

ISSUE 106

UNDER CONSTRUCTION

GET YOUR OCTOBER/NOVEMBER 2024 SKILLS MAINTENANCE POINT!



IN THIS ISSUE

PLACEMAKERS BACKS BUILDERS OF THE FUTURE
GET DECKING AND FENCING NAILED!
LIABILITY AND THE LAW

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New Zealand

LOOKING AHEAD WITH PURPOSE



With winter well and truly behind us, there's no question our industry has been doing it tougher this year than it has for a while. That said, spring has arrived and with that comes a renewed appetite for projects – especially ones that help our builders' clients spend more time outdoors!

In this issue, we focus on hard landscaping that takes place outside the main home – from decking to pergolas to fencing. We ask builders how often they keep these jobs for themselves, delve into what types of projects are exempt from consent, and feature a detailed BRANZ article on common deck problems and repairs – for those clients who would rather remedy than replace.

On page 4, we celebrate the incredible success of the New Zealand Team at the recent Olympic Games and explain how doing business with us helps support those athletes in achieving their dreams and representing Kiwi endeavour on the world stage.

Your support also allows us to invest in the builders of tomorrow. Turn to page 12 to learn about the One Tree Hill College trainee project renovating a 1970s Kainga Ora home, which “wouldn't have gotten off the ground” without PlaceMakers backing.

We're also proud to continue our partnership with the New Zealand Chinese Building Industry Association with funding for a new scholarship. Read more on page 6.

In industry news, remote inspections are currently a hot topic. While commentary has suggested these will be the default process going forward, MBIE told *Under Construction* that nothing has changed yet and that consultation will precede any such moves. Read more on page 26. The topic is also covered in Codewords, featured on page 18, with tips for those looking to familiarise themselves with the process.

With all this and more, I hope you find this issue a useful and informative read!

Shane Cornelius
General Manager Operations



While commentary has suggested remote inspections will be the default process going forward, MBIE told *Under Construction* that nothing has changed yet



This publication has been printed by Webstar, a Toitū enviromark diamond certified company and winner of a Green Ribbon Award 'Minimising our Waste'.

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BACKYARD BUILDERS

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 often are you asked to do decking and fencing?*

Firm: **Home Trends Builders**

Interviewee: **Peter de Gouw**

Role: **Director**

Location: **Canterbury**

Staff: **10**

We do take on fencing and decking jobs but I'd very rarely take them on for new clients, as we're too busy for that. However, in the interest of building and maintaining positive relationships with people we've worked with in the past, we're more than happy to take on hardscaping projects such as decks, patios, fences and pergolas. As a lot of our work comes from repeat clients and word-of-mouth referrals, we need to maintain strong relationships.



Fencing work can be frustrating, especially when it comes to consents

For our existing clients, landscaping work is split about 50/50 between them building new properties that need landscaping and them wanting landscaping work on an existing home. We usually do all the work ourselves, as our teams are skilled at hardscaping, but for something like fencing, we may look to bring in contractors, depending on our workload.

Fencing work can be frustrating, especially when it comes to resource consents. I find the rules can vary depending on whether it's governed by a sub-division consent team, urban designers or town planning. They all have different rules and that makes it tricky.

Firm: **David Reid Homes**

Wellington Region

Interviewee: **Tim Sunderland**

Role: **Director**

Location: **Wellington Region**

Staff: **6**

We typically don't do much fencing, unless it's structurally related to a house, but we do heaps of decking. Before we start construction of a deck, we'll work with a landscape architect – typically Ben Hoyle from Blue Gecko Landscape Design – to confirm the design and layout, then we'll talk to our clients during the build to make sure we meet their requirements.

We give the deck the same attention to detail as we do to the house itself, so we use lots of hardwood like Garapa, Vitex or Purpleheart, which we pre-drill and screw-fix to make sure the build quality is as good as it can be. I also love using decking for entryways to help make sure the doorway is level entry into the house. This creates a nice transition point from the typical exposed aggregate concrete driveways.

Because most of our homes are new builds, we encourage our clients to properly consider how landscaping work can impact the overall tone of the home.

We always like to move a client in with a finished landscape, so we engage Ben – and a landscaping contractor if required – early in the project. Around 70% of the time, we'll do the hardscaping work ourselves and use Ben's contacts for any softscaping work.

Firm: **Universal Homes**

Interviewee: **Sunil Prasad**

Role: **Project Director**

Location: **Auckland**

Staff: **35**

We build houses to spec, so we don't get asked to build fences and decks as standalone jobs – but, if they're on the plans, we'll do it. What type of structure we build depends on the lay of the land. If it's a flat site, we'll do a patio but, if the site is contoured, we'll build a deck. As we do the civil works ourselves, wherever possible, we aim to level out the land for each house we do, so we'll only put in decks for around 10% of our homes.



If it's a flat site, we'll do a patio [...] if the site is contoured, we'll build a deck

Because we only project manage the builds, we sub-contract all of the construction work, including decking and fencing. Maintaining relationships is crucial for us. On the supply side, we've been with PlaceMakers for 15-20 years and we know they'll see us right on service and price.

For our subbies, we love to work with the same people for all our builds, as they know what our expectations are and we have confidence in their processes and what they produce.

Having those efficient, long-established working relationships can help move jobs along quickly and to budget.

PLACEMAKERS BEHIND NZ TEAM SUCCESS



PlaceMakers branches across the country encouraged friendly competition among customers and staff in dedicated Fan Zones

PlaceMakers support of the record-breaking New Zealand Team was considered ‘critical’ by the New Zealand Olympic Committee

With Tour de Fern events across the country, branch Fan Zones and the Podium Picks competition, PlaceMakers staff and customers were provided plenty of opportunity to get behind the New Zealand Team, which brought home a record haul of 10 gold, seven silver and three bronze medals from an incredible Olympic Games in Paris.

While fan support can be a key ingredient for success, from the New Zealand Olympic Committee (NZOC) says that without funding from businesses like PlaceMakers, the athletes wouldn’t be in a position to pit themselves against the best in the world.

“Thank you for all of PlaceMakers support of our New Zealand Team. Your support isn’t just nice to have, it’s absolutely critical to create the platform for athletes to perform at their best on the biggest sporting stage in the world,” expressed NZOC to the PlaceMakers team.

PlaceMakers brand manager Nicholas Scott, who helped organise the range of events and competitions to generate excitement for our Kiwi athletes, says that all staff and customers should be proud of contributing to their achievements.

“Commercial sponsorship and donors (excluding Sport NZ) equates to 73% of the NZ Team’s funding,” explains Nick. “So, without that level of support, it makes it that much harder for the athletes to go.”

GETTING IN THE ZONE

While PlaceMakers Tour de Fern events helped ignite enthusiasm for the Games before the Olympic Cauldron was lit, branch Fan Zones and the exclusive Podium Picks competition helped keep everyone locked in across the full 19 days of the all-star event.

Staff and customers enjoyed highlights of the Olympic Games on screens at the branch Fan Zones,

visual reminders of how high NZ athletes – such as Hamish Kerr (a previous PlaceMakers employee!) and Eliza McCartney – can jump, and put their skills to the test against friends and colleagues in events such as mini putt, rowing, cycling, bean bag toss and basketball.

“The stores were really excited about putting together the Fan Zones,” says Nick. “Feedback from customers was extremely positive, with many saying that PlaceMakers involvement inspired them to be more engaged with the Olympics this year because they kept seeing reminders everywhere they went!” Launched two weeks before the Olympic Games started, PlaceMakers exclusive Podium Picks online game provided the perfect way to get psyched, stay up to speed and predict how the New Zealand Team would perform each day – all while earning points that could lead to massive prizes for players!

“It was awesome to see so many people teaming up and making quite calculated predictions on a daily basis,” says Nick. “But also, it was good to just see people giving it crack too.”

Over the course of the Olympic Games, Podium Picks players received more than 2,500 spot prizes, with first overall winning a \$10,000 travel voucher, second a \$5,000 PlaceMakers voucher, and third a Panasonic OLED TV. Participants said it was the best game going, outside the actual Olympics of course!

A PROUD PERFORMANCE

The New Zealand Team’s haul of 10 gold medals eclipses the previous best of eight gold won in Los Angeles in 1984, while the total number of all medals is equal to the 20 won at Tokyo 2020. The success

put New Zealand at 11th on the medal table.

There were 204 athletes from 23 sports representing New Zealand at the Olympic Games and, before their return home, New Zealand Team Chef de Mission Nigel Avery thanked them all for their performances and the way they represented their country.

“I’ve been extremely proud of the way our athletes have conducted themselves both on and off the field of play,” said Avery.

“There has been a huge amount of manaaki from our team towards the other nations and it’s been great to see them showcasing our values and culture.

“We also want to thank New Zealanders for their support.” ■



NEW ZEALAND TEAM STATS:

- 204 athletes from 23 sports
- 20 medals: 10 gold, 7 silver, 3 bronze
- Most ever gold medals by a New Zealand Team
- Nine medal-winning sports (rugby sevens, rowing, canoeing, cycling, sailing, high jump, shot put, triathlon, golf)
- New Zealand’s first ever high jump medal
- Saturday, 10 August was New Zealand’s most successful ever day at the Olympics with three gold medals (Hamish Kerr, high jump; Lisa Carrington, K1 50; Lydia Ko, women’s golf)
- New Zealand’s most successful track cycling campaign (2x gold, 2x silver, 1x bronze)
- New Zealand’s largest ever pole vault team with three athletes: Imogen Ayris, Eliza McCartney, Olivia McTaggart



Podium Picks first-place winner Karen Williams from Invercargill, whose predictions were 88.1% correct



Podium Picks runner-up Shaun Hurley from Ashburton got 87.3% of his predictions correct

PLACEMAKERS STRENGTHENS NZCBIA TIES



The PlaceMakers team at the 2024 New Zealand International Building Expo & Summit

PlaceMakers has increased its ongoing support for Chinese builders with the launch of a new scholarship in partnership with the New Zealand Chinese Building Industry Association (NZCBIA)

The PlaceMakers x NZCBIA Scholarship covers tuition fees of up to \$2,500 per year. The inaugural award was presented to Yuqiao Chen at the end of this year's New Zealand International Building Expo & Summit (NZIBES) in Auckland, of which PlaceMakers is a Diamond Sponsor.

"PlaceMakers values the Asian building community and remains dedicated to fostering collaboration and growth within the construction industry," says Keven Chen, Head of Asian Business at PlaceMakers.

"This scholarship will support access to the industry and helps ensure a well-stocked pipeline of talented, qualified builders in New Zealand."

The scholarship was presented alongside the NZCBIA Excellence Awards at a gala dinner attended by 840 people.

"As a proud sponsor of these awards,

we are highlighting our commitment to promoting industry excellence," says Keven.

NATIONAL COVERAGE

The NZIBES North Island event has been held every year since 2018 and last year expanded to include its first South Island expo, held in Christchurch.

2024's Auckland event was hosted on 9-10 August at the Due Drop Events Centre and attracted 110 exhibitors and more than 10,000 attendees over the two days.

The South Island NZIBES event will return for a second year on 1-2 November at the Air Force Museum in Christchurch and NZCBIA President Frank Xu is expecting attendance to more than double from the 1,100 visitors last year.

"In Auckland, our focus is on providing a service to local Chinese builders and developers.

In Christchurch, our focus is on the wider industry. As Christchurch is underrepresented in terms of trade expos and events, we want to make ours one for everyone," says Frank.

This year's theme of 'Capability, Capacity, Collaboration' is all about helping NZCBIA builders to bounce back from a slow year and connect with the wider community.

"This year presents a real opportunity for Asian builders to survive and thrive but, to do so, they need to promote that they have capacity and capability. Our expo can help them find potential clients and partners.

"PlaceMakers is at the centre of that. Their understanding of the local Chinese building community and connections to the rest of the industry, not to mention financial support of NZCBIA, allows Chinese builders to show their potential to New Zealand's wider industry.

Our organisation has existed for nine years and PlaceMakers has supported us since the beginning

– Frank Xu,
NZCBIA President

“Our relationship with PlaceMakers is one of the most important ones we have. Our organisation has existed for nine years and PlaceMakers has supported us since the beginning.”

