

# straight up

THE MAGAZINE OF THE BUILDING OFFICIALS INSTITUTE OF NEW ZEALAND

DECEMBER 2016

# 50

# YEARS

# 1967-2017

## In this month's issue:

BOINZ gets ready to celebrate its 50th year

A look at recent movements in the industry in 2016

New Zealand keeps shaking: what exactly are earthquakes?

50

**YEARS**

1967-2017

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# straight up

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## Message from the Chief Executive

As this year draws to a close, it is worth reflecting on the significance it has played in our lives.

We emerged out of 2015 knowing there would be an escalation in building activity, but few I believe expected the acceleration we all experienced. Auckland and Christchurch were expected to be, and performed as the powerhouses of construction growth, but the other metropolitan areas shared in this expansion.

Such growth doesn't come without pain, and we have seen construction companies fail and building compliance and quality suffer over the year. It has not gone without notice that there are those in the construction sector that refuse to acknowledge these failings and fail to invest in corrective actions. Construction has had a long legacy of failing to deliver a customer service and quality expectation. And it is now that the public should rightly expect this investment over greed, poor management and in particular lack of training investment.

Earlier in the year a number of members of

the Construction Industry Council including BOINZ invested in the analysis of building failure issues in the Auckland area (the subject of much public, council and media concern). This became known as the Taylor Report. While this report was quick in terms of study time (3 months) it did highlight a number of concerns that with the right investment could create a better, more trustworthy building environment. The LBP system was an area identified that required tightening. BOINZ has long held a position that the site management category is well and truly undercooked and a legislation tightening could bring immediate performance results and long term advantages for the industry.

BRANZ is also now looking at "building quality" and has initiated a research project. It is BOINZ's expectation that this is an in-depth assessment that will have decision makers look to the future improvement of one of the key drivers in the New Zealand economy. For too long the design and construction community have failed to accept the responsibilities entrusted in them by honest hardworking New Zealanders whose completion expectations are a building that works, has enduring products and systems, and does not need significant reinvestment after a short time following construction end.

There have been two other reports released recently that I believe should make our legislation more productive in the area of build responsibility and accountability. The first was the National Construction Pipeline Report 2016 and the Future Demand for Construction worker report. Both these reports were released in July and signalled a continuation in construc-

tion growth in the near to medium future, with associated strong demand for skills across the sector. When the information in these reports is combined with the housing projection requirements needed under the also recently released Auckland Unitary plan, there is no excuse for two issues not to be addressed:

- The work quality and compliance knowledge requirements of designers and builders needs further enhancement and this enhancement needs legislative teeth
- Design and building companies need to invest in ongoing training and staff recruitment to improve their efficiencies and effective performance. Other industry sectors require ongoing training and competence assessment, so why shouldn't the public expect this of designers and builders who profit off those who make their largest investments

As we move into 2017 BOINZ will progress a number of initiatives, including continuing to work with Otago Polytech, The Skills Organisation and Future Skills on developing qualification uptake pathways, for the new Certificate and Diploma. We will also be furthering initial work on the National Cadetship scheme and combining them with addressing skill shortages in our sector. Educationally we will be working our industry partners to expand our CPD and upskill course offerings and provide members with associated learning economies of scale.

Finally, I would like to thank you as members for a stellar year in terms of commitment and wish you and your families all the best for the Christmas season and the coming new year.

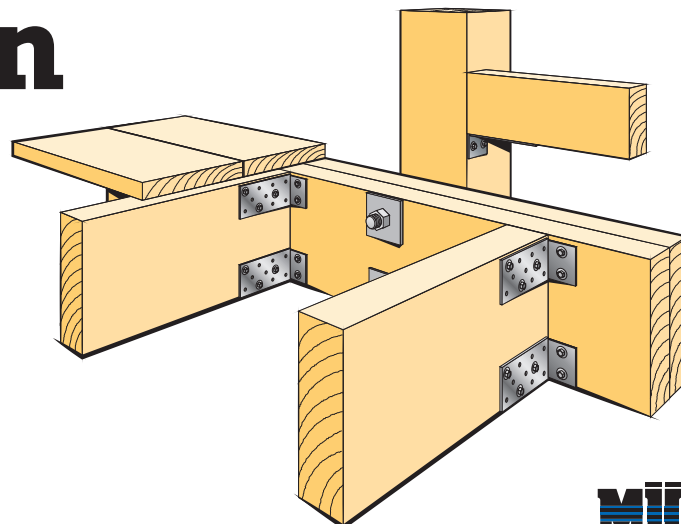
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# PrefabNZ Top 5

## 1. CLICK-RAFT: CLEVER AFFORDABLE BUILDING

Grand Designs NZ is capturing a lot of interest throughout New Zealand, and PrefabNZ Deputy Chair, Chris Moller is taking us through the ups and downs of some impressive building projects.

