

# building today

THE OFFICIAL MAGAZINE OF THE REGISTERED MASTER BUILDERS FEDERATION



**Regional House of the Year Supreme Award winners**

**RMBF: Concerns over ITO review**

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Win a Motorola  
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worth over \$600!  
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# building today

Industry training comes under the microscope this month, with RMBF chief executive Warwick Quinn raising concerns about a couple of the proposals in a recently published consultation document.

A lack of balance between theory and practical aspects of the suggested new training regime seems to be what needs to be looked at in order to provide confidence to learners, employers and the industry.

Meanwhile BCITO chief executive Ruma Karaitiana notes that government funding and policy has failed to provide the leadership that industry training so badly requires at a time when the industry is still in a deep recession.

Read in more depth what they have to say in this issue.

**Andrew Darlington**  
Editor



*The PlaceMakers Supreme Award and Nelson Marlborough Registered Master Builders 2012 House of the Year, by Harris Builders for a property in Monaco, Nelson*

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**Publisher:**

Taurean Publications Ltd  
P O Box 35 343,  
Browns Bay, Auckland 0753

**Editor/Advertising Manager:**

Andrew Darlington  
Ph: 09 478 4888 Mob: 021 90 11 56 Fax: 09 478 4588  
**E-mail:** andrew@buildingtoday.co.nz

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# chief's chat

by ceo warwick quinn

## ITO review — theory does not equal practice in construction

**A**s many of you may be aware the Government is undertaking a review of the Industry Training Organisation space.

It is looking to rationalise the number of them from in excess of 35 to around 10-ish. It wants to improve the performance of its investment in industry training, and recently published a consultation document on the matter.

The Registered Master Builders Federation established the Building and Construction Industry Training Organisation (BCITO) in the early 1990s, and the construction sector has been well served by it ever since.

The BCITO is one of the ITO success stories and is, and has been, exceedingly well governed and run for many years.

It has a close relationship with the sector it serves and is active in the industry. It has exceptional completion rates, and produces apprentices to the calibre we require.

Unfortunately, that cannot be said for all the ITOs. Thus, the Government is looking to improve performance, and is force merging as part of its rationalisation agenda.

While we agree with improving the wider ITO performance, we do not want to see the baby thrown out with the bathwater and the BCITO's capability affected because of what other ITOs are, or are not doing.



We do not want to be penalised or to go backwards while these restructurings occur. While we agree change is needed, we are, indeed, selfish and protective in that regard when it comes to construction because, actually, we are one of the beneficiaries of the ITO system.

The recently-published discussion paper identified 11 proposals to improve ITO and apprentice/trainee performance.

It discusses who arranges training and skill setting for industry, greater clarity of ITO functions, higher completion rates, industry responsibility, the Modern Apprenticeship regime, raising the restriction on training levels 5 and 6, funding and subsidies, removing disincentives for trainees to progress to employment, reviewing quality assurance mechanisms and reviewing unit standards.

### Cause for concern

It's all pretty good and sensible stuff, and we are in broad agreement with much of what is proposed. However, there are some aspects that are potentially alarming and cause for concern — Proposals 10 and 11 in particular.

Proposal 10 talks about "the lead qualification developers managing the process for assuring the consistency of graduate outcomes".

It says a mechanism is needed to provide assurance that the outcomes achieved by graduates awarded a New Zealand qualification meet the graduate profile and are comparable, regardless of the programme undertaken. It is hoped this will give confidence to learners, employers and industry in the qualification and the programmes leading to it.

Ok, that seems sensible. But the moderation process that that would introduce is looking to "apply external moderation only to standards relating to skills critical to an occupation".

### Practical application ignored

That seems to us to concentrate on the theory side of learning and ignore the practical application of that learning.

This view is reinforced with Proposal 11 which, among other things, is about undertaking a review of unit standards (to avoid duplication and their proliferation), but states that "Government expects industry skill standards to be more clearly focused on learning outcomes".

If that is so, and our impression is correct, then this review is contemplating having, say, a New Zealand Qualification in Carpentry awarded with no practical element necessary — ie, a "classroom carpenter".

While we agree a balanced approach is required, and such learning has its place, the idea of awarding a qualification without any assessment of the individual's ability to apply those learnings will not work in construction.

Theory first and practical later is quite common in professions where an individual attends university, completes a Bachelor of something, gets a job and then has to work for a set period in order to become registered as being competent within the profession.

We do not want to replicate such a system. Our entire industry is predicated on "graduates", once qualified, being capable of working unsupervised to a high quality of workmanship and completing that work within a reasonable time period with minimal wastage.

That is our industry's "graduate profile", and one the entire Licensed Builder Practitioner scheme is based on.

Having a two-stage approach will not increase productivity or provide the confidence to learners, employers and industry in the qualification.

# A culture of camaraderie

By RMBF president

David Fabish



**B**ack in 1898 when Registered Master Builders was formed, New Zealand's pioneering builders must have possessed a fierce spirit of grit and determination to overcome isolation,

hardship and danger to produce our earliest buildings — some of which are still being enjoyed today long after their creators have gone.

The spirit of camaraderie must have been strong in those early builders as they formed not only a New Zealand Master Builders Federation but, successively, the 22 Associations that we have around the country today — some of which, themselves, are now more than 100 years old.

That same sense of camaraderie still exists today in the current membership, and particularly in the executive committees of our Associations.

I am proud to say I am a member of such a positive,

creative, hard working yet humble group of people.

It is little wonder that many of us have developed such close personal friendships in spite of the fact that we work in a very competitive industry.

I am constantly impressed by the way Registered Master Builders members give back to the industry and their communities with training and mentoring, charity builds, working with Government and local bodies, and hosting great House of the Year and Apprentice of the Year events.

It is also obvious to me that our members are generally older, well established and have robustly weathered the storms of recent economic times and the

continuous boom/bust cycles very well.

But what of the future — and the next 114 years? We have gone from hand tools and horses to hand-held computers and amazing power tools and equipment. Our focus has changed from cutting down hardwood forests to sustainable building practices.

As we innovate and change within our industry we must also innovate and change within the organisation.

We need to attract and retain a new generation of ambitious, skilled young builders, and mentor, train and nurture them into eventually running great building businesses and to be the future leaders of this organisation and of the industry.



Above: The Conference of Federated Council of New Zealand Builders and Contractors. Back row, from left: S I Clarke (Auckland), A Pollard (Dunedin), R L Scott (Canterbury), J Lunn (Dunedin), W Rosser (Taranaki), W H Bennett (Wellington). Front row: N King (Taranaki), J A S Greig (secretary), W H Bowen (Canterbury), H Pearce (president), W E Hutchison (Auckland), J J Holland (vice-president).



Left: 2011 National Finalists in the Registered Master Builders Apprentice of the Year in association with Carters: Standing, from left: Ryan Keogh, Straun Anderson-Scott, Matt Saathoff, National Sponsors, Tom Storey, Jonathan Spurdle, Josh Woodcock. Kneeling: Ben Hanna, Tom Evans, Andrew Hamilton, Nick Skeggs.

