

ISSUE 92

UNDER CONSTRUCTION

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FOREWORD VIEW FROM THE GM OPERATIONS

THE ONLY CONSTANT IS CHANGE



While this saying has always rung true, it seems the pace of change in the world today is happening more quickly than 'normal'. Should I pre-order cedar or gib? Should I use the Covid tracer app or not? Should I fill up my vehicle today or next week?

Speaking of change, I'd like to introduce myself as the new General Manager Operations. Born and bred in Christchurch, I've lived in Auckland for the past eight years and am thrilled to be joining such an iconic New Zealand brand.

I've been immersed in this dynamic industry for almost two years, having spent 18 months at Bunnings prior to joining PlaceMakers. The fast pace and its ability to evolve quickly on all fronts is part of the appeal, as are the people continuously striving to adapt and make the industry better.

I believe PlaceMakers is at the forefront of this and, as a people-focused person committed to building teams and removing customer pain, I feel I'm in good company in my new role.

Reading through this issue of *Under Construction* confirms this feeling. It's inspiring to see the effort we put into helping our builders stay up to speed with essential industry developments, while earning elective skills maintenance points. It's clear this also extends to up-and-coming builders, with this issue highlighting two scholarship recipients, the Apprentice of Month and a space for apprentices to have their say.

This issue also explores the often-convoluted distinction between contractors and employees, the importance of knowing when insurance actually kicks in, and a close look at submissions regarding the Licensed Building Practitioner (LBP) scheme.

In this issue's *Codewords* articles, MBIE suggests ways to recognise skills maintenance activities in everyday work and highlights a Building Practitioner's Board decision on workmanship well below the standards expected of LBPs.

I certainly feel up to speed having read this issue and hope you do too! I look forward to working with you in the months and years to come.

Shane Cornelius

General Manager Operations

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CONTENTS



6



14



22



30

NEWS

- 6 PRODUCT NEWS** Futureproof your work and take care of the environment
- 8 PAC NEWS** Sites getting younger? Apprentices have their say in From The Ground Up; PAC helps fund the next generation of designers; Apprentice of the Month Morgane Tarr takes on the building industry
- 24 INDUSTRY NEWS** A closer look at LBP submissions highlights scheme supervision issues, do you agree?; Sustainability innovations that could help NZ hit green targets; March consent stats smash record

FEATURES

- 3 BUILDERS' BUSINESS** Apprentice influx? Builders spill the beans
- 14 MBIE - CODEWORDS** LBP roofer has his licence revoked! Find out why
- 16 MBIE - CODEWORDS** Skills maintenance – you all know it – but what is it really?
- 18 MBIE - BUILDING & HOUSING** A snapshot of LBP feedback on the existing scheme
- 20 BRANZ** Protect brick gable-ended roofs against earthquakes
- 22 LEGAL** Contractor or employee? Eliminate any confusion
- 25 BUILTIN** Stockpiling materials might sound like a good idea – but not to insurers!
- 30 BUSINESS TIPS** Decision making is an art. Here's how to practise it

OTHER STUFF

- 12 WHAT'S ON** Seven product picks to keep you looking and performing at your best!
- 32 SKILLS MAINTENANCE** Record your LBP skills maintenance – you've earned it!

ISSUE 92 > MAY/JUNE 2022

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FEEDBACK

BUILDERS BUSINESS

YOUNG TRADIES ON THE RISE

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: Have you seen an increase in young and/or female apprentices?

Firm: McBrimar Homes
Interviewee: Mike Lowe
Role: Managing Director
Location: Oamaru
Staff: 29

We've been taking on two or three apprentices a year for the last four years, so we haven't seen a sudden increase in the number we take on. Where we have noticed a big difference is the number of school kids that come to us for work experience.

We partner with three schools in the local area through a gateway programme, and we've noticed an increase in the number of kids that want to come and give building a go, and we almost always recruit our apprentices from that pool.

The lack of training in the past will take some time to remedy, but with a lot more focus on apprenticeships now, including from the government, things are looking good for the future.

I feel like all businesses owe it to the industry to do their bit and train new builders, so we don't get another 20 years down the line and end up with the same problems.

Regarding the number of female apprentices, attitudes are changing and I think we'll see a lot more in the future. We're seeing more females come through the gateway scheme, but to date, they've decided the industry isn't for them. However, we'd happily take one on if they were interested in a building career.

Firm: Nolan Building
Interviewee: Daniel Nolan
Role: Director
Location: Timaru
Staff: 19

We've seen an increase in both young and female apprentices. We've taken on one new apprentice for our building side of the business, and two new female apprentices on the painting side. All three are between 17 and 20 years old. One came to us straight from school while the other two joined us from different industries.

Taking on three apprentices tips our ratio of learners to fully qualified staff highly towards our apprentices, but it's something that we're proud of.

One of the biggest challenges restricting us from taking on more is the shortage of skilled staff – we can only have so many apprentices if we can't recruit foremen to supervise and train them. It's a bit of a balancing act – our foreman needs to supervise the site, but we also want to make sure he can spend one-on-one time with each apprentice to ensure a good learning experience.

To be honest, with more skilled staff we could probably take on another three or four jobs. However, we're trying to futureproof our next four or five years by training in house, so we'll continue to recruit at least one apprentice per year.

Taking on more females is an objective of ours as their attention to detail is outstanding and both our new starters are bloody good employees – but that's not to say our other apprentice isn't! Hopefully, we'll continue to see an increase of female apprentices, because there doesn't seem to be the same hesitancy about employing females as there was in the old days.

Firm: Summerhill Construction
Interviewee: Peter Swain
Role: Owner/Director
Location: Arrowtown
Staff: 8

We've recently taken on one female apprentice, and we always try to recruit at least one or two apprentices per year. I feel like we need to keep them coming through the system, otherwise the industry will suffer, especially now that we're not getting qualified tradies in from overseas.

It's odd, we're in such a beautiful part of the country, yet there seem to be so few New Zealanders who are interested in settling down here!

We'd normally attract a lot of our staff from overseas, so the border closure has impacted our business significantly. It's odd, we're in such a beautiful part of the country, yet there seem to be so few New Zealanders who are interested in settling down here!

Even when the borders are open, one thing that makes it difficult for us to fill our positions is the wait time for visas. If the government could process those quicker, we'd have a much better chance of filling up the backlog of work.

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PRODUCT NEWS

FUTUREPROOF BATHROOMS WITH LEVENE PAINT

Using the right paint during a bathroom build or renovation can futureproof it against water damage or growth of mould and mildew. The undercoat used on walls is key to this

Wet area plasterboard requires a high-quality undercoat to ensure the paint adheres to the surface. Historically, a solvent-based prep coat, such as Levene® Pigmented Sealer, has been used for this application. However, builders may want to consider newer water-based, low-odour products such as Levene Multiprep Water-based Undercoat – which is better for painters, homeowners and the environment.

It's particularly important to choose a quality undercoat that won't result in it needing replacing in this environment, with materials becoming more expensive and difficult to get hold of!

With technology advancing, water-based prepcoats are becoming more reliable. If your client is pushing you to get a job done, Levene® Multiprep Water-based Undercoat is a primer, sealer and undercoat all in one. It's touch dry in 20 minutes and can be top-coated in two hours, making it a time-efficient solution compared to oil-based paints.



Levene paint can be used to protect wet areas against water damage, mould and mildew

Once the walls have been primed and sealed with the undercoat, you can apply two coats of a speciality wet area topcoat. This is especially useful for kitchen and bathroom work, as a topcoat such as Levene Kitchen & Bathroom comes with a five year* guarantee to help protect against mould and mildew – which is sure to leave clients with a smile on their faces!

To create a tidy finish for the room, you can use a fast-drying water-based enamel for the doors, windows and trims. Levene Water-based Enamel is low odour and offers good block resistance and creates an easy-to-clean surface.

Levene Pigmented Sealer, Water-based Multiprep Undercoat, Kitchen and Bathroom, and Water-based Enamel, as well as the full range of Levene paint, is available exclusively at your local PlaceMakers store. Visit placemakers.co.nz for more. ■

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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: Are you seeing more young and/or female apprentices in the industry?

NEWLY QUALIFIED

Name: Andrew
Location: Christchurch

I haven't noticed a big increase in the number of young apprentices overall, but I have been working with a young fella who is fresh out of high school. He's only 16 but he's keen to become an apprentice.

I do know that a previous employer of mine preferred to take on apprentices who were a little older, as he felt they tended to be more focused on the job and made better decisions overall.

Looking back, I started my apprenticeship about three years ago. I used to go to school one day a month and, at 35, I was normally the oldest one there. So even four years ago it seems like there was a high level of interest from younger people.

As a whole, I reckon the entire industry should be built around apprentices, as they do a lot of the physical work required on a building site. There are not many 50 or 60-year-old builders on the tools, so the graft normally falls to apprentices.

NEWLY QUALIFIED

Name: Kane
Location: Auckland

Recently, I've seen a lot of apprenticeship interest from young people and seen a lot more around the job sites as well. I've also had several family members express an interest in getting involved in the industry, so I've set up a workshop at my place and I'm going to run a few one-to-one sessions for family or interested youngsters who fancy it. Having completed my apprenticeship, I feel like I owe one to the industry to help the next wave of tradies come through.

We need them too, as the building industry is booming at the moment. Right now, I'm working seven-day weeks just trying to keep up with projects.

Most of the time, I look around and I'm one of the older guys on site; and I'm only 30! The problem with that is that sometimes sites lack those wise older heads to make sure everything is being done correctly and everyone is falling into line.