Did you see the Click-Raft structure for the Kapiti 'stilt house' (Season 2 Episode 4) – a beautiful lattice-like ceiling/floor to the bach? PrefabNZ is delighted to have a Click-Raft (2.4 x 4.8 sqm) available for sale at a reduced price.

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Click-Raft, Grand Designs NZ



Click-raft side elevation

## 2. PERFORMANCE OF THE CONSTRUCTION SECTOR

Did you know that the construction sector delivers almost as much of New Zealand's GDP as the whole of the Waikato region? And this contribution is growing!

PricewaterhouseCoopers have released an informative report on 'Valuing Construction in the NZ Economy', commissioned by the Construction Strategy Group, Construction Industry Council and BRANZ. With construction expected to peak next year at \$37.2 billion and worth more than \$270 billion in the six years to 2020 – construction really is booming!

The report explains how the sector will not be able to meet the demand for housing without changing its approach and identifies a number of areas in which government, industry and consumers could make changes. Get your hands on the report, go to: [www.pwc.co.nz/publications/latest-publications](http://www.pwc.co.nz/publications/latest-publications)



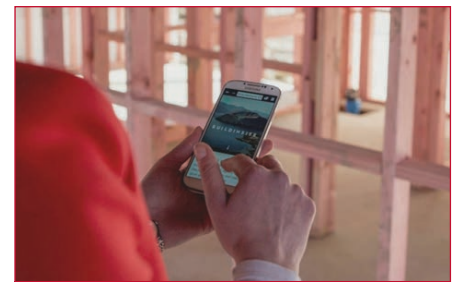
8.2 CLT ceiling panel assembly



## 3. MORE TIME ON THE TOOLS, LESS ON THE COMPUTER

Are you embracing technology? There are many benefits of employing mobile devices at construction sites – they're portable, easy to use, can be accessed anytime and anywhere, and can add real value to your business.

PrefabNZ Board Member, Lauren Christie from Insiteful can help you become more efficient with BuildInsite – an online compliance and client management tool. It helps you easily comply with the Building Act, meeting your compliance requirements in a fraction of the time. Check out all the features and benefits and try it out for yourself with a free trial at [www.buildinsite.co.nz](http://www.buildinsite.co.nz).



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## 5. JOIN PREFABNZ TODAY

PrefabNZ is passionate about how prefabrication and new technologies can achieve a better built environment - higher quality, smarter, greener, safer, faster, more innovative and efficient building solutions. Our Members span the design and construction sector and are at the heart of everything we do. Join PrefabNZ and connect with key industry players to grow your business, visit [www.prefabnz.com](http://www.prefabnz.com).

## 4. DO YOU WORK IN RESIDENTIAL CONSTRUCTION?

A while ago, BRANZ and New Zealand Certified Builders (NZCB) discussed their joint concerns about build quality and basic construction principles not cutting through to building sites.

Building Consent Authorities are increasingly concerned with the number of failed building inspections on basic building details. NZCB is taking education on-site to builders via demonstration trailers to help resolve these issues,

improve builder education and build quality.

A pilot programme is currently up and running, visiting building sites in North Auckland and South Waikato to demonstrate best practice. A review will then be undertaken and, if successful, it is hoped the programme will be extended to other regions.

Would you like NZCB to come to your site? For further information about Build Quality Training Sessions and the trailer education programme, contact Jason McClintock on 07 557 9212.



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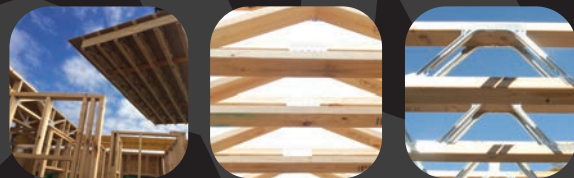
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# Recent Movements in the Industry for 2016

## Daniel Scheibmair

Technical and Education manager  
Building Officials Institute of New Zealand



Dan Scheibmair at the BOINZ 49th Annual Conference & Expo 2016 presenting an Excellence Award to BOINZ President Kerry Walsh (center) with Past President Stewart Geddes (left)

BOINZ is delighted to have filled the void left behind following Tony Conder's retirement earlier this year, with Daniel Scheibmair having recently joined the BOINZ team to take on the role of Technical & Education Manager.

Many of you will have already met Daniel over the past few years given his engagement at regional and national BOINZ events, and the training academy courses he tutored. He is a Chartered Professional Engineer (CPEng), holds a Master of Engineering degree specialising in timber engineering and has held the position of President of the NZ Timber Design Society.

Daniel brings with him extensive knowledge of timber engineering as well as on prefabrication, and well established contacts across the design and construction industry. Previous roles he held in the construction industry centred on machine stress graded timber and Laminated Veneer Lumber (LVL), and more recently focused on prefabrication, advising and regularly presenting courses to LBP-Builders, LPB-Designers, engineers, students and prefabrication plants.