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

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

**www.masterbuilder.org.nz**

**Registered Master Builders Association Managers:**

Ashburton: Kimberley Sexton 027 299 8086  
Auckland: Sally Mehrrens 09 302 2894  
Canterbury: Katrina Prattley 03 343 9804  
Gisborne: Katrina Duncan 06 863 3675  
Gore: Jacque Lloyd 03 208 9240  
Hawke's Bay: TBA

Manawatu: Donna Dowse 06 353 1992  
Marlborough: Richard Morriss 03 574 1152  
Nelson: Karen Lane 021 749 091  
Otago: Karen Hamilton 03 488 0460  
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 07 850 6037  
Wairarapa: Angeline Colquhoun 06 378 8008

Wanganui: TBA  
Wellington: Gerald Rixon 04 381 2850  
West Coast: Lydia Baylis 03 280 9519  
Whakatane: Sylvia Bonne 07 323 7718

**RMBF Regional Service Team:**

Wally Walters: Auckland South, Coromandel, Gisborne  
027 480 4055

Grant Hayes: Auckland, Northland 027 285 9516

Bob Bringans: Tauranga, Waikato, Rotorua, Whakatane, Taupo  
027 496 1050

Peter Philipsen (NZ Regional Service Manager): Wellington  
(South, Central), North Kapiti, Waikanae, Otaki, Manawatu,  
Taranaki, Wanganui 027 484 6207  
Darryl Fawcett: Wellington (North), Wairarapa, Hawke's Bay,  
Nelson, Marlborough 027 457 4146

Ian Gould (South Island Manager): Ashburton, South  
Canterbury, Otago, Gore 027 435 7397  
Glen Campbell: Canterbury, West Coast, Southland  
027 472 2226

# 2012 Regional Supreme



*PlaceMakers Supreme Award and Southern Region Registered Master Builders 2012 House of the Year: A J Saville Builder for a property in Cardrona*

*Also: New Homes over \$2 million, PlaceMakers Heart of the Home Kitchen Award, Sustainable Homes over \$1 million, GIB Living Award*



*PlaceMakers Supreme Award and Southern Region Registered Master Builders 2012 Renovation of the Year: Bamford McLeod Construction Ltd for a property in Queenstown*

*Also: PlaceMakers Renovation Award over \$500,000*



*PlaceMakers Supreme Award and South and Mid Canterbury Registered Master Builders 2012 House of the Year: Stonewood Homes South Canterbury Ltd for a property in Temuka*

*Also: New Homes \$350,000 - \$450,000, PlaceMakers Bathroom Excellence Award*

The 12 regional events for the Registered Master Builders PlaceMakers 2012 House of the Year are now over, with 20 building companies from around the country scooping PlaceMakers Supreme Awards for the House of the Year and the Renovation of the Year.

National Gold Reserve finalists will be



*PlaceMakers Supreme Award and Nelson Marlborough Registered Master Builders 2012 House of the Year: Harris Builders for*



*PlaceMakers Supreme Award and Nelson Marlborough Registered Master Builders 2012 Renovation of the Year: Brockie*



*PlaceMakers Supreme Award and Manawatu Registered Master Builders 2012 House of the Year: Fowler Homes*

# Award winners found

announced this month before being judged again to find New Zealand's top properties which will be revealed at the National Gala dinner at the Langham Hotel on November 17.

*Building Today* presents the PlaceMakers Supreme Award winning homes from each region.



**a property in Monaco, Nelson**  
Also: New Homes \$600,000 - \$1 million, Craftsmanship Award, Outdoor Living Award



**Renovations for a property in Atawhai, Nelson.** Also: PlaceMakers Renovation Award up to \$250,000



**(Manawatu) Ltd for a property in Palmerston North**  
Also: New Homes \$600,000 - \$1 million



**PlaceMakers Supreme Award and Taranaki Registered Master Builders 2012 House of the Year: Hassall Homes Ltd for a home in New Plymouth**  
Also: New Homes \$600,000 - \$1 million, PlaceMakers Heart of the Home Kitchen Award, PlaceMakers Bathroom Excellence Award, Craftsmanship Award



**PlaceMakers Supreme Award and Waikato Registered Master Builders 2012 House of the Year: John S Macdonald Builders Ltd for a home in Hamilton**  
Also: New Homes \$1 million - \$2 million, Outdoor Living Award, Interior Style and Design Award



**PlaceMakers Supreme Award and Waikato Registered Master Builders 2012 Renovation of the Year: Jennian Homes Coromandel Ltd for a renovation in Whangamata**  
Also: PlaceMakers Renovation Award over \$500,000

The Awards are made possible through the support of PlaceMakers, James Hardie, Gib Living Solutions®, Nulook, Department of Building and Housing, Future-Proof Building and Master Build Services Ltd. For more information visit [www.masterbuilders.org.nz](http://www.masterbuilders.org.nz).

**More winners,  
pages 8, 9**

# 2012 Regional Supreme Award winners found



*PlaceMakers Supreme Award and Canterbury Registered Master Builders 2012 House of the Year: Design Construction for a home in Merivale, Christchurch*  
 Also: New Homes \$600,000 - \$1 million, PlaceMakers Bathroom Excellence Award, Craftsmanship Award



*PlaceMakers Supreme Award and Canterbury Registered Master Builders 2012 Renovation of the Year: Miles Construction Ltd for a property in Akaroa*  
 Also: PlaceMakers Renovation Award \$250,000 - \$500,000



*PlaceMakers Supreme Award and Wanganui Registered Master Builders 2012 House of the Year: Eves Construction Ltd for a home in Ohakune*  
 Also: New Homes \$600,000 - \$1 million, Outdoor Living Award, Craftsmanship Award



*PlaceMakers Supreme Award and East Coast Registered Master Builders 2012 House of the Year: Gee Builders Ltd for a home in Napier*



*PlaceMakers Supreme Award and East Coast Registered Master Builders 2012 Renovation of the Year: Ainsworth & Collinson Ltd for a home in Havelock North*



*PlaceMakers Supreme Award and Wellington Wairarapa Registered Master Builders 2012 House of the Year: Peter Camp Builders Ltd*



*PlaceMakers Supreme Award and Wellington Wairarapa Registered Master Builders 2012 Renovation of the Year: S&R Residential Ltd*



Also: New Homes \$600,000 - \$1 million, Future Proof Building Energy Efficiency Award, PlaceMakers Heart of the Home Kitchen Award, Craftsmanship Award



Also: PlaceMakers Renovation Award over \$500,000, GIB Living Award, PlaceMakers Bathroom Excellence Award, Outdoor Living Award



for a home in Ohariu, Wellington  
Also: New Homes over \$2 million, Sustainable Homes over \$1 million



for a renovation in Karori, Wellington  
Also: PlaceMakers Renovation Award over \$500,000, GIB Living Award, Craftsmanship Award



PlaceMakers Supreme Award and Bay of Plenty Central Plateau Registered Master Builders 2012 House of the Year: Haimes Building Ltd for a property in Taupo

Also: New Homes \$1 million - \$2 million, PlaceMakers Bathroom Excellence Award, Outdoor Living Award



PlaceMakers Supreme Award and Bay of Plenty Central Plateau Registered Master Builders 2012 Renovation of the Year: Riordan Construction Ltd for a property in Tauranga

Also: PlaceMakers Renovation Award over \$500,000, Craftsmanship Award



PlaceMakers Supreme Award and Auckland Registered Master Builders 2012 House of the Year: Lite-House Ltd for a property in Oneroa, Waiheke Island

Also: New Homes over \$2 million, GIB Living Award



PlaceMakers Supreme Award and Auckland Registered Master Builders 2012 Renovation of the Year: Onform Construction for a renovation in Remuera, Auckland

Also: PlaceMakers Renovation Award over \$500,000

# 2008 winner has come a long way

**J**arred Biggs has come a long way since winning the Auckland Registered Master Builder Carters 2008 Apprentice of the Year.

The 26-year-old from Howick is now managing director of his own successful construction company, Biggs Construction Ltd, running multi-million dollar projects on Waiheke Island.

"I started the company in January 2010, initially contracting to Finesse Residential where I did my apprenticeship," Jarred says.

The company has had a smooth start, with Jarred securing his first solo project in February 2011 — a large architectural designed house on Waiheke Island.

"Dad and I had already renovated the client's other property with Finesse Residential, so they knew me from that and were willing to go ahead with it," he says.

"It is a 900 sq m house on a 10 acre property. The build cost approximately \$4 million and is mainly masonry precast construction. It has three bedrooms, six bathrooms, a studio, office and a large entertainment area which leads onto the pool," he says.

"There's a large living area upstairs with a huge kitchen, a third level with a large deck on the roof, and then there's the surrounding landscaping and expansive decks right around the house."

Biggs Construction Ltd has now completed its debut project and is working on another house nearby for the same client. Jarred has two apprentices on his team, including his twin brother, and two chippies.

"When working with Biggs Construction, the clients get to be involved with a team of passionate, motivated carpenters who strive for excellence and meet all of the client's requirements," Jarred says.

"We work with clients to design and build their dream homes from scratch, or we can renovate existing properties."



Jarred Biggs

Jarred has always been a hands-on person. His BCITO training advisor Trent Seaton said in his Apprentice of the Year entry form in 2008 that building is in Jarred's blood.

"His performance, ability and attitude have always been a cut above the rest," he says.

