

BUILDING TODAY



THE OFFICIAL MAGAZINE OF THE REGISTERED MASTER BUILDERS ASSOCIATION

VOLUME 26 NUMBER 8

SEPTEMBER 2016

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INSIDE:

ABANDONED SITE
CONVERTED TO
REMARKABLE
QUEENSTOWN
GATEWAY

HOUSE OF THE
YEAR NATIONAL
GOLD RESERVE
FINALISTS
ANNOUNCED



ALSO INSIDE:

RLAB TO 'BRING RMA TO ITS KNEES' > PIPELINE REPORT 2016 > PLUMBING/GASFITTING



FLETCHER WINDOW AND DOOR SYSTEMS: REMARKABLY SMART

Fletcher Window and Door Systems continue to innovate and deliver a variety of award-winning projects and systems from thermal curtain wall projects – in the most challenging of New Zealand environments, through to multi-award-winning systems like Smartfit® window technology. More recently, at the WANZ 2016 Awards, Fletcher Window and Door Systems' products and people won multiple awards across several categories including:

- Vistalite Otago and Viridian Glass – Supreme joint winners of the 'Design Project' of the Year (all categories) for the Remarkables Ski Fields Base Building. Vistalite Otago with this project also won the 'Commercial Design Flair' category.
- Fletcher Window and Door Systems and Dulux – Joint winners of the 'Powdercoating Project' of the Year – Remarkables Ski Fields Base Building.
- Fletcher Window and Door Systems and Stafford Hardware – Joint winners of the 'Components Innovation' of the Year for Smartfit® component range.
- Liam Madden – Fisher Canterbury – 'Apprentice of the Year' National Certificate of Architectural Aluminium Windows.
- Lewis Windows & Doors (Vistalite Invercargill), Rylock Otago, Vistalite Otago and Vistalite Canterbury were all finalists in various design project categories.

Fletcher Window and Door Systems prides itself on striving for excellence and working collaboratively with its people, franchisees, suppliers and customers to achieve the best possible project outcomes. Fletcher Window and Door Systems – your specification partner for window and door systems, custom solutions and commercial systems.



TOP AND RIGHT

Remarkables Ski Fields Base Building. Fletcher Window and Door Systems designed project specific extrusions, detailed all complex junctions and worked collaboratively with the engineers.

ABOVE

Michael Brensell – Business Manager at Vistalite Otago receiving the Supreme Award from Darren O'Riley – WANZ President.

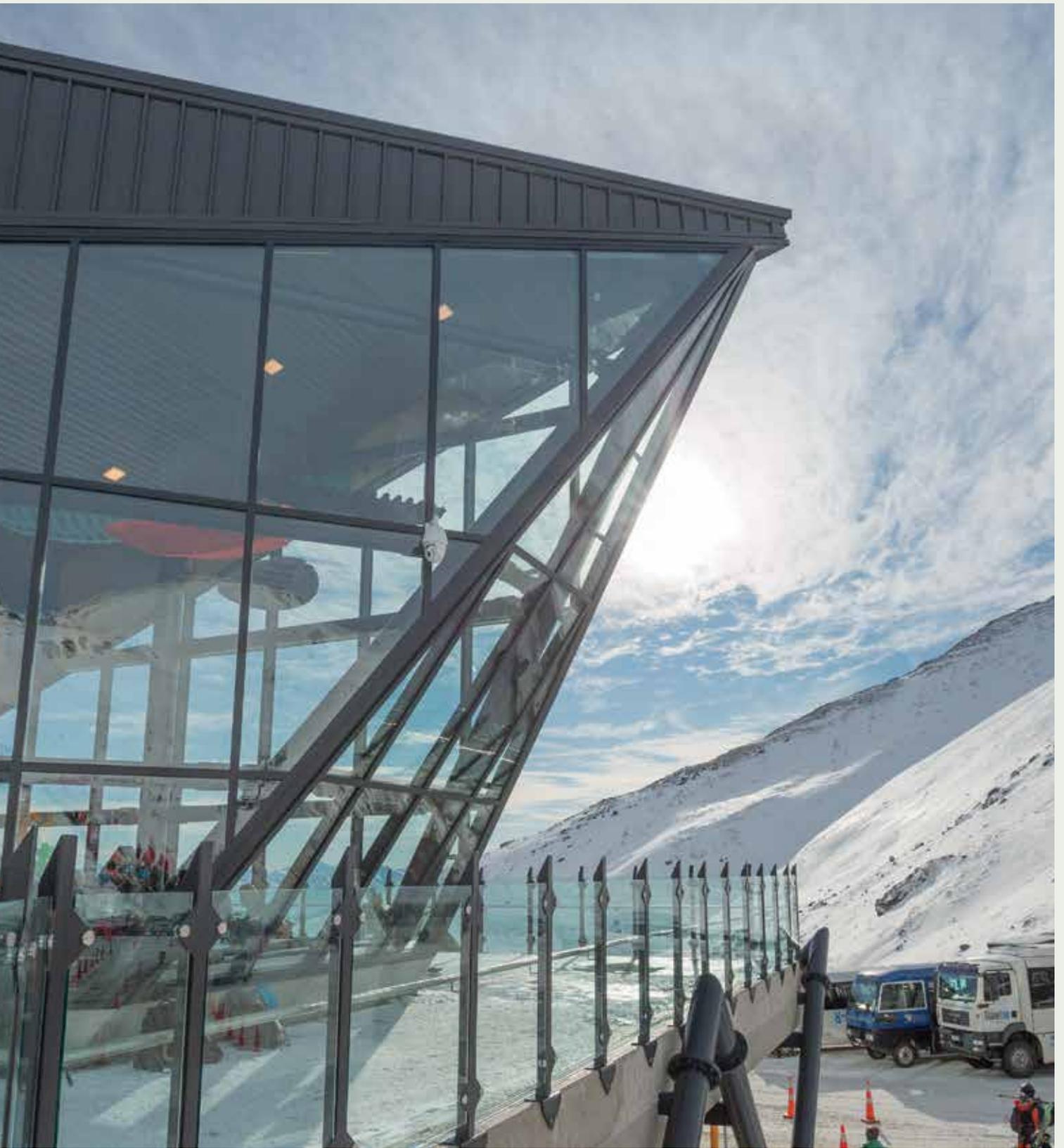
FAR RIGHT

Smartfit® systems install process and detail of the patent pending Smartfit® 'top hub'.



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Modular home manufacture and installation case; Connections; Be up front and straight with your clients

FROM THE EDITOR

Constructive is an RMBA-led initiative that is going to meet the huge challenges facing the New Zealand construction industry head on.

The forum, to be held in Christchurch later this month, has attracted a number of high-profile speakers from a range of disciplines in the sector, as well as featuring appearances from Deputy Prime Minister Bill English and Housing Minister Nick Smith.

Read more about this must-attend event on page 12.

Meanwhile, the Resource Legislation Reform Bill has set off alarm bells for a top environmental law firm, who say planned changes will "bring the Resource Management Act to its knees".

Andrew Darlington — Editor

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News from the CEO's desk

Chief's Chat

By CEO David Kelly

New painting guarantee

An initiative I am delighted to see come to fruition is the launch of a new guarantee by the Master Painters Association.

The RMBA has been working with Master Painters to help develop the guarantee and form a joint venture company.

It is an important step forward as it signals a commitment by the members of Master Painters to stand behind their work in a tangible way through an enhanced guarantee.

For Master Builders members, as the major contractor, this is a benefit as it will limit their liability if they are subcontracting to a Master Painter and the home owner has taken out a Master Painter guarantee.

For further information visit www.mpservices.co.nz.



Ashley Hartley

On a sadder note, it came as a huge shock to hear of the death of Ashley Hartley while he was on holiday in the UK.

Ashley was a staunch supporter of Master Builders, contributing in many ways, including as president in 2006/2007.

He had a passion for the construction industry and also for passing on his knowledge to others for the betterment of the industry.

It was a mark of Ashley's dedication that a couple of days before he died, he emailed me from the UK to give his apologies for missing the upcoming Master Builders AGM — for only the fourth time in 40 years.

He then went on to say he was looking forward to running seminars in Auckland and down south on his return home.

He will be missed.

Constructive

Registrations for the Constructive forum in Christchurch from September 21 to 23 close this week.

To register, visit www.constructive.org.nz. For more details see story, page 12.

Winning apprentice found unexpected passion for the building industry

Jake Pardoe of M & M Tibbles Construction was over the moon when he was awarded first place at the Hawkes Bay East Coast Registered Master Builders Carters 2016 Apprentice of the Year competition.

The 21-year-old from Hastings says winning the regional Apprentice of the Year was one of his best accomplishments, and said the experience was incredibly rewarding.

"It's an amazing feeling to win the competition. It's certainly a great start to my career and has given me a lot more confidence," he says.

Jake says he enjoyed the site visit with the judges where he could showcase his work on the project, but found the interview challenging.

"It was great to not only explain my project to the judges, but to show them what I had been working on. It was great to see their reactions and gain recognition for my hard work," he says.

"I was nervous about the interview beforehand, but it was actually quite enjoyable once I got into it — it's all about confidence."

Jake explains that he was initially university-bound until he found an unexpected passion for the building industry.

"I was all set to go to university — I had signed up for courses and was booked into a hostel. I started working at M & M Tibbles Construction in the holidays to earn some money and really enjoyed the trade, so I decided to stick with it,"



Hawkes Bay East Coast Apprentice of the Year Jake Pardoe with his employers Malcom and Matt Tibbles from M & M Tibbles Construction at the 2016 Hawke's Bay East Coast Apprentice of the Year.

he says.

Jake credits his employer for giving him opportunities to grow his skills in many areas of the industry.

