

# BUILDINGTODAY

THE OFFICIAL MAGAZINE OF THE REGISTERED MASTER BUILDERS ASSOCIATION

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COMMERCIAL  
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**FROM THE EDITOR**

Welcome to *Building Today's* new-look edition.

As columnist Terry Sage says in this issue — change is good! So we've given the mag a spruce up, and added a few new features. In particular, industry stalwart Mike Fox presents some hard-hitting views on current construction industry issues, and the new insightful Meet The Execs series kicks off with BCITO chief executive Ruma Karaitiana.

We also feature the New Zealand Commercial Project Awards 2014, the RMBA competition — now in its second year — that celebrates the country's best commercial work. Look out for a dedicated Commercial News page in future issues of *Building Today*.

And go into the draw to win a Showerdome! See page 47.

**Andrew Darlington** — Editor

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# Retentions — securing a solution

## Chief's Chat

By CEO Warwick Quinn



The issue of retentions has been a very topical and hot subject since the Mainzeal collapse in February 2013.

Subcontractors lost in excess of \$18 million when Mainzeal folded in retention money alone as well as, of course, lost payments from work in progress.

As a result of that, and after a significant amount of lobbying to the then Minister for Building and Construction Maurice Williamson, he agreed to investigate and asked the Ministry of Business, Innovation and Employment (MBIE) to do so on his behalf.

Subcontractors were concerned that their retention money was unsecured, and because these were unprotected they were lost when Mainzeal went into liquidation.

This scenario is potentially evident whenever a head contractor goes into receivership as retention funds are usually unsecured and, essentially, form part of the working capital of the business.

As a principle, the Registered Master Builders Association (RMBA) believes every contractor is entitled to get paid for their work and whatever is due to them. After all, our members are caught by these sorts of problems as well, should the company they are contracted to go out of business.

Throughout the latter half of 2013, the MBIE held a series of industry workshops to understand the problem and develop options

to address them, if any.

The Specialist Trades Federation was seeking either bonds in lieu of retentions, or all retention funds being held in trust accounts. It argued that it is inappropriate that these funds are used as working capital, and that they should be protected.

The Government is most concerned about the sector being undercapitalised, and using, as an example, retention funds as working capital — and it wants to do something about it.

The Registered Master Builders Association (RMBA) also held a series of workshops with members in Wellington, Auckland and Christchurch to develop a position paper.

This was presented to senior MBIE officials in early 2014, and can be found in the members section of the RMBA web site.

More recently the MBIE has held a further workshop and presented a series of options to address the loss of retention monies. It identified a range of possible market-driven and legislative solutions that it presented for discussion.

Depending on the outcome, there was a possibility that a Supplementary Order Paper (SOP) could be passed on the back of the Construction Contracts Act, the review of which is due back in Parliament later this year.

The RMBA's concern was that while, in principal, retention funds should not be used

as working capital (thus exposing them in the case of failure, as in the case of Mainzeal), an immediate move to either compulsory bonding or trust accounts for retentions will potentially have a crippling impact on the construction sector's capacity and capability.

This is because few companies within the entire supply chain (including subcontractors and sub subcontractors) would have sufficient capital to operate at their current levels (as retentions will be passed down through the supply chain).

Furthermore, retention losses are part of a wider security of payment issue that has been left unaddressed since the early 2000s when the Construction Contracts Act was first passed.

### Other impacts

Other impacts of trust accounts include delays in payments, increased costs (both the cost of administering the trust accounts and the cost of capital) and, thus, increased construction costs.

The cost of the cure may be worse than the problem, and the unknown impact on the structure of our companies could be devastating.

It's time for cool heads, and to not overreact. Rather than have legislation imposed upon the sector insisting on trust accounts (for example, the Labour Party has a SOP to that effect), a more managed and staged introduction of good practices is required.

Time is needed for the sector to adjust, and a light-handed level of Government intervention is best in this instance.

To that end it was agreed at the last MBIE workshop to explore further a number of options, one of which is to "deem" retention funds as if held in trust. A discussion document will be prepared by the MBIE and circulated for comment.



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# Deaths in construction

By RMBA president  
David Fabish

As a participant for 37 years in the construction industry, I have always been aware and have accepted that we work in a dangerous environment.

It seems a cruel irony that while building structures to protect people from the elements and the destructive powers of nature, we put our own lives at risk while producing them.

Just how dangerous our work can be is reflected in some very scary statistics when our sector is compared to others in New Zealand.

During the last building boom period the fatality rate for the construction sector was almost triple the average for all sectors, and we remain one of the largest contributing industries to worker deaths.

The leading causes of fatalities in construction are:

- Falls from height — 22%
- Being hit by a falling object — 21%
- Being hit by a moving object — 20%

We also tend to have the third highest industry



rate of serious harm injury. So this shows when things go wrong for us they go very wrong.

We know that the work in our industry is inherently dangerous, but what other factors in our sector are possible contributors to accidents occurring?

The construction sector is predominately male and has a younger age profile than other high hazard sectors. We have a higher than average proportion of young workers aged 15 to 24, which closely coincides with the early age peak in reported injuries — 20 to 24.

Our sector also has a higher than normal percentage of employees with low literacy and numeracy skills.

Is this an indication that the safety messages aren't getting through to our young people? Do they need extra supervision and safety training at levels above what we are already doing?

With the forecasted increase in worker numbers entering our industry over the next couple of years, this is obviously an ongoing issue to be aware of.

There is also an increase in injuries during some of the winter months. With this weather now upon us, we obviously need to be vigilant of the conditions and their impact on possible workplace hazards.

I am writing this, my last article for *Building Today* as national president, on ANZAC Day. While saluting and honouring the memory of our armed services personnel, I have also reflected on the people we have lost in our industry to workplace accidents. Each one of them must have lessons we can all learn from.

The injury and fatality rate in our industry is, frankly, unacceptable, and something we must all work on constantly to improve.



Quality scaffolding reduces the chances of on-site accidents occurring.



# THIS YEAR'S WINNERS

## Registered Master Builders Supreme Award for the 2014 New Zealand Commercial Project of the Year

Transfield Services McConnell Dowell Joint Venture for Lower Hatea River Crossing in Whangarei

## Special Project Award

Te Takere in Levin – Crowe Construction & Associates Limited

CDHB Christchurch Hospital Parkside Wards and Acute Medical Assessment Unit – Leighs Construction Limited

## Value Awards

### Commercial Project Under \$2 million Award:

Puzzling World Sculptillusion Gallery in Wanaka – Amalgamated Builders Limited

### Commercial Project \$2 million – \$5 million

**Award:** Te Takere in Levin – Crowe Construction & Associates Limited

### Allied Concrete Commercial Project \$5 million

– **\$15 million Award:** CDHB Christchurch Hospital Parkside Wards and Acute Medical Assessment Unit – Leighs Construction Limited

### Commercial Project Over \$15 million Award:

Lower Hatea River Crossing in Whangarei – Transfield Services McConnell Dowell Joint Venture

## National Category Winners

**Retail Project Award:** Pak'n Save Marlborough in Blenheim – Robinson Construction Limited

### PlaceMakers Tourism and Leisure Project

**Award:** Puzzling World Sculptillusion Gallery in Wanaka – Amalgamated Builders Limited

### NALCO Health Project Award:

CDHB Christchurch Hospital Parkside Wards and Acute Medical Assessment Unit – Leighs Construction Limited

### James Hardie Commercial and Civic Award:

Lower Hatea River Crossing in Whangarei – Transfield Services McConnell Dowell Joint Venture

### Industrial Project Award:

Christchurch Temporary Stadium – Hawkins Construction South Island Limited

**Restoration Project Award:** Strowan House Earthquake Repairs in Christchurch – Bushnell Builders Limited

**Education Project Award:** AUT Sir Paul Reeves Building in Auckland – Fletcher Construction - Building + Interiors

## Gold Award Winners

- ASB North Wharf in Auckland – Fletcher Construction – Building + Interiors
- CDHB Christchurch Hospital Parkside Wards and Acute Medical Assessment Unit – Leighs Construction Limited
- Christchurch International Airport Integrated Terminal Project – Hawkins Construction South Island Limited
- Christchurch Temporary Stadium – Hawkins Construction South Island Limited
- Lower Hatea River Crossing in Whangarei – Transfield Services McConnell Dowell Joint Venture
- Otago Settlers Museum Dunedin – Lund Dunedin Limited
- Puzzling World Sculptillusion Gallery in Wanaka – Amalgamated Builders Limited
- Strowan House Earthquake Repairs in Christchurch – Bushnell Builders Limited

## Silver Award Winners

- Amesbury School in Wellington – Maycroft Construction Limited
- ANZ Centre Refurbishment in Auckland – Fletcher Construction – Building + Interiors
- AUT Sir Paul Reeves Building in Auckland – Fletcher Construction – Building + Interiors
- Carmel College – New Theatre, Library, IT and Classrooms in Auckland – Watts & Hughes Construction
- Churton Park Retail Village in Wellington – Armstrong Downes Commercial
- Hokitika Rimu Treetop Walkway – CYB Construction Limited
- Johnston Ebbett Holden Showroom in Wellington – Livingstone Building New Zealand Limited
- Kapiti Coast District Council Administration Building – Armstrong Downes Commercial
- Muriwai Lifeguard Service Clubrooms in Auckland – Naylor Love Construction Limited
- New World Silverstream in Upper Hutt – Armstrong Downes Commercial

- New Plymouth Police Station and Area Headquarters including Corrections Remand Centre – Clelands Construction Limited
- Pak'n Save Marlborough in Blenheim – Robinson Construction Limited
- Rangitane Cultural Centre in Blenheim – Robinson Construction Limited
- Selwyn Aquatic Centre in Canterbury – Naylor Love Construction Limited
- St Margaret's College Jean Crosher Classroom & Library in Christchurch – Leighs Construction Limited
- Tauranga Police Station – Hawkins Construction North Island Limited
- Te Takere in Levin – Crowe Construction & Associates Limited
- Te Whare Wānanga o Awanuiārangi in Whakatane – Foster Construction Limited
- The Strong Room in Feilding – Humphries Construction
- University of Canterbury Staff Club (Ilam Homestead) in Christchurch – Hawkins Construction South Island Limited
- University of Waikato CH Student Accommodation Refurbishment in Hamilton – Foster Construction Limited
- Waikato District Health Board – Older Persons & Rehabilitation Services in Hamilton – Hawkins Construction North Island Limited
- Whitireia Building Project 1 in Porirua – Maycroft Construction Limited

## Bronze Award Winners

- Aecom House in Auckland – Dominion Constructors Limited
- Aranui Library in Christchurch – Hawkins Construction South Island Limited
- Five Stags Tavern in Cambridge – Livingstone Building New Zealand Limited
- Manakau Lodge Kaikoura – Stonewood Homes Marlborough
- New World Te Puke – Babbage Consultants
- Silverdale Retail Centre in North Shore – Naylor Love Construction Limited
- Waiata House in Masterton – Rigg Zschokke Limited

# NEW ZEALAND COMMERCIAL PROJECT AWARDS 2014 SUPREME AWARD WINNER

## A BEAUTIFUL STRUCTURE

A tour de force of creative procurement, inspired design, and superbly managed construction combine to create a new landmark for Whangarei.



**REGISTERED MASTER BUILDERS SUPREME AWARD FOR THE 2014 NEW ZEALAND COMMERCIAL PROJECT OF THE YEAR, COMMERCIAL AND CIVIC PROJECT AWARD AND COMMERCIAL PROJECT OVER \$15 MILLION AWARD**

**Project:** Lower Hatea River Crossing, Whangarei

**Owned by** Whangarei District Council

**Entrant:** Transfield Services McConnell Dowell Joint Venture

**Project partners:** McConnell Dowell Constructors (Construction Company), Peters & Cheung (Architect/Designer)

**Judges' comments:**

A tour de force of creative procurement, inspired design, and superbly managed construction combine to create a new landmark for Whangarei. The bridge span is 265 metres connecting Whangarei's eastern suburbs with the commercial and industrial areas whilst allowing access for boating to the Whangarei marina further up the river.

The Whangarei District Council could have chosen a prosaic solution with a new bridge near the mouth of the Hatea river, but instead seized the opportunity to create something quite uplifting in more ways than one, unusually in this case via a design-build process. This brought significant challenges, with the "rolling bascule" centre section constructed to one side and moved across, fitting perfectly in place.

The design was based on a traditional Māori Fish hook – Hei Matau – representing strength, good luck and safe passage across the water – a fitting sentiment for the 8000 vehicles that cross this bridge every day. The Contractor has achieved a structure of quality and precise detailing and are justifiably proud of the result achieved. This is a beautiful structure and more than deserving of this year's supreme award accolade.