Judges in the competition said he stood out as the clear winner. "Jarred seemed to love his work, knew everything about the job he was working on and was proud to show it off," they said.

Jarred suggests that if young apprentices want to get where he is now, motivation is the key.

"Work hard, put the hours in, be motivated, and you will get the reward. You need to be able to work well with all sorts of people and handle any situation to get the best outcome possible. Nobody is perfect, so just make

sure you always learn from your mistakes," he says.

The Apprentice of the Year competition is made possible thanks to principal sponsor Carters, the Registered Master Builders Federation, the Building and Construction Industry Training Organisation (BCITO), and supporting sponsor the Ministry of Business, Innovation and Employment.

The regional competition is currently underway, and the national competition is set to take place in Wellington on October 25 and 26.

For further information, visit [www.apprenticeoftheyear.co.nz](http://www.apprenticeoftheyear.co.nz). Apprentices, employers and those young people aspiring to be a part of the construction industry are also encouraged to join up to the Facebook page at [www.facebook.com/apprenticeoftheyear](http://www.facebook.com/apprenticeoftheyear).

## Entries open for new commercial building awards

**N**ew Zealand's newest commercial building awards — The New Zealand Commercial Project Awards — are underway, with entries open and sector interest growing.

Recognising the best of New Zealand's commercial buildings and the teams behind them, the awards are open to all commercial contractors and their construction partners, including architects, engineers and property owners and developers.

Awards spokesperson Greg Pritchard says receipt of a number of quality entries within days of the awards entries opening indicates the programme will be well

received by the industry.

"We're confident the wider industry will see these awards as a great opportunity to showcase the commercial work being done and the team behind them. We believe the properties competing for recognition will be the best New Zealand has to offer."

Entries can be made online at [www.commercialprojectawards.co.nz](http://www.commercialprojectawards.co.nz) before Friday, October 26, 2012. Buildings completed after February 28, 2010, and with a certificate of practical completion by October 26, 2012 are eligible to enter.

Sponsored by PlaceMakers, James Hardie, NALCO, GIB and Allied Concrete, the awards will be announced at a gala event in Auckland in May next year.

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BRANCH	DATE	TIME
PlaceMakers Invercargill	Tuesday, 2 October 2012	7:00am - 9:00am
PlaceMakers Gore	Tuesday, 2 October 2012	5:00pm - 7:00pm
PlaceMakers Te Anau	Wednesday, 3 October 2012	7:00am - 9:00am
PlaceMakers Queenstown	Wednesday, 3 October 2012	5:00pm - 7:00pm
PlaceMakers Wanaka	Thursday, 4 October 2012	7:00am - 9:00am
PlaceMakers Cromwell	Thursday, 4 October 2012	5:00pm - 7:00pm
PlaceMakers Alexandra	Friday, 5 October 2012	7:00am - 9:00am
PlaceMakers Dunedin	Monday, 8 October 2012	5:00pm - 7:00pm
PlaceMakers Oamaru	Tuesday, 9 October 2012	5:00pm - 7:00pm
PlaceMakers Twizel	Wednesday, 10 October 2012	7:00am - 9:00am
PlaceMakers Timaru	Wednesday, 10 October 2012	5:00pm - 7:00pm
PlaceMakers Ashburton	Thursday, 11 October 2012	7:00am - 9:00am
PlaceMakers Cranford St/ Antigua Street	Thursday, 11 October 2012	5:00pm - 7:00pm
PlaceMakers Riccarton	Tuesday, 16 October 2012	7:00am - 9:00am
PlaceMakers Motueka	Wednesday, 17 October 2012	7:00am - 9:00am
PlaceMakers Nelson (Richmond)	Wednesday, 17 October 2012	5:00pm - 7:00pm
PlaceMakers Blenheim	Thursday, 18 October 2012	7:00am - 9:00am
PlaceMakers Napier (Hawkes Bay)	Wednesday, 24 October 2012	7:00am - 9:00am
PlaceMakers Taupo	Wednesday, 24 October 2012	5:00pm - 7:00pm
PlaceMakers Rotorua	Thursday, 25 October 2012	7:00am - 9:00am
PlaceMakers Whakatane	Thursday, 25 October 2012	5:00pm - 7:00pm
PlaceMakers Mt Maunganui	Friday, 26 October 2012	7:00am - 9:00am
PlaceMakers Kaiwharawhara, Evans Bay, Porirua and Seaview	Tuesday, 30 October 2012	7:00am - 9:00am
PlaceMakers Paraparaumu	Tuesday, 30 October 2012	5:00pm - 7:00pm
PlaceMakers Palmerston North	Wednesday, 31 October 2012	8:00am - 10:00am
PlaceMakers Levin	Wednesday, 31 October 2012	5:00pm - 7:00pm
PlaceMakers Ohakune	Wednesday, 31 October 2012	5:00pm - 7:00pm



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# Luxury Hamilton hotel gets the go-ahead

**C**onstruction of SkyCity Hamilton's new \$35 million 4.5-star hotel will begin by the end of the year, and the luxury 135-room facility will be completed at the end of 2014.

After three years of planning, SkyCity Entertainment Group has been granted board approval to build the three-storey hotel on top of the existing casino complex on Victoria St.

The facility will include a five-lane swimming pool, a gym and sauna room, eight luxury duplex suites 8 sq m in size, 16 large suites with balconies facing the river, and 111 standard rooms decorated in a similar style to SkyCity Auckland's hotels.

There will be a grand atrium with a water feature in the centre of the hotel complex, and the geodesic

dome at the front of the building will be retained.

The hotel entrance will be at the lower ground floor level near the casino's car park entrance on Alma St.

## Strong growth

SkyCity Hamilton general manager Arthur Pitcher says the Hamilton business has experienced strong growth, particularly in the Asian market, for the past three to four years.

He is excited the hotel is finally underway, and would enable the casino to accommodate its VIP and international clients.

"We are seeing a rapid increase in Asian business in the Hamilton casino, and we want to be able to service it properly," he says.

"A lot of the VIP business happens at the weekend and

a lot of the conferences in the town happen midweek, so it probably fits quite well."

## Hotel shortage

The development will also address the perceived shortage of hotel accommodation in Hamilton which has been blamed for the council's Claudelands Event Centre losing business.

The new hotel will boost the number of hotels in the CBD from two to three.

Meanwhile, SkyCity was in negotiations with McConnell Property over whether its planned three-storey food and beverage precinct on the Victoria on the River site would be developed at the same time as a four-storey office block the Auckland-based developer is planning.

## NEW ZEALAND COMMERCIAL PROJECT AWARDS

# 2012



## Entries Now Open

## Celebrating outstanding commercial construction by New Zealand's best project teams.

This awards programme recognises the outstanding achievements of commercial construction project teams and the properties they create that make up New Zealand's city skylines and rural landscapes.

Open to all organisations within the project team (construction, architecture, engineering, quantity surveying, property owners etc), the awards give the entrants the opportunity to vie for Gold, Silver and Bronze within their category as well as National Titles and the Supreme Award overall.

The award categories are: Commercial and Civic Project, Education Project, Health Project, Industrial Project, Residential Project, Restoration Project, Retail Project, Tourism and Leisure Project, Value Awards (Under \$2m, \$2m-\$5m, \$5-\$15, Over \$15m)

If your organisation is part of a team with a project to be proud of, the New Zealand Commercial Project Awards is the perfect platform to showcase quality construction.

For more information go to:

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

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**F**letcher Building Ltd (FBL) is set to make significant energy savings after signing an agreement with the Energy Efficiency and Conservation Authority (EECA) to introduce a company-wide energy efficiency programme.

The programme, proposed by FBL, will include efficiency initiatives across six of their divisions, and will provide immediate and long-term energy efficiency benefits.

The agreement shows that New Zealand's most influential businesses are keen to reduce their energy use and carbon footprint, according to EECA general business manager Ian Niven.

"We anticipate many other New Zealand firms will follow Fletcher's lead in using a systematic, group-wide approach to energy efficiency as a catalyst for improving productivity across their business," Mr Niven says.

FBL is targeting electricity savings of at least 17.5 GWh annually by 2014. This is equivalent to the amount of electricity used by 2200 houses in a year, and is worth approximately \$2 million per year in avoided electricity supply costs.

