

Mr Harwood, of Harwood Homes NZ Ltd, had the dream of becoming a builder at age seven, and has now been building for 27 years. This year is the 14th year in a row that Harwood Homes has won an award in the local or national House of the Year competition — and Mr Harwood intends to make it to 20.

“Competition at national level is very intense. The feeling of winning is hard to put into words, but it helps me to understand what it must be like to win at the Olympics,” Mr Harwood says.

Harwood Homes NZ Ltd deliberately set out to build a demonstration home, and based it on 10 years of research and feedback from customers.

“We identified what was most important to them, the features and benefits they would like in a home, and what suited our customers’ needs the most.

“This home is built on our principle of building homes for a lifetime of living, and features the introduction of many energy-efficient features,” he says.

Mr Harwood and his team had a multitude of ideas to incorporate into the home, so had a big challenge of prioritising ahead of them.

“We wanted to build this home around low-maintenance principles to avoid costly repairs or renovations for a future home owner, while still remaining price competitive.

“We have gone above industry standards to ensure this home was built for a lifetime of living,” he says.

Mr Harwood and wife Kirsty started Harwood Builders in 1988, which later became Harwood Homes NZ Ltd. They believe the company’s designs are so diverse that they are consistently producing a variety of differently styled homes.

Harwood Homes entered four houses in the 2010 Tauranga RMBA House of the Year, successfully winning the New Homes \$600,000



*This house built by Harwood Homes NZ Ltd won the James Hardie Show Home Award in the Registered Master Builders 2009 House of the Year, in association with PlaceMakers.*



to \$1million category with a country manor in Papamoa.

“The owners wanted a grand American-style home, but designed with contemporary touches to suit the needs of their three young children,” Mr Harwood says.

He was overwhelmed after winning the regional prize. “If it wasn’t for the dedicated team we have on board, what has been achieved just wouldn’t be possible.

“Having a good balance of professionalism, yet being a locally-owned and operated business, means we can deliver a high quality product

to customers in our area that we know well, because we live in it. We don’t allow ourselves to grow stale — we keep relevant.”

Harwood Homes NZ Ltd plans to display a number of homes over the next 12 months, conveying the variety of designs, with various budget offers, that the company presents.

Owned by



Principal sponsor



# Gisborne trade community galvanised

“Hey . . . I’ve got this idea.”

These five small words, uttered by Gisborne Registered Master Builders Association president Kath Kitchen about 18 months ago, sparked the journey to the September opening of Tui Te Ora, Gisborne’s new one-stop-shop community health centre for people with diabetes and chronic illness.

As the association’s then new president, Kath wanted to raise the group’s profile and continue its vision of working for the community. Various options had been explored, including building a spec house, as other Registered Master Builders Associations had done, and donating the proceeds to charity.

“But we had to face reality. The cost of sections was high and we were facing a recession,” Kath says.

“We didn’t have the members for a 24-hour build and, if the spec house didn’t sell straight away, we couldn’t afford the holding costs.”

The Gisborne association was disheartened but determined to keep its vision a top priority. Shortly afterwards, Kath had a eureka moment while wearing her Hospital Advisory Committee member’s hat, and the idea began to form of building a community facility instead.

“The concept of a chronic care facility was discussed at the Hospital Advisory Committee meeting in February last year, and I just put two and two together.

“I got permission to talk to Francis Yates first, and I just said, ‘Hey I’ve got this idea’. The master builders will never let me forget it. First, we talked about building one house, and suddenly we were working towards building something the size of three.”

The project ticked all the boxes. “It was a charity cause, was showcasing our work, covered a big percentage of the community and was going to be interesting.”

Involvement with the Gisborne RMBA for about 25 years, Kath is excited to see the finished product. While the countless hours of work and several sleepless nights have been tough, she has learned a lot — including how to ask for things for nothing.

“It has been a huge learning curve about how charities work, and has done so much for our group. It has changed the dynamics, brought us together and we have a whole new respect for each other.

“It was wonderful to gain the support we did from trusts and so many trades and service people.

“With Gisborne RMBA on the sign, all the workers can own their efforts for a lifetime.”



Some of those involved in the Tui Te Ora project, from left: Noel Holden, John Clarke, Francis Yates, Kath Kitchen, June Hall, Jim Green, Mike King (partly obscured), Jo Tietjen, Kate Mather, Barbara Clarke, Geoff Blackman, Brian Wilson, Peter Stevens, Natasha Ashworth and Karen Lorigan.



The recently-opened Tui Te Ora, Gisborne’s new one-stop-shop community health centre for people with diabetes and chronic illness.

## Key facts:

- The 23-room Tui Te Ora has a floor area of 335 sq m and a stud height of 2700mm.
- Foundations are concrete blockwork with hardfill under a concrete floor.
- The building is constructed from timber framing with timber roof trusses, Colorsteel roof and James Hardie weatherboard exterior cladding.
- Windows are double-glazed, while exterior walls and ceilings are lined with fibreglass insulation.
- Some rooms are lined with a double layer of Noiseline gib board to help improve sound rating.
- The building complies with all codes, is fully fitted with fire sprinklers, and equipped with medical gases. It also has a dedicated power supply to IT and medical equipment.
- The centre will house a range of expert health professionals, including specialist doctors, psychologists, clinical nurse specialists, dieticians, a retinal screening service and podiatrists.
- Quantity surveyors have valued the building at \$935,000.

# by Association initiative

## Competitors enjoy getting to know each other

**W**hy did Gisborne builder Francis Yates put his hand up to be Tui Te Ora's project manager?

"Because Kim Currie told me I was."  
His partner in crime, fellow local builder Peter Stevens, didn't need much convincing either. The pair, who have more than 60 years' combined experience in the industry, truly enjoyed project managing the "million dollar project".

"Before this we would never have really talked that much because in day-to-day life we are competitors," Francis says.

"But now I've got to know him really well, and his son, and I think all the other workers really enjoyed getting to know each other too — it's pretty rare."

Both men admit it was tricky co-ordinating dozens of builders, tradespeople, apprentices and volunteers to meet constant deadlines.

"The committee met each Monday morning and we set deadlines each week," Peter says.

"The workers had their own deadlines with their businesses, so we had to ensure people could be in on the particular days they were needed."

Tradespeople's commitment and flexibility blew them away. "We were overwhelmed by the response from people in the wider building community, and there were always carpet-layers whistling and others having a laugh. I think they enjoyed getting to know each other," Francis says.

"A spin-off was Gisborne Boys' High students getting involved in digging foundations, and students from Gisborne Developments and Tairawhiti Polytech and a number of service clubs plus all the material providers like Darin at Tumu getting involved. It was the whole community working for the community," Peter says.

What motivated the pair to continue after work and at weekends? "We were a small town going through a recession, yet people were still prepared to donate services and materials," Peter says.

"This was our ideal project," Francis says. "It used our building skills to help young, old, male, female, Maori, European. We were donating a useful amenity. Everything worked out. It was meant to be."

## Subbies and suppliers jump at chance

**F**loor Store was a relative latecomer to the Tui Te Ora project, but salesman Gareth Vigis says it was keen from the very beginning.



Gisborne blockies from different firms thoroughly enjoyed mucking in on the job and getting to know each other. From left are Jason McInteer, John McDougall, Richard Lloyd, Geoff Shepherd, Rex Rickard and Jimmy Lawrence.

Floor Store oversaw all floor coverings for the project, sourcing, ordering and storing products, and finally installing them. In a few days, the team did what would have taken one man three weeks.

"Installations involved about eight of us. It's not often we all work together, but the men really enjoyed it. Some of our wage staff also contributed some time for nothing, which we appreciated," Mr Vigis says.

