

ISSUE 81

UNDER CONSTRUCTION

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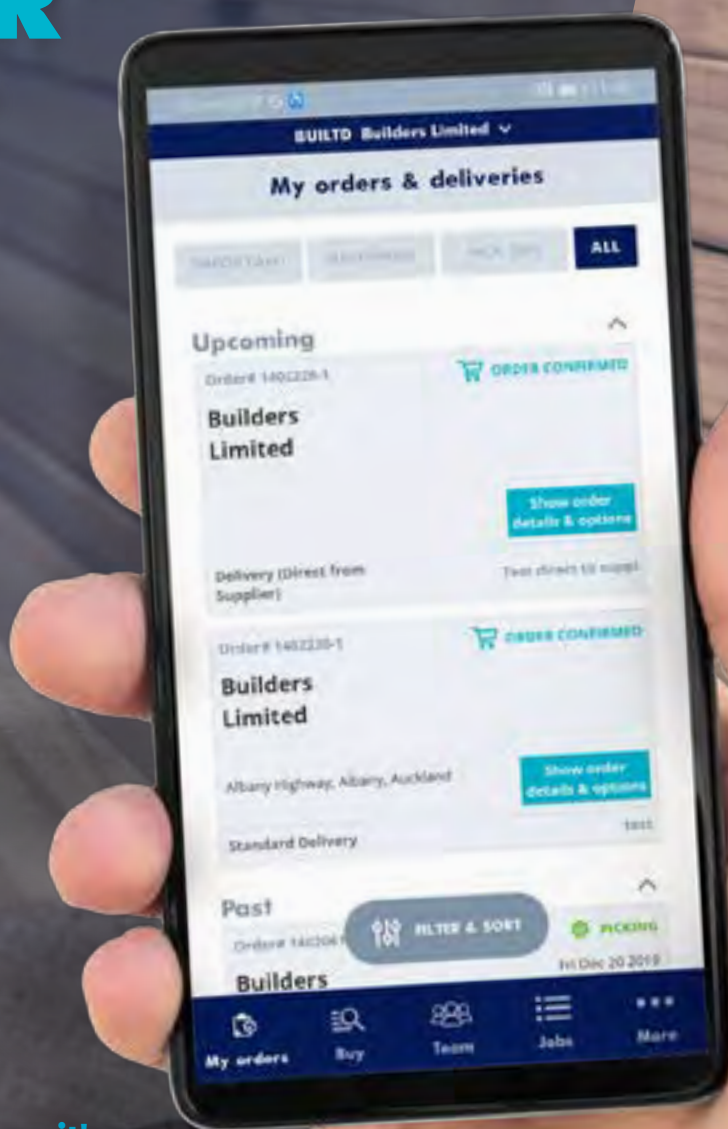


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Page 9



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New Zealand

FOREWORD VIEW FROM THE GM OPERATIONS

INDUSTRY WELLBEING



As summer departs, I am reminded that all things are cyclical. In some ways, it would be easier to live in a straight line – constant, steady work in our industry and a mindset that is always on an even keel would be a simple way forward

But this is not the way for our industry, which has been through many booms and busts. Likewise, we all have times when it seems like everything is going our way and other times when we struggle, things pile up and it can all start to feel like too much.

Mental health in our society is under the spotlight more and more, so it is pleasing to see valuable work is now taking place in our industry to address it. Site Safe has partnered with Construction Health and Safety NZ (CHASNZ), the Mental Health Foundation and Mates in Construction to produce a handy wallet-sized card to help guide us into having conversations with those who might be struggling. I encourage you to take the time to read it and to look out for your workmates.

// Mental health in our society is under the spotlight more and more, so it is pleasing to see valuable work is now taking place in our industry to address it

Look out for yourself, too! Hopefully, the advice from our contributors can help with that. Law firm Duncan Cotterill explains how to protect your tools in the event of a client's receivership or liquidation. We also feature insurance advice from Bultin on how main contractors can avoid being stuck with all of the responsibility and liability if something goes wrong. Speaking of insurance, the landscape in New Zealand has recently shifted with the surprise departure of Lloyd's of London as underwriter for builders' guarantees globally. We take a look at what this means for our industry.

Something that would likely improve all of our outlooks is to do more of the things we enjoy. This applies to work, too. Have you ever thought about what your favourite sort of building job is or who your ideal customer is? Business coach Graeme Owen explains this is more than wishful thinking and is an important part of creating a sustainable business – read more inside.

Lastly, thanks to our suppliers, our customers and our own staff, many of whom are raising funds for worthy causes in their regions. Read about this and more in this issue!

Gary Woodhouse

General Manager Operations

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FEEDBACK

BUILDERS' BUSINESS

PROPOSED CONSENT REFORMS – YES OR NO?

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: How do you feel about the government's proposed reforms on modern methods of construction (also known as prefabricated building)?

Firm: A1 Homes Wairarapa
Principal: Paul Southey
Location: Wairarapa
Staff: 10

Firm: Form Builders Ltd
Principal: Matt Stevenson
Location: Christchurch
Staff: 13

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

The reforms on modern methods of construction will help build affordable housing around the country. Prefab factories can build homes on a larger scale, which would benefit first home buyers and those in need of social housing.

Unfortunately, the consenting process remains an issue for traditional building, with long timelines and frustrations. The councils are in the same boat as most of the building industry, in that they are understaffed and don't have enough resources to support the consenting process.

I believe improvements can be made regarding other forms of building too. In our business, we might work with four councils and the same designs might get four different questions from each council. When we build the same plan, the process would be totally different again.

More collaboration and sharing of resources and documents between local councils would allow companies, who build similar designs in high volume across many councils, a more efficient process.

The cutting of red tape as proposed by government will benefit the affordable housing and social housing sectors in a big way.

Any simplification of the consent process, so long as it's maintaining robust quality assurance standards, is reasonable

I think any simplification of the consent process, so long as it's maintaining robust quality assurance standards, is reasonable.

For factory builds that offer products at the cheaper level, not having to apply for consents at both the manufacturing and build stages streamlines the process and makes that model more economically sustainable.

Streamlining the consent process at the factory level will benefit the construction of affordable housing, reducing the number of inspections and associated costs.

However, factory building is a small percentage of the market, and even if it grows with red tape being cut, there's still a large portion of the industry building traditional houses and having issues with the consenting process.

Future reforms should look at improving the consenting process across the sector. For high-end homes like those we build, it's hard to find consistency in the way buildings are inspected. With the council contracting different consent officers, you can find yourself with ten things to fix or 100.

Establishing a consistent approach to building inspections would go a long way. It would allow builders to know what to expect with every inspection and save having so many corrections to make, which slows down the process.

NOW HAVE YOUR SAY...

SOME DISGRUNTLED HOMEOWNERS RECENTLY SUGGESTED BUILDERS SHOULD HAVE TO PROVIDE THE AVERAGE NUMBER OF INSPECTIONS FAILED PER JOB. DO YOU THINK THIS WOULD ACCURATELY REFLECT A BUILDER'S SKILL LEVEL?

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 2020. The answers to this question will be published in *Under Construction* June/July 2020.

WIN!

PLACEMAKERS APPRENTICE CREW



FROM THE GROUND UP

Our apprentice column provides an opportunity for PAC members to share their views, experiences and ideas, while providing insight for builders who employ them. This month's question is:

Q: What could the industry do to encourage more women into building and construction apprenticeships?

Name: Andrew
Location: Akaroa

**2nd
YEAR**

I haven't worked with any female apprentices or builders, but our PlaceMakers rep is a woman and she is the best rep we've had, so I know women can be just as capable as men in trades.

Builders are a pretty nice bunch – at least the ones I work with are. Some of that old 'boys' club' culture does still exist, though, and it would be good to see it gone. This would make the workplace more inviting for women. Ironically, I think if more women were in trades, this would help change some of that old-school male culture.

Maybe it would help if experienced female tradies went to high schools talking to young women about opportunities in the trades? After that, what about a pre-trade course that is specifically for women?

Whatever the solution is, I believe women can be just as effective as men in trades and I'd like to see more taking advantage of what trades have to offer.

Name: Regan
Location: Wairarapa

**3rd
YEAR**

I have heard guys say women can't be builders because they aren't strong enough to lift heavy things like framing, but plenty of guys aren't super-strong either. If the job is getting done across the team, it doesn't make a difference who does what.

I would say a more 'user-friendly' environment would help – a positive and enjoyable culture, where everyone is supported. I think if we treat everyone with respect, this has to be a good thing and I think this will make the building site a welcoming place for women.

It's my understanding that the culture has already changed a lot. I think back in the day, the environment was a lot more intimidating. The older guys call my generation 'the marshmallows'! But there is much more awareness of mental health and wellness now, and I think everyone understands this is a good thing. I think this awareness makes the environment on a building site a better place for both men and women.

Name: Chelsea
Location: Queenstown

**2nd
YEAR**

Something I really wanted when I started my carpentry apprenticeship was to see other women working in trades. I searched social media and found nothing. So, as they say, "be the change you want to see in the world"! When I started my apprenticeship, I started an Instagram page – shebuildsbro – with the hope that other women who might be curious about working in trades would find it. And it turns out they have found it!

I get messages all the time from women who have taken inspiration from knowing there are other women out there doing it – it's really motivating to know it's making a difference. It's not just the Instagram generation either. Last week, I had an email from a woman who is 39 and she said seeing that other women are doing trades and loving it has encouraged her to sign up to a Trade Certificate.

I think social media can help lessen discrimination for women in trades, because guys now get to see us working in the industry and it becomes the new normal for them. Hopefully this will make a difference to the culture long-term and it won't be thought of as unusual for a woman to be working in a trade.

PLACEMAKERS APPRENTICE CREW



FEBRUARY APPRENTICE OF THE MONTH

Second-year apprentice aces his first project management task, successfully managing a unit re-clad and directing a team

After years as a hammer hand, Moses St John decided it was time to start giving directions instead of taking them. He started an apprenticeship with Lobell Construction in Hamilton, where he already worked. Now in the second year of his apprenticeship, the 36-year-old couldn't be happier with his decision and was thrilled to receive Apprentice of the Month in February.

"Two years ago, I decided it was time to better my life and get a trade behind me," says Moses. "I'm so glad I did. Not only am I well on my way to graduating, but I really enjoy the work."

Lobell Construction works mainly on commercial buildings and is currently re-cladding a multi-unit complex. It was for his work on this project that Moses earned his Apprentice of the Month title.

It was great to have a supportive foreman who was happy to answer questions, but still left me to my own devices in terms of planning

"For the first time, I was in charge of the re-clad of an entire unit, including



Apprentice of the Month Moses St John receives his Apprentice of the Month prize at PlaceMakers Te Rapa

planning and managing the process," says Moses. "I had two other guys working with me, and a foreman to help when required and check progress, but it was definitely a big responsibility."

With half a dozen different systems and materials required – some of which Moses hadn't used before – he made sure to do his homework before proceeding.

"I read all the installation manuals cover to cover and then allocated different tasks to each team member, including myself. Some were fairly standard, while others, such as the EcoPly Barrier system, I'd never used."

Moses said it was great to have a supportive foreman who was happy to answer questions, but still left him to his

own devices in terms of planning. He also checked each stage to ensure the work was done correctly before Moses and his team carried on.

"It was a great learning experience," says Moses. "There's so much to consider when actually managing a project: the sequence of work, the materials and how they're installed, and the people and their skills."

Moses said having the chance to put his leadership skills into practice has boosted his confidence and he looks forward to tackling similar challenges going forward.