"Being a smaller company, we undertake many tasks ourselves, such as roofing and gibbing, so I went into the competition with a wide skill set which really helped me."

Jake says he is looking forward to being a part of the national competition in November, and has already started preparing for it.

"I have a few interviews set up to help me improve my confidence. It will be great to build

the playhouse alongside fellow apprentices, and I can't wait to be a part of it!" he says.

Apprentices, employers and young people aspiring to be part of the construction industry are also encouraged to join the Facebook page at www.facebook.com/registeredmasterbuilders.

The Registered Master Builders Apprentice of the Year competition is made possible thanks to principal sponsor Carters, the Building and Construction Industry Training Organisation (BCITO), and supporting sponsors the Ministry of Business, Innovation and Employment (MBIE), and APL through their Altherm, First and Vantage brands.

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TOP BUILDS ANNOUNCED AS BEST OF THE BEST

The best builds in New Zealand have been named as National Gold Reserve Finalists in the Registered Master Builders 2016 House of the Year.

David Kelly, chief executive of the Registered Master Builders Association says these homes are well-deserving of being national finalists, with many celebrated for their unique features and innovative designs.

"We have some remarkable homes named as this year's national finalists. House of the Year recognises quality craftsmanship from all over New Zealand and from across the sector, from cost effective builds through to luxury homes. As the building boom continues the competition recognises what is possible," he says.

"Our builders consistently demonstrate excellent craftsmanship and attention to detail to ensure better homes, better workplaces and, ultimately, better lives for all New Zealanders.

"One home was built as a traditional log cabin using locally sourced logs, and one is a renovation that barely survived the Canterbury earthquakes – it was initially to be demolished, and now is a work of art."

The Gold Reserve National Finalists represent the top entrants from this year's regional competitions, which were held in July and August. They will now be re-judged by the national judging panel to find the National Supreme House of the Year and National Supreme Renovation of the Year.

Finalists also have the opportunity to win one of the 12 national category awards, as well as separate awards for four lifestyle categories.

National winners will be announced at a gala dinner in Auckland on Saturday November 26.

"We are extremely proud to run an event that celebrates the incredible talent and passion of New Zealand's building and construction industry," David adds.

The Awards are made possible through the support of PlaceMakers, Master Build Services, GIB, Nulook, Future-Proof Building, Carters, Plumbing World, Resene and Bunnings Trade.

For more information about the competition, visit www.houseoftheyear.co.nz.

GOLD RESERVE NATIONAL FINALISTS BY REGION

10

BAY OF PLENTY
CENTRAL PLATEAU



7

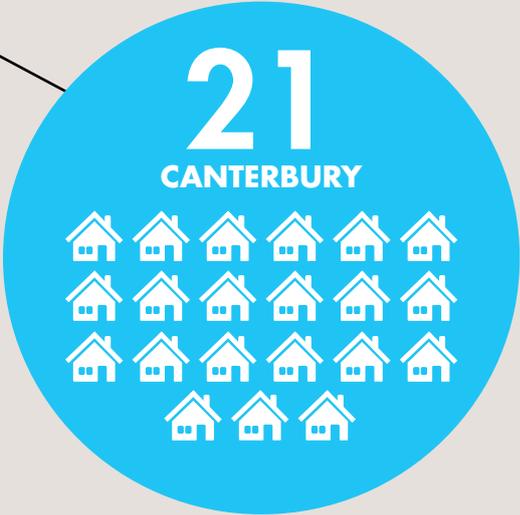
MANAWATU
WANGANUI EAST COAST



5

NELSON MARLBOROUGH
WEST COAST





Registered Master Builders 2016 House of the Year National Gold Reserve Finalists — by region

AUCKLAND

Master Build Services Renovation Award up to \$250,000

Coleman Quality Builders Ltd for a home in Northcote
Renovation Award over \$500,000

Glover Homes Ltd for a home in Milford
Riddington Builders Ltd for a home in Epsom
Haven Renovations Ltd for a home in Birkenhead Point
Next Level Construct Ltd for a home in Grey Lynn

Bunnings New Home up to \$300,000

Maddren Homes Ltd for a home in Beach Haven

PlaceMakers New Home \$400,000 - \$500,000

Glenbuild Ltd for a home on Waiheke Island

Future-Proof Building New Home \$500,000 - \$650,000

Waller Projects Ltd for a home in Murray's Bay
Waller Projects Ltd for a home in Mangere Bridge
Haven Renovations Ltd for a home in Castor Bay
The House Company Ltd for a home in Millwater