"We try to do a lot for groups we have associations with, like putting labour up for nothing, and wanted to support Master Builders. We have done a lot of work for the hospital and it was great this was a combined Master Builders and hospital project."

Fulton Hogan manager Pat Tinnelly kept his word about supplying all the underfloor fill — even though his offer became far more generous than initially thought.

Using trucks and excavators, the Fulton Hogan team spent two days at the site laying and compacting the fill, sourced from Fulton Hogan's quarry.

Mr Tinnelly says Fulton Hogan was pleased to be part of the project working with local Master Builders.

"We saw it as a really good community-based project,

especially as they had such a lack of funding from the Government. We are a part of the Gisborne East Coast area, and this was a way to put something back," he says.

Trevor Jukes knew he wanted to help the Tui Te Ora project after reading about it in the paper last year. Having served Gisborne's building industry for more than 100 years, M E Jukes would have been "nuts" not to get involved, he says.

A letter he sent to Gisborne Master Builders, offering whatever transport or services they needed, became a constant source of inspiration when times got tough on the project, Kath says.

"Trevor worded it so well and really summed up the project. Reading his letter helped remind us why we had taken on such a huge task."

Mr Jukes says the experience was "absolutely magic".

"We hope it will keep people out of hospital and provide our friends and family with some peace and tranquility."



Above, below and above right: Local tradesmen generously volunteered their time and services.



Gisborne Boys' High students helped get the project under way by digging the footings.

# Care needed with hiring of casual staff

By RMBF in-house counsel  
Leoni Carter

In another decision that illustrates just how tricky it can be to keep the contractor/employee distinction clear, a full bench of the Employment Court held that a labour hire company employee who exclusively provided temporary services to a particular client could also have been an employee of that client (McDonald v Ontrack Infrastructure Ltd and Allied Workforce Ltd).

The decision may make it possible for a worker employed by a labour-for-hire service to argue that they were actually an employee of that other party, and to assert employment rights against the other party.

This scenario will be of interest to builders who, from time to time, need extra help and use labour hire companies for filling the gap.

Sometimes these jobs can stretch out, and sometimes the contracted labour might be used on subsequent jobs while the builder decides whether or not he actually needs another full-time employee.

Whatever the case may be, this decision could have important implications for builders.

## The facts of the case

Allied Work Force provided labour hire services to Ontrack to cover its temporary work requirements. Allied employed McDonald under a written employment agreement.

McDonald was one of two Allied employees working in a team of 11 on repairing railway lines. The other nine were Ontrack employees.

This arrangement is called a "triangular arrangement", and they are not uncommon. When extra help is required they are a useful tool to get workers on site on a permanent basis or for casual relief as and when required.

McDonald worked with Ontrack for approximately eight months then his placement was terminated. McDonald argued that over this time an implied employment agreement came into existence between him and Ontrack, and that termination of the placement amounted to his unjustifiable dismissal.

Both Allied and Ontrack argued that there was no employment agreement or contract of any nature



between Ontrack and McDonald. He was an employee of Allied Workforce alone and, therefore, had no right to pursue a grievance against Ontrack under the ERA.

There is usually a commercial contract between the user and the provider parties, and an employment contract between the provider and the individuals to perform work for whomever "buys" their time through the provider.

The Employment Relations Act 2000 (ERA) and all its worker protection provisions will apply as between the individual and the provider — but not between the individual and the end user, unless the worker can demonstrate that they were an employee of that end user.

## What the court said

The court applied the statutory definition of "employee" under section 6 of the ERA which requires looking into the "real nature of the relationship" between the parties and considering "all relevant matters".

The fundamental question was whether there was a contract at all between McDonald and Ontrack.

The court examined the contractual documentation in place at the outset of the placement, and then considered whether the parties' communications or actions could have had the effect of turning the relationship into something different.

The court stated that a contract of service (an employment contract) could arise by mutual assent of the parties where they demonstrated an intention to create contractual relations, as has been found in other jurisdictions.

However, the court avoided developing any formal doctrine of "implied triangular employment

relationships" by saying that the issue as to whether a contract of service existed was based on the facts of each case, and each should be determined accordingly.

The case was sent back to a single Court Judge to examine the facts, and determine whether there was a contract of service between McDonald and Allied's client.

If the court finds there was an employment contract, McDonald will be allowed to pursue an unjustifiable dismissal claim against the client company based on its termination of his placement, and seek reinstatement there if he is successful.

## What you can do

To minimise the risk of "unintended" employment, you should:

- review the contract given to you by labour providers and ensure it expressly states that the parties intend all individuals performing the work should be employees of the provider alone, and not your firm.

You might decide to make the hire agreements conditional on the provider's worker's acceptance (having obtained legal advice) that they will not be or become employees of the end user.

- have a meeting at the outset between yourself, the labour provider and the worker to discuss and confirm arrangements between you. You might consider recording these discussions, particularly the nature of respective relationships between the parties as agreed.

- ensure that the provided workers are assigned to other entities during a placement rather than requiring their services on an exclusive basis.

- be really careful not to give any indication, by words or conduct, that there may be more work, or more regular work. You want to avoid setting up an express or implied contract of service with the worker

- always take up any issues with the provided worker — including their pay, management, discipline and dismissal — only with their employer, and not with them directly.

- avoid requesting workers to undertake work which has not been directed or arranged by the employer.

- ensure any equipment needed is provided (where possible) by the worker or their employer (except for any specialist safety equipment which the end user company should supply).



# CARTERS FRAME & TRUSS SOLUTIONS

We know the trade. That's why we produce a wide range of quality timber based Frame and Truss solutions that will suit all your construction needs. If you need something a bit different from the norm, then call us as we have the technical know how to solve any problem. Our detailers have the expertise to help you find the right solution for your building project.



- We are a FTMA member
- We offer standard through to premium Frame and Truss solutions
- All our Frames and Trusses are manufactured in accordance with the NZS3604:1999 Timber Framed Buildings
- We're committed to quality and use only the best quality materials

0800 CARTERS

[www.carters.co.nz](http://www.carters.co.nz)

**CARTERS**  
YourBuildingPartner

## Judges hail Supreme Court's biomimetic design

A visitors centre at Waitomo Caves has taken out three of the top prizes at the NZ Wood Timber Design Awards announced at a function at Te Papa in Wellington recently.

Winning the Commercial Architecture and Commercial Engineering Excellence Awards, the centre also picked up a Clever Solutions award.

Designed and built by a consortium of Dunning Thornton Consultants, Architecture Workshop, Hunters and Hawkins Construction, the judges said the building was a "highly-engineered answer to functional needs, which has been achieved in a structure which is as much high-performance as it is delicate".

Another of the main prizes went to the new Supreme Court Building in Wellington, designed by Warren and Mahoney, won the Interior Fit-out Award.

Winning the Interior Fit-out Award, the judges commended the "mesmerising interior, demonstrating the craft of modern digital technology, fabrication and biomimetic design".

Using silver beech, the courtroom's panelling mimics the spiral diamond patterns of the native kauri cone.

Another highly commended entry was the "Folding Whare", a simple, collapsible one-room emergency shelter for use in disaster recovery, designed by Callum Dowie in his final year at Unitec's architectural school.

This year's People's Choice Award — decided by popular on-line vote — was won by Ambient Architects for their Papamoa-based sales pavilion and community centre.

The Scott's Landing beach residence by Stephenson and Turner Architects won the Residential Architectural Excellence Award for their design of a beach house at Mahurangi Harbour, north of Auckland.

The Ministry of Agriculture and Forestry's multi-purpose building in Wallaceville, Wellington, also designed by Stephenson and Turner Architects, won the Sustainability Award for the architects' "elegant but ambitious project to create a five green star rating using a refined architectural palette".

