



# building today

THE OFFICIAL MAGAZINE OF THE REGISTERED MASTER BUILDERS FEDERATION

## Government Job Summit: How will it affect the construction industry?

- Renovations and job creation
- Leaky homes review and remediation



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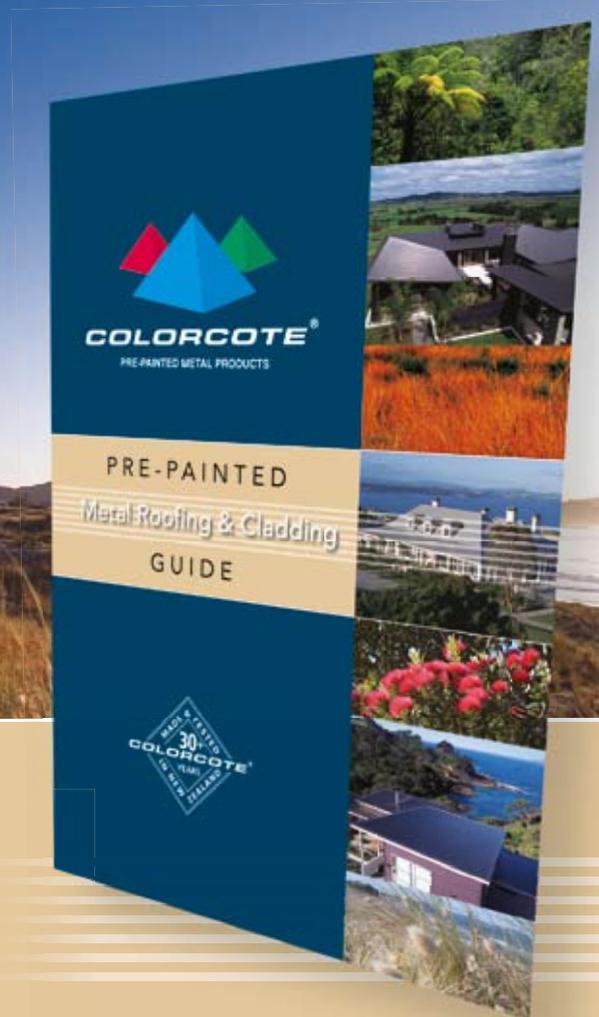


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# building today

The Government's recent Job Summit is reviewed in this issue by two CEOs, one of which is RMBF CEO Warwick Quinn, who says it was pleasing to see the recognition of the importance of the construction sector by other business leaders.

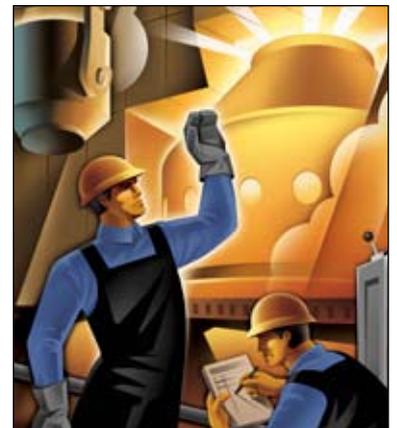
Job creation and retention is an issue that will be given much attention in the coming months, so look out for more comment in *Building Today* with regards to the construction industry.

Meanwhile, BEAL CEO Colin Prouse is urging the new Government to address other industry issues, one being inadequately qualified territorial authority building inspectors, and the approval process of products coming into the country.

He says a fresh governmental approach is needed on these and other pressing industry issues.

Let's hear your views on these and other industry matters. Email me at [andrew@buildingtoday.co.nz](mailto:andrew@buildingtoday.co.nz). I look forward to hearing from you.

**Andrew Darlington**  
Editor



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**Win these fabulous phones online! See page 31**



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# chief's chat

by ceo warwick quinn

## Job Summit initiatives to undergo further scope and development



The RMBF was invited to attend the Job Summit in February. I must say I was very interested in seeing how it would run and what would come out of it.

Essentially, the Summit was broken into six work streams. Each stream was responsible for developing two to three key ideas and to bring those back to the plenary group.

The RMBF was in work stream four "Helping Firms Survive". This stream was further broken into two sub-groups:

- Regulation Sector Investment, and
- Highly Exposed Industries, which had two teams — one considering tourism, technology and manufacturing, and the other looking at retail, construction and services.

Each sub-group and team was responsible for developing initiatives that would retain jobs and could be implemented quickly.

About a dozen ideas were generated within our sub-group, one of which was a construction initiative (aimed at kick-starting the new home market, addressing the leaky homes problem once and for all, and refurbishing the older housing stock).

Only two or three ideas were permitted to go back to the wider stream so the sub-group discussed each in detail. The construction idea was one to make this first cut.

With each sub-group coming back with two to three

ideas the stream had to vote on which three would make it through to the plenary session for final consideration.

The construction initiative was in the top two and well supported by the stream as an important idea the Government should consider.

Notwithstanding it was in the top two ideas from stream four, the initiative did not make the final top 20 that you may have seen reported in the press.

While this was disappointing at the time, we were given assurance that all ideas developed at the Summit would be further evaluated.

I am pleased to advise that the Department of Building and Housing has been requested to scope and develop the construction initiative further and to report back to the Government by the end of June 2009 on its viability.

### Construction sector importance

The pleasing thing for me in this entire process is the recognition from other business leaders in New Zealand of the importance of the construction sector.

They were willing to listen to, and accept, arguments as to why initiatives aimed at boosting construction should be given a very high priority in this recession.

They supported our position, often at the expense of their own industries' wants, as they appreciated the impact and the benefits to the New Zealand economy of maintaining a healthy and active construction industry.

Let's hope this new Government is as enlightened.

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# Parsons Construction 'do-it-yourself' attitude pays off

**T**he Scarborough Hill area in Canterbury's Sumner Hills seems to be fruitful ground for innovative eye-catching projects, and the latest addition to the area certainly doesn't disappoint.

Registered Master Builder Parsons Construction Ltd is behind a huge project which started in December 2006 and is equal parts alteration, addition and restoration.

Once completed, the build will include an entire new wing, art gallery, extensive garaging and an in-ground pool running the length of this massive residential home.

The original house is a fine example of early 50s architecture, so it was imperative for director Nick Parsons and the team to keep the original features while incorporating the new.

The most unique aspect of the original design also provided the team its biggest challenge. The home rests on a distinctive bridge construction frame comprising four legs on diagonal steel beams, all perched on the steep Sumner Hills.

"Basically it's a pole house taken one step further, and its steel design makes it completely unique in New Zealand," Mr Parsons says.

While having incredible sea views, the proximity to the ocean has taken its toll

on the original steel construction, with many of the windows completely seized up and some of the larger poles in the frame beginning to bend, leaving the whole house uneven and structurally unsound.

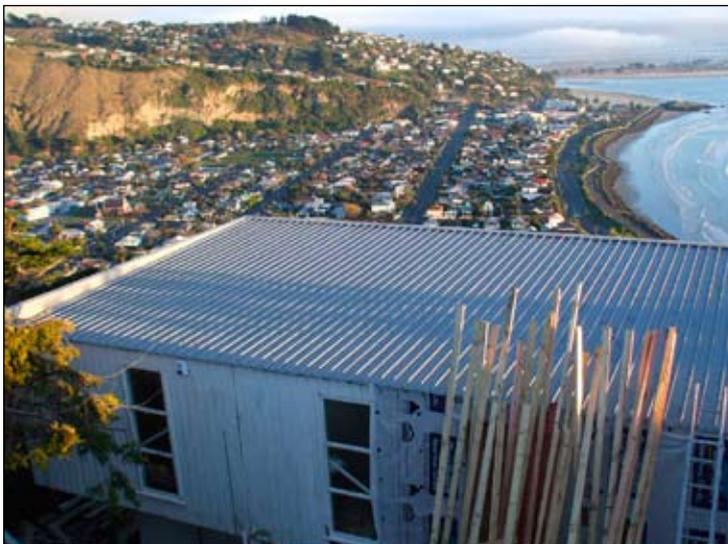
This meant that Mr Parsons and the team had to

ensure the house stayed standing while it was being levelled — not an easy task, given the house's precarious location.

However, the team's challenges didn't end there. While attempting to create structural integrity with updated materials it was also imperative that the character of the original steel was maintained, along with the architect's original design of the bridge construction and original windows.

This turned out to be a bigger task than they imagined.

"We tried to source people to fix them but no one was interested," Mr Parsons says. "In the end we had to do it ourselves, working from the architect's original designs."



This do-it-yourself attitude epitomised the dedication of the team as they pulled out all the stops to have the project completed by December 2008.

As far as response to the house goes, Mr Parsons admits that the design isn't everyone's cup of tea.

"Initially some people said, 'why not just build a new house?'. But once people started to see the unique quality of the home being brought back to life they were actually pleasantly surprised.

"We are immensely proud of what we've achieved and excited to see the finished result."