Something I think would help the industry is standardisation and increased access to information, as sometimes I get confused about which body (BRANZ, MBIE etc) is issuing which guidance, and what is most relevant.

Unfortunately, I'm not seeing many females on site but I'd welcome them into the industry with open arms. I think it's a brilliant idea to get more involved. They reckon females are better at running a business, well I reckon they'd be better at running a site too!

NEWLY QUALIFIED

Name: Hans
Location: Auckland

I'm seeing heaps more young apprentices around the job sites, particularly over the past year. The company I work for has recruited five new apprentices and all of them are young guys. Before that, we had none, as we were getting most of our workers from overseas, but the border closure stopped that.

Right now, it's easy to get into the construction industry. I know my company is crying out for workers. If anyone is interested, chances are they'll get taken in, so I think that's probably why there are more apprentices and younger people in the trade.

Another thing I've noticed is that a lot of workers are leaving for other parts of the country. They get a better wage in Auckland, but they prefer the lifestyle further down south – I've heard most are going to Wellington or the South Island. That creates a knock-on effect, whereby there are less experienced workers around, so companies have to recruit from a younger, less-experienced pool of workers.



SCHOLARSHIP BOOST FOR DESIGNERS

Even though they're separated by the Cook Strait, a passion for design unites two PlaceMakers Apprentice Crew Branching Out Scholarship winners

Every year PlaceMakers invests in up-and-coming builders through its PlaceMakers Apprentice Crew (PAC) programme. Whether it's delivering prizes as part of its 20 Days of PAC-mas, or recognising on-the-job learning through Apprentice of the Month winners, PAC keeps giving back to the apprentice community.

The Branching Out Scholarship, which began in 2018 as an evolution of PASS (PlaceMakers Apprentice Scholarship Scheme), is another stalwart in PAC's avenue of support. This year, it contributed \$1,236 each towards the further education costs of two lucky winners. Applications are open to graduates who achieved their National Certificate (Level 4) and who are currently PAC members, and must remain PAC members when undertaking the study.

"We want to help young tradies develop new skills as they move past apprenticeship and into the workforce. On-the-job learning is important, but there are still opportunities for relevant structured studies that we'd like to encourage," says Trade Engagement Manager Andrea Albertyn.

BUILDING BRIDGES BETWEEN DESIGN AND CONSTRUCTION

Scholarship winner Jayson Su, who is based in Wellington, has just begun a Master of Architecture and says he'd love to use it to work on bridging gaps in the industry.

"If we can create a more seamless process between architect and builder, we can drastically change the building industry. This may include reassessing and restructuring the conventional system or utilising technology to develop a builder-friendly BIM software."

After completing his Bachelor of Architectural Science, Jayson began a building apprenticeship. He says when he got on the tools, he spotted a pain point for the industry.

"It didn't take long to notice the loss of translation between the builder and the designer. I want to improve my ability to read and understand plans and detail – what better way to do this than learning to produce the plans themselves?"

Jayson isn't thinking small. Not content to

work on site, the Branching Out awardee wants to oversee the whole process from start to finish.

"My goal is to own and operate a design and build company and, like my recently acquired Level 4 National Certificate, a Masters in Architecture is essential in achieving this goal."

BROADENING HORIZONS AND FINDING OPPORTUNITY

Second scholarship recipient Andrew Hopley, who works in Akaroa, wants to use the award to fund a Detailed Design 1 course.

"I'm a qualified carpenter, but I'm also interested in other sides of building. I can see endless opportunities within the industry, and that's why I want to pursue a qualification in the design area of the trade while still working on site.

"Gaining a design qualification would open up some exciting areas and would enhance what I can bring to a worksite."

Andrew says he doesn't have a set plan for his future, but can see the scholarship opening doors that could lead to something exciting.

"I want to broaden my horizons by doing the course. I like reading plans and find it interesting so I figured I would do this course and see where it takes me. If I like it, I could go even further and do a BA in Architecture."

Andrew currently works for a construction firm and says he has no ambition to become a boss just yet, even if further study could lead him down that path.

"I'm happy for now, but who knows where this qualification will take me – thanks to the Branching Out Scholarship." ■



Jayson Su (left) and Andrew Hopley (right) are the latest Branching Out Scholarship winners. Both tradies will focus their studies on the design element of construction



MARCH APPRENTICE OF THE MONTH

Dunedin apprentice Morgane Torr has been crowned the March Apprentice of the Month for her can-do attitude towards being a first-year female apprentice in a male-dominated industry

Morgane Torr is a first-year apprentice from Dunedin with a lot on her plate. Not only is she learning something new, she's also got to do it while getting to grips with the challenges of working in a male-dominated industry.

"There can be some full-on days at times," she says, "especially when I'm physically tired, while still trying to learn and retain new information. I go home pretty mentally exhausted, as well as physically worn out."

When Morgane started her apprenticeship, she put a lot of pressure on her shoulders to get things spot-on straight away – but now she says she's a lot more forgiving.

"I used to feel really bad every time I made a mistake, in case it meant we had to reorder supplies but then I realised nobody expects me to get stuff right the first time.

"As the only female builder on site, I hated asking for help, because I felt I had to work extra hard to prove myself, but I've since learned that's not the case."

MISTAKES CREATE LEARNING OPPORTUNITIES

The liberty to make mistakes creates a more productive learning experience, she continues.

I don't let the fact this is a male-dominated industry put me off; women can build just as well as men. I also need to keep remembering that I'm in my first year, so I have plenty of time to learn to be as good a builder as the best – man or woman

"I've learned heaps since I relaxed more about getting things wrong. Being in that mindset helps me stay positive on site and repeating tasks helps me learn how to do them more effectively as well."

Morgane, who is completing a Carpentry Apprenticeship, says she's making good progress.

"One area I've improved a lot in is cutting out plug and pipe holes. I still sometimes get them wrong, but I'm confident to work on that area by myself. From time to time, I'll still ask before I cut, just to make sure!"

STRENGTH IS OVERRATED

One outdated stereotype that *Under Construction* has previously written about is that female tradies or apprentices lack the strength to properly navigate the job site, but Morgane says it's not something she's experienced.

"At the start of my apprenticeship, I pushed myself to lift as much as I could, but then I realised I don't need to. It's far better for the job if I don't break myself trying to lift something that's too heavy for me – and that goes for everyone working on site. Everyone is trying to avoid injuries, so they're happy to help and easy to approach."

All-in-all, Morgane is finding the industry a welcoming environment.

"People sometimes assume they can't joke or say the usual stuff around me, but I've told them heaps I don't mind. I'm happy to joke around."

"I've heard other female apprentices say toilets on site can be pretty gross, but the guys I work with seem committed to keeping them in good condition for everyone's sake. The only thing is that there's no sanitary bins in most site toilets, which isn't ideal."

HAPPY IN THE INDUSTRY

"I don't let the fact this is a male-dominated industry put me off; women can build just as well as men. I also need to keep remembering that I'm in my first year, so I have plenty of time to learn to be as good a builder as the best – man or woman."

Morgane is loving her apprenticeship and looking forward to seeing where it takes her.

"I'm getting stronger physically and mentally every day, and I really enjoy the variation I get from learning heaps of different trades. I used to want to be an architect but I don't think I could ever do a desk job now!"

Each winner of Apprentice of the Month gets the chance to be named The Novice Who Nailed It, receive ultimate bragging rights and a prize valued over \$500 (incl. GST). ■



Apprentice of the month Morgane has walked away with a \$250 air fryer and an entry into The Novice Who Nailed It competition!

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The iconic Swannndri Egmont Twin Pack is in store now. In the latest 2022 colours, these brushed-flannel, relaxed-fit work shirts are not only super warm and comfortable, but practical too, featuring large chest pockets and button cuffs.

Being made from 100% cotton makes these shirts warm, comfortable and moisture absorbent. Every year these fly out the door and when they're gone, they're gone – so get yours now!

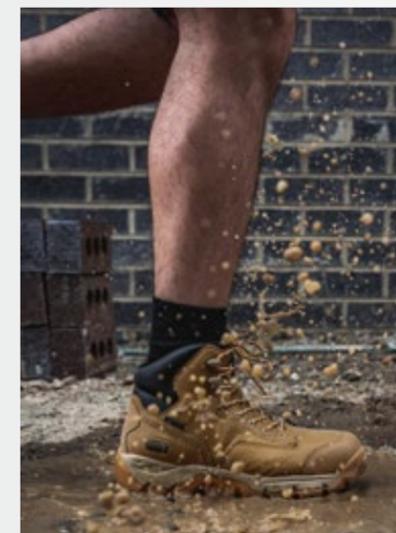
The twin pack contains two shirts, one of each colour, and are also available in ladies and kids.



YAKISUGI TIMBER

Shou sugi ban, also called yakisugi, is a traditional Japanese fire conditioning of timber. Devised 500-600 years ago, the intent was to keep away insects and rot, make wood less susceptible to fire and improve the timber's life span. The method involves charring the face of naturally durable timber at 1060°C.

The resulting charred timber cladding is long-lasting and hauntingly beautiful. Shou sugi ban significantly improves durability, while reducing timber maintenance, as the char repels water and protects the timber from rain, decay and UV. Over time, the char slowly erodes away, revealing the stunning textural timber grain below.



Introducing the Magnum Precision Max. If you are getting down and dirty in the wet and want to keep your feet dry, this is the only boot for you. Featuring i-shield technology, this boot is water

and dirt-repellent, as well as resistant to stains. Super lightweight with a composite toecap, this boot offers superior moisture management and comfort with fast-wicking lining. Non-metallic hardware makes this boot scanner safe, and the high traction rubber outsole helps keep you safe, as it's designed for maximum grip.