BUILDING CONNECTIONS

Through its continued support of the NZCBIA and NZIBES, PlaceMakers has embraced the opportunity to connect with its customers in a more personal way, adds Keven.

“The event is a great opportunity for us to network with builders from the Chinese community and the wider sector, while attendees are able to speak to suppliers in Mandarin or Cantonese and get a first-hand look at their products.”

The PlaceMakers zone included displays from suppliers such as GIB, Comfortech, Milwaukee, Future Build, Bremick, Eliment, United Steel, Garador, ECKO, ClayMark, Laminex, Nero, Mico, Raymor, Adesso, and Complete Reinforcing, alongside customers including Mars Living, SIGNArch, Wish Construction, and Indelible Homes.

CULTURAL UNDERSTANDING

In addition to its collaboration with the NZCBIA, PlaceMakers has invested in building specialist teams of Mandarin and Cantonese speakers with a strong understanding of Chinese culture, and has dedicated staff in Auckland, Canterbury and Otago on hand to support Chinese builders.

Frank says that PlaceMakers support is highly valuable, thanks to account managers who speak the language and understand the culture.

“PlaceMakers Cantonese and Mandarin speakers really focus on delivering a personal experience and, because of a shared cultural understanding, they can fully deliver on that,” says Frank.

“For example, I’d never call a Kiwi sales rep over the weekend but I have no hesitation calling a Chinese rep after hours. Another example of how PlaceMakers understands cultural differences is with trade events. Kiwi builders like to attend trade breakfasts before work but Asian builders would prefer to have an after-hours trade event.”

Another example of shared cultural understanding regards the preferred method of communication by Chinese builders, explains Keven.

“Most Chinese builders prefer to use WeChat to communicate and place orders. So, we set up a PlaceMakers WeChat account for trade support staff to better serve those customers.”

LONG-TERM PARTNERSHIP

PlaceMakers and NZCBIA have planned several collaborative events for the rest of 2024. There’s one planned with GIB in November, as well as a session with James Hardie in November.

“GIB and James Hardie are releasing new products; so, in collaboration with PlaceMakers, we’ve arranged sessions for the manufacturers to take our builders through the new spec.”

With Keven and his team of 65 staff committed to making the lives of Chinese builders easier, PlaceMakers relationship with the NZCBIA continues to grow stronger. ■



PlaceMakers x NZCBIA Scholarship winner Yuqiao Chen receives his cheque from James Peters, Chief Executive of Fletcher Distribution

TIMBER – IT'S NOT PHOTOCOPIER PAPER!



Reusable bracing reduces waste and is reportedly easier to install and remove, says Mark Roberts

Auckland Council's Mark Roberts investigates timber waste on building sites and provides some useful tips on how to keep it to a minimum

A tongue-in-cheek suggestion was made to me a while ago that builders treat timber like office workers treat photocopier paper. However, in 2019, quantitative research conducted for Auckland Council revealed a strong desire within the building sector to reduce timber waste. Given that timber typically makes up about a quarter of the waste by weight from a typical house build – even with the use of pre-nailed frames – this isn't surprising.

HOW TO REDUCE TIMBER WASTE

There are several key areas where timber waste can be minimised. While no one wants to be the quantity surveyor who underestimates timber needs, over-ordering is a significant contributor to waste.

Keeping a close eye on timber orders helps foster a culture of making the most of every piece.

Proper storage and handling of timber is also crucial. Keeping timber packets dry and protected from the elements helps ensure they are fully utilised. A tarp or timber cover is

usually sufficient to protect timber stored outdoors.

A surprising amount of timber is used for bracing frames, with suppliers often delivering a packet of timber along with the set of frames. Unfortunately, it's not uncommon for perfectly good bracing timber to be cut to the length of a skip and discarded. Formwork is also another application where timber is often discarded after a single use.

Fortunately, alternatives such as reusable bracing are now available, significantly reducing the need for timber in this context. Additionally, reusable bracing is reportedly easier to install and remove.

DON'T BIN IT, REUSE IT

Arm's length (or longer) timber pieces can be reused if they're kept out of skips and stored properly. These pieces can often be reused on the same site, a different site, or donated to local facilities or organisations. Even shorter pieces of timber, often considered waste, can be useful to many people.

More alternatives to skips are emerging for usable timber.

With a bit of forethought and planning, reducing timber waste can be an easy and effective way to decrease site waste volume and cost

Many communities have local recycling centres that will accept reusable lengths of timber for free. It's simply a matter of keeping this material out of your skip and dropping it off.

BRANZ recently published an interactive map to help builders and tradespeople find locations to drop off reusable materials. Scan the QR code below to access the map.

With a bit of forethought and planning, reducing timber waste can be an easy and effective way to decrease site waste volume and cost, while elevating the value of this important resource. ■



SCAN TO ACCESS THE BRANZ
RESOURCE RECOVERY MAP

PLACEMAKERS PARTNERS WITH KAITUNA SAWMILL



PlaceMakers agreement with OFO Kaituna will safeguard supply of sustainable timber for builders

PlaceMakers has signed a new national supply agreement with OneFortyOne's (OFO) Kaituna Sawmill. The agreement will provide Placemakers customers with a secure supply of timber sourced from OFO Kaituna's own forest estate, located in one of the best growing regions of New Zealand at the top of the South Island

In a challenging market, partnering with the right businesses can pay dividends. Kaituna Sawmill aims to produce products with key points of difference, which could help builders when tendering or negotiating important contracts.

OFO Kaituna's dedication to sustainability, safety and environmental stewardship is a testament to the mill's forward-thinking approach. Its commitment to producing high-quality timber, while prioritising the wellbeing of both people and the planet, sets a standard for the industry.

By focusing on these key areas, OFO Kaituna not only ensures a sustainable future for the mill; it also contributes positively to the broader community and environment. This balance of productivity and responsibility is what makes OFO Kaituna stand out as a leader in sustainable practices within the timber industry.

NEW TREATMENT OPTIONS

In 2024, OFO Kaituna has been supplying 100% MCA (micronised copper azole) preserved timber.

The MCA timber preservative provides a wide range of options to satisfy increasing demand for more environmentally responsible timber products from consumers and from within the industry.

ENVIRONMENTAL FOCUS

All timber produced by OFO Kaituna holds FSC-certified 70% Mixed Accreditation, which means that a minimum of 70% of its timber is from FSC-certified forests. The remainder is selectively sourced from high-quality pruned forests within the region.

Over 12 years, OFO Kaituna has halved its greenhouse gas emissions with initiatives including a new biomass boiler installed in 2017, which allows kilns to operate on 100% bioenergy.

In July 2024, OFO Kaituna was granted a resource consent variation to combust MCA-treated timber in its boilers. For the Marlborough wine industry, this is a game-changing opportunity. Stacks of broken posts will be a thing of the past, as OFO Kaituna can now reclaim MCA posts and use them for bioenergy.

A BETTER TOMORROW

From timber wrap plastic packaging alternatives to carbon emission reduction goals, there's always more to do.

OFO Kaituna believes its customer partners understand they are not only buying a great product that is stronger, more aesthetically appealing, and safer to use than any other; they are buying timber from a business that strives to challenge convention to deliver a better tomorrow.

To find out more, visit www.onefortyone.com

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PLACEMAKERS BACKS UNIQUE PROJECT



Students from One Tree Hill College at work renovating the 1970s Kainga Ora state home

PlaceMakers played a key role in getting a project hailed as ‘an NZ first’ off the ground – and in doing so will help create a legacy for trades trainees at One Tree Hill College in Auckland

A first of its kind project to completely renovate an ex-Kāinga Ora state home by students at One Tree Hill College in Auckland would never have got off the ground if it weren't for PlaceMakers support, says One Tree Hill Trades Teacher Charlotte McKeon.

“PlaceMakers, and in particular Central North Hub Account Manager John Hanna, enabled us to get our project going in a way we'd never have been able to do ourselves, especially when it came to getting suppliers on board.

“Even small things were a huge help, such as making sure the orders we placed with Cook Street PlaceMakers were processed and

shipped the same day, which meant we could keep the project moving to tight deadlines.”

HIGH STANDARDS

The project has ambitious goals. Students from One Tree Hill's Trade Academy are transforming the 1970s home into one that meets Homestar Level 7, V5 standards – which exceed the Building Code.

“The students are doing the majority of the work themselves, with the support of Licensed Building Practitioners, as part of their training to become apprentices,” explains Charlotte. “Training apprentices is our first priority and this is an incredible opportunity for our students to learn about best practice and be part of it.

“Our students move through a Level

3 BCITO programme as a unified group, allowing them to experience the full spectrum of trade education together.

“The power of this approach lies in its ability to create a tight-knit community of learners and mentors, all striving towards a common goal. The result? Students are not just preparing for a job; they're preparing for life.”

SUPPLIER SUPPORT

To renovate a home to Homestar Level 7 requires generous support from a legion of PlaceMakers suppliers, which John helped organise.

“PlaceMakers initially donated items early in the project, then myself and Charlotte worked to turn suppliers

into sponsors,” says John.

“Once sponsors met the people behind the project, they became very engaged and incredibly generous!”

SWEPT UP IN THE EXCITEMENT

John was introduced to the project by a customer of his, Hargrave Homes (which designed the home’s interior and donated tapware and sinks) and it wasn’t long before he was swept up by it.

“I’ve really enjoyed being involved. Meeting the kids working on it and the people helping them, and seeing their passion for the project, is contagious. I had no intention of getting too involved, because I’m already busy, but you can’t help but get emotionally attached to the project.”

The proof is in the pudding. The organisers have since formed

a small board to oversee the project, which John is a member of.

At the opening function before the build commenced, John says around 300 past and current trade students, families, sponsors and mentors gathered to hear more about this unique NZ project.

“I spent some time on the BBQ with a few of the students, who were courteous and falling over themselves to help in any way – as well as not missing any opportunity for some banter when I burnt a sausage or two! These students are fantastic.”

One of the stars of the show is student Dani Parker, who is now second in command to LBP (and site foreman) Paul Williams. Dani is in charge of coordinating her fellow students on site and has already picked up work experience at



**There are
Kāinga Ora houses
available all over New
Zealand for \$1. Other
schools can copy what
we’ve done here and
we’re more than happy
to share what we’ve
learned with everyone**

*– Charlotte McKeon,
One Tree Hill College Trades
Teacher*

PlaceMakers Mt Wellington, where she’ll engage with builders and learn about the industry from a supply perspective.

MARKET-LEADING TECHNOLOGY

Achieving a HomeStar Level 7 requires the home to exceed current H1 standards, which it will thanks to Mammoth Batts product R values of R2+R1.3 (walls), R2.9 (roof), R2.8 (timber floor). Woods Glass thermally broken aluminium with UG1.1 glazing allowed windows and entry doors to exceed required construction R values as well.

The home also includes some advanced technology, such as a Simx continuous venting system to bring fresh air in and extract moisture and stale air; a Daikin central heating system; a Leo Smart Panel, which reduces electricity costs by a minimum of 10% (and isn’t even commercially available until February 2025); a Rainstick shower that recycles water; and an Aero Barrier System to complete the thermal envelope by pressurising the building interior and releasing an aerosol mist containing sealant particles, which gradually seal openings.



The team making it happen (l-r): One Tree Hill Trades Teacher Charlotte McKeon, LBP Paul Williams, and students Imroz Ali and Elijah Lindsay

PLACEMAKERS NEWS

PLACEMAKERS BACKS UNIQUE PROJECT CONT.

The school also needed a green way to manage and reduce waste, which Green Gorilla is helping achieve by recycling up to 80% of the waste generated during the build. Additionally, Target is supplying all the home furniture.

SELF-SUSTAINING LEGACY

Following the completion of the project, the home will be auctioned off and the proceeds used to

purchase another ex-state home from Kāinga Ora for \$1 – where the process will begin again. However, this time the plan is to create a self-sustainable model for years to come.

“We have expenses we need to cover first,” says Charlotte. “For example, we need to pay our LBP for next year, then we’ll use the rest of the money to turn the programme over year on year. The point is to be self-sufficient.