"When I was handed this job, I was excited but nervous. I'll definitely be more confident going into the next one, but nerves are also good to keep you on your toes!" ■

PAC CASH TRADE DISCOUNTS

Don't forget that all current PAC members have access to cash trade discounts on safety gear and hand tools plus other product ranges (some exclusions apply) at all PlaceMakers branches. Visit the PAC hub for more details - pac.placemakers.co.nz



WHAT'S ON

PLACEMAKERS PRODUCT PICKS

VALCHROMAT PANELS



Available at PlaceMakers now, Valchromat panels are quick and simple to install and provide an elegant and luxurious look. These innovative wood fibre panels are coloured throughout using organic dyes and bonded together with a special resin, giving Valchromat unique physical and mechanical features. They are available in 2440mm x 1220mm, in a range of colours and thicknesses. The panels are pre-finished, durable and easy to machine, making them the ideal solution for projects where time is limited.

MiTek® BOWMAC® Structural Fasteners

The MiTek® BOWMAC® range of StudLok™ screws has been specifically developed to provide easy alternative options for NZS 3604:2011. It forms an integral part of the MiTek truss and frame design layout. The newest member in this StudLok™ range is the SL125-200 Green, which is suitable for fixing stringers to studs as well as numerous other applications where structural strength for timber framing is required. They are available in packs of 200 at your nearest PlaceMakers store.



STUDLOK SL125-200



SESTO FASTENERS

Available at PlaceMakers, pan head screwbolts provide a low-profile quality anchoring solution. Supplied by Toge Dubel, an innovative fastener company from Germany, these pan head screwbolts provide a great aesthetic finish, ideal for decorative close-to-edge applications. Screwbolts are a non-expansion anchor that do not apply lateral loads to the base material. This makes them ideal for fixing into brick, block or in-situ concrete. Their bimetal construction allows for a fast installation, and they have C1 Seismic ETA and NCC approvals as required for high-specification applications.

TOGE DUBEL PAN HEAD SCREWBOLTS

MILWAUKEE® HEATED GEAR



Born out of necessity on jobsites and developed by teams of advanced engineers, Milwaukee® Heated Gear combines patented Carbon Fibre Heating Technology with the power and durability of REDLITHIUM™ batteries to battle extreme temperatures. Custom-developed materials maximise durability and flexibility to outperform traditional fabrics against abrasion and tearing. High-wear zone reinforcement and trade-focused features maximise utility and extend product life. Adjustable heat technology allows users to adapt to changing conditions by increasing or decreasing the heat level with the touch of a button. Powered by Milwaukee's M12 battery range, PlaceMakers is pleased to stock this gear.

NEW SCRUFFS PRO FLEX TROUSER



These new Scruffs Pro Flex trousers, available at PlaceMakers, are slim-fit and made from two-way stretch material. They are lightweight and comfortable, yet strong and durable.

They feature Cordura-reinforced, top-loading knee pockets, along with knee ventilation for warm-weather comfort. The pockets and hems are all reinforced and adjustable tool loops adapt to most items, while reflective piping helps assure safety on the worksite.



Available at PlaceMakers, GIB Weatherline® acts as both an air barrier and secondary line of defence against water penetration into the building structure. The sheets feature a water and mould-resistant, fibreglass-reinforced gypsum core and a glass-fibre sheet face to provide excellent water, mould and fire performance. Sheets can easily be cut using the 'score and snap' method, then fastened off using a collated screw gun, with no harmful dust created. GIB Weatherline® Rigid Air Barrier System options include: 30 and 60-minute fire resistance options for timber and steel framing | Four structural bracing options | A range of environmental noise control options | A BRANZ appraisal | Suitable for buildings within the scope of NZS3604 and Specific Engineering Design.

GIB WEATHERLINE RIGID AIR BARRIER SYSTEMS



Launched in 2018, PACKOUT™ has been one of Milwaukee's fastest growing categories. Milwaukee Tool revolutionises tool transportation, organisation, and storage for the trades with the PACKOUT™ Modular Storage System.

Designed to provide users with the ability to interchange and interlock a wide assortment of heavy-duty toolboxes, organisers, and storage totes in multiple different configurations, PACKOUT™ is an extremely versatile and durable modular storage system. New products include the PACKOUT™ Mounting Plate, Dolly and Crate. Available now at PlaceMakers, PACKOUT™ Modular Storage System gives builders the ability to fully customise storage, enabling the stacking of tool boxes, organisers, totes and bags.



MILWAUKEE PACKOUT™

FEEDING THE FUTURE

\$3,500 raised for Hawera kids’ school lunches charity Kai Kitchen

For the past few years, PlaceMakers branches around the country have rallied together to raise money for the Prostate Cancer Foundation in honour of Blue September. Last year, branches were encouraged to continue fundraising and to donate the money raised to a charity of their choice. PlaceMakers Hawera opted for Kai Kitchen.

The organisation, which provides school lunches for kids who need it in South Taranaki, has close links to the Hawera branch, due to Retail Manager Maree Beare being a member of the committee.

“We’ve previously raised money for Blue September and it’s a great cause,” says Maree, “but this time, thanks to my connection with Kai Kitchen, our branch manager Mike Zeylemaker thought

it would be a worthy recipient of our fundraising efforts.

“We organised a silent auction of cakes, which were baked and donated by locals who got behind the cause.”

The local Rapid Relief Team – part of an international charitable organisation that provides quality food services – found out about the auction and offered to provide breakfast for the tradies who turned up at the auctions.

Maree says the auction was a bigger success than she hoped, with between 60 and 70 people showing up.

“We raised \$3,500, which is enough to make a meaningful difference to an organisation doing great work.

“What they achieve by simply providing



Kai Kitchen members with some of the cakes up for auction. Michelle Mills (treasurer), Maree Beare (committee member) and Rochelle Steer (chair)

lunches is amazing. Teachers tell us that it makes kids keen to participate, better behaved and happier overall. It’s such a worthy cause. Helping to feed children who would otherwise go without is helping our future.

“We are very grateful to all our staff, customers and local volunteers who got behind the great work Kai Kitchen is doing here in South Taranaki.”

BUILDING SUPPORT FOR MENTAL HEALTH

Staros receives over \$10,500 to help those affected by suicide

For his store’s charity focus, Hawke’s Bay Branch Manager Andrew Milne decided to support a local organisation that focuses on mental health – STAROS.

“Suicide is something that affects people in all walks of life, our industry included, so I wanted to raise money for a local organisation that works in that area.

We found STAROS, based in Hawke’s Bay, which helps to support family and friends left behind.”

STAROS was started in March 2012 by two parents, Warren and Teresa, who were brought together because both had lost sons to suicide. The name is an acronym based on their sons – ‘Stu and Ryan our sons’.

“The personal story behind STAROS is incredibly moving and it was a privilege to hear from Warren about how it came to be,” says Andrew.

To raise money, Andrew and the team decided to build a cabin and auction it off, with all proceeds going to STAROS.

“The materials for the cabin were generously donated by our suppliers, then about ten of our best builders donated half a day each to build it. Construction took about two weeks.

“We were really blown away that our customers were willing to donate their time, when they are all so busy. We put on a barbeque to say thanks and to make sure they were all properly fed and watered.”



The shed built by Hawkes Bay’s customers, with donated supplies, which raised \$10,500 for suicide support charity STAROS

The cabin raised more than \$10,500 at auction.

“STAROS does an incredible job and we are very proud to be able to help,” says Andrew. “We were humbled by the generous support of our suppliers and our builders who did an amazing job making this all come together.”

TRADE APP COMING YOUR WAY!

PlaceMakers is excited to be in the final stages of developing Trade App – a new digital tool designed to make life easier for busy builders

The new ordering and tracking app is coming soon! Some of Trade App’s key features include:

1. 360-DEGREE ORDER MANAGEMENT, WHICH MEANS YOU’LL BE ABLE TO:

- See all orders separated into job accounts – including order type, items, delivery details and status.
- See live order status from confirmation to delivery, so you can check where your order is at all times and when you can expect delivery.
- Change your order, including delivery and collection dates.

2. FAST ONSITE DELIVERY AND PICKUP, SO YOU CAN:

- Place orders from PlaceMakers product catalogue directly on the app with live pricing and inventory.
- Use couriers to get consumables on site fast to keep the job going.
- Select a pick-up option for products that can’t be couriered.

3. CHOOSE DIFFERENT LEVELS OF ACCESS FOR YOUR TEAM, WHICH MEANS YOU WILL BE ABLE TO:

- Delegate who can place orders, amend orders and view your pricing.
- Set a credit limit or give temporary access.

tidily allocated to each job and track each one, so you know exactly when it will arrive, as well as let members of your team make changes. All from your phone. This gives you total visibility and control over your orders to make sure you get the right stuff at the right time.

PlaceMakers has been trialling an early version of Trade App with some builders around the country already. Changes and adjustments have been made based on their feedback, so Trade App will have your back right from the start.

Rollout is planned as follows:

- Auckland and Christchurch – early May
- Hamilton – late May
- Wellington – early June
- Central Otago – late June
- Regions – more info to come



To put it another way – imagine yourself as the main contractor, walking down a row of 30 houses, with each builder firing orders at you. Previously, this would have been a big headache. Now you’ll be able to keep the orders



MBIE

KEEPING UP THE BUILDING CODE



One of the most recent Building Code changes, published in November 2019, is to support safer and more resilient foundations for buildings on liquefaction-prone ground

The Building Code is required to evolve over time to meet the needs of New Zealanders. To achieve this, the Ministry of Business, Innovation and Employment (MBIE) is holding biannual consultations and Building Code reviews

In New Zealand, building work must meet mandatory requirements. These are laid out in the Building Act 2004 and its supporting regulations – the Building Code.

The New Zealand Building Code is performance-based as opposed to prescriptive. A performance-based Building Code provides choice and flexibility in demonstrating compliance.

OPTIONS FOR DEMONSTRATING COMPLIANCE

There are various compliance pathways that may be used to demonstrate that building work meets the minimum performance requirements set by the Building Code.

Compliance pathways that must be accepted as complying with the Building Code include:

- Acceptable Solutions – simple step-by-step instructions that describe specific solutions for complying with the Building Code.
- Verification Methods – test or calculation methods for complying with the Building Code.

The Building Code, Acceptable Solutions and Verification Methods

documents require updating regularly to remain current with sector innovations and best practice.

CONSULTING ON CHANGE

MBIE consults on the Building Code twice a year – every February/March and August/September. The consultation runs for six weeks and stakeholders are invited to make submissions through the MBIE website on a range of issues raised for discussion.

After the consultation closes and all submissions are analysed, Acceptable Solutions and Verification Methods are updated and published in June and November each year.

The purpose of these biannual updates is to ensure effective administration of the Building Code documents. MBIE is committed to updating these documents twice a year, so that the Building Code keeps pace with innovation, current construction methods and the needs of modern society. It also provides clarity, certainty and consistency to the building and construction sector.

The first biannual update changes were published in November 2018, followed

The Building Code, Acceptable Solutions and Verification Methods documents require updating regularly to remain current with sector innovations and best practice

by a second set in June 2019. The most recent round was published in November 2019.

LATEST CHANGES

The November 2019 changes are to:

- Support safer and more resilient foundations for buildings on liquefaction-prone ground.
- Improve consenting efficiency for steel-framed housing by introducing a new steel frame Acceptable Solution.

The change to foundation requirements on liquefaction-prone ground is already in place in the Canterbury region and will now be extended to all of New Zealand. This will provide

clarity to both councils and engineers, ensuring new buildings are being built safely and strongly enough to withstand liquefaction risks.

MBIE is also making the National Association of Steel Framed Housing (NASH) standard an Acceptable Solution rather than an Alternative Solution. This will help support higher-density housing by increasing the number of construction material options available in compliance pathways.

