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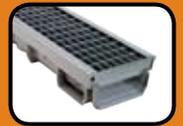
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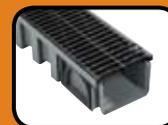


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Win tickets to the Vodafone Warriors vs North Queensland Cowboys! See page 31

Christchurch features heavily in this issue of *Building Today*.

As more residents are now able to make decisions about their future following the Government's recent zonal land damage announcement, we outline how the DBH is fast-tracking Licensed Building Practitioner processing in Canterbury in an effort to help builders and tradespeople quickly prepare for the massive rebuild.

This month's House of the Year review articles reveal how the devastating earthquakes have affected two RMBF companies in Christchurch, and how they're approaching the challenge of rebuilding the city.

And our cover story takes a look at a unique structure being planned — an incredible "cardboard" version of the city's much-loved cathedral.

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cover story 28, 29

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chief's chat

by ceo warwick quinn

What is the actual Licensed Building Practitioner scheme?



Put simply, the LBP scheme is a form of occupational regulation by Government.

In the late 1990s the Ministry for Economic Development promulgated a policy framework for occupational regulation as a guide for government agencies involved in regulating occupations.

This was done to ensure there was consistency of approach across government, and that the "intervention logic" would be consistently applied.

Generally, governments don't like to intervene in such matters, but when they need to, benefits should always exceed the cost, and the intervention kept to a minimum.

So how does this work?

Essentially there are five decision-making steps:

Step 1: Identify whether intervention in an occupation is necessary:

- Consider the nature of the risk from the occupation.
- The probability of significant irreversible harm.
- The availability of other means of handling risk (eg, insurance).

If significant irreversible harm is likely, there is a case for intervention in the practice of the occupation.

Step 2: Identify whether intervention by the

Government is justified:

- Consider existing means of protection for consumers (eg, civil law, consumer legislation).
- Consider ability of industry to regulate itself.
- Consider effect of intervention by the Government.

If significant harm is likely, existing protective means are insufficient, industry is unable to self regulate, and government intervention would improve outcomes, then there is a strong case for government intervention.

Step 3: Identify most effective form of government intervention:

- Consider the nature of the problem posed and how it might be resolved by:
 - Provision of information.
 - Training of practitioners.
 - Setting and enforcing standards.
 - Specifying services Government will purchase.
 - Legislation regulating the practice of occupation?

If only a specific aspect of the occupation poses a threat, the best solution is to target that aspect rather than legislate to regulate the occupation.

Step 4: If legislation is required what form of regulatory regime is needed?

- Disclosure — requires disclosure of information about the service or service provider.
- Registration — requires practitioners to identify themselves in a public way (eg, on a register).

- Certification — distinguishes particular types of service from others through protecting titles (eg, "Chartered" Accountant, "Registered" Valuer — as opposed to Accountant and Valuer).
- Licensing — via restricting particular tasks, and controlling who can enter the occupation.

Step 5: What legislative provisions are needed to regulate the occupation?

Licensing is the heaviest form of government occupational regulation — the most "interventionist".

Licensing workers in an occupation imposes costs and reduces flexibility more than any other means of control, and should be reserved for occupations where there is a high need for control for safety reasons and where all other methods would be inadequate. That is why governments don't do such things lightly.

The other reason, of course, is it creates a monopoly which governments don't like either. Once such a regime is in place, the recipients of that regime generally fight tooth and nail to retain it as losing it opens the occupation up to competition and limits its ability to maintain or hike fees.

It does interest me that the building sector has, indeed, self regulated since 1821 (when New Zealand's first house was built — Kemp House — nearly 200 years ago).

Self regulation is where an industry has Codes of Practice — eg, training standards, self monitoring and/or voluntary accreditation systems — like the Registered Master Builders Federation which imposes entry standards and criteria upon membership.

Yet, it is only now that the Government has deemed it necessary to regulate the building occupation, and then, only the residential sector due primarily to the leaky homes saga.

If we had the LBP scheme in the 1990s it wouldn't have stopped leaky buildings because so many other things in the "system" were also broken.

The world has changed most rapidly since the late 1980s, and construction is a much more complex and litigious occupation. Do you think we will ever return to those self-regulatory days?

Mind you, we don't start being "regulated" until March

Continued page 5

Competition begins for carpentry apprentices

Carpentry apprentices across New Zealand are set to take on the challenge of the Registered Master Builders Carters 2011 Apprentice of the Year.

The competition aims to reward and celebrate exceptional carpentry apprentices, bringing attention to the wide variety of career opportunities in the construction industry.

Registered Master Builders Federation (RMBF) chief executive Warwick Quinn believes the Canterbury earthquakes have generated an incredibly high demand for skilled builders, many of whom are entrants and employers in this year's Apprentice of the Year competition.

Vital part of the industry

"We are going to need these apprentices with the vast amount of work that is around the corner. Employers now play an important role, encouraging these young people to become a vital part of the industry," Mr Quinn says.

"This year's entrants in the competition are just the kind of exceptional young builders we need and want to take the industry into the future."

Now in its eighth year, the apprentices are in the running to win a share of the \$100,000 prize pack, including 10 places on the Outward Bound Leadership Programme for the regional winners, and a study grant or Carters voucher valued at \$2000.

The national winner's haul includes a \$5000 Carters Business Tool Grant towards furthering their career, while their employer wins a \$1000 travel voucher courtesy of Carters.

More than 100 apprentices have submitted their entries, which include details of a building project that

Apprentice of the Year events:

- *Auckland and Northern: Thursday, August 18*
- *Wellington: Thursday, September 1*
- *Southern: Friday, September 2*
- *Upper South Island: Wednesday, September 7*
- *Central North Island: Friday, September 16*
- *Central South Island: Thursday, September 22*
- *Waikato: Thursday, September 22*
- *East Coast: Tuesday, September 27*
- *Bay of Plenty: Friday, September 30*

they are each particularly proud of.

They will now undergo an interview with a judging panel made up of representatives from the RMBF, the Building and Construction Training Organisation (BCITO) and Carters, who will assess the entrants on their personal qualities, their industry knowledge and the completed project that best shows off their skills as a carpentry apprentice.

Judges will then undertake site visits to determine the regional winner.

The 10 regional winners will be announced at awards presentations across the country in August and September before gathering in Wellington to compete

head to head, undergoing a practical carpentry test and a final interview with judges, for the 2011 title.

Entries for the 2011 Apprentice of the Year are now closed. For further information go to www.masterbuilder.org.nz, www.carters.co.nz or www.bcito.org.nz.

The Apprentice of the Year competition is made possible by industry leaders Carters, the BCITO, the RMBF and the Department of Building and Housing.

Apprentices, employers and young people aspiring to be a part of the construction industry are encouraged to join up to the Facebook page by searching RMB Carters Apprentice of the Year at www.facebook.com.

From page 4

1, 2012, so we are, indeed, still self-regulating. But there are greater changes afoot relating to the realignment of accountabilities and "rebalancing" the system, and the LBP scheme has a role to play in all that.

At Registered Master Builders we fully support the LBP scheme. It is just too easy for anyone to pick up a hammer and call themselves a builder.

Consumers are, fundamentally, infrequent purchasers of our services (and therefore uninformed), so rely heavily on the capability, honesty and trust of the

builders they engage to invest their life savings with.

The LBP scheme will reduce the ability of the non-skilled being widely engaged, and should lift the quality of workmanship.

However, it is just one piece of the jigsaw, and we must get the other pieces fitting right together also.

House of the Year 2011 — the bar raised yet again!

By RMBF president
Blair Cranston

I have had the pleasure of attending a number of regional events so far this year and found that each of them has been extremely well put together.

The venues, the programmes, the catering and the formats have been of a very high standard.

I have been involved in RMBF House of the Year competitions since 1994. During that time, my own company has won numerous awards, many of them Gold, along with a National Award Winner.

We continue to enter the competition because of the obvious benefits:

- We get to measure our product against comparable competitors.
- We get a close look at what others are producing.
- We get the marketing benefits available as a result of winning awards.