“We’re also acting as a pilot to show other schools they can train apprentices in this way. There are Kāinga Ora houses available all over New Zealand for \$1. Other schools can copy what we’ve done here and we’re more than happy to share what we’ve learned with everyone.” ■

PROJECT SPONSORS



NEW CATALOGUE OUT NOW



WHAT'S ON

PLACEMAKERS PRODUCT PICKS

CAESARSTONE MINERAL RANGE



Laminex
NEW ZEALAND

The stunning decors that you know and love have changed to a low-silica formula!

We are excited to announce that Caesarstone has developed the new Caesarstone Mineral™ range, a low-silica alternative to assist in reducing risk around the fabrication process. The new range will have less than 40% crystalline silica content, which is comparable to natural stone products such as granite, while still maintaining the beauty, strength and quality that makes Caesarstone one of the world's most popular benchtop surfaces.

For full information about the Caesarstone Low Silica transition and colour range, visit Laminex.co.nz/caesarstone-low-silica

BOSTIK SEAL N BOND CRYSTAL SEALANT



BOSTIK

Bostik H505 SEAL'N'BOND CRYSTAL is a high-quality professional phthalate, tin, and solvent-free, crystal-clear universal sealant and adhesive. Hybrid-based, it cures under influence of humidity to form a durable elastic rubber.

With its high UV resistance, it was specifically developed as a crystal-clear universal sealant and adhesive for interior and exterior use*. It can be used for all types of non-structural sealing applications where a minimum of joint movement is expected. It can also be used to seal and bond a wide variety of common building materials.

*Bostik always recommends to refer to current Technical Data Sheet and Safety Data Sheet for use and limitations.

AURORA ALUMINIUM FENCE PANELS



SECTOR
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Etex Australia Pty Ltd officially completed the acquisition of BGC Fibre Cement earlier this year and has since been working on the company's new branding, which we are delighted to announce will be Innova!

Innova is already an established brand in the market and, under this new direction, it will include a wider range of products, encompassing the current BGC Fibre Cement offerings. The Innova branding is currently under review, so stay tuned for a fresh look and feel to be revealed towards the end of 2024!



WATCHMAN SMOKE ALARMS

The new Building Code changes for smoke alarms will come into full effect in November 2024. Ensure your clients' new builds and renovations are compliant with the Watchman 10 Year Wireless Interconnected Photoelectric Smoke Alarm!

The alarm comes with a new and simple automated pairing process, Memory Function for identifying the last activated alarm, quick install mounting base, a large and accessible test and hush button, or you can test and hush the alarms by using the Watchman Remote Controller (AJ-R1062).

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MBIE

A CLOSER LOOK AT REMOTE INSPECTIONS



Builders will need to be competent in using the chosen software and technology for remote inspections

The Government has announced there will be a public consultation in the coming months on a range of options to increase the uptake of remote inspections

Remote inspections are when building inspection activities are conducted remotely, using digital tools and technologies. Instead of visiting the site in-person, inspectors may, at their discretion, use live video streaming or review photographic evidence to assess the building work from their office, with the builder following their instructions onsite.

The use of remote inspections increased during the Covid-19 pandemic and has also been utilised when factors such as extreme weather has caused road closures, when heavy traffic can disrupt appointment times, or when the building site is in a remote location.

Remote inspections have been gaining further acceptance, with Building Consent Authorities (BCAs) using them to save inspectors time on the road and reduce travel costs, provide business continuity and to ensure a timelier service to applicants.

ROLES AND RESPONSIBILITIES FOR INSPECTIONS

The Building Act outlines the responsibilities of different parties involved in the building process under this Act, which includes:

- The owner has overall responsibility for ensuring the building work complies with the building consent and must ensure that they or their nominated representative enable inspections to be completed as required by the BCA.
- The designer is responsible for ensuring that the plans and specifications or advice they give on compliance are sufficient, if followed onsite, to result in the building work complying with the building code.
- The builder is responsible for ensuring that the building work is carried out in accordance with the approved plans and specifications.

The BCA is responsible for checking that an application for a building consent complies with the Building Code and that the building work has been carried out in accordance with that consent.

BENEFITS OF THE REMOTE INSPECTION PROCESS

Remote inspections benefit everybody involved in the inspection process.

Building consent authorities will be able to increase the number of inspections they carry out by eliminating travel time. This will also create cost savings in vehicle and travel expenses, minimise exposure to safety hazards onsite, help upskill inspectors, improve record management through high-quality digital records which are geographically stamped, and make it easier to share of resources with other BCAs.

Builders will get more timely inspections that are undertaken at

a time that suits them, rather than relying on the inspector's availability. They will also see cost savings in not having subbies being paid while waiting for an inspection, a shorter build process through reducing down-time waiting for an inspection, a better understanding of the building code requirements through gaining an in-depth understanding of what's required for the inspection, and, of course, safety – fewer people onsite reduces the likelihood of accidents.

The wider building industry benefits through a collaborative approach, which assists in building trust and reduced environmental impact through reduced travel-related carbon emissions. Remote inspections also provide for business continuity and resilience for the whole building and construction industry.

NEW TOOLS AND CONSIDERATIONS

The industry has developed a variety of tools to undertake remote inspections, which support the user to capture the information

and evidence the inspector needs to check that the building work complies with the consent.

There are a number of considerations BCAs need to keep in mind with its remote inspection approach, including the building complexity and inspection types. They may use their data on inspection failures to determine which inspections and building types it would consider for the early stages of adopting remote inspections. It may be that builders that are known to have higher inspection pass rates would be preferred as early adopters for the BCA's approach.

Another consideration is the skillset of both the inspector and the builder. The inspector will need to be proficient in the remote inspection tool the BCA adopts, particularly for the livestream inspections.

Similarly, the builder will need to be competent in using the chosen software and technology and have a good understanding of an inspector's expectations. BCAs could use existing relationships to identify

suitable builders for early remote inspection adoption.

More information about remote inspections can be found on **building.govt.nz**. Talk to your local council to find out if they are looking to remote inspection for the future if they are not already using this technology.

FURTHER GUIDANCE FROM MBIE

MBIE has just released a guidance document for BCAs on the adopting and growing the uptake of remote inspections. Although this guidance is aimed at BCAs, it is also particularly relevant to Licensed Building Practitioners and other tradespeople, who participate in the inspection process. You can see the guidance document at **building.govt.nz**.

Learning how to use the particular tools the BCA adopt for remote inspections is also a relevant on-the-job learning activity for skills maintenance. ■

This article is an excerpt from Codewords Issue 120. 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 on the Under Construction website or recorded on the magazine, then provided at the time of renewal.

CODEWORDS QUIZ ISSUE 120



① What is remote inspection?

- a) The inspector does the inspection from their car while parked outside the site.
- b) The builder gives the inspector some random photos of what they've done on the job.
- c) The inspection is conducted remotely using digital tools and technologies, instead of the inspector visiting the site in person.

② What is the builder's responsibility under the Building Act?

- a) To complete the building as cheaply as possible for the client.
- b) To ensure that the building work is carried out in accordance with the approved plans and specifications.
- c) To finish the work as quickly as possible so they can get paid and get to the next job.

③ Is there any real benefit in making these changes?

- a) Yes, there are many benefits to building consent authorities, builders, and the wider industry in adopting remote inspections.
- b) No, it's just something else I have to learn.

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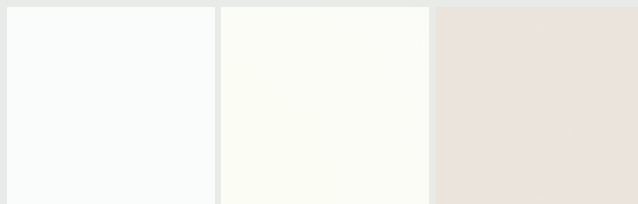


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LIMITATION OF LIABILITY UPHELD



Limitation of liability was upheld by Justice Tahana at the High Court in Auckland

A recent High Court decision has important implications for limitation of liability clauses, as law firm Duncan Cotterill explains

Imagine being responsible for millions of dollars of damages but only being liable to pay a fraction of this because of a clause in your contract. This is how limitation of liability clauses work. A limitation of liability clause limits the amount of money or damages that one party can recover from another party for breaches or performance failures.

The High Court has recently handed down an important decision on limitation of liability clauses in *Tauranga City Council v Harrison Grierson Holdings Ltd*

and *Constructure Auckland Ltd* [2024] NZHC 714. In this decision, the Court dismissed the argument that the limitation of liability clauses were not enforceable and accepted that the limitation can apply to breaches of duty arising under the Building Act 2004 and section 9 of the Fair Trading Act. This means the defendants' liability for a claim of around \$27 million is capped at \$2 million for Harrison Grierson and \$500,000 for Constructure.

The upholding of limitation of liability clauses is a big decision for the

construction and insurance sectors, as it provides greater certainty for allocating risk.

BACKGROUND

Tauranga City Council (TCC) purchased land in Tauranga to build a car parking building. It entered into a contract with Harrison Grierson (HG) for the structural design of the building, using a Long Form Agreement issued by Engineering NZ (HG Contract). The HG Contract contained a standard limitation of liability clause, stating that the maximum amount payable shall be:

Five times the fee, with a minimum amount of \$500,000 and maximum liability of \$2,000,000 for professional liability, and \$10,000,000 for public liability.'

Constructure was subsequently engaged to undertake a peer review of the structural design and entered into a Short Form Agreement in the ACENZ/IPENZ format (Constructure Contract). The Constructure Contract contained a similar limitation clause:

'The maximum amount payable, whether in contract, tort, or otherwise, in relation to claims, damages, liabilities, losses or expenses, shall be five times the fee (exclusive of GST and disbursements) with a maximum limit of \$500,000.'

Throughout the project, HG and Constructure also signed various producer statements in relation to the design and its peer review, which contained a standard producer statement limitation clause:

'Note: This statement shall only be relied upon by the Building Consent Authority named above. Liability under this statement accrues to the Design Firm only. The total maximum amount of damages payable arising from the statement and all other statements provided to the Building Consent Authority in relation to this building work, whether in contract, tort or otherwise (including negligence), is limited to the sum of \$200,000.'

An issue with the design was encountered during construction. The work required to correct the design issues was substantial and TCC abandoned the project. It sold the land for \$1, due to the cost of demolishing the partly built structure, and claimed damages of around \$27 million from HG and Constructure. TCC alleged breach of contract, negligence, breach

of the Building Act, breach of the Fair Trading Act and negligent misstatement.

The application of the limitation of liability clauses was dealt with as a preliminary issue.

BUILDING ACT

TCC claimed that a duty arises from the statutory requirements of the Building Act 2004, which includes a requirement that building work comply with the Building Code. TCC argued that parties cannot contract out of Building Act and that limitation of liability clauses are therefore illegal under the Contract and Commercial Law Act (CCLA).

Justice Tahana examined the history of building law in New Zealand and found that:

- Each defendant owes a duty to TCC to exercise reasonable care and skill to ensure the design (or review of the design) complies with the Building Code.
- Design work is included within the definition of building work at sections 17 and 18 of the Building Act.
- It is settled law that the Building Act gives rise to a common law duty by those who undertake building work to owners of commercial or non-residential buildings (in addition to residential owners) to exercise reasonable care and skill with a view to ensuring building work complies with the Building Code. This duty is owed under the statutory requirement in section 17 of the Building Act and applies to each defendant.
- Limitation of liability clauses are not agreeing to a lesser standard of building work than the minimum standard



The upholding of limitation of liability clauses is a big decision for the construction and insurance sectors, as it provides greater certainty for allocating risk

set out in Building Act. Rather, they simply allocate risk and agree the sharing of financial consequences of a breach of the Building Act above the value of the liability cap. The clauses are therefore not in breach of section 17 of the Building Act.

- Limitation clauses are not contrary to public policy.

FAIR TRADING ACT

The Fair Trading Act (FTA) includes a general prohibition on contracting out, unless the parties are in trade and meet the requirements of the exception in section 5D. For this, the parties must have agreed to contract out and it must be fair and reasonable that the parties are bound by the clause.

The Court reiterated that the limitation of liability clauses seeks to limit liability with regard to the right of recovery, not as to required conduct. While a limitation of liability does not authorise the contravening conduct, it evidences an agreement that should the conduct occur, liability is to be limited to the value of the liability cap.