MORE INFORMATION

For more information you can check out the updated Acceptable Solutions and Verification Methods on the Building Performance website. If you would like to receive email updates on changes to the Building Code and when consultations are open, available at building.govt.nz/about-building-performance/news-and-updates/all-news-and-updates. ■

This article is an excerpt from Codewords Issue 94. Reading Codewords articles that are relevant to your licence class is a mandatory requirement for Licensed Building Practitioners. These questions can be answered through the LBP portal, online at underconstruction.placemakers.co.nz or recorded on the magazine, then provided at the time of renewal.

CODEWORDS QUIZ ISSUE 94



- 1 How often are the Building Code, Acceptable Solutions and Verification Methods documents updated?

 - a) Once every two years.
 - b) Twice a year.
 - c) Every time the Building Act is updated.
- 2 Acceptable Solutions are:

 - a) Simple step-by-step instructions that describe specific solutions for complying with the Building Code.
 - b) Test or calculation methods for complying with the Building Code.
 - c) The only solution that will be accepted under the Building Code.
- 3 How can you make submissions on a Building Code consultation?

 - a) By writing a letter to the minister.
 - b) Through the consultation section of the MBIE website.



USING TIMBER JOINERY CORRECTLY



Timber joinery provides many benefits – joinery details that closely mimic the traditional appearance of timber joinery allow replacement and renovation work to blend seamlessly

Timber joinery is a feature of New Zealand heritage architecture and is a relevant part of building and renovation today, but it’s important to know how and when to use it

Timber joinery products meet the requirements of the current Building Code, but there are several Standards to consider, so it’s important to use them accordingly. The following tried and trusted standards can give you confidence that you are following good practice.

BENEFITS OF TIMBER JOINERY

Timber joinery provides many benefits:

- Higher thermal resistance compared to some commonly used building products.
- Condensation is reduced or eliminated with double-glazed

timber joinery.

- Joinery details that closely mimic the traditional appearance of timber joinery allow replacement and renovation work to blend seamlessly.
- Surface coatings that can be repaired relatively easily on site and colours that can be changed to suit the client’s needs.
- Added design flexibility due to the relative ease in modifying timber profiles.
- Reduced carbon footprint, as the

product is manufactured from renewable timber resources and, with the proper maintenance, it can last 50-plus years.

SPECIFY THE RIGHT PRODUCT FOR YOUR JOB

In New Zealand, testing the weathertightness performance of individual windows and doors for external use is done using NZS 4211:2008 Specification for performance of windows. This standard also includes glazing systems.

Windows and doors that pass NZS 4211:2008 testing can be labelled as being in accordance with

NZS 4211:2008. This includes the appropriate air leakage and wind zone rating for the product, as established through the testing.

Generally, when specifying windows and doors using NZS 4211:2008, the following steps should be taken:

1. Establish the appropriate wind zone in accordance with NZS 3604:2011 Timber-framed buildings section 5.
2. If the wind zone is beyond that given in NZS 3604:2011, see section 10 of NZS 4211:2008.
3. Select a window that has been tested to NZS 4211:2008 and is labelled as suitable for the relevant wind zone.

In May 2014, the wind zones in NZS 4211:2008 were revised to align with the wind zones specified in NZS 3604:2011. This incorporates the extra-high wind zone for more exposed building sites.

Some NZS 4211:2008-compliant timber joinery suites have been tested beyond the extra-high wind zone, so specifying these can give you additional

confidence in performance.

EASY TO IDENTIFY NZS 4211:2008-COMPLIANT JOINERY

It is easy to tell the difference between NZS 4211:2008-compliant timber joinery and other timber joinery. NZS 4211:2008-compliant joinery will be fitted with identification tags that show relevant wind zone and air leakage ratings. See example of NZS4211:2008-compliant timber joinery tag below:



It also has a unique identification number that can be traced back to the original registered manufacturer. Tags are typically installed on the frame in the rebate of an operable door or window sash, like those found on fire doors.

Registered manufacturers of NZS 4211:2008-compliant timber joinery must work to a manufacturing standard to ensure quality. Structural members within the joinery are individually calculated using specialist software and engineered calculation charts. Timber species and size can be altered to ensure relevant wind zone

requirements are met.

MORE INFORMATION ONLINE

NZS 4211:2008 is one of the standards funded by the Ministry of Business, Innovation and Employment (MBIE) to support Building Code compliance. The NZS 4211:2008 standard can be downloaded free of charge on the Standards New Zealand website.

NZS 4211:2008-compliant timber joinery product and installation details can also be downloaded from the Joinery Manufacturers’ Federation website.

Timber joinery products meet the requirements of the current Building Code, but there are several Standards to consider, so it’s important to use them accordingly

The documents available on the website outline opening trim preparation, flashing details, fixing methods and seal locations. They will assist in both detailing and installing timber joinery to appropriate standards. ■

This article is an excerpt from Codewords Issue 94. Reading Codewords articles that are relevant to your licence class is a mandatory requirement for Licensed Building Practitioners. These questions can be answered through the LBP portal, online at underconstruction.placemakers.co.nz or recorded on the magazine, then provided at the time of renewal.

CODEWORDS QUIZ ISSUE 94



- 4 What is the simplest way to check that timber joinery is manufactured to NZS 4211:2008?

 - a) Measure window profile sizes and check the designer’s plans.
 - b) Locate the identification tag on the door or window frame.
 - c) Contact the manufacturer.
- 5 Can NZS 4211:2008-compliant timber joinery be used in an extra high wind zone?

 - a) Yes, if has been tested and certified for this use.
 - b) No.
 - c) Only if the homeowner signs a disclaimer.
- 6 How do you determine the wind zone of a property?

 - a) By using the procedure laid out in NZS 3604:2011 Timber-framed buildings.
 - b) You need to measure the wind levels on site.
 - c) By checking the weather forecast.

RETROFITTING INSULATION



If linings or claddings need to be replaced, it is a good opportunity to install insulation at the same time. Remember, a building consent is required to retrofit insulation into existing walls

Tricky access can be a problem when retrofitting insulation into an older home. However, as the push continues to insulate homes, we look at some of the options and things to consider

Houses built before 1978 were not required to be insulated, and some older houses still have no insulation or are only partially insulated. Where insulation has been installed, it often does not meet current Building Code requirements and is not performing satisfactorily.

Retrofitting insulation into an existing building is not always easy, and options may be limited by accessibility and cost. For example, walls, skillion roofs, low-pitched roofs and some underfloor spaces are hard to access, making installation difficult, and the cost may not be justified.

However, the Healthy Homes Act, which became law on 1 July, 2019 requires

a minimum standard for insulation in rental properties.

BUILDING CODE REQUIREMENTS

The principal Building Code clauses applicable to insulation are clause H1 Energy efficiency, clause E3 Internal moisture and clause B2 Durability.

New building work, such as extensions, must have insulation installed that complies with the requirements of these clauses, while alteration work must comply with the Building Code 'to at least the same extent as before the alteration'.

In theory, if a new window is inserted into a wall, additional insulation may be required in the wall to offset the

reduction in thermal performance as a result of the window installation.

A building consent is required to retrofit insulation into existing external walls, but the installation of underfloor and roof insulation does not require a building consent. This is because the installation of insulation in the walls may have a significant impact on the water management and hence durability of the wall.

OPTIONS FOR INSTALLING ROOF INSULATION

NZS 4246:2016 Energy efficiency – Installing bulk thermal insulation in residential buildings provides guidance on the methods of installing bulk insulation in light timber-framed and

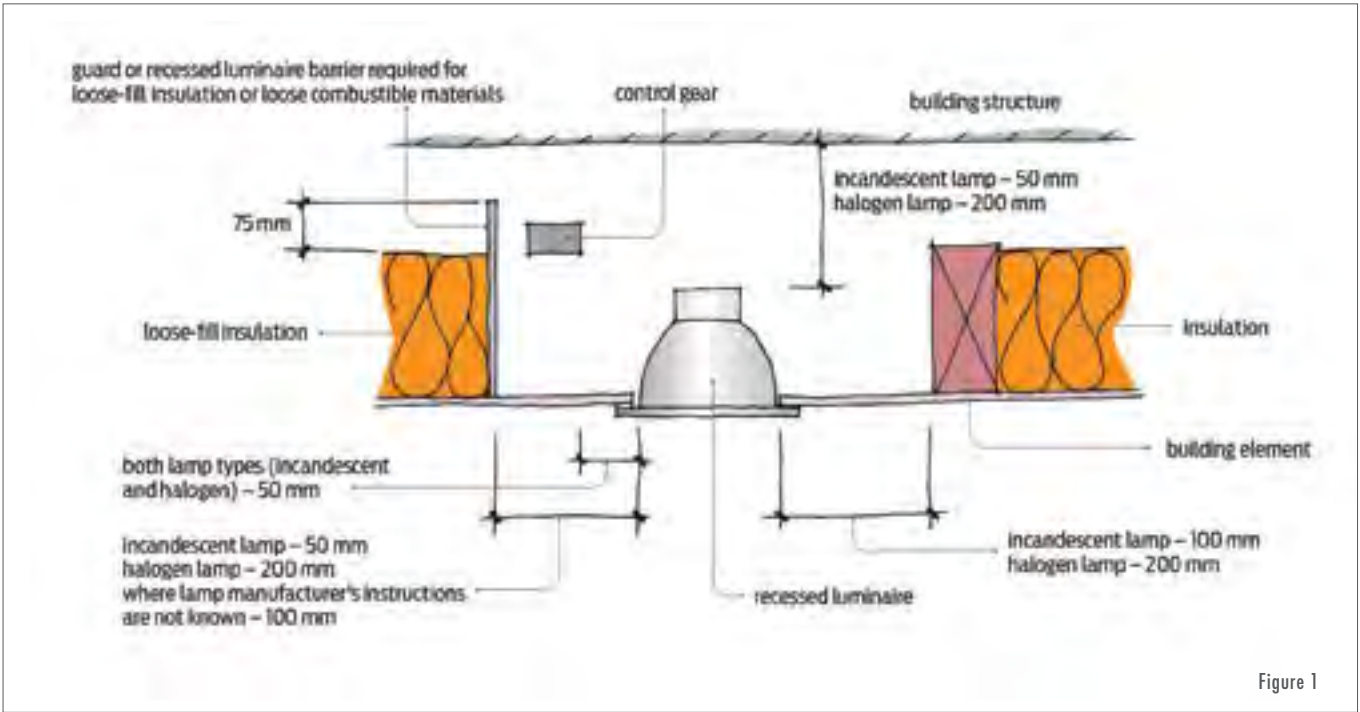


Figure 1

steel-framed buildings and covers both new and existing buildings.

Insulation can be installed, retrofitted or upgraded relatively easily in roof spaces that have good access by either:

- Fitting bulk insulation between and over ceiling joists or bottom chords of trusses.
- Installing blown-in loose-fill insulation.

Skillion roofs have limited access, so it is not as easy to fit insulation, but it can be installed by:

- Removing the roof cladding.
- Removing the ceiling lining.
- Fixing battens to the underside of the existing ceiling, fitting insulation between the battens and installing a new ceiling lining.
- Building a suspended or lowered ceiling into which insulation can be inserted.
- Inserting insulation between exposed rafters and installing new ceiling lining over the rafters.

CHECK RECESSED DOWNLIGHT RATINGS

Recessed luminaires – or downlights – are common in ceilings of houses built since the 1980s. Older recessed downlights must not be covered and require a 100mm gap between the downlight and the insulation.