Birkenhead's library and civic centre, designed by Archoffice, won the Cladding Building Envelope Award for its "sculptural timber facade".

Sponsors included NZ Wood, Carter Holt Harvey Woodproducts, Timberbond, Kop-Coat and the Timber Design Society. The awards were judged by structural engineer Ross Davison, builder David Brown and architect Elvon Young.

For more details visit [www.nzwood.co.nz/timber-design-awards-2010](http://www.nzwood.co.nz/timber-design-awards-2010).

[www.buildingtoday.co.nz](http://www.buildingtoday.co.nz)



*The new Supreme Court Building in Wellington, designed by Warren and Mahoney, won the Interior Fit-out Award.*



*The Birkenhead Library and Civic Centre, designed by Archoffice, won the Cladding Building Envelope Award.*



*The visitors centre at Waitomo Caves won the Commercial Architecture and Commercial Engineering Excellence Awards, and also picked up a Clever Solutions award.*

# FOLDBACK – OUT OF SIGHT, OUT OF MIND

When building our home we chose the Foldback® Bifold. The panels stack and lie flat against the wall giving us uninterrupted views. It's also great knowing that the kids won't run into them.

For more information on the Foldback® Bifold visit [www.pacificsuite.co.nz](http://www.pacificsuite.co.nz)



STACEY JONES  
New Zealand Rugby League Legend  
& Project Manager





EXPERIENCE



ON SITE



PRE-CUT



RANGE



DELIVERY



KITCHENS



ESTIMATES

# WHAT DO YOU NEED ?

# WHERE DO YOU NEED IT ?

# WHEN DO YOU NEED IT ?

- We offer a huge range of products and services designed with you, the tradesperson, in mind.
- We're experienced in everything from residential construction, additions and alterations to weekend projects around the house.
- We have helpful staff ready to work out how much material you'll need for your job and we'll give you a competitive estimate on price.
- We also have a frame & truss service that delivers directly to your site.
- We have everything it takes to be your ideal "Project Business Partner", a comprehensive offering designed to make your job easier and give you a competitive advantage. Simply tell us what you need, where you need it and when you need it. We'll take care of the rest.
- Come in and talk to one of our experienced trade staff.

**MITRE 10**

# Submissions invited on Construction Contracts Act 2002

The Department of Building and Housing is inviting you to share your experiences of the Construction Contracts Act 2002.

The Construction Contracts Act 2002 regulates progress payments in the construction industry and provides an adjudication framework for people with disputes under construction contracts.

The purpose of the review is to find out how well the Act is working and to identify areas where improvements can be made.

The Construction Contracts Act 2002 Discussion Document asks you to:

- share your experiences of the Act,
- provide feedback on the issues raised, and
- tell the DBH what you think the solutions to those issues might be.

This is your chance to have your say. You can view the Construction Contracts Act Discussion Document on the Department of Building and Housing's web site at [www.dbh.govt.nz/current-consultations](http://www.dbh.govt.nz/current-consultations).

Submissions close on December 16, 2010.



New Zealand Scaffolding Supplies Limited



## For all your scaffolding needs

### PRO SYSTEMS

- 4 Frames
- 2 End Frames with Gate
- 8 Steel Decks
- 1 Pro Rail Brace
- 2 Pro Full Braces
- 2 Side Handrail Frames
- 4 Base Jacks
- 2 Pro Stop Ends

**Save over \$500**

**\$1850**  
+GST

RRP  
**\$2351** +GST



Auckland 09 294 7090  
Wellington 04 237 9356  
Christchurch 03 381 5243  
**0800 475 2657**

# ROCKCOTE

s y s t e m s



## Rockcote Systems providing premium exterior & interior plaster cladding solutions.

Rockcote Systems provide the most advanced plaster cladding solutions made in New Zealand. Rockcote Systems comply with current building code requirements, are durable and finished in the Resene colour of your choice.

All systems are supplied and installed by registered Rockcote Plasterers to strict specifications providing surety of performance to your project.



A Resene Group Company

[www.rockcote.co.nz](http://www.rockcote.co.nz)  
0800 50 70 40

## James Bond-style heliport is a winner!

**S**triking new homes, a “James Bond style” heliport and a sustainable winery are among designs celebrated in the 2010 Architecture Awards for Auckland, Canterbury and Nelson Marlborough.

The programme is organised and run by the New Zealand Institute of Architects and supported by Resene. Winners in each of the eight regions are announced progressively during October and November.

### Auckland

The Auckland Heliport in Onehunga, by Maxcey Architects, was a winner in the Commercial Architecture category, with jurors remarking on its lightness and precision.

The Deloitte Centre in Auckland City, by Warren and Mahoney Ltd, and Woods Bagot in association, was also a winner in the category.

Waiheke Island properties dominated the Auckland Residential Architecture - Houses section with four winners.

These included the Local Rock House on Waiheke Island, by Patterson Associates Ltd, hailed by jurors as “theatrical, sensuous and beautifully proportioned.”

The house, built from multi-coloured locally-sourced rock, includes rotating fins on the upper level which open the property out to the sea and shore when it is



*The Auckland Heliport in Onehunga, by Maxcey Architects, was a winner in the Commercial Architecture category.*

occupied but close “like a rock face” at other times.

The “extreme” Island Retreat, by Fearon Hay Architects was hailed by jury convenor Daniel Marshall as “very new and different”.

Based on themes of a camping compound, the house is made up of separate tent-like boxes, constructed around an outdoor living space and with fabric roofs held down with tension wires.

### Canterbury

The Airways Control Tower – Christchurch, by Paris Magdalinos Architects Ltd, was among winners in the Commercial Architecture category.

Jurors agreed that “the tapered form, slotted windows and glazed top level provide a lightness that belies the 13 storeys”.

The Pegasus Golf and Sports Club, by Mason & Wales Architects Ltd, was also a Commercial Architecture winner, described as setting “a benchmark for future development in the newest of Canterbury towns”.

Wilson & Hill Architects Ltd’s sophisticated House – Clifton Hill, which features a dramatic entry bridge, was among Residential Architecture – Houses winners, admired for its “carefully crafted durable exterior details, and well-integrated technological components”.

### Nelson Marlborough

The Yealands Estate Winery in the Awatere Valley scooped double honours in the Commercial Architecture and Sustainable Architecture categories.

Jurors said that, “like its founder” Peter Yealands, the winery, by C Nott Architects, was “confident and straightforward”, and the simple arched form was elegant and friendly while maintaining a high level of sustainability.

Three properties by Irving Smith Jack Architects featured among winners in the Residential Architecture - Houses category. Balquidder, a small home overlooking the owner’s private vineyards at Brightwater, captivated jurors with its “effortless fluency”.

As well as visiting all shortlisted properties, the judges met with the architects and clients. The buildings were judged against a series of key criteria, including their contribution to the advancement of architecture as a discipline, and enhancement of the human spirit. The full list of winners in each region can be viewed at [www.nzia.co.nz](http://www.nzia.co.nz).

**A revolutionary platform system designed to provide long term safe access on low pitch roofing**

Designed and manufactured in NZ.  
New website:  
[www.boardwalk.co.nz](http://www.boardwalk.co.nz)  
E: [peterk@boardwalk.co.nz](mailto:peterk@boardwalk.co.nz) P: 09-638 8276



Extended 3G Rural Coverage

# Free group calling for two years. That's the business.



Get free national calling and TXTs between four Vodafone NZ numbers and a free Nokia C5. Plus, you can keep your existing number.

