

ISSUE 69

UNDER CONSTRUCTION

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FOREWORD VIEW FROM THE GM OPERATIONS



All bases covered



When we're busy, or doing something we've done hundreds of times before, it's tempting to skip over the 'easy' tasks on autopilot. In this month's issue, we highlight the importance of giving each task its due – no matter how simple it seems.

Taking the time to double-check every aspect of the job might seem time-consuming, but applying due care and attention at each stage can help avoid mistakes and lead to an overall efficiency for the project as a whole.

Take our Apprentice of the Month winner, featured on page 5. After spotting something that didn't look right, and double-checking against the plans, he was able to chart a course of action that ensured the build went smoothly further down the line – carrying on blindly, or with a 'she'll be right' attitude, would have resulted in unnecessary delays, expense and unhappy subbies.

Something that's even harder to avoid is tripping up over our own assumptions. When we think we know the right answer, or the right way to do something, but actually don't, we're less likely to foresee a problem arising.

An example of this is brought to light by the Site Safe article on pages 18-19. One might think that the most common Site Safe enquiry would be related to a complex topic such as working at height, or asbestos, yet apparently it's hard hats...

One of the simplest and most taken for granted items of PPE does in fact require a high-level of attention to detail to ensure it's performing its job properly. Read the full story to make sure you've got it covered! There's more information on responsibilities around PPE on page 15.

Revealing things you didn't know, or thought you knew, about the industry is all part of what we set out to do in *Under Construction*.

In other news, we're pleased to announce that our sponsorship of your favourite rugby competition continues, as does our fan-favourite competition Punt for Prizes. By the time you read this, the games will be well under way, so get out to support your team and be in to win!

Gary Woodhouse

General Manager Operations



NEWS

- 4 PAC NEWS** February's Apprentice of the Month highlights the value of double checking; PAC member and mates ride shotgun with NZV8 Utes champion Chris 'Hammer Time' Hanley; Three PAC apprentices take study and qualification to the next level
- 13 PRODUCT NEWS** Talk to your clients about their heating options
- 14 INDUSTRY NEWS** A recent ERA decision highlights employers' responsibilities regarding PPE; Find out what Building and Housing Minister Jenney Salesa has planned for the industry



FEATURES

- 6 BUILDERS' BUSINESS** Business practices of your fellow builders
- 8 MBIE** Control joints are key to controlling cracks in exterior plaster
- 12 MBIE** Designers' obligations explained
- 16 BRANZ** Sealant choice and application tips
- 18 SITE SAFE** Top protection with this comprehensive guide to hard hats
- 20 SUCCESSFUL BUILDER** Set clear goals to rediscover your New Year spark!
- 22 BUILTIN** Liability insurance policies aren't all created equal - use our guide to help you understand your cover



OTHER STUFF

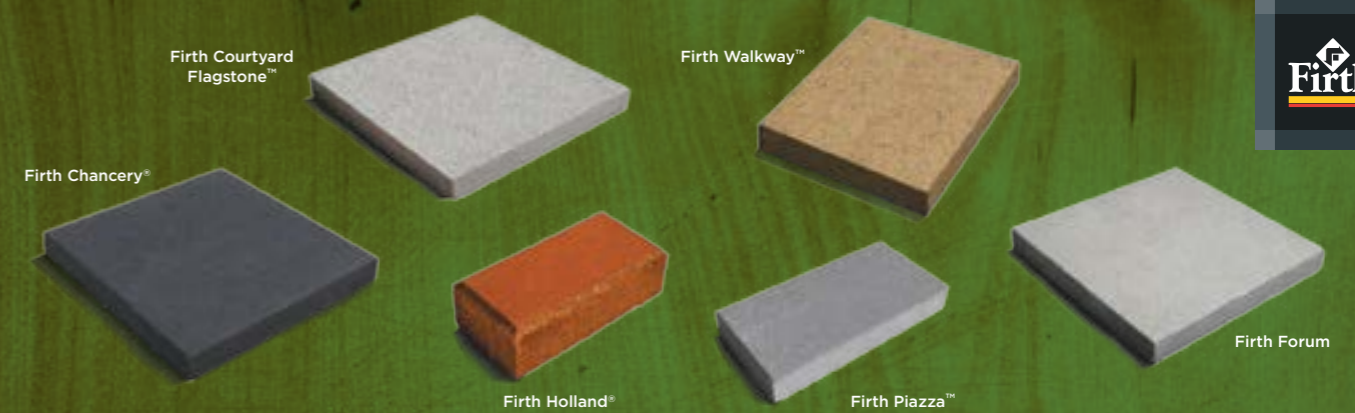
- 24 SKILLS MAINTENANCE** Record your LBP skills maintenance - you've earned it!



ISSUE 69 > APRIL/MAY 2018

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Building their skillset

Three PAC apprentices receive PlaceMakers support to take study and qualification to the next level

Thanks to PlaceMakers, three PAC members will be receiving financial support to further their studies or qualifications through PAC's 'Graduates Branching Out Scholarship'. This is the first year that PAC has run the programme and it is proud to announce the first three recipients:

- **Gabriel Delgado**, a BCITO apprentice from Queenstown, applying to become a Licensed

Building Practitioner (LBP) so he can eventually start his own company.

- **John Matthews**, an ITAB apprentice from Auckland, undertaking a 'Diploma in Applied Technology (Building)' to further his qualifications and improve his skills in the trade.
- **Sam Hack**, a BCITO apprentice from Christchurch, completing a 'Certificate in Construction (Supervisor)' to expand his knowledge and advance within the industry. Sam is working towards a site foreman position, including project management as a start.

What is the PAC scholarship about?

The scholarship aims to ease the financial burden for graduated building and construction apprentices (existing PAC members), who wish to take their qualification to the next level and study further. It covers course-related expenses such as the course fee itself, plus any related learning materials. The next round of scholarship applications will re-open on 1 November 2018. More information is available via the PAC online hub pac.placemakers.co.nz.

Monster Tool Sale gets big thumbs up!



Pictured: Events in Albany, Mt Wellington and Pakuranga.

With the annual PlaceMakers Monster Tool Sale in full swing during March, the PAC team were in attendance at a few local events chatting with apprentices and builders alike.



Apprentice of the Month



Second-year apprentice Daniel Murphy showed sound project planning skills to rectify an issue he discovered while working on a renovation in Wanaka – the outcome was a satisfied engineer and a build that was able to progress to its next stage

While building two living areas onto a 420m² house overlooking Lake Wanaka, Daniel and a colleague realised that the cover between the underfloor heating pipes (which were yet to be installed) and the floor level height looked tight.

They took a few measurements and determined they were right, which meant the work would not pass inspection.

After further discussions with the builder and the project engineer, they decided to drop the heights of all the steel reinforcing loops that tied the layers of the building cage together at a tighter spacing using 120mm R6 steel loops.

The extra 30mm gained allowed adequate room for the piping to be laid by the underfloor heating specialists, and the engineer was happy to sign off the altered construction for the concrete pour. Daniel said the experience taught him the value of reviewing completed work and being aware of critical measurements.

"In this instance, taking five minutes to double check our work – especially when we knew that subbies would be involved in the next stages – saved us from making what could have been an expensive error," says Daniel.

"Sure, it took us some time to drop the steel reinforcing loops, but that was much more efficient than having the subbie realise the same issue after already laying out the pipes!

"Being 100% involved in what you are doing at each point in your day is key, but you should always keep an eye on the next stages of the construction, so you know which sub-contractors are due on site next and can make sure everything is ready for them, which speeds up workflow."

Entries were judged based on the nature of the challenge, the initiative and grit shown by the apprentice to overcome it, the impact of the solution and the key learning. Our winner demonstrated all these attributes by being forward-thinking and proactive.



Apprentice of the Month Danny with Barbi Sarginson from his local PlaceMakers branch in Wanaka, collecting his new UE Wonderboom portable speaker

Tools down for Hammer Time!

PAC member and three race-mad mates enjoy the ride of their lives after winning the ultimate V8 hot lap experience



The crew was all smiles after their laps!

Kitted in a race suit, helmet and gloves, PAC member Joel Fuller couldn't have been happier to treat his mates to a day racing around Pukekohe Park Raceway with NZV8 ute champion Chris Hanley – all thanks to winning a PlaceMakers prize draw.

The apprentice was the second lucky winner of the V8 Hot Lap Experience,

where participants get to ride shotgun alongside a professional drivers for an adrenalin-filled whip around the track in a fully modified NZV8 race car.

Joel and his three mates are all racing car fanatics, so they were "absolutely stoked" to feel the heat in the front seat and then turn the spotlight on driver Chris 'Hammer Time' Hanley for a short Q&A.

Free Building Standards

Builders' Business is a column by builders for builders. Its objective is to provide a forum, particularly for small business operators, in which to share knowledge, experience, tips and ideas

Q: What do you think about some building-related standards being made freely available online?

Firm: Wren Building Ltd
Principal: Simon Wren
Location: Whakatane
Staff: 18

Firm: John Creighton Builders Ltd
Principal: John Creighton
Location: Christchurch
Staff: 30

Firm: Court Construction
Principal: Cameron Court
Location: Auckland
Staff: 14

It can't be anything but good for the industry. The documents they've made available emphasise best-practice building techniques and I think making them easier to access will encourage more people to sit down and read them, which should help improve compliance across the industry.

I've incorporated them into my training and toolbox meetings since 2016, and I make a particular point of discussing any changes or updates with my foremen.

Although it's still reliant on people taking the time to sit down and read them, I think this is a positive initiative. I would really encourage all licensed builders, particularly new business owners, to embrace it and learn as much as they can. The more you know about the different aspects of construction and your own obligations the better.

I think it's a great idea. In the building industry, we want to be able to access the information we need without having to pay fees or deal with red tape. If we can make necessary information like this more readily accessible, we are on the way to eliminating ignorance as an excuse for poor practice.