# It's all bad — but is it?

**C**onsents are at their lowest and construction is down — but is it all bad?

The positives in the market still abound. Interest rates are at a new affordable low — BNZ's stands at 4.99% at time of going to press — land developers will sell you anything and discount and offer are no longer dirty words.

Suppliers are open to ideas to help you get the next project and your staff tend not to leave, taking your knowledge with them.

Good trades are available and on time — we had forgotten what this was like. Even the noise on slow consents seems to have quietened — some are grateful to even process one!

This is the time to prepare for the next upward cycle. Even the *New Zealand Herald* reported some positive comments recently, and Tony Alexander of BNZ was making positive murmurs.

I have just read an article by Infometrics stating that



with the low numbers we are currently building we are creating the next boom — I hope not but more would be good.

All the economists and commentators agree New Zealand does not have an oversupply in homes. In fact, the reverse applies.

Buyers are around, still holding their wallets tight but, by now, you should have a clear point of difference for them to buy off you.

Use the tools you have available, such as the Master Build Guarantee — especially for the overlooked area of alterations and additions. It's all about the offer of peace of mind and making it easy.

Use the contract documents and apply the Construction Contracts Act where needed as these are for builder and client security.

Update your web details with the RMBF. Are your display homes up to date? And read all the literature — DBH, BRANZ and trade magazines knowledge is power, power to convert the enquiry to real work.

You and your staff need to prepare, so use the courses around your Chamber of Commerce, ACC, Site Safe, Institute of Management, green training and product workshops.

Your local RMB Associations can help too. Capable and

*Continued page 7*

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# Staying with a winner

**R**oger Townley began his building apprenticeship with Ken Anderson Building Ltd a number of years ago but the winning apprentice says even when he completes his apprenticeship he plans to stay on working with the team.

The 23-year-old was awarded third place in the national Registered Master Builders Carters 2008 Apprentice of the Year competition in October. Roger and winning Apprentice of the Year Joe Dobson, along with runner-up Shane Swan, were presented with their awards at a ceremony in Wellington.

Roger, who was brought up on a farm, discovered his love of building things from an early age, and says building was the clear choice for him after finishing secondary school.

"It's a great career choice, especially if you are someone who enjoys variety," Roger says.

He approached Ken Anderson of Ken Anderson Building Ltd in the hope of obtaining an apprenticeship, and is still working for the Blenheim building company today.

"We get on really well — I don't work with him on a day-to-day basis any more but I'm definitely glad I approached Ken."

Roger, who also entered in 2007, took out the 2008 Apprentice of the Year for the Nelson/Marlborough region, securing his spot as a national finalist.

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## It's all bad — but is it?

*From page 6*

trained people will be the backbone of the next few years' growth.

Even if the current market doubles we are only achieving the average of the past 10 years.

If you can, come to the RMBF annual conference in Marlborough next month. Spend a few days on the business rather than in it.

Get first-hand information on the economy and the opportunities. Mix with others who share your passion for this business and some who have grown in this market.

Remember the RMBF is more than a golf match or a few beers — we care about the larger picture and are regularly addressing a plethora of issues important to each and every one of us.

Roger says his BCITO training advisor was "on his case to enter", but he was also swayed by the prizes on offer.

"A study grant is a fantastic prize — every little bit helps, and I'm really looking forward to the Outward Bound trip as well."

### 'A lot of fun'

Making it through to the national competition was a real highlight for Roger who found his time in Wellington — which included attending the national awards ceremony and a trip to a BRANZ testing facility — well organised and "a lot of fun".

Happy to have regional and national success in the Apprentice of the Year under his belt, Roger's only criticism about the competition is that not enough people enter.

"I think there were a lot of eligible apprentices last

year who just didn't give it a shot. I would definitely say 'do it' — you might surprise yourself.

### Great to receive feedback

"The interview with the judges is fine, and if nothing else it is great to receive feedback on how you are tracking."

Looking forward, he aims to stay with Ken Anderson Building Ltd but to start purchasing more of his own tools with a view to starting his own company in a few years. But for now he is content with staying put and working hard.

"Right now I am just completing a job I have been in charge of from the beginning. It has been a very technical job, and it has been my responsibility to manage subbies and ensure everything is ticking over.

"Finishing this property and handing it over to our clients will be very satisfying."



*Roger Townley, who was awarded third place in the national Registered Master Builders Carters 2008 Apprentice of the Year competition in October.*

in association with PlaceMakers

## Fitting reward for a revolutionary facility

When McMillan & Lockwood PN Ltd took on the task of constructing a Maori immersion school in Palmerston North catering for preschoolers up to high school students, they knew they had a challenging project on their hands.

However, all the hard work paid off in November last year when the project was awarded national winner of the Education Project category at the Registered Master Builders 2008 House of the Year and Commercial Project Awards, in association with PlaceMakers.

Mana Tamariki, as the project was named, is one of the first examples of a kohanga reo (early childhood centre) and kura kaupapa (primary and secondary schools) combined under one roof.

McMillan & Lockwood PN Ltd general manager Gregory Chawynski says the Mana Tamariki project posed some unique challenges, not the least because it combined two existing buildings within the new facility.

"One of the most difficult tasks was setting out the geometry of an architecturally-inspired complex of buildings," Mr Chawynski says.

"Weather was also a significant challenge at times – we ended up having to install glue-laminated weather beams in the rain!

"However, with the exceptional skill of the team on site led by project manager Barry



Robin and site manager Tom Pine, we were able to tackle these challenges head on."

Mr Chawynski says a key goal of the project was for it to be sustainable, aligning with Mana Tamariki's philosophy of fostering and sustaining te reo Maori as a living language. All construction materials were sustainably sourced, and materials recycled from buildings demolished on site were integrated wherever possible.

"The project team was extremely committed to achieving a result that would promote sustainability and create a building that would

help to foster the Maori language."

At just 34 years of age, Mr Chawynski already has more than 13 years' experience in consulting and construction companies, starting out as a cadet building surveyor.

Originally from Melbourne, his career path has also allowed him to be involved in construction and project management while he was completing a doctorate in philosophy from the School of Engineering and Science at Swinburne University of Technology in Melbourne during the evenings.

After relocating to New Zealand, he worked for several years in the deep south, including spells in Te Anau and Queenstown, and two years in Invercargill, before moving to Palmerston North to manage McMillan & Lockwood.

In his two-and-a-half years at McMillan & Lockwood, he says the biggest challenge he has faced is ensuring that the company continues to win big projects while maintaining a manageable workload.

"I've been involved in some great projects, including Mana Tamariki and my personal favourite, the Hopkirk Research Institute at Massey University.

"But the challenge is to always keep the momentum going. Achieving success in the RMB Commercial Project Awards was a great boost to the team and has inspired us to continue to build on the quality and excellence that McMillan & Lockwood is renowned for."





## Functional, contemporary, chic beach home



**M**ckenzie Builders Ltd's sleek renovation of a beachside home in North Canterbury was a winner with its clients and the judges of the Registered Master Builders 2008 House of the Year competition, in association with PlaceMakers.

The contemporary beach house took out the national award in the PlaceMakers Renovations \$250,000 - \$500,000 category at the awards ceremony last November.

McKenzie Builders Ltd owner Louie McKenzie says the project was an exciting opportunity but also had one very rare benefit.

"The location was great for me as we only live four doors down the road. This meant that if there were ever any problems the team could always come down and bang on our door," Mr McKenzie says.

The project required McKenzie Builders Ltd to overcome some significant environmental challenges, as well as strict local authority compliance requirements. The project also used a number of building materials to create an end result sympathetic to its natural surroundings.

"Because the property was in a coastal sea spray zone it meant we had to work around a few obstacles. It all worked out in the end though, despite a few restrictions."

The owners had a clear idea about what they wanted so, with the help of architects Sheppard and Rout and McKenzie Builders Ltd, the final product didn't deviate much from the original plans.

The competition's judges were impressed at how the beach house fitted in with the surrounding iconic bach dwellings, and the workmanship that went into the project.

"There is a real sense of craft when you enter the home. The detailing and finishing is of an impeccable standard. The builder had a strong relationship with the client and was extremely sensitive to their requirements, resulting in a very relaxed but chic beachside home," the judges said.

Mr McKenzie has owned and operated McKenzie Builders Ltd for about eight years, and credits his strong team for the company's good reputation. He says the company has gone from strength to strength since his early days as a joiner.

"You just have to work hard. In Canterbury word gets around fast so you have to be really committed to the product," he says.

The company has worked on a variety of projects, including a horse stable with a

rotating training pool. The revolutionary stable is the only one of its kind in New Zealand, and was an initiative McKenzie Builders Ltd really enjoyed constructing.

"It was a very unique project but we love a bit of diversity – it was just another challenge for us."