**Nokia C5**

# free

When you sign up to a 24 month Talker/TXTer 120 Business plan or above

\$399 RRP Handset only

Call us on 0800 888 306  
See [vodafone.co.nz/business](http://vodafone.co.nz/business)  
Or visit us instore today

**\$300**  
account credit  
when you bring your  
existing number  
with you

**DigitalMobile**  
[www.digitalmobile.co.nz](http://www.digitalmobile.co.nz)

**FIRST MOBILE**  
FREEPHONE 0800 166 245 [WWW.FIRSTMOBILE.CO.NZ](http://WWW.FIRSTMOBILE.CO.NZ)

**DS WIRELESS**  
[www.dswireless.co.nz](http://www.dswireless.co.nz)

Early Termination Charges may apply when you switch from another provider. A Plan Transfer Fee of \$399 applies to all connections that take up the You Choose/Talker/TXTer 120 plan and transfer to a You Choose Talker/TXTer 60 within the first 6 months of the term. An Early Termination Charge of \$399 applies to all connections who take up the You Choose/Talker/TXTer 120 plan and terminate in the first 6 months of the contract under this promotion. Vodafone On Account terms and conditions apply to all other plans. Offer valid until 30 November 2010.

**Astivita**  
bathroomware



## Exclusive to Plumbing World

Combining design excellence with quality componentry Astivita achieve the perfect balance of form and function... **and now have an extended range!**

For more information on the Astivita range of products call into your nearest Plumbing World Branch.

**plumbingworld**

bathrooms, laundries, kitchens and gas...  
it's what we know

Freephone 0800 800 686 | [plumbingworld.co.nz](http://plumbingworld.co.nz)

news

## Minister opens first Simple House

**B**uilding and Construction Minister Maurice Williamson opened New Zealand's first Simple House in Otara, Auckland, recently.

The house was designed by Stephen Smith of S3 Architects in Auckland, and has been constructed by Housing New Zealand.

Mr Smith's design was the supreme winner of the Starter Home Design Competition run by the Department of Building and Housing.

"Stephen's house was praised by the judges for its striking contemporary appearance and its carefully planned design that would make an excellent starter home," Mr Williamson says.

The Simple House is a government initiative managed by the Department of Building and Housing, and is aimed at making a new house an attainable goal for first home buyers without sacrificing quality or architectural merit.

"Simple Houses can be built anywhere in New Zealand, and the layout can be easily changed to suit owners' needs so residents can get the most of privacy and sun," Mr Williamson says.

The Otara Simple House has three bedrooms, a large open-plan dining, kitchen and lounge area, bathroom and study.

A key feature is an external courtyard that is sheltered on two sides, providing a quiet and safe area for the family and where children can play.

Other architects are also building Simple House designs in Wairarapa and Canterbury.





# THE NATURALLY GOOD WOOD.

Because Douglas-fir has high natural resistance to moisture and decay, it can be used in many building applications without being chemically treated.

This means much of the wood inside the home can remain 'natural' and free from man-made additives or treatments. Furthermore,

New Zealand's Douglas-fir trees are grown in sustainably managed forests which encourage biological diversity as well as providing recreational areas and delivering clean water. Simply put, untreated Douglas-fir is the ideal choice for people seeking an eco-friendly more natural living environment – inside and out.

For your next build choose Douglas-fir, the naturally good wood. Available in MSG8 and MSG10 untreated and H1.2.

Visit [www.douglasfir.co.nz](http://www.douglasfir.co.nz)

*New Zealand* DOUGLAS-FIR

# New research questions steel frame

Research compares thermal performance of house framing in NZ

**S**teel-framed homes built in some parts of New Zealand may not meet the Building Code requirements for thermal performance, according to new research.

Conducted by independent consulting engineers Green Being Ltd, the research concludes that to achieve code compliance in the South Island using steel frame construction, a house would need to have additional insulation than that required for timber framed construction.

According to Green Being director Paula Hugens, "thermal bridging" problems can occur with steel framing and require the use of thermal breaks.

Typically, thermal breaks are polystyrene strips or sheeting approximately 12mm thick, additional to the steel framing and fitted between the framing and the external lining.

"However, even with these thermal breaks, steel frame homes will only meet the minimum building code requirements in the North Island while, in the South Island, they often don't meet the standard unless additional measures are undertaken," Ms Hugens says.

Because steel transfers heat and cold much more readily than wood (400 times more readily), steel studs create thermal bridges to the outside of the home, which can significantly compromise thermal performance.

"I think what the industry in general doesn't realise is that creating thermal breaks is only one part of the solution," Ms Hugens says.

"To achieve the same level of performance as a timber framed home, you have to up-spec the insulation when using steel framing."

Ms Hugens says particular care should be taken when

installing thermal breaks with steel framing.

"If they are not correctly installed, condensation and mould can form on internal and external linings. In some cases, this leads to the appearance of "ghost marks" (shadow-like outlines of the framing) on the interior walls.

While "ghost marks" are unsightly, condensation and mould can have more serious consequences and may adversely effect the environment of the home and the health of its occupants.

Ms Hugens points out that while the National Association of Steel Framed Housing (NASH) recommends a thermal break for walls constructed with steel framing, there is no recommendation for a thermal break in ceilings where steel framing is used.

"Given that the greatest heat loss in homes is through the ceiling, it is likely that a steel framed ceiling and

## Window Control Systems

A division of Eden Group Ltd



D+H Ventline Dual Window Drives

# D+H

Smoke & Heat Ventilation  
Facade & Skylight Control  
Controlled Natural Ventilation  
Interfacing with BMS

Showroom: Harold St, Mt Eden, Auckland

[www.windowcontrols.co.nz](http://www.windowcontrols.co.nz)

P O Box 108 171, Symonds St, Auckland  
Phone 0800 2 Control Fax 09 638 8588  
e-mail: [andrew@edengroupltd.co.nz](mailto:andrew@edengroupltd.co.nz)



[www.macdirect.co.nz](http://www.macdirect.co.nz)

Supplying Cypress throughout  
New Zealand to merchants and builders.

Consistently graded timber from  
purpose-grown plantation trees.

- Beams (up to 8.5m x 400)
- Posts
- Framing
- Sarking (TG & V)
- Cladding (all profiles)
- Flooring
- Architraves/Skirtings (can be in clears)
- Decking
- Pergolas
- Kitset outdoor furniture
- Raised garden beds

Ph: 09 236 3727 Fax: 09 236 3427  
[sales@macdirect.co.nz](mailto:sales@macdirect.co.nz)

# code compliance

roof space will also require a thermal break to achieve code compliance.

“Even a continuous blanket of insulation will still have thermal bridges at truss verticals and diagonals.”

Ms Hugens advises anyone considering building with steel framing to thoroughly investigate what extra measures will need to be put in place to ensure the home is insulated to a performance level equal to a home constructed with timber framing.

She believes that although people building new homes start out with high expectations for warmth, comfort and energy efficiency, they are sometimes disappointed with the end result.

“The fact is that the insulation values given in New Zealand’s standards for insulation are very low compared to many other countries with similar climatic conditions.

For example, in San Francisco, the minimum insulation value for Package C is R4.4, whereas in the South Island of New Zealand, it’s R2.0.



“I think that in New Zealand we will ultimately review and upgrade our insulation standards in keeping with overseas trends because of the positive gains that can be made in terms of health and energy savings.”

Source: [www.greenbeing.co.nz/news/11\\_comparing-the-thermal-performance-of-steel-stud-walls-with-timber-wall-studs.html](http://www.greenbeing.co.nz/news/11_comparing-the-thermal-performance-of-steel-stud-walls-with-timber-wall-studs.html)

For further reference on this topic go to: [www.greenbeing.co.nz](http://www.greenbeing.co.nz) or [www.framingfacts.co.nz](http://www.framingfacts.co.nz).