Newer downlights are likely to have a rating classification marked on the fitting. According to the rating, they may:

- Be covered with insulation (IC or insulation contact)
- Abut insulation (CA or close abutted)
- Have no clear marking and require a minimum clearance from both insulation and other building elements in accordance with the manufacturer's instructions or the default clearances given in NZS 4246:2016 and AS/NZS 3000:2007 Electrical installations (see Figure 1).

The same rules apply to the driver units. If the units can be separated from the light, they will be marked as well.

If downlights are being replaced, unmarked fittings must be considered to have a do-not-cover classification and cannot be installed in residential buildings.

OPPORTUNITY IF REPLACING LININGS OR CLADDING

If linings or claddings need to be replaced, it is a good opportunity to install insulation at the same time. There are other options available that don't require linings to be removed, such as blown-in insulation. BRANZ is currently researching these options and will report on them in the future.

TIMBER CLADDING

When replacing external cladding, insulation can be installed between studs from the exterior. Lay new wall underlay over the framing before the new cladding is fixed. The new cladding needs to be installed at the same time as the insulation and underlay is fitted. Otherwise, a suitable protection such as temporary tarpaulins should be provided to protect the insulation until the new cladding is installed.

When replacing internal linings, insulation can also be installed between studs. Check the underlay first and only install if there is underlay and it is in

RETROFITTING INSULATION CONTINUED



good condition. If there is no underlay or it is in poor condition, there are two methods described in NZS 4246:2016 section 5.4.1.

BRANZ’s preferred option is installing the insulation with a 20mm minimum gap between the back of the cladding and the insulation to allow for drainage and drying.

EXTERIOR CONCRETE MASONRY OR IN SITU CONCRETE WALLS

Insulation options for concrete masonry or in situ concrete walls include:

- Installing an Exterior Insulation and Finish System (EIFS) system to the exterior.
- Strapping, insulating and lining the internal face of walls.

SUSPENDED TIMBER FLOORS

Where there is good access to the subfloor space, insulation can be fitted between the floor joists. Insulation that is specifically designed for installation under floors includes friction-fitted polystyrene and bulk insulation blankets or rolls.

A building consent is required to retrofit insulation into existing external walls, but is not required for the installation of underfloor and roof insulation

Both types must be fitted closely to the underside of the floor, leaving no gap for air movement.

If wind wash is an issue, consider:

- Attaching sheet material, such as polythene, hardboard or plywood, to the underside of the joists to protect the insulation.
- Using a high-density insulation that is not affected by wind wash.
- Putting in extra insulation to compensate (see BRANZ Study Report SR354).

In exposed or wind-wash areas, it’s important to use fixings or strapping to hold the insulation in place. This should follow NZS 4246:2016 or the manufacturer’s instructions.

REDUCING HEAT LOSS FROM CONCRETE FLOOR SLABS

If renovations are being carried out and there is sufficient internal ceiling height, the existing floor slab may be overlaid with a polythene membrane, 25mm thick polystyrene board and a 75mm minimum thick concrete topping slab laid over the polystyrene.

The concrete topping slab should also be isolated from the existing timber framing with a damp-proof membrane to prevent moisture from the concrete being absorbed by the timber.

OPPORTUNITIES TO IMPROVE PERIMETER

The perimeter of a concrete slab is even more important for heat loss.

Retrofitting 25mm of extruded polystyrene vertically down the outside of the footing is likely to improve the thermal performance as much as the topping slab insulation.

See BRANZ Study Report SR352 *Perimeter insulation of concrete slab foundations*, available from www.branz.co.nz/study_reports.

This article was first published in issue 175 of BRANZ Build magazine. www.buildmagazine.org.nz. Words and figures supplied by BRANZ.

PROVE YOUR KNOWLEDGE

Tick the correct answers below and record what you’ve learnt in the record of learning on the back page!

- 1) What principal Building Code clauses are applicable to insulation?

 - a) Clause H1 Energy efficiency.
 - b) Clause E3 Internal moisture.
 - c) Clause B2 Durability.
 - d) All of the above.
- 2) Which of the below requires a building consent?

 - a) Retrofitting insulation into existing external walls.
 - b) Installing underfloor and roof insulation.
 - c) Both answers.
- 3) If there is sufficient internal ceiling height, the existing concrete floor slab may be overlaid with which of the following?

 - a) A polythene membrane, 25mm thick polystyrene board and a 75mm minimum thick concrete topping slab laid over the polystyrene.
 - b) A polythene membrane, 75mm thick polystyrene board and a 25mm minimum thick concrete topping slab laid over the polystyrene.

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.

INDUSTRY FOCUS

LBP IDENTIFICATION FRAUD

The recent conviction of Christchurch builder Rodney James Day brought to light the vulnerability of LBP numbers being available for anyone to see

As reported in a previous *Under Construction* issue, Rodney James Day was the first unlicensed builder to receive a criminal sentence after he was found guilty in Christchurch District Court of forging documents to carry out building work in 2016.

The documents included the forged signature of a Licensed Building Practitioner (LBP) claiming they had reviewed Day’s work and signed off the paperwork for buildings he was working on in 2016.

Day’s criminal activity caused repercussions for the people who employed him in trust, as his work was unlawfully conducted and of a poor standard, incurring extra costs as a result.

While this was all happening, the builder whose name was being used by Day had no knowledge his name and LBP number was being used fraudulently. This brought attention to the fact that LBP names and numbers, which are publicly available, could be used by anyone to sign off work.

MBIE Occupational Licensing Operations Manager Duncan Connor says: “MBIE will look to prosecute anyone who unlawfully carries out Restricted Building Work (RBW) or fraudulently pretends to be a Licensed Building Practitioner in situations where we are made aware of this activity.”

However, monitoring the use of LBP numbers is not under MBIE’s domain, and there is currently no nationalised alert system for the use of LBP numbers.

“If an LBP is worried about the use of their number, they can query their local BCA to see what work has been



To protect LBP numbers and names from being used by non-licensed people, homeowners and business operators should verify a builder against his or her LBP identification card

completed against their number and follow up on any inconsistencies.”

While this may work in some instances, it doesn’t help if the offender uses the name and number of a builder in another region, as has happened previously.

Multiple councils were approached for comment but did not respond.

MAKING SURE THE BOOT FITS

This is not the first time this has occurred. Last year, Christchurch-based Brookes Hales Sheehan was convicted of fraudulently using an LBP’s name and number from Whanganui. Sheehan was caught when his company director noticed the name on his records of work was under his real name, and that the name wasn’t on the LBP register. He was fined \$13,000 by the Christchurch District Court.

“MBIE encourages anyone who is engaging someone to do Restricted Building Work on their home to check if they’re an LBP. This can be done by checking the public register and asking to see an LBP’s identification card,” said Connor.

The Plumbers, Gasfitters and Drainlayers Board previously took steps to remove their tradespeople’s numbers from the public register after complaints

from plumbers and council inspectors about the possibility of fraud. The public can search for name or location, but the numbers are not visible. However, for LBPs, legislation requires that numbers be listed on the public register.

The risk of contracting someone who is using the LBP number and name of someone else can lead to considerable losses for homeowners.

“Using an unlicensed tradesperson can have implications for the homeowner, as they might not be insured for damage caused by poor workmanship, and may not be able to get the certificates needed for council sign-off,” said Connor.

To protect LBP numbers and names from being used by non-licensed people, homeowners and business operators should verify a builder against his or her LBP identification card. Connor suggests that LBPs can help in this area.

“By always presenting their ID card when they turn up to do work, LBPs can also drive behaviour and consumer expectations around the process.”

However, this places the onus on homeowners and developers — there is currently no way for an LBP to protect his or herself from someone else using it. ■

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New Zealand

LBP AND HIS COMPANY FINED FOR NEGLIGENCE

An LBP was fined \$6,000 by the Building Practitioners Board and his company was fined \$54,000 by the courts, after supervising building work without ensuring the necessary building consents were in place

The building company responsible was prosecuted, received a fine of \$54,000 and received a criminal conviction. In addition, the landowner, Papamoa Village Park (PVP), was fined \$24,750 after being convicted of one representative charge of carrying out work without a building consent. According to the court decision, PVP believed that the buildings did not require a building consent because they were relocatable dwellings, and told the LBP this before the work commenced. The council and court did not agree that consents were not needed.

Between 2016 and 2018, the LBP in question supervised construction of 28 relocatable dwellings in Papamoa, 24 of which were completed and occupied. He had ten years of experience in the industry, having previously carried out around 800 new residential builds.

During 2018, Tauranga City Council issued a stop work notice on the grounds that the construction of the 28 dwellings required building consents. The council later lodged a complaint against the LBP for carrying out unconsented work, and an investigation was opened by the Building Practitioners Board (the Board).

After learning of the complaint against him, the LBP provided a written response stating that he had been relying on advice from the property owner that building consents were not required for the project. He noted that, once he was made aware that this advice was incorrect, he had taken appropriate steps to obtain building consents.



Both the court and the Building Practitioners Board issued fines in this case

BPB DECISION

The Building Act states there may be grounds for discipline by the Board if an LBP has carried out or supervised building work or building inspection work in a negligent or incompetent manner. In this case, the Board had to decide whether the LBP had been negligent by carrying out building work that required building consents without those consents being in place.

The Building Act sets out that, unless an exception can be established, all building work requires a building consent. The Board noted that, after being informed by the client that building consent was not required, the LBP had taken no steps of his own to check that this was correct. Instead, the LBP took PVP's word and continued with construction.

Given the circumstances, the Board decided that the LBP had committed a grave error in judgement, and that his actions constituted negligence. Due to the serious nature of the LBP's actions, the Board considered that disciplinary action was warranted.

It is the responsibility of LBPs to ensure that any building work they carry out or supervise has the necessary building consent in place before it is commenced

LEARNINGS

It is the responsibility of LBPs to ensure that any building work they carry out or supervise has the necessary building consent in place before it is commenced. If LBPs receive advice from clients that building consent is not needed, it is still the responsibility of the LBP to check that this information is correct by making sure that it is covered under either Schedule 1 of the Building Act (which has limited exemptions) or by an exemption issued by the council. If there is any doubt, they should make enquiries with the building consent authority to ensure that full disclosure of the intended building work is made.

This decision and other past decisions can be read in full at: lbp.govt.nz

LLOYD'S EXIT SHAKES UP INSURANCE MARKET

New Zealand's major builders' guarantee underwriter withdraws from market

At the end of 2019, Lloyd's of London, which underwrote three of New Zealand's four main building insurance providers, withdrew from the building guarantee market globally. This left Registered Master Builders as the only provider with a current warranty product in New Zealand (as they self-insure).

The other three main providers, New Zealand Certified Builders, Builtin Insurance and Stamford Insurance were all previously underwritten by Lloyd's.

It is important to note that while Lloyd's has withdrawn and is not backing any new guarantees, all existing policies underwritten by Lloyd's taken out before 31 December 2019, will remain valid.

At the time of publication, NZCB and Stamford were seeking new underwriters, while Builtin Insurance managed to secure a new underwriter in mid-January and has been offering insurance for new projects since then.

Ben Rickard, marketing manager at Builtin, an insurance agency that specialises in construction insurance and builders guarantees, described its new policy as "a real alternative for homeowners, who want to use a builder that is not a member of the Registered Master Builders Association, but also want, or need if their lender requires it, the reassurance of an independent, third-party guarantee".

Builtin's independent guarantee assures homeowners that the home they have paid for will be free of defects, and be completed at the agreed price if a new builder needs to step in to replace an insolvent builder.



Following Lloyd's exit, there are currently two options for building insurance in New Zealand

It is open to residential building companies with a solid financial position, a good track record and robust construction management and quality control processes.