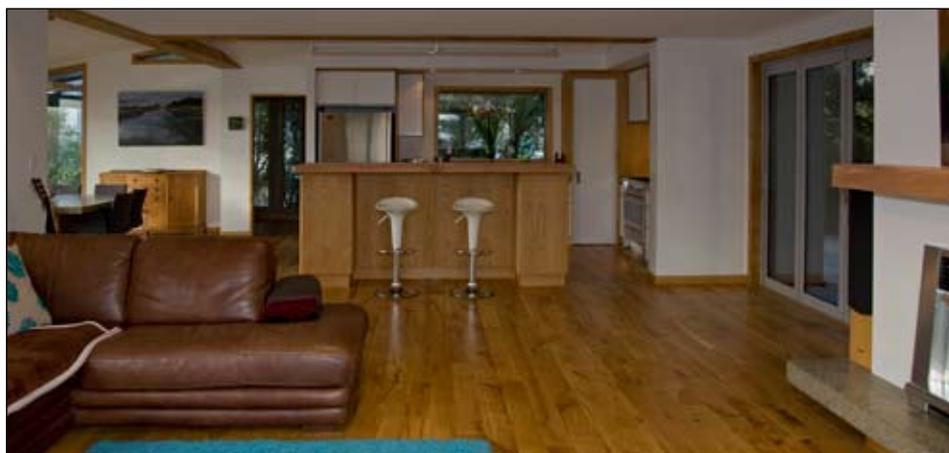
The company's outlook for 2009 will focus on developing properties that are more eco-friendly and ensuring their processes are also environmentally friendly – something McKenzie Builders believes everyone in the industry should be thinking about.

"We are looking at focusing on the way we work and making it more sustainable. It's a new challenge but we would like to be much savvier with sustainability."

Mr McKenzie says winning a national award in the House of the Year competition was very affirming for the company.

"It's a great way to get your brand out there and to show people that you're good enough. People base their building decisions on reputation, so that really is the most important thing in this industry," he says.

Despite the current economic climate, Mr McKenzie remains optimistic, particularly as winning the PlaceMakers Renovations \$250,000 - \$500,000 category award reassures potential clients that McKenzie Builders is able to deliver a quality product.



# Large-scale renovation is big on job creation

## 'Residential sector a large source of employment'

**T**he construction industry is in a strong position to protect and create jobs in these tough economic times — with Government support.

Prudent investment by the Government in New Zealand's residential infrastructure, in partnership with local government and industry, will maintain employment and critical mass in the construction, construction product manufacturing and construction retail industries.

That's according to Beacon Pathway general manager Nick Collins, who commented in the wake of the Government's recent Job Summit.

### Practical solutions

The summit on employment, held in South Auckland, aimed to find practical solutions to support the highest possible levels of employment as the country weathers the downturn.

Mr Collins says National's focus on upgrading state housing is an excellent leadership position which can be built on by encouraging and incentivising other home-owning New Zealanders to do the same.

"The residential sector is a large source of employment — the house building and renovation industry is worth in excess of \$12 billion annually, and directly employs

about 5% of the workforce," Mr Collins says.

"There is significant economic and social benefit in redirecting this resource to improving the current housing stock in recessionary times."

### Numbers are compelling

A standard 1940-1960 home renovated for improved performance would require an estimated 277 hours of labour split between a variety of sub-trades.

Data indicates that for every 1000 houses retrofitted, 151 full-time equivalent jobs would be required for delivery solely of on-site retrofitting services, and 392 full-time equivalent jobs would be required to provide the products and services involved in the renovation activity.

"An initiative of this scale would also mitigate the risk of losing skilled tradespeople to offshore markets," Mr Collins says.

### Vital to retain expertise

"The construction industry is cyclical by nature, so it's vital that New Zealand retains this expertise so the industry is ready to hit the ground running when the economy recovers."

There are several employment benefits to undertaking wide-scale renovation:

- **Broad spectrum of skills involved:** Renovation activity involves a broad spectrum of skills and trades, from unskilled labour through to qualified electricians, plumbers and builders and, hence, provides a diversity of employment opportunities.

- **Skills easily transferrable:** The jobs and skills required by renovation activity are easily transferred into and out of new build activity, providing a flexible workforce. As the housing stock is upgraded and New Zealand lifts out of a period of recession, the developed skill sets required for renovation can be easily retuned for the new build construction sector.

- **Regional targeting possible:** Specific regional targeting of renovation activity based on housing stock is possible, assisting communities who are in greater need of securing jobs and retaining skilled workers.

- **NZ-made products targeted for use:** Renovation activity can use and target New Zealand-made products and services, helping to support the wider local economy (for instance, through using locally-made insulation materials).

- **Low-skilled labour also required:** The need for an element of low-skilled labour in renovation installation provides employment for many who need it most.

- **For more info: Ph Nick Collins, 021 464 252**



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# Leaky homes review welcomed

The Wood Processors' Association (WPA) has welcomed the announcement by Building and Construction Minister Maurice Williamson that he intends researching the extent of the lingering leaky homes problem.

WPA chief executive Peter Bodeker says it is pleasing the minister was wanting to get to grips with the problem and develop a comprehensive approach to resolve the issue for affected home owners.

"While we believe this is mostly a historical problem, tens of thousands of home owners are estimated to need repairs, and a consistent and fair approach by central Government to help address the issue is what's now needed."

## 'Final resolution' needed

"This is a problem from the past that still needs some final resolution."



Building and Construction Minister Maurice Williamson

Mr Williamson has approached local mayors and is initiating research in order to get an accurate assessment of the size of the problem.

The design issues that originally led to the leaky homes problems have now been addressed, Mr Bodeker says.

"New homes are no longer being built with the suspect cladding and design features that were believed to have been responsible.

"The building code has since been amended to ensure the problems were not repeated, and local council building inspectors are knowledgeable and extremely vigilant in ensuring that relevant building standards are fully complied with.

"Although the industry and consumers can be confident home builders won't be repeating the mistakes of the past, those mistakes still needed putting right, with many home owners facing large repair costs."

• For more info: Ph WPA, 04 473 9220



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\*Standard and Poors Rating A+ (5th Dec 2007).

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# Government needs 'shovel ready' projects to avoid delays

NZ should follow the example of a number of European governments which ensure they have a supply of approved projects.

**T**he Government should plan ahead and obtain advance design and environmental approvals for future infrastructure projects, the Association of Consulting Engineers New Zealand (ACENZ) says.

The organisation welcomed the Government's recent multi-million dollar package of infrastructure spending to help stimulate the economy, with many projects being fast tracked over the coming months.

However, ACENZ president Brent Meekan says extensive further investment in infrastructure would be required, and New Zealand should follow the example of a number of European governments which ensure

they have a supply of approved "shovel-ready" projects.

"The projects already announced constitute a very good start, but extensive ongoing activity is required to build the robust national infrastructure networks required to service the country now and in the future," he says.

"ACENZ member firms are able to react swiftly to commissions, but it is vital that sufficient time is allowed for the design process to ensure the provision of a modern, effective infrastructure system that provides the maximum benefits for the country.

"Substantial time lags can also occur between approval and commissioning of major projects due to

the time required to gain design and environmental consents.

"A number of European countries have an ongoing programme ensuring fully designed and approved 'shovel-ready' projects are prepared for fast tracking at any time.

"Following this example in New Zealand would ensure we have sufficient design capacity to respond swiftly to economic and market demand."

• For more info: Ph ACENZ chief executive  
Kieran Shaw, 04 472 1202



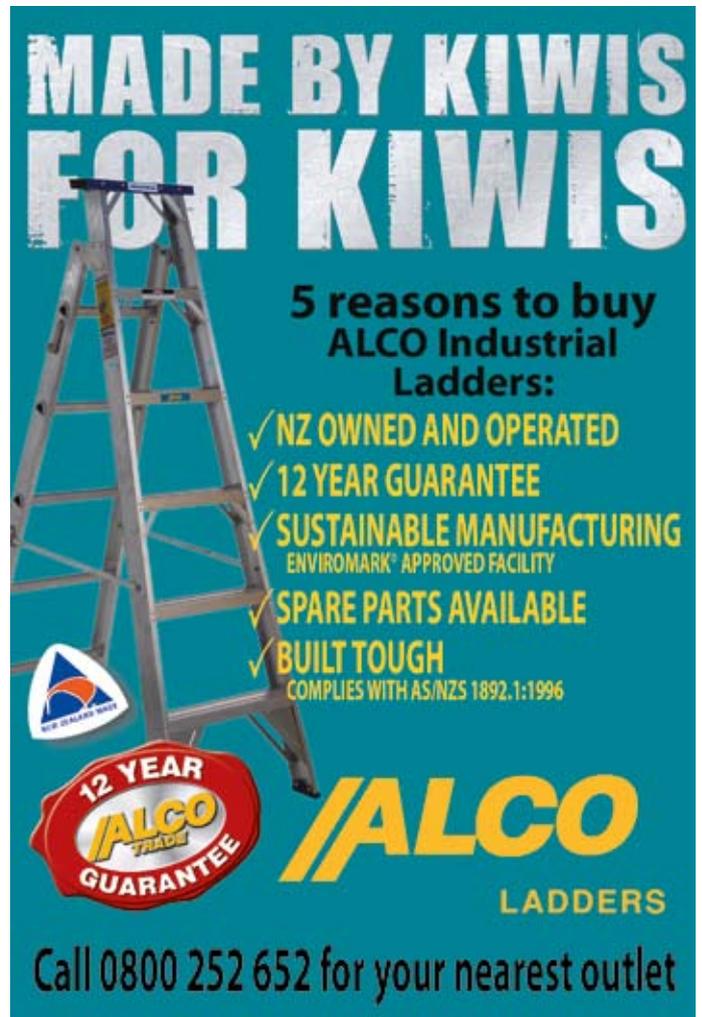
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# Leaky homes remediation a legal minefield

## Survey reveals inconsistencies complicating leaky homes remediation

**A** recent survey by web site [www.leakyhomeforum.co.nz](http://www.leakyhomeforum.co.nz) of leaky home remediation specialists has uncovered evidence of inconsistencies that are complicating the leaky home problem.