## Building, Renovating, Decorating?

Think free entry, free parking, free seminars



Think free home ideas - 7 days a week

Auckland The Strand, Penfold / Christchurch Merivale St, Rotorua / Wellington Car Exports & Lower Hutt St [www.homeideas.co.nz](http://www.homeideas.co.nz)



# Rebuild Christchurch green

**T**he massive rebuild facing Christchurch in the wake of the recent 7.1-magnitude earthquake presents a unique opportunity for the city to lead New Zealand in sustainable building practices, according to the New Zealand Green Building Council (NZGBC).

"The recovery effort following a disaster is a crucial time — it's a chance for communities to be at the heart of planning, creating homes and buildings that meet social, environmental and economic needs," NZGBC chief executive Alex Cutler says.

"This is a great opportunity for Christchurch to think long term and build the city back sustainably through great design, sustainable materials, efficient appliances and renewable energy sources."

A new report released this week by the World Green Building Council highlights how green buildings can play a valuable role in meeting local needs worldwide, including in areas hit by natural disasters.

The report, *Tackling Global Climate Change, Meeting Local Priorities*, was launched to coincide with World Green Building Week, an annual event in its second year.

According to the report, buildings consume 30% to 40% of global energy. There is no single larger global contributor — and thereby potential reducer — of

carbon than the building sector. So the building sector has a crucial role to play in reducing climate change.

Importantly, while green buildings typically cost only 3% to 5% more than standard buildings to construct, they can reduce carbon dioxide emissions by more than 35% and, in some cases, can be carbon neutral.

Moreover, green buildings reduce waste output by 70%, water usage by 40% and energy usage by 30% to 50% — in some cases producing energy that can be sent back to the grid.

"Clearly, Christchurch has a lot to gain by building back green," Ms Cutler says.

"Build it back green" is a global movement encouraging communities to rebuild with a reduced carbon footprint following severe natural disasters.

Similar rebuilding efforts are occurring right around the world in the aftermath of natural disasters, including:

- After the devastation of Hurricane Katrina, New Orleans is being transformed by thousands of green homes and neighbourhoods.
- Flowerdale, Victoria, Australia, is being rebuilt using sustainable reconstruction practices following the February 2009 bushfires that destroyed 2000 homes and 3500 structures in total.
- After being hit by a tornado, Greensburg, Kansas, USA, is rebuilding with sustainability and community

development in mind.

"Back home, Christchurch City Council is already leading the way with green building practices in New Zealand with the 6 Green Star – Office Design-certified Civic Building. Now there's an opportunity to extend their leadership to the wider community," Ms Cutler says.

The NZGBC, along with BRANZ and Beacon Pathway, is soon to launch a residential rating tool called Homestar that will be highly relevant to the rebuilding of homes.

Some basic principles about the site, orientation to the sun and access to amenities are covered by the tool.

Simple options such as updating buildings with wall and ceiling insulation, effective lighting, heating and cooling systems can all increase energy efficiency.

Such small-scale improvements can, collectively, make larger steps towards reducing the total energy usage of homes and buildings.

"Investing in community tools for green rebuilding will encourage significant private sector investment, and showcase New Zealand's green building excellence," Ms Cutler says.

"The immediate response to the rebuilding of Christchurch has been heartening, and the NZGBC looks forward to following and supporting the progress."

## Wood the way of the future for Christchurch?

**W**hile the re-build look and design of Christchurch is still being considered by an architectural "think tank," there is growing support among builders, local government representatives and residents that solid wood needs to be the main building material used to resurrect the city.

Lockwood Group chief executive Bryce Heard says Lockwood homes in the Canterbury region withstood this month's major earthquake and sustained no structural damage.

"The Christchurch earthquake of 7.1 on the Richter scale provided the company with a very valuable scientific study of just how well Lockwood homes coped during the initial quake and more than 450 aftershocks," Mr Heard says.

Lockwood has been designing and building solid, secure homes for the past 60 years in many cyclone and earthquake-prone parts of the world, such as Asia, the United States, the Pacific Islands and the

Middle East.

Most recently, the company has been invited by Chilean authorities to help rebuild the city of Concepcion after its major earthquake earlier this year, which Mr Heard says is testament to the multiple benefits of building using solid wood.

In the wake of the Christchurch earthquake, the Rotorua-based company quickly dispatched teams to the area offering to inspect all Lockwood homes in the stricken region, and found the homes had taken the quake in their stride.

"Seismic experts tell us there's a 60% chance of another major earthquake in New Zealand in the next 10 years. We need to learn from this terrible disaster and rebuild a more full-proof city for the future, and we see our earthquake-proven homes as part of the solution."

Mayoral candidate Jim Anderton is a strong advocate for rebuilding the city with wood as the main resource, saying in a media statement that it would be a "New

Zealand solution" which is environmentally friendly, energy efficient and cheaper than using steel or reinforced concrete.

Residents in Darfield, the location of the earthquake's epicentre, relived their experience of the quake.

Christine Robertson says because of all the aftershocks after the 7.1 earthquake at 4.35am, her husband, a licensed builder, went next door to see if their neighbour was alright.

"He then decided it would be safer if ourselves and several other neighbours stayed at our home. Being a wooden Lockwood home, we felt we would be fine to stay there until we felt able to return to our own homes.

Fellow Darfield resident Peter Eddy is relieved he has a Lockwood house. "I heard a roar like a freight train coming through the house walls. Then it shook violently for over a minute. The house stood up to the shake very well and the aftershocks since with no

*Continued page 29*

# Weather

# Proof.

- ✓ **BRANZ** Appraised
- ✓ **NZBC** Compliant
- ✓ Primed & Undercoated
- ✓ System Solution
- ✓ Fast Install & Less Waste
- ✓ From Renewable Wood
- ✓ **BRANZ** Impact Tested
- ✓ Ultimate Limit State Wind Loading

## Stick to what you know

For building, renovating, or re-cladding a home.

Available from selected builders' merchants, go online at [jenkin.co.nz](http://jenkin.co.nz)

**Jenkin**  
**A-align**<sup>®</sup>  
CLADDING



Proven since 1922 [jenkin.co.nz](http://jenkin.co.nz)

0800 25 44 61

# Multi-purpose centre provides 'gateway' to

By Roy Kane

In 2006 Wellington City Council called for expressions of interest in a 12-court multi-purpose indoor community sports centre for the people of Wellington.

It was to meet the current and future needs of sporting codes such as netball, basketball and volleyball while supporting emerging indoor sports, schools and the wider community.

The client brief stipulated that: "Given the large size of the building and the council's focus on the need for high quality urban design, critical attention needs to be given as to how this building is externally articulated. Design to be aesthetically sympathetic to its neighbourhood and landscape."

The client brief went on to call for "a clear and coherent design concept that speaks of its special role, civic pride and local identity."

Five teams were selected to take part in the competition, among them Sinclair Knight Merz (SKM), who had engaged Wellington-based Tennent + Brown Architects for architectural design and to support the SKM environmentally sustainable design integration into the project.

The site is at Cobham Park at the head of Evans Bay, near Wellington Airport. The ground here is reclamation fill with poor bearing capacity and, under high seismic loads, is subject to liquefaction.

## 'Gateway to Wellington'

The solution that won the competition for SKM and Tennent + Brown was presented as a "Gateway to Wellington" building, consisting of a two-chamber ovoid layout with a splayed central spine, column-free over the playing courts and encircled by a breathing, see-through wall system of precast panels.

Over the top is draped a curved and faceted roof resembling the wings of a stingray.