"New Zealand businesses could save around \$2 billion in energy costs every year, savings that would go straight to their bottom line," Mr Niven says.

"EECA is working with businesses of all sizes and across all sectors to promote a culture of good energy management as a way to improve overall business performance."

EECA Business will provide some funding towards the programme, which will be made up of several projects, to a maximum of \$300,000 over two years. FBL will contribute more than half the costs for each project.

FBL has engaged Energy NZ Ltd and Stewardship Solutions Ltd to assist with identifying and implementing opportunities that will improve energy efficiency across its business divisions.

"FBL has made a firm commitment to make energy efficiency a priority for the business, and by teaming up with energy management experts they can make sure they are focusing on the projects that will deliver the biggest benefits," Mr Niven says.

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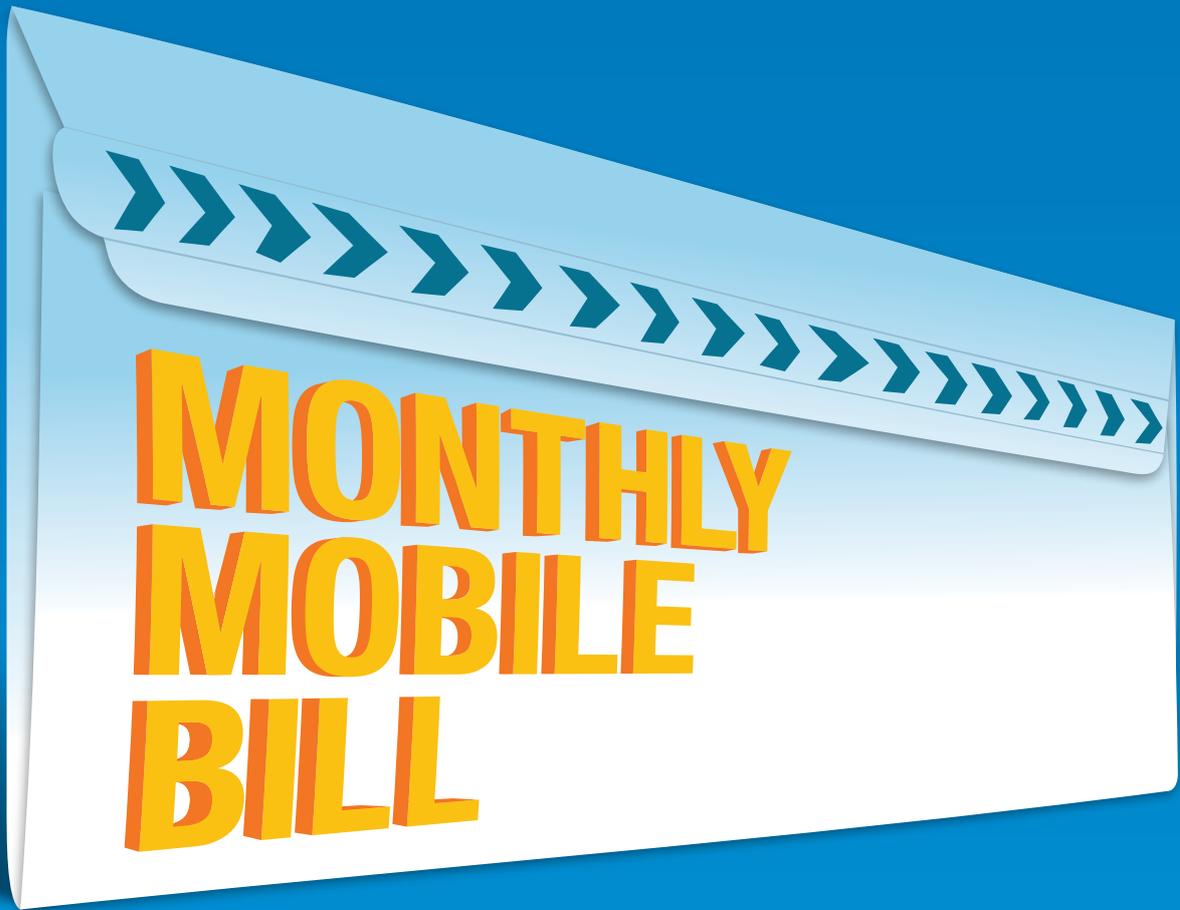
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### Lazer Office

- Extended 7 year warranty
- Built-in seven day programmable timer and display
- Electronic Controller
- Available in White and Stainless Steel
- 3 and 5 litre capacities



### Lazer Eco

- Cost effective, boiling water powerhouse
- "Eco mode" button for one touch control
- Reduced energy consumption
- 3, 5 and 7.5 litre capacities



### Lazer Commercial

- High capacity boiling water system
- Energy efficient, smart technology with seven day programmable timer
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- Available in White and Stainless Steel
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## news

## Project specialist scoops construction award

**C**hristchurch project specialist Steven van der Pol of Arrow International has been awarded The New Zealand Institute of Building Medal.

The Medal, presented by the New Zealand Institute of Building biannually, recognises long-standing contribution of merit to the practice and science of building.

Arrow's strategic development director has worked on many complex national and international projects, but his current work has a strong focus on the rebuild of the Christchurch CBD.

Prior successful projects include the Christchurch Polytechnic Institute of Technology, the Canterbury Tennis Indoor Centre, the St Andrews College staged development, and a series of hotel developments for Scenic Hotel Group and Quest Hotels.

Mr Van der Pol was admitted to the NZIOB as a foundation member in 1984, has served as a national councillor for seven years and is a past national president.

He is a Fellow of the NZIOB. The Fellowship recognises long-standing commitment to the principles of the NZIOB and the promotion of professional practices.

He is also a board member of the Court Theatre Trust in Christchurch, where he played a significant role in the fast rebuild of the temporary theatre.

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**PEACE OF MIND.** James Hardie provides a 15 year product warranty<sup>1</sup> on Scyon® Stria® Cladding.

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**MADE FROM SCYON®** Stria® Cladding is made from Scyon® the advanced lightweight cement composite with heavy-duty performance. Not only is it resistant to fire and damage from rot<sup>1</sup>, but it can also be gun nailed and is easy to cut.

For more information on Scyon® Stria® Cladding visit [www.scyon.co.nz](http://www.scyon.co.nz) or ASK JAMES HARDIE



<sup>1</sup> When installed and maintained correctly and to the extent set out in James Hardie's published literature current at the time of installation. © 2012 James Hardie New Zealand Ltd.  
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# Weathertight remediation: A quick introduction for builders

## Article 2: Leaky Buildings: Getting involved

By builder Harry Dillon

This is the second article in a series of articles based on a number of workshops on weathertight remediation for builders which the Building and Housing Group in the Ministry of Business, Innovation and Employment has been running at centres all over New Zealand.

As discussed previously, there are increased risks in such projects, and it is essential that we as builders understand these risks and ways to minimise them. And this starts before we even swing a hammer on site.

When you are contacted by a designer or client it is crucial to know if an assessment has been carried out on the building.

If there is, what are the skills and experience of the assessor, and is the report current? If there is no assessment, in most cases it will be appropriate to advise the owner to obtain an inspection and report from a competent person.

Have plans been drawn up and consent applied for? What are the qualifications and experience of the designer and those supervising the repair process, providing ongoing design support and evidence collection?

Until the cladding is removed, it is often difficult to determine the extent of the work needed and details

required. If a designer has little experience in remediation, will they be able to deliver details in a reasonable time frame?

Note that since March 2012 this is restricted work requiring the appropriate design licence. Case law has shown that builders can carry significant liability if they design missing or change existing details which then go on to fail.

When considering the legal ramifications of the duty of care that has been established under case law, how suitable is the proposed repair methodology, especially targeted or partial repair types? Working with the right experts can help mitigate this risk.

The "like with like" provision in Schedule 1 of the Building Act allows repairs and maintenance to be carried out on a building without a building consent, but only where the building has not failed the durability requirements of B2.

Due to these requirements, any building that has leaked within 15 years will, strictly speaking, require a building consent for repairs to the envelope.

Having an understanding of the whole remediation process and what options are available for potential clients has helped me differentiate from others in the market, and to develop a relationship with those clients.