At the end of the day, hopefully it will increase knowledge of the building code and best practice requirements among members of the building industries

At the end of the day, hopefully it will increase knowledge of the building code and best practice requirements among members of the building industries.

Every other aspect of the building industry has been increasing costs to meet compliance, so it's good to see something costing us less. I am confident that any further release of documentation or updates would be greatly received by builders and other members of the industry.

If cost is a barrier to getting the information, making building standards free of charge seems like a good idea. If people are accessing the standards for free online, it also means they will be working from current information rather than an outdated version from an old subscription.

The application of this will predominantly apply at the design stage, as most of the standards being offered free by MBIE are ones that need to be incorporated into the consented plans. But it could still be handy for building practitioners to better understand why certain things are specified on the plans they've received.

Overall, anything that leads to people following best practice and improving their knowledge helps to lift the standards in our industry.

Now have your say...

HOW DO YOU THINK THE GOVERNMENT'S PROPOSED CHANGES TO THE EMPLOYMENT RELATIONS ACT WILL AFFECT THE BUILDING INDUSTRY?

ANSWER THIS QUESTION TO ENTER OUR QUARTERLY PRIZE DRAW

Email your answer with your full name, contact phone number, company name, number of full-time staff and the city or town in which you're based to editor@pmundersconstruction.co.nz. All responses must be submitted by 25 April 2018. The answers to this question will be published in *Under Construction* June/July.

WIN!

You said, we did

PlaceMakers agrees that actions speak louder than words, which is why we always try to act on the feedback we receive from customer surveys



To deliver the transparency customers said they wanted, PlaceMakers has created a Customer Dashboard that shows how we're performing against our Service Promise to you

How many times have you decided not to fill out a survey, assuming that it wouldn't make a difference to your customer experience anyway? PlaceMakers promises that won't be the case with its monthly Trade Customer Service Survey, which is used to generate real change within the business.

"The survey is key to ensuring we are providing market-beating service on a daily basis, which is driven directly from our customers' feedback," says GM Operations Gary Woodhouse. "It's how we determine what we're doing well and what we can do better."

Here's some of the responses from previous surveys and how they shaped the Trade Customer Service improvements PlaceMakers has made over the past year.

You said...

At busy times, when you load up in the yard, having to go into the showroom to get your paperwork can take too long. Time is money!

We did...

We've rolled out new hand-held devices

to all branches, so that your order can be processed in the yard, meaning you no longer have to wait in a queue - just drive in, load up and drive out!

You said...

You want PlaceMakers to be a genuine partner to your business, to provide more solutions to better support your business management and growth.

We did...

PlaceMakers has teamed up with NextMinute to make doing business even easier for you. NextMinute is an easy-to-use tool that will save you time and money by helping to manage jobs, organise your business, your team and operations.

Designed with you in mind, the NextMinute App allows you to plan, schedule, communicate, track time, quote, order, monitor, and invoice on the go, anytime, through a mobile, tablet or laptop. We've got you covered!

You said...

You wanted more transparency on how we are performing against our Service

Promise to you. Often your success depends on us getting it right.

We did...

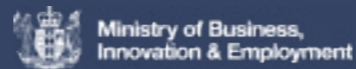
Our new Customer Dashboard showcases key service metrics and is available to share with you every month. Your rep or Branch Operator can provide you with real data, which shows exactly how we're performing against our Service Promise to you - including our delivery and invoicing accuracy, how often we answered your call within 30 seconds and how often we had our core trade products in stock for you.

Gary says changes such as these are the reason PlaceMakers runs the monthly survey.

"We want to make sure that we are meeting, and continue to meet, your needs. Ultimately we want to make it easy for you to do business with us, which is why we need your input to stay at the top of our game," says Gary. "So, rest assured that taking a few minutes to complete our monthly survey will ensure we continue to make positive change at PlaceMakers for all our customers."



Control joints required



To maintain durability and performance over time, plaster cladding solutions require movement control joints

Working on a plaster-based cladding system is Restricted Building Work (RBW), unless you are doing repairs, replacement or maintenance work under Schedule 1. All RBW requires a building consent and, if you are doing the work, you either need to hold an external plastering licence or be supervised by someone who does.

REDUCE RISK OF CRACKING

Cracking in external plastered claddings such as stucco and textured finishes is a potential source of water entry into the building structure. The cracking may be caused by movement from changes in temperature, moisture level or curing shrinkage, or from building movement due to wind or earthquakes.

Movement control joints, which allow movement to reduce the risk of cracking occurring, must be incorporated in plaster finishes. They manage cracking by providing predetermined lines of weakness or a flexible sealed joint in the plastered finish.

LOCATE JOINTS DURING DESIGN

The locations of movement control joints should be determined at the design stage of the building project and should be based on the type of plastered or textured finish to be applied, as well as the overall 'look' of the building.

Movement control joint locations must be shown on drawings and should not be left up to the on-site plasterer. There is a range of options for vertical joints. Horizontal joints should be flashed or have a cladding overlap.

MOVEMENT CONTROL JOINTS IN TEXTURED FINISHES

Textured plaster finishes include modified cement and acrylic plaster, and can be applied over a range of substrates. These include fibre-cement sheets,

polystyrene, exterior insulation and finish system (EIFS) cladding and polystyrene block systems, clay bricks, concrete masonry and concrete.

LOCATING THE JOINTS IN TEXTURED FINISHES

The locations of movement control joints in the plaster finish vary according to the substrate type. The locations should align with any movement control joints in the substrate and occur where the substrate support changes, eg from solid to timber-framed construction. Locations for movement control joints are typically required:

- Vertically in accordance with the supplier's instructions, typically up to 5.4m for fibre-cement and up to 20m for EIFS.

- Aligned with structural control joints.
- At each floor level for horizontal joints.
- Vertically on either side of large window and door openings.
- At junctions between different materials.

FORMING JOINTS IN TEXTURED FINISHES

Vertical control joints are formed in fibre-cement and polystyrene substrates by filling the gaps between the substrate sheets with sealant. This is either over a bond-breaker tape between fibre-cement sheets (Figure 1) or over a polyethylene foam (PEF) backing rod between polystyrene sheets (Figure 2).

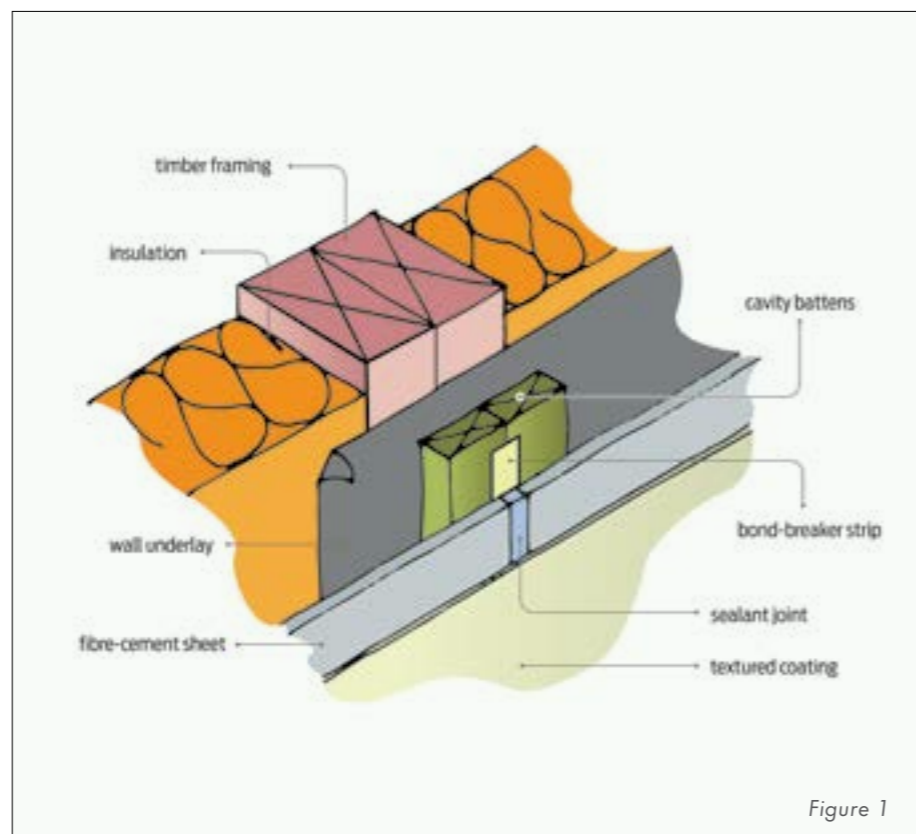


Figure 1

Alternatively, a proprietary unplasticised polyvinyl chloride (uPVC) expansion joint may be inserted between polystyrene sheets. The finish coat is then applied over the sealant or the expansion joint.

Working on a plaster-based cladding system is Restricted Building Work (RBW), unless you are doing repairs, replacement or maintenance work under Schedule 1

The sealant must be correctly installed to ensure that a waterproof joint is achieved. The sealant must:

- Stick to both sides of the joint.
- Have a cross section that is thinner in the middle of the joint than at the edges.
- Not adhere to the substrate material.

The joint ratio should be 2:1, eg for a 10mm wide joint, the sealant should be 5mm deep at the centre of the joint.

Vertical control joints are typically between 6-18mm wide depending on the substrate and the manufacturer's recommendations.

Inter-storey horizontal movement control joints are typically flashed with a metal flashing (Figure 3) and should have a minimum 15mm wide gap.

MOVEMENT CONTROL JOINTS IN STUCCO

Movement control joint requirements for reinforced stucco over a drained and vented cavity with a rigid or non-rigid backing are set out in NZS 4251.1: 2007 *Solid plastering - Cement plasters for walls, ceilings and soffits*.