John Mason, leading SKM's structural team, says a box solution would have been excessively imposing at this very large scale.

"The building is 12,500 sq m, and needs to be able to resist wind uplift and also maintain its



*The bowline trusses over the court areas each have three chords — two at the top and one at the bottom — all slightly curved with diagonal members to take the compression. These trusses help reduce the depth of the roof.*

integrity during a major earthquake. We defined the interaction between the substructure and the superstructure and separated these elements through articulated pin joints," Mr Mason says.

"These allow the expected seismic settlements to occur differentially across the footprint of the building, without causing catastrophic failure to the superstructure.

"By adopting this approach, we were able to use relatively modest reinforced concrete pads, because these will adequately resist wind uplift while transmitting the gravity loads."

The roof structure consists of long-span prismatic roof trusses (also known as bowline or fish-belly trusses) that are supported on tapering elliptical columns. The columns are also cranked.

Hugh Tennent and Ewan Brown, directors of Tennent + Brown Architects, say they are like figures reaching into the upper space of the two chambers.

"They shorten the span of the main trusses without interfering with the height requirements of the sporting codes, and assist in compliance with the low height required by Wellington Town Planning," they say.

"We wanted the columns to taper so that they got smaller towards the pinned connections of the trusses and also towards the floor.

"As an expression of the forces involved, architecturally it looks right. The SKM-designed steel structure provides the defining character

for the vast interior. The structural design team has produced an elegant solution in both concept and detail, addressing extremely demanding joint arrangements."

Extending along the centre of the building is a spine structure that contains the main vertical and horizontal load paths for the middle section. Within this form is a mezzanine structure that has been seismically separated from the main superstructure.

There are administrative areas and meeting/social spaces at the southern and northern ends. The link between the two ends provides an elevated viewing perspective.

On the flanks of the building, the support columns reflect the spine structure for the transmitting of loads. They also allow for the curved facade of the building.

Mr Tennent and Mr Brown say the staggered precast panels have automatic glass louvres between them, allowing the building to breathe.

"Passers-by can see in while players can see out. Above each of the bowline trusses designed by SKM are roof lights that allow the courts to be naturally lit, making for large savings in power when the lights aren't needed.

"The building is also naturally ventilated, thus sustainability is inherent in the design concepts."

The Kalzip composite ceiling and roof system, developed by Tata Steel International (formerly

# Wellington

Corus), has been assessed as optimal for the centre, given its aggressive coastal environment. A total of 12,257 sq m is required.

First to go on is the lower sheet of aluminium, then three layers of insulation of varying densities, and lastly the difficult top sheet of continuous, cold-rolled aluminium formed in the air and zipped up from a high-level scaffold.

This is the first time that Kalzip has been used for roofing in New Zealand. It delivers high quality thermal and acoustic insulation, with little or no maintenance needed over its expected 70-year life.

That represents a saving of around \$22 million over conventional roofing over the course of the building's lifetime. Kalzip is made from 60% recycled content, and at end of life 90% can be recycled again.

Mike Prince, senior contract manager of principal contractor Mainzeal Property & Construction Ltd, says on the structural steel side, MJH Engineering has been magnificent.

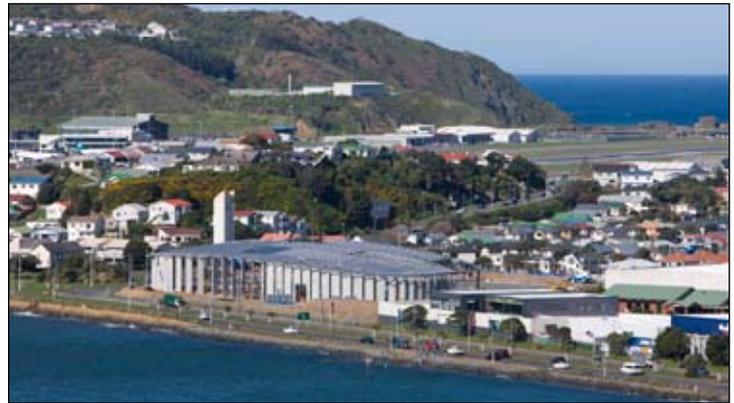
"Malcolm Hammond and his team have done a lot of work for us in the past, but nothing that matches this high level of complexity," Mr Prince says.

"Those elliptical columns had all to be split down the middle from top

*Continued page 28*



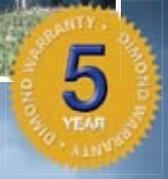
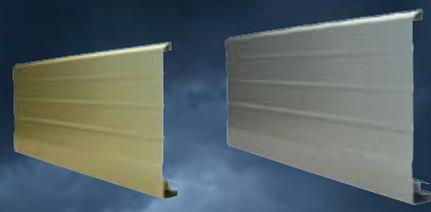
*The cranked and tapered steel columns deliver an engineering solution to the low roof requirement, as well as architecturally featuring the high strength-to-weight ratio of structural steel.*



*The centre is located at the head of Evans Bay (centre foreground), with the airport in the background making it a "Gateway Building".*

# The best option in rainwater JUST GOT BETTER

Following the success of the 185mm fascia system in the South Island, Dimond proudly introduce the external 185mm fascia and the 147mm small panel fascia, improving our range and offer to the North Island market.



Dimond's Colorflo range is available in a full range of colours in ColorCote ZR8 or ZRX coating systems. It is also available in copper to add a unique and durable look to any home.



## So good, you will want it to rain.

[www.dimond.co.nz](http://www.dimond.co.nz)

0800 Colorflo

Dimond

[www.buildingtoday.co.nz](http://www.buildingtoday.co.nz)

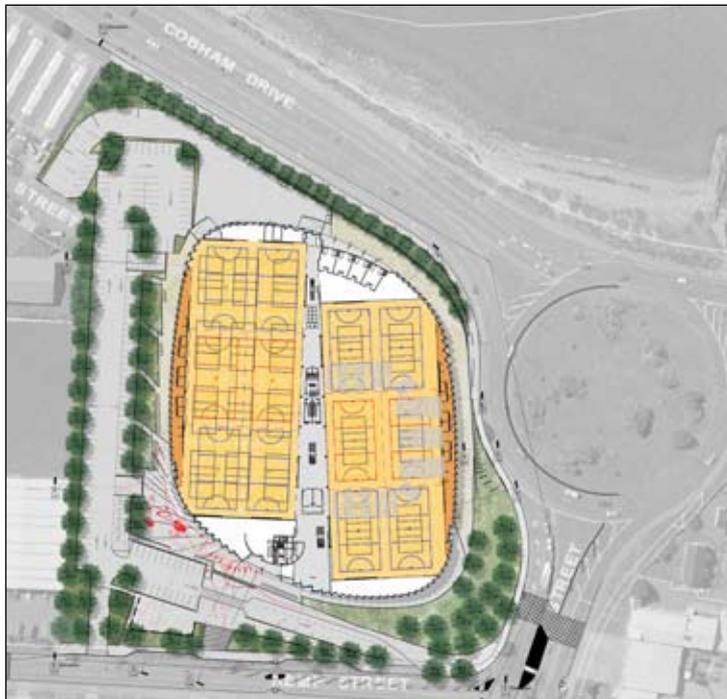
From page 27

to bottom, fitted with backing plates and given full-strength welds. Now we're cracking along at the rate of an 11m bay in a week in one chamber, and the same again the next week in the second chamber."

Wellington City Council senior project manager Jim Coard says that for indoor sports facilities to be successful, they must ultimately provide an environment that people enjoy, while at the same time meeting the functional needs of the users.

"Multiple sports groups will be able to use the venue simultaneously," Mr Coard says.