The Magnum Precision Max is certified to AS/NZS 2210.3:2019 SB AN WR E HRO SRA and also electric shock resistant, certified to ASTM F 2413-11 Clause 5.5. Available in Black and Wheat with an extensive size range from Sizes 4-17 including half sizes. Available now from PlaceMakers.

MAGNUM PRECISION MAX BOOTS

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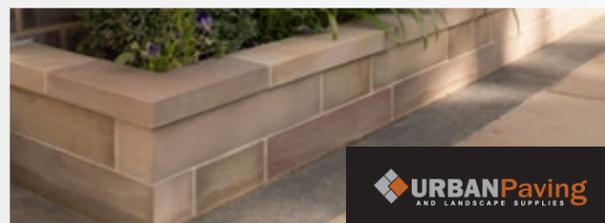
Autumn is approaching, with wetter days and potential growth for mould and mildew in moisture-prone internal areas.

Levene® Kitchen & Bathroom paint is specially formulated for these areas, with a five-year guarantee* to help protect against mould and mildew, is antibacterial and easy to clean.

Before applying the topcoat, you need a prepcoat such as Levene® Multiprep Water-based Undercoat. This primer, sealer and undercoat is suitable for wet area plasterboard due to its excellent adhesion and is quick drying with low odour. Or, for a traditional approach, Levene® Oil-based Pigmented Sealer has good opacity and can be used under water-based and solvent-based topcoats.

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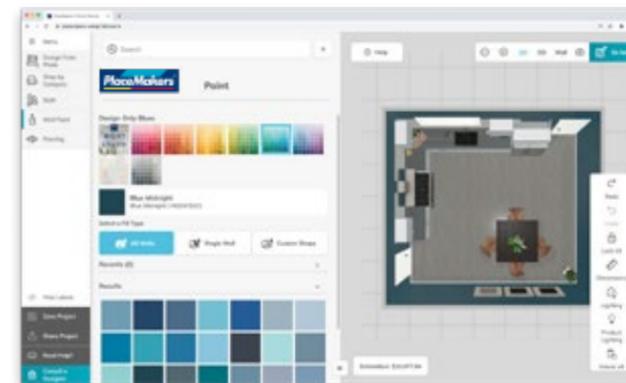
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Our new range of natural Indian Sandstone veneers have been designed to clad existing or purpose-built flat walls and coordinates beautifully with our natural paving range to convey a simple, contemporary elegance. Extremely durable and resistant to chipping and breaking, these veneers have been precision cut at 100mm high for a clean finish and ease of installation. They have also been lightly surface-honed to emphasise the natural movement and character of the quartzitic sandstone.

Available in three gorgeous colours – Autumn Bronze (pictured), Caramel Cream and Silver – in mixed packs of 20 (four each of 500mm, 400mm, 300mm, 200mm and 100mm). On promotion in selected branches in May/June.



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Designing the perfect space has never been easier with PlaceMakers new 3D Design Planner. Whether it's just a bit of a spruce up, or a full rebuild, your clients can design their whole new kitchen or bathroom and see exactly how their selections will look.

Including everything from appliances and cabinetry, right through to wall paint and floor finishes, this new platform will be sure to get them inspired!

Help your clients start designing their perfect space today at placemakers.co.nz/3Ddesignplanner

LBP INCOMPETENCE EXPOSED



The Building Practitioners Board has cancelled an LBP's licence after a complaint was brought against him by a former client

A Canterbury LBP was stripped of his licence after it was found that he carried out building work in a negligent and incompetent manner, which was also likely to bring the regime into disrepute

In October 2021, the Building Practitioners Board (the Board) recorded its final decision in the matter of a complaint against Canterbury roofer Jamie Hartnett, BP123937, a trade-qualified licensed roofing practitioner in the profiled metal roof and wall cladding area of practice.

The Board viewed a wide range of evidence in relation to the case, including photos and videos of the work, a TVNZ article and even an episode of the TV show Fair Go. The hearing was undertaken 'on the papers' (ie, entirely on written submissions), and the initial draft decision was issued to the Complainant and Hartnett seeking further submissions. The Complainants responded with further submissions, Hartnett did not.

OFFENCES UNDER CONSIDERATION

Under section 317 Building Act 2004, which states the grounds for discipline

of LBPs, the Board resolved to investigate Hartnett's conduct in respect of:

- Carrying out or supervising building work in a negligent or incompetent manner, and;
- Conduct likely to bring the regime into disrepute.

There was also an additional issue around the need for a building consent for the work. Schedule 1 of the Building Act 2004 (work not requiring a building consent) allows for the comparable replacement of a component or assembly.

However, when replacing metal tiles with long run roofing – as was the case in this scenario – the fixing and support methods are very different, even though the weight may be similar. This means the question of whether it would constitute a 'comparable' replacement should have been further explored.

There was no evidence provided to show that Hartnett had made enquiries about whether a building consent was required, nor had he given the client advice that inquiries should be made with the local building consent authority (BCA).

THE EVIDENCE

Hartnett was engaged to install a replacement roof. The original decramastic tile roof, which had been badly damaged in a storm, was to be replaced with long run steel. The work was not carried out under a building consent.

The work was started by Hartnett but not finished and the Complainants raised workmanship issues regarding the quality of the work carried out. They contacted the Roofing Association of New Zealand and, after he saw the work, CEO Graham Moor stated that it was "well short of good trade practice and that there are compliance issues apparent as well".

The remedial roofer engaged to finish the job also provided a report, highlighting the following issues:

- Excessively scratched and dented roofing.
- No transition flashings at the change of pitch.
- Purlins installed at the bottom row and at the ridge and hips but not in-between and without valley purlins.
- The iron was laid over, and fixed to, the original tile battens and underlay. Some new underlay had been installed.
- Poorly finished ridging junctions.
- "Appalling" sheeting at the chimney, with silicon used to prevent water ingress.
- Damage to the roof was apparent due to the difference in thickness of the purlins and the tile battens.
- Incorrect fixings had been used.

The remedial roofer's report ended with this statement: "This roof has been left unrepairable and requires replacing.

In my opinion, the contractor engaged to carry out the replacement of roof and gutter has little knowledge of roofing and should discontinue his services."

A health and safety issue was also uncovered as there were no fall protection measures supplied, such as edge protection or scaffolding. Images supplied to the Board showed Hartnett standing on the roof with no means of protecting him from a fall. The Fair Go video clip also showed him on the edge of the roof with no means of protection or restraint being used.

SUBMISSIONS TO THE INTERIM DRAFT REPORT

The Complainant brought further matters to the Board's attention, namely that no contract had been provided for the work, which was over the \$30,000 threshold for disclosure information and provision of a contract. There was also an alleged misappropriation of funds and misleading information given to the Complainants regarding the use of the funds provided.

The Board searched the Insolvency Register and found that Respondent was adjudicated as bankrupt in late 2019 and remains bankrupt, as well as being a sickness beneficiary. Under the Insolvency Act 2006, a bankrupt person

must inform the Assignee of income and expenses, including any funds obtained over \$1,300, and that it is an offence to obtain credit of more than \$1,000.

The Complainants noted that, when they enquired at the roofing supplier, the flashings had been ordered but would not be made until they were paid for. Respondent said that all materials were paid for and he was waiting for them to be made.

PENALTY, COSTS AND PUBLICATION

As no further submissions were received from Hartnett, the Board confirmed that his licence is cancelled and cannot be re-applied for before the expiry of six months. He was ordered to pay \$500 towards the costs, and incidental to, the Board's inquiry. The Registrar is also to record the Board's action in the Register of Licensed Building Practitioners and, in addition, the Board's action will be publicly notified.

The full report, including photos, can be read on lbp.govt.nz under Complaints and Past Decisions using the keyword CB25691. ■

This article is an excerpt from Codewords Issue 106. 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 106

- Where would you find the grounds for discipline of LBPs?
 - In the Licensed Building Practitioner Rules.
 - Under clause E2 of the Building Code.
 - Section 317 of the Building Act 2004.
 - On the back of your licence card.
- If a building consent was necessary, would this have been Restricted Building Work (RBW)?
 - No, it was only replacing a 'like for like' component or assembly.
 - Yes, if work on the structure or weathertightness envelope is carried out under a building consent, then it is RBW.
- When can Hartnett apply for his licence again?
 - Six months after it was cancelled.
 - Two years after it was cancelled.
 - 2027.
 - Immediately after it was cancelled.



NAVIGATING SKILLS MAINTENANCE

Following on from the History of LBP series, this article looks into what continued professional development (CPD) looks like. In the Licensed Building Practitioner (LBP) scheme, we know this as skills maintenance

As an LBP, you need to keep up to date with changing industry practices and regulatory changes. This is done by completing and recording skills maintenance activities — learning activities that help make sure you continue to meet the minimum standard required to keep your licence or licences.

This requirement isn't unique to LBPs. Most professional associations have a CPD programme of some kind to ensure members are kept up to date. Can you imagine going to an architect or engineer and getting advice that was current when they trained 30 years ago? And there's the medical industry, airline pilots, your accountant, building consent officers — you'd really expect them to be up to speed with current legislation and practices to earn your hard-earned cash, wouldn't you? This is exactly what your client is expecting of you.

All LBPs must complete a set of skills maintenance, which combines both compulsory and elective activities, every two years.