The survey targeted a document that remediation specialists commonly present a client with before engaging business with them, called "Terms of Engagement".

The "Terms of Engagement" from all five businesses surveyed contained liability clauses that ranged from simple and concise, to grammatical nightmares.

Arguably, the prime objective of these statements is to limit the expectations of customers to a "practical" level.

The way a business conducts itself while trying to meet these expectations is governed by laws such as the Fair Trading Act and Consumer Guarantees Act, which apply to all companies, not just remediation specialists.

Despite this, each liability clause attempted to repeat the rights of the consumer and the business in their own words, despite them already being detailed in each of the above Acts.

The results were, in some instances, informative, while

others were downright confusing, the web site says.

These inconsistencies highlight the immaturity of the remediation profession in New Zealand, and the lack of control its governing organisations have over how their members conduct business, according to Steven McAneney of the leakyhomeforum web site.

Owners should beware of ambiguous wording in contracts and agreements and, if in doubt, have your lawyer check it out.

• For more info: Ph Steven McAneney, 09 622 0919



On the web:

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

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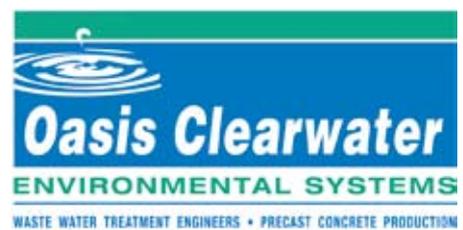
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## Avoid unexpected GST bills on apartment sales

**P**eople selling investment apartments need to make sure they're aware of all the tax issues involved, to avoid unexpected GST bills.

Inland Revenue assurance manager Richard Philp says many people do not pay GST when buying an apartment, but they may be faced with a large GST bill when they want to sell the apartment.

"In many cases, the apartment purchase includes a lease to a management company, often with a guaranteed rental arrangement," he says.

No GST was charged during the transaction because investors bought the apartment as "a going concern".

When a transaction involves the sale of a "going concern" no GST is payable, provided certain conditions are met, such as both parties being GST-registered. The transaction is defined as "zero-rated" for GST.

Mr Philp says if the investor later decides to sell the apartment, or the way it is used has changed, GST may have to be paid on the sale or at the point in time a

change in use occurs.

For example, the original management agreement may have expired, and the apartment may be rented to tenants directly. Alternatively, the owners may decide to live in the apartment themselves.

"People who bought an apartment with a managed lease should talk to a tax advisor before making a decision about selling it or changing its use," he says.

Inland Revenue has produced a new brochure called

"Thinking of selling your leased apartment?" to provide information about tax issues related to GST zero-rated apartments.

For more information, or to order a copy of the brochure, go to [www.ird.govt.nz/property](http://www.ird.govt.nz/property).

• For more info: Ph Inland Revenue 04 472 1202



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# Master craftsman passes down age-old skills

**K**iwis have the chance to learn an age-old trade from a master craftsman by registering for New Zealand's only full-time stonemasonry course.

Offered by Otago Polytechnic, the Cromwell-based one-year programme covers an extensive range of practical skills and work experience, producing specialist stonemasonry professionals with a high level of competence and the ability to work independently.

Lecturer and master stonemason Steve Holmes introduces students to many traditional and modern stonework styles and applications, in particular Central Otago schist.

Students learn core stonemasonry, dry-stone construction, paving, landscaping with stone, veneering, restoration and how to construct water features. A small business skills module is also included.

Work placement within the industry is an important part of the programme, and students are given the chance to work on construction or restoration projects around the region.

Originally from England's Lakes District, 48-year-old Mr Holmes has a background in construction but discovered his passion for stonemasonry while working alongside master stonemasons on stone barn conversions, renovating and remodelling stone houses and landscaping with stone.

He became a fully-fledged stonemason and landscaper working on a variety of structures, including historic buildings and conservation projects.



*Lecturer and master stonemason Steve Holmes.*

He gets a great deal of satisfaction passing on what he's learned to others.

"The knowledge and skills I was taught in the Lakes District have been developed over several generations," Mr Holmes says.

"It's very important to me to keep that age-old knowledge alive. I enjoy seeing my students develop a real pride in craftsmanship and a love of building for the sheer skill of it."

Mr Holmes emigrated from England to Central Otago in 2007 because he was attracted to the region's fine historic stone buildings and continuing demand for schist stone building and landscaping.

"For someone interested in stonework, Central Otago

is an obvious place to be," he says. "The region is renowned for its rich cultural heritage and historic stone buildings dating back 150 years to the gold mining era.

"As a stonemason it's fascinating to see the legacy of the different regional styles that early European settlers brought with them from the other side of the world."

Entry does not require previous qualifications or experience but students need to be physically fit to cope with physical lifting and using manual equipment.

• For more info: Ph Otago Polytechnic

0800 765 9276



On the web: [www.otagopolytechnic.ac.nz](http://www.otagopolytechnic.ac.nz)

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# New Government must tackle building issues

By Building Element Assessment Laboratory (BEAL) chief executive Colin Prouse

**N**ew Building and Construction Minister Maurice Williamson and his National-led Government have lots of issues that need addressing to get the construction industry back on an efficient footing.

The first of many is that territorial authorities are under-resourced and their inspectors inadequately qualified.

Many building inspectors with experience are now retiring. This means builders, developers and home owners are all losing money through lengthy delays in getting resource consent or building consent approvals for their projects.

With councils needing to approve an increasing number of new products entering the market, this lack of experienced inspectors is seeing councils asking those applying to demonstrate how they comply with the Building Code.

This is a difficult task, not only because of the time



delays, but because there are no New Zealand standards for many products.

Another issue faced here is the belief of some councils that they should not be held responsible for approving these products. This has led to some, such as Auckland and Wellington, effectively preventing products coming into the country.

This is because of the sensitivity around many of the weathertight claims that councils are having to deal with, and the quality of supporting information.

Councils tend to be relaxed about jobs involving

architects, because they are only represented in about one in 1000 claims.

The vast majority of claims are with other designers because they are not paid to scrutinise the work like architects. This leaves the council the responsibility of giving the job the final sign-off and taking on the extra liability.

Those in the industry need to unite and provide long-term solutions that are needed by both the industry and consumers alike.

The Government needs to sort this out but, in the meantime, councils are frustrating everyone concerned.

Finally, the extra costs of building associated with the Resource Management Act have become debilitating. To get a piece of land ready to build on can cost an extra \$20,000 to 30,000 because of the RMA.

The Government has talked a lot about making changes to RMA legislation. This, and the other points mentioned above, must be dealt with soon. They will not only benefit the construction industry, but the national economy as well.

BEAL has looked at many of the issues and believes that a new and fresh approach by the new Government is needed for a range of complex processes and requirements.

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# Valuable tools to help builders now online

**B**RANZ has launched a new Lintels and Beams online calculator and the revamped – and much anticipated – ALF3.2.

Both tools will benefit architects, designers, builders and building officials in their business operations.

The tools can be found in the Toolbox on the BRANZ home page at [www.branz.co.nz](http://www.branz.co.nz).

## Lintels and beams

This online calculator has replaced the paper version of the BRANZ Guide to Lintels and Beams.

It allows users to work out the options for a range of beam applications, and then print out the details and include them in Building Consent documentation.