"We've been able to ensure an almost seamless transition for all our existing accredited builders onto the new policy, meaning that there is no interruption to their business or the cover they can offer their clients."

Builtin began its search for a new underwriter when it became clear that Lloyd's was no longer interested in underwriting builders' guarantees. It led them to Southern Pacific Insurance Corporation (SOPAC), a US-regulated corporation that specialises in construction bonds and performance guarantees. SOPAC is a privately owned, US corporation headquartered in American Samoa. SOPAC provides surety and financial products in markets worldwide, including the United States, Europe, the Middle East and South America.

Having specialised in construction insurance and builders guarantees for more than 20 years Builtin is no stranger to the whims of the insurance market. It and many of its customers were affected by the shock collapse of CBL Insurance in 2018, an A-rated, licensed insurer that was a leading player in the market for builders guarantees both here and internationally.

Builtin's experience means it has taken a cautious approach to its search for a new provider. Rickard said: "the SOPAC team comes well recommended by the London broker who assisted in our search. We've also been impressed by their approach to this partnership, their understanding of the market, their risk profile and underwriting disciplines."

Builders interested in joining Builtin's programme can request accreditation at: www.builtininsurance.co.nz/10-year-guarantee

A NOT-SO-TINY DILEMMA



The tiny home situation continues to confuse homeowners and builders, with two courts coming to different decisions on how they should be defined.
Photo provided by NZ Tiny Homes

The fight over correct definitions and regulations to be applied to tiny homes continues, with recent determinations coming from the Ministry of Business, Innovation and Employment and New Zealand courts muddying the waters

In *Under Construction's* previous story covering this issue, confusion over what constitutes a 'building' was highlighted as an issue being disputed by homeowners and local councils.

Both tiny home builders and aspiring homeowners were asking for clearer rules, citing contradicting responses from different authorities.

Under Construction reported on the

case of Jono Voss in Lower Hutt, who appealed to the Environment Court in October 2019 regarding Hutt City Council deeming his tiny home a building rather than a vehicle.

The Environment Court released its decision on 31 January, stating it upheld the Hutt City Council's view that Voss' unit should be defined as a house, and therefore should have sought appropriate consents before building on his friends' property.

In its decision, the Environment Court stated that the case "has nothing whatsoever to do with the merits or otherwise of tiny houses".

"The Council's concern in this matter, which led to the issue of the abatement notice, was not the use of the tiny house as a dwelling, but rather that it did not comply with various permitted activity conditions with which all buildings in the zone are required to comply," reported the Environment Court.

Considering whether the unit in question was a vehicle or a building, the judge said he was not convinced the two unconnected axles and separate wheels constituted a vehicle, despite having been registered as a trailer.

"I am far from convinced to any reasonable standard of proof that it is possible to incorporate the tiny house into a warrantable or certifiable roadworthy vehicle using the axles and wheels lying on the property," the Judge said.

SAME STORY, DIFFERENT COURT, DIFFERENT ENDING

North Canterbury man Alan Dall also featured in *Under Construction's* report. He was challenging the Hurunui District Council's view that his tiny home on wheels was a building, not a vehicle. After going to the Ministry of Business, Innovation and Employment (MBIE) for a Determination, it was found his tiny home was "more akin to a building".

Dall has since appealed MBIE's decision to the Christchurch District Court, winning his case in February, and having his tiny home defined as a vehicle.

Judge Mark Callaghan concluded that MBIE was mistaken in its decision, deeming Dall's tiny home a vehicle because it was registered, warranted, and movable.

MULTIPLE CONSENTS AT PLAY

The building process requires compliance with two Acts, The Resource Management Act (RMA) and the Building Act.

A resource consent is special permission from the local council if you wish to carry out any activity which is inconsistent with the RMA and your local district or regional plan. Whether or not a resource consent is required will depend on the zoning of the property and the size and location of what you want to do. Most District plans place restrictions on how high you can

build, how close to the boundary and the percentage of land covered by buildings.

The council can issue an abatement notice if it believes the building work requires a resource consent or does not comply with a resource consent it has issued.

An appeal can be made against an abatement notice to the Environment Court, as Jono Voss did, if the owner believes an abatement notice is not warranted.

The court will refer to the RMA and district plan to decide whether there has been a breach.



Amid the confusion, some councils are taking action to make the process of building and/or living in a tiny home easier

A building consent considers whether the proposed building work will comply with the Building Act and the Building Code, and requires the names of LBPs who will carry out restricted building work prior to the work being done. If the Council believes the work has not been done according to the building consent or the building code has been compromised, they will issue a 'notice to fix' requiring the builder to make changes. Similarly, if a consent was not sought, and the council decides one should have been, it can also issue a notice to fix.

The owner can challenge a notice to fix by applying to MBIE for a Determination, with further appeal to the District Court if the party to the Determination is not content with MBIE's decision.

COUNCILS STEP UP

Amid the confusion, some councils are taking action to make the process of building and/or living in a tiny home easier.

New Plymouth District Council has been cooperating with NZ Tiny Homes, so that every build coming out of the factory is complete with a Code Compliance Certificate (CCC).

This means buyers have a record the tiny home complies with the Building Act before they relocate to their respective area. However, a resource consent still needs to be obtained.

The Marlborough District Council has created a pamphlet detailing when a building consent is required, in response to a rising number of small dwellings in the region which do not have building consents.

In 2019, six tiny homes were ordered to be brought up to regulation, after complaints notified council of the dwellings' existence.

The pamphlet explains that accommodation defined as a vehicle could still require a building consent in certain circumstances including if the owner wants a permanent service connection for water, drainage or power, and will require a resource consent for vegetative clearance, water or construction near a riverbed.

Information from the Resource Management Act, Building Act, Building Code, and MBIE determinations was compiled into the pamphlet. The council says that anyone looking to build a tiny home should speak to their local council first to gain accurate advice.

WHO CAN BUILD TINY HOMES?

In a future issue, *Under Construction* will take a closer look at who can build tiny homes, and what aspects of tiny home builds may require licensed builders to carry out. ■

CONSENTS START SLOW IN 2020



The annual number of new townhouses, flats, and units consented reached a record high of around 8,400 in the January 2020 year

The first month of 2020 saw a slight slow-down in consents, but the bigger picture shows a record number of consents over the full January 2020 year

A total of 2,564 new dwellings were consented in January – representing a seasonally adjusted 2% decrease, after rising 9.9% in December.

The January figure comprised 1,584 stand-alone houses, 615 townhouses, flats, and units, 242 apartments, and 123 retirement village units.

In the year ended January 2020, the total number of dwellings consented was 37,606 – up 12% from the year ended January 2019.

IN THE REGIONS

Ten of the 16 regions consented more dwellings in January 2020 compared to January 2019, led by Canterbury (up 155 to 469; +49%), Hawke’s Bay (up 58 to 86; +207%), Nelson (up 50 to 56; +833%) and Wellington (up 49 to 200; +32%). Waikato, Manawatu-Whanganui, Taranaki, West Coast, Otago, and Southland were other regions to consent more

dwellings month on month.

Five regions saw a decrease in consented dwellings over the same period, led by Auckland (down 178 to 950; -16%), Bay of Plenty (down 84 to 146; -36%), and Northland (down 45 to 40; -53%). Tasman, and Marlborough also experienced decreases. Gisborne saw no change.

RECORD NUMBERS

The annual number of new townhouses, flats, and units consented reached a record high of around 8,400 in the January 2020 year. This is a 28% increase compared to the January 2019 year. Apartments consented also grew 24%.

“Multi-unit homes are making up a greater portion of new homes consented, partly driven by intensification in Auckland. However, stand-alone houses still account for about 60% of all new homes consented nationally,” construction statistics

manager Melissa McKenzie said.

The number of townhouses, flats, and units consented has doubled since 1992, aligning with population growth of nearly 1.4 million people during the same period.

NON-RESIDENTIAL BUILDING CONSENTS

In the year ended January 2020, non-residential building consents totalled \$7.5bn, up 4.8% from the January 2019 year. The building types with the highest value were:

- Education buildings — \$1.1bn (up 11%)
- Offices, administration, and public transport buildings — \$960m (up 7.6%)
- Shops, restaurants, and bars — \$945m (down 20%) ■

CONTROLLING RESPIRABLE SILICA DUST



Respirable crystalline silica (RCS) dust is created when materials containing silica are cut, ground, drilled, polished or otherwise disturbed

Nilfisk vacuum – the approved answer to a cleaner construction environment

Breathing in crystalline silica dust on site can be hazardous for workers and, as an industry, there is plenty of opportunity to better address how these risks are dealt with.

In November last year, WorkSafe took a step in that direction by updating its guidelines for control and extraction specification when working with respirable crystalline silica (RCS) dust.

Silica is a natural substance found in concrete, bricks, rocks, stone (including artificial or engineered stone found in composite kitchen benchtops), sand and clay. RCS dust is created when these materials containing silica are cut, ground, drilled, polished or otherwise disturbed. One of the worst potential hazards for workers is silicosis, a progressive and deadly disease that causes fibrosis of the lungs from inhalation.

The WorkSafe Guidelines, *Silica dust in the workplace*, and *Controlling dust with on-tool extraction*, provide clear requirements that need to be addressed by PCBU’s where RCS dust is created by tools.

When working with a known hazardous dust, tradespeople choosing vacuum cleaners as their control method are expected to select a machine that has been tested and approved at the design/manufacturing stage to perform to a certified level. Standard vacuums, where the actual level of dust collection, filtration, and leakage cannot be verified, are not appropriate. A common misconception is that installing a ‘HEPA filter’ into a non-certified vacuum is an adequate solution – according to WorkSafe, it is not.

When working with RCS dust, WorkSafe guidelines require using an H-class vacuum cleaner in accordance with

Standard AS/NZS 60335.2.69 and fitted with a filter that can achieve an efficiency of 99.995%. This is the only performance level accepted by WorkSafe to safely capture the minute particle size of RCS dust.

It is the PCBU’s responsibility to eliminate or reduce the level of construction site dust. Operator training, regular maintenance and testing, as well as safe storage and transportation, are all elements that PCBU’s need to have in place to ensure the chosen control measures are being used correctly and effectively.

According to Nilfisk, its vacuum is a fully compliant dust extraction solution. The company also supplies additional support in the form of customised power tool integration to ensure safe, clean handling of construction site dust from the moment the dust is created, through to its final disposal. ■

PRODUCT NEWS

HEALTHY HOME STANDARDS OVERVIEW

With new laws ensuring rental properties comply with healthy home standards, PlaceMakers has all the products you need to build healthy homes, all year round

The requirements cover drainage, draft stopping, heating, ventilation and insulation. Heating and ventilation are often overlooked by property developers during the project, and PlaceMakers provides solutions to meet these standards using these products.

HEATING

There must be a fixed heater(s) that can directly heat the main living room to at least 18°C. The main living room is defined as the largest room that is used for general, everyday living – eg, a lounge or family room. The heater must be fixed (not portable), and at least 1.5 kW in heating capacity.

In most cases, the right type of heater will be a larger fixed heating device such as a heat pump, wood burner, pellet burner or flued gas heater. In some cases, such as small apartments, a smaller fixed electric heater is sufficient.

PlaceMakers offers several quality heat pump brands to meet the needs of these standards. We work with Fujitsu, Hitachi, Carrier and Toshiba (plus more) to provide a heat pump range to suit many price points and technology requirements.