A lot of keeping up with the play is naturally occurring — you're in the industry carrying out your job every day, so you're bound to pick things up from the plans or see one of your workmates doing something differently. This is what the boss was talking about when you first started work — "you'll learn something new every day on site..."

And skills maintenance isn't just about laying one brick on top of another or drafting a plan. If something you do improves efficiency in your work or the running of your business, your dealings with customers or workmates, or provides a more cooperative and inclusive working environment, it's going to be beneficial to the customer, to you and to the industry.



Reading educational trade publications such as *Under Construction* is a great elective learning activity

As a result, it would be considered skills maintenance.

As mentioned above, skills maintenance is divided into compulsory and mandatory activities.

The compulsory activities — reading specified articles and answering quizzes for the licence classes you hold, and two examples of on-the-job learning — are the same for all licences held.

Elective activities can be any activities useful to you and your work, and the number of hours required depends on the type of licence. According to lbp.govt.nz, the activities must relate to learning activities you've carried out — not just things that you've done — and they must be relevant to your licence class. However, as explained below, that does not necessarily mean trade-specific.

DESIGN, SITE AND CARPENTRY

For carpentry and site practitioners, finding learning opportunities that count as skills maintenance is relatively easy — there is always a new product, system, or installation instruction on site. It may be a bespoke engineering detail or architectural feature, which requires them to explain exactly what they want. This may not be a discussion you're personally

involved in, but the message will be relayed to you if you're doing the job, so there's good skills maintenance there. This discussion is great for one of your on-the-job learning examples — remember to keep a copy of the detail off the plans and any instructions from the designer as evidence.

It could even be that the building or safety inspector has a discussion with you regarding an incorrect installation or a potential hazard you hadn't picked up on — this could also count as on-the-job learning.

Design LBPs have a far more stringent CPD regime than skills maintenance if they belong to a professional organisation. Robyn McArthur of Architectural Designers New Zealand (ADNZ) shares some of the CPD activities their members undertake:

- A vast selection of supplier's webinars and films.
- Superhome events such as bus tours (working towards more healthy and efficient homes).
- Tuelo talks, pods, and Notion Flo webinars (Tuelo Ltd is an online education platform).

- Passive House (PHINZ) events.
- Engineering New Zealand (ENZ) — engineer involvement in their projects.
- Manufacturer seminars.

ROOFING, PLASTERING, BRICK AND BLOCKLAYING AND FOUNDATIONS

For our specialist trade practitioners, it becomes somewhat more difficult to find, or recognise learning opportunities, especially as there is not an abundance of new products entering this market.

Brian Miller, on behalf of the Master Brick and Blocklayers Association, provided the following four key elements, which aren't necessarily trade specific, that the organisation believes are necessary to ensure a competent and enduring tradesperson in the sector:

- Current competency — technical compliance and keeping current, being aware of dimensional and composition changes in products to ensure accurate and aesthetically correct installation.
- Core business skills such as operational costs, employment law, and financial acumen for businesses and contractors.

- Health and safety — a wider focus on wellbeing in addition to site-specific requirements.
- Future proofing the industry — taking on apprentices and being fully involved in their training. The Association is introducing access for apprentices with an education package which includes webinars and a site verification app to improve the efficient compliance certification of installation work, all at no cost.

Graham Moor, CEO of the Roofing Association of New Zealand, agrees that CPD doesn't always need to be trade specific — there are many softer skills that will fit the criteria of improving site awareness and the client's experience during the disruption in their space while you are working there.

For dealing with the customer, his suggestions are:

- Knowledge of the requirements under the Consumer Guarantees and Fair Trading Acts.
- Customer service awareness.
- Dispute resolution courses.

For a cohesive worksite, which also

enhances the customer's experience, his suggestions are:

- Cultural awareness, given the mix of ethnicities and cultures found on sites today.
- Mental health — the building industry has some of the highest suicide rates in NZ. Join Mates in Construction or one of the many organisations active in this field.
- Employment law — and this is required for employers, employees and contractors alike. Know what's required and what's fair.

As exemplified above, industry associations are there to keep you up to date and current, using webinars, newsletters, magazines, conferences, workshops, seminars, competitions, etc. Although belonging to an association has a small cost, the benefits are worth it not only for your skills maintenance requirements, but also for your own personal growth.

Visit lbp.govt.nz for more information and guidance on skills maintenance, especially under 'On-the-job-learning'.

This article is an excerpt from *Codewords Issue 106*. 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 106

- Why is keeping your knowledge current so important?
 - It's a requirement under the current Act.
 - Because most professional people do it.
 - You have to do it so you can re-licence.
 - The client expects your knowledge and skills to be right up to date, just as you do when paying for a service.
- Why is it relatively easy for carpentry and site LBPs to identify and record skills maintenance?
 - They've been doing it longer.
 - They're much more likely to encounter new products or systems in their work.
 - There are more of these practitioners.
- What things are considered to be good skills maintenance activities?
 - Teaching the dog to jump into the new ute.
 - Buying lunch for the team.
 - Something you do that improves efficiency in the work you do or in the running of your business.



MBIE

LBP SCHEME SUBMISSIONS ASK FOR CHANGES

In April 2021 MBIE sought feedback from Licensed Building Practitioners (LBPs) and those who engage with them on potential issues within the LBP scheme

MMBIE asked for feedback on potential issues within three main areas of the scheme: LBPs' ability to supervise non-LBPs undertaking Restricted Building Work (RBW); licensing classes; and if the minimum standards of competency remain appropriate.

Overall, the feedback affirmed that the potential issues had been accurately identified and showed a high level of support for changes in these areas.

This feedback will be used to further strengthen the scheme to help ensure builders and designers have the right skills, knowledge and experience to do quality building work and increase consumer confidence in the scheme.

While the submissions highlighted instances where poor building work is happening, these instances are minor and the majority of LBPs and tradespeople are performing to high professional standards.

The LBP scheme is an important part of ensuring that building work meets the required standards, but it is also only one part of a wider system that delivers safe, durable and healthy buildings.

WHO SUBMITTED?

The consultation from April to June 2021 received 140 submissions across a wide range of occupations within the building and construction sector. Almost 50% of responses came from LBPs, with the other half from those who interact with them.

SUPERVISION

Someone who is not licensed under the LBP scheme may carry out RBW, provided they are supervised by an LBP licensed in that class of work. The supervising LBP is accountable for all work they supervise.

MBIE asked for feedback from LBPs and those who engage with them to determine if supervision is being executed poorly and, if it is, how widespread the problem is and whether improvements can be made.

Submissions confirmed that substandard supervision was happening, but were of the opinion it was not widespread.

The main issues raised were:

- A lack of consistency in what good supervision looks like in practice, including perceived issues with remote supervision.
- Some LBPs were supervising builders who had more specialist expertise but were not licensed, and were therefore not best placed to determine if the building work they were supervising complied with the building consent.
- An LBP could be responsible for supervising non-LBPs doing RBW immediately after becoming licensed, without their ability to do so being tested.

LICENCE CLASSES

The LBP scheme currently has seven licence classes: Brick and Blocklaying, Carpentry, Design, External Plastering, Foundations, Roofing, and Site. These classes reflected the needs of the building sector at the time the scheme was introduced.

The consultation's questions on licence classes have been broken down into four main areas: Classes, Areas of Practice, Site Licence, and Licence Structure.

1. Classes

Submitters mostly agreed that the licence classes already in the scheme should remain and advocated for additional classes that could be added.

The submissions identified that many problems within the scheme are caused by those who work with it but are not licensed in it, with 60% of submitters agreeing the scheme needed to regulate specialised non-LBPs in some way.

2. Areas of practice

Currently, when an LBP becomes licensed in a class, they are required to demonstrate they are competent in one

or more areas of practice in that class. They are not required to be competent in all the areas of practice for a class, and are not limited to working within only the areas designated on their licence.

While some respondents agreed that there were instances of LBPs working outside of their competencies, the overall consensus was that this was by a small minority of LBPs.

3. Site licence

Most submitters were of the view that the Site licence is still a valuable part of the New Zealand building sector and that, when used as intended, provides a way for ensuring the entire build is being completed to the required standard.

Ideas for improvements were suggested to give the class a greater role in the current scheme:

- Allowing only those with Site licences to supervise RBW; or
- Modify the Site licence to be more like the Clerk of Works role that was prominent before the introduction of the LBP scheme, which would mean that the licence holder was more hands-on in the management of the site.

4. Licence structure

The LBP scheme operates on a flat structure where, once licensed, those within the scheme are licensed at the

same level as everyone else, regardless of differences in formal qualifications and length of time working in the trade.

An original objective of the scheme was to raise the overall skill level of those within it. A tiered licence structure could achieve this and would mirror other occupational regulation schemes, such as the Plumbers, Gasfitters and Drainlayers scheme and the Electrical Workers scheme.

Support was overwhelming for a tiered licence structure, with over 70% of submitters saying that the scheme should distinguish those based on experience and ability.

The majority of submitters cited that it would give experienced and capable LBPs an opportunity to separate themselves from those who have just entered the scheme.

CORE COMPETENCIES AND MINIMUM STANDARDS FOR ENTRY

Applicants to the LBP scheme must meet minimum standards for licensing to become an LBP, and existing LBPs must also meet minimum standards for continued licensing.

The consultation asked whether the core competencies and minimum standards were resulting in low confidence in the LBP scheme and whether they needed to be raised, as well as if qualifications needed to be made mandatory.