# NEW ZEALAND COMMERCIAL PROJECT AWARDS 2014

## CATEGORY WINNERS

### JAMES HARDIE RETAIL PROJECT AWARD

**Project:** Pak'n Save Marlborough, Blenheim  
**Owner:** Foodstuffs (South Island) Limited  
**Entrant:** Robinson Construction Limited  
**Project partners:** McCoy and Wixon Architects Limited (Architect/Designer), Chas E George & Sons (Quantity Surveyor), Powell Fenwick Consultants Limited (Engineer)

#### Judges' comments:

This major supermarket was constructed in a tightly managed and carefully staged process, with very large, fully assembled structural members craned into place, all to meet challenging commercial deadlines. The local knowledge and experience of the Blenheim based contractor was invaluable, and the standard of finish gives no hint of the time pressure driving the project.



### PLACEMAKERS TOURISM AND LEISURE PROJECT AWARD AND COMMERCIAL PROJECT UNDER \$2 MILLION AWARD

**Project:** Puzzling World Sculptillusion Gallery, Wanaka  
**Owner:** Puzzling World Limited  
**Entrant:** Amalgamated Builders Limited  
**Project partners:** Sarah Scott Architects Limited (Architect/Designer), Spiire New Zealand Limited (Engineer)

#### Judges' comments:

This quirky extension to a long-established Wanaka tourist attraction celebrates the illusions within, but provided many challenges for a construction team that worked through a heavy winter to achieve a stunning result. Many difficult issues were overcome by "the team" who worked in a true spirit of collaboration. A great result and a great addition to Wanaka's tourist attractions.



### NALCO HEALTH PROJECT AWARD, SPECIAL PROJECT AWARD AND COMMERCIAL PROJECT \$5 MILLION - \$15 MILLION AWARD

**Project:** CDHB Christchurch Hospital Parkside Wards and Acute Medical Assessment Unit  
**Owner:** Canterbury District Health Board  
**Entrant:** Leighs Construction Limited  
**Project partners:** Ian Krause Architects (Architect), Warren & Mahoney Architects (Architect/Designer), Holmes Consulting Group Limited (Engineer), Rider Levett Bucknall (Quantity Surveyor)

#### Judges' comments:

Maintaining services at Christchurch Hospital in the period after the earthquake provided many challenges. Carrying out major work to build three new wards in hospital building with 24 hour a day occupation is not easy. The completion of this project successfully, in such complex circumstances is a great testament to all involved.



### INDUSTRIAL PROJECT AWARD

**Project:** Christchurch Temporary Stadium  
**Owner:** Christchurch Stadium Trust  
**Entrant:** Hawkins Construction South Island Limited

#### Judges' comments:

To build a stadium with a capacity of 18,000 in 98 days with no lead times for planning is no mean feat. The resourcefulness of the team was inspirational - begging and borrowing from other stadiums around the country, prefabricating parts and slotting them together, preparing the turf while work proceeded all around - it could not have succeeded without total teamwork.



# NEW ZEALAND COMMERCIAL PROJECT AWARDS 2014

## CATEGORY WINNERS

### RESTORATION PROJECT AWARD

**Project:** Strowan House Earthquake Repairs, Christchurch  
**Owner:** St Andrew's College  
**Entrant:** Bushnell Builders Limited  
**Project partners:** Wilkie & Bruce Architects Limited (Architect/Designer), Paul Bunkall of Rawlinsons Quantity Surveyors (Quantity Surveyor), Powell Fenwick Consultants Limited (Fire/Electrical/Hydraulic Engineer), Holmes Consulting Group Limited (Engineer)

#### Judges' comments:

Following the earthquakes, the comprehensive repair, strengthening and refurbishment of this historic masonry building on the Canterbury University campus left no part of the building untouched. The finished result gives no hint of the extent of work involved, which is testament to its success.



### EDUCATION PROJECT AWARD

**Project:** AUT Sir Paul Reeves Building, Auckland  
**Owner:** Auckland University of Technology  
**Entrant:** Fletcher Construction – Building + Interiors  
**Project partners:** Fletcher Construction – Building + Interiors (Quantity Surveyor), Beca Carter Hollings & Ferner Limited (Engineer), Jasmax (Architect/Designer)

#### Judges' comments:

This building occupies a steep and complex site surrounded by multi-storey buildings at various levels. They all knit together in a way that celebrates their diversity, but combine to create a magnificent focal point for the AUT campus. The high standard of finish gives no hint of the many design and constructional challenges that were overcome along the way.

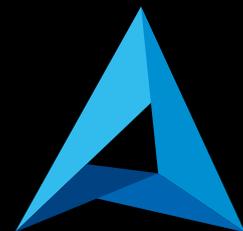


### COMMERCIAL PROJECT \$2 MILLION – \$5 MILLION AWARD AND SPECIAL PROJECT AWARD

**Project:** Te Takere, Levin  
**Owner:** Horowhenua District Council  
**Entrant:** Crowe Construction & Associates Limited  
**Project partners:** Designgroup Stapleton Elliott (Architect/Designer), Rider Levett Bucknall (Quantity Surveyor), Kevin O'Connor and Associates Limited (Engineer)

#### Judges' comments:

An old supermarket in Levin was perfectly located to convert into an expanded public library, and the extra space allowed for a whole raft of other community facilities to be included, all on a shoestring budget using local contractors and sub-contractors. Good team work and collaboration by all resolved all issues as they arose to produce a superb place of learning.



**NEW ZEALAND  
COMMERCIAL  
PROJECT AWARDS**

**On behalf of  
Registered Master  
Builders Association  
and sponsors, we would  
like to congratulate all this  
year's winners and entrants  
in the 2014 New Zealand  
Commercial Project Awards.**

# House of the Year judges on the road

Judges across the country have hit the road to assess this year's talent in the Registered Master Builders 2014 House of the Year.

Travelling from the top of the North Island to the bottom of the South, judges will scrutinise 317 houses across New Zealand before regional event winners are announced in July and August.

Ranging from new homes and show homes to renovations and builder's own homes, judges will assess the work of hundreds of builders to find the finest houses in the country.

Registered Master Builders Association chief executive Warwick Quinn says the quality of the competition is the reason for its ongoing success.

"Registered Master Builders continue to enter the competition year after year because

winning a House of the Year award is a fantastic tool for promoting their business," he says.

"Builders tend to work within smaller teams, and don't often get the chance to compare their work to that of others. House of the Year gives them the opportunity to see how they measure up against their peers."

The Canterbury area has seen a 29% increase in entries from 2013 reflecting the completion of homes throughout the rebuild, with entry increases also in the Auckland, East Coast, Manawatu, Wanganui and Southern regions.

Mr Quinn says even after more than 20 years of House of the Year, the competition is still a calendar highlight for Registered Master Builders.

"It's fantastic to see work of such high quality

from entrants every year. We're looking forward to seeing what this year will bring," he says.

"We're proud to manage a competition that encourages those working in the building and construction industry to keep striving to be the best they can be."

Judging concludes at the end of May, before the first regional events in the East Coast and Southern regions on July 5.

The Awards are made possible through the support of PlaceMakers, James Hardie, GIB, Nulook, MBIE, Future-Proof Building, Carters, ITM, Plumbing World, Resene, Westpac and Master Build Services.

For more information about the competition, visit the Registered Master Builders web site at [www.masterbuilder.co.nz](http://www.masterbuilder.co.nz).

## Regional Event details:

Region	Date	Venue
East Coast	Saturday, July 5	Quality Hotel Emerald & Conference Centre, Gisborne
Southern	Saturday, July 5	Ascot Park Hotel, Invercargill
Mid and South Canterbury	Friday, July 11	Ashburton Hotel, Ashburton
Waikato	Friday, July 25	Claudlands Conference & Exhibition Centre, Hamilton
Manawatu and Wanganui	Friday, July 25	Awapuni Racecourse, Palmerston North
Canterbury	Friday, August 1	Wigram Airforce Museum, Christchurch
Bay of Plenty and Central Plateau	Saturday, August 2	ASB Stadium Baypark, Mt Maunganui
Marlborough, Nelson and West Coast	Saturday, August 2	Rutherford Hotel, Nelson
Taranaki	Friday, August 8	Quality Hotel Plymouth International, New Plymouth
Auckland and Northland	Saturday, August 9	Viaduct Events Centre, Auckland
Wellington and Wairarapa	Friday, August 22	Te Papa, Wellington



## First time House of the Year entrant takes out inaugural award

Willie de Gruchy of WG de Gruchy Construction was “elated” when his name was read out as the winner of the inaugural Craftmanship Award at the Registered Master Builders 2013 House of the Year.

Mr de Gruchy says this award speaks volumes for a new company in a market that is dominated by well-established builders.

“Our target is the high-end Auckland market, which tends to be led by builders who have been around for 20 years. We’ve only been in the game for five,” he says.

“This award is massive in terms of credibility. It’s a testament to our skill level and hard work — we may be young, but we should not be underestimated. Winning the Craftmanship Award is proof of that.”

Mr de Gruchy says in order to win the



*The inaugural Craftmanship Award at the Registered Master Builders 2013 House of the Year was won with this entry by Auckland builders WG de Gruchy Construction.*



*Willie de Gruchy*

Craftmanship Award you have to be lucky enough to build a home that lets you show off your ability.

“To take out this award you have to have a certain level of skill and strong attention to detail, but you also have to be building the right kind of house,” he says.

“Not every home gives you the opportunity to really show what you can do. In this home, there was no hiding. The decorative ceilings, the bandsawn wall linings and extensive use of copper meant that there was no room for error. It was all or nothing.”

The judges said woodworking skills were put to the test on a large scale in this beautifully designed Herne Bay home.

“The particular attention to detail and exceptional standard of finish throughout was an absolute pleasure to judge,” they said.

“Hand crafted wall panelling, cabinetry and joinery in every room has made fantastic use of high quality materials, and a rustic French oak timber floor throughout gives this house a lovely family feel.

“This builder is a master of his craft and fully deserves the inaugural National House of the Year Craftmanship Award.”

Mr de Gruchy says the competition was a big part of his decision to join Registered Master Builders.

“Starting out, I knew I needed to try and pick up some awards early in my career to associate myself with some of the older, more experienced operators in town. I knew that a House of the Year award would stand me in great stead against my competitors.

“People do take note of a House of the Year award — it’s a fantastic promotional tool, and the competition was a fantastic experience for me and all the boys. We were so honoured to receive this award, and we’ll make sure we do it justice when we enter our next house in 2015.”

The Awards are made possible through the support of PlaceMakers, James Hardie, GIB, Nulook, Ministry of Business, Innovation and Employment, Future-Proof Building, Carters, ITM, Plumbing World, Resene and Westpac.



# Apprentice of the Year 'career-changing' for former national winner

Nathan Biggs, 29, has not looked back since winning the Registered Master Builders Apprentice of the Year competition in 2009.

Having just returned from Britain after spending five years holding significant project management roles, Mr Biggs says his BCITO apprenticeship played a huge part in giving him the confidence and ability to get himself to where he is today.

"My apprenticeship and the Apprentice of the Year competition were a turning point for me. The Apprentice of the Year competition was career-changing — it was what got me my first role doing project management," he says.



"I'd push anyone to enter Apprentice of the Year. In the UK, they really recognise the Kiwi apprentice. The fact that I had won a New Zealand competition was held in incredibly high regard.

"The first person I spoke to when I arrived in the UK took one look at my CV and hired me. It was incredible. When I won the competition, everything just fell into place for me."

Mr Biggs says building was not his first choice for a career path, but he couldn't be happier with how everything worked out for him.

"I did a degree in Forestry Management, and after that I had some time to fill in. Somehow I ended up doing some building work, and I just fell in love with it," he says.

"People don't realise how many doors can be opened through a building apprenticeship. I've gone from labouring, to pricing jobs, to site management and project management. There are so many opportunities."

Mr Biggs has high hopes for his career over the coming years and in the long term.

"My immediate goal is to keep climbing the career ladder. I'd like to get back into project management work and go from there," he says.

"In 20 years I want to be overseeing a team of project managers. That's where I see myself ending up. Whether that's in New Zealand or the UK, I'm not really sure — that's the million dollar question at this stage!"

Carpentry apprentices can now enter this year's Apprentice of the Year competition online at [www.apprenticeoftheyear.co.nz](http://www.apprenticeoftheyear.co.nz), with entries closing on Thursday, June 12.

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

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



2009 Registered Master Builders Apprentice of the Year winner Nathan Biggs.

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## Around the Regions

### Waikato

# Apprentice scholarships awarded in the Waikato

Three scholarships have recently been awarded by the Waikato branch of the Registered Master Builders Association to Taylor Scott, Fraser Scatchard and Thomas Rea.