But, in my opinion, the most important of all is that we get the opportunity to get customers and staff along to a really great night out, catching up with many people we know. In this industry, very few opportunities like this exist.

The marketing and networking opportunities are immense. Winning awards in such an event provides us with the opportunity to heavily market award-winning properties and market our success as an award-winning builder.

This adds real value and can provide a competitive advantage when chasing new work.

There is no doubt that the bar has been raised considerably in the judging of entries. A very good entry



would achieve Bronze, an excellent entry would achieve Silver, and an exceptional entry would achieve Gold.

As a winner of a variety of awards over the years, I take my hat off to anyone who achieves awards in this event now because it is very tough to do so.

I believe that Gold status three or four years ago may achieve Bronze today. That is my opinion of how much the bar has been raised. Obviously this a good thing for the competition and for the industry as a whole.

We should strive for, and demand, excellence in everything we do. This competition, exclusive to RMBF members, needs to set a very high, but attainable, standard.

I really look forward to attending the remainder of our regional events and the national final later in the year.

While talking about excellence and achievement, here are just a few more tips from the book *Don't Sweat the Small Stuff at Work* by Richard Carlson:

- Stop wishing you were someone else: If you're not careful, you will wish your life away, always wishing you were somewhere other than where you actually are. But you are not somewhere else. Rather, you're right here. This is reality.

A saying I have heard is "Life is what's happening while we're busy making other plans". If you become more immersed in what you are doing instead of what you'd rather be doing, both the nature of your dreams as well as your planned course of action will begin to change.

- Compete from the heart : Competition is a fact of life. To compete from the heart means that you compete less from a desperate or neurotic need to achieve, and more out of a love for what you do.

Competing is its own reward. You are completely immersed in the process, absorbed in the present moments of the activity — the business deal, the sale, the negotiation, interaction, or whatever.

Give it your best effort, compete hard and enjoy every moment — and, if you should lose, be happy anyway. This is competing from the heart.

- Spend 10 minutes a day doing absolutely nothing: Spending a few minutes doing nothing, sitting still, embracing the silence, helps prevent you from falling apart.

It gives you a chance to regain your perspective and to access a quiet part of your brain where your wisdom and common sense exist. It allows your mind the opportunity to sort things out and settle down.

The year is flying by. I hope to catch up with most of you at upcoming events.

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Industry event deemed a 'great success'

More than 5000 people attended and took advantage of the expertise on display from more than 200 national and international exhibitors, as well as seminars, workshops and networking at the buildnz designex trade event in late June.

"It was wonderful to see so much positive activity," according to Building Recruitment Ltd managing director Kevin Everett, who was one of the many exhibitors at the show.

"Having the Registered Master Builders Federation conference at the same time really gave the event a great atmosphere. The standard of exhibits and the number of industry decision-makers that came through over the three days was also fantastic," Mr Everett says.

"The networking opportunities were excellent, and it was pleasing to hear the very positive feedback about where the market is heading.

"Many people mentioned the professional standard of the exhibits, and the positivity expressed about our industry was a main topic of discussion. While we got good leads at buildnz designex, it was the long-term benefits that we're looking to. Many felt they would be hiring more staff over the next 6 to 12 months.

"We've already decided to be at the next buildnz designex. I signed up on the last day as I know the industry is going to be busier in two years' time, and I wanted to make sure I got my place early. Waiting until the last minute was what I did two years ago and it's important to have the flexibility to choose where your stand should be."

Mr Everett says those in the trade who didn't attend this year's buildnz designex missed out.

"If you are in the industry you need to be here to see what is new. Even if it's just the networking and getting a feel for the market, there is no better place.

"Continuing professional development is something many in the industry need to get their head around, and an event like this is invaluable. The seminars were great too, and I attended a few.

"The Department of Building and Housing and Stanley Group are two examples of what this industry needs to know. Vital information about changes to codes from the DBH, and the incredible innovations in construction from Stanley Group were, to say the least, both must see. Very interesting stuff. My advice is that people should make a point of attending in two years' time.

"For industry suppliers thinking of exhibiting I say go for it. There's no better place to get your brand out



Above: Nalco was one of the companies exhibiting at the buildnz designex show.

Right, from left: Ute winner Steve Fairley, Rob Lavender and Richard Bews (both XPO Exhibitions).

there to so many people in just a few days. If you have new products then why are you not here?"

buildnz designex organiser and new owner, XPO Exhibitions, is also over the moon with how the event has been received.

"We have worked tirelessly over 18 months with leading industry groups and associations to breathe life into this trade-only event, and it hasn't gone unnoticed by the industry," XPO director Brent Spillane says. "More than 5000 unique visitors over three days — that's an increase of more than 38% on prior show numbers."

Major industry brands have invested heavily to make a real presence at the show. Ford and Radio Hauraki, in conjunction with XPO, presented a brand new Ford XLT Utility to one lucky visitor, making a pleasant surprise for Steve Fairly of Albany who won the \$46,990 Ford Ranger XLT 2WD Double Cab ute.

"buildNZ designex has moulded itself from being not just an exhibition showcasing leading New Zealand and international products. It has positioned itself as the only national platform where the whole industry (build, construction, design, architect, specifiers and interiors industries) can get together under one roof for



the purpose of professional development," Mr Spillane says.

"The Registered Master Builders Federation seminar stadium hosted seating capacity for over 300, and was packed out for much of the three days of seminars.

"Leading speakers from around the country discussed state-of-the-nation issues. RMBF chief executive Warrick Quinn and Certified Builders chief executive Derek Baxter were on stage laying out the mountain of leaky building fixes required, the growing shortage of housing, and the Christchurch rebuild — and talking about facing those challenges with increasing regulatory requirements and labour shortages.

"Holding the annual RMBF conference alongside buildnz has been a big hit with the industry. The thread of leading builder education mixed in with an opportunity to see and touch genuine product innovation is a huge drawcard for their members," Mr Spillane says.

Quakes have had profound affect on Platinum winner

Graham Anderson felt honoured to be amongst an elite and highly respected group of builders when his company Design Construction Ltd was presented with a Platinum Award at the Registered Master Builders PlaceMakers 2010 House of the Year and RMB Commercial Project Awards.

The award was presented to Canterbury's Design Construction Ltd for its achievement of six national titles across the course of the competition.

As we approach the 2011 national awards, we caught up with Mr Anderson on his company's achievements over the years of the competition.

It all started with Design Construction Ltd's first National Award, a Supreme Award in 2001 for a new home in Canterbury.

"That win was huge," Mr Anderson says. "We had a million dollar house up against \$3 million and \$5 million properties. We thought we had no chance, but it really showed that it is not money that wins awards," he says.

"It's pretty hard to get [to National level]. It takes a great design, a great building effort and a really great team of people working on it, as well as a great client to achieve a fantastic result.

"The competition is so tough, and it's a really huge accolade to achieve a National title."

Mr Anderson encourages other builders to enter the competition with something they're proud of.

"Do your best and enter a good project. The judges will find the best property. Every time we've received an award we've been surprised. Whether it's a lifestyle award or a category win, it's pretty awesome. It's a great feeling," he says.

"A lot of builders do some really good work, but it's not until it is judged by your peers that you can actually have confidence to know where you sit compared with the rest of the marketplace. To be judged by your peers and to be acknowledged is hugely encouraging," he says.

Mr Anderson formed Design Construction Ltd in March 1997 and joined Registered Master Builders shortly after.



Design Construction Ltd's 2001 Supreme Award and New Homes over \$600,000 category winning entry.

"I won an award from the organisation when I was an apprentice, and it really made me look up to Registered Master Builders as a hugely respected organisation. Having their support is great," he says.

Although the company's business has been affected by Canterbury's devastating earthquakes, the company has entered a home in the 2011 House of the Year.

The two-storey, concrete block house was designed specifically for temperature comfort, solar gain, maximum insulation and minimum use of heating and cooling systems.

While it has been built with concrete floors suspended on piles, it was slightly damaged by the earthquakes.