Almost 50% of the responses came directly from LBPs, with the other half reflecting the views of those who interact with them

The majority of respondents (59%) were in favour of mandatory qualifications, with arguments that it was already overdue. Those who disagreed with mandatory qualifications thought people would miss out on becoming licensed because of this requirement, especially as there is already an avenue for these people to get certified and assessed to join the LBP scheme.

NEXT STEPS

We will further investigate areas for improvement identified in the submissions, including the potential for a tiered licence structure. MBIE expects to develop proposals based on these submissions in 2022.

Read more about the submission summary in Industry News on page 26. ■



LBPs from all over the country have given MBIE feedback on the LBP scheme

PROVE YOUR KNOWLEDGE

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

- | | | |
|--|--|---|
| <p>1) When may someone who is not licensed under the LBP scheme carry out RBW?</p> <p>a) If they complete a risk assessment and a checklist form.</p> <p>b) If they are supervised by an LBP licensed in that class of work.</p> <p>c) If they are supervised by another worker, regardless of LBP status.</p> | <p>2) How many licence classes does the LBP scheme have?</p> <p>a) Five.</p> <p>b) Six.</p> <p>c) Seven.</p> | <p>3) Are LBPs restricted to working within only the areas designated on their licence?</p> <p>a) Yes.</p> <p>b) No.</p> <p>c) No, if supervised by an LBP who holds the correct licence.</p> |
|--|--|---|

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



REMOVE BRICK GABLE END VULNERABILITIES



Brick gable ends need to be reinforced using diagonal braces to provide additional earthquake protection

Brick gable-ended roofs are vulnerable to earthquake damage. This is how builders can reinforce it to help increase the strength of gable-ended roofs

Brick gable-ended roofs should be diagonally braced to prevent out-of-plane movement in an earthquake. It could make the difference between a home that remains liveable and one that does not.

Studies of damage from past New Zealand earthquakes have shown that light timber-framed houses generally perform very well during the challenges of earthquake shaking.

EARTHQUAKES SHOW GABLE ENDS VULNERABLE

There are, of course, exceptions to every rule, and we know that certain features in residential construction make some homes more vulnerable to damage. One of those is brick gable-ended roofs. Improving their strength could be the difference between a house being liveable or not following a quake.

Brick gable ends are vulnerable to out-of-plane movement during an earthquake. This is due to a lack of bracing that is

particularly common in older homes with framed roofs and unreinforced masonry's inherent weakness in dealing with tension and high displacements.

ADD AND SECURE DIAGONAL BRACES

If diagonal braces aren't already in place, they should be added to all brick gable ends on a home. Braces typically can run at about a 45–60° angle and at 0.9m to 2m centres from a fixed point along the roof's height down to the ceiling joists (see Figure 1). Braces should be well secured at each end.



Mechanical tie screws provide a connection between the timber bracing and the brick during a seismic event

Masonry mechanical tie screws are available and are generally self-tapping for ease of installation. Some can achieve a pull-out resistance of 1kN (100kg) per screw prior to failure.

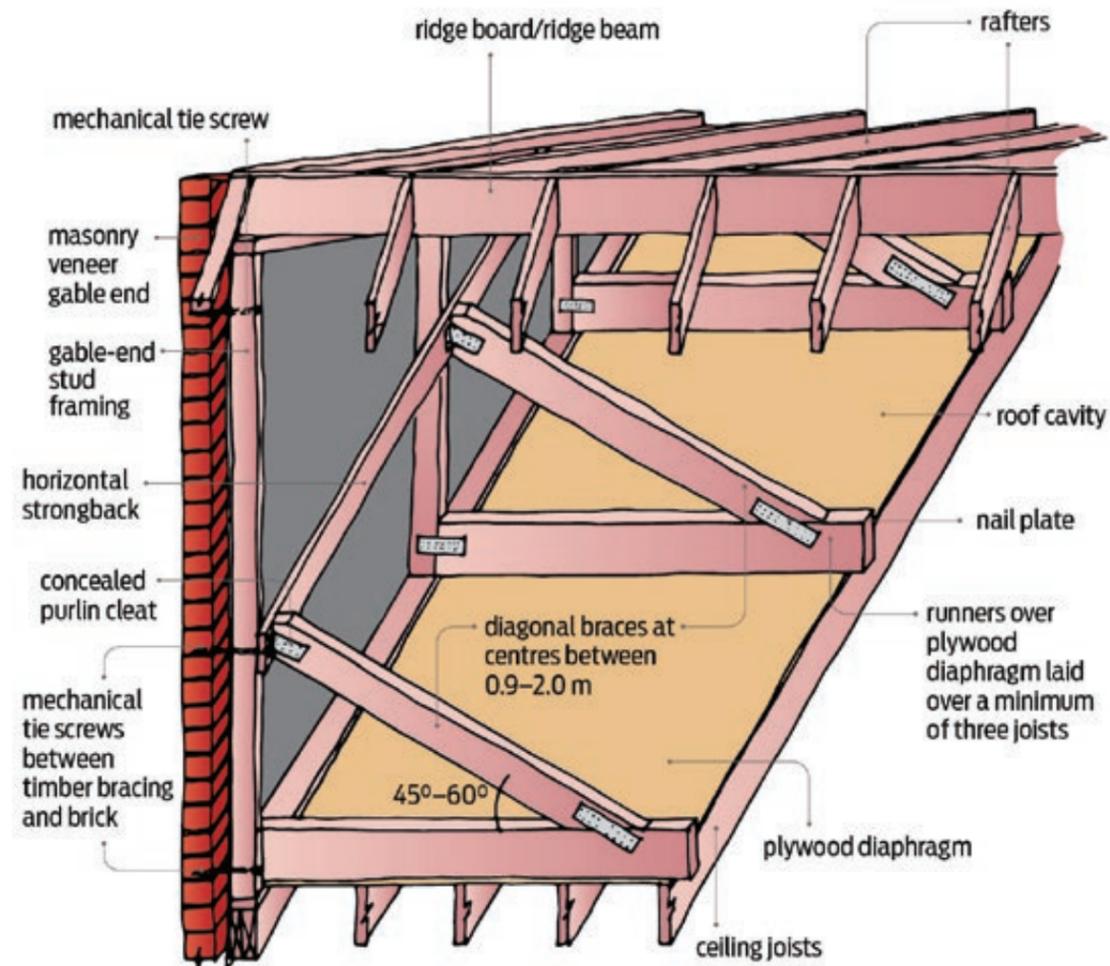
Mechanical tie screws provide a connection between the timber bracing and the brick during a seismic event. The pull-out capacity of screws should be tested on site and verified as appropriate for the type of brick and the proposed application.

CHECK LOAD PATHS

Check that the loads being potentially transferred through to the ceiling diaphragm land on a bracing wall. If the horizontal seismic load path does travel through to the brace and ceiling joist, it will need to eventually transfer to the wall framing and foundation system. ■

NOTE: Details are intended for information purposes. Seek direction from a structural engineer and representative from a masonry repair product supplier as part of any works.

Figure 1



Article by Martin Connell, CPEng Structural, The Earthquake Commission. This article was first published in Issue 185 of BRANZ Build Magazine. www.buildmagazine.org.nz. Figure 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!



- 4) Why are brick gable ends vulnerable to out-of-plane movement during an earthquake?
 - a) Because houses with brick gable ends are older, and more vulnerable due to their age.
 - b) A lack of bracing and unreinforced masonry's inherent weakness in dealing with tension and high displacements.
 - c) Both of the above.
- 5) What should be added to all brick gable ends on a home?
 - a) Diagonal braces at a 45–60° angle.
 - b) Diagonal braces at a 25–40° angle.
 - c) Diagonal braces at a 60–90° angle.
- 6) How much pull-out resistance can some masonry mechanical tie screws withstand prior to failure?
 - a) 0.5kN (50kg) per screw.
 - b) 1kN (100kg) per screw.
 - c) 2kN (200kg) per screw.

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.

CONTRACTOR OR EMPLOYEE?



To determine whether a worker is an independent contractor or an employee, the working relationship must be assessed

The use of independent contractors is widespread across the construction industry and the line between employees and contractors can be blurred. Senior Associate at Duncan Cotterill Alysha Hinton explains the difference between them

It is common in the construction industry to engage contractors, who operate their own business, to provide skilled labour for projects. This can include tradesman builders, scaffolders, plasterers, welders, plumbers, electricians, etc.

However, employees and contractors have different rights and responsibilities, so it's important to know which category a worker actually falls into. Employers must be wary of changing relationships with contractors and not to structure an arrangement to shield themselves from the obligations and liabilities which arise when hiring employees.

In this article, we review the distinction between a contractor and employee, and what you need to be aware of.

WHO IS AN EMPLOYEE?

Any person who is employed to do any work for hire or reward under a contract of service, also known as an employment agreement, is an employee. The reward is almost always a wage or salary.

Employment rights available to employees include:

- Remuneration that is at least the minimum wage.
- The right to pursue personal grievances.
- Return to work rights, such as limited duties after an accident.
- Redundancy rights and the right

to be consulted about the loss of employment.

- Holiday and leave entitlements.
- Having a written employment agreement.

People working in triangular employment arrangements may also be employees. This is where a worker is employed by one party but works for another business or organisation which directs them on their day-to-day work. This may be in a 'labour-for-hire' situation or where a worker is 'temping'.

WHO IS A CONTRACTOR?

Contractors are engaged by a party (such as a head contractor) to perform

services under a contract for services, also known as an independent contractor agreement. Contractors are self-employed and are not paid a wage or salary. They earn income by invoicing the party engaging them for their services, they also pay their own tax and ACC levies.