VENTILATION

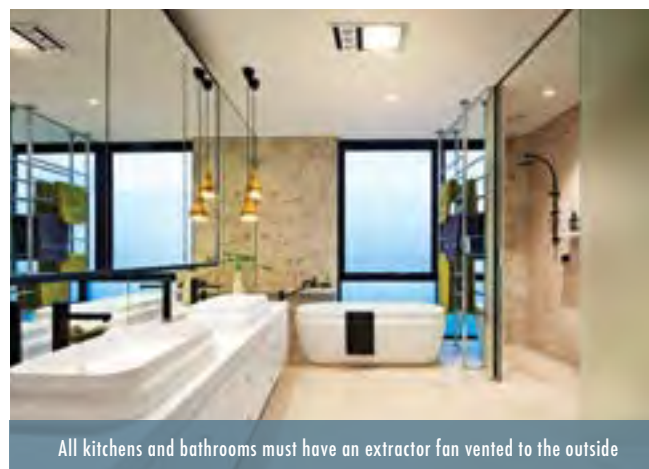
All habitable rooms in a rental property must have at least one window, door or skylight, which opens to the outside and can be fixed in the open position. In each room, the size of the openable windows, doors and skylights together must be at least 5% of the floor area of that room.



All rental homes must have a fixed heater(s) that can directly heat the main living room to at least 18°C

All kitchens and bathrooms must have an extractor fan vented to the outside.

In any room with a cooktop, new fans or rangehoods installed after 1 July 2019 must have a minimum diameter (including ducting) of 150mm or an exhaust capacity of at least 50 litres per second.



All kitchens and bathrooms must have an extractor fan vented to the outside

In any room with a shower or bath, new fans installed after 1 July 2019 must have a minimum diameter (including ducting) of 120mm or an exhaust capacity of at least 25 litres per second.

Landlords should ask installers for the details of the fan diameters, ducting and flowrate in writing, so they can show they are compliant with the healthy homes ventilation standard.

PlaceMakers standard range of ventilation items consists of a combination of extraction fans, ducting, grilles, as well as complete home ventilation systems.

For more info on these products, information on sizing and specifying, or timelines around these healthy home standards compliance dates, visit www.placemakers.co.nz/healthy-homes ■

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THE SUCCESSFUL BUILDER

BUILDING A SUSTAINABLE BUSINESS



Make sure you know what kind of client is your ideal client, then go about getting more of them

Our regular business coaching contributor shares his own experience in building a sustainable business – and offers three key factors to make it work

Starting a business can be really difficult! Fifteen years ago, when I started my coaching business, I had a great coaching system but only a few clients, which was difficult.

Fortunately, I quickly discovered that the handful of building clients I had at the time responded particularly well to my coaching programme. I decided this was a sign and stuck with them, developing a solid coaching business by focusing on builders – thus The Successful Builder was born. Since then, I’ve had the privilege of helping many builders become successful business owners.

In the process, I discovered three transferable keys to building a sustainable business, and I teach these to all my clients.

1. BE A SPECIALIST

Most builders I work with are above-average tradespeople. They are resourceful people, who can turn their hand to almost any building problem.

Moreover, should they come across a new problem, they know where to go to find help.

So, when they present to a potential client, they do so as an all-round building guy. However, almost every builder I have worked with also prefers a certain type of work.

Some love renovations and would do nothing else if they had the choice. Being the expert, solving unexpected challenges and having to rely on personal experience gives them a real buzz. They love working with homeowners and helping them plan changes to their home.

Others prefer high-end architectural builds, where cost is not a huge focus and challenge. They find fulfilment in working with good designers and engineers, and being part of a team working on award-winning homes and buildings.

Others prefer building typical new

homes, with the focus on speed and efficiency – organising the subbies and getting the job done in the best possible timeframe with a solid outcome.

The thing is, when you specialise in doing what you are really good at, you start to get a reputation as an expert in that area. That attracts better customers and, because you are working in one area, you become even more competent. Because I have specialised in builders for so long, I find there’s no situation I meet these days that I haven’t met before.

Ask yourself: What kind of building work do I prefer doing? What kind of work gets me most excited? What kind of work am I really good at? Then look for work in that area, and promote yourself as a specialist.

2. FANTASTIC CLIENTS

Too few builders actually stop to think about the kind of clients from whom they get the best results, the best references

and the best referrals. Yet these people are probably their ideal clients.

They are the people you just seem to ‘hit it off’ with. They love what you have done for them and tell everyone they know about you. What’s more, you really enjoyed working with them. If you had a choice, all your clients would be like these people and what a fantastic business you’d then have.

But the reality is, you can choose.

When I ask some builders who their favourite clients are, they look at me blankly. Yet if I ask them what their favourite truck is, I get an instant answer! Now, what’s more important? Surely having favourite clients.

There is nothing worse than scoring a large job and then discovering part-way through that you are working with a very difficult client – one with impossible expectations. If only you had known that earlier, you wouldn’t have bothered following up the lead. But you didn’t check out if they fitted your ‘favourite client’ profile.

When I discovered that my ideal builder is qualified, has a great work ethic and integrity and loves delivering excellence, it made locating them

much easier.

So, what’s your favourite client profile? How old is s/he? Where do they live? What are their preferences? What do they want?

Most importantly, what are you doing to attract more of these? If it’s not enough, look at how you can reach these potential customers.

3. MAKE PROFIT

The bottom line of any business is profit. Too often I hear the complaint that there are lots of dollars going through the business account, but very little profit at the end of the day. It’s not alright to do all that work and not have much to show for it.

The thing is, if the economics of a business are not right, then it doesn’t matter what else might be going well, the business is not going to be sustainable. Economics do matter. Profit is important.

So, when you are thinking about your next client and job, ask yourself the following questions: Am I sure I can complete this job efficiently? Have I priced it correctly to ensure it generates my desired profit? Are these the kind of people who can afford to

pay on time? Does this building contract protect me against unforeseen issues? Can I make the same amount of profit with less risk?

When I realised that building businesses often have large turnovers, and small adjustments can make a huge difference to returns, finding my coaching fee quickly was not difficult – another reason I chose building businesses.

So, what jobs are making profit for you? Where have you lost money? What difference would it make to your business if you only worked on profitable jobs? ■

TAKEAWAY

Each of the above concepts are important by themselves. But imagine if you had a business where all three were in play? Imagine your business where you are known as the specialist, working only with clients you love, and on only jobs that made profit! Do you think your life might be easier?

Graeme Owen is a builders’ business coach at thesuccessfulbuilder.com. Since 2006, he has helped builders throughout New Zealand get off the tools, make decent money, and get more time in their lives. Grab a copy of his free book: *The 15 Minute Sales Call Guaranteed To Increase Your Conversion Rate: thesuccessfulbuilder.com/book-15-min-sales-call or join Trademates and connect with builders who are scaling too: www.facebook.com/groups/TradeMates*

PROVE YOUR KNOWLEDGE

Tick the correct answers below and record what you’ve learnt in the record of learning on the back page!

- | | | |
|---|--|--|
| <p>4) Which of the following is NOT a reason you should specialise in something you are really good at?</p> <p>a) It makes it easier to build your reputation as an expert in that area.</p> <p>b) It attracts better customers.</p> <p>c) You will never have difficult clients.</p> | <p>5) According to the article, which of the following attributes might be good to have on your ‘favourite client’ profile?</p> <p>a) NZ Rich List member.</p> <p>b) Has realistic expectations.</p> <p>c) Is working with an architect.</p> | <p>6) Why can having large turnovers help increase profit?</p> <p>a) Because it usually means lots of clients.</p> <p>b) Because people building houses have a lot of money.</p> <p>c) Because a small adjustment can make a huge difference to returns.</p> |
|---|--|--|

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SITE SAFE

HELP YOUR MATES



Below: a new pocket guide about how to have conversations about mental health, available for free download on the SiteSafe website

Being approachable, empathetic, and ready to listen can go a long way in helping someone get stuff of their chest

A new pocket guide suggests how to have conversations about mental health

Got a mate who’s looking down, isn’t themselves, maybe gone a bit quiet? Want to help but aren’t sure how?

A new pocket guide about how to have conversations about mental health has great advice on looking after friends and colleagues.

“It’s easy to lend an ear, listen, and have a conversation with someone,” says Paul Lynch, a guy who knows what it’s like to do it tough.

The carpet and vinyl installer from Christchurch lost his brother Brett to suicide in 2013. It took him a while to shake off the resulting anger and darkness that he felt, but he did, and wrote the book *Suicide; Aftermath & Beyond* about it. He has made it his mission to help people in the trades talk about things that are getting them down, and he says the new guide provides advice on how to do so.

Paul says people don’t have to be a counsellor or a therapist to help, they just have to take time to listen.

“In my experience about 99 times out of a hundred, all that’s required is a conversation. It’s that simple act of letting people talk or share something they might be going through.

“Just listen, let them speak, and validate what they’re saying. It doesn’t have to be a crisis intervention.” (Though there are emergency numbers provided in the pocket guide if the situation requires higher intervention).

“I know myself that once you’ve unburdened yourself of something that’s been troubling you, a lot of the pressure goes away with the words.”

The free pocket guide has been created by Dr Kate Bryson of Axon Consulting, one of the key researchers who worked

on Site Safe’s study into suicide in the construction sector last year, in consultation with industry people.

Site Safe is pleased to be able to offer the guide in conjunction with Construction Health and Safety NZ (CHASNZ), the Mental Health Foundation and Mates in Construction.

The guide is free for download or ordering on the Site Safe website.



The key messages in it are:

- Be approachable – don’t judge and don’t try to have all the answers.
- Be empathetic – try and put yourself in their shoes, or boots.
- Be willing to listen – give them your full attention and let them know it is confidential between you and them.

BREAKING THE ICE

Auckland electrical contractor Dave Burt uses a question to break the ice with people, which is one of the suggested phrases in the guide: “What’s happening in your world?”

It’s an open-ended question he came up with after dealing with depression himself. It’s detailed in his book *Lengthening the Shadows*. It can be a dark topic but, according to reviews, the book is a moving, funny account about a guy who struggled on by himself for too long.

One of the three winners of the Kalmar Mental Health and Wellbeing Award last year, along with Paul Lynch and the team from building company, The Switched On Group, Dave put money from his book towards the pocket guide and he says it is full of good advice.

Kristal McGill from The Switched On Group also says the pocket guide is a top resource and they will use it as the firm rolls out its own initiatives this year. Currently it is focusing on how alcohol can affect people at work and home and how to reach out to services if they, or someone close, may be struggling with addiction issues.

The company is also about to run workgroups with managers and supervisors to help them spot people who are distressed – including how to keep an eye on themselves – and is giving them the resources to help support their people.

“This will build on training provided during 2019 and will take all people leaders through our best-practice approach, our resources and our support for both the manager and individuals involved,” Kristal says.

JUST LISTEN

Paul says one of the issues people worry about in dealing with mental health is that they don’t feel they’re qualified to help.

“The truth is, you don’t need to know anything about it, you just need to be a decent enough person to allow somebody to speak and to get whatever’s on their mind, off their mind.”

He says that’s where the pocket guide helps.

“I’ve always said, it’s not like we don’t care or want to check up on our mates, it’s just we often don’t know how to. We need to change that.”

Dave agrees, and he says helping someone is actually pretty easy.

“You may not be aware, but every one of us possesses a very powerful gift. You may not know that you have this gift, but trust me, you do – it is the power to give and provide hope.

“Having experienced depression, I can tell you hope is something I will never take for granted again. For those dealing with a mental health issue, hope is all powerful.

“Think of someone in your life who means a lot to you, be it a family member, colleague or maybe a mate,” Dave says.

“Take the time to connect and ask them what is going on in their world. You might just be surprised by what you hear, and what a difference you can make in someone else’s life.”