The Court reviewed other judgments that have considered this point, including last year's decision in *Tadd Management Ltd v Weine (as trustees of the Ruth Weine Family Trust)* [2023] NZHC 764, and concluded

LIMITATION OF LIABILITY UPHELD CONT.



that the limitation of liability clauses meet the requirements of section 5D for contracting out of the FTA. Any liability of each defendant for breach of section 9 of the FTA is therefore limited to the amount specified in each limitation of liability clause in the contracts.

NEGLIGENT MISSTATEMENT

Justice Tahana found that the limitation of liability clauses also applies to the negligent misstatement claim. Each defendant's issuing of a producer statement is governed by the contracts (and therefore the limitation clauses found within those contracts) as opposed to the terms of the producer statement. The Court rejected the argument that a producer statement constituted a separate contract between the



The limitation of liability clause in each producer statement cannot override the limitation of liability clause in the contracts

TCC and each defendant, or that the producer statement cannot be relied on unless the limitation clause contained therein also applies.

The Court noted that the limitation of liability clause in the producer statement is directed to TCC as the building consent authority and not to TCC as the building owner. This means that the contracts govern

the relationship between building owner and the defendants, and the limitation of liability clause in each producer statement cannot override the limitation of liability clause in the contracts.

WHAT THIS MEANS FOR THE CONSTRUCTION INDUSTRY

This case and the Tadd Management case are great results for those in the construction industry, as it provides much greater certainty about liability. It has also highlighted the necessity of ensuring all potential claims are covered by limitation clauses, for every piece of work or advice rendered. ■

This article is provided by Duncan Cotterill, a full-service law firm with offices in Auckland, Wellington, Nelson, Queenstown and Christchurch. If you have any questions relating to this article, please contact 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.

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) What is the purpose of a limitation of liability clause?</p> <p>a) Limits the amount of money or damages that one party can recover from another party for breaches or performance failures.</p> <p>b) Provides a minimum recovery limit that one party can recover from another party for breaches or performance failures.</p> <p>c) Provides the upper recovery limit that one party can recover from another party for breaches or performance failures.</p> <p>d) All of the above.</p> | <p>2) Did the High Court ruling determine that limitation of liability clauses also apply to negligent misstatement claims?</p> <p>a) Yes.</p> <p>b) No.</p> | <p>3) Can limitation of liability clauses apply to breaches of duty arising under the Building Act 2004?</p> <p>a) No, and furthermore Building Act breaches will result in prosecution.</p> <p>b) Yes.</p> <p>c) No, as there is specific wording in the Building Act which speaks against limitation of liability clauses.</p> |
|--|--|--|

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BUILDING TRUST



MBIE

DEFINING SUPERVISION IN RELATION TO LBPS



An LBP with a carpentry licence can supervise non-LBPs doing carpentry RBW

Undertaking supervision is an important role and it is important all LBPs consider the practical and legal implications of performing this function

The Building Act 2004, in section 7, defines what it means to ‘supervise’ building work:

Supervise, in relation to building work, means provide control or direction and oversight of the building work to an extent that is sufficient to ensure that the building work:

- a. is performed competently; and*
- b. complies with the building consent under which it is carried out.*

Only Licensed Building Practitioners (LBPs) can supervise Restricted Building Work (RBW), and only that which they are licensed to carry out themselves. For example, an LBP with a carpentry licence can supervise non-LBPs doing carpentry RBW but cannot supervise a non-LBP doing blocklaying RBW.

CAN AN LBP SUPERVISE ANOTHER LBP?

An LBP cannot supervise another LBP undertaking work in the same licence class. LBPs are legally entitled to carry out RBW and are always individually accountable for

the work they themselves produce. The LBP who completes RBW must also be the one who completes a Record of Work afterwards.

DIFFERENT TYPES OF SUPERVISION

There are three different types of supervision – direct, general and remote. The supervising LBP needs to consider both the work being done and who is carrying it out to be able to gauge the level of direction and control necessary – it is important to remember that the LBP supervising RBW is accountable for that work and must complete a Record of Work.

Complex tasks involving risky details being undertaken by low or semi-skilled workers require direct supervision or working one-on-one with them. An example of this might be an apprentice installing weatherboards for the first time.

However, if the person doing the work has previously demonstrated the ability to perform the task with limited supervision, then general supervision may be adopted – with the supervising LBP working in

a different area on the same site but periodically checking the work as it proceeds.

Remote supervision could be used when an LBP knows that the non-licensed workers carrying out RBW on a different site are highly skilled. It is important the LBP identifies specific tasks when he or she needs to be onsite to provide direction or oversight even when they can't be there constantly due to running more than one job at that time. With remote supervision, good lines of communication must be available so that advice and assistance can be offered when and where required.

DESIGN SUPERVISION

When a new graduate is undertaking Design RBW, direct or general supervision would probably be used when the design LBP is working in the same office.

Where a competent but unlicensed designer who is well known to the supervising LBP works in a different office, remote supervision would be appropriate and would be provided primarily by phone or email. As the supervising LBP is going to be

providing a statement about the Building Code in their certificate of work (CoW), dialogue with the non-LBP throughout the design process is essential.

RECORDS AND CERTIFICATES OF WORK

It is crucial that the LBP accurately completes their Record of Work or CoW, outlining what work was carried out or supervised – there is plenty of space to do this on the form. These forms will be held at the council for the life of the building they relate to, therefore having an accurate record is in the best interests of the LBP. You are unlikely to remember what you did on a particular job years from now, so accuracy is important.

SITE LICENCES

Though not directly linked to carrying out or supervising RBW, the Site licence is a critical part of the overall scheme. Holders of a Site licence are practitioners, who are recognised as possessing specific skills that relate to coordination, oversight, organisation and managing building projects. The Site licence is an indicator that you have the skills

to manage personnel and provide technical site supervision within the scope of your licence. The Site licence holder undertakes supervision of general building work, rather than the supervision of unlicensed people undertaking RBW.

Good supervision requires a solid understanding of your co-workers' skills and the complexity of work being performed, alongside the right mix of control, direction and oversight

WHAT DOES POOR SUPERVISION LOOK LIKE?

Poor supervision can involve poor onsite health and safety records, disorganised and untidy sites, little or no quality assurance, poor sequencing resulting in rescheduling of work, missed milestones or handover targets, or disgruntled staff or clients. It can result in failed

building inspections, poor quality workmanship, and re-work – all of which are going to reflect badly on the supervising LBP. It is an offence to supervise in a negligent or incompetent manner, and you could be held to account.

GOOD SUPERVISION

Good supervision requires a solid understanding of your co-workers' skills and the complexity of work being performed, alongside the right mix of control, direction and oversight.

Just being licensed does not mean you are capable of supervising non-LBPs carrying out RBW. It may be difficult for newly licensed practitioner with only a few years' experience to supervise a non-licensed tradesperson with 40 years' experience.

It all comes down to competence and not being afraid to say: "I need more experience before I can competently do that".

The above is taken from the Practice Note on supervision. ■

This article is an excerpt from Codewords Issue 120. 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 on the Under Construction website or recorded on the magazine, then provided at the time of renewal.

CODEWORDS QUIZ ISSUE 120



- | | | |
|---|---|--|
| <p>④ What is supervision, in relation to building work?</p> <ul style="list-style-type: none">a) Supervising other LBPs doing the same work as you.b) Providing control, or direction and oversight of the building work.c) You need to be the foreman to supervise building work.d) Making sure the work looks right even if it doesn't comply with the building consent. | <p>⑤ What would need to be in place when using remote supervision?</p> <ul style="list-style-type: none">a) Good lines of communication.b) The supervisor knows the workers to be highly skilled.c) The supervisor has identified certain tasks where he or she needs to be on-site to provide direction or oversight.d) All of the above. | <p>⑥ What is the Site licence holder able to supervise?</p> <ul style="list-style-type: none">a) Licenced building practitioners.b) Non-LBPs doing restricted building work.c) General building work, rather than supervision of unlicensed people undertaking Restricted Building Work. |
|---|---|--|

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BUILDING CONSENT EXEMPTIONS

Under Schedule 1 of the Building Act 2004, there are some building projects that don't require building consent. It was updated in 2020 to exempt low-risk building work, such as sleepouts, sheds, carports, outdoor fireplaces and ground-mounted solar panels from consents; however, there are still conditions that builders need to meet

Passed in November 2013, the Building Amendment Act 2013 details the range of work not requiring a building consent. Exemptions are detailed in a live document, which has been updated four times since it was released in 2014.

The document '*Building work that does not require a consent*' is available for download by searching 'Building work consent not required guidance' on building.govt.nz/projects-and-consents/.

It's important to keep up to date with the changes and to understand which projects do or don't require a consent. This article focuses on the common exempt building work added to the list of exemptions in 2020.

SINGLE-STORY DETACHED BUILDINGS

The following examples are exempt from consent:

- 1) Kitset or prefab buildings with a maximum floor area of 30m² where a manufacturer or supplier has had the design carried out or reviewed by a Chartered Professional Engineer.
- 2) Buildings with a maximum floor area of 30m² where a Licensed Building Practitioner (LBP) carries out or supervises design and construction or buildings with a maximum floor area of 30m² where only lightweight materials with structural components built in accordance with Acceptable Solution B1/AS1 are used – this work may be done without the help of a professional.

CARPORTS

Carports up to 40m² in size can be built without a consent if the design has been carried out or reviewed by a Chartered Professional Engineer or an LBP has carried out or supervised design and construction.

GROUND-FLOOR AWNINGS

Awnings up to 30m² on a ground floor can be built without a consent if the design has been carried out or reviewed by a Chartered Professional Engineer or an LBP has carried out or supervised design and construction.

SLEEPOUTS

Sleepouts up to 30m² no longer require building consents if the work is carried out or supervised by an LBP. A sleepout must be its own height away from a boundary and must not be designed to be lived in exclusively.

OUTDOOR FIREPLACE OR OVENS

A permanent outdoor fireplace or oven can be built up to a maximum height of 2.5m, with a maximum cooking surface of 1m² without a building consent. The fireplace or oven must be at least 1m away from any legal boundary or building; however, double check what local government restrictions there are regarding lighting open fires.

FLEXIBLE WATER STORAGE BLADDERS

Flexible water storage bladders with up to 200,000L storage capacity supported on the ground for use in irrigation or firefighting.

GROUND-MOUNTED SOLAR PANELS

Ground-mounted solar panels up

to 20m², built in an urban zone, can be built without the help of a professional. Ground-mounted panels between 20-40m², in an urban zone, can be built without a consent if the design has been carried out or reviewed by a Chartered Professional Engineer.

There is no restriction on size for solar panel arrays in rural zones.

STRUCTURES, BRIDGES, POLE SHEDS AND BARN

Small pipe supporting structures can be built without a consent if they only carry water and are on private land. Short-span bridges can be built without a consent if they are a maximum of 6m long and if they do not span a road or rail area. The design also needs to be carried out or reviewed by a Chartered Professional Engineer.

Pole sheds or hay barns in rural zones can be built as long as they are no larger than 110m² and the design has been carried out or reviewed by a Chartered Professional Engineer or an LBP has carried out or supervised design and construction.

VERANDAS AND PORCHES

It is possible to build a veranda or porch of up to 30m² on a ground floor without a building consent if the design has been carried out or reviewed by a Chartered Professional Engineer or an LBP has carried out or supervised the building work.

PLUMBING AND DRAINAGE

Certain plumbing and drainlaying jobs can be done without a consent if the job is done by an authorised person, such as a registered certifying plumber or drainlayer or

a plumber or drainlayer carries out the work under the supervision of a registered certifying plumber or drainlayer – as long as they are registered, hold a provisional licence, or are under training.

The following can be carried out without a consent:

- Repair, maintenance, and replacement of sanitary plumbing and drainage.
- Drainage access points.
- Repair and maintenance of existing water heater.
- Replacement of open-vented water storage heater connected to supplementary heat exchanger.
- Replacement or repositioning of water heater connected to controlled heat source.
- Minor alteration to drains.
- Alteration to existing sanitary plumbing (excluding water heaters).