His breadth of experience extends beyond engineering to marketing, R&D and Product Innovation, and as a result of positions he has held with previous employers, within industry organisations and on boards and committees have allowed him to establish global contacts enabling him to be at the forefront of advances and innovation in the construction sector.

Daniel will be Auckland based spending time regularly at our Wellington offices and visiting our branches throughout New Zealand. He says he's looking forward to the new challenges and welcomes feedback and engagement with you, our members, to provide meaningful technical input and assistance as well as relevant education and training.



## Andrew Eagles

Chief Executive  
New Zealand Green Building Council

Quality buildings get the green light

In September Andrew Eagles returned from the UK to take over the reins as the third Chief Executive of the New Zealand Green Building Council.

New Zealand born, Eagles worked in London as CEO of the Brick Development Association, and prior to that, nine years as Managing Director of Sustainable Homes. With his honours degree in public policy from Victoria

University of Wellington and more than 13 years working for consultancies, associations, government and built environment charities, he provides a wealth of knowledge in housing, market mechanism, advocacy and the construction supply chain.

It is a timely return, with NZGBC celebrating its 10 year anniversary promoting the benefits of quality buildings. It is clear that the tipping point has been reached and building green is embedded in mainstream New Zealand.

"Across the world there is a real, growing interest in ensuring buildings improve health, productivity, and are better for people. I've seen what a difference quality buildings make while I worked in the UK, and I believe it should be part of every country's vision".

Andrew's key focus is in three areas: simplifying and streamlining the Green Star and Homestar rating tool processes; supporting the growing popularity of the NZBERSNZ energy rating tool; and assisting governing bodies to enable the uptake of green buildings. He strongly believes that New Zealanders deserve to live in homes that are warm, dry homes constructed with little waste and responsibly sourced material.

**Turn to Page 21 to read an article written by Andrew**



## Anna Butler

General Manager, Building System Performance (BSP)  
Ministry of Business, Innovation and Employment (MBIE)

In her new role in the building sector, Anna Butler wants to make a difference for New Zealanders.

Recently appointed as General Manager, Building System Performance (BSP) at the Ministry of Business, Innovation and Employment (MBIE), Anna has spent most of her career working in the public sector and says delivering work that impacts positively on the lives of Kiwis is very important to her.

She's planned a full programme for BSP over the next 12 months to ensure people in the sector have the right skills and competence to get the job done, and that processes are efficient, consistent and easy to use. She also wants to make sure products can be relied on and that the sector's

performance requirements are clear, reasonable and forward looking.

Having previously spent nine years with the Ministry of Social Development (MSD), the last five of those as General Manager Housing, Income Support and Employment, Anna knows first-hand how important consultation and debate are when developing policy and regulations. Her focus on the end user means keeping in mind how those regulations, policies and laws will impact Kiwis.

Building performance affects all Kiwis, so the structures we live and work in need to be safe and support well-being. Anna sees her role as an important part of ensuring the building sector continues to be a critical contributor to New Zealand society and the economy.

Anna will be spending her Christmas break relaxing on a beach in Samoa, and plans to come back fully recharged to ensure that in 2017 the building sector is as productive and efficient as possible for all Kiwis.





Peter Sparrow speaking at the BOINZ 49th Annual Conference & Expo 2016

### Peter Sparrow

Director of Building System Performance (BSP). Ministry of Business, Innovation and Employment (MBIE)

Peter Sparrow has definite plans for 2017. Appointed as a Director of Building System Performance (BSP) at the Ministry of Business, Innovation and Employment (MBIE) in August, Peter provides additional technical support to the senior management team. And in 2017 he wants to make doing the easy things easier, by making regulations and legislation simpler to use.

In his previous role with the Christchurch City Council, as Director Building Control and City Rebuild, Peter developed an excellent understanding of how local government works as a whole. He says this experience will be helpful when working with councils, as they are involved in nearly every piece of work BSP does. It's important they have a good understanding of the work programme and know how they fit into it.

Peter is also keen to build greater stakeholder awareness across BSP and the Building and Housing portfolio.

Outside of work, Peter's plans for 2017 involve being an unofficial 'mystery shopper' for the building consent process, with his house build starting early next year. Given how important building performance is, he'll be keeping a keen eye on his house's progress. He has seen first-hand how non-performance can ruin lives, particularly right after the Christchurch earthquakes, as well as during the repair and rebuild.

Peter has previously worked for MBIE as the Manager of the Consent Authority Capability and Performance team, and before that was a Senior Advisor for the (then) Department of Building and Housing. He spent three years with the Christchurch City Council, before moving back to Wellington earlier this year to be closer to his family.



### Leonie Rae

General Manager of Consenting and Compliance. Christchurch City Council

Leonie Rae...says her team is focused on helping residents find their way through consenting and licencing requirements and making the system easier to follow. The focus is on helping people do things the right way rather than imposing penalties or finding fault.