Taylor, employed by Urban Homes Built with Integrity, Fraser, employed by Gudsell Designer Homes, and Thomas, employed by SR Morgan Builders, each receive a \$1500 plus GST grant split over the next three years. This can be spent in a number of ways, but most recipients spend it on tools or training fees.

Taylor is an incredible young man. He has not only taken on a building apprenticeship, but he is also vice patrol captain for the Raglan Surf Club, and a Hamilton Christian School in-line hockey coach.

Thomas is a New Zealand representative in kick boxing and has won several world titles. He is seeking sponsorship totalling \$6000 to

attend the world kick boxing champs in Italy.

The scholarship awards are unique to Waikato, and were started by the then Waikato Registered Master Builders Association in 2008.

The Association had recognised that the construction industry was hitting a low at the time, but wanted to assist its members in some small way by financially supporting the training of apprentices so that members were ready when the industry climbed out of the recession.

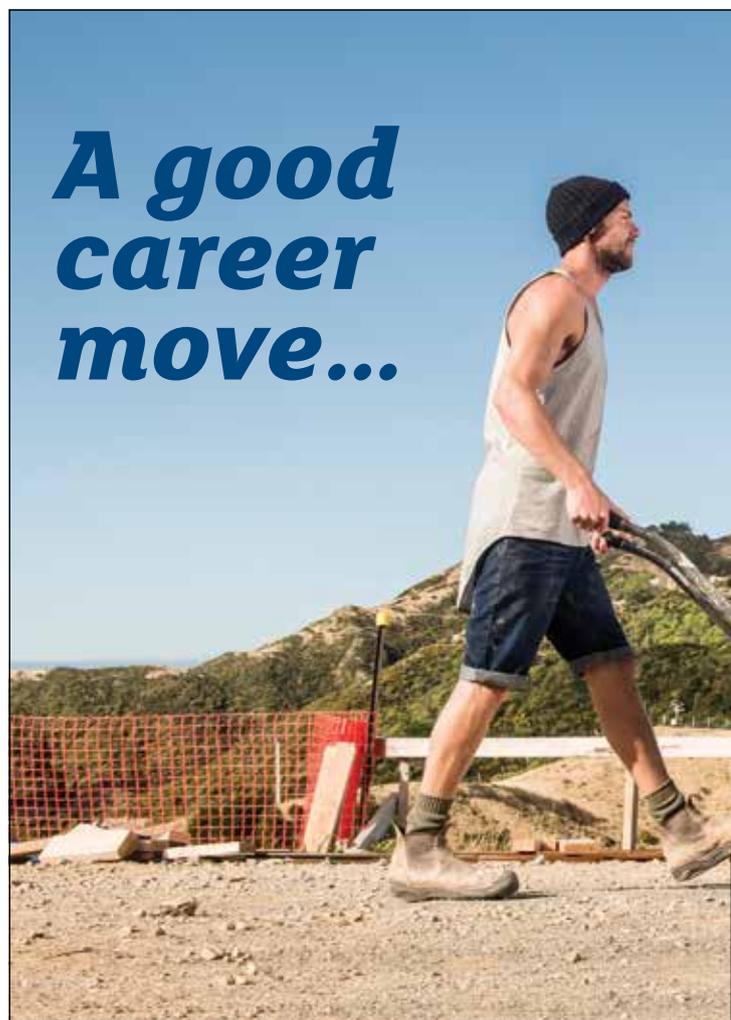
The first ever recipient, Ben Latham, also went on to take out second place in the Apprentice of the Year competition in 2012, and also won the Ian Gillett Memorial Cup in the same year.



*Ben Latham, employed by Registered Master Builder Stewart Hanna Ltd, was the first-ever recipient of the then Waikato Registered Master Builders Association apprentice scholarship. He also went on to take out second place in the Apprentice of the Year competition in 2012. He is pictured here with the Ian Gillett Memorial Cup he won in the same year.*

The Waikato branch of the Registered Master Builders Association calls for applications from apprentices employed by Waikato members. Applicants are then interviewed by the Waikato branch executive committee who then award the scholarships.

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**BUILDING TRUST**



# Why are councils imposing millions of

*Building Today* kicks off an exclusive new column by industry stalwart Mike Fox who talks candidly about issues concerning the New Zealand construction industry.

Councils are potentially costing consumers an average of \$30,000 on each simple reclad.

When this is extrapolated out to cover the 100,000 monolithic homes that will ultimately need recladding just so they can be sold, it amounts to more than \$3 billion of expense imposed just to remove perceived risk from the local authority's doors.

This is an obscene amount of butt-covering that needs to be investigated, along with some much needed common sense and pragmatism being brought back into the system.

I'll share a recent personal experience with you — one that made me realise just how bad things have become, and what the unsuspecting home owner has in store if they own a monolithic-clad home built between 1994 and 2004.

I built a conventionally-designed monolithic home back in 1995, fortunately with treated framing. In 2013 I decided to sell the home, and upgraded all the detailing, including kick out flashings among other things, so that any building surveyor could report that all was in order.

I also took things a step further and had an invasive report done, so any potential buyers could be satisfied beyond doubt that the home was well built, code compliant and free from any moisture ingress.

## Agent upbeat

The home was well located, perfectly presented, priced right and, initially, there was significant interest. The agent was upbeat and told us to expect seven tenders for the property. I was encouraged that all the prep work I had done was on track, and that any potential owner would be satisfied enough to purchase, even though the home was mono-clad.

Tender day arrived with only one heavily conditional low offer which was inexplicably pulled 24 hours later, before negotiations could even begin. All the other potential buyers



Mike Fox

had drifted away, unexplained.

The agent was gutted, I was mystified and then the stark reality hit. Monolithic homes circa 1994-2004, no matter how well built, checked, located or presented, are now stigmatised with a leaky home label. That is, they are unsellable unless they have been reclad, or the sale price brutally discounted.

With the benefit of hindsight, the agent succinctly summarised the situation — for every 10 potential buyers of a home, nine will shy away from a mono-clad home, and the tenth will want a bargain to take it on.

This revelation leaves tens of thousands of home owners in sound but stigmatised homes, looking for pragmatic affordable methods to restore the value in their homes and provide worry-free, enduring solutions for future owners.

Having the ability to over-clad a well-built, stigmatised but non-leaking Harditex house will save New Zealand home owners billions of dollars. Previously, most reclad work was done to fix genuine leaky homes and this usually warranted removal of all previous cladding.

However, given the stigmatisation that the real estate market has placed upon mono-clad homes, a fresh approach is urgently needed, so homes can stop being unfairly treated as basket cases. Homes that can be proven to be well designed, well built and robustly inspected for water ingress should be able to over-clad the current cladding system.

The practical advantage of over-cladding suitable homes enables the home to remain largely intact and watertight during the process. The bracing elements can be maintained, insulation is intact and the process will be significantly quicker than stripping the home back to bare framing.

On a standard 200 sq m home, a typical saving of about \$30,000 can be made.

Armed with the above, I did some homework looking at case studies of homes that had been over-clad, and decided this was a good solution for the home I wanted to sell.

I then discovered that some councils were behaving as self-appointed gate keepers, covering their backs at every turn, being so risk-averse that they view every reclad application as a full-on leaky home remediation.

## Spurious road blocks

Some councils have been placing so many spurious road blocks in the way that applicants either give up out of frustration or give in to spending tens of thousands of dollars more than they need to, as they can't get a building consent without ripping all the old cladding off, resulting in an unnecessarily expensive outcome for the home owner.

The home owner either ends up putting an inferior building paper in the original cladding's place, or a new rigid air barrier system which just brings them back to where they were

# dollars of extra cost on reclads?

before the over-clad application. This is really dumb and unnecessarily expensive.

The current system and approach taken by some councils is to spend everyone else's money to ensure the council has minimal liability, even when what they are asking for may not be morally right or the most efficient method.

They hide behind their own obscure interpretations of the code and internal policy documents, and demand reports from often non-existent experts to tell them that something deemed outside an acceptable solution is okay.

## Imbalance of power

The imbalance of power between an applicant and a council is often abused, and I recommend applicants level the playing field by using the determination process more often and with more haste, rather than accepting unrealistic, risk-averse demands.

There are a couple of points that I think are useful to remember when applying for an over-clad building consent.

- In general, councils have only powers to regulate building work, not the actual building per se (unless they are earthquake prone, dangerous or insanitary).
- An over-clad is simply adding a second

cladding system that becomes the new weathertightness system for the house. The old cladding becomes a redundant feature that no longer serves any building code functionality, although it will provide additional rigidity and thermal efficiency, but these are not needed for compliance.

When assessing the consent, the council has to apply two sections of the Act. The first is section 17, which requires the building work to comply with the Building Code. This section outlines that because it is an alteration to an existing building, Section 112 applies which, essentially, says that you have to improve the house to as close as is practicable to a new building for fire and access for people with disabilities, and that the rest of the building is made no worse than prior to alteration.

For residential buildings, this is simple — it typically means you need to fit smoke alarms if not already fitted. The rest of the "building" is a simple test: Is anything you are doing reducing the Code performance of the building as a whole? Realistically, with an over-clad application, this is very unlikely as you are not changing anything, but actually improving the performance of the exterior weathertightness system.

The reality is that many councils are going way beyond their authority levels in this regard.

The stigmatisation of mono-clad homes is

becoming a huge problem which is silently but unceasingly creeping up on unsuspecting home owners. Councils need leadership and guidance on this issue. If it is left to individual councils to determine how they will move forward on this, we will likely have 72 different interpretations.

## Uniquely flawed interpretations

As it is, some local authorities are administering the law correctly, whilst their neighbours have invented their own set of uniquely flawed interpretations. Ideally, the MBIE, BRANZ, councils and industry representatives should come together to collectively solve and provide guidelines for a pragmatic, consistent approach in dealing with this.

For now, my arduous journey of convincing a confused local authority to interpret the law correctly continues, but I see this as a test worth fighting for, for the greater good of the New Zealand home owner who, as a whole, is currently unknowingly being financially worked over to the potential tune of \$3 billion.

**• This article contains the author's opinion only, and is not necessarily the opinion of the Registered Master Builders Association, its chief executive or staff.**

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New Zealand Government

## EMEX on again

The Engineering, Machinery and Electronics Exhibition (EMEX) trade show is on again at the ASB Showgrounds in Greenlane, Auckland from Tuesday, May 27 to Thursday, May 29.

Since 1980 EMEX has been the largest national trade event for the New Zealand manufacturing, engineering, machinery and electronics industries, showcasing engineering innovation to New Zealand businesses and the world.

Exhibitors in the following trade categories will be showing their wares:

- Control and Instrumentation
- Plant Automation and Monitoring
- Machine Technology
- Software and Computerisation
- Industrial Engineering and Maintenance
- Welding, Forming and Cutting
- Energy
- Environment and Waste Management
- Health and Safety
- Materials Handling
- Professional Services
- Packaging, Labelling and Bar-coding

## Campus makes awards finals

A purpose-built hospitality and cookery school in Sylvia Park, Auckland, has claimed one of the top spots in the New Zealand Property Council's prestigious Rider Levett Bucknall property awards.

NZMA's Sylvia Park Campus has been named a finalist in the Coffey Education and Arts Property category, up against six other organisations.

The architecturally-designed training facility houses two training kitchens, a commercial kitchen, a 150-seat café, training bar, restaurant and barista room, as well as classrooms, cyber suites and offices. Around 700 students study there each week.

## Buchan breathes new life into Auckland tower



Formerly known as WHK Tower, the Auckland CBD building has undergone a \$2.7 million transformation to become 51 Shortland Street, complete with refurbished interiors and exteriors.

Australasian firm The Buchan Group was appointed by AMP Capital Property in 2011 to provide design and architectural expertise to the project, which included upgrading the building's lobby and atrium.

Covering approximately 1000 sq m, the revamp has smartened the office's overall look and feel through the use of smooth, streamlined and sustainable building

materials.

The Buchan Group managing principal Mike Jakobi says the team was responsible for managing the project's significant milestones, ranging from the initial conceptual fit-out designs through to project construction and delivery.

"Our brief was to create a visually appealing gateway leading from Shortland Street to the building's foyer. In order to achieve this we worked with materials that enhanced and complemented the building's existing structure and design," he says.

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## Short course to lift performance and cost efficiency of buildings



Jerome Partington

Using integrated design and the principles of the Living Building Challenge, Creating Living Buildings is a course for all those working in the built environment and is designed to dramatically raise building standards in New Zealand.