"Hopefully the judges can look past the minor damage. The piles have saved it, because the land around it has dropped significantly," Mr Anderson says. "But it is a beautiful, warm and quiet home, and the clients are very happy with it."

The Canterbury earthquakes have had a profound affect on Mr Anderson and his company. "It's been hard for the business. Every day there is a change in the landscape of doing business. Seeing the damage to beautiful



Design Construction Ltd's 2002 New Homes \$370,000 - \$550,000 category winning entry.

and recently-built homes which have to be demolished is traumatic — especially if you've built the house," he says.

"The upside is the huge amount of potential work, but it's a matter of getting through this lean period, staying in business and keeping our men in work."

The Canterbury Registered Master Builders PlaceMakers 2011 House of the Year and RMB Commercial Project Awards will take place on Friday, September 2 — the last of the competition's 14 regional events.

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

Commercial Project Award a powerful selling tool

The Canterbury earthquakes have had a huge impact on Leighs Construction.

Managing director Anthony Leighs of Leighs Construction Ltd says the business landscape has changed significantly since the company won its first national award last year at the gala dinner for the Registered Master Builders PlaceMakers 2010 House of the Year and RMB Commercial Project Awards.

"We've gone from the depths of recession into a very rapid growth phase. There's a new city to be built down here, and it's phenomenally exciting," Mr Leighs says.

"We intend to play a key leadership role in the reconstruction of Christchurch."

Leighs Construction Ltd has a busy road ahead of it. The company has been contracted to build temporary retail structures in the central city, and is also working alongside American contractor Grant Mackay Demolition Co to take down a number of multi-storey buildings in Christchurch.

"We continue to work on the first new building within Christchurch's four avenues (Bealey, Fitzgerald, Moorhouse and Deans), and we've just finished the first building to be finished since the quakes," Mr Leighs says.

"We and the greater team at Leighs Construction are very excited about the role we have to play in Christchurch, and we're looking for high calibre people to join our team.

"We've got a number of projects on the go which are not necessarily earthquake-related as well, including reinvigorating Burger King's facilities. So it's busy times ahead," he says.

Judges awarded Leighs Construction Ltd the national Tourism and Leisure Project award in November last year for its build of Les Mills Christchurch – City Club.

"[The award] is recognition of our high quality service delivery, and it's also a fantastic piece of praise for our team that was involved with the project," Mr Leighs says.



Leighs Construction Ltd won the 2010 Tourism and Leisure Project Award for its Les Mills Christchurch – City Club entry.

"Les Mills was a special project for us. We were delighted to be involved in something unique and challenging. It's something that we as a team are incredibly proud of," he says.

Judges said the multi-floored, purpose-built building is energising, reflecting the character of the client company.

"This is a beautifully built project. This new gym is leading the way for Les Mills in New Zealand, making it the envy of members elsewhere," judges said.

Mr Leighs highly recommends the competition to fellow Registered Master Builders. "Give it a shot, get amongst it and enhance it. It's fantastic for both your team and your marketing," he says.

"Registered Master Builders is the pre-eminent membership organisation for the New Zealand construction industry, and it provides great support."

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For more information about the competition, go to www.masterbuilder.org.nz.

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Hawkins achieves practical completion on Forsyth Barr Stadium

Hawkins Construction reached practical completion on Dunedin's Forsyth Barr Stadium — the world's largest, naturally grassed and permanently covered stadium, and the third biggest ETFE-roofed building in the world — on July 22, 2011.

Hawkins were the main contractors for the \$190m state-of-the-art stadium, and were awarded the contract to build it in April 2009.

In reaching practical completion last month, the company successfully delivered on its promise to complete the facility on time for the 2011 Rugby World Cup.

"This was a high-risk assignment, with an extremely tight time period in which we had to deliver," Hawkins chief executive Chris Hunter says.

Although Hawkins' contact time frame was 24 months, the critical path was really 18 months in order to get enough of the stadium completed in order to start the grass growing on the stadium turf.

"When we signed up to this project, the design had yet to be completed, and we effectively exposed ourselves to a number of extraordinary risks that most other construction contractors would never touch," he says.

"The fact that Hawkins obtained practical completion earlier than our contractual requirements, and to budget, has reinforced our credentials in being able to deliver large and complex projects efficiently, to a very high standard, using highly creative thinking.

"If you compare this project to the Eden Park redevelopment, which had the luxury of a 2.5 year construction window, a design completed prior to construction, and better access to materials and a skilled local labour force, then the scale of our achievement becomes all the more satisfying" Mr Hunter says.

Despite the public and internal pressure to deliver the stadium safely and on time, the Hawkins team have thrived on this once-in-a-lifetime project.

"We have been watched very closely, both locally and all over the world, given the cut-throat deadline, the political sensitivities, and the unique nature of the stadium's design and construction methodology.

"From that perspective, it has been a source of pride to see how well our project team has responded to the pressure.



"This project has brought together many great individuals into an effective team environment, and has been superbly led. Each one has performed a superhuman effort in my opinion, and I can't emphasise enough how dedicated the team has been in delivering Hawkins' promise to the people of Dunedin."

Hawkins' infrastructure division was also contracted to deliver the SH88 relocation project on behalf of the Dunedin City Council and NZTA. This project, adjacent

to the stadium construction, required 1.5km of new highway and a new three-span bridge to be constructed through an existing industrial area, and was brought together by more than 2km of footpaths and cycleways which joined into the Otago University campus and existing harbourside links.

The Forsyth Barr Stadium was formally opened in an official ceremony by Prime Minister John Key on Friday, August 5.

FOLDBACK – OUT OF SIGHT, OUT OF MIND

When building our home we chose the Foldback® Bifold. The innovative **smoothtech**® sill system allows panels to lie flat against the wall giving us uninterrupted views and smooth sills. It's also great knowing that the kids won't trip or run into them.

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STACEY JONES
New Zealand Rugby League Legend
& Project Manager



Showcase timber building attracting international interest

A showcase building that breaks new ground in the use of wood as a structural building material in multi-storey construction is already attracting international interest.

The Nelson Marlborough Institute of Technology's (NMIT) Arts and Media Building is being constructed in a pinus radiata laminated veneer lumber (LVL) frame structure using new engineering technology developed by the Structural Timber Innovation Company (STIC).

When completed next year, the building will become the world's first multi-storey wooden building to use pre-stressed timber as a structural building material.

The building was designed by the Nelson-based team of Irving Smith Jack Architects and multi-disciplinary engineers Aurecon.

Their highly original concept for the three-storey building won a national competition for the building's design run by NMIT and the Ministry of Agriculture and Forestry in 2008.

The design brief was that the building had to be sustainable and substantially made of wood. Timber is sustainable, renewable, locally available and requires less energy to manufacture than other building materials such as concrete and steel.

Project director Andrew Irving says in resolving the conceptual design, a degree of structural innovation was essential from the outset, requiring close collaboration between architect and engineer.

"We identified three or four options for the design then settled on the combination of simple gravity frames with a more complex shear wall seismic system," Mr Irving says.

This option was chosen because the sophistication of shear walls "allowed us to use an elegant timber frame with straightforward connections that could readily be adapted for use in a variety of building typologies".

He says there has been strong interest in the project, both in New Zealand and from as far afield as Chile and India. Later this month leading timber engineers from all over the world will descend on Nelson to check out the building's many innovations.

The tour is part of the programme for the International Council for Research and Innovation in Building and Construction forum hosted by Canterbury University.

Originally due to be held in Christchurch, the forum's



venue was changed to Nelson to incorporate the visit.

"As architects, we see this as the first in a new generation of creative, sustainable, wooden structured, multi-storeyed buildings," Mr Irving says.

STIC chief executive Robert Finch says the engineers' visit will give the building "good international exposure and a chance for them to see what can be achieved with wood as a structural building material".

Another two projects are already in the pipeline in New Zealand, and Mr Finch says it is hoped that the use of wood as a structural building material here and overseas will be encouraged.