Carrying out a quick assessment of the property in

person or over the phone to determine the age, design features, building materials and why they think they may have a problem will be a useful first step in determining the options available. If their home has a CCC, who it was issued by and when is critical.

Whilst not the only limitation period on statute, the 10-year long stop limitation period of the Building Act 2004 is the most relevant to building projects. If a client falls outside these limitation periods their options for holding those to account for their loss through litigation narrow significantly.

Due to the complexity of such cases it is probable that a client will need the advice of other professionals for legal and expert advice to determine their most appropriate course of action.

If a client is unfortunate enough to own a leaky building they may also need to consider the potential health implications of residing in their home, and the length and stress of the whole process.

Options could include selling their home back to the defendants, the original builder perhaps, or demolition with consideration for land value and remediation costs.

A builder's most obvious risk is, arguably, security of payment, so understanding how a client is intending to fund the repairs is essential.

A client may plan to 100% self fund for a small repair for example — but what if scope and budget significantly increase? They could then be driven to pursue parties using the WHRS or private litigation through the courts.

The client may also be using the Government's new Financial Assistance Package (FAP), the subject of our next article in November.

- Harry Dillon is a builder and has been involved with the repair of more than 300 homes over the past 10 years. This article represents his views, which may not necessarily be the same as the Building and Housing Group.

- Article 1 of this series that appeared in the July issue was incorrectly credited to former DBH senior advisor, sector education, Albrecht Stocklein. The article was, in fact, also written by builder Harry Dillon.

*Building Today* apologises for the error.

## PROJECT MANAGEMENT TRAINING

Building Design and construction needs the right tools, training expertise and experience to do a good job to the right spec.

It's the same basic steps with the management of projects — just the methods, thinking, training, tools and their application is different.

To learn the differences and their application within the Project Management discipline and ease the stress and constraints, contact either 09 479 9022 or [www.optimumbusinessdevelopment.biz/contact-us.html](http://www.optimumbusinessdevelopment.biz/contact-us.html)

Next Auckland 2-day courses presented by qualified experienced practitioners of Project Management are on:

**9th - 10th of October and 1st - 2nd of November**

Cost for Building Today enquiries: \$1375 + GST

# Colourful bridge wins top award

The clever red palette on the Clark Street Overbridge in Auckland by Architectus has been awarded top honours in the Resene Total Colour Awards for its unique use of colour on a very public space.

Resene has a long history of colour, with colours such as Resene Spanish White and Resene Pearl Lusta created over three decades ago still continuing to be top choices for decorators today.

With thousands of colours available, the key is not just choosing the right one, but putting it together with complementary colours and accents to bring the colour palette to life. The Resene Total Colour Awards were launched to encourage and celebrate excellent and creative use of colour.

Award winners were:

Resene Total Colour Master Nightingale Award and the Resene Total Colour Commercial Exterior Award: Architectus — Clark Street Overbridge, Auckland.

Resene Total Colour Residential Exterior Award and the Resene Total Colour Maestro Nightingale Award: Designgroup Stapleton Elliott — WCC Regent Park Development.

Resene Total Colour Residential Interior Award: Parkhurst Design — Seel Residence.

Resene Total Colour Residential Interior Colour Maestro Award: Eucalyptus Design & Interiors — Kingsland Art.

Resene Total Colour Residential Interior Colour Maestro Award: Sarah Quinlan Design Ltd — Nelson Project.

Resene Total Colour Education Award: Darryl Church Architecture — Waipa Woodprocessing Workshop.

Resene Total Colour Education Colour Maestro Award: McKenzie Higham Architecture — Amesbury School.

Resene Total Colour Education Colour Maestro Award: Opus Architecture — Avonhead School Learning Centre.

Resene Total Colour Commercial Exterior Colour Maestro Award: Wilson and Hill Architects Ltd — "The Chair".

Resene Total Colour Commercial Exterior Colour Maestro Award: Atelierworkshop — White Hart Hotel.

Resene Total Colour Commercial Interior — Office Award: Studio Pacific Architecture — Beca fitout.

Resene Total Colour Commercial Interior — Office Colour Maestro Award: Element 17 — Radio Network Christchurch.



The Clark Street Overbridge in Auckland won Architectus the Resene Total Colour Master Nightingale Award and the Resene Total Colour Commercial Exterior Award.

Resene Total Colour Commercial Interior — Office Colour Maestro Award: Spaceworks Design Group — Google Office fitout.

Resene Total Colour Commercial Interior — Public + Retail Award: Studio Gascoigne Ltd — Glassons Queen Street fitout.

Resene Total Colour Commercial Interior — Public + Retail Colour Maestro Award: Designworks — Kiwibank and New Zealand Post Retail Transformation project.

A Resene Total Colour Commercial Interior — Public + Retail Colour Maestro Award: Xsite Architects — Monarchy Restaurant.

Resene Total Colour Display + Product Award: Sang Architects & Company Ltd — Sang Siren.

Resene Total Colour Display + Product Colour Maestro Award: Boffa Miskell — Auckland Harbour Bridge Trestle Leg Series.

Resene Total Colour Landscape Award: Taylor Cullity Lethlean (Australia) and Wright + Associates (NZ) — Jellicoe Street, North Wharf and Silo Park.

Resene Total Colour Landscape Colour Maestro Award: BECA — Max's Pipe Dream.

Resene Total Colour Landscape Colour Maestro Award: Boffa Miskell — London Quay.

Resene Total Colour Rising Star Award: Grace Salisbury Mills — Arts & Crafts Cultural Mall.

Resene Total Colour Lifetime Achievement Award, recognising a person in the architecture and design industry who has shown dedication to innovative and excellent colour use in their work: Di Lucas, Canterbury.

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See the Resene CoolColour brochure or your local Resene ColorShop or Reseller staff for more information on how you can keep your client's projects cooler.



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# Industry leadership and the skills dilemma

By BCITO chief executive and Building and Construction Sector Productivity Partnership skills workstream chairman **Ruma Karaitiana**

**T**here is no doubt that the construction industry is still in a deep recession, with dwelling consent figures for one of the quarters of 2012 being the lowest we have seen in the past 40 years. What remains in doubt is the timing of any recovery.

The Christchurch rebuild has been the great hope for two years, but remains elusively on the future horizon. An emerging boom period in Auckland construction is now on many lips, but "green shoots" are not enough to sustain the industry, while recovery in provincial New Zealand remains muted.

In this context, timing is the enemy. Even the most cynical accept that Christchurch and Auckland are going to drive demand for skills and labour to a level we will not be able to meet, but we still cannot be precise about when.

At the same time, given apprentices take an average of four years to complete their training, the extra skilled people we need for 2013 should have been in training during the past couple of years.

There is no easy solution to this dilemma, but doing all we can is still a worthwhile activity. It is a complex mix of industry boom and bust cycles, low productivity,



continuing education and the funding mechanisms around industry training.

For the past two years the Building and Construction Sector Productivity Partnership has worked in this area, sponsored by the Building and Housing Group of the newly formed Ministry of Business, Innovation and Employment.

Within this venture, the BCITO has been leading a workstream which launched a Skills

Strategy in March this year, and is about to launch an implementation plan. There are a number of critical messages in this strategy which aims to lift productivity by 20% by 2020.

First, the industry is woefully short of people who can effectively manage processes and supervise people, and this shortage is about to get worse as our aged workforce starts to exit.

We urgently need to get our younger people progressing beyond technical trade level and forging more sustainable careers in the industry. This is a subset of a big need to lift the training and performance of the existing workforce, because most of 2020's future workers are already working in the industry today.

This challenge is exacerbated by the fact that our industry is dominated by small and medium-sized enterprises. It is particularly difficult to get responses to change, and for resources to be freed up to continuously train and develop staff.

The Licensed Building Practitioner programme is helping with the expectation that practitioners must engage in continual professional development. However, to be more effective, the LBP CPD process needs to be reorganised to take a more strategic and structured approach to meeting training needs.

The industry associations and professional institutes are also well placed to contribute, and are an important access point to the existing workforce and to its employers.

However, they too must take a more structured approach in their development programmes in order to reduce duplication and enhance relevance.

This isn't a glass houses exercise though. It is equally clear that the formal education system has missed the mark as well. Most research tells us that New Zealand is doing reasonably well with training new entrants to the industry.