Site Safe is a not-for-profit, membership-based organisation that supports a culture of health and safety in New Zealand construction. For more information go to: www.sitesafe.org.nz

PROVE YOUR KNOWLEDGE

Tick the correct answers below and record what you’ve learnt in the record of learning on the back page!



- | | | |
|--|--|---|
| 7) Paul Lynch says one of the main reasons people don’t try to help someone they sense might be struggling is: | 8) In order to help someone who might be struggling, you should: | 9) Which of the below is a key message of the Mental Health Foundation and Mates in Construction booklet: |
| a) They don’t care. | a) Become a professional counsellor. | a) Be approachable. |
| b) It’s not their job. | b) Give them the answers to their problems. | b) Be empathetic. |
| c) They aren’t sure how to help. | c) Just listen. | c) Be willing to listen. |
| | | d) These are all key messages. |

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WORKSAFE

A CORRECTION WORTH INVESTING IN



Woods Glass operations manager says the business has improved its health and safety culture after taking part in WorkSafe’s Enforceable Undertaking

WorkSafe’s Enforceable Undertaking initiative is providing businesses in breach of safety practices an opportunity to correct their safety measures as an alternative to traditional prosecution

The completion of an Enforceable Undertaking (EU) by Woods Glass is one example of the WorkSafe enforcement tool that serves as an alternative to prosecution.

In 2018, a Woods Glass worker suffered crushing injuries to their leg while operating a glass cutting machine. Woods Glass applied to WorkSafe successfully for an EU, a voluntary agreement between WorkSafe and a Person Conducting a Business or Undertaking (PCBU) following a breach of the Health and Safety at Work Act (HSWA) 2015.

Woods Glass is a medium-sized business specialising in glass supply and commercial glazing, with branches across the country. As part of its EU, the company was required to develop resources and implement a suite of initiatives to benefit its workplace and workers.

This included modifying its migrant worker induction programme so it is easier to understand. The company also now offers interpretation services

for all employees who request it.

WorkSafe representatives and Woods Glass recently met to discuss the EU’s completion.

WorkSafe’s Enforceable Undertaking Spokesperson Cordell Weir said the completion of the Woods Glass EU shows the benefit of the process to smaller companies.

Two years on from the incident we [Woods Glass] are different. Our workers speak up when they see unsafe behaviour

The company’s Operations Manager Tim Reilly said the process was laborious but rewarding.

“Going through the EU was a huge investment for our company,” Mr Reilly said. “A huge amount of work went into seeing this process through. As a medium-sized business, the work has been onerous and at times tough – but it has been invaluable.

“Two years on from the incident we [Woods Glass] are different. Our workers speak up when they see unsafe behaviour.

“We have seen a change in health and safety culture ripple through the business and we hope this benefits the wider industry.”

“The work completed as part of Woods Glass’ EU will provide long term sustainable health and safety improvements in the workplace, industry and community.

“An EU isn’t meant to be an easy task. A lot of hard work goes on behind the scenes for these companies to see the process completed.

“It’s positive to hear another business has found the benefits of the model outweigh the sometimes arduous work.”

HOW IT WORKS

The voluntary agreement between WorkSafe and the PCBU details actions the latter must undertake to respond to the breach of safety, which is expected to:

- Support progressively higher standards of work health and safety.
- Remedy the harm caused to any victim(s).



A lot of work goes into completing an EU

- Support WorkSafe to meet its strategic priorities.

An enforceable undertaking is not imposed or offered by WorkSafe, as it is the PCBUs responsibility to express interest for WorkSafe to consider.

Before accepting the application, WorkSafe must complete an investigation into the breach of the HSWA and decide whether prosecution is the appropriate response and if the breach amounts to an offence against section 47 (reckless conduct) of the HSWA. Any breach of section 47 precludes an EU from being accepted. ■

WorkSafe is New Zealand’s primary workplace health and safety regulator, supporting New Zealanders to return home from work healthy and safe. For more information go to: www.worksafe.govt.nz

PROVE YOUR KNOWLEDGE

Tick the correct answers below and record what you’ve learnt in the record of learning on the back page!



- 10) Which of the below is an enforceable undertaking (EU)?

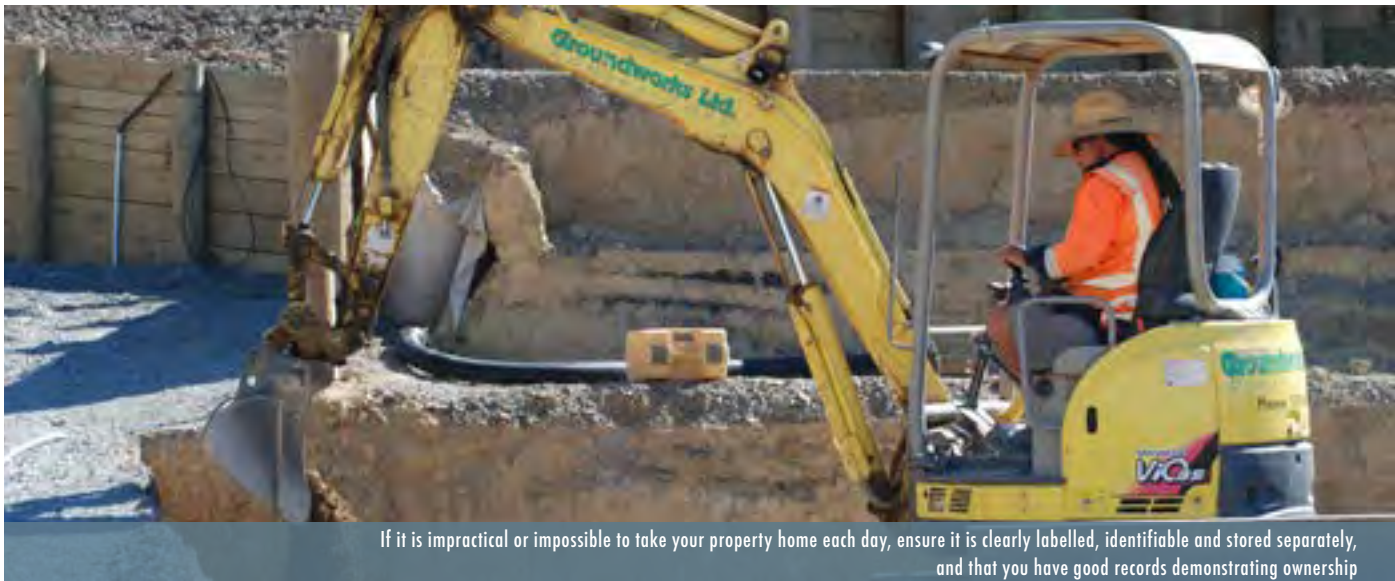
 - a) A voluntary agreement between WorkSafe and a PCBU following a breach of the Health and Safety at Work Act 2015.
 - b) An enforced arrangement by WorkSafe to participate in safety training.
 - c) A programme where a PCBU can force WorkSafe to provide free safety guidance.
- 11) How is an enforceable undertaking (EU) initiated?

 - a) WorkSafe contacts the PCBU after they have been prosecuted and asks them to complete an EU.
 - b) A PCBU can pay WorkSafe to conduct an EU instead of paying any fines incurred by other prosecution.
 - c) A PCBU must express interest in participating in an EU.
- 12) Which of the following is NOT an aim of an EU?

 - a) To support progressively higher standards of work health and safety.
 - b) To remedy the harm caused to any victim(s).
 - c) To help businesses avoid the cost of other prosecution.

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PROTECT YOUR TOOLS!



Law firm Duncan Cotterill provides tips on how to protect the tools of your trade as a subcontractor

Most players in the construction industry will be faced with an insolvent counterparty sooner or later. If you work as a subcontractor, you face unique risks if the head contractor goes into liquidation or receivership.

Here we look at how subcontractors can protect their tools and equipment from being seized when the head contractor goes bust.

LIQUIDATION VS. RECEIVERSHIP

Though the outcome is often the same, there are a few important differences between a company going into liquidation or receivership.

Receivership: A receiver is nominated by a secured creditor (eg, a bank) and acts for the benefit of that creditor alone. A receiver decides the best way to recover the debt – they may decide to keep the company trading or may simply take possession and sell the secured assets. After this process, the company resumes possession of the remaining assets and theoretically could continue trading, but will most

commonly go into liquidation.

Liquidation: A liquidator is appointed to take possession of all the assets of the company and distribute these to the creditors in order of priority. All creditors may record their debt against the company during a meeting of the creditors. Liquidators have the power to investigate the company and hold the directors personally accountable if they have breached their duties.

RISKS

Liquidators and receivers have the duty of identifying the assets of the head contractor. In order to do this, it is common for the head contractor's sites to be locked and access restricted. If your property is on site, it may be some time before it is identified, distinguished from the head contractor's or other third party's property, and returned to you. This may disrupt your work schedule, delay contracts with other clients, or prevent you from working altogether. You might even lose title to your property and it could be sold as an asset of the head contractor.

COMPENSATION

Theoretically, you should be able to claim against the head contractor for any loss of profit while you are denied access to your tools or equipment. However, a head contractor in liquidation rarely has enough assets to even cover their secured creditors.

ACCESS TO SITE

Once a liquidator or receiver is appointed, the control of the site passes to them.

If you find yourself locked out of a site because a head contractor has gone under, contact the liquidator or receiver directly. Do not force entry onto the site. Accessing the site without the approval of a liquidator or receiver could result in a trespass notice being issued and police involvement. The penalty for trespass offences is a fine of up to \$1,000 or a prison term of up to three months.

PROACTIVE STEPS

It is difficult to operate totally risk-free, but there are certain steps that you can take in advance to mitigate the risks:



If your property is on a site where the company has been placed into receivership, it may be some time before it is identified, distinguished from the head contractor's or other third party's property, and returned to you

1. Take your goods home

The most straightforward method of protecting your property is to remove it from the site at the end of each day.

2. Clearly label and identify

If it is impractical or impossible to take your property home each day (as is the case with scaffolding, cranes, etc.), ensure your property is clearly labelled, identifiable and stored separately, and that you have good records demonstrating ownership. Beware of storage facilities that are small and cluttered, as your property is more at risk of becoming intermingled or indistinguishable from other parties' property.

3. Have a written contract

A written contract with the head contractor can include specific terms to protect your property. Your contract should:

- Identify your property and confirm you alone own it, including any materials you supply until paid in full.
- Include the right to enter a locked site and re-take possession of your distinguished property.
- Authorise you to register a security interest over your property – see our comments below.

Given the importance of a contract, we recommend before signing you have the contract reviewed by your advisor to ensure it is appropriate to your particular circumstances.

4. Register a personal property security interest

The Personal Property Securities Act 1999 (PPSA) governs interests in personal property (eg, materials, equipment, vehicles). If your contract with the head contractor is for an indefinite period or for more than one year, or contains a retention of title arrangement, you can register a security interest on the Personal Property Securities Register (or the PPSR).

Failing to register your security interest can mean that you lose priority against other claimants, or even that your interest is extinguished, so it is best to register your security interest as soon as you have entered into the contract.

5. Be alert

It is difficult to predict when a company is in financial difficulties. Insist on regular billing, follow up on unpaid invoices promptly, and stay alert to market rumours.

While these steps will provide subcontractors with some protection, they will not eliminate the risks completely when a head contractor goes under. Subcontractors need to carefully plan for how they limit this exposure to their business.

If you have questions or would like to discuss any of the points raised in this article, please contact Alysha Hinton on (04) 4719452 or at alysha.hinton@duncancotterill.com, or your local Duncan Cotterill advisor (duncancotterill.com).