In the construction industry, genuine contractors typically work at different locations, on particular jobs, for a range of customers, using their own equipment, setting their own rates, and invoicing for their work.

Health and safety legislation applies to both employees and contractors, but most employment legislation does not apply to contractors. A contractors' rights and responsibilities are determined by general civil law, such as negligence. Contractors have fewer entitlements than employees, including not being able to bring personal grievances or get paid for annual or sick leave.



People working in triangular employment arrangements may also be employees. This is where a worker is employed by one party but works for another business or organisation which directs them on their day-to-day work

WHAT HAPPENS IF A CONTRACTOR IS ACTUALLY AN EMPLOYEE?

If a worker is hired as a contractor but should have actually been an employee, then that worker may miss out on minimum employment entitlements, and may pay tax and ACC levies that they would otherwise not be required to pay. If this happens then the employer may be liable for extra costs such as:

- Unpaid PAYE tax.
- Unpaid minimum wages.
- Holidays and leave entitlements.

An employer can be liable regardless of whether they hire someone as a contractor intentionally in a 'sham' contracting arrangement, or accidentally mislabel the working relationship.

HOW DO YOU KNOW IF SOMEONE IS A CONTRACTOR OR EMPLOYEE?

To decide whether a worker is a contractor or an employee, the true nature of the working relationship is assessed, not just the label given to the relationship by the parties. The following legal tests are used to help determine whether someone is in an employment relationship:

- Intention test – what the parties intended the relationship to be.
- Control versus independence test – the greater control the employer has over the worker's work, the more likely they are an employee.
- Integration test – how fundamental is their work to the employer's business.
- Economic reality test – is the worker really a person in business on their own account.

All of these tests should be applied to consider the relationship as a whole. Consider the following Barry vs. C I Builders Ltd legal case.

Last year the Employment Court found that a builder who had been engaged as an independent contractor for three years was really an employee. Mr. Barry entered into the arrangement with C I Builders ("CIB") as a contractor, but claimed he was treated as if he was an employee, and the contractor label did not reflect the true nature of the relationship.

Despite the original intent, several

factors indicated that there was in fact an employment relationship between Mr. Barry and CIB. For example:

- Mr. Barry generally worked consistent hours over the three years and was expected to turn up and work a full day.
- Mr. Barry did not work for anyone else and worked 40 hours per week for CIB, which made it unrealistic for him to work for others at the same time.
- There was nothing to suggest he subcontracted or could have subcontracted work.
- CIB provided most of the tools he used and sometimes provided a branded van, which showed Mr. Barry was being integrated into the business.
- Mr. Barry didn't issue invoices but provided CIB with hours he worked which were passed onto the customer.
- Mr. Barry was paid weekly based on the hours he worked, rather than per completion of tasks.
- Mr. Barry was included in CIB's application for the Wage Subsidy.
- Mr. Barry did not bear any commercial risk, nor did he have the ability to make a profit by completing his work more efficiently, or the ability to accrue business goodwill.
- Although Mr. Barry was relatively experienced, he was closely supervised and directed by CIB.
- Mr. Barry was told what to do, where and when, with little flexibility to determine his own work including advising the site manager if he wanted to leave early or take leave.
- There was nothing that differentiated Mr. Barry from other employees to an outside observer.

LEGAL

CONTRACTOR OR EMPLOYEE? CONT.



Because Mr. Barry was successful, he was able to pursue a personal grievance alleging unjustifiable dismissal – a course of action only available to employees.

GOING FORWARD WHAT SHOULD YOU DO?

Barry vs. C I Builders Ltd is a warning bell to the construction industry. In that case, the Employment Court reiterated that employers must not label workers as contractors to avoid employment obligations. Where a worker is engaged to perform work regularly, the question must always be asked whether they are working as a contractor or as an employee.

Working relationships can and frequently do change over time, so any business engaging contractors should monitor how contracting arrangements continue to operate. ■



Where a worker is engaged to perform work regularly, the question must always be asked whether they are working as a contractor or as an employee.

If you have any questions about engaging independent contractors, or if you are someone who has been engaged as an independent contractor but you believe you are an employee, please contact Alysha Hinton on (04) 471 9452 or at alysha.hinton@duncancotterill.com, or your local Duncan Cotterill advisor (duncancotterill.com).

Duncan Cotterill is a full-service law firm with offices in Auckland, Wellington, Nelson, Queenstown and Christchurch.

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.

PROVE YOUR KNOWLEDGE

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



- | | | |
|--|---|--|
| <p>7) How can you establish whether a worker is an independent contractor or an employee?</p> <p>a) Look into the true nature of the relationship.</p> <p>b) Look at the contract signed between the worker and the employer.</p> <p>c) Ask the worker what they classify themselves as.</p> | <p>8) What test can not be used to establish if a worker is an employee?</p> <p>a) Control versus independence test.</p> <p>b) Economic reality test.</p> <p>c) Word around site test.</p> | <p>9) Out of the following, what does a contractor have control over?</p> <p>a) Hours of work.</p> <p>b) Rates of pay.</p> <p>c) All of the above.</p> |
|--|---|--|

BUILTIN

IDENTIFY INSURANCE GAPS



If you've ordered materials before a job starts, you may not be covered by your contract works insurance, because cover begins on the date work starts or the date of the policy, whichever is latest

With prices rising and supply chains stretched, it's tempting for builders to pre-order materials to secure a lower price. Those materials will need to be stored somewhere, which puts them at risk of being stolen or damaged.

If the materials are for a specific job, arranging contract works insurance early won't cover them before work starts on site. That's because cover begins on the date of the policy or when work starts, but the latter of the two. Your insurer would need to specifically agree to this, which may be tricky if the work isn't due to begin for weeks or months.

OWNERSHIP MATTERS

Who owns the materials could affect how they're insured. For example, if the homeowner owns them (perhaps because they have paid your invoice – your contract would need to be clear on this

point), they could look to add them under their contents insurance.

If you own the materials, they could be insured under a material damage policy. If you already have one of these, it should be simple to increase the sum insured, perhaps just for the short period of time before the job starts. Even a tools/mobile assets policy will generally also cover stock and materials, as long as they are included in the sum insured.

If you own the materials, they could be insured under a material damage policy. If you already have one of these it should be simple to increase the sum insured, perhaps just for a short period of time

If you don't have a current policy, it's wise to take one out. If you add materials to an existing policy or take out a new one to cover them, the insurer will want to know details about how the materials are secured. For example, are they visible from the road, are they fenced off or, if they're stored in a container, what sort of lock does it have?

Lastly, if projects are delayed, make sure the contract works insurance is extended. If a claim happens after the end date on the policy, you may have no cover.

IN A NUTSHELL

If you're storing materials in advance of a project starting, make sure that they are properly insured. ■

Builtin are New Zealand's trade insurance experts.

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

The information presented in this article is general in nature and not intended to be financial advice for individual situations. You should speak to an expert about your specific circumstances and needs.

PROVE YOUR KNOWLEDGE

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



- | | | |
|--|---|---|
| <p>10) Does contract works insurance cover materials ordered before a job starts?</p> <p>a) Yes.</p> <p>b) Yes, but only if materials are ordered less than 21 days before commencement.</p> <p>c) No.</p> | <p>11) If the client has already paid for materials, can the materials be insured under the client's contents insurance?</p> <p>a) Yes.</p> <p>b) No.</p> | <p>12) If a project is delayed, what's the best way to ensure materials are insured?</p> <p>a) Extend your works insurance cover.</p> <p>b) No action is required.</p> <p>c) Ask the client to store them in their house.</p> |
|--|---|---|

LBP SUBMISSIONS PART 1: SUPERVISION



Feedback suggests that LBP supervision should be done in person, as it is here

Feedback from LBPs strongly suggests the LBP scheme could be improved, especially around the issue of supervision. In this article, we take a closer look at the criticisms, suggestions and concerns of respondents when it comes to supervision

As outlined on page 18, The Ministry of Business, Innovation and Employment (MBIE) opened a consultation in April 2021 on potential issues in the LBP scheme, focusing on three main areas:

1. Supervision.
2. Licence class.
3. Core competencies and minimum standards.

There were 140 responses, with the largest number (69) coming directly from LBPs. Other respondents included BCA/ Building Consent Officers (15), Designers (13) and Residential Building Owners (7).

MBIE ran the consultation to “test potential

issues MBIE was aware of to determine whether these issues were real or not and, if so, to what extent”.

This is the first in a series of articles that examines the responses and includes verbatim written comments from survey respondents. This article focuses specifically on supervision.

SUPERVISION ISN'T WORKING

MBIE asked five key questions related to supervision with a request for examples and suggestions in each case. The five questions were:

1. Do you believe that supervision is currently working as it should be?
2. Do you believe that remote supervision is being carried out correctly?

3. Do you believe that supervision of specialised non-LBPs is a problem within the sector?
4. Do you believe that supervision should only be available to certain LBPs?
5. Do you believe that the ability to supervise restricted building work needs to be addressed within the competencies?

CLEARER GUIDANCE NEEDED

Since the LBP scheme came into being, questions around what constitutes adequate supervision have prevailed, and many LBP complaints have dealt with it. The feedback in this consultation reflected the frustration with what respondents called a lack of clarity.

Remote supervision was criticised as the majority of submitters felt it was not possible to properly carry out supervision without being on site, and that remote supervision was a way of cutting corners

“The level of supervision required under the current scheme is subjective and lacks clear guidance on the level of supervision required at site/task level,” said one organisation in its submission.