Nulook New Home \$650,000 - \$1 million

HAMR Home Building Contractors for a home in Whitianga

Maddren Homes Ltd for a home in Millwater Estate

Jalcon Homes for a home in Pine Harbour

Carters New Home \$1 million - \$2 million

Thorburn Construction Ltd for a home in Mairangi Bay

Alpha 1 Builders Ltd for a home in Mount Albert

Mitchell Builders 2010 Ltd for a home in Papanui

Lindesay Construction Ltd for a home in Taiharuru

New Home over \$2 million

PSL Construction Ltd for a home in Russell

Cove Construction Ltd for a home in Hahei

Lindesay Construction Ltd for a home in Te Atatu Peninsula

Richard Davidson Builders Ltd for a home in Campbells Bay

Bay

Builders Own Home

SIKA Homes Ltd for a home in One Tree Hill

BAY OF PLENTY CENTRAL PLATEAU

Renovation Award over \$500,000

Todd Grey Builders Ltd for a home in Tauranga

Riordan Construction Ltd for a home in Mount Maunganui

Resene New Home \$300,000 - \$400,000

Design Builders Taupo Ltd for a home in Taupo

Future-Proof Building New Home \$500,000 - \$650,000

Calley Homes for a home in Avenues

Beechtree Building Ltd for a home in Taupo

Nulook New Home \$650,000 - \$1 million

Harwood Homes NZ Ltd for a home in Tauranga

Carters New Home \$1 million - \$2 million

D&B Construction Ltd for a home in Mount Maunganui

New Home over \$2 million

Gudsell Designer Homes for a home in Mount Maunganui

Maunganui

Edinbridge Resources Ltd for a home in Mount Maunganui

Maunganui

Builders Own Home

Belco Homes for a home in Waihi Beach

CANTERBURY

Renovation Award over \$500,000

Craig Brown Construction Ltd for a home in Darfield

Mike Greer Homes Canterbury Ltd for a home in Merivale

Bunnings New Home up to \$300,000

Greenland Homes for a home in Wigram Skies

Mike Greer Homes Canterbury Ltd for a home in Redcliffs

Resene New Home \$300,000 - \$400,000

Sinclair Builders for a home in Hillsborough

PlaceMakers New Home \$400,000 - \$500,000

Milestone Homes Canterbury (2012) Ltd for a home in Redwood

Future-Proof Building New Home \$500,000 - \$650,000

Benchmark Homes Canterbury Ltd for a home in Christchurch Central

Christchurch Central

Sinclair Builders for a home in Cust

Nulook New Home \$650,000 - \$1 million

JD Homes Ltd for a home in Huntsbury

Gregg Builders Ltd for a home in Hampton Grange

Form Builders Ltd for a home in Fendalton

DNA Structures Ltd for a home in Prebbleton

Home Trends Builders Ltd for a home in Merivale

Carters New Home \$1 million - \$2 million

Metzger Builders Ltd (MBL) for a home in Clearwater

Avenue Homes Design Build Ltd for a home in Cashmere

Cashmere

AJ Scott Construction Ltd for a home in Fendalton

Jim the Builder for a home in Fendalton

New Home over \$2 million

Metzger Builders Ltd (MBL) for a home in Clearwater

Parsons Construction Ltd for a home in Beckenham

Parsons Construction Ltd for a home in Scarborough

Builders Own Home

Casa Construction Ltd for a home in St Albans

MANAWATU WANGANUI EAST COAST

Future-Proof Building New Home \$500,000 - \$650,000

Building Logic Ltd for a home in Bayview

New Home over \$2 million

Redmond Builders & Construction Ltd for a home in Havelock North

Havelock North

Master Build Services Renovation Award up to \$250,000

Avenue Construction Ltd for a home in Palmerston North

North

PlaceMakers New Home \$400,000 - \$500,000

Cavalier Homes Manawatu for a home in Palmerston North

Future-Proof Building New Home \$500,000 - \$650,000

Richards Construction Ltd for a home in Marton

Nulook New Home \$650,000 - \$1 million

Fowler Homes (Manawatu) Ltd for a home in Feilding

Carters New Home \$1 million - \$2 million

Fowler Homes (Manawatu) Ltd for a home in Palmerston North

Palmerston North

NELSON MARLBOROUGH WEST COAST

Renovation Award \$250,000 - \$500,000

George Guthrie Construction for a home in Blenheim

Future-Proof Building New Home \$500,000 - \$650,000

\$650,000

J Lewis Building Ltd for a home in Nelson

Nulook New Home \$650,000 - \$1 million

David Reid Homes, Nelson Tasman for a home in Motueka

Motueka

New Home over \$2 million

Harris Builders for a home in Nelson

Lawson Homes for a home in Marlborough

MID & SOUTH CANTERBURY

Master Build Services Renovation Award up to \$250,000

Smith & Sons Ashburton for a home in Ashburton

Renovation Award over \$500,000

Wilson Building Timaru Ltd for a home in Timaru

Future-Proof Building New Home \$500,000 - \$650,000

Dimension Building Ltd for a home in Timaru

Carters New Home \$1 million - \$2 million

High Country Carpentry Ltd for a home in Oamaru

SOUTHERN

Nulook New Home \$650,000 - \$1 million

Dunlop Builders Ltd for a home in Wanaka

New Home over \$2 million

Nigel Anderson Building Ltd for a home in Wanaka

The Breen Construction Company Ltd for a home in Wanaka

Wanaka

M & S Construction Ltd for a home in Queenstown

CDL Building for a home in Wanaka

TARANAKI

Renovation Award over \$500,000

David Fabish Ltd for a home in Oakura

Resene New Home \$300,000 - \$400,000

Fowler Homes Taranaki Ltd for a home in Westown

PlaceMakers New Home \$400,000 - \$500,000

Fowler Homes Taranaki Ltd for a home in Tarururangi

Future-Proof Building New Home \$500,000 - \$650,000

Terry Clegg Builders Ltd for a home in Fernbrook Heights

Nulook New Home \$650,000 - \$1 million

Gareth Collins Building Ltd for a home in Strandon

Fowler Homes Taranaki Ltd for a home in Pitone

Hofmans Builders for a home in Central New Plymouth

WAIKATO

Renovation Award over \$500,000

John S Macdonald Builders Ltd for a home in Hamilton

Nulook New Home \$650,000 - \$1 million

Peter Vossen Builders Ltd for a home in Matamata

Glenn Diffey Builders Ltd for a home in Hamilton

Urban Homes for a home in Cambridge

Gudsell Designer Homes Ltd for a home in Cambridge

Carters New Home \$1 million - \$2 million

Stewart Hanna Ltd for a home in Hamilton

Sloan Annand Builder for a home in Taumarunui

GIB Show Home

Vida Homes Ltd for a home in Cambridge

Design Builders Waikato Ltd for a home in Hamilton

Urban Homes for a home in Cambridge

WELLINGTON WAIRARAPA

Renovation Award \$250,000 - \$500,000

Scotty's Construction (2002) Ltd for a home in Thorndon

Renovation Award over \$500,000

Planit Construction for a home in Karori

Keys Construction Ltd for a home in Kelburn

Future-Proof Building New Home \$500,000 - \$650,000

Primesite Homes Ltd for a home in Wadestown

Nulook New Home \$650,000 - \$1 million

Richard Sexton Builders Ltd for a home in Masterton

Ray Thorner Construction Ltd for a home in Upper Hutt

Carters New Home \$1 million - \$2 million

S & J Mackay Builders Ltd for a home in Waikanae



Rebuild of historic library a triumph

An uncompromising commitment to faithful restoration, despite numerous challenges, means that Christ's College Hare Memorial Library has been reinstated to its former glory.

There are not many projects in the Christchurch rebuild where historic methods such as stone masonry and slate roofing go hand in hand with the latest engineering techniques and earthquake strengthening.

But the rebuild of Christ's College Hare Memorial Library merges old and new techniques to ensure the future of the Victorian Gothic-style 100-year-old building.

Taking out the Restoration category in this year's Commercial Project Awards, and praised for the team's "uncompromising commitment to faithful restoration", Naylor Love senior project manager Stephen Lynch described the project as "one of the most complicated completed at Christ's College".

"The cost per square metre was \$28,000," Mr Lynch says. "This shows how much work and effort went in to reinstating this building back to its original features after intense detailed structural strengthening.

"We faced a lot of challenges. The college is a live environment and, as such, we had to maintain full access around the building for the kids to get in and out of class."

Taking more than 12 months to complete, the team also had to ensure the careful internal deconstruction of all heritage items, including the main staircase, was completed before any work commenced.

Each item was meticulously photographed and numbered before being stored off-site while structural work and services were added.

While seismic strengthening for such an expressive and historic building was a huge challenge, much of the work done is concealed from view.

The heavy masonry walls were drilled from the eaves down to the new foundations, and post-tensioning rods installed, while the internal brick walls have been deconstructed to make way for a new shear wall that is propped to the external masonry walls.



Reinstated to its former glory, Christ's College Hare Memorial Library in Christchurch won the Restoration category in the 2016 New Zealand Commercial Project Awards.

"You always learn from every project undertaken. Design changes and moves very quickly, especially when you are dealing with seismic strengthening. While Hare Memorial had nothing really new in design, how we achieved it was," Mr Lynch says.

"The drilling for the post tension rods was drilled dry. These holes are normally drilled using water to protect equipment and speed up drilling, but with the heritage fabric in this building, using water was not an option.

"After long discussions with the drilling contractor and engineers we resolved this by dry drilling, which was a longer process, but meant no damage to the fabric.

"It's great to be recognised with this award for the quality outcome achieved for the client."

Christ's College bursar Colin Sweetman says staff working in the Category 1 Heritage Building are privileged to be working in the

space.

"The end result has been described as 'world class' by Christchurch's leading heritage advocate. It's wonderful seeing the end result, which has truly enhanced the building and kept the heritage."

Awards judges praised the team's commitment despite challenges.

"Overwhelmingly, this project demonstrates an appreciation of the building's place in history, and an uncompromising commitment to faithful restoration," they said.

"Craftsmanship and technical expertise have been seamlessly applied by the team to the interior and exterior of this small but treasured building."

Applications are now open for the 2017 New Zealand Commercial Project Awards. Find out more at www.commercialprojectawards.co.nz.

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All-of-sector meeting to tackle housing issues

New Zealand's construction sector is facing the largest challenge of a generation.

Auckland housing, the Canterbury rebuild, booming house prices, a lack of resource supply and the aftermath of the global financial crisis are just a few of the issues calling for an all-of-sector forum this month.

The Registered Master Builders Association (RMBA) is leading Constructive, a forum to be held in Christchurch from September 21 to 23.

Attendees will address New Zealand's key issues with a view to improving outcomes and performance for all.

RMBA chief executive David Kelly says Constructive is a fantastic opportunity for the wider construction sector to engage with the issues as a whole.

Those attending include economists, financiers, insurers, councils, regulators, engineers, builders, architects, quantity surveyors, planners and industry training organisations.

"Housing is New Zealand's number one issue right now, and the Government and the sector need to come together to tackle these challenges and discuss strategies to overcome them," he says.

"Constructive is the first time this broad group will come together. It will play a critical role in New Zealand's development."

Finance Minister and Deputy Prime Minister Bill English, along with Building and Housing Minister Nick Smith, intend to discuss the importance of the construction sector to New Zealand's economy, and the challenges ahead.

A number of speakers from a range of disciplines in the construction sector will also share their views and participate in discussions to develop strategies for New Zealand's future success. Speakers and facilitators include:

- David Kelly, Registered Master Builders Association chief executive
- Connal Townsend, Property Council New Zealand chief executive
- Teena Hale Pennington, NZ Institute of Architects chief executive
- John Coop, Warren and Mahoney chairman and regional principal
- Chris Parker, Auckland Council chief economist
- Mark McGuinness, Willis Bond & Co managing director
- Gary Walker, Hawkins Construction executive general manager
- Craig Price, Beca Ltd director and South Island regional manager
- Mike Greer, MHG NZ Ltd managing director
- John Bridgman, AECOM Civil Infrastructure Industry director
- Andrew McKenzie, The Fletcher Construction Company Ltd, general manager finance
- Murray Sherwin, New Zealand Productivity Commission chair
- Sir Maarten Wevers, EQC chair

The speakers will discuss a broad range of topics, including lessons to be learned from the challenges that arose from the Canterbury earthquakes, the impact of the global financial crisis, industry changes and emerging trends and issues.

Constructive will consist of informative and interactive panel discussions on topical issues within the industry, followed by a series of site visits/tours.

For more information or to register, visit www.constructive.org.nz.



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Questions from the GIB® Helpline

People from the trade talking to people in the trade has always been the focus of the Training and Support Team at Winstone Wallboards. Whether that's from behind a drawing board or on the building site.

One of the core responsibilities the team has is to man the GIB® Helpline which takes calls from all over the country.

Below are some of the most common plasterboard related questions received:

Q.1 Can I substitute one manufacturer's component for another manufacturer's component in a tested system like bracing, fire or noise?

A.1 The industry is becoming more aware of substituting specified components and how they may impact on both performance and compliance. It is not possible for manufacturers to test all combinations that include other manufacturer's components.

"If you choose to substitute a component in a tested system, then the responsibility lies with you to verify that it is suitable for use (in all respects)".

What this means is that you need to make sure it's ok with not only the supplier (that the component performs the same as the original specification). You may also need to check that it is ok with the local authority that they will accept it.

Q.2 In a fire-rated wall system, can I substitute GIB Braceline® / GIB Noiseline® for GIB Fyrelime®?

A.2 Yes you can. (Refer to page 16 of the current GIB® Site Guide). More of the dwellings being constructed in the main centres involve apartments, inter-tenancy or terraced-styled homes. This means that more buildings are requiring performance systems to provide separation, and quite often these require multiple performance systems within the same wall.

Q.3 What sort of glue can be used in a GIB® fire rated system?

A.3 Glue cannot be used in place of mechanical fasteners in a fire-rated system. The plasterboard relies on the mechanical fasteners to keep it against the framing. That's why the fastener length and pattern are important, and a builder needs to be familiar with these details before starting the work.

Q.4 What do I do if I have installed the GIB® plasterboard using glue in a GIB® fire-rated system?

A.4 If you have used glue it will not be detrimental to the performance of the GIB® fire-rated system. If there are any daubs of glue it is likely that it will melt within the cavity of the wall.

Q.5 Do I have to stop the first layer in a two layer GIB® fire rated system?

A.5 No you don't have to plaster the first layer. When a two-layer system is being installed the second layer is offset to the first layer and this provides protection at the joint. However, you are still typically required to get the first layer inspected prior to the second layer being installed.

**For further assistance call the
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From abandoned eyesore to striking Queenstown gateway



The Buchan Group principal David Thornton says the form, texture and colour of the buildings directly reflects the contrasting and rugged alpine landscape in the region.