Creating Living Buildings is an NZQA-approved 15 credit programme designed by Otago Polytechnic's Centre for Sustainable Practice to increase capability for building cost-effective high performance buildings that create long-term value for people without harming the environment.

Auckland-based architect Jerome Partington will lead the programme that starts with two-day block courses in Christchurch on June 3 and 4 and in Auckland on June 17 and 24. These initial block courses are followed by 10 weekly webinars.

"We have the technology and the knowledge to create buildings that are net zero (energy, water and waste), built from non-toxic, locally-sourced materials, and that are beautiful and inspiring," Mr Partington says.

## New Zealand renovation demand strong

New Zealanders have continued to spend more on renovating their homes over the past year, with home renovation site builderscrack.co.nz reporting a 62% increase in the number of home renovation and repair jobs posted in the year to March 2014.

Auckland growth was in line with the national average at 63%, with the hot housing market encouraging many to renovate before selling.

Canterbury was up 78%, with growth driven by a strong housing market, as well as a number of home owners choosing to opt out of the Fletcher process and manage their own earthquake repairs.

Gisborne and Taranaki were the fastest growing regions in the country, up 220% and 124% from the previous year. Waikato (114%) and Northland (105%) were also up strongly.

Wellington grew slower than the national average (43% increase), whilst Nelson and Bays was the only region to decline from the previous year (down 8%).

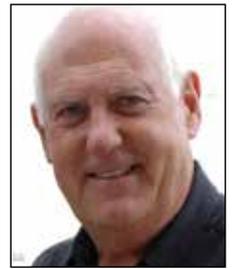
A strong housing market in select areas and the Christchurch rebuild have driven demand for larger renovations. A warmer, dryer summer also provided a boost to outdoor jobs such as fence and deck construction, and house painting across the country.

## Aucklander returns to launch new building system

Neville Price has established a new architectural practice in Auckland after a break away from New Zealand working in architecture and property development in California for some 25 years.

Best known for designing the distinctive West

Plaza office building in downtown Auckland, Mr Price designed numerous other Auckland buildings, including the landmark Ceramic House in New Lynn, Auckland's first modern multi-storey apartment building at Stanley Point, and numerous houses and townhouses, including the Moorings development on the Herne Bay waterfront.



Neville Price

Mr Price is now working on several Auckland projects from his West Plaza office, and has also developed a new revolutionary construction system named NEV-X.

It is primarily for all types of houses, but also suitable for smaller commercial and retail premises. International patents have been applied for, and the system will be launched in New Zealand later this year.

## Consent applauded in Q'town

Alastair Porter, chief executive and Aco-managing director of Porter Group, has applauded the granting of consents for Pak'n'Save and Mitre 10 Mega stores at Shotover Park, Queenstown.

Mr Porter says a key point in the decision is the independent Planning Commissioner's finding that the stores will promote economic growth in the Queenstown District.

"Getting these stores established through the planning process has taken an extraordinary and unnecessary amount of time and cost for all parties," he says.

The battle has seen previous resource consent applications declined by the council, granted in the Environment Court, overturned in the High Court and appealed to the Court of Appeal, and then the subject of this new application to the QLDC, which has now been granted.

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## UPCOMING SEMINAR DATES

BRANCH	DATE	TIME
PlaceMakers Palmerston North	Tuesday, 6 May 14	8:00am - 10:00am
PlaceMakers Wanganui	Tuesday, 6 May 14	5:00pm - 7:00pm
PlaceMakers Hawera	Wednesday, 7 May 14	7:00am - 9:00am
PlaceMakers Ohakune	Wednesday, 7 May 14	5:00pm - 7:00pm
PlaceMakers New Plymouth	Friday, 9 May 14	7:00am - 9:00am
PlaceMakers Napier (Hawkes Bay)	Monday, 19 May 14	7:00am - 9:00am
PlaceMakers Taupo	Monday, 19 May 14	5:00pm - 7:00pm
PlaceMakers Rotorua	Tuesday, 20 May 14	7:00am - 9:00am
PlaceMakers Whakatane	Tuesday, 20 May 14	5:00pm - 7:00pm
PlaceMakers Mt Maunganui	Wednesday, 21 May 14	7:00am - 9:00am
PlaceMakers Te Kuiti	Wednesday, 21 May 14	5:00pm - 7:00pm
PlaceMakers Pukekohe	Wednesday, 4 June 14	7:00am - 9:00am
PlaceMakers Mt Wellington	Wednesday, 4 June 14	5:00pm - 7:00pm
PlaceMakers Pakuranga	Thursday, 5 June 14	7:00am - 9:00am
PlaceMakers New Lynn	Thursday, 5 June 14	5:00pm - 7:00pm
PlaceMakers Te Rapa	Tuesday, 10 June 14	7:00am - 9:00am
PlaceMakers Clarence Street	Tuesday, 10 June 14	5:00pm - 7:00pm
PlaceMakers Huntly	Wednesday, 11 June 14	7:00am - 9:00am
PlaceMakers Whitianga	Wednesday, 11 June 14	5:00pm - 7:00pm
PlaceMakers Thames	Thursday, 12 June 14	7:00am - 9:00am
PlaceMakers Morrinsville	Thursday, 12 June 14	5:00pm - 7:00pm
PlaceMakers Cook Street	Tuesday, 17 June 14	7:00am - 9:00am
PlaceMakers Waiheke	Tuesday, 17 June 14	5:00pm - 7:00pm
PlaceMakers Albany	Wednesday, 18 June 14	5:00pm - 7:00pm
PlaceMakers Wairau Park	Thursday, 19 June 14	7:00am - 9:00am
PlaceMakers Nor - West/ Westgate & Helensville	Thursday, 19 June 14	5:00pm - 7:00pm

Dates and times may change. Contact your local store for more information and to confirm session times.



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# Updated guidance for exempt building work

**D**id you know some plumbing and drainlaying work must be carried out by an “authorised person”, such as a registered certifying plumber or drainlayer, before it can be considered exempt building work?

Or that if you are removing a building element such as a chimney, roof or cladding from a building three storeys or less, then there is a new exemption which may mean you do not require a building consent.

These changes, were made when Schedule 1 of the Building Act 2004 (the Act) was amended in November 2013.

The Ministry of Business, Innovation and Employment published new guidance in March this year, to help keep tradespeople up to date with the changes to Schedule 1.

The guidance concentrates on the 43 exemptions of Schedule 1. It is full of practical examples, with photos, providing information on each of the Schedule 1 exemptions. It clarifies the type of work that is exempt and who can carry out this work.

It's important that builders are aware of building work that is exempt from a building consent as clients will often rely on them to advise what types of work do not need a building consent.

It is an offence to carry out building work that is not exempt without a building consent, and can incur a fine up to \$200,000 and a further fine of up to \$10,000 per day if work continues.

Councils continue to have discretionary powers to grant exemptions for any proposed building work under exemption 2. However, they must be satisfied that the completed work is likely to comply with the Building Code, or there is minimal risk of it endangering people or property.

If tradespeople want any work to be considered under this exemption, it is important to start discussions early with the local council.

## What's new?

A new section, relating to Schedule 1, has been added to the Act, while Schedule 1 itself has been amended to make the exemptions easier to use.

Section 42A of the Act, is a new section which imposes some general conditions and limits on Schedule 1 exemptions and clarifies:

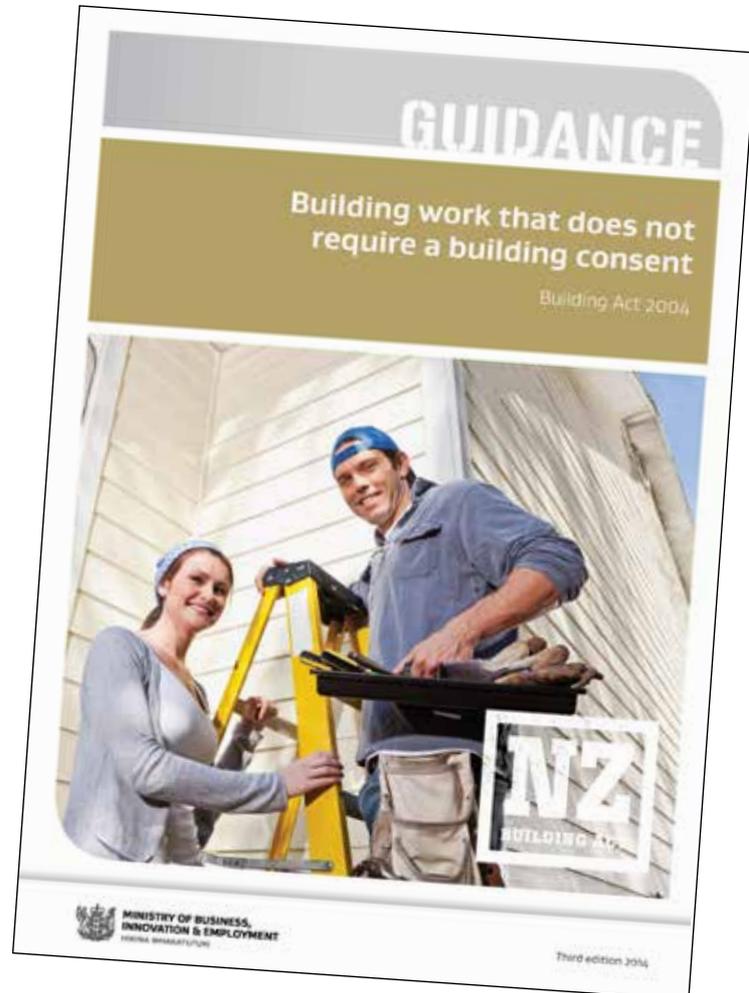
- what type of building work is exempt from requiring a building consent,

- who can carry it out, and
- what other conditions apply.

## Schedule 1

The scope of building work covered by Schedule 1 does not vary much from the previous version, which was introduced in December 2010. However, it has a new numbering system and has been divided into three parts depending on who can carry out the work:

- Part 1: Exempted building work lists work that anyone can carry out. It includes exemption 2, formerly Schedule 1(k), which gives territorial and regional authorities the discretion to exempt any building work from requiring a building consent.
- Part 2: Sanitary plumbing and drainlaying carried out by a person authorised under the Plumbers, Gasfitters and Drainlayers Act 2006.
- Part 3: Building work for which design is carried out or reviewed by a chartered professional engineer.



## Read the guidance

To find out more read the *Guidance Building work that does not require a building consent - Building Act 2004* document at [www.dbh.govt.nz/bc-no-consent](http://www.dbh.govt.nz/bc-no-consent).

## Other changes to the Act

Once the building regulations are amended, builders will need to provide clients with information about their credentials and enter into written contracts for work over a specified amount.

These changes will make it easier for builders and home owners to understand their rights and responsibilities. For a summary of the changes go to [www.dbh.govt.nz/bcupdate-149](http://www.dbh.govt.nz/bcupdate-149).

Remember, all building work must comply with the Building Code, regardless of whether or not it needs a building consent.

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## Skilled professionals sought for construction career opportunities

The reconstruction of Christchurch following the earthquakes is now focusing the spotlight on the shortage of skilled construction workers in the city.

This demand for skilled labour was identified in a recent Grant Thornton International Business Report which found that 48% of New Zealand's small to medium sized businesses were either pessimistic or very pessimistic about being able to attract sufficient skilled labour to be able to tap in fully to the economy's strong growth.

The Auckland and Christchurch construction sectors were highlighted as being of particular concern.

Registered Master Builders company Leighs Construction is a case in point. This well-recognised Christchurch construction company took a leading role early in the aftermath of the earthquakes, and has gone from strength to strength, quadrupling its staff to 200 over the past three years.

Yet positions such as project managers, quantity surveyors, site managers, supervisors, leading hands and qualified carpenters are in constant demand within the company.

"We have secured some considerable landmark projects which complement our already strong portfolio of work," managing director Anthony Leighs says.

"We have some fantastic projects on the go, such as the \$80 million Cashel Square Stage 1 project in the CBD, and the Burwood Hospital Redevelopment project.

"These types of projects present the once-in-a-generation opportunity for those who are seriously committed to growing their career, to become involved in the construction of a significant proportion of the central CBD's rebuilding projects.

"Great projects reward exceptional people who



Construction management cadet Emma Williamson and quantity surveyor Kyle Docherty.

can provide spectacular outcomes. We are in the position to be able to offer them an amazingly varied and exciting range of work which will extend their horizons and capabilities, and we are constantly on the look out for such appropriately skilled staff."

He says Leighs has tapped the national market for candidates and is keen to attract professional level staff who may not expressly be looking for a move.