However, in the depth of the recession, the system got the timing wrong by delivering large numbers of ambitious pre-trade graduates, fresh out of polytech, to an industry with no jobs.

ITOs and polytechnics have tried hard but been unable to figure out how to move trainees and apprentices in and out of workplaces and institutions to try and keep them training when redundancies struck.

The government funding system and policy has lacked the courage and vision to enable this when it mattered most.

In a large and unruly industry facing difficult times, what we have lacked has been comprehensive and courageous leadership. The Productivity Partnership has made a sizeable contribution towards meeting this need, but we are on the cusp of a big change on the demand side.

The question remains unanswered. "Where will the leadership come from?" If it doesn't emerge now, we risk heading into an uncontrolled growth period, where another bust must follow. And so the cycle will start again.

## National Building Contract

Soon all building projects over \$20,000 will require a mandatory Building Contract.

The National Building Contract published by the New Zealand Institute of Architects is for use between the Contractor and the owner and is widely used within the building industry. Two versions are available to suit your needs. One is for Small Works, the General version for larger projects.

You can obtain a copy of both contracts at [www.nzia.co.nz](http://www.nzia.co.nz) in the E-Shop.



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# So, when's this building boom? happening ●

Everyone's calling a boom, but it hasn't happened yet. BCITO **researchers** forecast mid-2012, but no-one can be certain. *But it will come.* No doubt about it.

When it comes you will need **people** and **skills** to grow your business. BCITO apprentice numbers are down by 50%, so where will this skill come from?

It is up to you to prepare now. We know it's tough to take on extra people, but you're going to need them, especially in Auckland and Christchurch.

*BCITO can help you prepare.*

We can help you find apprentices from our growing database. We can help formally qualify your existing team. We have 85 people on the ground ready to help now.

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**Rockcote Integra** Flooring panels are 1800mm L x 600mm W x 75mm thick making them easily transported & handled onsite.

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back in time

## BT's Back in Time

Welcome to Back in Time, where we delve into our magazine archives and discover what was making news way back when . . .

### 20 years ago:

- The second New Zealand Master Builders Federation House of the Year Awards attracted 131 entries, up from 120 in the inaugural competition in 1991. Members from 18 of the 22 regional associations entered homes.

The number of price categories increased to five, the highest being for houses over \$500,000 (including GST but excluding the section cost).

- In his monthly column, NZMBF chief executive Trevor Allsebrook wondered when building materials merchants were going to "enter the real world".

He went on to say that many of the industry's problems were directly attributable to material suppliers whose slack credit management policies allowed unsatisfactory builders to survive. "In any other field of business such cowboys would quietly perish," Mr Allsebrook said.

### 15 years ago:

- BRANZ launched the Green Home Scheme which offered builders designers and home owners the chance to ensure buildings were designed in an environmentally-friendly manner.

- New Zealand's largest investment in a manufacturing plant for two years was realised with the official opening of the Rayonier NZ MDF plant in Maitua, Southland.

The \$180 million plant was expected to create \$55 million worth of high-strength fibreboard to be exported to Japan, Taiwan and Australia.

### 10 years ago:

- Registered Master Builder Anthony Leighs won first place in the NZIOB Young Achiever of the Year Awards. Mr Leighs had grown his-one-man construction company into a multi-million dollar business, specialising in projects with challenges that required innovative thinking rather than run-of-the-mill solutions to standard projects.

### 5 years ago:

- Building and Construction Minister Clayton Cosgrove announced that leaky homes claimants could be certain that Weathertight Homes Tribunal and WHRS adjudicators were able to award general damages, including those for mental stress and anxiety.

It came too late for some though. At least one owner had taken his own life and 10 others were on suicide watch, while hundreds of others were facing bankruptcy and wrecked lives as aggressive body corporates hounded them for thousands of dollars to fix leaky buildings.

# Cloud Computing saving time and money for construction firms

**A**lthough the challenges faced by small businesses every day in every industry may be similar in nature, never are they more acute than in the construction industry.

Low margins lead to increased workloads and less time spent managing and improving.

ACRIS Services identified the residential construction industry as a sector most likely to under-utilise technology to help manage their businesses.

This provided Russ Stephens the inspiration to create a company with the vision to increase profits and reduce working hours for builders and subcontractors.

Today, ACRIS Services is assisting contractors across five countries to improve their quality of life and increase their profits through Software as a Service.

Software as a Service is a method of providing

software to users over the internet. Otherwise known as Cloud Computing or Online Software, this is the future of software delivery.

The traditional method of installing software on a local computer or an internal server is now in rapid decline due to being expensive and inaccessible.

### Affordable computing

By contrast, Cloud Computing is affordable, with no upfront costs or ongoing hardware and support costs associated with traditional in-house server set-ups.

Bill Gates famously predicted that by 2015, four out of five of the world's servers would be cloud-based.

The main benefits of computing in the cloud are:

- Low cost.
- Automated backup and recovery.
- Regular updates.

- Accessible from anywhere.

This is why all of the software solutions provided by ACRIS Services are cloud-based. The company has researched solutions from around the world for builders and subcontractors, and has been able to put together a comprehensive package covering:

- CRM (automated marketing to potential clients).
- Estimating (with free plan sharing and live discussion features).
- Project Management (with client login for selections).
- Health & Safety (online documentation for iPad and computers).
- Accounting (online access allowing your bookkeeper to connect remotely).

These solutions are saving the company's clients time and money. Call ACRIS now on 04 889 2274 and find out what they can do for your business.

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**[www.buildingaservice.co.nz](http://www.buildingaservice.co.nz)** **04 889 2274**

# ASB North Wharf — A Wynyard Quarter landmark for Auckland

By Roy Kane

**A**SB North Wharf occupies sites 22 and 23 in Wynyard Quarter on Auckland's waterfront.

Te Wero Lane, a prescribed public lane extending from Jellicoe Street to Madden Street, is the central component of the public realm within the site, and creates the pedestrian connectivity with the corporate realm. Bridges span the glass-enclosed lane between the two buildings.

The design of ASB North Wharf has been undertaken as a fundamental building block of Auckland's Wynyard Quarter. Australian architects Bligh Voller Nield Architecture (BVN), in association with Jasmax, developed the concept in response to the brief provided by the bespoke requirements of ASB and the developer, Kiwi Property Management Ltd.

BVN practice director Brian Clohessy says the building is driven by publicness, not conventional architecture.

"The design team has worked from three principles — sustainability and the ethical development of place, the seamless integration of public and corporate space and activities, and architectural expression," Mr Clohessy says.

"The major design component was to naturally ventilate the contiguous volume of the building. To enable ventilation, a "stack effect" or "thermal chimney" was created to force clean fresh air through the façade by manually operable windows.

"The expended air from human occupation is then drawn into a central atrium and upwards into the funnel from which it is expelled in the pressure differential caused by the prevailing wind across the roof."

Mr Clohessy says the creation of an environment that supports and nurtures human activity and puts wellness of the individual and the community was at the centre of the design team's decision making.

"Wellness is another way of saying taking care of the health of human beings — it means fresh air in the workplace, it means daylight to work by, it



*A rendering of the stainless steel front facade, depicting the ventilation cube on the left adorned by the sail sculpture.*

means materials that are not toxic, and it means creating public and private spaces that are humane, accessible and safe."

The three-dimensional composition is straightforward, and relates to planning and commercial requirements:

- Level 01: (ground) public realm and retail with support services.
- Level 02: Parking (22) and commercial and public auditorium (23).
- Level 03-06: Commercial (22 and 23).
- Level 07: Commercial (23) and Plant (22).
- Level 08: Plant (23).



*Continued page 26 No fewer than 12 bridges span Te Wero Lane.*



The curved roofline of Building 23 (front right) with the tank farm and the Auckland Harbour Bridge in the background.

# Resilience

For a proven technical, commercial and design solution for your next commercial project look no further than structural steel.

To learn more, join us at the Steel Innovations 2013 Conference in Christchurch next February.

- Hear about cutting-edge structural steel technologies
- Listen to leading local and international speakers
- Gain valuable professional development hours
- Network with fellow professionals
- Enjoy the brand new venue, the Air Force Museum Conference Centre

From page 24

The brief was for a building with an unencumbered floor plate, which necessitated column-free areas and large spans. The aspiration to have daylight penetrate deep into the building generated a staggered atrium in Building 22.