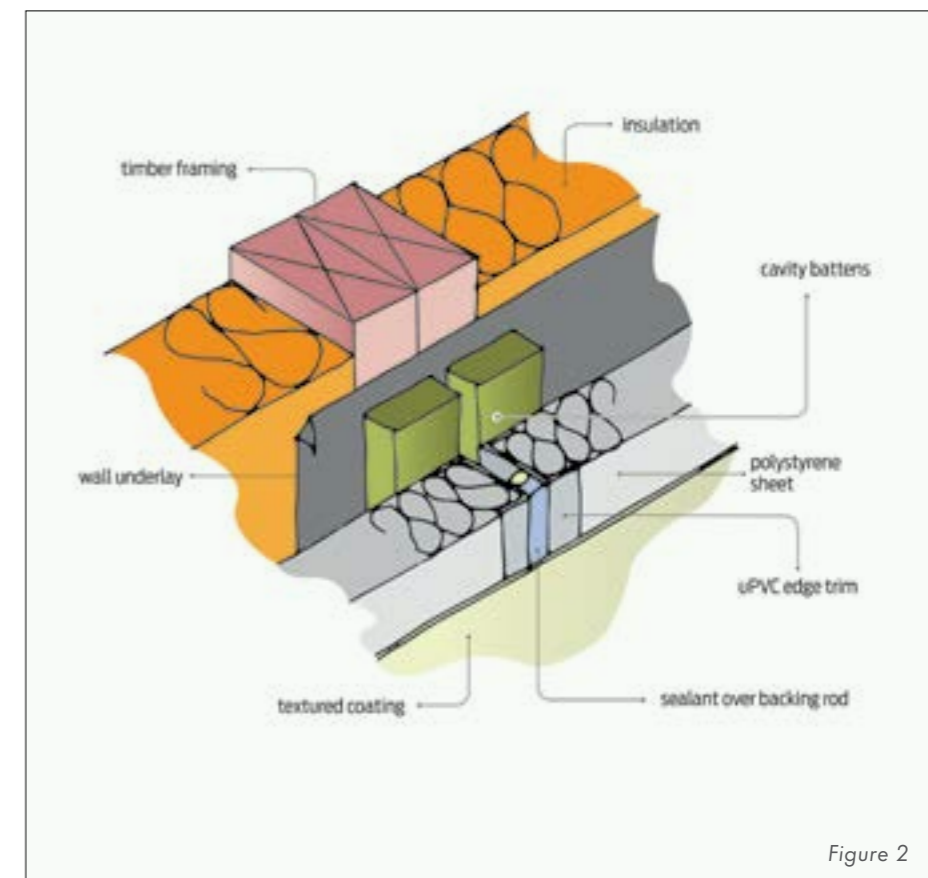


Figure 2

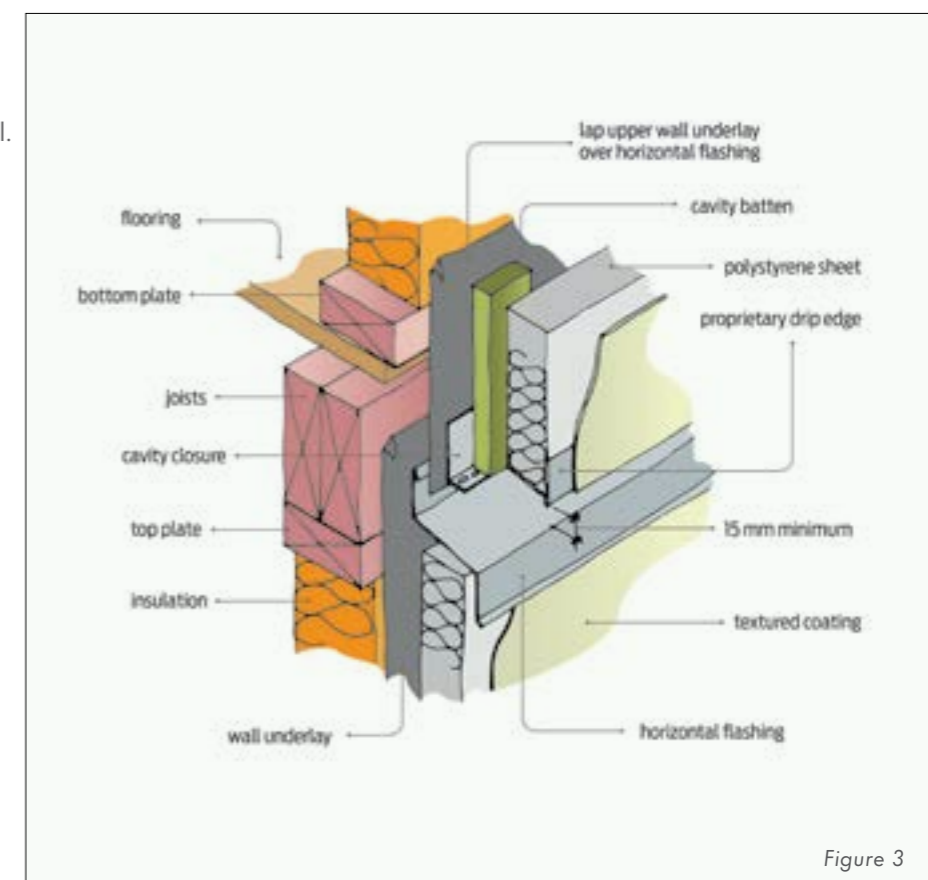


Figure 3



Control joints required cont.

Ministry of Business,
Innovation & Employment

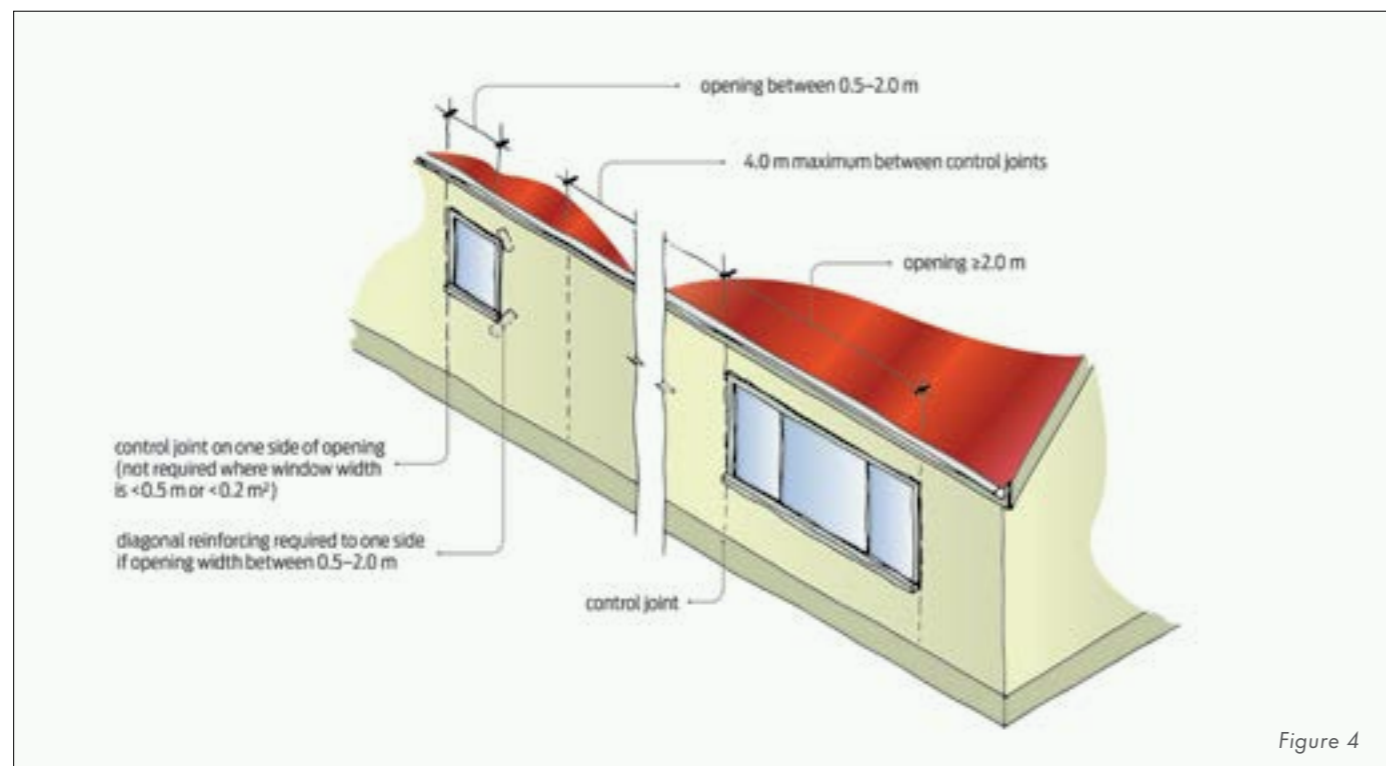


Figure 4

LOCATING CONTROL JOINTS IN STUCCO

NZS 4251.1: 2007 requires control joints to be located:

- For vertical joints:
 - on both sides of openings that are 2m wide or more (Figure 4)
 - on one side of openings that are less than 2m wide*
- At each floor level (horizontal joints).
- To break up expanses of wall more than 12m² (4m maximum spacings vertically and horizontally is recommended).
- At changes in a wall cross section such as external and internal corners.
- At any point where natural flexing of the building may occur, such as at the top of a plate level of a gable wall, or where there is a cantilevered deck.