"The reality is that there are some phenomenal opportunities right now. We are a company which is following a philosophy of planned and structured growth, with each step of our development carefully considered and approved by our board. We are not in this for the short haul, but for the duration."

Leighs Construction had existed for 16 years prior to the earthquakes, managing director Anthony Leighs carefully building an increasing turnover reflecting a growing breadth of projects for the firm, not only in Christchurch but as far south as Scott Base in Antarctica.

But the firm's core work changed radically from its construction focus immediately after the September 4, 2010 earthquake.

However, propping and stabilising buildings soon gave way to a major role in demolition work (the company formed a joint venture with a leading American demolition company for a period) and rebuilding work, and Leighs' workforce soon soared.

When advertisements for appropriately skilled local staff were unsuccessful, Leighs spread the net wider to encompass New Zealand.

Leighs Construction human resources manager Jess Senior went to the Philippines in late 2012 to explore the potential there, and so began a successful recruitment stream, particularly of skilled carpenters.

Applicants continue to be rigorously interviewed and trade tested by Leighs site managers and then settled on fixed term contracts in Christchurch.

But still the lack of qualified professional leadership remains.

"We actively support internal development, with about 10% of our workforce being trainees, including carpentry apprentices, and quantity surveyors and construction management cadets. We also have a strong pool of highly talented individuals who have moved up the ranks within the company," Mr Senior says.

"A number of our site managers started with us



Site manager Tim Clark

as carpenters, and were subsequently promoted to supervisor, then site manager. There are a number of staff who have also followed a similar path in different careers."

Mr Senior says Leighs prides itself on being dynamic and taking the lead in the construction industry, in thinking outside the square and delivering solutions through great people and strong processes.

The company cites its current key projects as being indicative of the range and scale of its portfolio of work.

Squarely at the top sits the Burwood Hospital Redevelopment, the joint venture project with Cockram Corporation. This is a milestone project for Leighs, with a two-year programme of work having started earlier this year.

The result will be a new state-of-the-art health facility for Canterbury's older people, incorporating three three-storey ward blocks for up to 230 patients, plus clinical support services such as radiology and physiotherapy, and an outpatient clinic catering for up to 80,000 people annually.

Cashel Square Stage 1 in the Christchurch CBD is another new project that has just begun. It is one of the first new and ultra-modern high-rise buildings in the heart of the new city, in Hereford Street adjoining the Re:START mall precinct. It will be completed in September 2015.

Leighs is also currently completing the Christchurch City Council's new visitor centre in the Botanic Gardens, the Blue Skies Campus Development at Rangi Ruru School, the Hub at Hornby Mall Stage 1, an extension to the mall which will be completed this July, the new I-Sight day surgery eye clinic in Merivale, Stranges Building at the corner of Lichfield and High Streets, and the redevelopment of Mainfreight's main warehousing and freight handling terminal at Sockburn.



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# Housing boom prompts new 'tradies' programme

Future-Proof Building announces seminars to upskill builders and electricians and to boost industry know-how

Thousands of "tradies" around New Zealand are being offered a free educational programme to boost their business skills beyond the work site as the industry booms.

The first-of-its-kind series of seminars is being run by Future-Proof Building to help the country's 125,000 builders, electricians and other specialists keep abreast of new regulations and products, and widen their business skills.

## Strategic marketing

The nationwide seminar series will reveal industry insights and trends, and provide presentations on management skills, including accounting and finance practice, enhanced customer service, strategic marketing and building strong relationships with on-site suppliers.

"Future-Proof Building believes in not only building the best properties for the future, but also investing in the people who build them,"

Future-Proof Building general manager Richard Gough says.

"There are more than 125,000 tradespeople working in New Zealand, and it is important they have access to the tools they need, on and off site."

## Latest innovations

As well as educational presentations, the Future-Proof Building National Tradeshow Series 2014 will include demonstrations of the latest innovations and product solutions, and more than 30 different trade stands.

There is also a chance to network with peers over breakfast.

"We are aware that time off-site is time not billed.

"So we have created a forum where builders, electricians and other specialist trades can learn about what's new in the market, see the products, be updated on regulations that affect them, talk to their peers and get

professional advice on running their business — and all in one location," Mr Gough says.

"It's a few hours well spent.

"Our aim is to help them create a point of difference in their business, and give them a competitive edge and access to the tools they need. Ultimately, this all leads to the betterment of our industry."

The series will be held across 13 cities, starting with two Auckland venues in May, and provides an opportunity for Licensed Building Practitioners of New Zealand to get trade points as part of their ongoing skills maintenance requirements.

The events are being supported by Future-Proof Building partners Carters, J A Russell, Stewarts and Radcliffes. A series for plumbers is also planned for 2014.

To register for your nearest Future-Proof Building National Tradeshow Series event, go to the FPB web site at [www.fpb.co.nz/fpb-tradeshow](http://www.fpb.co.nz/fpb-tradeshow).



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# Bad weather doesn't hamper Army/DoC tramping hut effort

**B**attling nasty weather and hard conditions are all in a day's work for soldiers from the New Zealand Army's Engineers, as they complete the construction of a new tramping hut for the Department of Conservation (DoC).

The hut at Maroepa Forks in the Western Ruahine Forest Park is popular with trampers, hunters and fishers, and is also the habitat of the native whio (blue duck).

It is being replaced as it is suffering from disrepair and, due to changes in the Maroepa River channel, is positioned precariously close to the water's edge.

The team of engineers from 2nd Engineer Regiment, Linton Military Camp, includes a plumber, builders and an apprentice, who doubles as a medic. They have been transported to the remote site by helicopter, spending 10 days at a time working on the project for the past two months.

Cyclone Luci and other recent weather bombs meant extra effort has been needed to stay on task. Pulling out all the stops, the team has stayed on schedule. However, safety is paramount, especially in such isolation, so when the weather closes in the tools go down.

"We have caught up a lot of time by working longer hours when the weather lets us, making sure we stay within safety parameters," Corporal Paul Cassidy says.

Supplies for the build are being provided by DoC. The team says it has been a great experience working with agencies outside of the military.

"It is always interesting to see how other agencies conduct tasks such as this. It provides us with a lot of experience and knowledge when dealing with any other non-military organisation," Corporal Cassidy says.



2nd Engineer Regiment have built a new DoC Hut at Maroepa Forks in the Ruahine Ranges. From left: SPR Tom Williams, SPR Sam Clark, SPR Clem Duval, SPR Chris Foster and SPR Daryl Metcalfe who are working on the hut.



The new DoC Hut at Maroepa Forks in the Ruahine Ranges.

DoC partnership manager Chris Lester says the two organisations had worked well together on the project.

"We've been impressed by the work and

morale of the guys on the ground. The Army is an excellent partner for DoC, and are delivering a great hut that New Zealanders will be able to enjoy for many years to come," he says.

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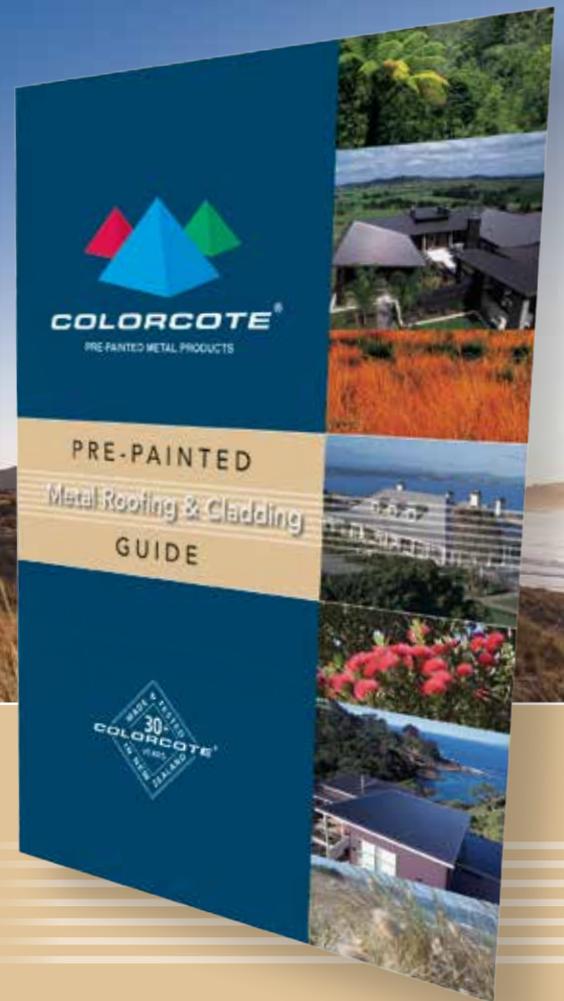
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# Royal Wolf creating buildings

The Auckland and Melbourne offices of shipping container specialists Royal Wolf feature cutting edge container designs that showcase building solutions for the future.

Made out of recycled shipping containers, they are containerised on the outside yet inside they are stylish offices with a hint of industrial chic.

Royal Wolf containers are used to provide a wide range of solutions from accommodation units to mobile exhibitions, retail outlets to training facilities and innovative architecture and construction projects.

Leading Auckland architect Frank Tonetti believes traditional construction methods can't compete with the strength and affordability of shipping container structures.

He says using conventional building methods means construction projects take a long time to complete, which ultimately pushes up costs, whereas shipping containers offer a practical and reasonably-priced alternative.

Mr Tonetti, from Devonport-based company Architettura, has a background in alternative architectural design and now specialises in container building solutions. He works on innovative modification projects with Royal Wolf.

"We frequently talk about developing new innovative construction systems but, in reality, we struggle to think beyond conventional timber or steel methodologies," Mr Tonetti says.

"We should be open to alternative solutions like containers — if you want an instant robust building that performs well then a container



Royal Wolf is one of the key players behind the "container mall" in Cashel Street, Christchurch.

can offer this. Conventional construction can't really compete."

Mr Tonetti designed Royal Wolf's Auckland offices using two 40-foot and six 20-foot containers, and recently worked with them on their ice cream container factory modification for Auckland-based business Joy Ice Cream, which was featured in *Building Today's* March 2014 issue.

Other Royal Wolf projects include a multi-storey training facility for the NZ Police Force, a specialised facility for the NZ Defence Force to be used in disaster situations, and "pop-up cafes".

In Christchurch, the company is one of the key players behind the "container mall" in Cashel Street, and it has provided temporary accommodation for the Fire Service since the city's first earthquake in 2010.

Royal Wolf executive general manager Paul Creighton says the company, which is the largest provider of containers in Australasia, can modify containers to a customer's unique needs. The company's own offices are the perfect example of what can be achieved.

The latest example of Royal Wolf's modification expertise is a shellfish processing plant for Ikana NZ Ltd in Christchurch.



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# of the future

Steve Glass of Ikana says space issues at the company's existing site were overcome by the clever modification of two 40-foot containers with features such as side wall cut-outs and insulated food grade panelling inside — which meant the factory was able to get up and running to meet export market demand.

While the factory is relatively small, he believes there is potential for growth in the future with the bespoke container design offering plenty of capacity.

"I'm excited by it because although it's an efficient use of space, if you utilise it properly, work the gear and keep it ticking over, it's surprising how much you can produce in such a confined space."

Royal Wolf sales manager - South Island Rick Mills says the project was time critical so the company's production team worked nights and weekends to get the job done within the customer's seven-day time frame.



*Royal Wolf's Auckland offices.*

## About Royal Wolf

Australasia's largest shipping container provider, Royal Wolf Holdings Ltd, is the industry leader in the hire, sale and modification of new and refurbished shipping containers, and has 19 years' experience and a network of 33 facilities, including 28 dedicated customer service centres across New Zealand and Australia.

Renowned for its focus on product innovation, Royal Wolf has taken the design and basic engineering of the humble shipping container to new heights. Today, its products are used in a wide range of applications to help solve business challenges across many market sectors.

The company has a customer base of more than 20,000, supplying customers each year with containers which are inexpensive, safe, secure, easily transportable and able to be modified with doors, internal walls, windows, electricity, water supply and more

The containers are used for portable storage options for consumers, sporting associations, community groups and schools, accommodation units, mobile exhibitions, retail outlets, offices, kitchens, training facilities and innovative construction projects.

Royal Wolf containers can be specified to meet portable storage

requirements for general purpose, refrigerated or hazardous goods, and are available in a variety of sizes. They offer the perfect solution to many storage problems with the additional benefit of being delivered direct to a nominated site.

To cater to the construction industry, Royal Wolf offers a "Worksite Range", which includes a selection of shipping containers that are available as a stock item and provide hoardings and gantries, construction site offices, change rooms, first aid rooms and ablution blocks.