In collaboration with consulting engineers Buller George Turkington Ltd, BVN and Jasmax developed sculpted columns to support the slab edges in the staggered atrium. The column form is heavily influenced by the tapered deck cranes on the boats that are frequently docked at North Wharf.

Karl Dawe of Buller George Turkington provides the consulting engineers' perspective: "Building 22 is six suspended floors plus roof, and Building 23 is seven suspended floors plus roof/louvre box structure.

"The primary structure is reinforced concrete moment resisting frames in both directions, with structural steel playing an important role in both buildings.

"In Building 22, the structural steel 'trees' consist of columns that transition to beams over three levels and 17 metres. They support gravity loads from the floors at levels five, six and seven, and also participate in the lateral load resisting system."

Unique features in Building 22 include:

- Fabricated Steltech members of tapering depth and varying width, as well as varying flange and web thicknesses.
- Substantial steel plating at column/beams joints, ie, where post-tensioned reinforced concrete beams connect to the steel tree column.
- Full-strength butt welds at a number of locations done on site.
- The overall size, mass and function required innovative construction methodology worked through with the main contractor Fletcher Construction Company (FCC) Ltd.
- Large 600mm deep atrium trimmer beams line the atrium at levels five and six, in particular at the curved junctions at the western end of the atrium.
- The steel support structure for the north sunscreen.
- The atrium feature stairs, clad for the long term but with interesting geometry and challenging fabrication.



Large atrium trimmer beams, 600mm deep, line the atrium at levels five and six, in particular, at the curved junctions at the western end of the atrium.



Bridges designed with 360UBs link Buildings 22 and 23.



The five structural steel "trees" of Building 22.



The steel members of the roofing assembly are craned aloft.



Part of the roof structure assembled on a Grayson Engineering shop floor.

"There are 12+ bridges linking buildings 22 and 23 across Te Wero Lane," Mr Dawe says. "The bridges have been designed using 360UB beams. These are bolted to Building 22 with a fabricated plate corbel on Building 23 to allow for 350mm of seismic movement in both directions.

"The Te Wero facade connecting the two buildings is supported by more steelwork. In Building 23, one of the main structural steel elements is the seven-storey structural steel lift shaft.

"Designed for three lifts, this is comprised of 150UC columns, and has all beams left exposed. At level eight, the roof structure and louvre box are in structural steel."

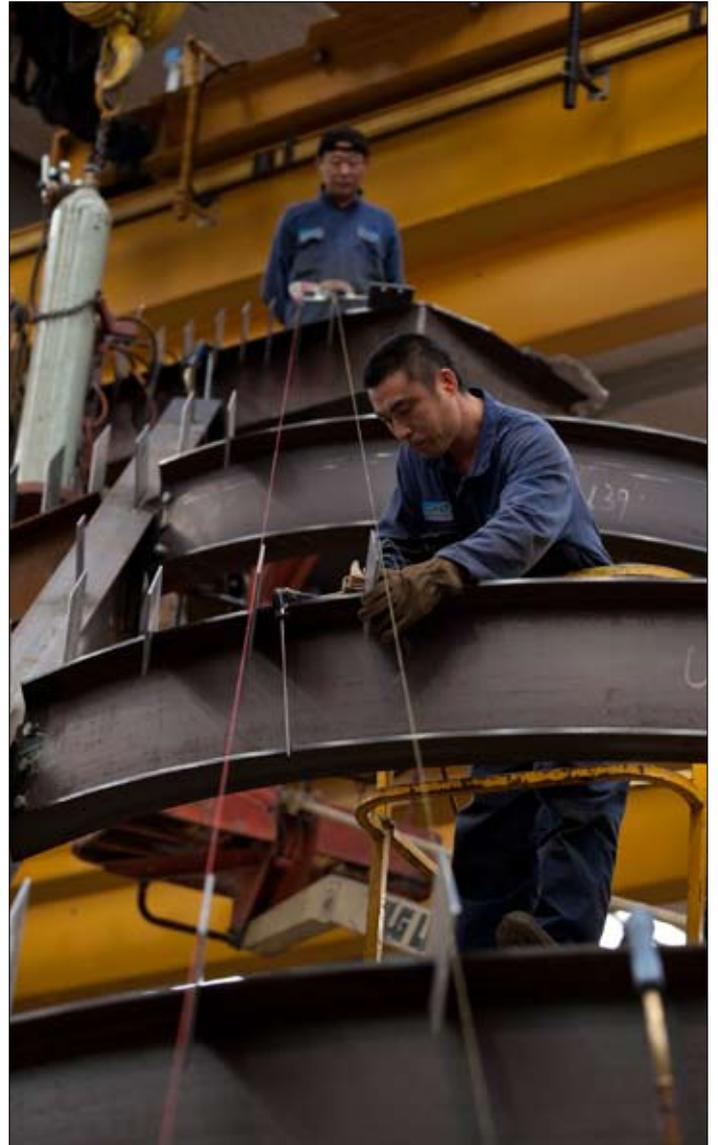
The curving roof structure presented a challenge because of the need

for absolute accuracy in the angles of thousands of cleats.

Grayson Engineering's solution was eminently



Three elevator shafts are constructed in structural steel that will be left expressed.



Welders use steel wires to set cleat angles perfectly.



The structural steel "trees" support gravity loads from the floors at levels five, six and seven, and also participate in the lateral load resisting system.

From page 27

practical — pre-assemble the entire structure on one of the company's three large shop floors.

Grayson site manager David Allan says when the roof arrived on site, it had been disassembled into three sections – the core with four main columns and K-braces, and the East and West sides.

"Having first proved that everything fitted, we simply bolted it all together like Meccano," Mr Allan says.

"We used the same approach with the louvre box, or cube, as we call it. The weight of the lift was governed by the crane capacity.

"In fact, construction on this project went very smoothly, mainly because of the thinking and planning done by the architects and engineers, and the meticulous detailing done by our drawing office, Cadtec Draughting Ltd.

"Fletcher Construction project director Alan Gray held regular meetings to ensure that the phases of the programme were not only correctly sequenced in terms of buildability but also safe, something we as the steel erectors certainly appreciated since we are usually the first to work at height and create safety levels for those that follow.

"I know everyone on the Grayson Engineering team found this project tremendously interesting, challenging and very rewarding. After all, we knew we were constructing a building that was outside the square."

*All images courtesy of ASB Bank New Zealand. Photography by Sean McCabe of McCabe Photography.*



*To an untrained eye, the exact detailing of the roof structure resembles a steelwork jungle.*



*In Building 22, the structural steel "trees" consist of columns that transition to beams over three levels and 17 metres.*

## Are you a "developer"?

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Accordingly, the court held that the Montgomeries did not owe a duty of care to potential future purchasers (including KI).

### So, are you a developer?

The decision of the High Court is, in our view, a clear, well reasoned judgment which provides a simple framework within which to consider whether someone fits within the "developer" definition.

While arguably not conclusive, the main assessment comes back to basic principles — was the individual in

the business of having a building or buildings constructed for the primary purpose of sale to other people?

The comments of Justice Woodhouse probably also serve as a reminder to those building their own homes. One should at least query whether their involvement in the build process (even though far removed from the physical construction) might be enough to attract the label "developer".

Simply engaging a builder to do the construction work may not necessarily be enough to avoid owing a non-delegable duty of care to subsequent purchasers.

Critical to the assessment of whether someone would attract the description of "developer" is whether they

were in the business of having buildings constructed for sale.

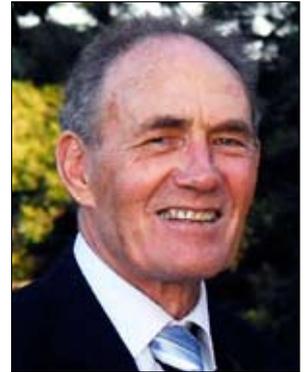
This decision also shows the risk claimants face where they rely specifically upon terminology such as "developer" to establish a duty of care.

A more general inquiry and focus on core construction tasks carried out by an individual/company is likely to result in better prospects of recovery.

**Note:** This article is not intended to be legal advice (nor a substitute for legal advice). No responsibility or liability is accepted by Legal Vision to anyone who relies on the information contained in this article.