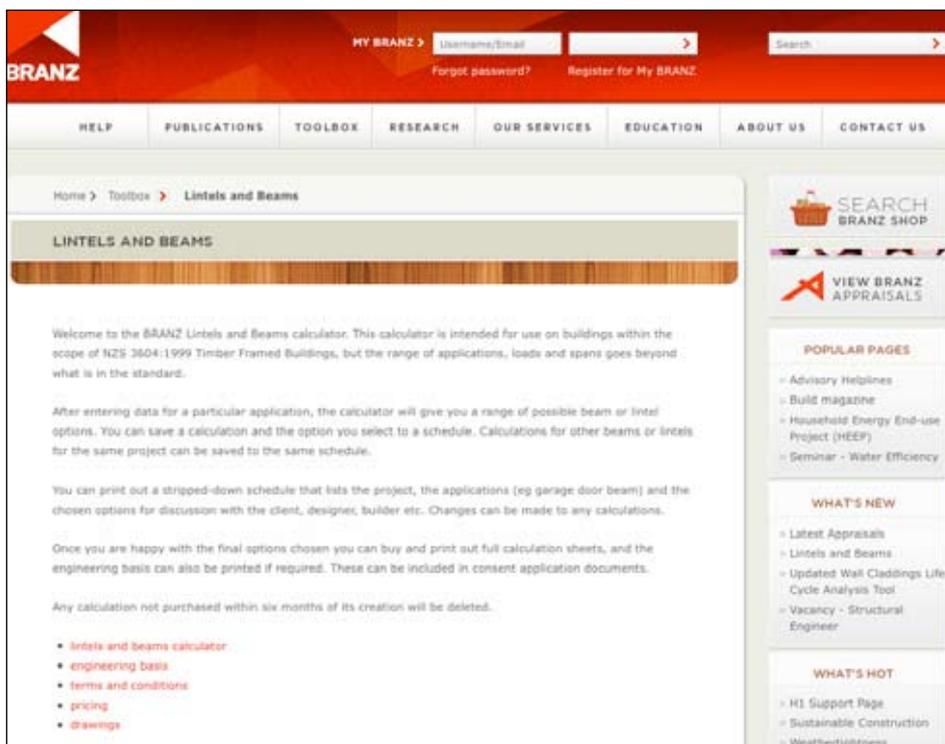
Applications covered by the calculator include:

- lintel supporting a roof only,
- lintel supporting roof and wall,
- lintel supporting roof, wall and floor,
- verandah beam,
- floor beam,
- deck support beam,
- roof beam (ridge or intermediate), and
- garage door lintel.

The tool is intended for use in the design of buildings generally within the scope of NZS 3604:1999 Timber Framed Buildings, but the range of applications, loads and spans goes beyond what is in the Standard.

Users can make a calculation, entering all the required information (wind zone, roof weight, beam span etc) from drop-down menus or free entry boxes. The calculator then gives the options which match all the requirements.

Users can amend the data they input and save the calculation to a schedule. Second or subsequent calculations for the same project can then be saved to the same schedule.



Each calculation and each schedule will be saved for six months from the time of creation. Once the final options have been chosen, the calculations can be purchased and a detailed print out of the chosen lintels and beams made.

This detailed printout can then accompany a building consent application.

Payment is not required until the final calculations are confirmed. Then a fee of \$75 + GST per final calculation will be incurred. However, until 30 April 2009, an introductory fee of only \$50 + GST will apply.

## ALF3.2

ALF (Annual Loss Factor) is a design tool for determining the efficiency requirement for housing and small buildings.

It has been updated to take into consideration the new

(third edition) New Zealand Building Code clause for H1 insulation requirements in New Zealand.

ALF is still as easy to use as ever, but is now web-based and free. It is presented in a step-by-step format, providing a simple method of calculating the energy performance of conventional New Zealand houses.

ALF3.2 can calculate the Building Performance Index (BPI), which can be used to show compliance with the Energy Efficiency Clause H1 of the New Zealand Building Code.

The ALF calculation allows the user to:

- calculate the annual heating energy for a house design,
- evaluate the effect on heating energy with increased insulation and different types of glazing and frames,
- compare different building and window orientation,
- determine levels of insulation for existing houses,
- generate a report showing H1 compliance that is suitable for submission to councils to support building consent applications, and
- calculate buildings' losses and show/indicate 'weak' areas of the thermal envelope.

ALF3.2 can provide an understanding of how heating habits will affect heating requirements. It can also consider the energy use implications in retrofit options for existing buildings.

• For more info: Ph BRANZ, 0800 80 80 85

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The system can be built in duo pitch (20%) or mono pitch in bays 2.57m wide, with spans of up to 18m available.

The system comes with wall tracks that can be attached to a scaffold, providing wall protection up to 12m high.

The system's flexibility has impressed clients, resulting in a high demand for the product. The company offers

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the service on a design, erect and dismantle "full service" basis.

All scaffolds and temporary roof and wall cladding systems are erected by SPSL team members who have "advanced tickets" and hold Site Safe NZ construction passports.

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SPSL is a privately-owned New Zealand company established in 1993 to provide quality scaffolding services for the residential and commercial sectors.

## What they said about Kedar — and SPSL . . .

*"APS are involved in re-construction and waterproofing. We have used the Kedar roof system on high profile jobs such as the Auckland Town Hall and the Auckland University.*

*"These were complex jobs that required a dry environment. The system offered a working environment that satisfied ourselves and the client."*



*"Accredited Trades Ltd is proud to be associated with South Pacific Scaffolding. The Kedar roof system provides us with the perfect solution to complete our building projects on time, every time."*



• For more info: Ph South Pacific Scaffolding Ltd, 09 489 1615 or 027 274 8407

On the web: [www.southpacificscaffolding.co.nz](http://www.southpacificscaffolding.co.nz)

# CMS appoints new chief executive

**C**onstruction Marketing Services Ltd (CMS) has appointed Aidan Jury as its new chief executive officer.

In the past four years CMS has launched its Future Proof Building brand FPB with a significant television and consumer media programme with the aim of creating an umbrella brand in which consumers relate to suppliers of quality products and services through FPB partners.

In an industry that is facing a severe reduction in demand due to the global recession, CMS is continuing to invest in its people and the FPB brand.

The investment in a consumer-facing brand will continue to help differentiate CMS members, as well as creating awareness and demand for FPB partner products and services.

"CMS has been working for the past year on a series of new initiatives that will create superior value for its clients as we head into a brave new world," chairman of CMS and chief executive officer of the NZPM Group Alister Lawrence says.

"Aidan's appointment is the first step in that process with a series of announcements planned for during the year."

As CMS enters this next stage of growth the business will continue to have the future support of its two strategic shareholders, Plumbing World and Carters (a division of Carter Holt Harvey).

These shareholders offer CMS financial strength, support and governance at a strategic level. Both are excited to have Mr Jury coming on board, and believe the skills he will bring to the role, through his domestic and international experience, will be invaluable for the future growth of CMS and the FPB brand.

Current CEO Richard Carver will step aside to focus on his other key business at Jennian Homes.

"In this tough market, it's critical that we have a leader of CMS that is 110% focused on driving the new CMS initiatives. Mr Carver will remain actively involved and committed to CMS in his capacity as a director," Mr Lawrence says.

"It is important for CMS and particularly for the Future Proof Building initiative to continue to build the momentum in bringing builders on board as part of the



programme. Mr Carver has recognised for some time that his role as chief executive poses a conflict of interest in the eyes of some other housing companies.

"Mr Jury's appointment will assist builders to feel more comfortable to participate in a commercially valuable component of a builders marketing mix. The Future Proof Building brand has the ability to drive consumers to those builders who want to survive and grow," Mr Lawrence says.

Mr Jury comes from his current role as managing director of Hettich. His previous Australasia sales and marketing roles for Hettich saw him move back to Auckland in 2007.

In these roles he has participated in the development of the company's global marketing strategies and has learnt many lessons in traversing the multi-channel, multi-influencer kitchen and joinery industry from within his sales, marketing and management functions.

"I have been working with CMS as a client for several years and have seen the potential of the Future Proof Building brand to build our Hettich business," Mr Jury says.

"Our current FPB TV campaign is doing a fantastic job of raising awareness of our brand with consumers and activating our channel relationships with kitchen manufacturers.

"I've seen what it can do for my business but also I see all the untapped potential of a community-style business that leverages the strength of the group. I'm excited by the opportunity in challenging times," he says.

Mr Jury will officially commence his new role on 1 May 2009.

• For more info: Ph CMS Group, 09 589 2050 or 0508 FUTURE

On the web: [fpb.co.nz](http://fpb.co.nz)

# Educating builders and clients about FPB

Future-Proof Building is an initiative developed to promote a change in the construction industry from cost-driven construction to solution, or lifestyle-driven construction.

Future-Proof Building is committed to educating the building industry and the general public about the need for better buildings. The eight FPB principles are:

- Energy Efficiency • Health and Safety • Resource Responsibility • Space Management
- Life Cycle Costing • Sound Control • Quality Assurance • Security and Automation.

Builders embracing these principles are able to “future-proof” and add value to their clients homes. This month *Building Today* looks at **Health and Safety**.

## Indoor air quality

Fresh air is essential to good health, but modern homes are effectively air-tight.

By choosing innovations such as a DVS home ventilation system builders can ensure the house they're constructing is a fresh and dry place to live.

## Preventing asthma and allergies

New Zealand has one of the highest levels of asthma and allergy-related illnesses in the world.

Anti-allergenic carpets help eradicate dust mites that can aggravate these allergies and, in combination with a DVS system, create a healthy indoor environment.

## Environmentally-friendly paint

Even the parts of the home many take for granted, such as the paint, can have a drastic effect on the health of the occupants, especially young children and the elderly.