The company also has a division focused on the freight sector, providing freight containers for road, rail, removals, bulk commodity, construction and project applications. Within this area, the business has built a particularly strong reputation amongst transport and logistics operators as a provider of specialised equipment.

The mining, defence and resources sectors have embraced Royal Wolf container solutions, as seen by the extensive use of large portable camps and blast-resistant buildings.

Royal Wolf was listed on the Australian Stock Exchange in 2011, and employs more than 260 permanent staff.

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# How to choose the best software

When purchasing any computer software or hardware you should plan for the future, so base your decisions on what you would like your business to be doing five or ten years from now, not what you are doing today.

## Establish a “must have” and “nice to have” list

Create a list of features you’d like to have and separate it into two categories — “must have” and “nice to have”.

Your “must have” list should be short, and outline the features that are absolutely necessary for your business. The “nice to have” list can be much broader, and features should be listed in order of importance, encompassing all of the capabilities that will make running your business easier. Here are some general questions to ask yourself:

- What are your reasons for buying it?
- Will it save time?
- Will I have just one Integrated software package? Who is going to run and maintain it?
- What support is provided?
- In what format do you need to access the information produced by the software?
- Can I remotely access data?
- Who needs to access the software and the data produced by the software?
- How many people can access the data at once?
- Data storage devices — how much data needs to be stored?
- Will those needs change over a 12, 24 and 36 month period?
- Where will data be accessed? Locally? Remotely Or both?
- How will data be accessible if there is a disaster?
- What will the back-up source be?

## Clarify your budget

Set a budget and allow for other expenses such as an upgrade to your additional hardware. And also consider whether you will be able to use the device out of the box? Or will it require customisation? What are the maintenance expenses?

## Reduce your options

Now that you have your “must have” and “nice to have” lists and a budget, it’s time to reduce your options. Go through your product list and eliminate items that lack features, and come up with two or three products that are a good fit by looking for:

- High quality customer support
- A brand with a solid track record
- A brand that has a broad base of users

## Evaluate the options

From the remaining options, determine which products deliver the most features from your “nice to have” list. Are there add-ons you can purchase at a later date as you need them?

## Choose your finalists

Now that you have just a handful of products left to evaluate, it’s time to see them in action. If possible, book a demonstration. Here are some

general questions to ask yourself:

- Are there any ongoing costs?
- How simple is the software to set up?
- Does it come with hard copy manuals?
- What operating system does it work with?
- How secure is my data?

## Get feedback from your team

If you have staff who will be using the software, now is a great time to get their feedback. This will also help when it comes to implementing the new software — if you have asked for their feedback early on, they will be much more receptive to change.

## Plan the transition

To avoid issues and downtime, take time to plan the transition to the new software. Steps for implementation success include:

- Try to avoid implementing new software during your busy times
- Allow for system redundancy to ensure that none of your data is lost during the transition
- Don’t be afraid to ask for support

• *Article provided by Constructor Software. [www.constructor.com.au](http://www.constructor.com.au)*

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Construction ▼ Insurance ▼ Environmental

# BCITO chief Karaitiana — inclusive

Welcome to *Building Today's* exclusive Q & A with the country's most influential construction industry leaders. Kicking off this new feature is the BCITO's chief executive Ruma Karaitiana.

## Where were you born and raised?

I was born in Mosgiel as my parents had been living in Otago at Brighton for a few years. However, I spent my young childhood in Woodville and teens in the Manawatu.

## What schools and tertiary institutes did you attend, and what relevant qualifications did you obtain?

From Woodville Primary my secondary education was at Marist High School in Palmerston North. I am very much a Massey University alumni, having trained as a teacher at Palmerston North Teachers College at the same time as studying art history and classical studies at Massey. Later I completed an MBA at Massey, and have dabbled in various post-graduate qualifications.

## What are your family/other interests/hobbies away from the workplace?

Between work commitments, governance roles, three children and nine grandchildren, I don't have much space for hobbies. I still maintain an active interest in the visual and performing arts, and I spent 24 years working on my Iwi's treaty settlement issues. My wife and I are regular walkers and I read a lot.

## What were your previous career positions, going right back to your first job after completing your education/studies through to any senior management/chief executive roles you held before moving to the BCITO?

This is my fourth CEO role. Prior to this I had CEO roles in economic development, the health and disability sector and Fast Moving Consumer Goods (FMCG). Immediately before the BCITO I spent three years in a consultancy practice. I have a fair amount of sales and marketing experience in my background from the consumer electronics industry and interior/kitchen design, as well as FMCG.

As a family we have also owned and operated businesses in early childhood, the restaurant industry and fashion retail, as well as a building company.

Pretty much except for the BCITO role, I have completely changed my career every three to four years, and have mostly operated more than one role at a time.

## How long have you been at the BCITO, and what was it that most

## attracted you to the CEO position at the organisation?

I am in my ninth year at the BCITO. My stepfather was a Ministry of Works builder. For most of my teens I was his unpaid slave apprentice, and have been building ever since, with a lot of renovation/rebuild/DIY behind me.

At the same time, I have always been involved in education, having taught on and off, either part-time or full-time, at primary, intermediate, secondary, polytechnic and university level, but mostly I've been involved in governance positions.

Most of my professional life has been in management, and the BCITO has brought it all together (education/building/management). On top of that, being part of transforming the lives of people through apprenticeship training is such a positive thing. It was attractive then and still is.

## How would you describe your management/communication style? How do you manage conflict, how do you reward excellent work performance and how do you manage poor performance?

I have an inclusive and consultative style, but with a large dose of clarity about what we are setting out to achieve and how each individual can, and needs to, contribute to the achievement.

I have a strong attachment to cascading the strategic plan into a business plan — and then the business plan into work plans for teams — then into Knowledge Processing Outsourcing (KPO) for each individual. Out of those KPOs I expect managers to monitor and regularly communicate performance expectation and recognition.

Within this, poor performance is actively managed, and I like remuneration to be tied to a combination of meeting the market and rewarding performance. At the same time, I am a fan of informal recognition, and am not shy in telling people when they have done something good.

## What do you think is your most important trait/commodity? What do you attribute your success to?

I think my strongest attribute is that I am a strategist with a combination of analysis and creativity. I have a liking for, and expectation of, effective execution. I like to have high-performing people around me and I am committed to developing people. I don't mind being surrounded by talent, and my dream organisation is one which is full of people who are better than me.

I am deliberately calm, humble and stable, but resolute, and I try to

# and consultative

ensure all of my responses are human. I think managing and working with people is the absolute best part of management.

**What is your personal work ethic, and how do you think this affects the organisation's culture?**

I think I work hard. I don't think you have a choice of working hard or smart but, rather, that you have to work harder and smarter all the time. I like high standards and lofty goals. I like to benchmark with the intention of always being in the top quartile.

I haven't tasted failure very often and don't want to. I think this has influenced the culture of every organisation I have lead.

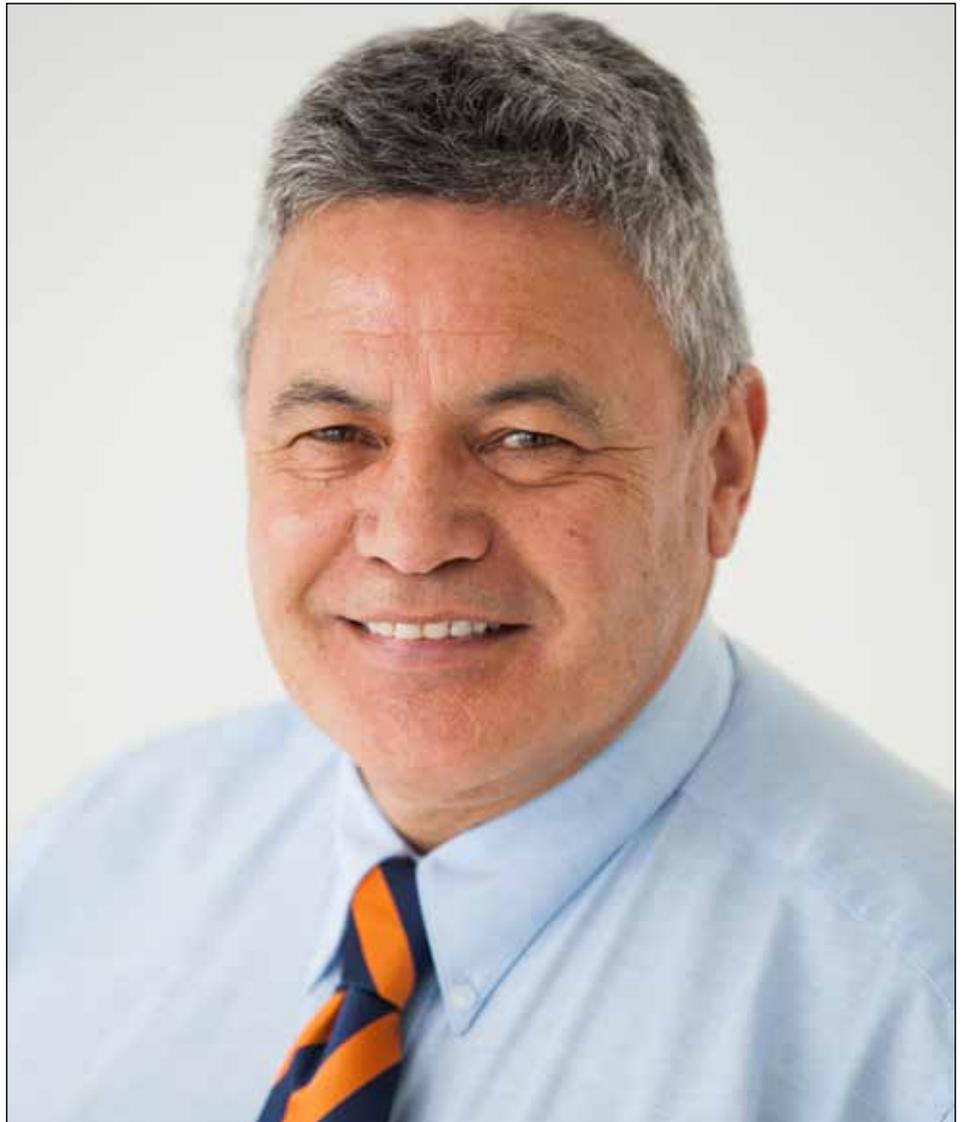
**What is your priority for the BCITO in the context of the current state of the New Zealand construction industry? What is the biggest challenge you feel your organisation faces, and how do you inspire your employees to meet it head on?**

At the moment our biggest challenge is volume — how to recruit as many keen people as possible into the industry, and to develop and inspire them to be the best professional tradespeople they can be. We are in the unique position to lift the skill and knowledge of the industry for the future.

I want to ensure we keep maintaining the highest quality educational focus. Industry training is not some second-rate add-on to the education system, and our trainees and the industry deserve the best educational experience we can deliver.

We fundamentally disagree with many of the recent changes the Government and its agencies have introduced, but need to work with them to extract the best outcome that we can for the industry.

I communicate this to our people often and regularly, along with clearly explaining the various tactics and strategies to meet our goals. I get out regularly into the industry and on the ground with our staff to keep the



*BCITO chief executive Ruma Karaitiana*

conversation going.

We are also very open with our metrics and reporting on progress against targets — we do it regularly and celebrate success.

**If you could instantly change any aspect of doing business in the New Zealand construction industry, what would it be?**

No one thing. We need to keep developing our skill levels. I would like to see more emphasis on quality and high-performing homes rather than large ones, but that is really about the customers. We need to keep lifting our game with health, safety and injury prevention.

This is a great industry full of great people. You always know where you are with people — what you see is what you get. In different ways we all just get on with it and contribute what we can.

# My secrets to training legendary apprentices...

By Ben Redmond, Redmond Builders and Construction

As our industry grows, along with the demand for skilled tradies, it's our job as employers to get the right people trained up and ready to make a difference.

Since starting my own business at age 30, I've been passionate about training. I wanted someone young and fresh to help me out, who would grow to become a valuable member of my team and the construction industry. So I took on an apprentice through the BCITO.

Seven years and six apprentices later, I'm reaping the benefits.

Finding the right apprentice isn't easy, but once you've found someone you can get along well with, is eager to learn and not afraid of a bit of hard work, you're sorted. It's then up to you to mentor that person until they've got the skills you both need.

At the beginning, it's all about investing your time, skills and energy. Being a good mentor means giving your apprentices a chance to excel and pushing them to be their best. Seeing the potential isn't enough — you have to provide opportunities for your apprentice to reach that potential.

After a couple of years of training and hard work, they hit that magic moment and all of a sudden you've created a fully-competent tradesperson.