"Applying for a building consent, resource consent or one of the many licences that may be required for a business can seem scary and complex but we try very hard to be approachable and make it easier for people to know what they need to do, and not use jargon.

"It's more about encouraging people to comply and them wanting to comply, than trying to enforce compliance."

Leonie says there are unique challenges in the post-earthquake Christchurch environment and it is important to make sure builders and developers understand the regulations and planning rules they need to follow.

"Often, they don't know what they don't know, so the council has an advisory role, letting them know what they need to provide through the process rather than waiting until the end when they're getting tripped up by it."

The most important end goal is ensuring the city's

buildings are safe and the environment is healthy.

Along with the maintenance and safety of buildings and resource consenting, the Consenting and Compliance team covers environmental monitoring and licensing—for example, noise, hazardous chemicals and contaminated land—food premise licensing, alcohol licensing, animal management, and compliance with bylaws such as freedom camping, litter and fire. "Together, those functions help us make sure the environment is safe and healthy for everyone," she says.

Leonie has a background in IT and software development and that experience gives her a good handle on the importance of effective systems and processes.

She has been working at Christchurch City Council for a decade, starting in December 2006 as a Senior Business Analyst.

In 2014 she became the Unit Manager of Commercial Consents, helping to ensure Council regained IANZ accreditation. She was promoted to Head of Building Consenting in January this year.

Her new role as General Manager of Consenting and Compliance, which began in October, is a big responsibility but she likes to have a life outside of work. She is a keen gardener and designs and makes some of her own clothes. She also plays golf, does yoga and goes tramping, describing herself as an "active relaxer".

Leonie's connection to Canterbury goes back generations and she wants Christchurch to be a great city for her grandchildren to grow up in.

"I'm really passionate about what we do at the Council. Christchurch is where I grew up and choose to live and work. I feel very strongly about leadership, believing that an organisation's culture starts at the top, and that's where I feel I can have the biggest influence."

The profile on Leonie Rae was supplied by Christchurch City Council's Newslines. To view the original article, please click the link below:

<https://www.ccc.govt.nz/the-council/newsline/show/1161>



### Justine Storey

Marketing and Communications Team Leader BRANZ

Communications and Marketing is exciting when there is great information to work with. For Justine Storey it is also about making a difference. BRANZ and the work done here inspires and influences so many touchpoints of the building industry that it affects every New Zealander. That's incredibly powerful.

Justine has joined BRANZ from a health based, family focused charity and she's on a steep learning curve. Maybe somewhat surprisingly there are a number of similarities, the biggest being both are full of passionate people who want to make a difference to the lives of New Zealanders.

Justine's background is in journalism, having started on the Napier Daily Telegraph almost 3 decades ago. She worked in newspapers and magazines for close to 10 years here in New Zealand, Australia and the UK. Since moving into communications and marketing she's worked for advertising agencies, telcos, government agencies and charities. The stories have been varied and focused on telling communities about the great work of teams aiming to help improve the lives of New Zealanders.

The BRANZ vision is Inspiring industry to provide better buildings for New Zealanders. And as she gets to know the teams and the work done here the more she understands the wealth of knowledge, insights, and experience that back that vision. Her role is to make sure industry knows of all that great work.

Justine looks forward to getting to know and working alongside members of BOINZ to achieve that.

# What's in the Pipeline for LBP?



Next year is the Licensed Building Practitioner (LBP) scheme's 10-year anniversary, which is a significant milestone for the Ministry of Business, Innovation and Employment (MBIE) and those involved in the scheme. Many industry groups have thrown their weight behind the scheme and it is also great to see such a high level of engagement and participation across the sector.

MBIE recently released the National Construction Pipeline Report 2016, which provides a detailed overview of projected construction activity for the coming five years. Given things are booming in the construction sector, I thought it was a good time for a behind the scenes look at the LBP scheme.

- MBIE kicked off a campaign in September to enhance understanding of restricted building work (RBW) and licensing requirements. The campaign includes print, radio and mixed media advertising and all RBW information can now be easily found at [www.building.govt.nz/lbp](http://www.building.govt.nz/lbp). On this page you can find a range of information, which includes a short video developed to support people's understanding of RBW, as well as some factsheets in Korean, Hindi and simplified Chinese.
- Criteria are being developed for new licence classes and areas of practice to meet. These will help individuals, industry groups and government to have a meaningful conversation about possible

- new licence classes or areas of practice, and ensure that any changes to the scheme enhance the integrity and value of the LBP brand.
- The LBP website is up for a rebuild (and relaunch) similar to the look and feel of the recently launched [www.building.govt.nz](http://www.building.govt.nz).
- Complaints about LBPs have continued to increase in recent times with growth of 71% recorded over the 2015/16 financial year. While this has placed pressure on the Building Practitioners Board (the Board) and MBIE, performance targets for processing complaints are being met. In the past financial year the Board considered 193 LBP complaints and handed down a disciplinary sanction to 80 LBPs during the period. On average, this accounts for one disciplinary sanction being handed down to an LBP every 4.5 days. The complaints system is continually being refined in order to make it more efficient and effective.
- Access to NZ Standards is another area under consideration, and we are investigating what future Standards access might look like for the LBP population.
- Thought is also being given to making qualifications mandatory for new LBPs. This work is at an early stage and there will be plenty of time for the industry to have its say before any decisions are made. Watch this space next year.