By choosing FPB options builders can create a home that is a safer, non-toxic option, and also a greener option for the environment.

## Healthy plumbing

Often it can be the elements of the home that can't be seen that can make the biggest impact on health.

New piping systems, such as Fusiotherm, are quieter, more thermally efficient and do not leach toxins into the water.



Tapware is available de-zincified with anti-scald mechanisms, and made to meet Australasian safety standards.

## Home heating

The World Health Organisation recommends an average year round indoor temperature of 18°. However, in New Zealand we have an average of 15°.

It doesn't help the situation that many New Zealand homes still have no in-built heating solution and/or poor insulation.

By incorporating a heating system into homes they can be kept warm and healthy throughout the year.

## Central vacuum systems

Keeping the home clean is fundamental for a healthy

living environment. Central vacuum systems have motors that are three to five times more powerful than a normal vacuum cleaner, ensuring more dirt is removed from the carpet.

In addition, central vacuum systems are an enhancement that not many homes have, creating an attractive point of difference

## A safe home for families

Even with all these FPB innovations, accidents can still happen.

The ACC has a series of guidelines to ensure homes are safe for the occupants, minimising painful and costly accidents.

Simple measures such as non-slip tiles, non-slip decking and light switches at each end of a walk-through room can reduce the risk of injury.

## Other recommended solutions:

- Integrated heating systems
- Anti-bacterial/anti-allergenic floors
- Passive ventilation window joinery
- Non-porous bench tops
- Fire and smoke protection
- Safety glass in showers

• For more info: Ph CMS Group, 09 589 2050 or 0508 FUTURE



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# Cost efficient Construction

# Cost efficient:

Case study #24  
**National Mini Storage**



## **ComFlor: a cost efficient solution for National Mini Storage expansion**

The National Mini Storage facility in Ti Toki Place, Albany had always had its storage units spread over two floors, but its owners decided recently to increase capacity to 900 units by raising the roof 2.7 metres and adding an additional third floor. When it came to specifying a mid floor, ComFlor composite steel decking was chosen. ComFlor is supplied by Corus, one of the world's leading providers of steel construction materials. ComFlor's high tech design and manufacture delivers major benefits, some of which are demonstrated on this project.

### **Performance:**

The variety of materials stored in the units demanded a high load capacity and fire rating of all materials used. ComFlor offered the required strength and fire rating without any additional costs.

### **Simplicity of construction:**

A three metre grid was chosen to suit the layout of the storage units. ComFlor 80 was the perfect mid-floor because it spanned the three metre grid without propping. Restricted access into the existing structure suited the lightweight and compact nature of the bundled ComFlor.

### **Cost efficient:**

Elimination of the need for propping reduced construction costs and gave a shorter construction programme so the building was back in action earlier, full of people's prized possessions and earning rentals again.

### **Sustainable:**

Corus uses 12% recycled materials in the manufacture of ComFlor.

To learn more about ComFlor, the National Mini Storage project, or other projects that have used ComFlor to their advantage call 09 271 1780 or email us at [comflor@corusnz.com](mailto:comflor@corusnz.com) and we will arrange an in-practice presentation from one of our representatives.



Composite floor decking  
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# Innovation in challenging times

**W**hen sales are down, customers are struggling to find forward work, and margins are under pressure it is easy for most businesses in the construction industry to put effort into immediate requirements to reduce costs and work harder at chasing sales, forgetting about the need for innovation.

Doing things better today than we did yesterday is the way forward in challenging times, and that means innovation in product, services and processes. Effective innovation is not necessarily about the big breakthrough idea.

While we take an "all hands to the pump" mentality in tough times, there is no better time to step back from the battle and observe what is happening. What problems lie ahead, what moves are competitors making, what options are customers considering, what changes could be demanded, how are customers hurting and what opportunities are there to add value to their businesses?

When times are difficult, the things that have always been hassles, but have been lived with in the good times, suddenly become real needs, and opportunities for innovative improvements that deliver real value arise.

Once an opportunity is discovered, and work begins on concepts and then a refined solution, the times we are in can trap us into a development based on minimum expenditure and time.

After all, research and development work is an overhead at the top of most cost-cutters' lists.

It is imperative that short cuts are not taken. The customer need to be met must be proven to be sufficiently widespread and compelling, and the proposed solution must be presented to customers for feedback that enables refinement and genuine buy-in.

Progressing an innovation project from idea to concept, then to a refined solution and finally to market release must always proceed from one step to the next on confirmed information, not on assumptions made to shortcut the process.

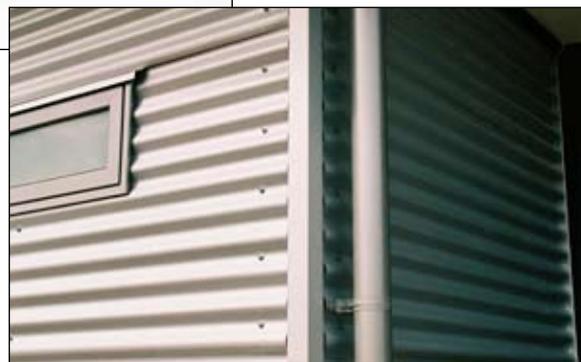
In difficult times it is even more important to ensure that once launched, a new product or service is carefully assessed, and feedback actively sought.

In some ways, small improvements to existing offers are easier to achieve traction amongst customers than new offers that introduce more change and, therefore, are perceived to have more risk.

In this connection, the move in the construction industry should be to sell well specified systems (ie, a



*Above: The new Dimond DP955 long run steel roofing profile.*



*Right: The new Dimond Affinity Cladding System.*

number of products that are installed and work together to provide a solution to getting a job done) rather than simply components that require others to work out how to get the most use from them.

This is a positive step for innovators, resulting in lower-risk solutions, faster construction and fewer mistakes in quoting, detailing and constructing.

Recent innovations from Dimond are examples of following the principles described above.

The new Dimond DP955 long run steel roofing profile was developed in response to roofing installers and architects wanting a roofing solution that was not easily damaged by foot traffic, whilst still offering good economy.

For many years, there was a sense of inevitability that metal roofs on industrial buildings would suffer damage. With the market more competitive, roofing spans being extended, contractors facing retentions due to damage, and leakage resulting from the damage, the time was right to find an innovative solution.

Dimond DP955 has a unique rib shape that is a world first for profiled metal roofing. The shape is much stronger than the conventional "top hat" rib shape common on all other metal roof profiles in New Zealand and Australia.

Because of the strength in the rib, the profile was developed with fewer ribs but with superior resistance to buckling, and wider pans to facilitate foot traffic and save on fastening time.

The innovation has been received very positively by architects and installers who have experienced the

difference.

Likewise, the new Dimond Affinity Cladding System was developed to fulfil the customer need to complete a cladding solution that complies with the New Zealand Building Code.

The aftermath of the leaky homes issue has increased the focus on risk for contractors cladding timber-framed buildings.

The innovative aspect of the system is the proprietary jamb, head and sill flashings that require no fabrication, cutting or sealing on site, reducing the risk to the installer and speeding up the time required to complete the cladding installation.

Faster job completion, less risk of leakage, and an opportunity for customers to extend their business activity to cladding have all been positive outcomes for the innovation.

On top of this, the system is BRANZ appraised, giving peace of mind to architects, building officials and home owners alike. The development has had such positive response that Dimond is now extending the system to work with commercial cladding profiles.

When sales are down and the pressure is on, customers can be forgiven for feeling a bit gloomy. Therefore, it is most rewarding when problems they have been facing are taken away by carefully targeted and implemented solutions.

Innovation isn't complete until customers and decision makers find the new solution to be compelling. There is no better time than challenging times for innovators to deliver.

# TAKE RISK OUT OF ROOFING



## The new DP955 roofing profile from Dimond

Save yourself the hassle of a problem roof, and enhance your reputation by delivering a quality building for your client within budget.

### Stronger

- The strong trefold arch rib shape means less damage to ribs and allows wider pans for easier foot placement.
- Excellent spanability under wind loads and foot traffic.
- Designed and manufactured in New Zealand, specifically for New Zealand conditions.

### Faster

- Wider cover means fewer sheets are laid across the building.
- Fewer ribs means less notching of flashings and fewer fixings.

### Backed By Dimond

- No compromise on quality.
- 40 years experience in roofing behind this product.
- Patented technology – NZ Patent No. 539092/540584.
- Available now in a range of durable coatings and colours.



DP955 – the new roofing profile from Dimond

## Specify DP955 on your next commercial project

– a great new look and value that will set your project apart.

# Fishin' up a storm!

This year's fourth annual Carters Lion Red Beach and Boat Competition held at Ruakaka in February was wild to say the least, with entrants having to battle the elements as well as the competition.

However, this did not deter devoted fishermen from flocking to the event in record numbers, including 2038 senior and 100 junior anglers, with more than 700 boats taking part. This year also brought out the largest number of beach contestants ever!

Friday offered reasonable fishing conditions and was followed by an evening of comedy and games, including performances from Evan Gilmore, Simon McKinney and Andre King.