Through training apprentices, I've had excellent opportunities to foster great talent. One of my first apprentices, Willie de Gruchy, went on to win the Auckland 2013 House of the Year. Bill Harkness, who's still working with me now, won the Registered Master Builders Carters Apprentice of the Year title in 2013.

I'm so proud of what these guys have achieved, and it's so rewarding to know I have been a part of their career.

The bottom line is that there aren't any



Registered Master Builders Carters 2013 Apprentice of the Year Bill Harkness.

downsides to supporting your apprentices to be their best. When your apprentices succeed, so does your business. Who wouldn't want a top class tradesman to work alongside every day?

For me, training apprentices just makes sense.

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## 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:

- Debate on a TV advertising campaign at the NZMBF's Conference '94 brought out the "dinosaur" in older conference participants. Younger builders continually took issue with their older counterparts who didn't see the need to be touting their services on television.

Taranaki Master Builders' Association member Roger Jones summed up their stance by referring to them as "dinosaurs". He said they had to accept that in today's market people had to be prepared to stand on a soapbox and tell the world what they had to offer.

### 15 years ago:

- Arthur Grant of Dunedin was elected president of the RMBF, succeeding Francis Yates of Gisborne.

Mr Grant had been involved in the construction industry for 25 years, specialising in food processing industry projects.

He said the Federation needed to do more to raise the profile of its commercial builder members and, in particular, awareness of the confidence the developers of major projects could have in engaging them.

### 10 years ago:

- RMBF chief executive Chris Preston reported that 2003 had been a great year for the organisation.

Key points he made at the joint RMBF/NZIOB conference in Christchurch included:

- the RMBF's market share rising,
- Master Build Services having issued a record number of guarantees,
- the 2003 House of the Year attracting a record number of entries,
- membership numbers throughout the 22 Associations remaining steady at 1600, and
- the RMBF acting as the industry's leading body, providing sound advice to the Government on the Building Bill and weathertightness issues.

### 5 years ago:

- Registered Master Builders shared Minister for Building and Construction Maurice Williamson's view on the need for greater consumer protection on building and housing projects.

The Minister said the Government was looking for a system that would provide warranty-type products to consumers to ensure a transparent resolution for all parties involved in a building project should something go wrong.

RMBF chief executive Warwick Quinn said the Federation had a product in the market with its Master Build Guarantee for 19 years that did exactly that for members' clients.

RMBF president Brent Mettrick also agreed with the Minister's calls for a reduction of the bureaucracy and red tape that had been weighing down the construction industry and, consequently, increasing costs.

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## Flooring adhesives get makeover

**G**orilla Grip has had a makeover, featuring traffic light colour coding for easy identification of cure time.

The product range has been recommended for the installation of Ultralock, Strandfloor and J-Ply flooring systems.

As Gorilla Grip is 100% waterproof. It creates waterproof joints, reducing the chance of edge peaking. The foaming PU bond also ensures a squeak-free floor.

### Gorilla Grip 2 Hour Cure (BRANZ Appraised)

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## Change colour with Plasti Dip removable paint

**C**olour customising is being revolutionised with a new spray paint from Plasti Dip, the people who invented the paint that can coat anything from toys to tools with a rubberised protective layer.

Originally developed to apply rubber coatings to replace worn grips on hand tools such as pliers, wrenches and cutters, Plasti Dip has become a household name around the world, and was introduced to New Zealand in 2009.

It now allows for cool customising of cars, trucks, wheels, accessories and even bikes, caravans, boats, skateboards, hobby/craft projects and anything else that requires a lift — hence the strapline being used to market the product here: Plasti Dip — The only limitation is your imagination.

Fed up with the colour of your car or want to change the look of the wheels? Spray a new colour from the extensive Plasti Dip range, then peel it off and reveal the original paintwork when you want to change back.

There are 17 different matt colour choices available in spray cans, which are very much in vogue with the trend towards matt finish among some car owners. But for those who prefer a gloss finish, there's also the Plasti Dip Glossifier, which can be sprayed over the top to increase the level of gloss shine — from just a low sheen through to semi gloss and full gloss, depending on the number of coats applied.



*Above: Fed up with the colour you sprayed on? Then just peel it off!*

*Left: Spray on a sleek new colour for your bike.*

A metallic finish is now available through three new releases — Silver Metallizer, Gold Metallizer and Copper Metallizer, along with a Pearlizer finish, which is applied by spraying over the top of the base colours, thus adding a metallic sheen to the original Plasti Dip coating.

Also included in the range is a Smoke finish, which can be sprayed over tail lights and even windows, as well as the original paintwork or any of the Plasti Dip base colour coats, which gives a smoky effect to the colour or surface, but is still transparent.

A video of the process can be viewed at [www.griffiths.co.nz/video-library-plasti-dip-removal](http://www.griffiths.co.nz/video-library-plasti-dip-removal).

# Cordless refinements maketh the tool

**M**akita has refined its cordless multifunction tool by removing and refining rather than adding features.

Working on the principle that less is more in their new range of power tools, Makita's new DTM51 features tool-less accessory change and cordless 18V lithium-ion battery power for extremely fast and flexible tool changes and increased cordless portability and manoeuvrability.

**For more information visit [www.makita.co.nz](http://www.makita.co.nz).**



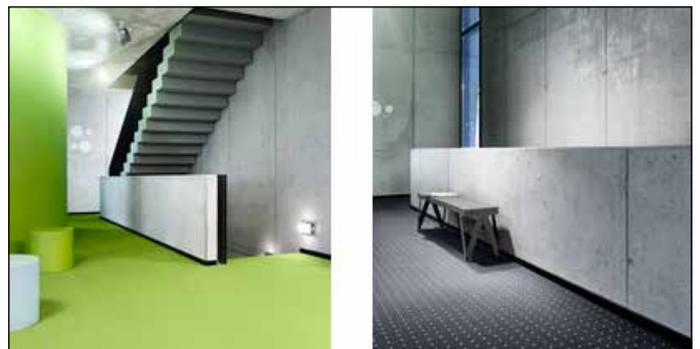
# Taste of Toucan-T

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**For more information on Toucan-T, visit [www.fifthwall.co.nz](http://www.fifthwall.co.nz).**



# Declining Standards

## Architect Don Bunting laments the demise of the Standards Council and Standards NZ

At its meeting in October 2013, Cabinet agreed to recommendations contained in a Cabinet paper that will see the Standards Council disestablished and a new standards body established within the Ministry of Business, Innovation and Employment.

This is a bad decision. Bad for the industry, bad for the standard of building and bad for those currently protected by the existence of a Standards Council and its operating arm, Standards New Zealand.

Standards New Zealand is defined as an autonomous Crown entity, is entirely self-funding and, more importantly, is New Zealand's representative on the ISO (International Standards Organisation).

How this proposed change will be viewed by overseas standards organisations in general, and Standards Australia in particular, is not yet clear.

However, even the possibility that some or all of the many joint AS/NZS standards might be at risk is of real concern.

As I stated in a previous article, it is well known that the MBIE - Building and Housing Group has plans to absorb Standards New Zealand.

### Less influence from the industry

This would ensure that there will be less influence from the industry on building standards, and the department would no longer have to deal with Standards committees trying to go beyond minimum levels of health and safety and actually attempting to define "best practice".

Having chaired four Standards committees I am aware of the delicate balance needed in navigating between expert opinion on current best practice — say a proposal to add a more up-to-date but more costly testing regime — and the MBIE mandate around no unnecessary increase in building costs.

At the moment the MBIE has to rely on persuasion among their peers on a Standards committee to influence what changes, if any, are implemented.

The MBIE also has a partial veto, in that it may either not cite or only cite with amendments, any new or revised Standard within a compliance document — ie, an acceptable

solution or verification method. This less than perfect situation will take even more of a retrograde step if industry involvement in the maintenance of Standards is reduced any further.

### Lame duck

It is true that Standards New Zealand has been seen by many as something of a lame duck. There is also a view held among many in the industry that Standards should be free — if not all Standards then at least those cited in legislation.

Certainly, SNZ has struggled with its difficult task of being an autonomous, self-funded body. In particular, it has failed to gain an appropriate stream of development funding from either government departments (the MBIE in particular) or from the construction industry.

It simply has not sold the value of standards to those who use them. This is another reason why they struggle to gain suitably qualified membership on review committees.

The issue of whether Standards should be free is poorly understood and, therefore, again poorly "sold" by Standards New Zealand. This arises from people's inaccurate understanding of what is legislation and what is merely advisory.

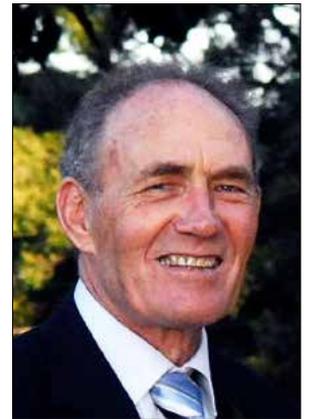
The New Zealand Building Code, which is the legislative basis of our industry, is performance-based, and contains not one single reference to a New Zealand Standard.

Compliance documents — acceptable solutions and verification methods in particular — are non-mandatory means of compliance.

They are advisory only, and if viewed in this way there is much less of an argument in favour of making Standards referenced in these documents free. Convenient perhaps, but mandatory no.

And as most industry members can obtain online access to all construction Standards for less than \$200 per annum, it's not a very strong argument in the first place.

A further concern is that once the MBIE has Standards New Zealand under its wing, it will see a more convenient way to introduce change is by promoting changes to legislation



rather than amendments to Standards or compliance documents.

A current example is the proposed changes to the Fencing and Swimming Pools Act.

While the Act is probably in need of review and some of the proposed changes are eminently sensible, I find it hard to accept the planned requirement to fence off portable and inflatable paddling pools, where the water level exceeds 300mm.

### Who's next?

And from the "who's next?" file: Rumour has it that BRANZ is being lined up for an MBIE takeover. After all, it must be so much more convenient if the organisation that is supported by most of the monies collected as building levies is placed under direct government control.

How the MBIE will deal with the fact that some 50% of BRANZ's current income comes from commercial activities is difficult to see at this point, but no doubt the Government will welcome this contribution to their bottom line.

Clearly our industry was, and is, in dire need of improvement in the provision of quality technical and scientific support for the construction industry. A lot of what the MBIE has achieved in this regard is positive.

However, what is of concern is whether current and possible future moves to bring other aspects of our industry's quality and control mechanisms under a direct government umbrella will result in the industry's intellectual property and simple common sense being excluded from ongoing debates.

And even when the industry's voice is allowed to be heard, government boffins will be in a strong position to say "thanks for your input, but we know best". And do they?

As my 5-year-old granddaughter tends to say when questioned: "I don't know, but I don't think so".

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# Building company director found not liable for losses arising from leaky building syndrome

Timothy Bates of Auckland law firm Legal Vision reviews a recent decision by the High Court in which a council brought a claim against a building company director.



In this month's article I review the 2014 decision of *Derwin & Diar v Wellington City Council & Others*, in which the council brought a claim against the director of a building company for \$464,000. It is a lengthy Wellington High Court decision, so I will address only those aspects I deem relevant to readers.

## Facts of the case

A claim was brought by the owners of a leaky home against the Wellington City Council (WCC) seeking the sum of \$774,000, being the work required to repair the house plus additional claims for consequential losses and general damages.

The council, in turn, joined into the proceeding two subcontractors involved with the construction of the house. It also joined in the managing director (MD) of the construction company that had built the house.

The High Court decision makes no comment upon the status of the construction company concerned and why it was not joined into these proceedings by the council.

The council settled the claim with the plaintiffs prior to the matter proceeding to a hearing,

and obtained contributions from the two subcontractors. The MD did not settle with the council and chose to defend the claim brought against him by the council. He was successful in defending the claim.

Before summarising the findings of the High Court judge, it is important to summarise the core responsibilities of the MD (in this instance) recorded by the court:

- to liaise with clients,
- to market and sell house and land packages,
- to negotiate building contracts, and
- to act as a point of contact for banks who contacted the construction company regarding packages for their customers.

The MD was an experienced builder in his own right (qualified in 1975) but injury prevented him from continuing to work as a builder (on the tools). He had then set up a company in 1991 to market fixed-price house and land packages.

The factual thrust of the claim brought by the council was that at the point when there was a difficulty for the former owner obtaining a Code Compliance Certificate (CCC) for the house, the MD had actively made written/oral representations about the state of the construction work completed which the council relied upon in order to issue a CCC.