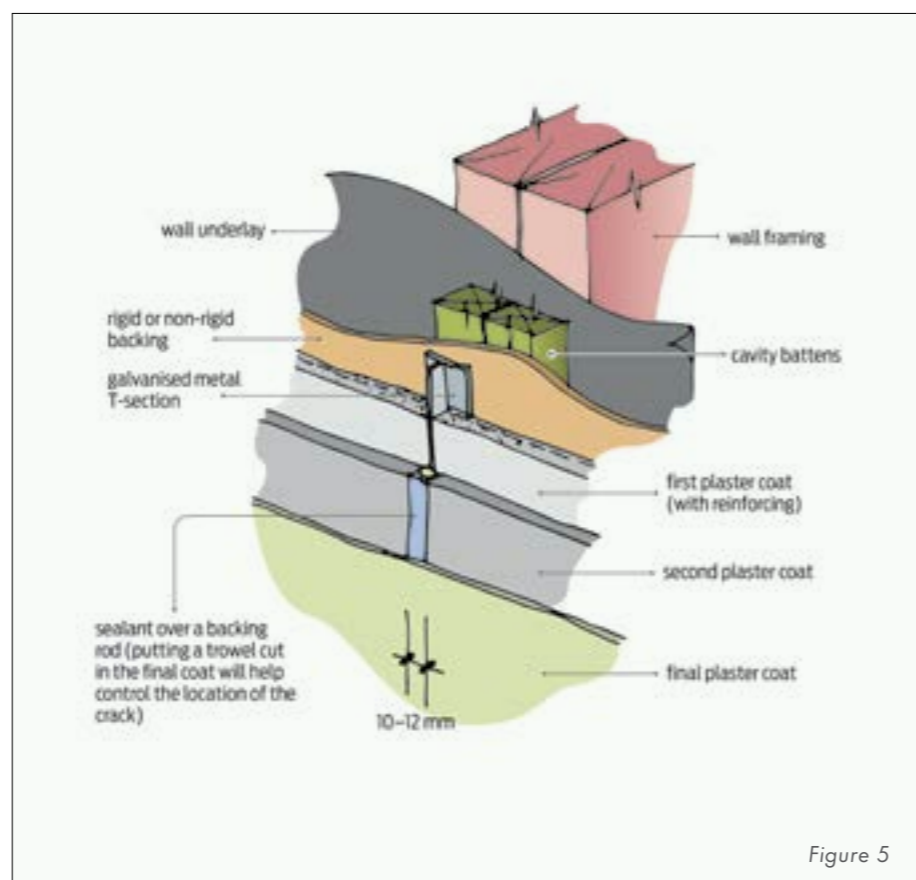


Figure 5

*Note: A vertical control joint is not required when an opening is less than 500mm wide, or the area of the opening is less than 0.2m². Where the width of an opening is between 500mm and 2m but the opening is more than 0.2m², diagonal reinforcing is required at the corners opposite the movement control joint.

FORMING CONTROL JOINTS IN STUCCO

Vertical control joints are formed by plastering up to a corrosion-resistant angle, T-section, proprietary jointing bead or temporary batten (Figure 5). Alternatively, for three-coat systems, a V-groove may be cut through the lower (bond and flanking) plaster coats before they harden.

Fill the gap or groove that is created with a polyurethane, polysulphide or neutral cure silicon-type sealant inserted over a PEF backing rod before the finish plaster coat is applied. Prime the joint edges before applying sealant because sealant will not stick to the plaster.

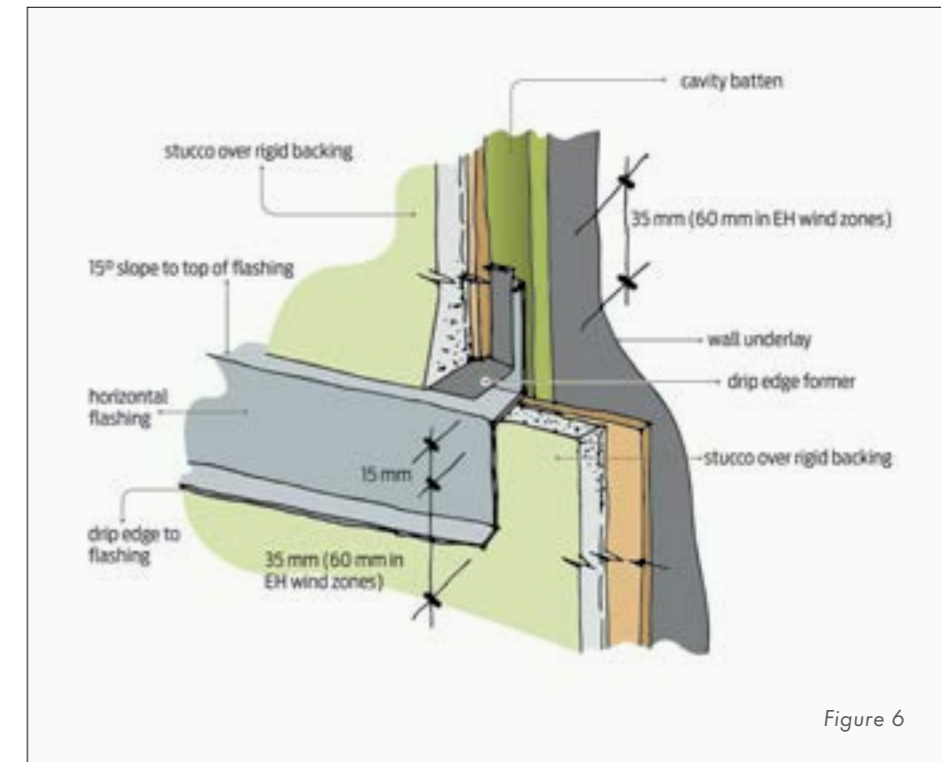


Figure 6

The joints should be 10-12 mm wide and wire mesh or lath reinforcing must not be carried across the control joints.

Horizontal movement control joints are typically flashed (Figure 6) and should have a minimum 15mm wide gap.

CODEWORDS QUIZ

①

Who should determine locations of movement control joints?

- The building owner.
- The plasterer on site.
- The architect/designer.
- The main contractor.

②

In stucco plaster, vertical joints are required on both sides of openings that are 2.0m wide or more.

- True.
- False.

③

Vertical control joints in fibre-cement and polystyrene substrates may be formed by plastering up to an angle, T-section, proprietary jointing bead or temporary batten, or by cutting a V-groove through the lower plaster coats before they harden, then filling with sealant.

- True.
- False.

④

Joint sealant must adhere to the substrate or batten.

- True.
- False.

⑤

Vertical control joints in stucco may be formed by plastering up to an angle, T-section, proprietary jointing bead or temporary batten, or by cutting a V-groove through the lower plaster coats before they harden, then filling with sealant.

- True.
- False.

⑥

Joint sealant must adhere to both sides of the joint.

- True.
- False.

Know your responsibilities

LBP or not everyone carrying out design work has the same responsibilities

Under the Building Act 2004, people who take part in building work have certain responsibilities. In the last edition of *Under Construction*, we looked at builders' responsibilities on-site, including those of Licensed Building Practitioners (LBPs). This time we are looking at designers' responsibilities.

Some of these responsibilities are highlighted under sections 14A-14G of the Act to ensure that if you undertake building work, you are responsible for your part of the project.

WHO IS A DESIGNER?

Section 14D applies to designers. It states that, for the purposes of these responsibilities, a designer includes anyone who is preparing plans and specifications for building work (not necessarily under a building consent). It also includes giving advice about building work compliance with the building code, whether or not the work requires a building consent.

This means that designers could include:

- A person holding a Design licence (1, 2 or 3).

- An architect who is preparing plans and specifications for a building consent application.
- An engineer engaged to inspect building work undertaken to ensure it is structurally compliant.
- A builder who takes on the role of a designer and drafts some plans for a client detailing a low-level deck that will not require building consent.

DESIGNERS' RESPONSIBILITIES

A designer has only one responsibility under section 14D, unlike a builder who has several under section 14E. The designer's responsibility is to ensure that their advice or plans and specifications, if followed, will result in building work that complies with the Building Code. As the designer may not be involved in the construction, they are not responsible for whether the building work complies with the Building Code.

DESIGNERS' OBLIGATIONS

It is important that designers are aware of their other obligations that relate to, but are not specifically mentioned in section 14D. This includes being aware of and not breaching any of the grounds for discipline for an LBP, which are set

out under section 317. Other sections of the Act also state that you need to be licensed to carry out or supervise design Restricted Building Work.

NEW COMPETENCY CHANGES

In 2016, small changes were made to the competencies in the LBP Rules for the Design licence class to keep them relevant and easier to understand. Also, a new competency was added for contract administration and construction observation and applies to Design areas of practice 2 and 3. However, you should also be aware that contracting obligations were included in other competencies for Design 1 licence class holders, as well as other minor changes.

The importance of contract administration is illustrated by elements of it being included as a core competency. A designer who acts inappropriately in their role of contract administration could face sanctions because such conduct might breach a ground for discipline relating to negligence or incompetence.

You can read more about the design competency changes in *Codewords* issue 76 at www.building.govt.nz.

CODEWORDS QUIZ

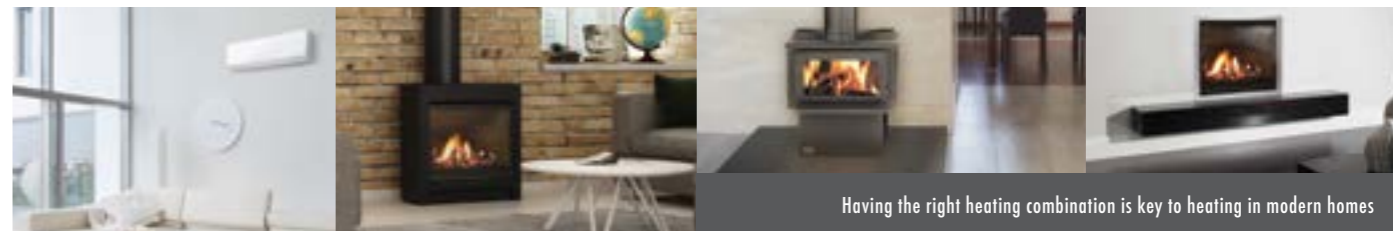
- 7 As a designer, what are my obligations in relation to advice I give about building work?
- You are responsible for ensuring that the builder carries out the building work in accordance with the Building Code.
 - Your advice should result in the work being compliant with the Building Code, as long as the advice is followed by others.
 - Everyone else must agree with your advice.