# Celebrity

Architect **Don Bunting** rattles off some more random observations about the construction and associated industries. This month: Celebrity amongst the design-build brigade.



One of the mysteries of modern life is that a TV weather announcer can become an instant celebrity — assuming they are prepared to put themselves about a bit in public — simply by doing their job.

Not that I am proposing that members of the design and construction fraternity aim for the same level of wide but somewhat shallow fame, but it certainly helps to become a bit better known.

Check out the guy who fronts the reality building programme *Grand Designs*. Style over substance perhaps, but he does get people really interested in design and building.

Yes he seems to take special delight in the potential failure of a project — a sort of building brinkmanship — but in the final programme wash-up he always accentuates the positive.

My only experience of design-build celebrity came some

years ago when I was among a group of New Zealand architects attending the UIA conference (International Union of Architects — it sounds better in the original French) in Istanbul.

Six thousand architects within a relatively small conference arena was quite something — the overpowering group ego seemed to outweigh the physical crush of bodies at some venues.

The keynote speaker was Zahir Hadid — check out [www.zahir-hadid.com](http://www.zahir-hadid.com) for a truly mind-blowing web site of international projects. Her appearance on stage was led by a gaggle of photographers and reporters that would not have been out of place at a Cannes film festival.

For a good 20 minutes we were confronted by the spectacle of Ms Hadid (yes, in what may seem like a profession dominated by men, Hadid is a woman)

being photographed and interviewed by the world's press.

Never mind the audience in the room. She knew who her true audience was and that was not a bunch of fellow architects — it was readers of newspapers and magazines and watchers of TV programmes.

Right or wrong, it works for her and her company. Obviously it helps a bit that the company produces some really outstanding projects, but as anyone in our industry knows, it's not the current project but the next one that is important for professional and business survival.

And that requires not just publicity but public

acceptance of the value of what we — designers and builders — do.

In this regard we certainly have some catching up to do. Many people still have the perception that architects are too expensive and too impractical, while designers and builders (among others) still suffer

from the downside of the leaky homes debacle. If ever a group needed a fresh image it's us.

So what is our public image and how might we sell ourselves better? First, try a couple of words for size. The first: Value. As long as designers and builders remain stuck in a percentage fee/cost plus/lowest price mentality we will always struggle to be seen as the answer, rather than simply a service to be bought and sold to the lowest bidder.

I'm not sure how true it is today but, anecdotally, architects' fees are sometimes lower than a real estate agent might charge for selling the damn building after it has been designed and built. There are also more than a few contractors trying to survive on margins of 3-5%.

And how long is it since a client said to you: "simply give me the best" rather than "how cheaply can you do

it?"

The second word: Collaboration. In the immediate future designers, builders and all others involved in construction will be forced to truly collaborate. Why? BIM.

The introduction of Building Information Modelling technology will force us to collaborate. And not just co-operate, but truly collaborate to produce the best result for the owner, the building user and the general public.

Combine our collective strength into a collective value offer via a clear and coherent message that we — designers, builders, product suppliers and related industry specialists — can deliver value no one else can match.

## Value-based message delivery

So how do we present ourselves better? How do we deliver this new value-based message?

The industry produces a number of first class publications and is also improving its online presentation of the industry's wares. The problem is that most construction industry publications are aimed at the wrong audience.

Overlooking the perplexing fact that the bi-monthly *architecture NZ* is produced and printed in Australia, the content, while beautifully presented, is clearly aimed at other architects, not the general public, nor at potential future client groups.

I read in a recent editorial that this particular publication is investigating the use of what can be rather dense and esoteric words and sentences. But I still can't imagine many future clients seeing much of interest between the current covers.

When I was writing for a range of what are sometimes dismissively called "women's magazines", I recall one of my editors telling me not to forget that my audience was a farmer's wife outside Te Awamutu having a cup of tea in the morning.

Know your message and know your audience — it's not rocket science but it works.

# Are you a “developer”?

Tim Bates and Chadleigh Danswan of Auckland law firm Legal Vision review a case in which one important issue before the court centred around determining when an individual (who builds a residential home) might fall within the definition of a “developer”.



## Overview

The definition of a “developer” is a critical issue because if an individual is labelled “developer”, they are said to then owe a non-delegable duty of care to people who purchase the house they have developed, even though the house might have been constructed by an independent contractor.

While often a frequent issue in leaky building claims, it remains a highly pertinent issue in all cases where a purchaser claims that the house they purchased suffers from construction defects.

An example is a recent High Court decision in *Keven Investments Ltd v Montgomery & Others* (2012) NZHC 1596).

In 1993 the Montgomerys purchased land at Beachlands which, at the time, had one commercial building on it occupied by a Post Office that the Montgomerys owned and operated.

In 1999, the Montgomerys decided to build a house on the land so that they could live near their place of work

and, to that end, they engaged a company, Simpson Builders Ltd (SBL), to build the house.

The building contract with SBL was a build and supervise contract, with SBL being responsible for contracting the majority of the subcontractors. The Montgomerys were neither involved with the building work nor the supervision of the building work, other than making the choices usually made by owners, such as design and aesthetic matters.

The house was duly constructed and, in September 2000, the Code Compliance Certificate was issued. The Montgomerys lived in the house from 2000 until it was sold to Keven Investments Ltd (KI) in 2007.

In 2009, the house was found to be leaking and a full reclad over cavity was recommended. KI duly carried out the repair work and then sought to recover the cost (\$360,780) from the Montgomerys and the director of SBL in the Weathertight Homes Tribunal.

The relevant claim against the Montgomerys for present purposes was in negligence on the basis that the Montgomerys were “developers”. The claim against the director of SBL was also in negligence.

The tribunal dismissed all claims against the Montgomerys and the director of SBL, and KI appealed that decision to the High Court.

For the purposes of this month’s topic, the area of interest was the consideration given by Justice Woodhouse to the issue of whether the Montgomerys could be considered “developers” and, hence, owed a non-delegable duty of care to KI.

Ultimately, if that was answered in the affirmative, the admitted facts meant that the Montgomerys’ liability for negligence in connection with the construction would follow. Accordingly, the Montgomerys’ position was heavily dependent on whether or not the court considered them “developers”.

## Were the Montgomerys developers?

After a useful review of the tribunal’s decision, Justice Woodhouse went on to consider the legal principles of determining who a “developer” is.

At paragraph 14, his Honour stated that the word “developer” is not a legal term. Rather, it is a word which has been used as a label for a person, or other

legal entity, whose involvement in connection with construction of buildings (or in the subdivision of land, or both) was such that the person is held by the court to have a duty of care to people who purchase one of the buildings (whether from the person described as the developer or subsequently), even though the physical construction of the building was carried out by an independent contractor.

Justice Woodhouse noted that the duty of care in such circumstances is said to be non-delegable — ie, the person labelled “developer” is not able to delegate the duty of care to the builder.

Justice Woodhouse considered that there was one essential requirement for a person to have liability as a “developer” in the present context — that was, that the person must be “in the business” of having a building or buildings constructed for the primary purpose of sale to other people.

While there may be other factors required in other cases for a defendant to be found to have a non-delegable duty of care, if this business element is lacking, the court considered that it is unlikely that a defendant will be considered a developer.

His Honour considered that it is this business element which provides the “policy foundation” for imposing the duty of care in the terms that it is imposed — it cannot be avoided by engaging an independent contractor to carry out the physical construction work.

This was, to some extent, reinforced by the definition of a “residential property developer” contained in section 7 of the Building Act 2004, because that section makes clear that liability arises because the person is “in trade”.

In this instance, the court was not convinced that the Montgomerys were developers. At paragraph 25, Justice Woodhouse stated that the context here did not establish that there was a business of constructing buildings for the primary purpose of sale.

His Honour noted that the focus needed to be on the Montgomerys’ reasons for building the house. In this instance, their reasons for building the house (including a self-contained flat) were in substance no different from those of large numbers of New Zealanders who build houses, with or without self-contained flats. It was simply built as their home.

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

UNIT C  
19 BLAKE STREET  
PONSONBY 1011

PO BOX 147423  
PONSONBY  
AUCKLAND

PHONE (09) 360 2415  
FAX (09) 360 2417  
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