"The centre will also give Wellington a greater chance of securing regional, national and international sports tournaments."



The landscape and courts plan shows the two chambers of the ovoid separated by the central spine, with trees to mitigate wind.

### Key facts:

- Ground Floor: 12,600 sq m
- Mezzanine: 3200 sq m
- Undercroft 4500 sq m
- Max height: 15m
- Sports Floor 9130 sq m sprung timber, Junkers Unibat62 DIN (performance ratings for shock absorption)
- 12 courts for local competition and training have 300 fixed and 400 loose seats
- Configured as an international court, there is an ultimate seating capacity of 2222
- Configured for a banquet, it will seat 4000
- Parking for 317, approximately half under cover
- There is no HVAC — all playing and ancillary space is naturally ventilated
- 133 pre-cast wall fins with glazed louvres provide a natural thermal siphon
- Radiant gas heating is installed with the pipework at high level
- Solar water heating provides 45% of the water heating requirements, saving about \$154,000 per annum

## First 147mm Fascia job complete

Following the release of the new 147 Fascia in September 2010, Dimond — in conjunction with Rainaway and Jennian Homes — has completed its first residential install of the new 147.

It was rolled out in the Central North Island and the client's brief was to provide a stylish, practical panel with straight lines. The new 147mm panel was chosen and the customer's and supplier comments were very encouraging.

Simon Penn from Jennian Homes in Wanganui says his first impressions of the 147 Fascia are very good.

"The heavier gauging provides straighter lines, and with the longer lengths I am also pleased to see less joins," Mr Penn says.

"The soffit junction detail is better than our previous style which will give me a tighter hold, resulting in no soffit rattle in very high wind zones."

Graham McLay from Rainaway says the system included easy-to-follow set-up details, and hip corners were easy to fit to achieve a high standard finish.

If you have any questions or comments please don't hesitate to get in touch with Dimond through your local branch on 0800 346 663.



## SafetyLink® Pty Ltd

Height Safety Specialists  
www.heightsafety.com









Height Safety Anchor Points • StaticLine Systems • Permanent Ladders

Distributors of SafetyLink Products in New Zealand

<p style="margin: 0;">North Island Height Safety Engineering Ltd 52 Western Road   Ngongotaha   Rotorua 3010   New Zealand Phone: 0275 563255   Fax: 07 3575848 info@heightsafety.co.nz   www.heightsafety.co.nz</p>	<p style="margin: 0;">South Island Total Height Safety Ltd PO Box 16-293   Hornby   Christchurch   New Zealand Phone: 0508 4 HEIGHTS   Fax: 03 3400203 rob@totalheightsafety.co.nz   www.totalheightsafety.co.nz</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

# Hi-Vis welding jacket now available

In a New Zealand first, welders will now be more easily seen and stay protected with a Hi-Vis welding jacket introduced to the market by 2008 WTIA Welding Company of the Year, BOC.

"This jacket is not only Hi-Vis, it's lightweight and comes with vents to enhance comfort to the wearer," according to BOC product safety manager Nathan Abela.

"The material used is a 330gsm treated cotton with Pyrovatex technology to give it added fire protection."

The Hi-Vis jacket is secured with a front opening velcro strip, leather sleeves for added durability and a high neckline for extra protection. The open ended cuffs are



finished with a fire-retardant fabric 1.5cm in width. "All fire-retardant cotton items have been tested for durability, flame resistance, radiant heat and molten metal splash, and undergo dermatological tests. The fabric is called Pyrovatex and the FR properties will last the lifetime of the garment."

The jacket has been tested and meets European standards for Welder Use NC (EN470-1), Flame Resistance (EN531), Connective Heat B1 (EN367), Radiant Heat C1 (EN366), Iron Splash E1 (EN373).

The jacket represents a major innovation to the market, and adds to the already successful 2009 Weld Guard range. It is available throughout the BOC Gas & Gear network. To find your closest dealer call BOC on 0800 111 333.

## New colour range for Plasti Dip

Now there is an even more colourful way to seal frayed rope ends, cover tool handles, garden implements or even old steering wheels.

Plasti Dip was introduced to New Zealand last year, and quickly took off as a novel and ingenious way to cover just about any surface with a synthetic rubber coating that protects and insulates.

The multi-purpose air-dry, synthetic rubber coating can easily be applied by spraying, brushing or dipping and, because it remains flexible and stretchy, it doesn't become brittle or crack.

Previously available in just red, blue, yellow and black, the latest version of Plasti Dip includes a Create Your Own Colour Kit, which comes as a clear base in a new 22oz container, along with five specially formulated tints.

By mixing the tints it is possible to create thousands of difference colours. Or Plasti Dip clear can just be used as a clear coating, so that the original material remains visible.



Plasti Dip can now be mixed into a huge range of colours.

Plasti Dip is the invention of an American company, and was originally developed to apply plastic coatings to replace worn grips on hand tools such as pliers, wrenches and cutters.

Provided they are dry and free of rot/rust, surfaces coated with Plasti Dip will resist moisture, weathering,

corrosion, abrasion and some acids. It is claimed to be UV-stable for between seven and ten years, and can withstand significant temperature extremes.

Once dried, Plasti Dip is very durable and will not slip, pucker or peel off the surface to which it has been applied.

## Wood the way of the future for Christchurch?

From page 24

damage, as it moves," Mr Eddy says.

One of the reasons for Lockwood's reputation for strong, safe homes is its alternative system, which means no nails or timber frames are used during construction.

"The Lockwood system ties adjoining pieces of wood

together using aluminium X profiles. These profiles are slid into precision cut dovetails in opposing pieces of solid timber," Mr Heard says.

"By using vertical tied rods within the walls at regular intervals, the walls are tied to both the roof and the floor, providing a six sided, locked-together structure that can withstand most things that nature throws at it."

All structural components are machined to precise

specifications, inspected, numbered and treated to meet New Zealand building standards.

Lockwood is participating in a team lead by Professor Andy Buchanan from the Department of Civil & Natural Resources Engineering at the University of Canterbury, to review timber buildings and the consequential results of the recent earthquake to ensure Christchurch is quickly and safely rebuilt.

# Independent building certifiers

**Chadleigh Danswan** of Auckland law firm Legal Vision examines the recent Court of Appeal decision of *Auckland City Council v McNamara (2010) NZCA 345* which concludes that home owners will likely be prevented from obtaining compensation from the council where the certification and inspection process has been carried out by an independent building certifier — even when that certifier's authority is exceeded.

**M**cNamara, in their capacity as trustees, purchased a house in Remuera, Auckland, just after it had been built in 2004. The house leaked.

McNamara repaired the house and then sought to recover the costs and other damages from a number of defendants, including the Auckland City Council. Importantly, a private building certifier had been engaged to carry out the certification process in this case.

The council, therefore, argued that it was absolved from any adverse consequences that arose from the certification process (given the engagement of a private building certifier).

Relying on this argument, the council sought to have the claim against it struck out in the High Court but was unsuccessful. The council appealed that decision.

The interesting point in this case was the limitations on what the private building certifier could, in fact, certify. At the time when the developer engaged the private building certifier Approved Building Certifiers Ltd (ABC), ABC had general authority to issue Code Compliance Certificates (CCC) in respect of domestic dwellings.

However, on December 4, 2002, the Building Industry Authority (BIA) restricted ABC's ability to approve certification for certain types of exterior cladding. The exterior cladding used on the subject house was one such type of cladding that ABC was prevented from approving.

The BIA notified this restriction on its web site and in

its newsletter. Notwithstanding this, between December 2002 and April 2004, ABC inspected the property and subsequently issued a CCC whereby approval was given to the use of an exterior cladding system that ABC was prevented from approving.