“Placing the onus on the LBP to determine the level and mode of supervision may not be placing the risk where it can best be managed, as the LBP may be an employee.”

One LBP felt the same and suggested a method for increasing clarity.

“Supervision is not necessarily working correctly at the moment. The requirements on what constitutes supervision need to be demonstrated through examples being provided by MBIE... this could potentially be alleviated through the implementation of a peer review checklist that could then be submitted with a memorandum of design. This checklist could potentially mirror a territorial authority’s consent processing checklist.”

With no definitive direction on how many people and work one LBP can supervise, respondents said the ratio was clearly being stretched.

“I have been on large jobs [where] one LBP is overseeing 20 builders,” said an LBP. “That’s not going to work.”

A respondent from a council said they were not only concerned about the number of people LBPs were supervising, but the experience of the LBPs doing so.

“Council has found that inexperienced LBPs supervise a large number of construction workers and others on

multi-unit sites.... It is now becoming commonplace to have one supervisor overseeing 10-20 workers onsite.”

REMOTE SUPERVISION SUSPECT

Remote supervision was also criticised as the majority of submitters felt it was not possible to properly carry out supervision without being on site, and that remote supervision was a way of cutting corners. Several commented that licence numbers were being used to sign off work the licence holder had never even seen, let alone supervised.

“Remote supervision is not being carried out correctly, as many of them are just giving out LBP numbers and they might have never been to the site and don’t know what’s going on,” said one LBP.

“Anecdotally, we understand remote supervision is often not carried out to an appropriate standard, and there is inappropriate/unauthorised use of LBP licence numbers by other practitioners,” said one organisation.

INEXPERIENCED SUPERVISORS MAKE MISTAKES

The inexperience of supervisors and their failure to identify poor workmanship was also identified as an issue by some submitters.

An organisation that responded to the survey said: “Some specialised work is not covered by any LBP licence and supervising LBPs are unlikely to have the specialised knowledge to manage the quality assurance of this work.”

Many submitters felt that only LBPs with a Site licence should be able to supervise RBW and that a tiered licence structure would mean only the ablest LBPs were supervising RBW.

A BCA/Building Consent Officer said that this is exactly what Site licences were designed to do – and could bring additional efficiencies to businesses.

“The Site licence could supervise all LBPs and collate information at the end of projects. This would also enable more efficient project management.”

ENSURE EXPERIENCED LBPS SUPERVISE WORK

Ranking LBPs based on their experience could be another way to ensure only experienced LBPs were able to supervise sites.

One LBP said: “Having a tiered system, especially in carpentry, would mean that less experienced LBPs would not be expected to supervise outside their competency and experience while they worked their way up.”

An organisation agreed, adding that different ranks could come with their own entry requirements.

“It is suggested that a separate Supervisor threshold be implemented with entry requirements that could include the following: core trade competencies and/or Site Licence Class levels of qualification, an experience component, and LBP Trade Licence requirements.”

REFORM COMING

Respondents commented that supervision should be included within core competencies.

One BCA/Building Consent Officer said: “The skills necessary to carry out supervision together with the expectations around supervision should form part of the competencies and should be assessed.”

Many LBPs are unhappy with the way supervision is handled by the scheme. MBIE states that the feedback will be used to improve the scheme and that an LBP review will form part of a series of reforms to building laws.

The MBIE website states: “The reforms will see a more efficient building system, a lift in the quality of building work, and fairer outcomes if things go wrong.” ■

INDUSTRY FEATURE

NZ RESEARCHERS REVEAL EXCITING PROJECTS



Photo: University of Canterbury

University of Christchurch student Andy (Mihong) Park has developed a prototype plasterboard made of seaweed that could help reduce the carbon footprint of the construction industry

University of Christchurch researchers have revealed two exciting projects that could have real-world implications for sustainability in construction

A team led by University of Christchurch Associate Professor Minghao Li has shown that cross-laminated timber (CLT) walls are feasible and cost-competitive with more traditional methods in the construction of low-rise buildings.

Meanwhile, Andy (Mihong) Park, a University of Canterbury student, has won a \$20,000 commercialisation award to continue research and development of his seaweed plasterboard.

The two projects investigated different methods of reducing the amount of embodied carbon trapped in buildings. Park focused on developing a new material, while Li proved that timber can be used in low-rise buildings and is capable of withstanding earthquake forces.

Park's project ran for 12 weeks and used green, brown and red seaweed

to create a glossy product that retained a natural hue.

Park says the sample plasterboard is made from algae gathered from the beach and believes it could be farmed commercially if demand was there.

"Seaweed is easy to cultivate and can be farmed offshore," he explained, "which makes it an attractive, low-cost farming commodity."

Park's innovation could be supported by a new \$5m commercial regenerative seaweed farming pilot scheme in the Hauraki Gulf and Bay of Plenty. Announced in December, the pilot plans to help seaweed farmers establish their own farms using regenerative ocean farming methods.

THE PERFECT WEED

As seaweed grows quickly – up to 0.5m

a day – it has potential to be a renewable, cheap material source that could help reduce carbon emissions.

Seaweed absorbs carbon from the atmosphere and contains boron, a natural fire retardant, which means it wouldn't have to be chemically treated. As the Government pushes to increase the sustainability levels of the construction industry via updates to the Building Code and legislation that mandates a minimum Green Star level for new government buildings, using more environmentally friendly materials will become more and more important.

"Seaweed plasterboard offers a viable green alternative to traditional plasterboard," said Park. "Additionally, when seaweed is combined with cement, the strength of the resulting concrete is increased. Seaweed is also recognised for its ability to absorb

and release moisture and is a greener alternative to traditional passive fire protection materials."

SOMETHING IN THE WATER

Associate Professor Minghao Li and his team proved that CLT could be similarly useful in reducing the construction industry's carbon footprint.

"With the right connections, CLT buildings can be really strong and resilient in an earthquake. If we can put more wood from sustainable plantations into buildings, we can lock carbon into those buildings for at least 50 years, which will have great benefits for New Zealand to achieve our carbon-neutral goals.

"The walls are pre-fabricated off-site, and you only need a handful of staff to put the walls together, so you make savings and can build much faster by using timber."

Li said that CLT is more sustainable than concrete, can provide efficiency savings and has high earthquake resistance.

Li and his PhD student Ben Moerman designed high-capacity connections to resist earthquakes and protect the timber walls. Moerman said they designed tests to find out how multi-storey walls built using CLT performed under earthquake conditions.



The embodied carbon in our buildings contribute half our sector's emissions and we won't tackle that without some drastic changes to what we build with

- Andrew Eagles, New Zealand Green Building Council chief executive

"We have tested those large-capacity connections that tie the walls down to the foundations to study their performance in an earthquake," said Moerman. "The main benefit is that, after an earthquake, you can simply replace the dowels and the buildings will be just as strong as they were before the earthquake."

A further benefit is that engineered timber weighs 80% less than concrete, but has similar strength, meaning much lower earthquake loads.

DRASTIC CHANGES REQUIRE INNOVATIVE APPROACHES

New Zealand Green Building Council chief executive Andrew Eagles told *Under Construction* that both projects can herald an exciting future.

"We're seeing an increasing interest in wood and renewable, less-carbon intensive materials to replace the likes of concrete and steel. At the same time, we're seeing concrete and steel manufacturers innovating to reduce their footprint and provide better alternatives.

"The embodied carbon in our buildings contributes half our sector's emissions and we won't tackle that without some drastic changes to what we build with. We will be reliant on more sustainable materials – ones that aren't polluting our planet during the manufacturing process and can break down or be reused when it is no longer needed."

NOT READY YET

McBrimar Homes managing director Mike Lowe urged caution, saying that while the product may be good, getting it to market could be a long process.

"I think everyone would probably be open to using a product like the seaweed plasterboard or CLT; however, getting it into use won't be as simple as switching material, he said.

"They'll need to be integrated into Standards or have a CodeMark and have all the documentation in place so designers know how to specify it and we know how to build with it, so it's not as simple as just switching."

Clients are beginning to ask about more sustainable ways to build houses, says Daniel Nolan from Nolan Building, and research of the type carried out at the University of Christchurch could fit the bill.