Unfortunately, the comedians were slightly upstaged by the dramatic weather that unfolded late Friday.

Heavy rain continued into Saturday, making conditions too dangerous so fishing was cancelled for the last day of competition, though many hit the water in the afternoon for a leisurely fish as the weather improved.

Saturday night marked the end of the tournament, with a total of 3000 anglers and spectators congregating in the marquee for the main prize giving.

Competitors put down their rods in favour of rocking the night away with the Radio Hauraki Band.

The Grand Entry Prize was won by Stephen McLean of Whangarei who took home the Stabicraft 589 Super Cab/Yamaha 115hp boat package worth \$65,000.

The heaviest overall snapper was won by beach fisherman Curtis Harris of Whangarei with his 10.76kg fish. For the first time ever there was a draw for the heaviest snapper, with Jamie White, also of Whangarei, catching a 10.76kg snapper from the beach.

The heaviest kingfish was caught by Alex Fistonich of Whangaparaoa with a winning weight of 25.09kg. Ladies heaviest snapper was caught by Melinda Scott of Te Awamutu, 7.31kg.

The Carters Early Bird Makita \$10,000 Power Tool Prize Pack was won by Steve Scurrah of Beachlands, Auckland, and the Ray White Ruakaka Mystery Weight Prize was won by Jonathon Smith of Auckland.

Thanks go to all those who contributed to the success of this year's competition. If you didn't make it this year, then it would be well worth heading along next year for a great family weekend of fishing, live entertainment, fun and laughter. Look out for more information on the 2010 tournament later this year!



## BEACH & BOAT COMPETITION



**CARTERS** Your Building Partner



Above: Heaviest overall snapper winner Curtis Harris from Whangarei was happy with his catch.

Below: Grand Entry prize winner Stephen McLean in his Stabicraft with MC Pio Terei (left) and Paul Adams (right) from Stabicraft.



• For more info: Ph Carters, 09 272 7200



On the web:

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

# BCITO and Site Safe working together for a safer workplace

It's a well-known fact — the construction industry in New Zealand can be a pretty dangerous place to work. But we all know it doesn't have to be!

To raise awareness about safety in the workplace and improve safety practices for people working on building sites around the country, the BCITO and Site Safe have worked together to develop the BCITO Apprentice Passport scheme.

Throughout the training process, the BCITO encourages all apprentices (and their employers) to make safety in the workplace a priority, and education about safety part of their daily routine.

The BCITO hopes the introduction of the scheme will go a long way to ensuring that the construction industry is a safer place to work.

## Subsidised scheme

The BCITO has committed to subsidising the scheme — which means the cost to attend the course will be \$30, half the standard cost.

Site Safe has been working with the construction industry for nine years, helping people gain a Site Safe Passport through its national programme.

Apprentices who hold a Site Safe Passport will have a basic understanding of the health and safety hazards they are likely to face, so that no one is endangering themselves or their workmates.

At the conclusion of the four-hour training session each trainee receives:

- a Building Construction Passport signifying they have successfully completed the training, and
- a pocket-sized handbook containing helpful health and safety information and advice.

By working together with Site Safe, the team at the BCITO is sending a strong signal about its commitment to safety education in the industry.

It is also clear that the ongoing promotion of health and safety in the workplace demonstrates the commitment of an employer to establishing an effective safety management system and desirable workplace.

In recent years, Site Safe and the BCITO have devoted significant resources to assist people working in the

industry with their safety needs.

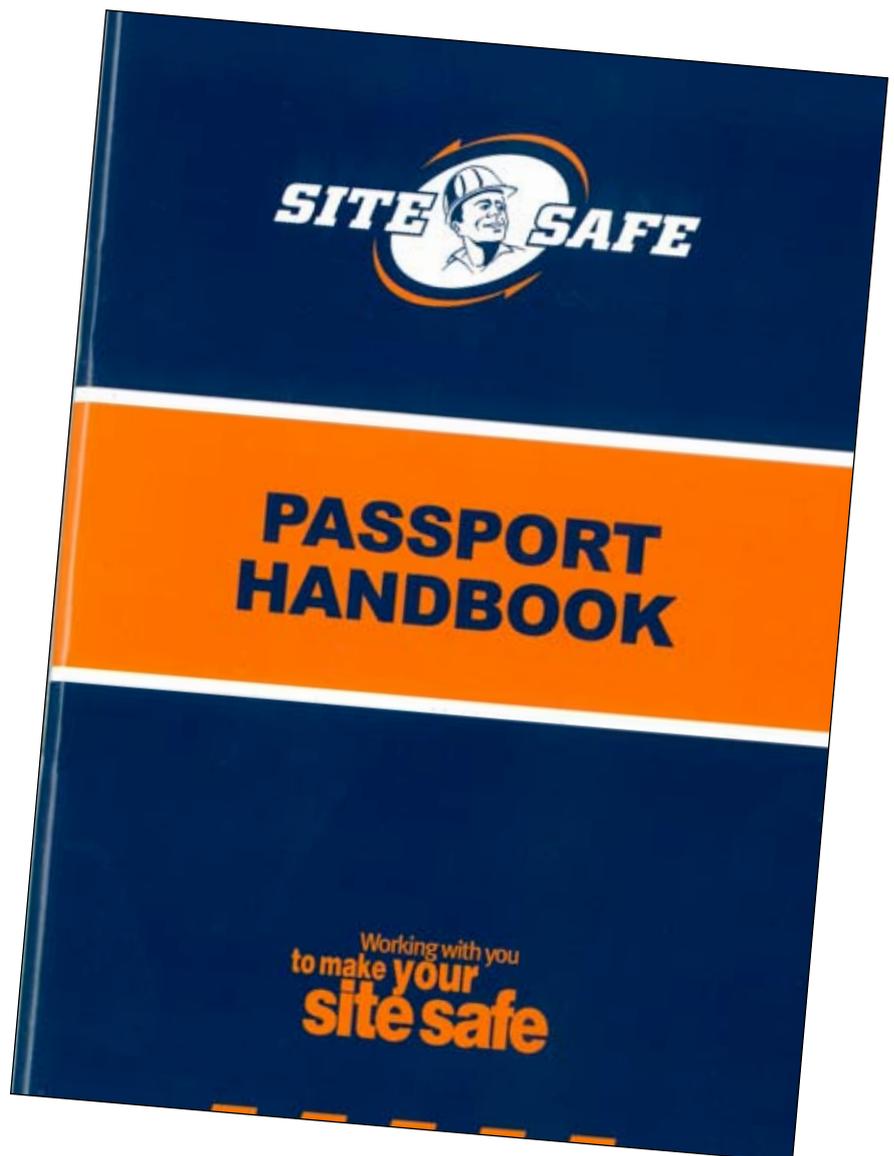
And the organisations have seen successful companies demonstrating time and again that good training programmes are the foundation for a safe, productive and enjoyable workplace.

The thinking behind the development of the BCITO Site Safe Apprentice Passport scheme is a simple one — educated and informed workers are able to make educated and informed choices about safety practices

— which, in turn, protects lives and preserves the most valuable and non-replaceable resource — people.

For more information about the BCITO Apprentice Passport scheme call 04 499 2509 or visit [www.sitesafe.org.nz](http://www.sitesafe.org.nz).

• For more info: Ph BCITO, 0800 422 486  
On the web: [www.bcito.org.nz](http://www.bcito.org.nz)



# Marc's magnificent molehill

Dr Kerry Rodgers becomes moonstruck by the International Year of Astronomy

**U**NESCO, in conjunction with the International Astronomical Union, has decreed 2009 as the International Year of Astronomy (IYA).

It marks the 400th anniversary of Galileo's first use of the telescope, and recognises his revolutionary discoveries that began modern star-gazing. If you are into seeing stars, you may like to check out [www.astronomy2009.org/general](http://www.astronomy2009.org/general).

New Zealand has produced its fair share of professional astronomers over the years. But major contributions to the science are made every year by a host of backyard amateurs scattered up and down the country.

Auckland, alone, has the biggest astronomical society in the Southern Hemisphere. It

must be something in the water.

The gear these folk use is impressive. Size matters. And size comes neither cheap nor ever big enough. All star gazers appear to suffer from something called aperture envy.

And this gear needs a good home. The Resource Management Act notwithstanding, modified garden sheds and custom-built observatories are not uncommon in both town and country. Last year one starry-eyed enthusiast, Marc Bos, completed the construction of a backyard observatory literally from the ground up.

He recorded all the stages in this do-it-yourself exercise, and it seemed highly appropriate to welcome the IYA with a step-by-step progression of Marc's magnificent creation — aka Mount Molehill.

Central to any observatory is an isolated, rock-solid plinth or pedestal on which the telescope is mounted. At no stage can it make contact with any other part of the building. The isolation minimises any vibrations except those that arrive though the ground.

And this is where it started for Marc: Dig a hole. Fill it with Readymix. Build up a stack of blocks. Fill them with more concrete.



Next comes a perimeter of tanalised poles set at the points of an octagon.