ALWAYS CHECK BEFORE YOU BUILD

If you are not sure if your work requires a consent, you can check Schedule 1 of the Building Act 2004. It's also important to note that some exempt building work requires an authorised professional to carry out. Authorised professionals include Chartered Professional Engineers, a person authorised under the Plumbers, Gasfitters and Drainlayers Act 2006 and Licensed Building Practitioners.

However, it's still important to note that work must comply with the Building Code and legislative requirements such as the Resource Management Act 1991 and the Electricity Act 1992.

While the projects outlined above relate to the 2020 updates, below are additional, common examples of what can be carried out without a consent:

- Retaining walls up to 1.5m high, providing they are not carrying any load other than the ground.
- Fences up to 2m high, other than fences around swimming pools.



A permanent outdoor fireplace or oven can be built up to a maximum height of 2.5m, with a maximum cooking surface of 1m², without a building consent

- Garden sheds less than one storey and 10m² in floor area, which do not contain sanitary facilities or facilities for the storage of drinking water and are not positioned any closer than the shed's own height to a boundary.
- Decks not more than 1.5m off the ground. ■



SCAN THE QR CODE FOR MORE INFORMATION ON PLUMBING OR DRAINLAYING WORK THAT CAN BE CARRIED OUT WITHOUT A CONSENT

PROVE YOUR KNOWLEDGE

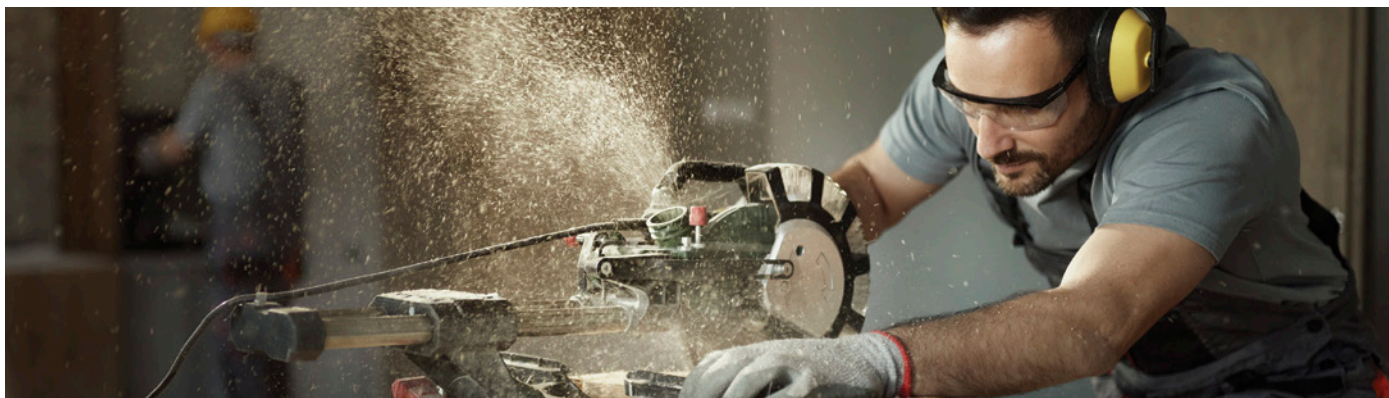
Tick the correct answers below and record what you've learnt in the record of learning on the back page!



- | | | |
|--|--|---|
| 4) Is the 2020 update the final version of the Schedule 1 exemptions? | 5) If the design or construction has been supervised by an LBP, what size carports are exempt from consent? | 6) If the design or construction has been supervised by an LBP, what size ground floor verandas are exempt from consent? |
| a) Yes, there will be no further updates. | a) Up to 40m ² . | a) 25m ² . |
| b) No, there is another update scheduled for 2025. | b) Up to 50m ² . | b) 15m ² . |
| c) No, it is a living document, so it is designed to be updated. | c) Up to 60m ² . | c) 30m ² . |

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 LIABILITY AND INSURANCE



As an independent contractor, you have health and safety obligations and can be prosecuted if you fail to meet these

It's common for building companies to engage labour-only contractors instead of taking on employees. This approach has many advantages, such as cost efficiency and flexibility, admin and tax simplicity, and reduced employment-related legal obligations. However, it also comes with liability and insurance considerations, as insurance expert Ben Rickard explains

For individuals, there can be advantages to switching from being an employee to becoming a contractor and setting up their own company. These include charging higher rates, deducting expenses and claiming GST credits. However, there are also downsides that need to be carefully considered and may not be well understood. Aside from the loss of employment protections and job security, there is also an increased administrative burden and obligations that bring liability and risk.

ACCIDENTS AND ILLNESS

As a separate legal entity (whether you're a sole trader or have set up a company), you'll be responsible for paying ACC levies. If you're injured and can't work, ACC will assess your income to determine what compensation you're entitled to. If you've configured your business so that your income is artificially low, perhaps by splitting it with your partner for tax reasons, or your invoiced income was patchy over the previous year, that will affect the amount ACC pays out, which may not be enough to survive on.

Solution: Contractors can switch to

ACC Cover Plus Extra, which enables you to set an income level on which your compensation will be based if it is ever needed.

As a contractor, if you get sick but the illness isn't covered by ACC (since it only covers accidents), then you may lose all your income while off work.

Solution: Contractors should consider income protection insurance, which covers loss of income if the insured person gets sick.

LIABILITY FOR DAMAGE AND DEFECTS

As a separate legal entity, you're liable for any damage you cause and can be caught up in claims of defective work. Main contractors may be more willing to 'pass the buck' to their contractors for mistakes or damage compared to when the error is made by an employee.

Solution: Some public/general liability policies have an extension that covers labour-only contractors in certain conditions. So, if your main contractor has this cover, it can protect you as if you were an employee. However, it won't cover you outside of your work for that

main contractor. In general, any separate legal entity should consider having its own public/general liability coverage that includes cover for defective workmanship.

PCBU HEALTH AND SAFETY OBLIGATIONS

As an independent contractor, you become a Person Conducting a Business or Undertaking (PCBU) for the purposes of the Health & Safety At Work Act. This means you have health and safety obligations and can be prosecuted and fined if you fail to meet these. If there is a serious accident on site, WorkSafe will investigate and can include multiple PCBUs in a prosecution.

Statutory liability insurance covers legal defence costs and reparations in the event of a WorkSafe prosecution (it can't legally cover the fine). However, independent contractors aren't covered by their main contractor's statutory liability insurance, even if they work exclusively for that builder on a labour-only basis. This leaves them exposed to significant financial burden if they are included in any prosecution.

The same exposure relates to other breaches of legislation, such as the Building Act, Fair Trading Act and Resource Management Act.

Solution: Labour-only contractors need to either obtain their own statutory liability insurance (usually packaged together with public/general liability) or request that they are specifically added to their main contractor's policy as a named insured.

LIMITED LIABILITY COMPANY LEGAL PROTECTION

Operating as a limited liability company does provide significant legal protection for contractors by separating personal and business assets and limiting personal liability for business debts and obligations. However, this protection is not absolute. Contractors must adhere to their duties as directors and comply with relevant laws. For example, directors can be personally liable for company debts if the company was trading while insolvent. And they can be personally liable for breaching their duties under health and safety legislation. In some cases, usually serious misconduct such as fraud

or breaches of statutory duty, courts may 'pierce the corporate veil' and hold directors personally liable.

While a limited liability company typically shields its directors from personal liability for contractual obligations, this protection does not extend to tortious acts, such as negligence. If a builder personally engages in negligent construction work, they can be held personally liable for any resulting harm or damage, even though it was their limited liability company that was contracted to do the work.

Solution: Builders, who are both directors of their own company and involved in the physical work, need to be aware that they can be held personally liable for negligence or for breaches of statutory duties. The fact that the work was performed under the umbrella of a limited liability company does not absolve them from personal responsibility for the quality and safety of their work.

Given these risks, it is crucial for builders operating through a company to carry adequate liability insurance that covers both the

company and the individual. This can provide financial protection in the event of claims of negligence.

Builders should also be mindful of how contracts are structured, ensuring that any personal obligations or responsibilities are clearly defined, and limitations of liability included where possible. However, even with protective clauses, the courts may still impose personal liability if negligence or direct personal involvement in defective work is established.

IN A NUTSHELL

While there are advantages for individuals to contract on a labour-only basis to a main contractor, there are also risks. These include the effect on income in the event of accident or illness; increased liability for damage and defective work; greater health and safety duties, and continued personal liability for negligent acts. Ensuring you fully understand these (and other) risks and have taken appropriate measures to mitigate them is an important aspect of setting yourself up as a labour-only contractor. ■

Builtin are New Zealand's Construction Risk Management Experts. For more information visit builtininsurance.co.nz, email Ben Rickard at ben@builtin.co.nz or call the team on 0800 BULTIN.

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>7) Can a contractor be protected from negligence by operating as a limited liability company?</p> <p>a) Yes, a limited liability company shields directors from all personal liability.</p> <p>b) No, a limited liability company's protection does not extend to tortious acts.</p> | <p>8) As a sole trader, what will affect the amount ACC pays out in the event that you're injured and can't work?</p> <p>a) If you have configured your business so your income is artificially low.</p> <p>b) If your income was patchy over the past year.</p> <p>c) The income you'd normally expect to earn over the next 12 months.</p> <p>d) A and B.</p> | <p>9) What are the advantages to becoming a contractor?</p> <p>a) Charging higher rates.</p> <p>b) Being able to deduct expenses.</p> <p>c) Claiming GST credits.</p> <p>d) All of the above.</p> |
|---|---|---|



TIMBER DECKS – PROBLEMS AND REPAIRS



Exposed to the elements, aged timber decks frequently need repairs to stay looking good and remain safe to use. Regular maintenance may include replacing rotten boards, fixing nails that have popped, and removing moss and mould

Exposure to weather conditions means that timber decks are particularly vulnerable to deterioration. The repeated wetting and drying, combined with exposure to UV light and temperature changes, causes the boards to continuously swell and shrink and puts a great deal of stress on the timber and fasteners.

COMMON PROBLEMS

The most common problems with timber decks are generally due to poor material selection, design and construction or age. Nails pop, boards splinter or become cracked, warped or cupped, fixings corrode and timber rots.

Most problems occur in decks where the timber is unable to dry in between periods of wetting.

These include:

- Decking becoming slippery and stained due to moss or mildew growth.
- Decking becoming spongy or springy, sagging, bouncing or developing holes.
- Fixings corroding, particularly in coastal environments.

If decks are over 1m above ground, complex or severely deteriorated, seek professional advice first – a specialist may be required to undertake this work safely.

ROT IN THE TIMBER

Continuously damp timber will rot.

In timber decks, rot occurs most

often where moisture is trapped, such as:

- If there is no drainage gap between decking and the wall cladding.
- Where the decking crosses the joists.
- Where the stringer is fixed over the wall cladding to the building with no drainage gap.
- At the base of veranda or balustrade posts.

Rot may also originate in the subfloor framing from where it spreads up into the decking timber.

To test for rot, insert an awl, a knife blade or a screwdriver into the

timber. If it slides in easily, the timber is rotten.

Rotten decking timber must be removed either by cutting out the rot and treating the remaining timber with timber preservative or replacing the rotten boards with H3.2 boards (minimum). When replacing rotten decking, the subfloor framing timber should also be checked for rot.

REPAIRING DECKS

Repair options for timber decks include:

- Cleaning the deck to remove moss and mildew or staining.
- Making localised, minor repairs such as:
- Refastening nails that have popped or replacing popped nails with screws.
- Refixing boards that are cupped or warped or have become loose.
- Replacing damaged boards.
- Improving deck drainage between decking and wall cladding, decking and joists or wall cladding and stringer.
- Replacing corroded fixings.
- Extensive repair work such as replacing the decking – refer to BRANZ Good Repair Guide *Timber decking*.
- Repairing damaged subfloor framing – refer to BRANZ Good Repair Guide *Subfloor timber*.

CLEANING THE DECK TO REMOVE MOSS AND MILDEW

If using a proprietary deck cleaning solution, follow the manufacturer's instructions.