The first stage of the NZ\$130 million Five Mile Retail Centre development at the gateway to Queenstown has begun welcoming residents and visitors alike, converting the site from an abandoned eyesore into an enticing state-of-the-art shopping precinct.

Encompassing 14,000m sq m, the four contemporary retail buildings are now home to leading retailers, including Countdown, Briscoes Homeware, Rebel Sport, Warehouse Stationery, Number One Shoes, Supercheap Auto, ANZ Bank and Dick Smith Electronics.

The complex will also eventually accommodate 800 car parks (including 250 underground) food operators, offices, serviced apartments and a child care centre.

Australasian design firm The Buchan Group was appointed by Queenstown Gateway Ltd in 2012 to complete architecture, master

planning, interior and graphics works for the project which is located beside Queenstown Airport.

The site had been home to a 2.4ha hole created from a construction project that was abandoned when the previous developer was placed into receivership in 2008.

The Buchan Group principal David Thornton says the first stage of the retail centre had finally created an inviting gateway to Queenstown from the eastern approach through to Frankton that locals could be proud of.

"Our vision was to design a development befitting the region that reflected the unique characteristics of the stunning surrounding vistas," Mr Thornton says.

"This meant not only designing a modern retail

centre that was appealing to locals and visitors, but also one that was suitably striking for one of the best locations in the Frankton and Shotover region.

"The form, texture and colour of the buildings directly reflects the contrasting and rugged alpine landscape in the region — the jagged profile of the Remarkables against the skyline, and the varying colours and shadows that they evoke throughout the day and the seasons.

"As a result, the rooflines are angled and steeped, creating a sharp silhouette against the sky, the horizon, and shadows on adjacent buildings and on the ground.

"The buildings also frame view shafts to Double Cone, Peninsula Hill, Cecil Peak and Walter Peak, ensuring the development highlights these natural assets," Mr Thornton says.

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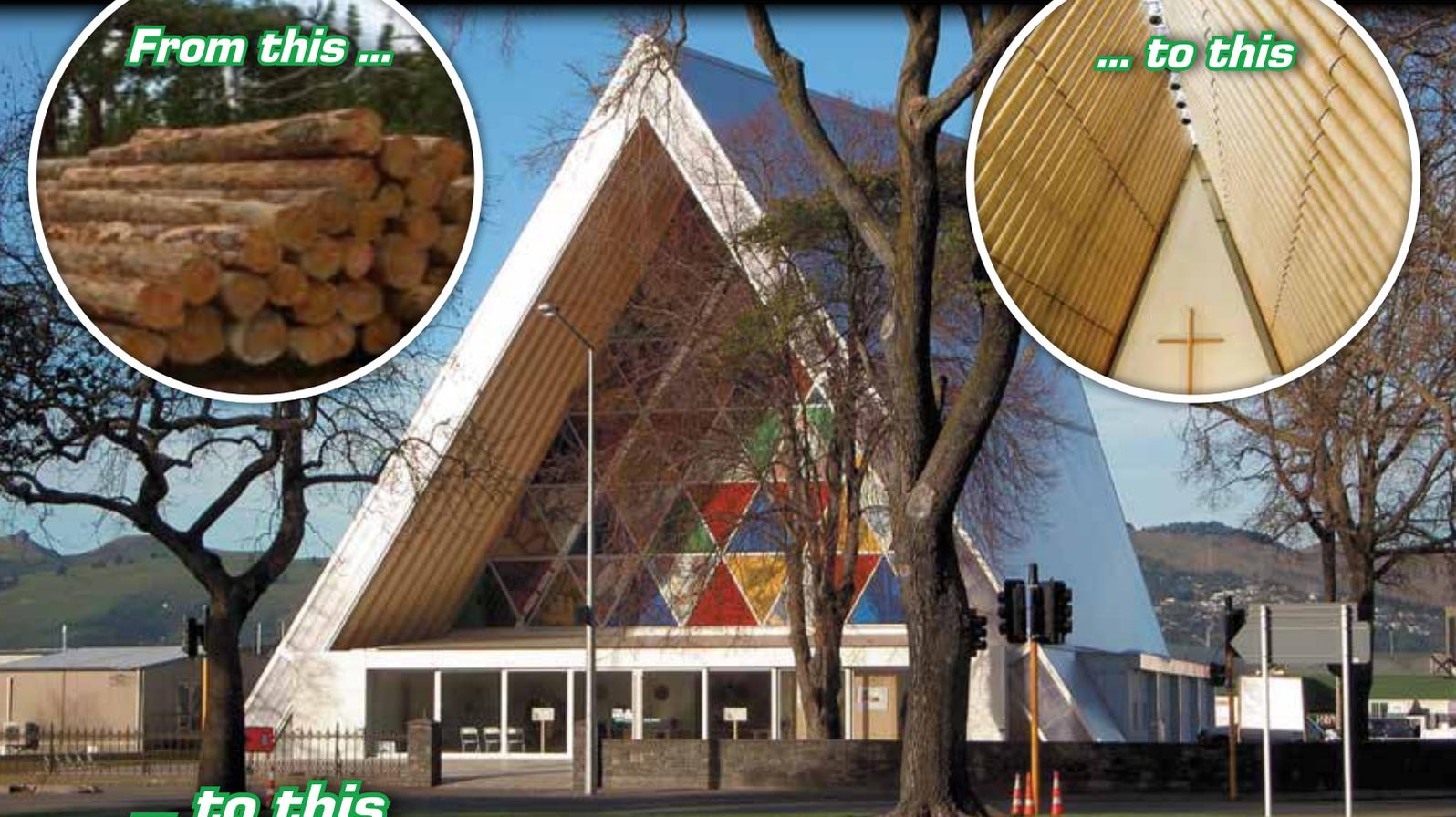
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2013 Winner - Excellence in Residential Concrete Construction

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RLAB will 'bring ground-breaking RMA to its knees'

Environmental law firm Berry Simons is deeply concerned about the Government's planned changes to the Resource Management Act (RMA), warning that the Act is nearing a tipping point at which it is unworkable.

In their latest paper, *The final straw for the RMA? Some shortcomings of the Resource Legislation Reform Bill 2015 (RLAB)*, Simon Berry and Helen Andrews argue that continued amendments to the RMA, including some of those proposed in the RLAB, are bringing the once internationally ground-breaking legislation "to its knees".

Partner Simon Berry says while some aspects of the Bill are positive and supported, a number of the amendments are ill conceived and poorly drafted.

"The RLAB is extremely concerning for its erosion of access to justice, and potential to create unintended consequences. If enacted in its present form, it could prove to be the final straw for the RMA in terms of efficiency and application."

Senior associate Helen Andrews says one of the firm's key concerns is that several of the amendments are based on flawed assumptions about the current problems with RMA processes.

"The Bill's flawed assumptions have produced provisions that are designed to solve problems which do not exist, or are not significant enough to warrant legislative intervention of this magnitude.

"These will require councils to gear up for changes which will have little benefit, and which could also produce unintended negative consequences."

Mr Berry points out a further issue with the Bill is that it significantly reduces opportunities for public participation — one of the fundamental pillars of the RMA.

"For example, the Bill precludes limited notification of certain activities, even to neighbours. It also makes it mandatory for local authorities to strike out submissions in certain circumstances.

"Access to justice is a cornerstone of our democratic society. Participating in planning processes represents a fundamental means of protecting property rights," Mr Berry says.

"Any restriction on this ability should only occur in a transparent manner and with sound justification — not through death by a thousand cuts via continual amendments to an Act founded on public participation."

Ms Andrews highlights a third key concern as being the Bill's introduction of novel concepts which have not been defined or tested before, as well as producing unnecessary complexities.

This will inevitably create further confusion, costs and delays via litigation to clarify the scope of the new provisions.

Classic examples of this are the unusual concept of "deemed permitted activities", and an entirely new set of notification provisions.

"In its 25-year history, the RMA has been significantly amended many times. Every round of amendments potentially creates more costs and delays, as it adds complexities and new provisions and concepts which must then be understood and applied by applicants, legal advisors and council staff.

"The results are increased uncertainty and cost, and highly difficult-to-predict litigious outcomes where people have to go to lawyers and often through the court process just to obtain guidance on what a new concept means, or how to interpret poorly drafted provisions.

"As a result, the RMA is inevitably and simplistically blamed for being difficult to predict and highly litigious," Ms Andrews says.

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\$24 million investment in Auckland housing a step in right direction

Community Housing Aotearoa (CHA) says the Government's move to invest \$24.4 million into more affordable housing in Auckland will provide a good starting foundation.

The Government is giving an extra \$24.4 million to community housing providers to increase the supply of social housing in Auckland.

"It's great to see Government taking the housing issue seriously and committing to increasing the number of affordable homes available in Auckland through community housing providers," CHA chief executive Scott Figenshow says.

"We've been asking Government for a capital injection to go along with the rent subsidy — and they've heard us, that's great.

"This will allow community housing providers in Auckland to target areas of need and make sure homes are fit-for-purpose, provide more one and two-bedroom and larger homes, which will enable better outcomes for individuals and families.

"It's also great to see that flexibility is built into this grant," Mr Figenshow says.

Community housing organisations will be able to either:

- receive an upfront grant of up to 50% of the value of the development, or
- once the development is built, receive a weekly grant of up to 50% of market rent on top of the current rental subsidies the Government provides, or
- they can receive a combination of both, up to the equivalent level of funding provided by either the upfront funding or weekly subsidy alone.
- Community housing groups providing social housing in a property leased from the private market can also receive a grant of up to 50% of market rent, on top of the subsidised rent they receive.

Mr Figenshow says increasing the number of homes provided by community housing organisations in Auckland will be better for these communities in the long run.