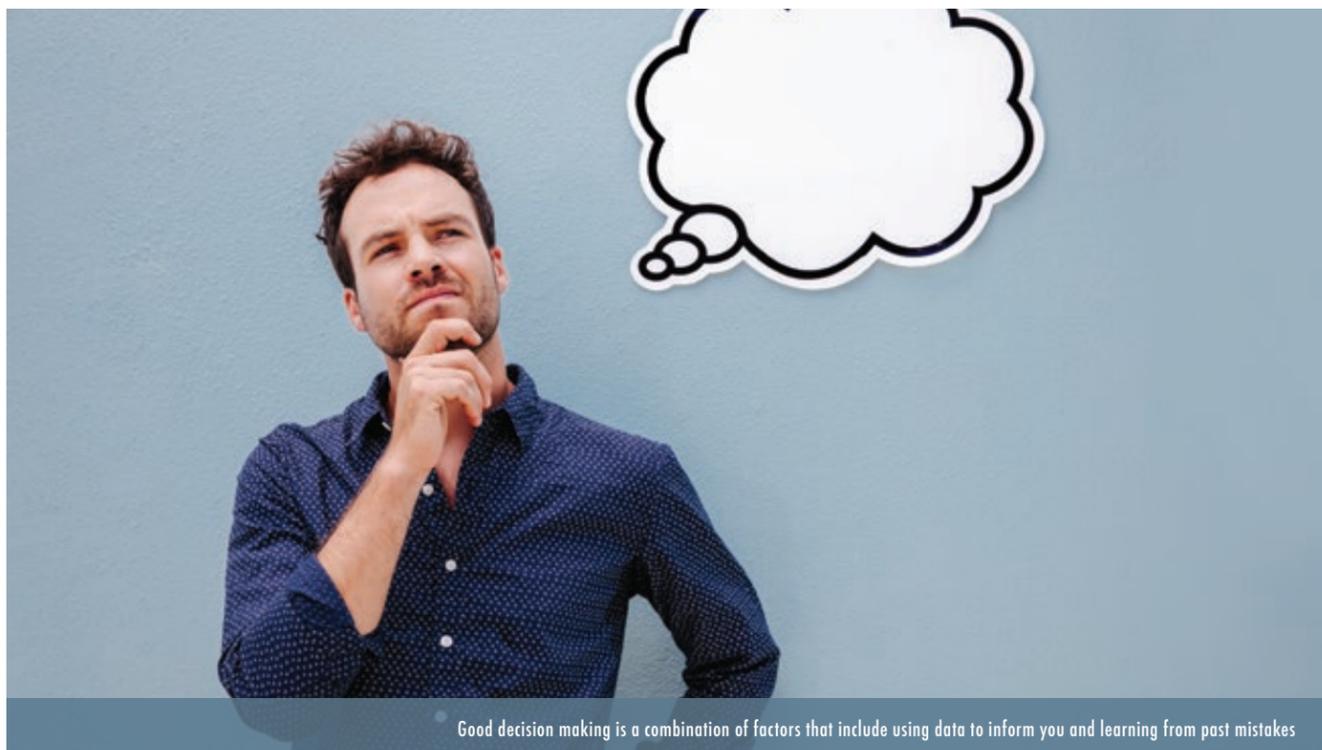
"We're open to trying new things and being more sustainable is definitely something that comes up in discussion with clients. We're open to using anything that's innovative and has been properly tested, but it also needs to meet demands and be priced right." ■



Seaweed grows up to 0.5m a day, which gives it the potential to become a renewable, cheap material source

THE SUCCESSFUL BUILDER

THE ART OF MAKING GOOD DECISIONS



Builders' business coach Graeme Owen says making good decisions can be a difficult process that involves deliberation, sleep and some solid guiding principles

I recently spoke to the owner of a large building company with good buying power and supply lines. He was asked by a small builder if he would sell him materials, as he was having difficulties obtaining supplies. In the past, it would have been no problem but today he was reluctant to do so.

"If I help him out, it may affect my ability to build tomorrow," he said.

Should the builder help his colleague, or should he take care of himself first? It's a classic conundrum.

I talked to another builder, who had rented warehouse space to stockpile hard-to-get materials. Is this wise, or will it just compound the material shortages problem?

Again, this raises further questions. Is it selfish to stockpile when resources

are scarce, or is it prudent and responsible?

Difficult problems rarely have simple answers. For example, it is never right to covertly substitute inferior materials. But when a problem is complex or personal, there are many possible answers and more thinking needs to be done. There are more issues to weigh up.

The reality is that, in business, you don't often have the luxury of long debates and discussions. You have to make decisions in the moment and sometimes there are hard calls. Especially in difficult times.

So how do you go about making good decisions in complex times? Here are four strategies I find useful:

1. KNOW YOUR NUMBERS

Knowing where your business is at financially is crucial in tough times.

You may have coped well on gut feel in the past but, in the current changing environment, you will need to read things differently. When the goalposts shift, you need to play a different game.



Try to schedule your decision making time and make sure you are at your best. Most people make better decisions in the morning after a good night's sleep – choose the best time for you

Knowing your numbers on a weekly or monthly basis will give you the real (actual) information about your business performance, so you can make more informed decisions. Build a simple dashboard and look for trends – small changes over several weeks/months, then tie any new decisions you make to one (or more) of your indicators and watch them carefully over the coming weeks/months. Look for small changes. If these are concerning then review your decision immediately, learn from it and make another (better) decision.

2. REVISIT YOUR VALUES

In the case above, my business owner friends were torn between two overlapping fields of influence – self-interest and looking out for other members of the building fraternity. How do we balance these in a way that preserves both? The reality is that we live in both spheres and thrive when both our business and our community thrive. Unfortunately, there is no easy answer here and those who say there is are not sitting where you are at the moment.

I will never forget an older property investor saying he would always make sure to leave some on the table for the next person. For example, in a rising market, he would not wait until the

property market had reached its absolute peak and then sell. Rather, he would sell when he had made good gains. For one thing, you can't predict that peak anyway. Furthermore, if you are right at the top then there is no capital gain left for the next buyer and you may get a lesser price! He was guided by his deeper value of making sure the other person does well too.

So what are the values you operate under? These will shape your motivations, and ultimately your decisions and choices. You might want to call them your business principles. Now might be a good time to remind yourself of those deeper values or principles for which you want to be known or remembered.

For example, integrity guided my builder friend to stockpile materials so that he could keep his promise to his client to complete the job. What will your values tell you?

3. BE COURAGEOUS

You don't have the benefit of experience in rapidly changing times. However, you still need to make decisions, as it's indecision rather than wrong decisions that wipe out small businesses. But making decisions requires courage, so be courageous. Weigh up the evidence,

seek the best advice you can get and make your decision. The thing is, if it turns out to be a wrong decision, then make another! But do so courageously!

Another thing – don't be afraid to learn from mistakes. No successful business owners that I know have only made correct decisions. Every one of them has made wrong decisions. But they have not stopped at the wrong decision. Rather they have used their experience to learn how to make better decisions in the future.

4. CHOOSE YOUR TIMING

Important decisions are rarely urgent and urgent decisions are rarely important. So learn to know the difference, then protect yourself when making important decisions. Refuse to make them on the fly or with limited information.

Try to schedule your decision making time and make sure you are at your best. Most people make better decisions in the morning after a good night's sleep – choose the best time for you. Review all the information and check your calculations several times. Then, once you have made your decision, let it sit for a few hours before acting on it. ■

*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: 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>13) When times are uncertain, how often should you go over your business numbers?</p> <p>a) Never, you should rely on gut feel.</p> <p>b) Every quarter.</p> <p>c) Weekly or monthly.</p> | <p>14) When is the best time to make decisions?</p> <p>a) Straight away, with no time taken to dwell on them.</p> <p>b) In the morning after a restful night's sleep.</p> <p>c) At the end of a big, tough day.</p> | <p>15) Aside from the numbers, what else should guide you in your decision-making?</p> <p>a) Nothing or nobody – you know your business best.</p> <p>b) The values you hold close to you.</p> <p>c) What your competitors are doing.</p> |
|---|--|---|

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



INDUSTRY FEATURE

FEBRUARY SETS HUGE NEW ANNUAL RECORD

The number of new homes consented in the year ended February 2022 increased 25% compared to the same period in 2021, while the number of new homes consented in the month of February 2022 set a new record

There were 49,733 new homes consented in the year ended February 2022 – which smashed a previous best set nearly half a century ago, said Stats NZ Construction Statistics Manager Michael Heslop.

“Prior to 2021, the highest number of new homes consented was 40,025 in the year ended February 1974. February 2022’s record is almost 10,000 higher.”

While the year ended February 1974 record was beaten in the year ended March 2021 (41,028), February 2022’s record blows March out of the water.

UP, UP AND AWAY

There were also 4,195 new homes consented in February 2022, a massive 34% increase on January 2022 and the highest-ever recorded for the month of February.

The seasonally adjusted number of new homes consented in February 2022 rose 10.5% compared with January 2022. This increase followed a seasonally adjusted decline of 8.7% in January 2022 and a rise of 0.6% in December 2021.

Stand-alone houses accounted for most of all new homes consented in the year ended February 2022, with 25,518 consented. There were 17,403 townhouses, flats and units consented, as well as 3,910 apartments and 2,942 retirement village units.

In the month of February 2022, the figures showed a more even distribution of consents. There were 1,950 stand-alone houses, 1,842 townhouses, flats and units, 218 apartments and 185 retirement village units.

RECORD BREAKING START TO 2022

Five regions broke consent records for the year ended February 2022. Auckland consented 20,786 (up 22%), Canterbury consented 8,317 (up 42%), Wellington consented 3,687 (up 24%), Otago consented 2,449 (up 27%), and Northland consented 1,525 (up 46%).

“When population size is taken into account, the region with the most new homes consented in the year ended February 2022, was Canterbury with 12.8 new homes per 1,000 residents,” said Heslop.

“Next was Auckland with 12.1, Waikato with 10.1, and Otago with 9.9.”

New homes consented per 1,000 residents across New Zealand was 9.7, up from 7.8 in the year ended February 2021.

Among the biggest increases were Canterbury, which rose from nine homes consented per 1,000 residents to 12.8 and West Coast (3.7 homes to 6.6). Interestingly, Hawke’s Bay (5.7 to 5.6) and Marlborough (4.8 to 4.4) suffered drops.

BOOM FOR NON-RESIDENTIAL BUILDING CONSENTS

In the year ended February 2022, non-residential building consents totalled \$8.3bn, up 16% from the year ended February 2021. The building types with the highest value were:

- Education buildings - \$1.4bn (up 11%).
- Factories - \$1.3bn (up 47%).
- Storage buildings - \$1.1bn (up 4.8%). ■

PROVE YOUR KNOWLEDGE

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

CODEWORDS ISSUE 106

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

MAY / JUNE 2022

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.

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