The project will also feature as a case study in this year's New Zealand Timber Design Society Wood Solutions seminar series commencing on August 31, Mr Irving says.

The building will maximise the warmth and visual appeal of structural timber. To achieve this, all structural timber components will remain visible, which will also allow the project's innovative use of wood to be showcased to the design and construction industries.

The building's design also breaks new ground for:

- Incorporating energy-dissipating, earthquake-resistant engineering technology in a structural timber design.
- Its sustainable approach to construction, making use



of timber as a renewable resource, grown and manufactured within a 100km radius of Nelson.

- Using locally manufactured LVL by Nelson Pine as the primary structural element, and local fabricators Hunter Laminates and Potius flooring to manufacture structural components. At the same time, this supports Nelson's forestry and timber manufacturing industries.
- Using Potius floor panels for the first time in a multi-storey timber building.



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Forklift owners and operators — 'tell us your story'

Mitsubishi Forklift owners and operators are invited to be in to win in a "Tell us your story" competition.

This year Centra Forklifts celebrates 30 years of an exclusive partnership with Mitsubishi in New Zealand, and the company wants everyone involved with Centra and Mitsubishi Forklifts to share in the celebrations.

The Centra Mitsubishi Forklift "Tell us your story" competition invites Mitsubishi Forklift owners and operators across New Zealand businesses and industries to submit their stories about how their Mitsubishi Forklift Truck has helped in everyday work, or added value to business operations.

In October, Centra Forklifts will select and announce regional finalists, and each will receive a Limited Edition Mitsubishi Forklift Truck model plus a Speight's Alehouse voucher.

Regional finalists will go into a draw for the grand prize of a 12-month forklift service contract to the value of \$1000.

Members of the public can also vote for their favourite entry online in the People's Choice Award. Both the winning entrant and one lucky voter will each receive a \$200 Speight's Alehouse voucher.



This old Mitsubishi FG 50 forklift would probably have many stories to tell!

Entry forms are available online at www.centrafork.co.nz or from Centra Mitsubishi dealers across New Zealand. The competition closes on September 30, 2011.

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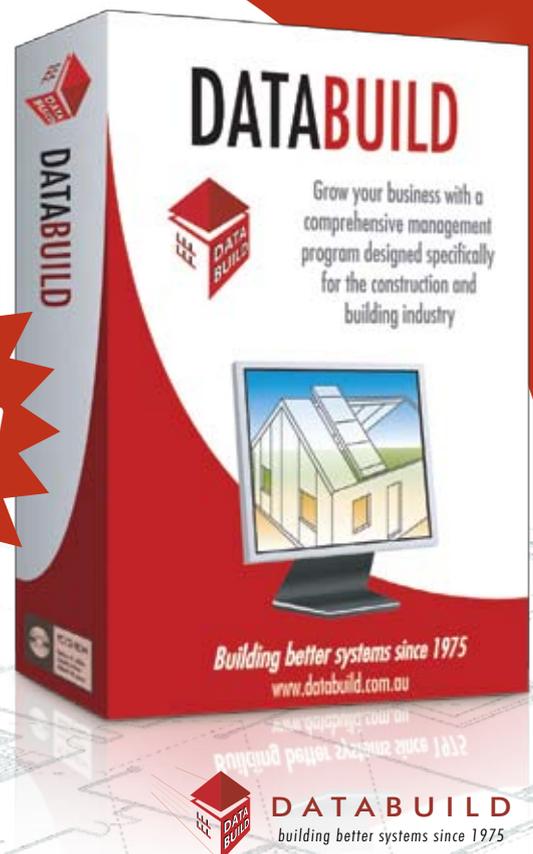
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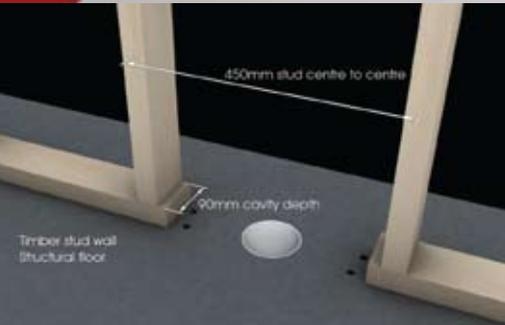
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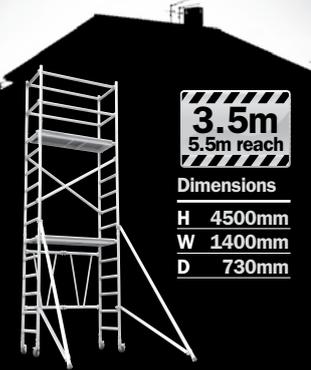
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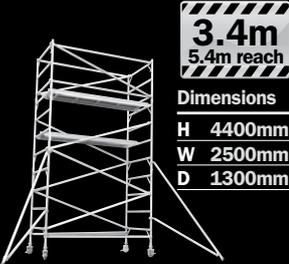
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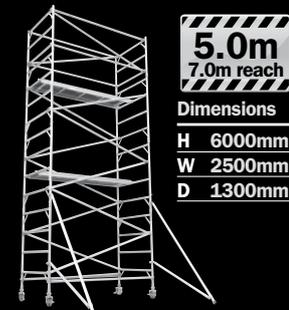
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Dimensions

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Experienced industry man elected chairman of the Board

Alan Bickers of Tauranga has been elected chairman of the Plumbers, Gasfitters and Drainlayers Board (PGDB).

PGDB chief executive Max Pedersen announced the appointment at the Board's meeting held on July 26.

Mr Bickers is a chartered professional engineer working in Tauranga in management, governance, alternative dispute resolution and as an independent resource consent commissioner.

He spent much of his professional career in local government, and was chief executive of Tauranga City Council from 1987 until 1995.

He has been active within the Institute of Professional Engineers New Zealand (IPENZ) for more than three decades, holding a variety of positions. He was president in 1991-92 and chaired the IPENZ disciplinary committee from 1994 until 2006.

Mr Bickers is a Distinguished Fellow of IPENZ and a Fellow of both the Arbitrators' and Mediators' Institute of NZ and the NZ Institute of Directors.

He was appointed as the inaugural chairman of the Building Practitioners' Board in 2005. He is also a Justice of the Peace.

The Plumbers, Gasfitters and Drainlayers Board is the statutory body which regulates the plumbing, gasfitting and drainlaying trades to ensure those providing these services are competent and safe in order to protect the public and property.

Mr Bickers says his goal during his time as chairman is to restore the reputation of PGDB so that it is respected and appreciated as a fair and responsible regulator in the public's interest.

The Board also elected John Simmiss of Hawkes Bay as the new deputy chairman.



Alan Bickers



John Simmiss

Reporting for hazardous work goes online

All notifications of hazardous work will now be able to be completed online, saving time and effort.

Employers and contractors are required by law to notify the Department of Labour if they are planning any hazardous work at least 24 hours before the work starts.

The Health and Safety in Employment Regulations 1995 define hazardous work as being "more than usually dangerous".

This includes any restricted work involving asbestos, and

logging and tree-felling work for commercial purposes.

It also includes construction work where workers could fall more than five metres, where explosives are used, and where work involves contact with asbestos fibres.

More details of hazardous work are listed on the Department's web site.

While fax and email notifications of hazardous work will continue to be accepted, the online system will make it faster and easier for employers and contractors to let the Department know about any hazardous work they're planning to start.