- Intelligence gained from the complaints function and the feedback from LBPs and industry bodies is being used to improve the scheme. This includes more targeted education around regulatory knowledge and common issues.
- Better and more robust auditing of skills maintenance is on the horizon and is projected to begin late next year.
- A wider review of many Occupational Regulations is underway. The review will look for similarities in these regimes and how they can be aligned and simplified. This is at a fairly high level, but may have long-term influences on the scheme's direction.

The above items provide a quick update on initiatives in the LBP space and a quick summary on where the scheme is going over the next five to ten years. While the construction outlook looks extremely positive for the sector, there will no doubt be challenges around meeting resource demands where competent, well-informed practitioners are required. I consider the LBP scheme to be a key component in building a more efficient, knowledgeable and professional construction industry.

**By Paul Hobbs, Registrar Building Practitioner Licensing**



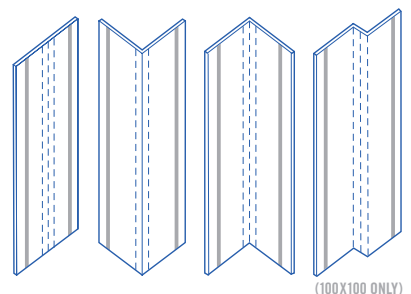
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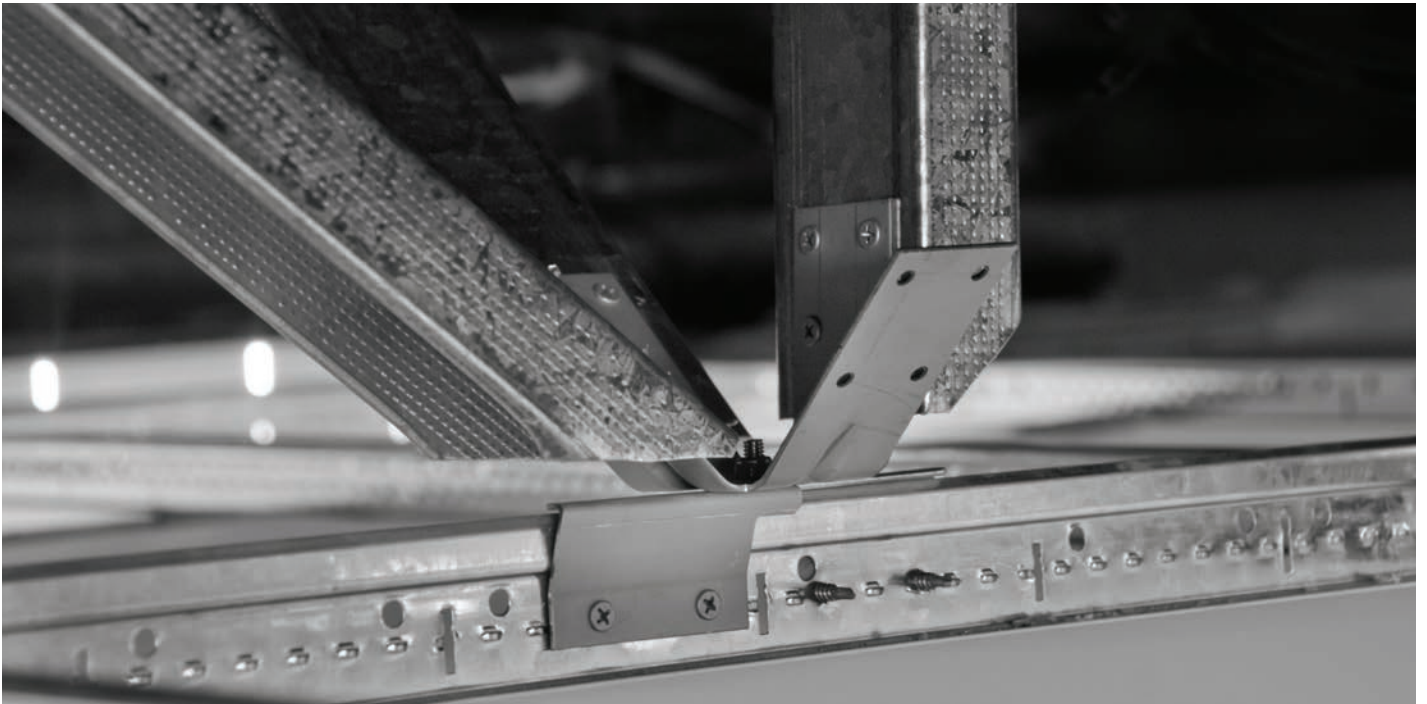
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# Supporting Innovation and Local Manufacture or 'Protectionism' – An Australian Perspective.