"They will have social housing that is truly responsive to tenant requests and needs, and which provides more housing options, including social, affordable rental and home ownership options.

"These much needed homes will be retained in local communities with the real opportunity to increase those assets," he says.

"These homes will also be less subject to political change or paralysis, and tenants will be comfortable knowing they are living in homes covered by quality standards with strong regulations.

"It's great to see we are moving in the right direction," he says.

For much more up-to-date construction news and views, go online to www.buildingtoday.co.nz

Quality systems for ready mixed concrete plants

The recently released National Construction Pipeline Report 2016 paints a bright picture for the New Zealand building industry across the duration of its forecast period to 2021.

Auckland residential building is projected to increase by another \$3.3 billion by 2017, while Waikato and the Bay of Plenty are predicted to soon become the second largest region by value of work.

With such a period of intense construction anticipated across residential, commercial and civil sectors over the coming years, it is crucial that building products can be relied upon.

Quality issues

The issue of quality building products has been topical recently, attracting a degree of media attention. Along with a focus on plumbing fittings and glass balustrades, seismic grade steel reinforcing mesh has been in the spotlight.

These current concerns, along with the shadow of leaky buildings, demand that issues of product performance be addressed to ensure confidence amongst architects, designers, engineers, builders and their clients.

Audited ready mixed concrete

New Zealand consumers of ready mixed concrete can take comfort in the knowledge that concrete produced and supplied by a plant certified under the New Zealand Ready Mixed Concrete Association (NZRMCA) Plant Audit Scheme meets robust standards.

The NZRMCA was formed over half a century

ago in 1963, and continues to grow in size. Today, 44 member companies now control around 180 ready mixed concrete plants throughout New Zealand.

Quality monitoring was the prime reason for the formation of the NZRMCA and, in turn, the creation of the audit scheme.

The scheme operates to audit NZRMCA members' ready mixed concrete plants, as defined in New Zealand Standard NZS 3104 Specification for Concrete Production.

The scheme provides a rigorous audit of the quality systems in place at a ready mixed concrete plant. Audits are carried out by the Plant Audit Committee — a group of experienced engineers, which includes representatives from IPENZ and the New Zealand Concrete Society.

The scheme operates under an assurance programme certified to ISO 9001 and audited by Bureau Veritas Quality International.

What the scheme requires

Compliance with NZS 3104 and the relevant parts of related documents is mandatory under the scheme, along with an appropriately qualified concrete tester at each plant, as well as a suitably qualified plant engineer.

Records must be properly maintained, with original copies retained on-site to provide an audit trail confirming the test records analysed are correct and complete.

Specific benchmarks audited

Plants report quality performance data to the

committee annually, and are subject to a detailed annual review of data, together with an on-site audit every second year. Site audits may also be carried out without warning at any time.

Among performance criteria audited are mean concrete strengths, aggregate quality, equipment calibration, production and testing record keeping, as well as technician training.

In addition to the benchmarks audited, the frequency of testing within each quarter year must be submitted to the committee. Failure to maintain testing requirements can result in the withdrawal of an audit certificate.

Audit certificates are issued for a period not exceeding 12 months. Where plants fail to meet the criteria, their audit certificate is removed.

When using ready mixed concrete from plants outside of the scheme, remember the purchaser is responsible for ensuring the product supplied complies with NZS 3104 in accordance with the New Zealand Building Code.

A full list of audited plants is available on the scheme's web site at www.rmcpplantaudit.org.nz.

Confidence in the future

The independently verified scheme for ready mixed concrete demonstrates an ongoing commitment to maintain product performance.

With record volumes of concrete currently going out of the gate, this offers a great deal of assurance if, as the National Construction Pipeline Report 2016 predicts, national construction value sustains a rate of growth forecast to peak at \$37 billion in 2017 — a level not seen in 40 years.



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\$10K kitchen promotion

Pace Modular is offering the chance to win a kitchen worth up to \$10,000. And it's rather simple to enter. Simply order a kitchen from Pace Modular or one of the company's approved suppliers between September 20 and November 20 and you'll instantly be entered into the draw to win the value of your kitchen back, up to the value of \$10,000.

Kitchen designer

Sometimes it's hard to see what a new kitchen will look like in an existing or new home. Pace Modular's newly-released Kitchen Designer enables clients to design kitchens in the comfort of their own home.

Clients can use a pre-set background or upload a photo of their current kitchen and start dragging and dropping their way to a new kitchen.



Tradies

Tradies love working with Pace Modular, and for good reason. Providing them with high-quality products and great trade prices is just the beginning. Pace Modular offers free assistance with design, and marketing services

to promote your business.

The online Kitchen Designer enables tradies to visit prospective clients' properties and work on a tablet to design a kitchen right in front of them. Securing work has never been easier.

For more info visit www.pacemodular.co.nz.

Systems updated to offer design flexibility

GIB EzyBrace Systems have been updated to offer improved design flexibility and further simplification.

The update includes:

- GIB EzyBrace 2016 Design Software: Improved user interface with simplified bracing design process, and includes the new GIB Bracing element GS2-NOM.
- New GIB Bracing Element GS2-NOM: Allows internal walls lined with GIB plasterboard on both sides and fastened off as per the standard fixing requirements of the current GIB Site Guide to contribute to bracing resistance.

Key benefits of the GS2-NOM bracing element include:

- Potential to reduce the amount of fasteners and GIB HandiBracs required

to be used. *

- Encourages more even bracing distribution throughout the building.
- Allows most homes to be braced with a single lining type.
- Update to openings in bracing elements and ceiling diaphragms.
- Large holes specification updated to use a more conservative methodology.
- Guidance included for fireplace flues and range hoods.

Visit www.gib.co.nz/ezybrace to download the latest GIB EzyBrace design software, technical literature and CAD details, or call the GIB Helpline on 0800 100 442 for technical assistance.

* Actual savings dependent on building and bracing design.



BT's Back in Time

20 years ago:

- The NZMBF “absolutely supported” the New Zealand Employers Federation advertising campaign promoting the benefits the Employment Contracts Act had brought to the country.

“We have put money into the campaign to reflect the importance of the retention of the Act by whichever party or parties have the government benches after next month’s general election,” NZMBF chief executive Trevor Allsebrook said.

He said the Federation was not promoting the election of any particular party, “but is doing its best, both in supporting this advertising campaign and in personal contacts with politicians, to make it clear New Zealand can’t return to the failed policies of the past, particularly in industrial relations.”

15 years ago:

- Plumbing World, the only 100% New Zealand-owned national plumbing merchant, pipped international competition by opening New Zealand’s first plumbing superstore in Manukau, Auckland.

The 550 sq m showroom included the only working gas displays in the country, along with working steam showers, spa baths, bathrooms and kitchen displays.

The company’s move to reach the home maker reflected overseas trends where bathroom, laundry and kitchen fixtures were big fashion news, marketing manager Jeff Laurie said.

“These are areas that have traditionally been considered the domain of the trade. But with the huge growth in product and style choice, and the increased importance of these areas to lifestyle, the customer enjoys making their own decisions at a one-stop shop environment,” he said.

10 years ago:

- RMBF chief executive Pieter Burghout said the Federation had seen a plethora of web sites pop up in the previous few months that rated builders and other tradespeople.

“We would be disappointed if the public used this sort of vehicle to choose their builder. The builder ratings, in our view, don’t give real confirmation of quality that the public should be looking for, and could also be open to abuse,” Mr Burghout said.

“We believe the RMBF brand already provides a much better validation of the kind of quality that consumers should expect, because over the years we’ve learned that builders who run sound businesses also build good homes.”

5 years ago:

- The lack of available earthquake insurance in the Canterbury region was having a crippling effect on building companies in the area, according to RMBF chief executive Warwick Quinn.

He said there was a blanket policy by all insurance companies of not providing earthquake cover when it comes to new policies.

“That means home owners looking to settle on the purchase of a new home could not do so as they could not get earthquake cover or bank funding and, therefore, no settlement.

“There are many building companies with virtually finished houses on their books that they cannot hand over, and many frustrated would-be home owners as a result,” Mr Quinn said.

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New way forward for Continuing Professional Development

The New Zealand Plumbers Gasfitters and Drainlayers Board (PGDB) has developed a new CPD system which took effect this year. PGDB communications manager Janette Deed explains the changes in the new system.

A new Continuing Professional Development (CPD) system for plumbers, gasfitters and drainlayers has been developed which took effect this year.

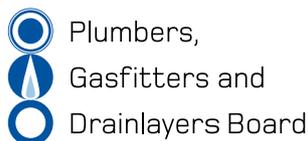
While there were many good aspects of the previous system, there were also a number of problems.

In particular, there were significant variations in the quality and cost of the courses provided.

Many tradespeople were critical of the fact that the previous system had developed into a points gathering exercise and a product forum for some suppliers.

Now, instead of relying on product manufacturers to produce courses that the industry can choose from, CPD training has moved to a more resourceful and consistent approach.

The scheme, developed in conjunction with a stakeholder group made up of industry representatives and associations, has lifted the



overall quality and uniformity of training for the industry.

Under the new system, every tradesperson now only completes one mandatory training session a year, either online, or by attending one of the 45 sponsored training days.

The 45 sessions, which run throughout New Zealand during June, July, August and September, are in partnership with Mico Plumbing and Bathrooms.

The Skills Organisation develops the materials for the sessions which are delivered by trained presenters.

Scheme has been positively embraced

As well as reducing the cost for tradespeople, this CPD model and the associated partnerships help the industry stay abreast of key issues, and ensure the overall quality and content of the new approach.

The New Zealand Plumbers Gasfitters and Drainlayers Board (PGDB) is pleased to see the successful launch of the scheme has been positively embraced by the industry.