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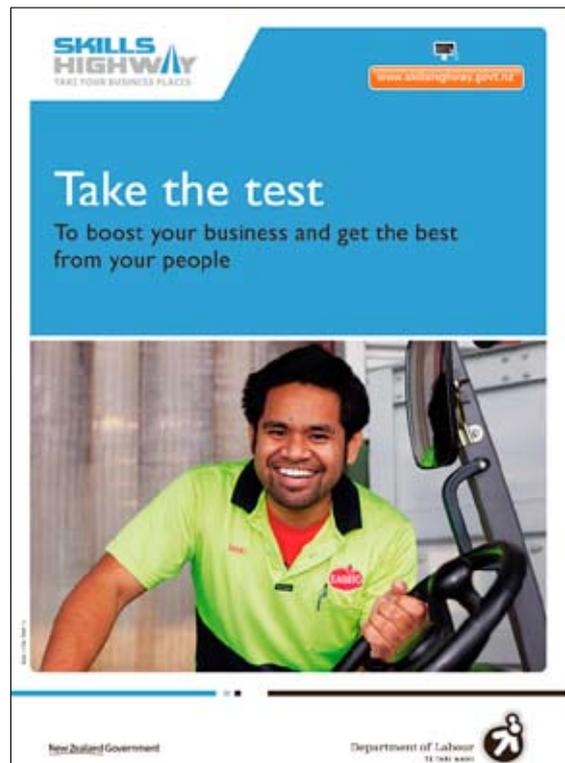
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news

DoL launches new literacy assessment tool



Take the Test, a Skills Highway publication from the Department of Labour.

The Department of Labour has developed a new tool called *Take the Test* to help employers assess the literacy skills of their workforce.

Research shows about four in every 10 New Zealand employees have difficulties with reading, maths and communication. The country's poor adult literacy rates have long been considered a serious issue that costs business through accidents and injuries, high wastage, mistakes, missed deadlines and low productivity.

Take the Test is a leaflet designed to help employers work out, in just five minutes, if a business is affected by poor workplace literacy and numeracy.

Department of Labour skills highway information and promotion manager Lisé Hutcheon says it collates the basic data that a manager needs to talk about literacy and numeracy issues with colleagues.

"An employer might find reading is a particular issue in the workplace. Alternatively, he or she may find writing, maths and oral communication are crucial skills gaps," Ms Hutcheon says.

"Overall, we want employers to use *Take the Test* to measure the issues, as well as think about ways to address them."

Take the Test is available online (as an e-book) at www.skillshighway.govt.nz/test or in hard copy. Email the Department of Labour for hard copies, at www.skillshighway.govt.nz/contact_us.html.

NZ team triumphs in bridge building competition



This year's Aurecon Bridge Building winners, King's College from Auckland, watch their entry being put to the load test.

This year's Aurecon Bridge Building competition finished recently with first-time entrant, Auckland's King's College, beating high schools from across Australia and New Zealand with an astonishing 128kg load held by its bridge built from balsa sticks, glue, cardboard and string.

This is the first time Auckland high schools have entered the competition, with this entry beating hundreds of high school entrants across Australia and New Zealand to win the Aurecon trans-Tasman prize, as well as the local Auckland prize.

Ian Sloane, transport services leader for Aurecon in New Zealand, says this is a fantastic result for New Zealand, as it is the first time a national competition has been held in this country.

"It is surprising that a first-time entrant has beaten hundreds of schools across Australia and New Zealand who have previous experience in designing bridges for this competition," Mr Sloane says.

"And it is a testament to Kiwi ingenuity that Kings College has won the international competition for 2011."

The trans-Tasman competition asks year 8, 9 and 10 students to build a bridge out of balsa wood, string, cardboard and glue. At competition days held across Australia and New Zealand, the students bring their bridges to be tested to destruction. The bridge that bears the heaviest load wins the team a state prize, and puts it in the running to win the international prize.

More than 1000 students participated in 334 teams from 218 schools.

Competition — quick facts

- Each of the bridges entered was constructed during school hours from materials supplied by Aurecon — 8 balsa wood sticks 6.5mm x 6.5mm x 580mm long; 8 balsa wood sticks 6.5mm x 6.5mm x 330mm long; 1 cardboard tube 60d x 600l (mm); 1 tube of quick drying epoxy glue and 1 piece of 5m long string.
- A total of 1002 students participated in 334 teams from 218 schools registered to compete across Australia and New Zealand.
- The competition complements Aurecon's efforts to promote engineering as a career choice to secondary school students.

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LBP update for Canterbury

Building Today continues its series of articles looking at the Licensed Building Practitioners scheme which comes into effect fully in March 2012.

This month: Fast-tracking LBP processing in Canterbury

The Department of Building and Housing's push to boost Licensed Building Practitioner (LBP) numbers in Canterbury continues to make solid progress.

Following last September's earthquake, the Department made processing Canterbury LBP applications a priority, and streamlined the processing time from around six weeks to two.

This priority processing is for applications from building practitioners intending to work in Canterbury, as well as for those already based there.

As at July 27 this year, 2361 LBP licences had been

issued in Canterbury, against the Department's original target of 2624.

While overall LBP numbers are close to the Department's targets, the majority are carpentry licences. But licence numbers for external plasterers and bricklayers/blocklayers are significantly below their targets.

Therefore, the DBH has launched a nationwide programme of one-day workshops for building practitioners with skills and experience in these areas.

In these workshops, the Department highlights the benefits of getting licensed, and steps attendees through the licensing process.

The Bricklaying and Blocklaying Workshops kicked off on June 30 and will run until August 23, while the External Plastering Workshops started on August 5 and will run through to August 30, with further workshops for both licence classes planned for September and October.

To find out when there is a workshop in your area, visit the DBH web site, www.dbh.govt.nz/lbp-workshop-calendar, or call 0800 60 60 50.

The DBH is also urging carpenters to talk with the specialist tradespeople they subcontract and to check if they are licensed — and, if they're not licensed, to

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encourage them to apply.

How the DBH's streamlined processing works

LBP applications are handled at the Department's processing centre in Porirua. The usual process takes around six weeks from when an application is first received to when the Department's registrar mails successful applicants their LBP registration cards and welcome packs.

With the DBH's priority processing, Canterbury applications are immediately placed in a priority queue. The processing centre then completes the administration, receipting and set up of the application in its information system within two days.

Assuming the applications are correctly completed, they are then referred to ASL (Assessment Services Ltd) for assessment. They, in turn, complete their assessments within five working days and then refer their recommendation back to the registrar for his approval.

Applicants are then emailed the results of their application, and registration cards and welcome packs are mailed to successful applicants a week later once the cards have been made.

LBP status takes effect once applicants are notified by email and the Department's public register updated to confirm their LBP status, so practitioners can immediately demonstrate they are then LBPs.

The DBH's record for processing an LBP application is two days. In this case, the applicant held a relevant qualification, was receipted in one day and then assessed and a positive recommendation forwarded to the registrar the following day.

While overall LBP numbers are close to the Department's targets, the majority are carpentry licences. But licence numbers for external plasterers and bricklayers/blocklayers are significantly below their targets.



Minister opens new Unitec Albany



Unitec's new Albany campus was officially opened by Tertiary Minister of Education Steven Joyce at a ceremony recently.

Previous studies have identified that there is a shortage of vocational educational provision in the North Shore and Rodney areas.

Demand is likely to increase noticeably in the future as the population of Auckland north of the harbour bridge is expected to grow from 329,000 now to reach 431,000 in 20 years' time.

Unitec chief executive Dr Rick Ede says

Unitec chief executive Dr Rick Ede (left) and Tertiary Education Minister Steven Joyce at the opening of Unitec's Albany campus.

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Campus

the campus will provide North Shore and Rodney residents with access to a range of high quality vocational education programmes close to home.

"Albany is a technology, innovation and learning hub, and the range of programmes offered at our campus will enhance the skill base of people living on the North Shore, and support economic development in this area," he says.

The campus will offer a number of certificate programmes, including electrical and electronic engineering, multiskill building construction, and information technology.