The claim brought against the MD was threefold:

a) The MD had made negligent representations to the council at or around the time of the issue of the CCC which made it a joint tortfeasor (with the council) being liable to the plaintiffs for the same damage.

b) The MD had made negligent representations to the WCC which caused the council to suffer loss in turn, so a direct claim existed from the council against the MD.

c) The MD had breached the Fair Trading Act 1986 when responding to queries raised by the WCC prior to issuing the CCC.

The High Court judge considered the respective authorities on directors of building companies being personally liable. He concluded that in claims of negligent misstatement, that in order for a director to be liable for his or her statements there needs to be a personal assumption of responsibility as

to the accuracy of the representation made.

Further, the representation must be relied upon, and it must be reasonable for the sufferer of the loss to have relied upon it.

The judge ruled that a claim of contribution could not be made out as regards the MD, because there was simply no evidence that the plaintiffs relied upon any representations made by the MD. The claim in a) failed.

Whilst the court was willing to find that the MD had assumed personal responsibility for some of the representations made to the council, and that the council relied upon some of those representations, it held that it was either not reasonable for the council to rely upon these representations or, alternatively, the representations were not shown to have been wrong.

By way of specific example, the MD had written a letter as "a Registered Master Builder" commenting positively on a window repair, and that the structural integrity and durability of the house had not been impaired due to the historical leak.

The court held that this statement within this letter was one that the MD had assumed personal responsibility for, and that he must have anticipated the council would rely upon.

The court also held that it was reasonable for the council to rely upon it. However, in doing so the council had to appreciate its limitations. In particular, the MD was not saying he was an expert in leaky windows, nor that he had received independent expert advice about this matter, nor that he was giving an assurance that the windows were weathertight. The claims in b) and c) failed.

## Conclusion

The claim brought by the council personally as against the MD failed, and is good authority for a principal of a building company (in a purely administrative role) to rely upon, when confronted with personal claims.

**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 or *Building Today* to anyone who relies on the information contained in this article.



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**Using non-compliant steel can take on a new meaning if something goes wrong.**

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# Failure.

**(noun.)** *An act or instance of failing or proving unsuccessful; subnormal quality, non-performance of something required, or expected.*

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# A tale of two churches

Dr Kerry Rodgers has a South Canterbury epiphany

Christchurch's Anglican Cathedral and Catholic Basilica were not the only Canterbury churches to suffer damage from the current earthquake swarm. The ecclesiastical damage extends throughout the province.

In South Canterbury a host of small churches populate the valleys below the Alps. Each responded to the quakes in different ways.

The oldest, St Anne's in Pleasant Valley, rode through the entire episode unscathed. Woodbury's St Thomas suffered minor damage, while Mt Peel's Church of the Holy Innocents was shattered.

St Anne's — originally St Ann's — is the oldest church in continuous use in South Canterbury. It is tiny. It is wooden.



*St Anne's in Pleasant Valley is South Canterbury's oldest church in continuous use.*

*Image © K A Rodgers 2013*

It was built in 1863 to serve the needs of the small but thriving community centred around felling native forest. Volunteer labour threw up adzed rafters to arch over kahikatea stud walls filled with a cob of clay and chopped tussock. Black matai was used for the floor planks. It was originally roofed with totara shingles.

The building's completion was celebrated with a dance. The following morning the hand-adzed totara pews were placed inside.

Ten years after completion it was noted that the altar end was slowly subsiding. A proposal to relocate the building to Geraldine to serve as a Lady Chapel at St Mary's met passionate resistance. Instead, large river boulders were placed beneath the building. They are still there today.

When the timber in Pleasant Valley was exhausted, the community scattered. Gradually the church fell into disrepair and, finally, local families stepped in to save and restore it.

The last and most comprehensive restoration was undertaken in 2005. At that time the cracked cob and clay plaster of the walls was replaced with a mix of straw and clay, and finished with a lime wash.

As a result, the building is in great shape today. The structure sashayed through all the earthquakes with nary a crack nor a board displaced.



*A section of the original clay and tussock cob that filled the church walls has been preserved at St Anne's.*

*Image © K A Rodgers 2013*

As at Pleasant Valley, a small settlement grew up at Woodbury also based around sawmills active in felling the Waihi Bush. When a church became needed, a similar wooden church to that at Pleasant Valley was erected.

This time totara boards were used to sheath the walls but, again, a clay cob was used to fill the walls although, on this occasion, they were lined with timber inside. The building was completed in 1879 and dedicated to St Thomas.

Unlike Pleasant Valley, the settlement of Woodbury not only survived but grew. The need came for a new, larger church. World War I intervened but in 1925 a Chancel, Sanctuary and Tower of a new building were completed using stones garnered from local paddocks, supplemented by concrete. The builders were two locals — Oswald Scott and Bert Cooling.



*Woodbury's St Thomas' was built from stones gathered from the local fields.*

*Image © K A Rodgers 2013*

However, it wasn't until 1937 that a new Nave was eventually added, built as a memorial to Howard and Eleanor Tripp by their children.

Two features make this church stand out in South Canterbury. One is its magnificent stained glass windows. Three are the work of English artists, Veronica Whall and Joseph Nuttgens, disciples of England's Art and Craft Movement.

The second feature is the elaborate carving of Frederick Gurnsey within the church. His work had also decorated Christchurch's Anglican Cathedral.

Despite its rigid structure, St Thomas' suffered little damage in the quakes. Its stained glass windows survived intact. The main recommendation of a post-quake engineer's report was to reinforce the Chancel, which has now been completed.



*St Thomas' Chancel and Altar backed Veronica Whall's magnificent stained glass masterpiece that survived the Canterbury earthquakes.*

*Image © K A Rodgers 2013*

With the main Anglican church in Geraldine, St Mary's, closed due to quake damage, St Thomas' currently serves the needs of those parishioners who worshipped there.

The situation of the Church of the Holy Innocents at Mt Peel will be looked at in a later issue.

# Change is good!

Terry Sage of Trades Coaching New Zealand says when change is needed it can breathe new life into dwindling dreariness.

I said I would write about ways to generate funds during your retirement, but with your assumed permission I am going to leave that until next month.

Don't panic if you are planning to retire in May or early June — a couple of weeks is not going to make that much difference to your next 25-odd years of retirement bliss. And if panic is setting in just give me a call and we can chat about it.

What I want to talk about is the saying "If you always do what you've always done you will always get the same results" — a set of words that has been around for ages but which ring true so often when I meet clients.

So what has prompted this change of subject for this month's column?

Well, blame it on Andrew Darlington, the editor of this fine publication. He's just changed the look, the feel and some of the features of a publication that has weathered the age of time and change for 24 years. This is not the first change in the life of *Building Today*, but one that he felt was needed.

These words are not written to praise Andrew's foresight and brilliance

— however justified that might be — but to point out that change is good, change is needed, and change can breathe new life into dwindling dreariness and sagging profit lines. But only if it is done right, and for the right reasons.

For example, I know a reasonably large construction firm who went from Bloggs Construction to Smith Ltd and wondered why the phone stopped ringing.

They did not advertise the fact or reason for the name change, legitimate as it was, and left everybody to make up stories about it. Suffice to say, the stories were all of the negative slant.

I am not advocating wholesale change throughout your company, but suggesting you take a hard look at what's working well and what could be working a lot better (also, change the word "what's" to "who's" and take a second hard look).

Do not settle for "it's not too bad" — if the word "bad" is used in a sentence then you're miles away from "it" being good.

Now don't be too hasty here either — if you change everything on your list tomorrow the wheels may fall off in a hurry.

## Long hard look

So here's how to go about it. Take that long hard look, list down what's good and what's not. Then make notes of why they are good and why they are not.

It's the not so good we need to concentrate on first, then to decide what will effect the best change, and then to put them in order.

The order can sometimes be more important than the change itself, especially if you are planning big changes such as staff or name or direction.

If there are lots of planned changes, spreading them out works much better with the implementation.

While I say it's the not so good that needs doing first, it is worth looking at the good as well to see if a change can improve these areas too.

As always if you need a little help with your lists just call for a chat on 09 945 4880.



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# Building Consents Information

For All Authorisations, March 2014

Dwellings	\$789,003,000
Domestic Outbuildings	\$10,722,000
<b>Total Residential</b>	<b>\$799,725,000</b>
Non-residential	\$422,373,000
<b>Total All Buildings</b>	<b>\$1,222,099,000</b>
Non-building Construction	\$36,025,000
<b>Total Authorisations</b>	<b>\$1,258,123,000</b>

## Number of new dwellings consented

	Mar 2014	Feb 2014	Mar 2013		Mar 2014	Feb 2014	Mar 2013
Far North District	13	13	24	Horowhenua District	8	4	6
Whangarei District	35	37	22	Kapiti Coast District	17	12	29
Kaipara District	10	19	8	Porirua City	12	21	10
Rodney District	65	121	88	Upper Hutt City	16	12	7
North Shore City	58	77	49	Lower Hutt City	21	17	7
Waitakere City	78	66	61	Wellington City	24	44	23
Auckland City	164	63	70	Masterton District	3	2	4
Manukau City	117	69	66	Carterton District	7	3	8
Papakura District	61	46	31	South Wairarapa District	8	3	3
Franklin District	33	41	40	Tasman District	20	17	32
Thames-Coromandel District	18	16	22	Nelson City	14	21	15
Hauraki District	6	6	4	Marlborough District	19	10	17
Waikato District	23	35	28	Kaikoura District	5	2	2
Matamata-Piako District	11	8	7	Buller District	4	2	9
Hamilton City	39	50	59	Grey District	2	4	3
Waipa District	96	39	22	Westland District	2	4	1
Otorohanga District	4	6	1	Hurunui District	14	6	9
South Waikato District	5	2	1	Waimakariri District	98	72	142
Waitomo District	0	0	1	Christchurch City	342	301	126
Taupo District	14	8	12	Selwyn District	102	127	111
Western Bay of Plenty District	24	33	9	Ashburton District	16	6	20
Tauranga City	91	75	45	Timaru District	21	11	28
Rotorua District	6	5	10	Mackenzie District	3	4	5
Whakatane District	1	2	4	Waimate District	3	1	1
Kawerau District	0	0	0	Chatham Islands Territory	0	0	0
Opotiki District	0	1	0	Waitaki District	5	11	6
Gisborne District	6	4	5	Central Otago District	13	10	7
Wairoa District	1	1	1	Queenstown-Lakes District	47	40	16
Hastings District	13	13	15	Dunedin City	48	26	23
Napier City	14	10	7	Clutha District	5	4	7
Central Hawke's Bay District	3	5	2	Southland District	6	5	7
New Plymouth District	32	43	23	Gore District	2	6	2
Stratford District	3	0	1	Invercargill City	11	3	8
South Taranaki District	5	3	6	Area Outside TA	0	0	0
Ruapehu District	0	1	2				
Wanganui District	5	7	5	<b>Total</b>	<b>1999</b>	<b>1768</b>	<b>1475</b>
Rangitikei District	3	4	0				
Manawatu District	10	19	6				
Palmerston North City	13	9	23				
Taranaki District	1	0	1				



Source: Statistics New Zealand

- Based on 2006 census areas
- Each dwelling unit in a housing project is counted separately
- Figures in these tables may differ from published statistics

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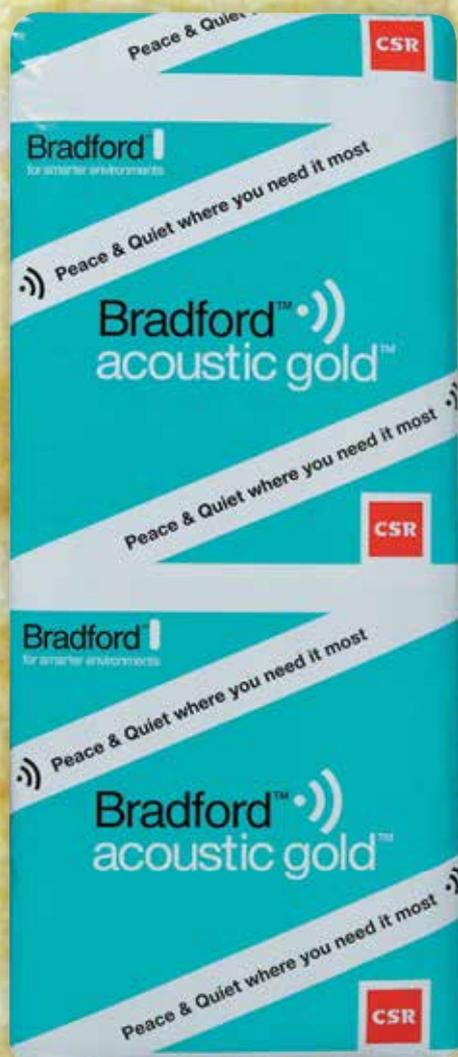
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