The council accepted ABC's certificate as evidence of compliance, and issued a LIM stating that a CCC had been issued.

In suing the council in negligence, McNamara submitted that the council owed a general duty of care to building owners whose properties were certified by a building certifier. In addition, it was argued that the council, in this case, owed a duty to them as it knew (or ought to have known) that ABC was not entitled to issue the CCC.

However, the council's main argument was that the wording of section 50(1) of the Building Act 1991 obligated it to accept ABC's certificate. The council argued that ABC's engagement as private certifier limited the council's responsibility and liability such that it was not required (nor able) to examine ABC's certificate and ABC's authority to issue it.

In refusing to strike out the claim against the council, the High Court reasoned that unless a private certifier is expressly authorised to certify that items of building work comply with the Building Code, then the duty remains with, and reverts to, the territorial authority.

## The decision

The Court of Appeal disagreed, and accepted that the council had no liability in this case. In doing so, Baragwanath J provided a very succinct and well reasoned judgment.

At paragraph 24, Baragwanath J noted that the clear pattern of the Act was to give the owner an election between the use (in whole or in part) of a certifier and the use (in whole or in part) of the territorial authority.

Where the certifier was retained by the owner to perform the whole task, the authority's role was limited to an administrative function of receiving, and retaining at least a record of, the owner's advice of completion at the end of the works, together with the certifier's CCC.

At paragraph 25 the court went on to note that it was impossible to infer a statutory purpose that territorial authorities should act as "long-stop guarantor" to certifiers that issue a CCC in respect of building work.

Accordingly, a certifier which issued a certificate beyond its capacity, or which approved defective work, would be liable in negligence to the owner, and that liability would be backed by an approved insurer.

It was not contemplated by the Act that the territorial authority should then provide a further backstop for default by the certifier.

In summing up at paragraph 28, Baragwanath J noted that the Hamlin line of authority was focused on addressing a breach by councils of an obligation they had undertaken (inspection and certification of building work where the owner could reasonably expect to rely on its exercise of care when any defects would be covered up as the work proceeded).

In this instance, the only assumption of responsibility was by ABC. The council had not undertaken the inspection and certification process and had, therefore, assumed no responsibility.

The council was, therefore, not liable and was entitled to the substantive relief of summary judgment (and costs).

## Concluding comments

The judgment is well reasoned and, it is suggested, produces a logical result. Accordingly, this judgment reinforces the important limitations on council's liability where independent building certifiers have been engaged to inspect and certify, even when the private building certifier exceeds its authority.

Claimants therefore need to be wary not to assume the council will be found liable merely because it was the relevant territorial authority at the time.

• **For an interesting discussion of the High Court decision (which this appeal relates), the reader is referred to Legal Vision's article in *Building Today* September 2009.**



**At Three Lamps Lawyers**

Legal Vision specialises in providing legal advice to the Building Industry.

**Principal: Timothy Bates LLB (Hons)**

LEVEL 1 283 PONSONBY RD PONSONBY	PO BOX 47 587 PONSONBY AUCKLAND	PHONE 09 360 2415 FAX 09 361 2412 EMAIL <a href="mailto:legalvision@clear.net.nz">legalvision@clear.net.nz</a>
----------------------------------------	---------------------------------------	----------------------------------------------------------------------------------------------------------------------

# What's On the Web?

[www.buildingtoday.co.nz](http://www.buildingtoday.co.nz)

## Poll question

There's not much confidence among *Building Today* readers that the proposed amendments to the Building Act are going to help stimulate growth in the industry, with only 19% agreeing that this will be the case.

Go to [www.buildingtoday.co.nz](http://www.buildingtoday.co.nz) to vote on our current poll question:

*A recent survey found that business confidence is rising after five gloomy months.*

*Do you agree?*

Do you value your products and services?

Then add value to your advertising!

Add value and get more exposure for your products and services! Advertise in *Building Today* and receive online space and live links on our industry web site — FREE OF CHARGE!

Call Andrew Darlington  
on 09 478 4888

[www.buildingtoday.co.nz](http://www.buildingtoday.co.nz)

Use our web search engine to look up any article that has appeared in *Building Today*. And keep up to date with the latest construction news at [www.buildingtoday.co.nz](http://www.buildingtoday.co.nz)

## Subscribe to Building Today

*Building Today* is the industry news magazine that keeps you up to date with what's happening in the construction industry. Subscribe today by completing this coupon and FREEPOSTING it with your cheque:

Please send me 11 issues of *Building Today*. Attached is a cheque (payable to Taurean Publications Ltd) for \$57.50 (incl GST, GST No 66 019 802).

FREEPOST to: *Building Today*, Freepost 67 299,  
PO Box 35343, Browns Bay, North Shore 0753

Name:

Company:

Address:

Type of business:

Signature

Ph:

Date:

## Skills Maintenance Points

*Building Today* is now registered with the Department of Building and Housing for contributing towards skills maintenance points for Licenced Building Practitioners.

*Building Today* is worth 6 points per year under 'Activities approved by the Registrar'.

If you are a Licenced Building Practitioner, cut out this notice and save it with your skills maintenance literature for when you are audited.

For more information go to [www.dhb.govt.nz](http://www.dhb.govt.nz)



# Get all those outdoor timber projects sorted this summer and score yourself a barbie!



## And size does matter!

The more you spend on your decks, fences, pergola and retaining walls before 28 February – the hotter the BBQ.

**Spend \$5,000 (EXCL GST) and get the Masport Raglan**



**Spend \$100,000 (EXCL GST) and get the Masport Ambassador Deluxe**



**SPEND \$5,000 (EXCL GST)**



**SPEND \$10,000 (EXCL GST)**



**SPEND \$15,000 (EXCL GST)**



**SPEND \$20,000 (EXCL GST)**



**SPEND \$30,000 (EXCL GST)**



**SPEND \$40,000 (EXCL GST)**



**SPEND \$50,000 (EXCL GST)**



**SPEND \$100,000 (EXCL GST)**



**Pinex**™

**WATTYL**

**AMPeLite**  
makes light work!

**BOWMAC**  
**LUMBERLOK**

**EURO NAILS**  
WE'VE GOT IT NAILED

**FORTRESS**  
FASTENERS

**CEMIX**  
Best technology - Best results

**IRWIN**  
TOOLS

**Terms and Conditions:** Purchases on qualifying product can be accumulated from 1 November 2010 – 28 February 2011, based on invoices raised. Qualifying timber products must be Radiata Pine only, and include: Fencing (all posts, rails, palings, battens, strainers), Decking (all grades), Balusters, #1 and #2 grade outdoor and Pinex Verified, Retaining Wall Timber, and Ramsey Roundwood poles and posts. Qualifying timber product excludes: Untreated timber such as boxing, LaserFrame or any MSG or VSG internal framing, house piles, internal timber mouldings, pre-made trellis, trellis batten or trellis capping. Qualifying timber products must make up at least 60% of each tier spend e.g. for \$5000 tier, must include at least \$4000 of timber and \$1000 of advertised partner brands. 100% spend just on specified timber will qualify. All products from the outdoor promotion partner brands qualify for the up to 20% spend, except Cemix qualifying product is Super Strength Fastcrete 30MPa (CPMSSFS0225) only. Promotion available to trade account holders and cash sales. Cash sales will need to complete a redemption form. One reward per qualifying customer based on their spend over the promotional period. Qualifying customers can choose to redeem once they have reached a particular spend level and receive the appropriate BBQ, on doing this they opt out of continuing to accumulate spend towards the promotion. Otherwise, qualifying customers will receive their BBQ in March. Carter Holt Harvey staff are ineligible to participate in this promotion.

**CARTERS**