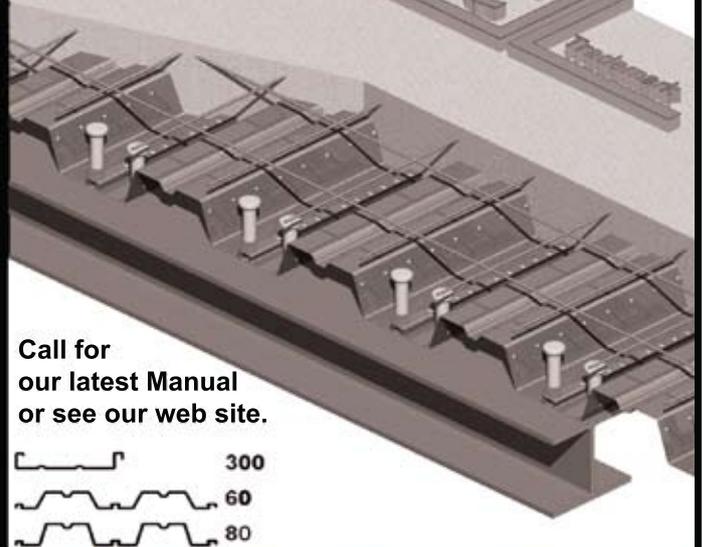
Around 300 students are expected to study at the campus in 2011, with student numbers growing to more than 1000 within a few years.

The new campus has been designed with sustainability in mind, and includes a campus recycling programme, designated car pooling spaces and a worm farm.

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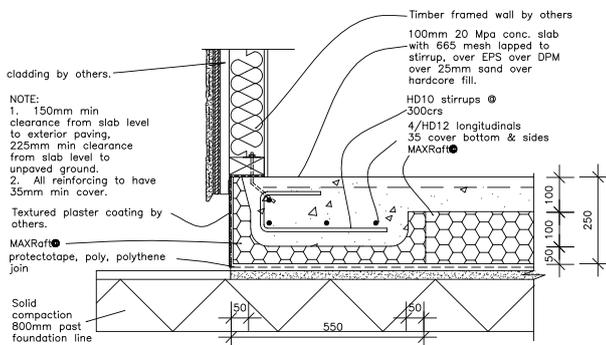
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green building

Office building wins sustainability award

Peddle Thorp Architects has won the 2011 Supreme Concrete³ Sustainability Award for its work revitalising the multi-storey office building at 21 Queen Street, Auckland, preserving its concrete frame and core while creating vibrant and thoroughly modern spaces inside and out.

The award, presented at the ninth International Symposium on High Performance Concrete Design in Rotorua, recognised the “reuse – reduce” strategies adopted by the project principals.

This strategy enables the building’s life cycle to be significantly increased, the embodied energy of its concrete elements to be saved, and the emissions associated with alternative demolition and new build scenarios prevented — all key to achieving environmental sustainability in construction.

Stripping the site’s 14-level, 1970s concrete structural frame of its cladding and fit-out to form the heart of a refurbished and modern building also underpinned the project’s commercial viability, as well as breathing new life into the urban environment around Queen Elizabeth Square.

The Awards, part of the Concrete³ initiative launched in 2007 by the Cement and Concrete Association of New Zealand (CCANZ), acknowledge projects, products and initiatives which demonstrate excellence in environmental, economic and/or social sustainability for the built environment.

On their way to the top prize, the team behind 21 Queen Street also received the Excellence in Commercial Concrete Construction award.

CCANZ chief executive Rob Gaimster says that through the reuse of a concrete frame building, the project met all the economic, social and environmental imperatives of sustainable development, elevating it above a host of outstanding entries in 2011.

The awards also produced winners in four other categories, for projects which excelled in different areas of sustainable concrete construction.

Excellence in Concrete Innovation went to engineering firm Structex for the Southern Cross Hospital’s Endoscopy Building in Christchurch which, for the first time in New Zealand, used post-tensioned concrete PRESSS (PREcast Seismic Structural Systems) technology with U-Shape Flexural Plates.

This innovative approach to structural engineering and construction saw the medical facility, which has a Building Importance Level 3 classification, emerge unscathed from the February 22 earthquake.

Excellence in Residential Concrete Construction was awarded to Daniel Marshall Architects for Elmstone House in Auckland, a contemporary home which makes use of precast concrete over three floors to optimise a steep site, and offers comfortable, energy-efficient and low-maintenance family living.

Excellence in Concrete for the Community was won by Golden Bay Cement which is progressively replacing imported fossil fuels with locally sourced renewable alternatives, such as wood biofuel, to help reduce landfill waste as well as carbon dioxide emissions during cement manufacture.

Excellence in Civil Concrete Construction was awarded to Downer New Zealand for the DART 9 rail link station in Manukau.

Constructed under the Leighton Works partnership, this below ground facility, built entirely of concrete, used advanced secant pile technology and specialised concrete mix designs to realise a vital piece of infrastructure for the wider Auckland community.

Australian builders blazing a trail

By Lifetime Design Ltd general manager Andrew Olsen

Australia's construction industry is a role model for the sector in New Zealand.

Leading house builders are voluntarily setting standards for accessible and adaptable housing design, and committing to transforming the country's housing stock by 2020.

The two main industry organisations — Master Builders Australia and the Housing Industry Association — recently agreed to make all new homes compliant with "Universal Design" principles by 2020.

These principles — which will see Australian homes designed to meet the changing needs of residents — have been developed following extensive consultation between the industry and disability groups working through the National Dialogue on Universal Design.

In my view, the whole process is a superb and inspirational collaborative model for New Zealand.

Bringing together the residential building industry, the disability sector and central government to specifically develop standards for homes that meet the changing needs of Australians shows that New Zealand still has a long way to go.

They have succeeded in developing these voluntary standards and a strategy to ensure they meet their goals. It is a testament to the goodwill and co-



Lifetime Design Ltd general manager Andrew Olsen.

operation that exists between the Australian government, the private sector and community representatives.

The journey has been fast and productive. In 2010, the Australian Government's Liveable Housing Design guidelines were developed to improve awareness within the residential design and construction industry, and in Government, about the benefits of incorporating universal design principles into new housing.

The voluntary guidelines combine aspirational targets for liveable design with practical know-how to encourage the construction of more adaptable homes.

A non-profit housing organisation, Liveable Housing Australia, has also been established, to promote greater understanding of the value of universal housing design within the community, and to promote Universal

Design practices throughout the residential building and property industry.

What's interesting is that Universal Design features are very much the same as Lifetime Design standards in New Zealand.

The Lifemark quality assurance system includes features such as reinforced bathroom walls, smart positioning of power points and wider corridors — all designed to better cater for the changing needs of families with young children, people with temporary injuries, and those with disabilities, particularly seniors.

The Lifemark demonstrates we already have world-class design standards, endorsed by the New Zealand Government.

All we need to do now is start using them and work more collaboratively to achieve mutually beneficial goals.

As I see it, New Zealand should be both a little ashamed and very much inspired by what's happening in Australia. We have an urgent need for housing stock that will meet the needs of our changing demographics and reducing the long-term excessive costs of retrofitting to meet needs.

There are market opportunities for the construction industry waiting to be grasped as consumer demand for more accessible and adaptable housing grows.

Adopting Lifetime Design standards and working towards achieving the Lifemark also reaches beyond just ensuring better homes are built, by adding real market value.

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Steam-less bathrooms creating drier homes

New research from a leading New Zealand university has shown that Showerdome is effective at creating drier healthier kiwi homes.

Independently tested earlier this year by the University of Waikato, Showerdome proved successful at trapping moisture within the shower, greatly reducing the dampness of the bathroom.

University of Waikato senior lecturer Dr James Carson says the results highlight the merits of Showerdome.

"The humidity and dew point within the bathroom was largely unchanged during a 10 minute shower, meaning that the device was effective at preventing warm moist air escaping from a shower cubicle which, in turn, meant that no condensation or fog formed," he says.

Showerdome chief executive Maurice O'Reilly says the findings of the study are testament to the product's effectiveness in New Zealand homes.

"Most of our customers believe it has made a difference to their lives," Mr O'Reilly says.

"The results show that Showerdome has definite benefits for consumers, both healthwise and on their pockets too," he says.

The main health benefit of Showerdome is that it creates a drier home as steam created from the shower is not able to flow into adjoining rooms, therefore reducing condensation, mould, mildew and dust mites.