Selection and topic development for the training to be delivered in 2017 is currently underway.

The PGDB is seeking industry feedback, and all suggestions on potential topics can be forwarded to comms@pgdb.co.nz.



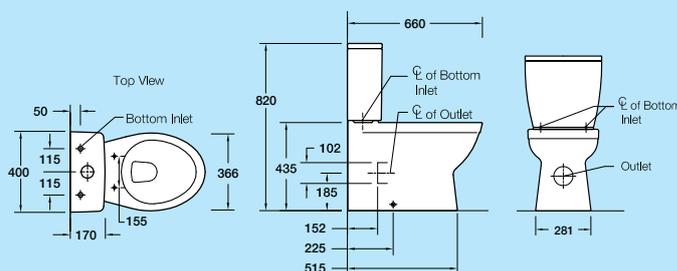
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App technology puts illegal operators behind the eight ball

The clampdown on unauthorised plumbing, gasfitting and drainlaying work in the construction industry continues. As part of the Plumbing Gasfitters and Drainlayers Board's (PDGB's) increased focus on unauthorised work, it has developed the Report-A-Cowboy (R A C) app.

Released for download early this year, the R A C app is effectively dealing with unauthorised work within the construction industry quickly.

The app allows industry tradespeople and consumers to submit photo and video evidence of illegal work sites, false advertising on vans and so on.

It is effectively squeezing out and closing the gap for those working illegally who bring the industry into disrepute and take work from legitimate tradespeople.

It has the ability to log GPS coordinates, and allows those reporting through the app to request confidentiality. It is a direct link to the Board's newly-formed investigations unit.

The information gathered is successful in allowing the PGDB to identify and target its resources at New Zealand hot-spot areas.

The Board encourages all industry tradespeople to download the free app and assist in identifying and holding to account those they come across who are carrying out restricted work unlawfully.

The R A C app is available through the App Store and Google Play — or on the Board's web site at www.pgdb.co.nz/app.

Installing and maintaining gas appliances

Whether putting in a gas fireplace, water heating, oven, cooktop or heating system, you must always hire a licensed gasfitter — experts who will make sure it is connected correctly, flued and vented properly, working properly and, most important, safe to use.

All authorised tradespeople must carry an authorisation card issued by the Plumbers Gasfitters and Drainlayers Board. Sanitary plumbing, gasfitting and drainlaying are regulated industries in New Zealand, and it's illegal for anyone to do this work unless they are authorised by the Board.

So, how do you know whether a gas appliance is working safely? Gas appliances should be regularly serviced to keep them running safely and efficiently.

Gas fireplaces and LPG cabinet heaters should be serviced every year. Other space heaters and water heaters should be serviced at least every two years.

When a licensed gasfitter carries out work, they should be asked to double check that all appliances are properly installed and maintained in good working order.

Ventilation inlets should not be blocked or restricted. Poorly maintained appliances or blocked flues or ventilation can produce carbon monoxide, which can be fatal.

Gas appliances need fresh air to operate safely and efficiently. Unflued appliances should only be used in areas that are well ventilated. And:

- Never use an unflued gas appliance in small spaces such as a bedroom, bathroom, cabin or caravan.
- Don't use outdoor gas appliances such as patio heaters and barbecues indoors.
- Camping appliances such as lanterns and cookers must never be used in unventilated areas, including caravans and sealed tents.

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The National Construction Pipeline Report — a valuable tool which could help dampen the effects of the next bust

Shock horror! *Building Today* columnist and industry stalwart Mike Fox praises the MBIE and others on the much needed clarity provided by the National Construction Pipeline Report.

In July of this year, the Ministry of Business Innovation and Enterprise (MBIE) released a useful and enlightening report to do with understanding the national construction pipeline, and the resources New Zealand requires to complete it through to 2021.

MBIE, BRANZ and Pacifecon are to be congratulated on providing some much needed clarity on what was previously a vacuum of information.

The aim of this report is to provide everyone interested in the construction sector a clear pipeline of future construction work, to assist in:

- planning by all participants in the sector,
- scheduling of investment in skills and capital, and
- co-ordination between construction procurers (particularly central and local government) that can lead to better scheduling of construction projects.

These improvements could be used to moderate the boom-bust cycles that have negative impacts on productivity, employment, skill levels and quality in the construction sector.

Releasing construction projects counter-cyclically would smooth out work flows, save money and keep skilled workforces intact during the traditional down times.

This is the first time information like this has been captured into one usable area and then expanded further into a report on national/regional construction occupation projections.

It also includes an interactive web tool to assist with projections regionally and nationally.

Until now we have naively trained in reactionary and disjointed silos when it becomes apparent we are short of a particular skill, or when training providers find it is an attractive course to fill.

More often than not, by the time we train or import the skill required, the need for them has passed, and these individuals often end up lost to other more stable career paths.

In short, we have had no idea how many plumbers, architects, electricians, technicians or manufacturing staff were needed to meet the built environment for New Zealand.



Mike Fox

Now with clever use of the information gained from the pipeline report and the 2013 Census, we can accurately determine and ideally train in advance what is needed.

This is known as the “National Construction Occupations Model” (NCOM). It uses information from the 2013 Census, and the National Construction Pipeline Report 2016 (the Pipeline Report).

The NCOM translates the construction investment projected in the Pipeline Report, including residential, non-residential and other construction, into estimates of employment growth in construction-related occupations.

Numbers are huge, and growing

This isn't just coalface construction workers but all construction-related personnel, such as truck drivers, manufacturing staff and accountants who all contribute to the construction sector.

The numbers are huge, and are growing at a rate beyond any other sector. Currently the numbers sit at 490,000 employees, including working proprietors, with predictions for this to grow to 539,500 by December 2021.

Training organisations need to take serious note of these projections and move away from practices of old where it was any bum on a seat to training to meet an actual need.

They can be forgiven for the past but there are no excuses going forward. Train what we need according to the statistics provided, which will result in employment prospects that match demand.

While you're at it, consolidate and co-ordinate the training to meet a clear national standard, as there are currently too many questionable offerings which only confuse employers and trainees alike.

Small business training for trades, along with technical training, would also go a long way to preparing them for when they inevitably end up in business, avoiding many of the current business failures who have learned the hard way.

Industry also needs to take heed of this new information and take the opportunity to invest in training and plant because, finally, they have a window to the future.

Central and local government commitment

Previously, investment was held back because of the unknown or the inevitable seven-year cycle of boom-bust.

However, this extra industry investment will only be possible if central and local government are committed to making a difference with smart procurement and project timing.

Significant advantages for all concerned can be gained by having a stable, skilled construction workforce that is insulated as best as possible from the ravages of boom-bust cycles.

Job well done, MBIE. The tools are now available, so let's make good collective use of them and build a sustainable industry that delivers a quality product.

You can access the reports and the interactive web tool at constructionprojections.mbie.govt.nz.

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

Got a Trade Week raises awareness of careers in trades and services

Skills shortage needs to be urgently addressed if the economy is to stay buoyant into the future

Got a Trade Week returned to schools and communities in August to raise awareness of careers that exist in 140 trades and services in New Zealand.

Held from August 22-26, the week celebrated the talents and achievements of Kiwi apprentices making headway in their vocation, and focused on the future demand expected for skilled workers across all trades and services.

Got a Trade Week chair Andrew Robertson says New Zealand's skills shortage is real, and needs to be urgently addressed if the economy is to stay buoyant into the future.

"The national campaign promotes New Zealand's need for more skilled people in trades and services. According to 2015 Immigration NZ data, one third of the occupations on the Long-Term Skills Shortage List are trades and services," Mr Robertson says.

"There is a worrying trend of major shortfalls being predicted, and by 2020 there will be high demand for employment created by industry growth and replacement demand across all sectors," he says.

"There are genuine and exciting career opportunities in more than 140 trades and services for young people who are willing to 'earn and learn'.

"We encourage everyone to visit www.gotatrade.co.nz and take a good look at the tremendous opportunity these viable



career paths offer," Mr Robertson says.

Got a Trade Week 2016 spoke to school leavers, as well as parents and teachers. More than 75,000 young New Zealanders aged 15 to 24 years are not currently working, studying or training, accounting for 41% of the country's unemployed.*

They are not developing the skills they need to compete in the workforce.

"Only 28% of school leavers go to university. Got a Trade Week is about showcasing the opportunities that exist out there for the other 72%," Mr Robertson says.

"Trades and services typically refer to jobs that require practical skills and on-the-job training. This includes everything from construction, engineering and transport, to hairdressing, hospitality, aged care workers and retail.

"There are hundreds of roles to choose from, and long-term career prospects for young people who are keen to work and who are willing to learn. This is an important conversation for jobseekers, for educators and for whanau.

"We all need to work together — in the home and in the classroom — to steer our kids in the direction of real job opportunities and to ensure New Zealand's industries can survive."

* Household Labour Force Survey (Statistics NZ).

Trades and services that will require more workers in four years' time:

Trade or service	No of new people needed by 2020		
		Electrotechnology	11,300
		Hairdressing	2700
		Mechanical Engineering	5400
Accommodation	11,800	Manufacturing	40,000
Aged Care/Support Worker	17,500	Plumbing, Gasfitting and Drainlaying	7800
Automotive	11,200	Resource Recovery	2800
Building and Construction	64,000	Retail Supply Chain	107,000
Civil	19,600	Roofing and Scaffolding	6800

Modular home — letter of credit and status of deposit paid

Timothy Bates, principal of Auckland law firm Legal Vision, reviews the decision in the case of Ecotech Homes (New Zealand) Ltd v M Baumann that dealt with the manufacture and delivery of a modular home.



Proceedings were issued by Ecotech to set aside a statutory demand that had been issued against it by one of its clients, Mr Baumann (Mr B).