The following article was published by the Welding Technology Institute of Australia in the 'Australian'. With globalisation picking up ever increasing pace, the NZ construction industry is set to benefit from more rapid uptake of global construction methods and products. New products and systems applied in our unique environment, and often adapted to traditional NZ construction methodology, continues to foster local innovation. The globalisation also sees increasing numbers of product alternatives being imported and distributed in NZ.

The Australian article contains some interesting information and comments which no doubt would hold some relevance in New Zealand also. It highlights the difficulty in finding a balanced approach that enables innovation and encourages local product manufacture in an unbiased manner at government level, which also ensures product compliance and therefore provides consumer confidence. Ultimately a government procurement scheme should allow for global influence to encourage innovation, but must ensure that products and systems continue to deliver quality and NZ Building Code compliant structures.

that bad enterprise bargaining agreements add to construction costs, it is perplexing that it has agreed to amendments that will add costs to building projects by other means," said IPA director of research Brett Hogan.

Trade expert Alan Oxley also warned against a "regulatory overburden", which he warned would raise costs for taxpayers.

However, the changes were too cosmetic for others, with the chief executive of the Welding Technology Institute of Australia, Geoff Crittenden, lamenting the government's failure to mandate a percentage of Australian steel in commonwealth projects.

The overhaul of commonwealth procurement rules, championed by South Australian senator Nick Xenophon, aims to ensure value for money is not the sole consideration of government when awarding contracts.

Instead, the changed rules require tenderers to demonstrate their capacity to meet Australian standards. In turn, government officials are required to make reasonable efforts to ensure companies comply with the standards, including by

Leyonhjelm said he had been told the changes would have no practical effect on the way government procurement worked.

"I was assured this was a paper exercise rather than an obligation to buy local content," he told *The Australian*. "So in other words they can still buy the cheapest available that meets the specifications."

Mr Crittenden agreed with this assessment. He said the new rules were a "step in the right direction" but did not explicitly bind the commonwealth to awarding contracts to companies capable of meeting Australian standards.

"The devil is in the detail. And the detail must be quite clear that the standards must be complied with," he said.

"It's absolutely critical that Australian standards are complied with in the fabrication of all welded structures. And we would applaud the commonwealth ensuring that this is the case."



This message was received from the Welding Technology Institute of Australia.

The original article featured in the [Australian](#).

## Government procurement rules 'could push up building costs'

A shake-up to Australian government procurement rules could force up the price of construction projects and undermine the purpose of the Australian Building and Construction Commission (ABCC), the government has been warned.

Under the changes, companies tendering for government contracts will also be judged according to new criteria from March next year, including their treatment of workers and their safety and environmental records.

The shake-up to the \$60 billion-a-year public procurement program was the price paid by the Turnbull government to pass its legislation to revive the ABCC.

But the changes were slammed as "blatant protectionism" by free-market think tank the Institute of Public Affairs. "Given that the government has been talking about the 30 per cent cost premium

"periodic auditing" by an independent entity.

For all projects worth more than \$4 million, the economic value of the procurement to the Australian economy must also be considered.

Senator Xenophon hailed the shake-up as a "sea change" for government procurement rules, saying they would "make a very real difference for Australian industry and jobs."

Senator Xenophon and Finance Minister Mathias Cormann said the changes were in line with World Trade Organisation rules.

Senator Cormann told the upper house that free-trade deals did not stop the government "appropriately gathering information" and "looking at the full economic effects" of the procurement process.

But Liberal Democratic senator David

Turn over to see which member is under **THE SPOTLIGHT** this quarter.

# Spotlight on a Member

**Name: Marcus Deans**  
**Official job title: Building Control Manger**  
**Region: South Taranaki**



Marcus Deans

**By Janine Bidmead**

From his calm & collected demeanour you wouldn't have guessed when I talked to Marcus that he and his team had just gone through an accreditation audit that week. It's Friday afternoon and Marcus declares he's on "glide-time" – the audit is done and there were zero Corrective Actions. Time for a well-earned weekend. It's safe to say he's feeling pretty good, unsurprised at the good result with audits fresh in his mind.