Kiwis looking to save power this winter could also benefit from Showerdome. Energy savings can be made because there is no need for extractor fans, and

because the shower cubicle stays warm and draft-free, less hot water is used.

Maintenance costs are also reduced as damage caused by condensation, such as cracked paint and damaged and peeling wallpaper are greatly reduced.

Steam and condensation are caused when hot moist air from the shower collides with the cold air outside the shower.

Showerdome is a clear acrylic dome that, when fitted to the shower, stops steam forming. Mirrors remain clear and moisture does not flow into adjacent rooms.

Further testing of Showerdome is taking place in the winter months to determine its increased effectiveness in this period.

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Industry figures show positive signs

New figures released by the BCITO show the construction industry is gaining momentum in the Canterbury region.

Training numbers have been increasing steadily since January 2011, indicating that more employers are investing in staff and taking on new carpentry apprentices.

"Employers who are upskilling staff and hiring apprentices want to make sure their employees have all the fundamentals in place before things start to pick up and the work really hits them," BCITO area manager Richard Willis says.

Although training figures are on the rise around New Zealand, Christchurch is showing a substantially higher increase than any other region. Mr Willis says the substantial rebuilding in Canterbury over the next five years is contributing to this.

There have been well over 300 new training sign-ups since January 2011, with 153 sign-ups in May and June alone.

"Employers are getting ready for an increase in consumer demand, as well as preparing for licensing legislation that comes into effect in March next year," Mr Willis says.

"Decisions around the earthquake land damage in the green and red zones have also meant Cantabrians are now in a position to either start rebuilding or to look at developing homes in other areas. There will definitely be significant building work in Canterbury for the next few years."

These statistics are among the first positive signs that construction companies are getting ready for a much-anticipated boom in business, he says.

Mr Willis also believes there are tremendous career opportunities for those considering a career in building. Students leaving school at the end of 2011 can get straight onto the tools with a BCITO apprenticeship and earn while they learn.

"You're never going to have a better opportunity to get a broad range of experiences in building. Becoming an apprentice today will mean you could do everything from working on restorations of historic buildings to modern architecture," Mr Willis says.

"There is also a sense of importance about the rebuilding of Canterbury. The people there have experienced the worst natural disaster of our time in New Zealand. There is more than just work experience to be gained by being part of this rebuild; there is a real sense of camaraderie among those working on this."

Mr Willis also applauds employers who have begun to upskill staff before things start to pick up. "When business picks up there will be little time to train apprentices and get young people up to speed on core skills," he says.

He recommends builders use this time to ensure workers are well trained and ready to help rebuild Canterbury, and that they think about relocating staff there if necessary.

"Training staff now will help ensure companies are in a position to achieve the necessary requirements when licensing laws change. It's not just about hiring new apprentices, but also upskilling existing staff so they will be in a position to supervise less-qualified labour in the future," Mr Willis says.

The BCITO is appointed by the Government to develop apprenticeships for the building sector, and is the largest provider of building apprenticeships in New Zealand.

Aspiring apprentices can directly access a career in construction through BCITO apprenticeship programmes, without undertaking classroom study.

To find out about BCITO training courses or how to train or find an apprentice, visit www.bcito.co.nz, contact 0800 4 BCITO or search on Facebook.

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Christchurch's Cardboard Cathedral

Dr Kerry Rodgers ruminates upon the sustainable genius of Shigeru Ban: Master architect

Despite international acclaim, few Kiwis would have heard of Shigeru Ban before July this year.

The announcement that Christchurch's sorely-tried cathedral is to get a temporary cardboard replacement changed all that.

Japanese-born Shigeru Ban is a remarkable designer. In the media he is sometimes known as The Emergency Architect.

He studied in the early 1980s under the legendary John Hejduk at Cooper Union's School of Architecture, graduating in 1984.

Hejduk had a lasting influence on Ban. He enthused him with the concept of architectonic poetics — the creation of three-dimensional poetry. This led Ban to seek unique structural solutions from basic building materials.

Today, he has little interest in either new materials or techniques simply because they are new and trendy. Instead, he seeks out those materials that allow him to articulate his concepts behind specific buildings.

To do so, he blends architectural concepts from both East and West. Importantly, his buildings are characterised by invisible structural elements that become simply part and parcel of the overall design. Consequently, his structures are known for innovation, creativity, sustainability, beauty and optimism.

Of all his innovative approaches, Ban is most famous for his use of paper and cardboard tubing as construction materials. He finds cardboard an ideal building material. It is readily available, recyclable and surprisingly strong. His oft declared maxim is: "The strength of the building has nothing to do with the strength of the materials."

Not only are paper buildings low-cost, recyclable, low-tech and sustainable, but he delights in pointing out that they cannot be destroyed by earthquakes.

Importantly for Ban, his paper/card constructions produce little residue. His frequent quote is: "I don't like waste." As paper is not a traditional building material, the price is not cranked up by post-earthquake demand.

His basic card and paper buildings have achieved



Cardboard Master: Shigeru Ban.

Image: MOSSOT, Wikimedia Commons

international acclaim in their suitability as DIY refugee shelters. They have also provided quick and effective low-cost housing for disaster victims around the world, as in Japan, Haiti, Turkey and Rwanda. Hence Ban's renown as an "emergency architect".

But his cardboard techniques are capable of producing major structures. A typical example was the Japanese pavilion at Expo 2000 in Hanover. Here he collaborated with the architect Frei Otto and structural engineers Buro Happold to erect a 72m long gridshell made from paper tubes.

Stringent building laws in Germany required the roof to be reinforced but, post-exhibition, the entire building was recycled as paper pulp.

Ban's temporary card/paper buildings are weatherproof, fire resistant and secure. To date, they have lasted for upwards of 20 years. Once their working life is over they can be deconstructed and easily transported for recycling.

For example, a post-Kobe earthquake cardboard church is now a tourist attraction in Taiwan.

The vast range of his paper and card structures are illustrated at www.shigerubanarchitects.com. They include a concert hall in Italy, temporary shelters in Haiti, Singapore's Bienale Pavilion,



Shigeru Ban's temporary Takatori Catholic Church was erected in Kobe after the earthquake of 1995.

Image: Bujdosó Attila, Wikimedia Commons

Centre d'interpretation du Canal de Bourgogne, Hualin temporary elementary school, a nomadic paper dome in Amsterdam, a paper bridge in France, and a library in Japan.

The web site is well worth more than a passing browse, particularly as we should soon be blessed with one of his larger structures in New Zealand.

Ban has been working on the replacement for the Christchurch Cathedral pro-bono since May. His brief was to design a building that was sustainable, environmentally friendly, safe, durable, beautiful, innovative and versatile.

He has now visited the earthquake-stricken city twice. On his second coming he brought concept plans and a model.

The design is based around 64 cardboard tubes, 830mm in diameter, and ranging in length from 17 to 22 metres. These will be sourced locally. The structure will have a triangular form with a geometry related to the original cathedral.

When complete, the cardboard structure will comfortably house 700 people and can double as an event space. The estimated cost is about \$4 million, with the initial feasibility study funded by a \$50,000 grant from the Christchurch Earthquake Appeal Trust.