These are laced together with solid floor joists, and covered with construction ply and tread-plate. A rolled-steel wall frame doubles as support for the dome and is clad with good old galvanised corrugated iron. The emphasis is on strength and weathertightness, plus minimal vibration.

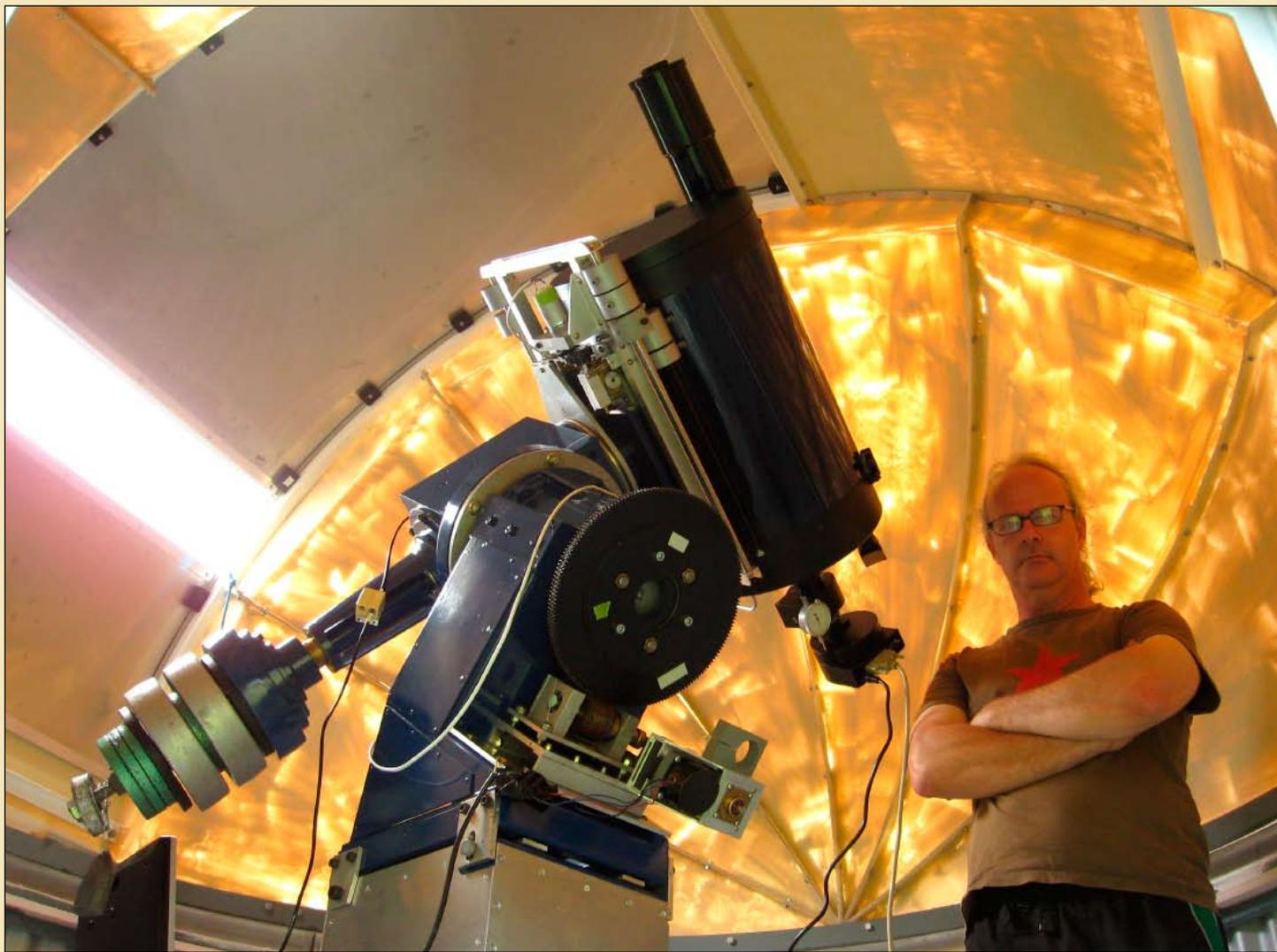
The dome of an observatory is its characteristic feature. It has a sliding door to allow a clear view of the heavens. And the dome needs to be able to rotate so the telescope can point to any part of the sky. Commercial domes are available but Do-It-Yerselfer Marc built his own, starting with design and construction of a sectional mould from which he cast 12 identical fibreglass hemisphere segments.



After cleaning up, these were bolted together on a rolled-steel frame into which made-to-measure stainless sky doors were slipped. Astro Mates were called in to remove the whole kit-and-caboodle from the garage floor and hoist aloft on the clad frame.



The building was now finished off, powered up and secured. The Astro Mates returned to help with installation of Marc's 100kg telescope on its central plinth, complete with its substantial, home-engineered equatorial mount. For the uninitiated, this is the gizmo that enables an astronomer to keep a star centred in their 'scope during the hours the Earth rotates beneath the night sky. It is a tricky bit of engineering — unless you are Marc.



On January 1 the International Year of Astronomy dawned. Its motto is, "The Universe, Yours to Discover". Can we suggest you take the kids and/or grandkids out to the country one evening, away from the city lights. Do it while the nights are still warm and cloud-free. Toss a rug on the grass or sand and gaze up at the heavens. Find the Southern Cross. Show them our galaxy stretching across the dark sky as a great river of stars. Shucks, you might inspire one to become another Kiwi astronomer!

# Directors' personal liability — new leaky building cases

**Tim Bates** of Auckland law firm Legal Vision presents a leaky building case where the director of a development company has been held personally liable.



**Y**ou may have noted in the *New Zealand Herald* recently, two cases reported of directors of development companies being held personally liable for water ingress issues.

One of these cases was *Body Corporate No 199348 and Others v GCO Nielsen*. The facts of this case were as follows:

- Between May 1999 and January 2000 a number of townhouses were erected at 3 Laxon Terrace, Newmarket, Auckland.
- The units were poorly built and the defective building work resulted in severe water ingress.
- There were a number of defendants to the claim brought in the High Court, including the Auckland City Council, Progressive Building Systems Ltd and others to recover losses alleged to have been suffered due to defects in the construction of the units.

- The council and other defendants settled the claims made by the Body Corporate and the individual owners. The council took an assignment of the rights of the Body Corporate and owners so that it could pursue claims against the remaining defendants, Mr Nielsen and Mr Wayne Scarrott. Mr Scarrott settled his claim.

- Mr Nielsen was the director of the companies involved in the development and construction of the units. He was sued on the basis that he personally assumed duties owed by the developers to property owners.

## Key issue

The key issue to be determined by the High Court as regards Mr Nielsen was whether, in fact, he could be personally liable for all or any of the owners' loss arising from this complex being a leaky building.

Prior to assessing the liability of Mr Nielsen, Justice Heath made the following findings of fact as to the role on site that was adopted by Mr Nielsen:

- He was the director of the development company with the primary responsibility of supervising construction. This extended to ensuring that the work of various trades was properly co-ordinated, and that the work was carried out in accordance with the approved plans and specifications.
- He would attend on site for at least two hours per day, usually in builder's clothes. He would provide instructions for that day's work to Mr Scarrott, who would then take responsibility for implementing them.

If a significant problem arose on site then Mr Nielsen would attend the site or speak by telephone to those responsible for undertaking the work, to provide direction on what should be done.

An example of this was given, being the decision about how many downpipes were to be put on the roof of each unit.

The Judge then looked closely at a decision involving Leuschke Group Architects Ltd and borrowed from the comments of J Harrison.

At paragraph 66 he states:

"In *Leuschke Group Architects Ltd, J Harrison* observed that the word 'developer' is not 'a term of art or a label of ready identification', unlike a local authority, builder, architect or engineer. His Honour regarded the term as 'a loose description', applied to the legal entity which, by virtue of its ownership of the company and control of the consent, design, construction, approval and marketing process, qualifies for the imposition of liability in appropriate circumstances".

## Intimately involved

Then further in the judgment, Justice Heath concluded that Mr Nielsen was intimately involved in the project, was responsible for giving day-to-day instructions on work to be undertaken, was instrumental in arranging for Mr Scarrott to have appropriate trades on site at relevant times, and had involvement in important decisions affecting the value of the completed units.

He was also responsible for reporting to his solicitor on when practical completion had been reached.

Therefore, it was held that as Mr Nielsen was in control of the site, he assumed personal responsibility for its oversight. He was found liable as a developer.

Judgment was entered against Mr Nielsen for the full amount of the settlement the Auckland City Council paid out, together with the shortfall from the settlement to complete the repair costs.

## Important decision

So, this is an important decision in that it now means that individuals will find it difficult to hide behind the shell of their development company entity, where they come onto the site and are actively in control of that site.

However, the court did make it clear that had the companies of Mr Nielsen employed a project manager, then the result may have been quite different.

- **For more info: Ph Tim Bates, 09 360 2415**



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