Disclaimer: the content of this article is general in nature and not intended as a substitute for specific professional advice on any matter and should not be relied upon for that purpose.

Duncan Cotterill is a full-service law firm with offices in Auckland, Wellington, Nelson and Christchurch. Its dedicated construction and projects team can help make your business a success by working with you to put the deal together.

PROVE YOUR KNOWLEDGE

Tick the correct answers below and record what you've learnt in the record of learning on the back page!

- 13) If a company goes into receivership or liquidation, whose duty is it to identify the assets of the head contractor?

 - a) The court.
 - b) The company director.
 - c) The liquidator or receiver.
- 14) What is NOT a recommended method of protecting your tools?

 - a) Take them home every day.
 - b) Label them.
 - c) Hide them onsite.
- 15) If you find yourself locked out of a site because the head contractor has gone under, what should you do?

 - a) Climb over the fence – those are your tools!
 - b) Contact the liquidator or receiver directly.
 - c) Buy new ones. They're as good as gone.

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BUILDERS CAUGHT IN THE MIDDLE



It's common for subcontractors and consultants to limit their liability in their Terms of Trade, so make sure to read them carefully!

Watch out for limits to liability in the Terms of Trade of your subcontractors and consultants

When explaining the liability that builders have for mistakes made by their subbies or consultants, we often hear the response: “but their insurance should cover that, right?” It is wishful thinking in the extreme to assume that someone else’s insurance is going to protect you, even if you’re only liable because of their mistake.

WHO IS RESPONSIBLE?

In most cases, a main contractor has a primary duty of care to their client for the actions of their subcontractors. In others, the main contractor is ‘vicariously liable’. Vicarious liability is the imposition of liability on one person for the negligence of another.

For example, a homeowner could be vicariously liable to the local water company if the drainlayer they engaged damaged an underground pipe.

This basically means that, if you take a contract to deliver a service (eg, build a house) and you choose to subcontract out parts of that contract, you are still ultimately liable to your client for the actions of the subcontractors you use.

LIMITED LIABILITY

Problems arise for the main contractor where they are unable to recover the cost of a mistake from the subbie or consultant that was responsible. This could be because the subbie has

gone bust, or because their Terms of Trade, which you accepted when you took them on, have limited their liability in the event of a mistake. This is very common and can severely limit the ability of a main contractor to recover their costs that were due to a subbie’s mistake. You’re caught in the middle – liable to your client but unable to recover from your subbie.

Some examples of limited Terms of Trade include:

- “In any event our liability for the services supplied is limited to two times the cost of the fee paid for such service.”

- “We shall be under no liability whatsoever to the Client for any indirect and/or consequential loss and/or expense (including loss of profit) suffered by the Client arising out of a breach by Us of these terms and conditions (alternatively Our liability shall be limited to damages which under no circumstances shall exceed the Price of the Goods).”

This sounds great, and for the subbie or consultant it is. Unfortunately, if you’re a builder doing residential building work, the Building Act says you can’t contract out of your duty of care to residential homeowners. Read some examples below:

1. Foundation laid too close to boundary

A builder in Wellington subcontracted foundation work to another firm, which laid the slab in the wrong place on the property, meaning it was too close to the boundary.

This was not picked up until after the final inspection and the builder was held liable for the cost of rectifying the problem – a total of \$40,000. The foundations subcontractor had gone bust, so the builder had to wear the full cost.

2. Site marked out incorrectly

An Auckland builder engaged a surveyor to identify and mark out the boundary of a property before starting work. Again, building work was substantially under way before it was discovered that the surveyor had marked the site incorrectly. The builder was liable for \$50,000 but, because the surveyor’s terms of trade limited their liability to two times their fee, the builder had to wear close to \$40,000 of this cost.



If you’re doing residential building work, the Building Act says you can’t contract out of your duty of care to your customer

3. Repair to a tractor

This claim involved a tractor where a bearing sold by the insured party damaged the tractor’s engine, costing \$15,000 to repair. The insured’s Terms of Trade limited their liability to the value of the goods supplied (\$150 for the bearing). Their insurer was happy to rely on these terms of trade, so were not liable to pay out any more than \$150.

READ YOUR SUBBIES’ AND CONSULTANTS’ TERMS OF TRADE

Be aware of what you’re agreeing to when you take on their services. They may be able to contract out of their liability, but if you’re doing residential building work then it’s unlikely that you can, which means you’ll be caught in the middle if they make a mistake. That’s why you need your own liability and professional indemnity insurance.

IN A NUTSHELL

If you’re doing residential building work, the Building Act says you can’t contract out of your duty of care to your customer. You’re liable for the actions of the subbies and consultants you engage. So, if they’ve gone bust or have limited their liability in their terms of trade, you can’t rely on recovering your costs from them if they make a mistake. This is why you need your own insurance. ■

Builtin are New Zealand’s trade insurance experts.

For more information visit www.builtininsurance.co.nz or contact Ben Rickard at ben@builtin.co.nz or 0800 BUILTIN.

PROVE YOUR KNOWLEDGE

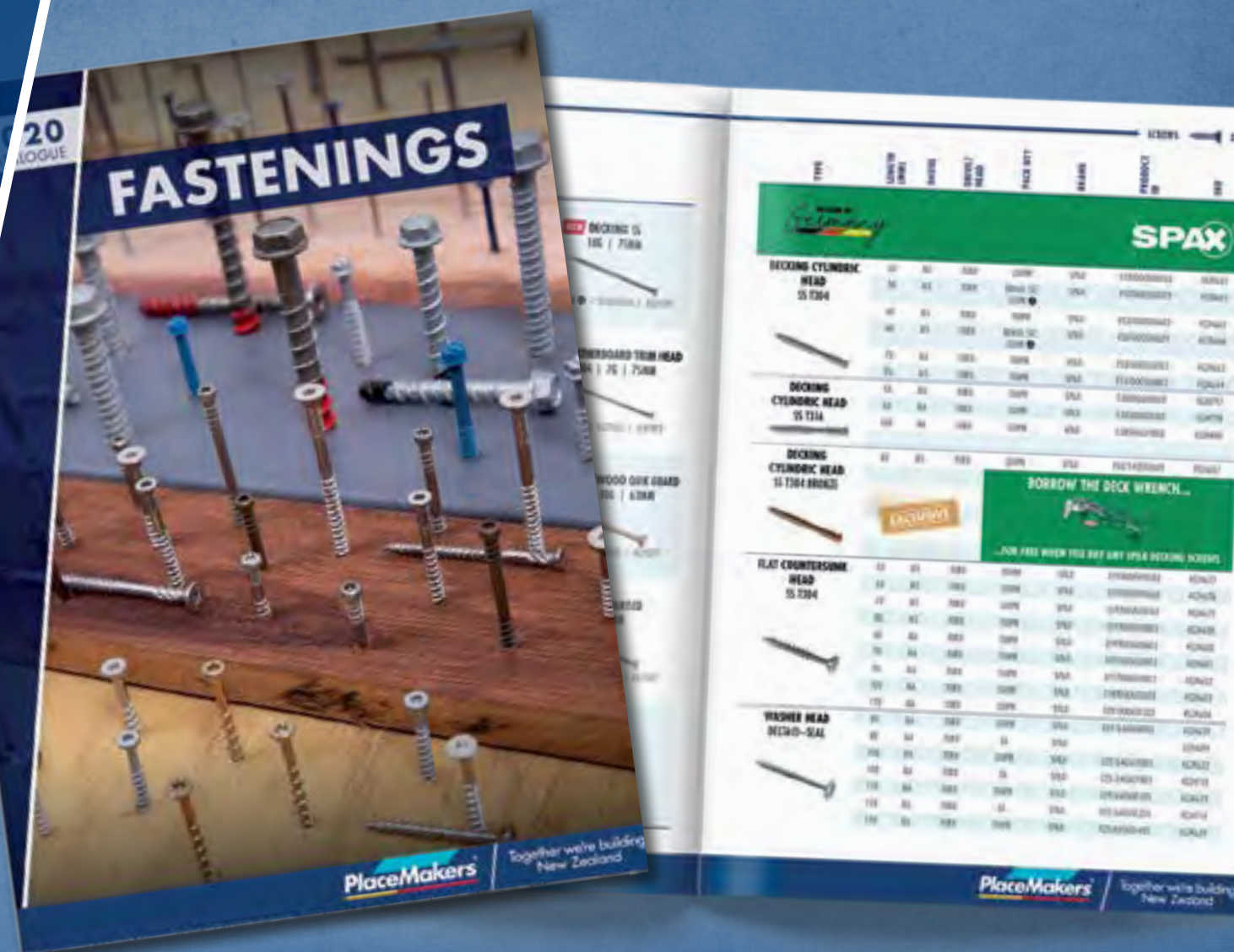
Tick the correct answers below and record what you’ve learnt in the record of learning on the back page!



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|--|---|--|
| <p>16) According to the Building Act, ultimate responsibility for a home build lies with:</p> <ul style="list-style-type: none">a) The main contractor.b) The subcontractors.c) The homeowner. | <p>17) When something goes wrong, a [subcontractor’s] limited liability can cause problems for:</p> <ul style="list-style-type: none">a) The subcontractor.b) The subcontractor’s insurer.c) The main contractor. | <p>18) A solution to the issue for main contractors, caused by the [subcontractor’s] limited liability, is to:</p> <ul style="list-style-type: none">a) Make sure the subcontractor has insurance.b) Make sure the homeowner has insurance.c) Make sure you as the main contractor have insurance. |
|--|---|--|

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WORKING BEES WORK WONDERS

The PlaceMakers Foundation is on the hunt for its next working bee – could it be in your community?

Whether it's in Levin or Gore, for one person or many, a renovation or something brand new, the PlaceMakers Foundation is welcoming applications for its next Working Bee project.

The PlaceMakers Foundation combines charitable giving, the skills of PlaceMakers own staff and customers, and all available resources to help make a lasting difference in communities around the country. Bringing major projects to fruition through the Working Bee programme is the centrepiece of the Foundation's work.

The inaugural Working Bee project in 2019 saw three-year-old Harry Finch's family receive \$100,000 from the sale of two container houses – built and sold to fund life-changing leg surgery and ongoing physio costs for the Otago youngster. This was feasible thanks to support from dozens of local tradies and PlaceMakers Cromwell.

PlaceMakers Chief Executive and Foundation Chair Bruce McEwen said he's excited about the possibilities that lie ahead in 2020.



The kids at Rotorua Sunset Primary School were grateful to the PlaceMakers Foundation for gifting their school a Working Bee, where PlaceMakers staff spent a busy day installing vegetable gardens, fixing downpipes and repairing and upgrading bench seats

"The goal of the PlaceMakers Foundation is to make a change and, together, build a better New Zealand," said Mr McEwen. "I can certainly say we achieved that in 2019 and can't wait to do it again this year.

"Communities around the country thrive on facilities that bring them together to share sports, hobbies, cultures and activities, yet sometimes great plans struggle to get lift off or simply fizzle out – that's where the Working Bee concept can make a big difference."

In 2019, the PlaceMakers Foundation donated over \$200,000 to community groups and individuals around New Zealand.

To find out more and submit your application for a Working Bee grant, please visit foundation.placemakers.co.nz.

Applications close on 30th April. ■

PROVE YOUR KNOWLEDGE

Evidence of actual learning rather than just 'participation' is a key requirement of the LBP renewal process.



CODEWORDS
ISSUE 94

①		⑤	
②		⑥	
③			
④			

UNDER
CONSTRUCTION

1)		6)		11)		16)	
2)		7)		12)		17)	
3)		8)		13)		18)	
4)		9)		14)			
5)		10)		15)			

APRIL/MAY 2020

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

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.



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