It is important to set out that the statutory purpose of a statutory demand issued pursuant to section 289 of the Companies Act 1993 is to lay an evidentiary foundation for an application to the court to appoint a liquidator under section 241.

Ecotech was concerned to ensure that Mr B could not bring about the liquidation of the company.

Background facts

Ecotech and a related company, Modular Housing Solutions (New Zealand) Ltd, supplied and, if required, installed modular houses.

Modular typically took control of the manufacture/delivery of the modular house to its port in Auckland, whereas Ecotech was concerned with the pick up and delivery of the modular home to the site, including site works and ultimate completion.

However, in this particular instance, Ecotech entered into a contract with Mr B for the supply, delivery and completion of the modular home, including site works.

A deposit of \$40,265.29 was paid immediately after execution, and it was agreed that the balance of the contract price would be paid on whatever came earlier — the issue of a Code

Compliance Certificate or 60 days from the date of the original Bill of Lading certificate.

It was also agreed that Mr B would provide to Ecotech a Letter of Credit for the amount of \$93,952.26, being the balance of the contract price.

Whilst the modular home was being completed in China, Ecotech carried out preparatory works on the site owned by Mr B such that it was ready for the delivery of the house once it arrived in New Zealand.

Issues arose though in terms of the form of the letter of credit to be supplied by Mr B.

According to Ecotech, the modular home was ready to be shipped from the manufacturer in China by November 2015.

However, in order for it to be shipped, Ecotech required a letter of credit from Mr B that was in favour of the Chinese manufacturer in Chinese currency.

The BNZ refused to issue a letter of credit in this form but, in fact, issued a letter of credit in accordance with the contractual terms in favour of Ecotech for the sum of \$93,952.26.

It provided for a latest shipping date of December 11, 2015, with an expiry on February 29, 2016.

This form of letter of credit was not accepted by the Chinese manufacturer and, ultimately, the house remained in China and was never delivered to Mr B.

Once the letter of credit expired, Mr B, through his lawyer, sent a letter demanding repayment of the deposit plus compensation for other losses in the sum of \$58,822.33.

On the very same day, Mr B issued a statutory demand for the deposit sum only.

There were two issues to be decided by the High Court. First, was there a substantial dispute on the facts as to whether or not Mr B complied with his contractual obligation in relation to the provision of a letter of credit?

The court found there was no substantial dispute in this regard because the contractual obligation was clear and without ambiguity.

The letter of credit was to be provided to Ecotech, not the Chinese manufacturer. Furthermore, the contract was well capable of realistic commercial application if complied with as drafted.

On the strength of the letter of credit provided to Ecotech, it, in turn, could have found funding to pay the Chinese manufacturer such that the contract could be performed.

Whilst they chose not to do this, the court felt their failure to do so had not been adequately explained by Ecotech.

The second issue for the court to determine was if Mr B was not in breach of contract, was he simply allowed to make demand for the return of the deposit as if it was a debt due?

The court ruled that there was a remedy for breach of contract via the Contractual Remedies Act 1979 by which Mr B could recover his deposit.

Nevertheless, the statutory demand/liquidation jurisdiction of the High Court was not a route by which a party could recover amounts for a breach of contract alone. The debt had to have the added status of being a debt that was due.

Instead, it found that a claim for return of money on the basis of a total failure of consideration was a claim based on the principle of restitution, which was capable of being used in the context of the statutory demand regime.

The court ultimately ruled that Mr B had a right to seek the return of the deposit as a debt due, which was capable of statutory demand.

Accordingly, the application to set aside this statutory demand was dismissed, and Ecotech was given 10 working days to pay back the deposit otherwise Mr B was entitled to make application to put Ecotech into liquidation.

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



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BARRISTERS & SOLICITORS

Legal Vision specialises in providing legal advice to the Building Industry

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Connections

Architect Don Bunting considers how our need to remain connected is changing our lives.

I recently read the biography of Steve Wozniak — titled somewhat coyly *iWoz*.

A self-proclaimed genius — he was quick to tell us that his IQ was “off the charts somewhere north of 200” — he seemed strangely unfulfilled by either his early financial success, or his central role in the creation of the first Apple computer.

He was also not exactly glowing in his praise of Steve Jobs, but it was Jobs who took Apple to the next level in the 1980s and beyond.

Jobs was the man who realised that success against the power of IBM and other relative giants of the time was through turning desire into necessity.

Make your computer, phone or watch so attractive that people overlook any weaknesses. In business and relationships, attractiveness can make you overlook any flaws or weaknesses in the merchandise.

Made crystal clear in Wozniak’s biography was that the relationship between Wozniak and Jobs was a critical factor in the success of Apple — their personalities and skills being complimentary.

They were both computer savvy enough to see what would, in theory, succeed, but it was the combination of their individual skills that produced something special.

I bought my first computer, one of the first Apple Macintoshes, in 1985. It cost me \$12,000, had a tiny green screen and about as much power and capacity as an alarm clock — 128,000 bytes.

Today, a typical data stick holds 7 or 8 gigabytes (7 or 8 billion bytes).

Nevertheless, this first, clunky, underpowered machine opened my eyes to the potential of a real computer, as against a glorified typewriter or word processor.

It connected me with the essence of what a computer was — a machine you could programme to conduct a range of tasks using a series of unique binary codes.

Curated feeds

There has been coverage in the technology news of social media sites moving away from providing users with feedback chronologically, and instead using what are called “curated

feeds” or “content curation”.

This means providing feedback to you based on your previous use of a site.

Many of us have participated in content curation without realising it. For example, if you use a site like booking.com the site will offer you alternative selections based on those already made by you on this or even on a previous occasion.

They will also recognise you when you return to the site and display earlier selections for you as a starting point for your new search.

More insidious is the potential for sites to determine your potential likes and dislikes from clues you inadvertently provide about your age, marital status, ethnicity, political leanings, whatever.

The algorithms used by the site can easily misinterpret these “clues” and become more of a nuisance than a help.

Potentially, you could unknowingly develop an online persona that is simply not true. Companies selling products and services might love web robots, web crawlers and algorithms but, like prescriptive text, it can be frustrating, even dangerous.

Too stupid to realise it

David Dunning and Justin Kruger of Cornell University recently carried out a study called *Unskilled and unaware of it*. This proposed that some people were so stupid they weren’t aware they were stupid.

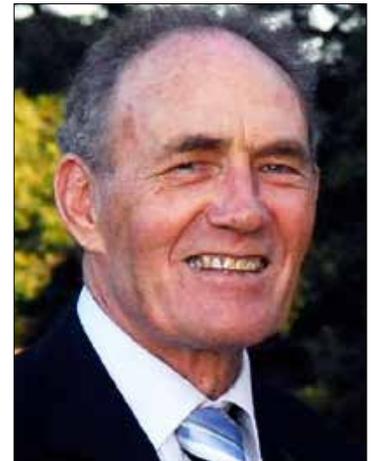
One of their case studies was of a failed bank robber who was surprised to be recognised on CCTV because he had carefully covered his face in lemon juice — you know, secret writing — and, therefore, assumed he would be invisible.

This was an example of what Dunning and Kruger called “incorrect self-assessment of competence”.

As Robert Hughes once said: “Perfect confidence is granted to the less talented as a consolation prize.”

The researchers also proposed that the super clever have great difficulty appreciating that others can’t understand what, to them, is simple and obvious.

I certainly get what they mean when I am



sitting in a town planning hearing — I can’t bring myself to use that meaningless phrase, resource management — and realise that planners operate on a different level of reality.

I still remember that golden occasion when the planner in question said to the commissioners — “it’s got nothing to do with common sense, it’s about the rules”. Priceless.

Enter your password

That dreaded screen box stating “enter your password” is now an ever-recurring part of our connected life — from banking, to social media, to booking travel.

We are advised that our passwords should be different for each purpose and should be changed regularly, ensuring that personal details remain safe.

Passwords should be hard to guess but easy to remember, and you are advised to never write them down. Yeah right!

Your chosen password should apparently have entropy. Scientifically, entropy is defined as a measure of the “disorder” of a system. So your password should be logical but very difficult to guess by chance.

There are a number of cloud-based password generators you can use to create unique word/number combinations, but that still leaves you with the issue of whether the cloud-based server holding your passwords is itself secure. Modern life can drive you crazy if you let it.

Tamaki Makaurau

I recently discovered in R C Stone’s book *Logan Campbell’s Auckland* that the Maori name for Auckland means The maiden contended for by numerous lovers.

While my friends further south might disagree, it does have more of a ring to it than recognising a long-dead and relatively unknown British Lord.

Be up front and straight with your clients

Terry Sage of Trades Coaching New Zealand talks under-promising and over-delivering — oh, and with the odd penguin thrown in for good measure . . .

I don't know about your little piece of paradise, but all over mine — on street corners, grass verges, just about anywhere — we have those obnoxious weeds growing again.

They pretty much grow to full height overnight, are normally colourful, all with smiley faces on, most have a square box with a tick in it, and nearly every single one of them is full of a certain level of false advertising — or better known in the marketing game as crap.

By now you would have guessed that the species in question is the tri-annual, local council, "vote-for-me" advertising billboard.

I would have put its full Latin name here as well, but that would have taken 4/5 of my allocated word count.

Let me give you a real example. A wannabe councillor puts up a huge yellow billboard with a full frontal of himself all over town — so far, acceptable, or it would have been if he'd had a haircut.

Puts his name up there so we know who he is and says "vote for me". Okay, it's not offensive yet and not overly memorable, which is a shame as that's its whole purpose in its short lifecycle.

But then here comes his masterpiece — now comes the reasons why

he wants us to tick his box and not the box either side of his.