Alternatively, remove moss and mildew with a scrubbing brush, detergent and hot water, and a bleach solution if required, as follows:

- Scrub the boards thoroughly, using detergent and hot water, ensuring that the grooves in the decking and the gaps between the boards are also scrubbed. Rinse off thoroughly and leave to dry.
- If the decking is badly stained, use bleach to clean it. Follow the manufacturer's instructions for the ratio of bleach to water and check that it will not damage the timber before fully applying. Apply the bleach solution, using a brush or a sponge. Leave for approximately 15 minutes before rinsing off thoroughly and leaving to dry.

When using bleach:

- Wear protective clothing, such as rubber gloves and safety goggles.
- Use an oxygen bleach rather than a chlorine bleach, as oxygen bleach is less harmful to plants and the environment than chlorine bleach, which is toxic to vegetation, harmful to the environment and corrosive to metal fixings.

Avoid using a high-pressure water spray, such as a water blaster, as the high-pressure water raises the timber fibres, resulting in splinters of timber.

REFASTENING POPPED NAILS

Timber movement due to temperature changes will often cause nails to pop or protrude from the boards.

The nails can be rehammered but this is likely to be a temporary

solution, as timber movement will most likely cause the nails to pop again.

Instead, replace the nails with slightly longer and thicker nails that will have a better hold in the timber. The replacements should be annular grooved type 304 stainless steel nails.

Alternatively, replace nails with type 304 stainless steel screws.

REFIXING CUPPED, WARPED OR LOOSE BOARDS

If cupping of boards is shallow, a plane or belt sander can be used to sand down the high edges. Alternatively, depending on the degree of cupping, boards can be turned over and refastened.

If the cupping is significant, boards generally need to be replaced.

REPLACING SECTIONS OF DAMAGED BOARDS

Where there is localised damage to boards, the damaged sections should be removed and replaced as follows:

- Identify the sections of board requiring removal and mark lines adjacent to or across the centre of joists beyond the extent of the rot or damage. If the timber has rot, make sure that the cutting line is at least 1m beyond the visible rot to ensure that it is completely removed.
- Use a circular or oscillating saw to cut through the decking timber. Cut through each board as required on both marked lines.
- For boards that have been nail-fastened, use a pry bar and a timber block to pry against, if necessary, to remove the cut section of the decking. Do not pry against undamaged decking.

TIMBER DECKS – CONT.



- For boards that have been screw-fastened, remove screws using an electric screwdriver and a screw extractor as required.
- Remove all splintered timber and debris.
- Cut a replacement board (minimum H3.2) to length and fit into the gap, where each section of board has been removed.
- Predrill holes for nails or screws if replacement boards are hardwood.
- Nail or screw-fasten each into place with two fastenings at each end and two fastenings to each intermediate joist.

When cutting directly over the centre of a joist, care must be taken to avoid nails or screws from the original installation. If it is too difficult to remove the section of the board over the joist without damaging the saw, cut the board at the edge of the joist. Nail a block to the side of the joist to provide a nailing surface for the new board to be installed (see Figure 1).

IMPROVING DECK DRAINAGE

Rot to decking timber, joists or wall cladding is likely to be due to poor drainage where components intersect such as between decking

and wall cladding, decking and joists or wall cladding and stringer.

Between decking and wall cladding

Improve the drainage between decking and wall cladding, create a gap between the decking and the cladding:

- Remove the decking board closest to the wall cladding and cut a minimum 12mm piece off the edge of the board.
- Replace the board, leaving a 12mm gap between the edge of the board and the cladding.
- If the existing board cannot be reused, replace it with a matching decking timber (minimum H3.2), leaving a 12mm gap between the edge of the board and the cladding.

Between decking and joists

Insufficient drainage between the decking timber and the top of the joists may be because the decking timbers do not have enough gap between adjacent boards, restricting free drainage.

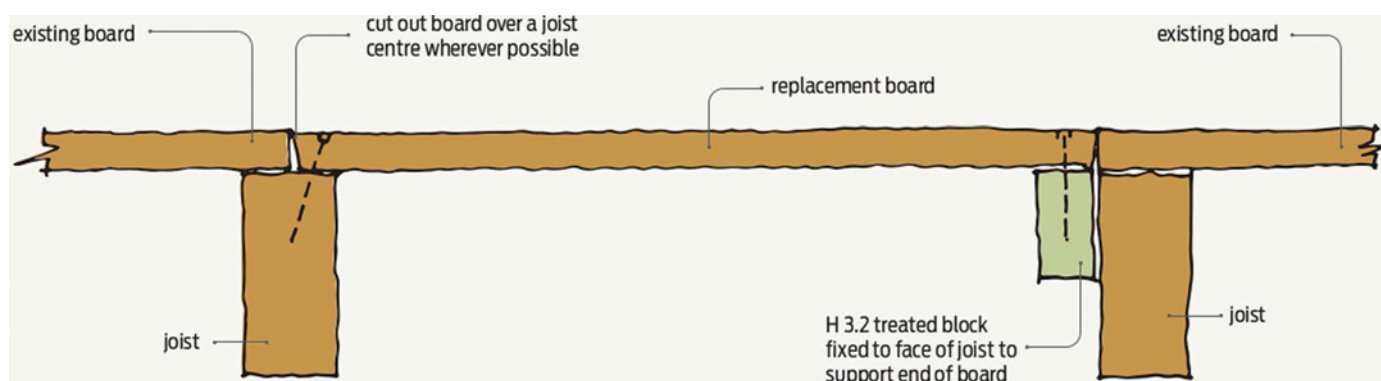
The only way to fix this problem is to remove and replace the decking timbers. Reinstall the reused or new decking boards, allowing a 3-6mm gap between boards for drainage.

Between wall cladding and stringer

If there is rot in either the cladding and/or the stringer where they abut, there may be no gap to allow water to drain away. Create a gap between the cladding and the stringer:

- Install a temporary bearer under the floor joists close to the stringer and supported with hydraulic jacks. The temporary bearer should be at least the same depth as the stringer.
- Slowly jack up the temporary bearer by raising each jack approximately 5mm in turn until the bearer has been raised enough to remove the load from the stringer and provide access to cut through joist fastenings.
- Cut through nails fixing joists to the stringer using a hacksaw.
- Unfasten the bolts attaching the stringer to the wall and remove the stringer.
- If there is rot in the weatherboards, the affected boards will need to be replaced – refer to BRANZ Good Repair Guide Horizontal timber weatherboards.
- Insert H3.2 treated, 150 × 12mm thick packers (or UV-resistant

Figure 1: fixing support blocks to joists



12mm plastic washers) with holes the same diameter as the bolt fixings at each bolt fixing.

- If the stringer can be reused, re-bolt the stringer to the wall over the packers.
- If the stringer cannot be reused, fix a new stringer to the wall over the packers. The stringer should be H3.2 treated timber and either 190 × 45mm or 140 × 45mm depending on joist spans and bolt spacings. See *NZS 3604:2011 Timber-framed buildings* section 6.13.
- Refasten the joists to the stringer.
- Remove the jacks and temporary beam. (See Figure 2).

REPLACING CORRODED FIXINGS

Fixings that have corroded lose strength and should be replaced.

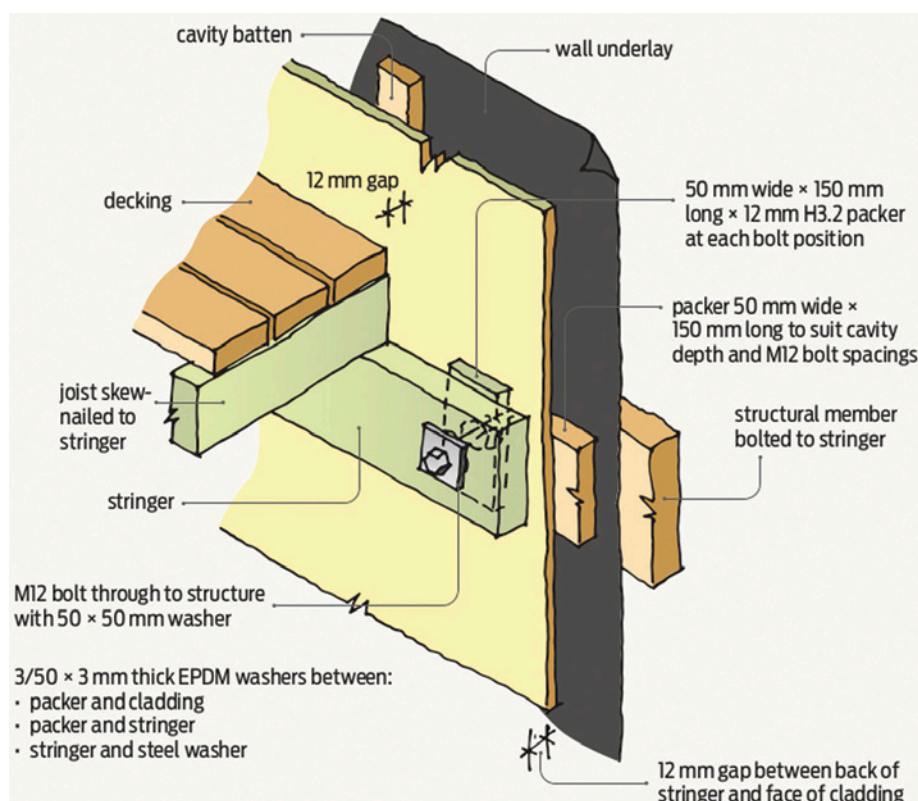
Corrosion may also cause staining of timber around the nails. While this is not a structural problem, if visually unacceptable, the staining can only be removed by replacing boards.

EXTENSIVE REPAIR WORK SUCH AS DECK REPLACEMENT

If decking timber is in poor condition generally, the best solution may be to remove and replace it. Grooved or

ridged decking timber should be laid with the grooved side down so that air can circulate where the boards are in contact with the joists. ■

Figure 2: connection of deck stringer to cladding – cavity



Article by Alide Elkink. This article was first published in issue 188 of BRANZ Build Magazine. Images 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!



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| <p>10) In timber decks, where does rot occur most often?</p> <p>a) Where the decking crosses the joists.</p> <p>b) At the top of the veranda or bulstrade posts.</p> <p>c) If there is no drainage between decking and the wall cladding.</p> <p>d) A and C.</p> | <p>11) Which one of these solutions is a good way to remove moss and mildew from a deck?</p> <p>a) With a scrubbing brush, detergent and hot water (using a bleach solution if required).</p> <p>b) Using a high-pressure water spray.</p> | <p>12) How can you improve deck draining?</p> <p>a) Remove decking board closest to the wall cladding and cut a minimum 12mm piece off the edge of the board.</p> <p>b) Replace the board, leaving a 5mm gap between the edge of the board and the cladding.</p> <p>c) Remove and replace decking timbers and reinstall, allowing a 1-2mm gap between boards for drainage.</p> |
|---|---|---|

REMOTE INSPECTIONS NOT YET DEFAULT PRACTICE



Is this the future of building inspections?

The Ministry of Building, Innovation and Employment (MBIE) has moved to reassure builders that onsite inspections currently remain standard practice for Building Consent Authorities (BCAs), despite the Government's pledge to make remote inspections default practice

In July, Building and Construction Minister Chris Penk said the Government is progressing a requirement for BCAs to use remote inspections as the default approach to cut costs and improve build times.

"A constant frustration getting in the way of building is the cumbersome consenting system and building inspections, which are carried out to ensure a build is compliant with the Building Code," said Penk at the time.

MEASURED PACE OF CHANGE

However, Simon Thomas, MBIE Head of Building System Delivery and Assurance, said that this change would not be happening overnight — if at all.

"The use of technology solutions and advancements such as remote inspections are not new to BCAs or building sites across New Zealand. While the Government has indicated it is exploring a range of options to increase the uptake of remote inspections, onsite inspections remain standard practice for BCAs."

A public consultation on a range of options to increase the uptake of remote inspections and improve

timelines in the delivery of inspections, including the option to require BCAs to use remote inspections as the default approach, is planned for September, said Suzannah Toulmin, MBIE Manager Consenting and Practitioners Policy.

"The consultation will seek feedback on the costs, risks and benefits of different potential approaches and will be a good opportunity for the sector to provide its views and concerns about using remote inspections.

"We will consider implementation issues in our advice to government and there will be further work to support the implementation of any options the Government decides to progress."