- 8 Did anything change last year for Design 1 licence holders?
- No, the only change was a new competency for Design 2 and 3 licences.
 - Yes, some contracting obligations were highlighted among other minor changes.
 - No, section 14D of the Building Act has not changed.

- 9 Is a designer responsible for ensuring Building Code compliance in plans when drafting plans for a small 2m x 3m shed on a property?
- Yes, this responsibility applies to all building work.
 - No this work is exempt building work, only the builder is responsible for building it right.
 - No, but you need to get building consent for that.



Having heated conversations



Having the right heating combination is key to heating in modern homes

Go the extra mile for your customers by offering them sound advice on home heating

When building, whether it is a new home or renovation, your customers are faced with an ever-growing choice of heating solutions for their homes. While many of them will have spent time on the internet investigating what is available, their building contractor is often their first call for practical advice.

As a contractor, this can be daunting. When making recommendations, there are a number of important considerations and the wrong advice can be costly. However, before you pass this hot potato

onto another 'expert', consider the value you can add to your client and the build.

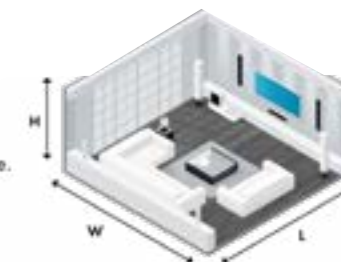
Having the right heating combination is key to heating in modern homes. Many new homes include heat pumps (for efficient heating and cooling), ventilation systems and a gas or wood fireplace (as a centerpiece to the living area and/or outdoor areas). This can represent a significant investment by your customers, so having confidence in the advice you offer is important. Also remember that efficient insulation goes hand-in-hand with the complete

heating solution, providing an additional opportunity for you to add value.

The infographic below, provided by PlaceMakers, provides a succinct guide to the key considerations and their associated heating solutions. This can provide a great starting point to begin the conversation with your customer. For more information on how this can be applied, talk to the heating specialist at your nearest PlaceMakers.

MEASURE THE SPACE YOU ARE TRYING TO HEAT/COOL

To determine the space you need to heat or cool, measure the length (L), width (W) and height (H) of your space.
 $L \times W \times H = \text{Room Size}$ Eg. $5M \times 3M \times 2.4M = 48M^3$



USE THE CHART ACROSS TO DETERMINE YOUR REQUIRED HEATING OUTPUT

KEY	
	Poorly Insulated/Cold Climate
	Well Insulated/Warm Climate

Room size in cubic meters	REQUIRED HEATING OUTPUT IN KILOWATTS			
	Gas/Wood Fireplace		Heat Pump	
15M ³	1.1Kw	0.5Kw		
30M ³	2.1Kw	1.1Kw	2.0Kw	1.6Kw
45M ³	3.2Kw	1.6Kw	2.9Kw	2.4Kw
60M ³	4.2Kw	2.1Kw	3.9Kw	3.3Kw
75M ³	4.2Kw	2.6Kw	4.9Kw	4.1Kw
90M ³	6.3Kw	3.2Kw	5.8Kw	5.0Kw
105M ³	7.4Kw	3.7Kw	6.8Kw	5.8Kw
120M ³	8.4Kw	4.2Kw	7.8Kw	6.6Kw

Please note: Heating output is a guide only. Please talk to us for heating conditions for your situation.

CHOOSE THE RIGHT SOLUTION FOR YOUR HOME

WOOD BURNER UP TO 27KW

PROS:

- Greater heat range 8kW-30kW
- Cheapest source of heating available
- Heats a larger area at a consistent rate
- Provides heat in a power cut
- Provides cooking option in a power cut

CONS:

- Larger fires require more space
- More time/work required for wood
- Dry storage required for fuel/wood
- Some authorities restrict use
- Council consent required for installation
- Ash removal required

GAS HEATING UP TO 8KW

PROS:

- Fast and responsive
- Good space saving options available
- Cleaner low emission options
- Ignition at the push of a button
- Aesthetic options

CONS:

- Un-flued solutions produce moisture
- Generally only heat one room
- Subject to gas type availability
- Requires suitable ventilation

HEAT PUMP UP TO 2-10KW

PROS:

- More efficient than other electric heaters
- Programmable thermostatic options
- Some models provide air filtration
- Wi-Fi options on selected models
- Will provide cooling in summer

CONS:

- Less efficient when outside temp drops
- Comparatively more expensive to install
- Can be noisy (particularly for neighbours)
- Must be installed by a qualified installer
- Completely reliant on electricity supply

Meet the Minister

This month, we interviewed Building and Construction Minister Jenney Salesa (who also holds a number of other portfolios) about what she'd like to achieve in her role and where she sees room for improvement in New Zealand's building system



Building and Construction Minister Jenney Salesa

Q: What do you hope to achieve as Building and Construction Minister?

To build an effective building regulatory system that ensures the buildings New Zealanders use are safe, healthy and durable, and which also supports a productive building and construction sector. This will help enable the sector to build 100,000 affordable homes under the Government's KiwiBuild policy.

I am working to establish a ministerial group on the Construction Workforce, which will develop a skills strategy for the construction sector. I am also looking for opportunities to further increase capability and capacity in the sector.

We know there is an immediate need for skilled workers, but I am also looking to the future to provide skilled construction workers to meet New Zealand's long-term needs.

Q: What are your responsibilities as Building and Construction Minister, and how do they differ from your responsibilities as Associate Minister of Housing and Urban Development?

The Government wants to make sure people have healthy, secure and affordable homes that meet their needs within thriving communities.

As Associate Minister of Housing and Urban Development, I'll be supporting a broad programme that looks across the wide range of elements required to make this happen – land, infrastructure, development and construction.

My Building and Construction portfolio has a more targeted focus. It is about regulating building work in New Zealand to protect the public's safety and to support sustainable development and people's health, independence and wellbeing.

The building regulatory system influences the construction market by setting performance requirements for building work and processes for council enforcement and construction contracting, and by regulating the people who work in the sector and the building products they use.

Q: What do you think about New Zealand's current building regulation system?

We have a performance-based system, which specifies how buildings should perform rather than how they should be built. The reason for this is to allow people to innovate by using new designs, methods, products and technologies.

This is the right approach to take. The Building Code is constantly being monitored and refreshed to reflect advances in research and technology. However, the current Building Code system is complex and can be difficult for people to access and understand.

I can see there is room for improvement,

and have started work on simplifying how people access and use this system. The performance requirements are also just one part of a complex system. My aim is to take a methodical approach to reform across all parts of the building regulatory system. I will use the opportunity KiwiBuild presents to try out new ways of working, to drive transformation of the construction sector and regulatory system.

Q: What would you like to change about the building regulation system?

I have identified some clear opportunities for improvement. One priority will be supporting KiwiBuild by getting rid of obstacles and inefficiencies that would slow progress and by incentivising innovation and new approaches, including prefabrication and modular construction.

I'll also be progressing broader system reforms that are already under way. These include a review of the system for regulating building products, making it simpler for people to access and understand the Building Code system and ensuring the pathways for demonstrating compliance are fit for purpose.

Q: How do you think the Government can better work with the building industry to improve its productivity?

In addition to making sure the building regulatory system serves its purpose of protecting the public in a way that's as speedy and efficient as possible, I'll be actively engaging on the sector-led Industry Transformation Agenda. This provides a collaborative vehicle for government to help support industry to raise productivity.

Q: Are there any plans in place to introduce a national consenting system and, if so, when is it likely to be rolled out?

We'll be looking to explore new and innovative ways of doing consenting, but it's very early days. We're starting by working closely with the sector and councils in fast-growing areas such as Auckland to explore what can be done to streamline consenting for KiwiBuild in the short term.

Then we'll be looking at areas where the legislative settings may need to change to support the industry to transform. At this stage, it's too early in the process to say what the end results of that work will be. In the meantime, we're supporting council-led initiatives such as GoShift, which sees over 20 councils clustering together to develop consistent, shared systems and resources for building consenting.

Q: What do you think about mandatory guarantees for builders and are they something you would like to see introduced to the industry?

Looking at the way risk, responsibility and liability are distributed in the building process is one of the priority items on my work programme for the next three years.

I'll be considering options that ensure builders take appropriate responsibility for their work, that prevent councils from being pushed to become over-cautious, and that protect homeowners from risk if things go wrong. This will include looking at the way guarantees and insurance products are used.

However, we're not yet at the stage where we can say what the Government's role will be in developing the market for guarantees and insurance products. In the meantime, I encourage homeowners and builders to 'Build It Right' by making sure they understand their rights and responsibilities, including the consumer protection measures that are already in place. There's

more information available at www.building.govt.nz.

Q: How successful do you think the LBP programme has been and are you looking at ways it can be improved?

It's important to have a way to make sure the people who carry out or supervise building work, especially Restricted Building Work, are competent and accountable, so that the public can make informed choices about who to employ for building work.

The LBP scheme now has in excess of 25,000 members, and represents a big step forward in achieving these goals. It's also important to make sure we understand exactly how well the scheme is performing and whether it remains fit for purpose, which is why MBIE is undertaking an evaluation of the scheme's first ten years of operation. The evaluation is set to be complete in June 2018.

In the meantime, MBIE, in conjunction with Building Practitioners Board, is continuously looking at ways to improve and make the scheme function better.

Q: Given the current skills shortage, how do you think more women can be encouraged into building and related trades and is that an area you are planning to do some work in?

At the moment, the make-up of the building and construction industry doesn't reflect the make-up of New Zealand. There's an opportunity to help more groups who are currently underrepresented in the industry, such as women, to take advantage of the opportunity that's there, particularly with KiwiBuild getting under way.

In my role as Associate Minister of Education, I will be working with building industry stakeholders, as well as the Ministerial Group I mentioned earlier, to develop a skills strategy to ensure the sector has a workforce that is fit for purpose – as part of that work, I will be looking at how we can encourage and support all kinds of people, including women, into the workforce.