Are you ready for this?

"I will build you a new school, better roads, get your kids into jobs and off the street, free health care for anybody who wants it, every river will be to drinkable quality, and there's a free flea collar for every cat."

You're sitting in your car reading this, hoping you will get to the bottom before the lights turn green, and you're thinking "this guy's the bomb. He is solving all my problems — and there'll be no more fleas. 'Boom, take that penguin'."

The lights change to green, but you can't rev that engine as your world has just turned into a litre of ice cream at 2pm on the beach in mid-January. In other words, it just doesn't look the same anymore.

The last line says "and I will reduce your rates by 25%" — and the penguin just came back with a recognisable hand gesture.

How can this wannabe leader of the community offer all the answers to my prayers — also with a promise to get rid of fleas — and he's going to manage it all on a quarter less income?

Where is his Diagon Alley — I want to buy a Potter stick as well!

We are businesspeople, we know simple economics. If we promise to build a house twice as quick as the builder up the road for less money, then we need to employ twice as many people and pay them less money. It's simple — it's never going to happen.

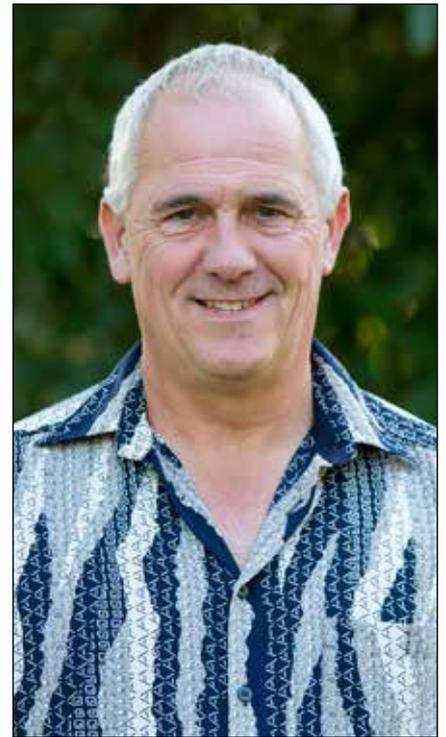
This comes down to that old scenario — if you over-promise and under-deliver you won't be in business for long or, in this guy's case, you won't be re-elected in three years' time. Well, I think the penguin holds all the cards with that one.

You have probably worked it out by now — I am not a huge fan of exaggerated self-promotion. But I am even less of a fan of outright make believe.

My ranting here has a reason, and that reason is a simple message — don't run your marketing strategy the way your next team of councillors run theirs.

Make sure you under-promise and over-deliver, and be up front and straight with your clients, because they are not so dumb, and they will appreciate you for it. Which will mean dollars in your pocket.

Really, it's not rocket science.



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Building Consents Information

For All Authorisations, July 2016

Dwellings	\$1,015,318,000
Domestic Outbuildings	\$17,943,000
Total Residential	\$1,033,261,000
Non-residential	\$613,908,000
Total All Buildings	\$1,647,169,000
Non-building Construction	\$28,142,000
Total Authorisations	\$1,675,311,000

Number of new dwellings consented

	Jul 2016	Jun 2016	Jul 2015		Jul 2016	Jun 2016	Jul 2015
Far North District	25	22	22	Horowhenua District	17	27	14
Whangarei District	48	46	44	Kapiti Coast District	20	18	14
Kaipara District	22	21	16	Porirua City	22	16	21
Rodney District	71	78	74	Upper Hutt City	12	28	14
North Shore/Albany Wards	233	281	277	Lower Hutt City	17	147	13
Waitakere Ward	72	65	55	Wellington City	27	51	29
Auckland Wards	485	284	478	Masteron District	10	4	8
Manukau/Howick Wards	79	59	125	Carterton District	13	6	2
Manurewa-Papakura Ward	79	111	65	South Wairarapa District	5	5	5
Franklin Ward	68	43	42	Tasman District	28	39	33
Thames-Coromandel District	23	49	18	Nelson City	10	18	12
Hauraki District	14	10	6	Marlborough District	33	22	18
Waikato District	70	69	53	Kaikoura District	2	2	2
Matamata-Piako District	16	19	11	Buller District	1	2	1
Hamilton City	114	97	129	Grey District	2	1	4
Waipa District	45	59	43	Westland District	2	3	7
Otorohanga District	1	0	4	Hurunui District	4	10	10
South Waikato District	9	4	6	Waimakariri District	164	60	66
Waitomo District	0	0	2	Christchurch City	235	240	425
Taupo District	19	28	22	Selwyn District	97	111	83
Western Bay of Plenty District	57	69	34	Ashburton District	10	14	19
Tauranga City	150	162	118	Timaru District	24	22	38
Rotorua District	5	7	19	Mackenzie District	5	7	5
Whakatane District	7	5	8	Waimate District	1	0	2
Kawerau District	0	1	1	Chatham Islands Territory	0	0	0
Opotiki District	2	2	3	Waitaki District	4	3	9
Gisborne District	4	3	10	Central Otago District	27	28	18
Wairoa District	0	0	0	Queenstown-Lakes District	93	90	85
Hastings District	20	19	12	Dunedin City	42	37	35
Napier City	21	21	15	Clutha District	3	4	5
Central Hawke's Bay District	4	3	3	Southland District	5	6	13
New Plymouth District	46	30	39	Gore District	1	2	0
Stratford District	6	0	3	Invercargill City	5	19	12
South Taranaki District	4	5	5	Area Outside TA	0	0	0
Ruapehu District	2	1	4				
Wanganui District	9	5	7				
Rangitikei District	2	4	2				
Manawatu District	13	18	5				
Palmerston North City	24	10	22				
Taranaki District	1	0	0				
Total	2811	2752	2824				

• Based on 2006 census areas

• Each dwelling unit in a housing project is counted separately

• Figures in these tables may differ from published statistics

Source: Statistics New Zealand

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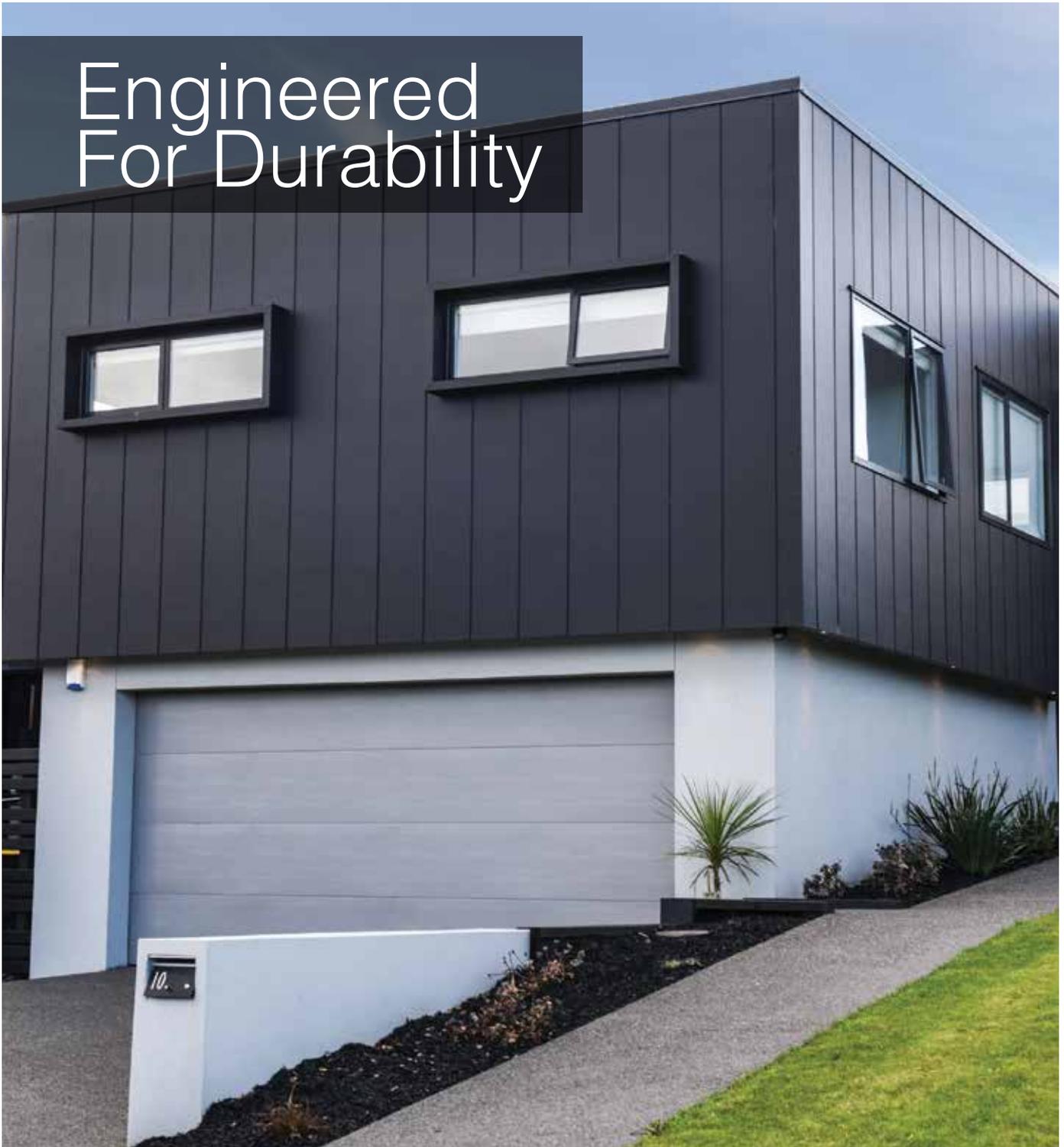
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