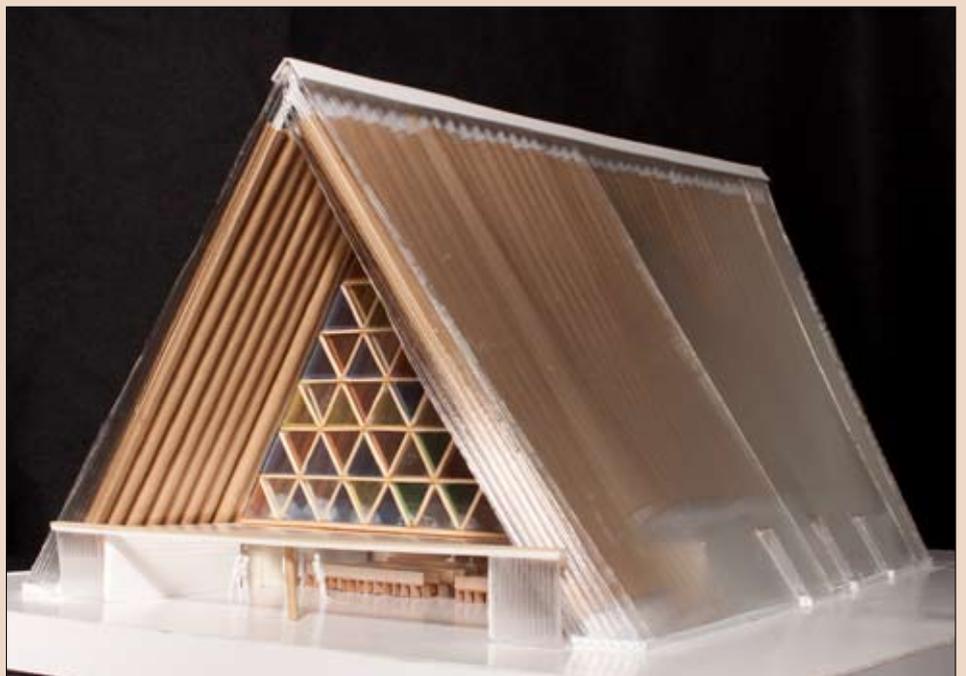
Construction could be completed in three months. The target date for the opening is February 22, 2012 — one year after that last major disastrous quake.

Ban does not mess around. His emergency buildings are commonly constructed by volunteers. Children as young as five helped erect his temporary housing in Izmit, Turkey, after the 1999 earthquake.

There is a notion afoot in Christchurch that while the construction of the Cardboard Cathedral would be overseen by contractors, volunteers would assist throughout.

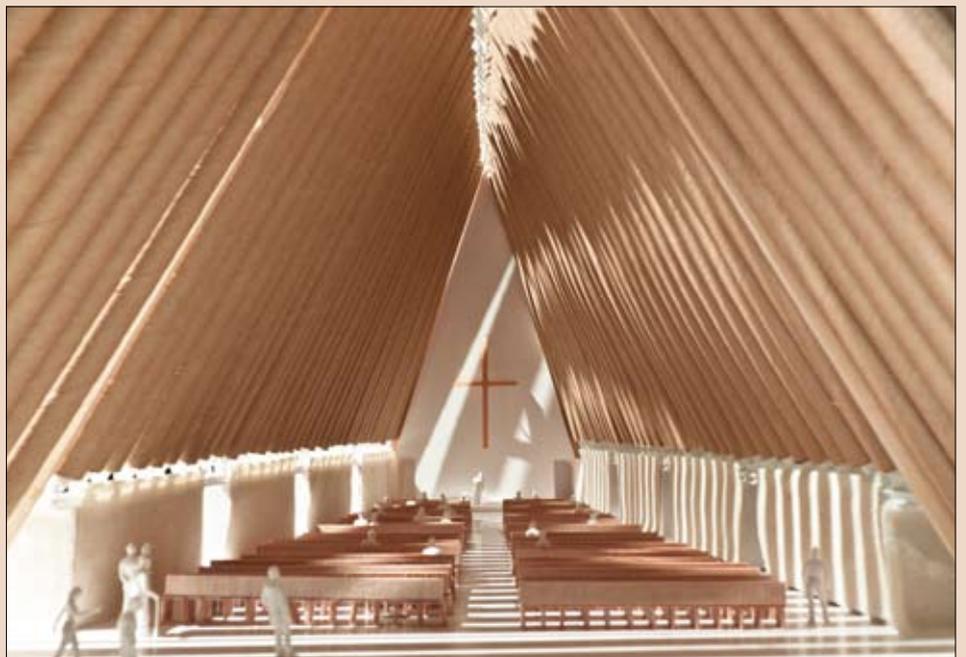
In particular, Ban hopes to engage students from the CPIT Architecture Programme in any build. He would like to pass on his skills and knowledge to New Zealand's future generation — for him it is just another form of sustainability.

And if any *Building Today* readers are of a mind, donations are being sought for rebuilding the Christchurch Cathedral. Check out www.christchurchcathedral.co.nz where you can also get an update on progress of Shigeru Ban's cardboard version.



Above and below: Shigeuru Ban's detailed model of the proposed Cardboard Cathedral for Christchurch.

Images: Shigeru Ban Architects, Tokyo, via Christchurch Cathedral



Shigeru Ban's poetry: Centre Pompidou-Metz Museum, France.

Image Metz City Council

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Removal applications in the Weathertight Homes Tribunal — an uphill battle?

Tim Bates and Chadleigh Danswan of Auckland law firm Legal Vision review the process of applying to be removed from a proceeding in the Weathertight Homes Tribunal, and consider the inherent difficulties that respondents face when seeking to be removed.



Overview

Pursuant to section 112 of the Weathertight Homes Resolution Services Act 2006, a party to a proceeding in the Weathertight Homes Tribunal (WHT) may seek to be removed from that proceeding on the basis that it is “fair and appropriate” in all the circumstances for that party to be removed.

While it is up to the party seeking to be removed to prove that it is fair and appropriate that they be removed, it begs the question: What does “fair and appropriate” mean?

Over the years, the WHT and High Court have developed a number of principles or guidelines upon which it will assess whether it is fair and appropriate that a respondent be removed from a proceeding.

Two recent High Court decisions (*Fenton v Building*

Code Consultants Ltd, HC, Auckland, CIV/2009-404-6348, March 15, 2010, and Yun v Waitakere City Council, HC, Auckland, CIV/2010-404-5944, February 15, 2011) provide particularly useful reading on the principles that will be applied to determining removal applications.

While some of the key removal application principles are noted below, what has become abundantly clear over the years is that a party who wants to be removed from a proceeding needs to have a very clear and unequivocal defence available to them before deciding to make the application.

The most obvious example is where the respondent has a limitation defence available to them — ie, more than 10 years have lapsed since they carried out work on the property.

Where a respondent seeks to be removed merely based on an arguable defence, it is almost inevitable that the removal application will fail.

Principles of Removal

A number of factors will be taken into account in removal applications. These include:

- Whether there is a reasonable cause of action disclosed in the claim documents,
- The likelihood of success against the party seeking removal,
- Whether the application is vexatious or frivolous,
- The likelihood of prejudice or delay,
- Whether the claims being made are relevant and intelligible, and
- Whether there are any issues of undue complexity caused by a proliferation of parties.

How these factors are ultimately applied, of course, depends on the facts and circumstances of each case. However, in relation to the “facts”, the key principle that creates the most difficulty for a party seeking to be removed is that the removal application will proceed on the assumption that the facts as pleaded by the claimant are true.

Where the respondent disputes the pleaded facts (and that dispute cannot be resolved without hearing evidence from witnesses), the removal application will

generally fail on the basis that the respondent needs to remain a party so that full evidence can be heard at trial.

While the WHT is investigative in its approach such that it may be prepared to consider the evidence before it in deciding a removal application, commonly, a party who objects to the removal application will be able to file affidavit evidence which results in a conflict on the affidavit evidence.

For example, the builder says in his affidavit that the plasterer installed inadequate sill flashings whereas the plasterer says in his affidavit that, in fact, the builder installed these sill flashings.

Then, there exists a conflict of evidence, and the objecting party will satisfy the WHT that the party seeking to be removed must remain in the proceeding until full evidence can be heard to determine liability.

Conclusion

While the removal process certainly has an important part to play in leaky building claims, the process is often (and unfortunately) misunderstood by respondents who do not fully appreciate the very high threshold needed to be removed.

Respondents who are therefore considering a removal application need to carefully weigh up the chances of success against the potential costs of making that application, and whether it would be more practical to reserve their resources for mediation and/or adjudication.

It should be remembered that the evidential burden reverts back to the claimant at adjudication and, tactically, not to mention economically, it may serve the interests of the respondent better to argue his or her best defences to liability first at mediation (if a mediation takes place) and then, if necessary, at adjudication where the onus is back upon the claimant.

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

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