**JB: What was your first full-time job?**

**MD:** Butcher, my father and grandfather were butchers. As far back as I can remember I loved going to the butcher shop and making sausages. My claim to fame is that my dad created the brand Sensational Sausages. This is now known as Hellers Sensational Sausages. Back in the day my dad owned a small butcher shop at the top of Kepa Rd in Orakei called "The Meat Shoppe" and this is where the brand Sensational Sausages was born. The business got to a point where it needed to go to the next level of manufacturing so dad sold the business. Hellers Sensational Sausages came to be. After one and a half years of secondary school I left and went straight into butchery for my father, I loved it. I was a butcher for about 12 years and travelled NZ doing it. When I moved to a new place there was always someone looking for a butcher. I worked in Warkworth for Stubbs Butchery, Countdown in Birkenhead and in Christchurch for Peter Timbs Meats. Unfortunately butcher shops were

becoming obsolete. Time to find a new career.

**JB: What job did you do before the one you have now?**

**MD:** I was Construction Manager for Fulton Hogan. Fulton Hogan were carrying out a civil construction contract which required the removal of 700,000 cubic meters of dirt to prepare a building platform for a \$30 million dry store on a Fonterra site in Taranaki which I was Project Coordinator on behalf of Fonterra. The project neared completion and an opportunity arose for a Construction Manager with Fulton Hogan which I grabbed with both hands. As Construction Manager I was responsible for 3 crews of 5 with varying skills. The job was challenging as I was responsible for all tenders and quotes for work as well as scheduling the day to day running of my crews. Let's just say I learnt a lot in a short time.

Civil Construction is a very competitive industry. Tendering for work becomes a fine art because you need to balance health & safety requirements, quality control and time management to ensure you complete the job on time and in budget. You are often telling your staff to hurry up but do it safely and don't forget we need a quality job.

Seeing the damage to the roads down south after the earthquakes is incredible – you feel quite sick. People think you can just patch it up, but it's not quite that simple. The unseen damage to infrastructure is a challenge in its self-let

alone remediating the roads so they are safe to drive on again.

**JB: How did you get into the industry?**

**MD:** My wife read a job vacancy on Seek and said this would be you down to a tee, so I applied as you do when your wife tells you to do something and about 6 weeks later I was the new Building Control Manager for South Taranaki District Council.

So how does a butcher get a job as a building control manager you ask? South Taranaki District Council advertised for someone with leadership skills, knowledge in compliance and building regulations. To be a successful butcher you need people skills and I was born a natural leader. I worked at Fonterra for ten years and 6 of those I was Compliance Manager for the Lower North Island which consisted of 16 distribution centres. My job was to be the subject matter expert on the food regulations for dairy and represent Fonterra at all distribution store audits conducted byASUREQuality which is the equivalent to IANZ in the accreditation process.

The STDC had taken the approach to employ a manager that would lead the staff and oversee the management and administration of the BCA accreditation. This would allow the BCO to do the job they were meant to do.

**JB: What do you think has changed about the industry since you first started working in it?**

**MD:** The need to work consistently and



Marcus enjoying a tour of Hobbiton at the 2015 SBCO Forum



Marcus and Louise Townsend from BOINZ National Office at the 2015 SBCO Forum

cooperatively. GoShift is a great example of this. 26 Councils working together to provide the customer with consistent forms when applying for a building consent and consistent processing forms for BCA to work from.

Clusters are no longer a buzz word but a way of sharing knowledge amongst building control authorities and also an opportunity to deliver training through the wealth of experience held within any one cluster. The cluster is an influential tool to progress BCA agendas and a mouth piece when making submission on legislative change.

The need for BCAs to become strategic in their thinking as demands on the compliance of buildings becomes more demanding and the change in regulation is increasing. Technical changes and building specifications means an ever-growing challenge for training and increasing knowledge.

**JB: What is the most interesting part of your job?**

**MD:** Gaining the knowledge that I have in the sector in such a short time. I'm learning a lot. I don't appreciate how much I've learnt until I'm talking to a customer and I'll think about what I just said and realise how much I've actually learnt. I am always keen to learn new things, so when something happens at work I ask about it purely out of interest, and my staff are incredibly knowledgeable. I just glean off them like a sponge. No two days are the same - every building consent is different. Even though it could be a similar design, little quirky things will be different. Anything that's a bit different helps to keep us fresh and on the ball. It's also

good to find another council who has consented something similar to see what process they went through. Other BCAs are always willing to share their challenges and triumphs. Their attitude reminds me of being a butcher, if you get a bunch of butchers together in a room they can't wait to share their latest sausage recipes with each other.

**JB: What do you consider to be the biggest challenge in your role?**

**MD:** People. Builders generally are not compliance driven. It's the same with butchers - they're not in the trade because they want to be always reading a lot of documentation. It's important for me to keep my team engaged. One of my challenges is when someone's stuck I encourage the team to stop and discuss as a team what the problem is and we figure out how to solve it as a group. Sometimes my staff can be put under pressure by a builder because something doesn't comply, and the builder assumes it's the inspector's fault, so we come together as a team and discuss the best way to solve the problem. It's important to create that environment where no question is a dumb question. We can all have our opinion - but it's important to actually check that their opinion is compliant and is in line with the Building Act. Doing this as a group helps to ensure everyone in the team is clear about what does or doesn't comply and who the builder needs to contact if they are using a product that doesn't comply.