To help increase capacity within the building industry, Building and Construction Minister Jenney Salesa says she will be looking at ways to encourage more people into the industry

PPE employers' responsibility

A recent Employment Relations Authority (ERA) decision highlighted employers' obligations around providing staff with appropriate Personal Protective Equipment (PPE)

A dispute over a pair of steel-capped safety shoes cost a Christchurch-based company more than \$10,000, after the ERA determined it failed to meet its regulatory obligations to provide a former employee with suitable PPE – making his dismissal unjustifiable.

The employee was told that his safety shoes – which were held together by tape with the steel caps exposed – needed replacing. The company's policy was for staff to purchase safety shoes worth up to \$70 on a company account.

However, the cheapest pair of shoes available exceeded this value and the employee also required a more expensive pair of boots for ankle support as a result of previous injuries. As he couldn't afford to make up the shortfall, he continued to use his worn-out shoes.

After receiving three separate on-site warnings about his footwear, he was asked to attend a disciplinary meeting, which he did without a support person. A week later, he received a dismissal letter; the reason given was:

"You are dismissed because you knowingly continued to work on construction sites, installing insulation without adequate PPE..."

While the ERA acknowledged the employee could have done more (reducing his compensation by 20% as a result) to ensure his damaged footwear was replaced, it found ultimately that the company was negligent for not taking direct steps to supply him with new safety shoes.

As a result of this, and for not following correct processes, the ERA ordered the company to pay the former employee \$9,600 plus three month's wages (minus 20%).

WHAT DOES THIS MEAN FOR ME?

The lesson for employers is that it is your responsibility to ensure your staff have the correct PPE for the job, and to provide it for them when they do not.

In its *Guidance to the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016*, WorkSafe highlights that a person conducting a business or undertaking (PCBU) carrying out work at a workplace must ensure that:

- They, or another PCBU, have provided workers with PPE appropriate to the job and;
- They, so far as reasonably practicable, ensure that workers use or wear the PPE provided to them.

The following example from the guidance illustrates those duties:

"To prevent eye injuries, the PCBU of a welding workshop provided its welders safety glasses to wear under their welding helmets. However, even after being instructed by the PCBU to always wear the safety glasses while welding, one worker regularly removed them."

"As the PCBU must ensure workers wear PPE so far as is reasonably practicable, the PCBU talked to the worker to find out why he removed his safety glasses. The worker told the PCBU that it was because wearing the safety glasses over the worker's prescription glasses caused him discomfort. The PCBU then worked with the worker to find safety glasses that the worker could wear without discomfort."

WHAT ELSE DO I NEED TO KNOW?

The PPE provided by employers must be compatible with any other safety



As an employer, it's your responsibility to provide your staff with the correct PPE for the job and, as far as reasonably practicable, ensure they use or wear the equipment provided to them

equipment or clothing required for the job, fit correctly and comfortably, and be suitable for the nature of the work.

Employers also have a duty to ensure that workers' PPE is maintained properly and replaced when necessary. Proper training on use and maintenance should also be provided to workers.

On the other side of the equation, workers are responsible for ensuring they use PPE in line with the information and training given to them by the PCBU. They also must not intentionally damage safety equipment, and they must tell the PCBU when PPE needs to be cleaned, decontaminated or has been damaged.

ARE THERE ANY EXCEPTIONS?

The only exception to the provision to providing workers with PPE is when the worker 'genuinely and voluntarily chooses to provide their own'. In these cases, the PCBU must be satisfied the gear is appropriate and meets all necessary regulations.

It is important to note that workers may change their minds about this at any time; however, they must give appropriate notice if they wish the PCBU to begin supplying their PPE.

Interim liquidation disrupts builders' policies

CBL Insurance LTD (CBL), which underwrote a number of building insurance specialist Bultin's policies, has been placed into interim liquidation, during which time no claims can be paid

The New Zealand insurer is responsible for underwriting Bultin's liability and indemnity policies, while Bultin also distributed CBL's Homefirst Builders Guarantee. Bultin was CBL's sole representative in New Zealand for these policies.

WHAT HAPPENED TO CBL?

Following an application to the High Court from the Reserve Bank of New Zealand, CBL has been placed into interim liquidation following concerns about its solvency.

This application was made because, during the Reserve Bank's investigation into its solvency, CBL made payments worth \$55 million to companies within its European division – a direct violation of the Reserve Bank's orders.

As a result, the company was placed into interim liquidation on 23 February by the High Court.

Citing the liquidation, CBL informed the NZX it will not be releasing its preliminary results announcement for the year ended 31 December 2017, which were due on 1 March. Its rating has also been downgraded from an A to an E.

In its 2017 half-year result, the company reported cash and cash equivalents of \$445 million and actual solvency capital of \$160 million.

Independent insurance broker CBA Insurances also issued a clarification to its customers last week after some customers mistook the issues with CBL Insurance Limited as affecting their broker. According to its statement, CBA Insurances is not affected by the interim liquidation of CBL Insurance Limited as it has arranged alternative cover for affected clients.

WHAT DOES IT MEAN FOR BULTIN CUSTOMERS?

Many Bultin customers affected by the interim liquidation of CBL Insurance Limited are already covered by an alternative insurer, but the company is encouraging anyone who is concerned or unsure to contact them to allay their fears.

Bultin marketing manager Ben Rickard said that advice from the interim liquidators stated that CBL was still accepting and processing claims, but that no payments would be made until the interim liquidation was resolved.

In the meantime, the team at Bultin has been working hard to arrange alternative cover for its customers.

"We're doing our best to make sure our customers are covered while this process is worked through," said Mr Rickard. "CBL was an A-rated insurer and we had no reason to doubt its reputation, nor had we received any notice that they were being investigated by the Reserve Bank."

For those who have renewed or taken out a liability or indemnity policy in the past few weeks, an alternative arrangement had already been made with The Hollard Insurance Company Pty Limited (rated A-).

Other policyholders wanting to arrange immediate cover for the remainder of their policy period will need to pay an additional premium to the new insurer and should contact Bultin to arrange it. Customers whose policies are due for renewal will be automatically placed with Hollard Insurance.

Mr Rickard said they will be requesting a credit from CBL for those who cancel their policy, the amount of which will

be dependent on the outcome of the interim liquidation.

Homefirst Builders Guarantee customers with houses still under construction or within 12 months of completion can apply for a new ten-year guarantee, which is backed by Lloyds of London (rated A+). Again, the possibility of a credit from CBL will depend on the outcome of the interim liquidation.

Mr Rickard said that they are currently working to find a solution for people with policies on a house that has been completed for longer than 12 months.

He said that people who have claims pending with CBL would be unable to transfer those to another insurer and will have to wait until the interim liquidation is resolved to receive any potential payment.

He stressed it was important to note it was only an interim liquidation, which is when liquidators are appointed to preserve the company's assets pending determination over whether or not to place the company into final liquidation. In this case, the Reserve Bank took the step to ensure no more assets or cash could be distributed overseas.

It is not yet clear how long it will take to resolve the process, or what the ultimate result will be. Were the company to be placed into final liquidation, Mr Rickard said policyholders with outstanding claims would be treated as unsecured creditors.

Visit Bultin's website bultininsurance.co.nz/cbl-update/ for more information.

Note: This information was up to date at the time of going to print on 15 March.



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Seal of approval



Push the sealant into the gap, moving the sealant gun forwards over the extruded sealant – do not pull the sealant gun

Sealants play a critical role in making joints weathertight and allowing movement. It is important to get the application right

The sealant needs to keep joints closed during repeated movement – for example, as wall claddings heat/expand and cool/shrink over 24 hours. To do this, there needs to be good side adhesion and the correct width-to-depth ratio of sealant in a joint.

The four key steps to ensuring effective sealant performance are:

- Choosing the right sealant for the job.
- Good joint preparation.

- Priming the joint substrate.
- Applying the sealant correctly.

Many sealant problems come from poor preparation of joints and priming, and poor sealant application. This often leaves the sealant too shallow.

As always, follow the manufacturer's use and application recommendations. There is little to gain and a lot to lose in trying to save money through buying a cheap, inappropriate product or skimping on application.

The correct choice of sealant depends partly on the material. For example, lightweight claddings may experience faster/greater temperature changes and rapid/larger movements.

This creates more stress on sealant bond surfaces. Sealants with higher rapid movement capability or elasticity are best in these cases.

Before applying sealant, clean joint surfaces to remove dust, crumbly material, oil and grease. Repair damaged edges. The joint must be dry during sealant application.

Priming is often necessary for good adhesion and a durable sealant bond, especially for:

- High-movement joints.
- Joints exposed to high weathering/moisture.
- Locations that are difficult to access.

APPLICATION

To be effective, the sealant must:

- Completely fill the joint to the right depth.
- Be fully in contact with the joint sides for the full sealant depth.
- Not adhere to the back of the joint.
- Have no air trapped in it.

A bond breaker, such as tape, to small joints in thin claddings or a PEF backing rod to larger joints (Figure 1) can help control sealant depth and ensure only side adhesion occurs. This allows the sealant to stretch more easily.

Mask joint edges and apply sealant within the time noted on the primer container. Push the gun in the direction the sealant is being applied (see image) to force sealant into the joint, then tool for a smooth finish.

Tooling helps force sealant into the joint, ensures sealant wets the joint sides, brings air to the surface and gives the correct contour.