BCA RESPONSIBILITY

While MBIE has produced guidance for BCAs interested in adopting the use of digital technology for remote inspections of building work, it is not prescriptive, said Thomas.

"It is up to BCAs to work with builders to ensure they understand the approach and what is required."

John Gray, President of The Home Owners and Buyers Association of

New Zealand (HOBANZ), said the Association does not support remote inspections being the default in the absence of mandatory indemnity insurance, a robust approval process, random audits and significant consequences for approved builders that fail to properly record the work or alter the work after the remote inspection is completed.

He says mandatory indemnity insurance is particularly important, so that councils won't be left with liability if there are building failures.

SMALL LEARNING CURVE

Thomas moved to reassure builders concerned about the time it may take to become competent in using remote inspection software, and said the sector has a well-developed range of tools to support BCAs and builders.

"Most software developers have provided short instructional videos and learning tools to support the user [in capturing] the information and evidence the inspector needs to check that building work complies with the building consent. Most BCAs also talk the builder through their first remote inspection. Accordingly, the time taken to learn the current systems is minimal."

GUIDANCE AVAILABLE

To help BCAs and builders, MBIE has produced a remote inspections guidance document – viewable by scanning the QR code below.

In the document, MBIE recommends that BCAs “use their data on inspection failures to help determine which inspection and building types it could consider as lower risk options in the early stages of adopting remote inspections”.

Builders will need to consider the additional health and safety demands that remote inspections may place upon them, especially in a busy work environment, adds MBIE.

“Having a device in hand for recording an inspection, along with potentially noise-cancelling headphones to hear instructions from a remote inspector, presents additional hazards that must be actively managed by the builder on site at each stage of the inspection.”

MBIE’s guidance document includes case studies in the successful application of remote inspections. However, Gray has his doubts that remote inspections will work as well in larger centres as they do in smaller ones.

“There was a case study done of the McKenzie Country implementing remote inspections, but there’s a small number of builders there, who are probably well known in the community, who rely on reputation for work. But, for large council areas such as Auckland, with an existing residential final inspection failure result of 37%, you have a far greater risk of shabby builders getting away with sub-standard work – and using remote inspections to game the system.

Even the Auckland case study video says they only use remote

inspections for ‘builders that have a very good reputation or track record of good compliance’, not that the trust model works every time anyways!”

Instead of looking at remote inspections, Gray said he’d like to see the industry considered as a whole and that reducing instances of build failure, rather than trying to improve build time, should be the priority.

“The minister is focusing on quick wins that look good in the media but there must be a more composite approach to reducing bad builds, bad builders and protecting Kiwi families. There are lots of superb builders in this country but others who simply don’t care – and homeowners need to be better protected from those.”

BUILDERS’ VIEWS

However, Peter de Gouw, Director of Home Trends Builders in Christchurch, said he had no such concerns about the proposed increase in remote inspections.

“I most definitely welcome the move,” he said. “I think, in many instances, they are totally appropriate and overdue. In my experience, a lot of BCA inspectors are doubling up on what other experts, like engineers, do already and it seems bizarre to have a BCA take time to visit site when they’re not a specialist in the field and their role in the inspection is to tick a box.”

However, not everyone feels the same. Sunil Prasad, Project Director at Universal Homes, said the industry should tread more carefully towards remote inspections.

“We already have some remote inspections in Auckland. Foundations is one element that is already inspected remotely. However, I think it needs to be regulated carefully.

We’ve seen schemes to speed up building processes fail in the past, such as the Building Certifier Regime [which allowed approved building certifiers, which could be a private company, to issue code compliance certificates and was repealed in 2006 after 15 years], which was hit and miss.

“Remote inspections work may come down to liability and responsibility – and I’m not sure yet where liability or responsibility will lie for anything that’s missed in the inspection stage if it’s done remotely.”

WELCOMED CHANGE

Master Builders CEO Ankit Sharma said he had no concerns about the proposed move.

“This is something we have been advocating for, for years. It will shorten the time it takes to get consents, which is a cost, and, in turn, help lift overall productivity.

“There are already a few smartphone applications allowing remote inspections in the market and some councils have chosen to allow their use. These apps reduce the risk of misuse, as they provide the inspector with not only the visuals of the building site but also time, date, geographic location and other data. That security is important not just for the council but for the homeowners and future homeowners.

“We look forward to working with the Government as this policy develops further.” ■



SCAN FOR MBIE'S REMOTE
INSPECTIONS GUIDANCE

SMOKE ALARM TRANSITION OVER



At the end of November 2024, interconnected smoke alarms will become the minimum fire safety system in household units

The one-year transition period for the amended Acceptable Solutions C/AS1, C/AS2, F7/AS1 and Verification Method C/VM2 ends in November 2024. From there on, builders working on new builds or renovations that require a consent will have to install interconnected smoke alarms as a minimum fire system in household units

Between May and July 2022, the Ministry of Building, Innovation and Employment (MBIE) sought feedback for a proposal on protection from fire for residential homes.

MBIE received 58 responses during the consultation period. Of those, 96% of respondents supported the proposal. One submission had concerns regarding the additional cost of wiring interconnected smoke alarms. However, MBIE did not share the same concerns. It stated:

“MBIE has determined that there are minimal costs or impacts to construction associated with the installation of interconnected smoke alarms. For new buildings, installing a hard-wired interconnected smoke alarm system can be installed during construction, while the house is being wired. For renovations to existing buildings, battery-operated, wirelessly interconnected smoke alarm options allow this to be done without rewiring the home.”

Following the consultation process, MBIE amended Acceptable Solutions C/AS1, C/AS2, F7/AS1 and Verification Method C/VM2 to improve the protection of people from fire, with a one-year transition period.

INTERCONNECTED SMOKE ALARMS AS STANDARD

MBIE says the change will bring the requirements for fire safety systems in line with the latest industry standards by making interconnected smoke alarms a minimum fire safety standard in household units.

“Interconnected smoke alarms work by sending signals between the smoke alarms in a house. This means that if one smoke alarm in a particular room detects a fire, all the smoke alarms in that house will activate and sound an alarm,” said MBIE.

“Requiring interconnected smoke alarms as the minimum fire alarm system in residential homes is expected to further reduce the number of fatalities and injuries each year. The amended C/AS1 and C/AS2 cite *NZS 4514: 2021* for their installation.”

From the end of November 2024, interconnected smoke detectors will need to be installed in all:

- Bedrooms.
- Living spaces.
- Hallways.
- Landings. In multi-level dwellings, there must be one on each level.

The changes apply to new building work, renovations which require a consent and homes or buildings with a change in use

The standard also provides recommendations on different types of detectors that can be used in different areas of a house to avoid nuisance alarms, such as in a kitchen, and options for wired and wireless smoke alarms.

Installing or replacing a hard-wired alarm must be done by a licensed electrician.

WHAT DO THE NEW STANDARDS APPLY TO?

The changes apply to new building work, renovations requiring a consent and homes or buildings with a change in use.

“For existing buildings, battery-operated interconnected smoke alarms can be installed without the need to rewire the home. This is a cost-effective solution that saves lives,” said MBIE.

Battery-operated smoke alarms must have a long-life (minimum 10-year) sealed and non-removable battery. ■

\$70K OF ERRORS RESULTS IN \$5K FINE FOR LBP



The building featured a front veranda roof out of level by 80mm from end to end

A Licensed Building Practitioner (LBP), who made \$70,000 worth of errors, has been fined \$5,000 for negligent and incompetent work. He was also fined \$2,000 for failing to provide a Record of Work on completion of Restricted Building Work

LBP Kiel Rangi's work required \$70,000 worth of remediation to bring it in line with the Building Code, which took longer to carry out than it would have to correctly take the project from start to finish, said the remedial builder hired to fix Rangi's mistakes.

In a statement to the LBP Board, the remedial builder wrote: "This was a very simple house to construct; so, in my professional opinion, the work completed prior to us arriving was not anywhere near good enough.

"It took us more time fixing all the issues than the whole job should have taken from start to completion."

LACK OF SUPERVISION

Rangi was hired by a developer to build a house in the Kāpiti Coast in 2022 as a labour-only contractor. Rangi carried out and supervised the building work with four of his staff, two of whom were also qualified builders.

However, Rangi admitted that he had not adequately supervised their work, which was littered with serious violations of Building Code.

The developer of the property also claimed that Rangi had "walked away" from the project before it was completed.

"He would not return phone calls, emails, texts; he just sort of put his hands up and walked away."

The remedial builder noted in his statement that:

"The weatherboards we removed were not nailed off as per specifications, no corner flashings were installed and none of the cuts on the weatherboards that were installed by the previous builder were primed.

"Luckily, there were only a few rows installed before we turned up. We rectified all previous council-failed inspections on this job."

Rangi did not provide any supervision of the cladding phase of the project, which he put down to his inexperience.

"He stated that this was out of character for him," said the Board.

"He noted that he was new to contracting [and was still] finding his feet."

LONG LIST OF ERRORS

Additionally, the remedial builder stated that up to 90% of the cavity batten fixings were missing studs when they were nailed off, all the WANZ bars had to be re-levelled and

the roof line on the front veranda was out of level by 80mm end to end.

In his defence, Rangi said the poor skill level of his staff was to blame for the build quality.

"[He noted he'd] been let down by others and was hit with the sudden departure of a key staff member, and money issues arose," said the LBP Board.

In delivering its judgement, the Board reduced Rangi's fine from a 'starting point of \$3,500 (an amount consistent with penalties imposed for similar offences)' to \$2,500 due to Rangi's acceptance of some responsibility and the fact that he "outlined some mental health issues". It also imposed costs of \$2,500.

The Board did not say why it chose not to cancel or suspend his licence.

The fine left the developer unsatisfied, reported RNZ, especially given Rangi has been allowed to retain his LBP licence.

"The point is that he can still continue building like a cowboy. I just don't want anyone else to put up with what he had to. It's just really frustrating," the developer said. ■

INDUSTRY FEATURE

JULY 2024 CONSENTS UP MONTH-ON-MONTH

The month of July 2024 saw 3,352 new homes consented, an increase of 9.6% compared with the month of July 2023 and only the second month-on-month increase since September 2022

The 3,352 new homes consented in July 2024 was the largest number of monthly consents since June 2023 (3,402). That total consisted of 1,685 stand-alone houses (up 42.4% compared with July 2023) and 1,667 multi-unit homes (down 11.1% compared with the same period).

Stats NZ Construction and Property Statistics Manager Michael Heslop said that a contributing factor to the increase was that July 2024 had more working days than July 2023, allowing for more time to process consents for new homes (Matariki was observed in July last year and in June this year).

He added that “a large project in the Queenstown-Lakes district contributed to a sharp rise in stand-alone houses consented in July 2024”.

In the period between June 2023 and July 2024, there were six month-to-month rises in consents: July to August 2023 (3,058 to 3,170; +112), September to October 2023 (2,898 to 3,060; +162), February to March 2024 (2,795 to 2,931; +136), April to May 2024 (2,926 to 3,175; +249) and June to July 2024 (2,178 to 3,325; +1,147).

However, when considered on an annual basis, the number of new

homes consented in the year ended July 2024 (33,921) decreased by 22% compared with the year ended July 2023.

Of the total, 15,418 stand-alone homes (-14.1%) and 18,503 multi-unit homes (-27.5%) were consented.

Of the multi-unit homes, there were 1,796 apartments, 1,758 retirement village units and 14,949 townhouses, flats and units.

In seasonally adjusted terms, the number of new homes consented in July 2024 rose 26% when compared with June 2024.

SIMILAR REGIONAL OUTLOOK

No region consented more dwellings in the year ended July 2024 compared to the previous year.

The four regions with the most consents issued were Auckland (13,662; -27.1%), Canterbury (6,762; -11.6%) Waikato (3,022; -26.7%) and Wellington (2,118; -34.9%).

CONSENTS DOWN PER 1,000 RESIDENTS

In terms of dwellings consented per 1,000 residents, the figures for the year ended July 2024 declined compared with the year ended July 2023 (6.4 vs 8.4).

Three regions consented above

national levels: Auckland (7.9), Otago (8.3) and Canterbury (10.1).