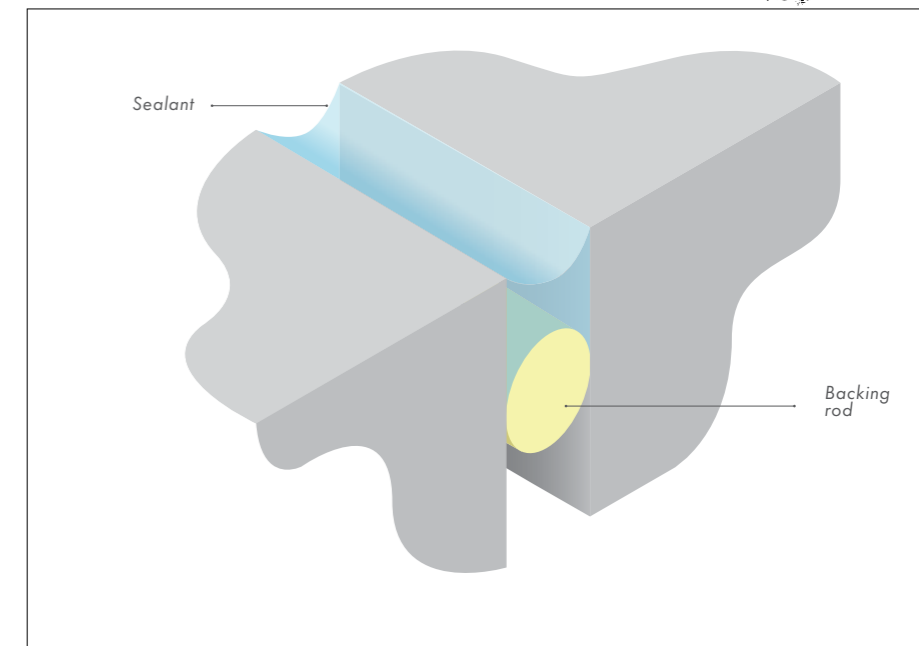


Figure 1: Install a backing rod to control sealant depth

Use the manufacturer's recommended solution to lubricate the tool and prevent sealant sticking to it. Remove masking tape after tooling.

Remember that some gaps must be left open, chiefly for ventilation and drying in a wall assembly. These include:

- At the base of cavities – a cavity closure or open perpend in brick veneer.
- At the top of brick veneer – every third perpend (one course down) left open, or a 5mm gap to the soffit.
- Under brick sills more than 2.4m wide (open perpend).

- Across the face of a sill tray flashing when windows are installed in direct-fixed cladding.

- In both direct-fixed and cavity claddings between the base of the cladding and:
 - a head flashing across openings
 - a horizontal joint flashing.

For more details, see BRANZ Bulletin 601 Sealants for cladding joints.

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PROVE YOUR KNOWLEDGE!

Tick the correct answers below and record what you've learnt in the record of learning on the back page! Evidence of actual learning rather than just 'participation' is a key requirement of the LBP renewal process.

- | | | |
|--|---|--|
| <p>1) What is a common result of poor sealant application?</p> <p>a) The sealant is too shallow.</p> <p>b) There is good side adhesion.</p> <p>c) Increased stress on bond surfaces.</p> | <p>2) What is NOT a benefit of using a bond breaker or backing rod?</p> <p>a) It helps control sealant depth.</p> <p>b) It improves side adhesion.</p> <p>c) It prevents side adhesion.</p> | <p>3) What type of sealants are most appropriate to use for lightweight claddings?</p> <p>a) Ones with higher rapid movement capability or elasticity.</p> <p>b) Ones with low rapid movement capability or elasticity.</p> <p>c) Ones that adhere to the back of the joint.</p> |
|--|---|--|



Heads up on hard hats



When selecting a hard hat, consider whether or not hi-viz colouring is necessary

After Site Safe analysed the most common requests it receives through its online query system, it identified a surprising trend, which is that information about when to wear a hard hat and how to properly maintain them was in hot demand! This article should help to answer any questions you might have

Hard hats are one of the most common pieces of protective gear on site, which means they can often be overlooked when it comes to proper maintenance and care. Site Safe has put together some useful tips to make sure you are getting the most from this key piece of PPE.

DO I NEED A HARD HAT?

Hard hats that comply with NZS 5806, or other suitably approved head protection, must be worn at all times while on site where there is a risk of objects falling from above. In fact, hard hats are becoming mandatory on most sites in New Zealand.

Hard hats should be worn in any area that has the potential for workers:

- To be hit or struck by falling, fixed,

moving or protruding objects.

- To come in contact with electricity.
- Be exposed to UV, weather, and temperature extremes.

CHOOSING THE RIGHT HARD HAT FOR THE JOB

Hard hats come in a range of styles to suit all types of work:

- Industrial – suitable for use in construction, factories and quarries.
- High temperature – suitable for use in processes such as steel and glass manufacturing.
- Bushfire fighting – suitable for use by emergency personnel for combating bush fires.

- Peakless – allowing clear upward vision.
- Peaked – providing shade for the eyes and some facial protection.
- Full brim – providing fuller protection from falling objects and UV, as well as water.

Some hard hats can be fitted with accessories such as face shields, respirators, hearing protection and work lamps. When selecting your hard hat, you should also consider whether ventilation or hi-viz colouring is of benefit.

HOW HARD HATS WORK

Hard hats comprise of a hard outer shell designed to take the initial impact and an inner harness designed to absorb and

spread this impact, minimising the effects of the force to the skull.

HOW MUST A HARD HAT BE WORN?

- Adjust the harness cradle to ensure comfort and total contact with your head at all times.
- It's recommended you don't wear bulky clothing items on your head, as this will result in the harness cradle becoming ineffective. This includes hoods, baseball caps, thickly woven or heavily seamed beanies or balaclavas. Some hairstyles, such as dreadlocks, are also not recommended. Safety clothing distributors offer seamless polypropylene beanies, which do not interfere with the performance of the harness cradle.
- To secure your hard hat, you can use the elastic chinstraps, or a four-point retaining strap integrated with a harness when working at height. The elastic chinstrap is recommended to secure the hat and prevent it being moved by the wind.
- Ensure any attachments are compatible with the make and model of the hard hat.

If you have any specific questions about wearing your hard hat, it is a good idea to check with the manufacturer.

WHEN SHOULD I REPLACE MY HARD HAT?

Hard hats do not have an expiry date; however, it's a good idea to record the date of issue by writing on the inside of the hat with a marker and replace the hat every two or three years.

Please note: that means the date that you are issued the hat, not the date of manufacture.

Your hat should be inspected weekly for signs of damage, such as dents or cracks. A simple test is to squeeze the sides of the hard hat together and listen and feel for signs of stress or cracking, which indicates brittleness and deterioration. If your hat shows any signs of deterioration, replace it immediately.

Components such as the sweatbands and harness may deteriorate more rapidly and may need to be replaced.

LOOKING AFTER YOUR HARD HAT

- Store in a cool, dry environment away from direct sunlight and heavy or sharp objects.
- Keep your hard hat away from chemicals, including paints, paint thinners, solvent-based adhesives (stickers) and cleaning agents.
- Clean by scrubbing and immersing in warm soapy water, and rinsing in clean warm water.

- Sweatbands must be regularly replaced as required.
- If the hat loses its glossy finish and appears chalky, the shell must be replaced.

TRAINING

Employers are responsible for ensuring their workers are trained in the safe use, care and maintenance of hard hats. This training should include:

- The hazards controlled by hard hat use.
- How the hard hat works.
- Limitations of hard hats.
- When hard hats must be worn.
- How to wear a hard hat correctly.
- How to adjust the hard hat for comfort and fit.
- How to correctly store a hard hat.
- How to identify signs of wear or damage.
- How to clean and maintain their hard hat.

For more information on PPE, go to www.sitesafe.org.nz to enrol in one of Site Safe's Passport Plus renewal courses.

Site Safe is a not-for-profit, membership-based organisation that promotes, inspires and supports a culture of health and safety in New Zealand construction.

PROVE YOUR KNOWLEDGE!

Tick the correct answers below and record what you've learnt in the record of learning on the back page! Evidence of actual learning rather than just 'participation' is a key requirement of the LBP renewal process.

- | | | |
|---|--|--|
| 4) Why should you not wear bulky items underneath your hard hat? | 5) How can you test your hard hat to see if it's still suitable for use? | 6) How often is it recommended that you replace your hard hat? |
| a) Because they can impair your vision. | a) Squeeze the sides of the hard hat together and listen and feel for signs of stress or cracking. | a) Every year. |
| b) Because they'll cause you to overheat, increasing the likelihood of fatigue. | b) Drop something heavy on it. | b) Every two to three years. |
| c) Because they will make the harness cradle ineffective. | c) Visually inspect it. | c) Every five years. |





What happened to the January fizz?



Without a measurable indicator, you will never know if you've achieved your goal or not

Did you come back from your break with that look in your eyes – the one that comes from having a new sense of direction after having the time to think about the long-term possibilities for your business? A few months in, have you now lost it, as the paperwork and bills started piling back up? Here's how to maintain that feeling!

For many, the New Year is a time to review where they are at – whether it be in their personal, family or business lives.

Many set new goals and tell themselves (and others) that this year is going to be a good year. Then February comes, followed by March, and life gets busy again. The phone rings, emails start flowing in, and before you know it, you're swamped by endless paperwork and bills that need to be paid.

All of a sudden, you're wondering, 'where did my January fizz go?' People find themselves giving up on their goals.

DON'T GET DISHEARTENED

If this is you, don't worry, it's quite normal! According to a Forbes report,

only 8% of those who make New Year resolutions actually achieve them, yet way more than 8% of businesses do well.

So, how do busy people go about being effective in setting and achieving goals?

1. KEEP THEM S.M.A.R.T

You've likely heard this well-known acronym before when talking about goals, it stands for:

- Specific.
- Measurable.
- Actionable.
- Realistic.
- Time bound.

Specific

The statement 'I want to get more building jobs' may indicate a new vision for your company, or it could just be a desperate hope.

A specific goal – such as, 'to increase the number of building jobs, I will convert more of our renovation leads into sales' – provides more clarity and direction to you and to your team.

Measurable

When you add quantities, you are making a goal about an outcome that can be measured. You'll know exactly when it has been achieved, whereas without a measurable indicator, you won't be able to tell.

If your goal is to earn more this year,

then your success or failure is entirely dependent on your definition of more.