NON-RESIDENTIAL BUILDING CONSENTS DOWN

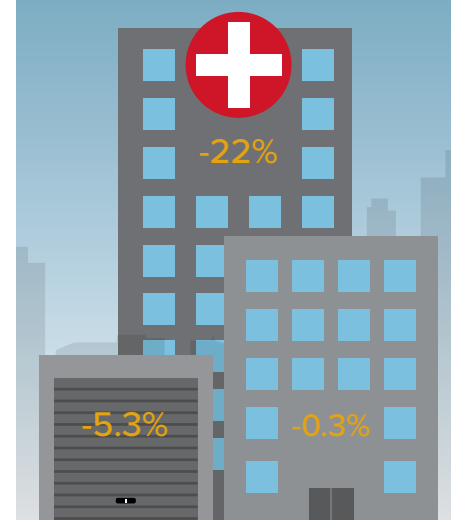
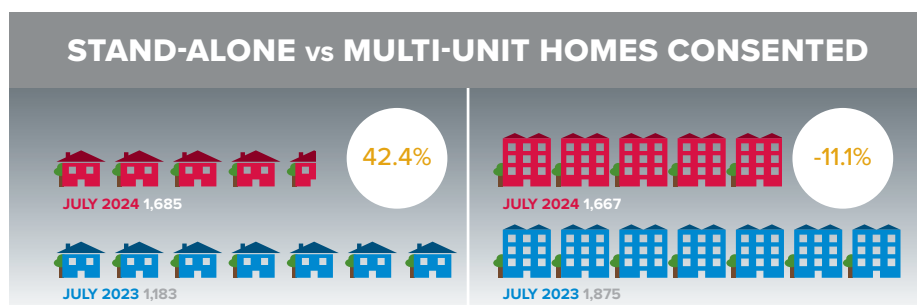
In the year ended July 2024, non-residential building consents totalled \$8.9bn, down 12% from the year ended July 2023. The building types with the highest value were:

- Offices, administration and public transport buildings – \$1.6bn (-0.3%).
- Storage buildings – \$1.4bn (-5.3%).
- Hospitals, nursing homes, and health buildings – \$1.3bn (-22%).

NON-RESIDENTIAL CONSENTS

Year ended July 2024
vs year ended July 2023

- Offices, administration and public transport buildings – \$1.6bn (-0.3%).
- Storage buildings – \$1.4bn (-5.3%).
- Hospitals, nursing homes, and health buildings – \$1.3bn (-22%).



HOMES CONSENTED PER REGION

New dwellings consented
year ended July 2023

New dwellings consented
year ended July 2024

Percentage change
from July 2023 to July
2024

YEAR-ON-YEAR TREND

In the year ended July 2024, 43,487 new homes were consented – 22.0% less than in the same period the previous year.

2023

43,487

2024

-22.0%

33,921

NORTH ISLAND

32,024 23,730

-25.9%

SOUTH ISLAND

11,462 10,189

-11.1%

WEST COAST

216 194

-10.2%

TASMAN

547 287

-47.5%

CANTERBURY

7,650 6,762

-11.6%

OTAGO

2,122 2,118

-0.2%

SOUTHLAND
Includes the Chatham Islands

373 344

-7.8%

NORTHLAND

1,366 925

-32.3%

AUCKLAND

18,743 13,662

-27.1%

WAIKATO

4,121 3,022

-26.7%

TARANAKI

538 402

-25.3%

NELSON

273 222

-18.7%

MANAWATU-
WANGANUI

1,218 1,177

-3.4%

BAY OF PLENTY

1,811 1,545

-14.7%

GISBORNE

187 173

-7.5%

HAWKE'S BAY

788 706

-10.4%

WELLINGTON

3,252 2,118

-34.9%

MARLBOROUGH

281 262

-6.8%

MONTH-ON-MONTH TREND

In the month of July 2024, 3,352 new homes were consented across New Zealand compared to 3,058 new homes in the month of July 2023 – a 9.6% increase

JULY 2023

JULY 2024

9.6%

3,058

3,352

THE SUCCESSFUL BUILDER

TOUGH TIMES? YOUR BBQ CAN HELP!



Just like throwing a successful BBQ, you shouldn't run a business without ensuring all the essentials are in place

During economic downturns, builders can find inspiration from all manner of places. Here, The Successful Builder coach Graeme Owen explains how to find inspiration in a Kiwi classic

Do you know any builder who doesn't enjoy the sounds, smells and tastes of a great BBQ? Me neither! Recently, I wheeled out my own from its winter storage and started cleaning it for summer. As I went through the process of scrubbing and checking, I got to thinking how running a successful building business can feel a little like grilling the perfect steak – there's no room for mistakes and every detail counts!

You wouldn't throw a BBQ without a bit of preparation, would you? Just like throwing a successful BBQ, you shouldn't run a business without ensuring all the essentials are in place and ready for use; especially if, like many other builders, you are facing a tough summer business environment.

So, let's explore how maintaining your BBQ can mirror the steps needed to keep your business firing on all cylinders!

1. KEEP YOUR BBQ CLEAN: FIRST IMPRESSIONS MATTER

Just as a clean BBQ creates the right impression for your guests and helps

them relax and enjoy your cooking, a well-maintained business creates a positive first impression for clients and helps them feel comfortable around you.

When a prospective client meets you for the first time, do they see a professional? If they walk onto your building site, is it clean and tidy? Do your vehicles, equipment and tools look well maintained? Does your team give a good first impression? In hard times, clients have more choice. They can afford to be more selective and are likely to choose those who present themselves well and stand out. The little things count.

So, take some time to clean up your business' appearance. Check that your marketing materials are up to date and that your branding and advertising is consistent. Also, check that your sites and your team are looking tidy and professional. Make this a regular routine.

2. CHECK THE GAS: FUEL YOUR BUSINESS WITH THE RIGHT RESOURCES

Imagine the frustration of running out of gas midway through grilling.

Anyone for raw sausages? How embarrassing!

Similarly, running out of resources – whether it's finances, materials, or skilled team members – can bring your business to an abrupt halt. In tough economic times, it's absolutely vital that you ensure you have enough 'fuel' to keep your business running smoothly.

So, keep an even closer eye on your finances, ensuring that your cash flow is as steady as possible. If necessary, shorten the time between incurring costs and invoicing your clients. Keep short accounts where possible and ensure that your suppliers are reliable. Maintain good relationships with your subcontractors, remembering that they are also traversing the same economic environment.

3. MONITOR THE TEMPERATURE: KEEP TRACK OF KEY BUSINESS INDICATORS

A BBQ thermometer helps you cook your food to perfection. In business, your financial dashboard helps you monitor your company's health. Whether it's tracking your

income, costs, profit margins, client satisfaction, or project timelines, having reliable data at your fingertips is essential.

If you don't have a dashboard for your business, set one up – now! Regularly review your key performance indicators, which can be as simple as total amount invoiced, total costs incurred, gross profit, overheads, cash in the bank, the number of marketing leads into the business, lead conversion rates, and the progress of each project. Do this on a weekly or monthly basis to stay on top of your game. Knowing your numbers is essential in tough times.

4. CHECK THE LID: ENSURE YOUR BUSINESS RETAINS MOMENTUM

A BBQ lid that doesn't close properly means you can't maintain the heat needed for cooking.

Similarly, a business that loses its momentum will struggle to stay competitive. In competitive times, you will need to work harder to gain new and retain existing clients, maintain team morale and preserve

efficiency. If you are not getting as many enquiries, you need to put more effort into your marketing and advertising. However, make sure that you test any new methods before spending big.

Focusing on closing the gaps will help you retain what you already have. Providing an excellent service, while maintaining a motivated and efficient team, will help you retain your momentum.

5. USE A COVER: PROTECT YOUR BUSINESS ASSETS

A BBQ cover protects your grill from the elements, extending its lifespan.

Similarly in business, protecting your physical and intellectual assets is key to gaining a long-term return from your efforts. This includes everything from safeguarding and securing your equipment and premises to safeguarding your business' reputation.

A tough time may be exactly the right time to check your insurance cover, review your equipment maintenance schedules and check that your public

communication is appropriate and relevant.

6. TEST THE BURNERS AND IGNITOR: ENSURE YOUR BUSINESS CAN FIRE UP

Testing your burners and ignitor ensures you're ready to cook when it's time. In business, this means reviewing your processes and systems (marketing, sales, pricing, site, admin, legal, etc) and adapting them where necessary to the changing environment.

Ask yourself: 'If I were starting from scratch again, would I do things differently?' If you answered 'yes', now is the time to modify how you do things, so you're better prepared to embrace the next economic upswing.

Running a building business in tough economic conditions is much like preparing the perfect BBQ – attention to detail, preparation and maintenance are key. By keeping your 'BBQ' in top shape, you can ensure your business is ready to handle whatever challenges come your way, serving up success even when the heat is on. ■

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!



13) What is one way of tidying up your business' appearance?

- a) Check that your marketing and advertising materials are consistent and up to date.
- b) Tell your staff to stay away from site when a prospective client visits.
- c) Make sure your site looks busy to show how efficient your team is.

14) What can you review on a business 'dashboard'?

- a) Total costs incurred.
- b) Gross profit.
- c) Overheads.
- d) All of the above – and more!

15) During slower times, business owners should take the time to:

- a) Go on holiday – you deserve it!
- b) Review your processes and systems – and adapt where necessary.
- c) Spend big on advertising.

STAY ON TOP OF REGULATION CHANGES

With so many legislation changes in the building industry, it can be difficult to stay on top of what you need to know. That's why we've compiled this handy list of key updates!

ANNOUNCED

FUNDING BOOST

Over the next two years, a funding boost of \$3 million from the building levy will be used to improve the alignment of building and construction standards between New Zealand and Australia.

REMOTE INSPECTIONS

The Government has announced plans to make remote inspections default. Before any changes are passed, there will be a consultation on the subject - currently planned for September 2024.

REVIEW OF PUBLIC WORKS ACT

An independent expert advisory panel has been appointed to review the Public Works Act to make it easier to build infrastructure, with a view of introducing legislation to give effect to (as yet unannounced) proposed changes by mid-2025.

FUTURE CHANGE

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 AMENDMENT

A change to this act requires that, from 2025, regional councils share with city and district councils information they have on natural hazards. Councils must add 'understandable information' on natural hazards to LIMs.

MAKING IT EASIER TO BUILD GRANNY FLATS

Government is proposing to make it easier to build small, self-contained and detached houses on property with an existing home on it without a building or resource consent. Feedback is being assessed and used to advise the Government.

BUILDING WARRANT OF FITNESS

Following the tragic fire at Loafers Lodge on May 2023, Cabinet agreed to introduce and enhance offences and penalties for building owners and independent qualified persons to better comply with their statutory requirements under the building warrant of fitness regime.

NZS 3604 UPDATE

An updated NZS 3604 *Timber-framed houses* remained a work in progress in 2023. It was hoped a revision would be published in 2023 - but that didn't happen. There is no word yet when builders can expect it to be published.

COMING SOON

SMOKE ALARMS TRANSITION

At the end of November 2024, all new building work, renovations which require a consent, and homes or buildings with a change in use are required to install interconnected smoke alarms.

REMOVING BARRIERS TO OVERSEAS BUILDING PRODUCTS

The consultation on removing barriers to overseas building products closed on 27 June. High-level legislation to effect this change was scheduled to be introduced to Parliament in September 2024.

EARTHQUAKE-PRONE BUILDING REVIEW

The earthquake-prone building review has been brought forward from 2027 to 2024 and remediation deadlines have been extended by four years.

NOW LAW

WASTE LEVY INCREASE

The rate for Class 1 landfills increased to \$60 per tonne from 1 July 2024. Class 2 construction and demolition fills increased to \$30 per tonne from 1 July 2024.

Class 3/4 (managed and controlled fills) became subject to a levy of \$10 per tonne from 1 July 2023.

BUILDING CONSENT REPORTING

BCAs are now legally required to submit data for building consents and code compliance certificates every quarter.

PROVE YOUR KNOWLEDGE

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



Codewords
ISSUE 120

①		④	
②		⑤	
③		⑥	

Under
Construction

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

OCT / NOV 2024

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

Signature	Date

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