Continuing with the above example, you could restate your goal as: 'To increase the number of building jobs, I will convert 75% more of our renovation leads into sales.'

Actionable.

A S.M.A.R.T goal should reference the actions that need to be taken in order for it to be achieved. Amending our example above further, you may say:

'To increase the number of building jobs, I will create and implement a sales plan that will allow us to convert 75% more of our renovation leads into sales.'

Realistic

Goals should stretch you and require you to develop in some areas, but they also need to stay within the bounds of common sense.

Being S.M.A.R.T is learning to step just outside your comfort zone, so you'll be excited about the results. In our example, increasing your conversion rate by 75% sounds good – but is it possible?

It may be if you intend to access some proven tools, but may not be if you have no new strategies to implement. Your goal may now look like this:

'By accessing XYZ training, I will create and implement a sales process to

convert 30% more renovation leads into sales and so increase the number of building jobs.'

Time bound

Without a completion date, a goal does not provide the impetus or the motivation to act now. You could do nothing this week or the next and still own the goal!

However, a smart goal has a date reference that motivates you to action now. So:

'By accessing XYZ training, I will create and implement a sales process to convert 30% more renovation leads into sales and so increase the number of building jobs. I will achieve this before the end of the financial year.'

2. FOCUS ON FEWER GOALS

Productivity studies show that we can't focus on more than five to seven things at once. Having lots of goals looks impressive, but is unlikely to lead to multiple successes.

Better to keep to a handful of goals – no more than you are able to commit to memory – and don't cheat by writing countless sub-goals under each goal.

This is a recipe for failure. Instead, write just a few S.M.A.R.T goals, reviewing and amending them each quarter.

3. ACHIEVING YOUR GOALS

Some people think that when you write down your goals, you improve your chances of success. Writing forces you to create better goals, especially when you use the S.M.A.R.T check.

But in my experience, it is not the writing down that brings the success – it's the doing of every step towards the goals that brings success.

Productivity studies show that we can't focus on more than five to seven things at once. Having lots of goals looks impressive, but is unlikely to lead to multiple successes

Reviewing your goals frequently and planning your weekly task lists with them in mind almost certainly guarantees success, or at least significant progress. The key is to let your goals inspire your actions.

4. SHARE YOUR GOALS

It can also be beneficial to share your goals with a select few, but only those who will encourage you. Avoid the naysayers!

PROVE YOUR KNOWLEDGE!

Tick the correct answers below and record what you've learnt in the record of learning on the back page! Evidence of actual learning rather than just 'participation' is a key requirement of the LBP renewal process.

- | | | |
|--|--|--|
| <p>7) What does S.M.A.R.T stand for?</p> <p>a) Smart, measurable, actionable, realistic, time bound.</p> <p>b) Short-term, marketable, achievable, risky, time bound.</p> <p>c) Safe, meaningful, actionable, rigid, task-focused.</p> | <p>8) Why is it recommended you focus on fewer goals rather than more?</p> <p>a) You'll be less demoralised when you fail to achieve them.</p> <p>b) Productivity studies have shown that we can't focus on more than five to seven things at once.</p> <p>c) So you can spend more time on the tools.</p> | <p>9) Who is it recommended you share your goals with?</p> <p>a) All of your Facebook friends.</p> <p>b) All of your staff and co-workers.</p> <p>c) Only people who will support you to achieve them.</p> |
|--|--|--|

NB: The questions and answers in this section have been produced by the publisher and do not necessarily reflect views or opinions of the contributing organisation.



Public liability insurance

Many tradies worry more about liability than a car accident or theft, yet they are less likely to have adequate insurance to cover it. This can be problematic, as in many cases the actual costs of a liability claim can be greater!

Public liability insurance is one of the most important policies that a trade professional should have. It is intended to protect you from the cost of accidentally damaging other people's property and – in some cases – causing them injury.

This article looks at some of the most important definitions and exclusions in a public liability policy.

POLICY DEFINITIONS

Damage/property damage

To be a claim, generally there must first be accidental damage to property. This can also include the loss of property that isn't actually damaged, and the loss of use of property.

Event/occurrence

To meet the criteria for this type of claim, the accidental damage must result from a single event and occur within the policy period. The event must be unforeseen and unintended from the standpoint of the policy holder.

Faulty/defective workmanship

Unfortunately, there is no accepted insurance definition of faulty workmanship, which is why it can be such a contentious issue. Was damage caused accidentally or by poor workmanship?

Your view might be quite different from that of your insurance company. If your policy does not include cover for faulty workmanship, you could find your claim is declined.



Any damage caused by your vehicles and trailers is excluded from public liability insurance

Consequential loss/resultant damage

The policy can also cover the indirect costs of damage you cause. For example, the cost of lost sales due to a power failure if you cut through a power cable, or the subsequent water damage to walls and carpets caused by a leaky pipe.

Insured's products

Your own products are not covered by the policy. This can include anything you have constructed once it is no longer in your possession or control. It's important you have a policy that is tailored for builders, otherwise damage to a house you've worked in could be excluded from your liability cover.

POLICY EXCLUSIONS

Asbestos

Asbestos-related legal action is amongst the longest and most expensive in history. Insurers are unwilling to take on the cost of this risk and have excluded any loss related to asbestos. Asbestos exposure could be an increased risk in Christchurch reconstruction work.

Vehicles, boats and aircraft

Claims for damage from owning, working on or using vehicles, watercraft (although smaller ones may still be covered) and aircraft (including products incorporated into aircraft) are not covered.

Damage caused by your car, van, ute and trailers is excluded – these should be covered by a separate commercial vehicle insurance policy.

Pollution

The cost of pollution, including air, water and ground pollution, and the associated clean-up costs are excluded from most policies. However, some will still cover a specific event if it is sudden and unintended.

Employee injury

Injury to an employee that arises out of their work for you is excluded. The ACC scheme is intended to cover this.

Building defects, mould, rot, gradual deterioration and water penetration

As a result of the leaky homes crisis, many policies from general insurers now exclude cover for the effects of water

penetrating a building envelope. As the multi-billion dollar cost of the crisis became clear, insurers decided that the cost of future leaky building claims was too high for them to bear and amended policies to exclude it.

Separate policies that protect tradies from liability for financial loss, such as Builtin's E&O Indemnity, are available. Leaks from internal pipes and water systems are still generally covered by public liability insurance.

Errors in professional advice

You are generally not covered for damage that results from poor professional advice if you've charged for it.

As an expert, your clients are entitled to rely on what you say and, if you get it wrong, they can hold you liable for the cost of this mistake.

If the advice was given for free, then you may still be covered under the standard policy wording.

Defective design

Costs arising from a defective design or specification are excluded from public liability cover. You should be wary of doing any design, unless you have separate professional indemnity insurance that specifically covers this.

Your products, materials and the property you're working on

Public liability insurance is intended to cover the cost of damage to other people's property. This means products that you own, supply, install or construct are excluded under most policies. This becomes tricky for trade professionals, because of the way insurers define 'your products'.

Along with the obvious, some definitions may also include any property that you have been, or are, working on. When it comes to claims from builders, the house you're working on has often been interpreted as 'your product', and therefore is not covered because of this exclusion.

However, some policies make it clear that buildings, or separate components of a property, will still be covered. The definition of 'your products' is one of the most important aspects of your policy, and we strongly recommend you clarify this with your insurer and switch to a policy with a more trade-friendly definition if necessary.

Defective/faulty workmanship

Some policies won't cover the cost of fixing any workmanship that causes damage. Others exclude cover for faulty workmanship only if it results in water penetration of the building envelope.

However, damage that occurs as a result of faulty workmanship may still be covered. Some policies now allow you to add cover for your liability for faulty workmanship.

The issue of faulty workmanship is one of the trickiest areas of liability for trade professionals. You should make sure that your policy covers this.

Loss of use

The policy may not cover you if a client can't get into their house (or use any other property) because of a delay or product failure that you're responsible for. They may hold you liable for extra rental, hotel and travel costs, but these can't be claimed on your policy.

Property in your care, custody or control

Any claim related to any property that is in your physical care or that you have hired is excluded.

Some exclusions, such as the last three above, can be added back in as extensions to your policy, so it's important that you check what your own policy does and doesn't cover.

PLEASE NOTE: This article clarifies some of the common definitions and exclusions contained within most public/general liability policies available from major insurers in New Zealand. The specific wording from different insurers will vary and you should seek the advice of an insurance professional if necessary. Insurers will interpret and apply their own policy wording depending on the specific circumstances of each individual claim, and they're all different. This article is a guide only and should not be relied upon as legal advice.

Builtin Insurance are New Zealand's trade insurance experts. For more information visit builtininsurance.co.nz or contact Ben Rickard at ben@builtin.co.nz or 0800 BUILTIN.

PROVE YOUR KNOWLEDGE!

Tick the correct answers below and record what you've learnt in the record of learning on the back page! Evidence of actual learning rather than just 'participation' is a key requirement of the LBP renewal process.

10) Why are injuries to employees at work excluded from an employer's public liability insurance?

- Because the cost of treatment is too much for insurers to take on.
- Because workplace accidents and injuries are covered by ACC.
- Employees are responsible for their own safety.

11) Under what circumstances might you be covered for damage resulting from advice you have given?

- When you gave the advice for free.
- When you charged for the advice.
- When the advice given fell outside your area of expertise.

12) Under what circumstances might pollution-related damage be covered?

- If the damage was caused by a sudden and unintended event.
- If the pollution is contained to the property you're working on.
- If the associated clean-up costs are less than your excess.



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PROVE YOUR KNOWLEDGE

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| 5) <input type="checkbox"/> | 11) <input type="checkbox"/> |
| 6) <input type="checkbox"/> | 12) <input type="checkbox"/> |

April/May 2018

For ease of record keeping, use this coupon to collate your answers from within this issue of **Under Construction** and then sign and date it as proof of your own learning.

Signature _____ Date _____



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