**JB: What do you think is different about being in Building Control in South Taranaki versus other regions?**

**MD:** Everybody knows everyone. Your

reputation is critical. You don't become a known builder overnight, you have to prove yourself. In Taranaki word of mouth spreads quickly and that can work in your favour or against you. This also applies with BCAs. It takes a lot of hard work to build relationships with builders, designers and engineers so that they respect you as a BCA and don't feel you are always looking for something wrong when you go on sites. I believe the key to the strong relationship my BCOs have with their customers is they are all builders and they worked for or alongside most of the builders in Taranaki.

**JB: What do you see as the future of Building Control?**

**MD:** One Quality Management System (QMS). Each BCA puts a huge amount of time and manpower up keeping each individual QMS. We have one Building Act and one set of Regulations, it makes good sense to only have one QMS. It is a matter of quality control. If we only have one document then it is a lot easier to follow and comply with and auditors find it a lot easier to audit against when auditing your BCA.

Accreditation of the BCAs in my opinion is a good thing as we can use this as a plumb line. However unless we start thinking smarter the accreditation process will chew up a lot of manpower and money maintaining compliance. Auditors should be able to conduct audits unannounced and not have BCAs thrown into havoc.

If you want to chat further to Marcus Deans about this article he will be at the BOINZ SBCO Forum in August 2017. Big thanks to Marcus for taking the time to talk to Straight Up & congratulations to the team on such a successful accreditation audit.

In every edition of Straight Up we are going to focus on one of our members to learn more about their background, what brought them into the built environment and how they feel about it. Each member will be asked the same nine questions. If you have a story to tell, or think you might know someone who does, please get in touch with [events@boinz.org.nz](mailto:events@boinz.org.nz), we'd love to hear from you.

# Earthquakes: What are they, How we Design for them and What Happens to 'Non-structural' Items

**D. Scheibmair – Technical and Education Manager, BOINZ**

We all have our faults, and that includes planet Earth. Ask any child and they might think Earth is a solid lump of rock, but of course we learn it's not. It's more like a soft boiled egg: there's a hot, soft core bubbling away, encapsulated by a thin outer crust with cracks. Easy to forget that while we think our structures are safely anchored on solid rocky foundations, really they're fixed to enormous rocky slabs - tectonic plates - that can slide around on the molten rock beneath. Our cracked egg shell pieces while still attached to the soft boiled egg inside can move around slightly. So not surprisingly then Earthquakes rattle the globe every day, big and small, and with New Zealand sitting over a joint of two tectonic plates does see its fair share of rattles.

Over the next three Straight Up editions we therefore want to take a closer look at:

1. What exactly are earthquakes
2. How engineers design structures for earthquakes
3. Non-structural elements in buildings during earthquakes

So let's get started;

## WHAT EXACTLY ARE EARTHQUAKES?

As already established the Earth's crust comprises of a jigsaw puzzle of continental and oceanic plates that are constantly ramming into or sliding past each other, or pulling apart. Earthquakes spring from places called faults (or fault lines) often deep underground, where the jagged edges of plates grind against one another.

The movement of tectonic plates constantly occurs in incredibly slow motion meaning we are usually blissfully unaware of it. But every so often two grinding plates will suddenly jolt into a new position. In doing so the ground first 'bends' and then snaps releasing energy - an earthquake - with varying intensity and therefore impact and severity, and in various ways

(See images on right)

**A Strike-Slip** occurs where Earth's crust moves laterally or sideways in a horizontal motion along a plate interface.



**Dip-Slip** faults are vertical up-and-down movement. This fault is defined as normal when the ground drops or reverse where the ground is moved upward



**Oblique-Slip** faults are a combination of horizontal (ie. strike-slip) and vertical (ie. dip-slip) movements that occur in the same event.



From its starting point below ground level - the focus - where the moving plates are in contact, the movement releases energy which travels through the ground as a very low-frequency sound called a shock or seismic wave. The greatest damage happens at a point on Earth's surface directly above the focus; the epicentre. The waves continue travelling until all the energy released at the focus has been safely dissipated.

This dissipation occurs as the waves lose energy every time they move solid particles; i.e. every physical movement of the Earth's crust requires energy which therefore reduces the amount of energy left as the wave moves further and further from its focus.

A little like dropping a stone into a body of water which results in physical visible waves that diminish in size the further they get away from where we dropped the stone (the focus). Even then, there's still a chance that further earthquakes, known as aftershocks, or additional plate contact points in the vicinity of the original focus fault, for months after the sudden re-adjustment of plates.



The way that seismic or shock waves travel through earth's crust happens in two different ways:



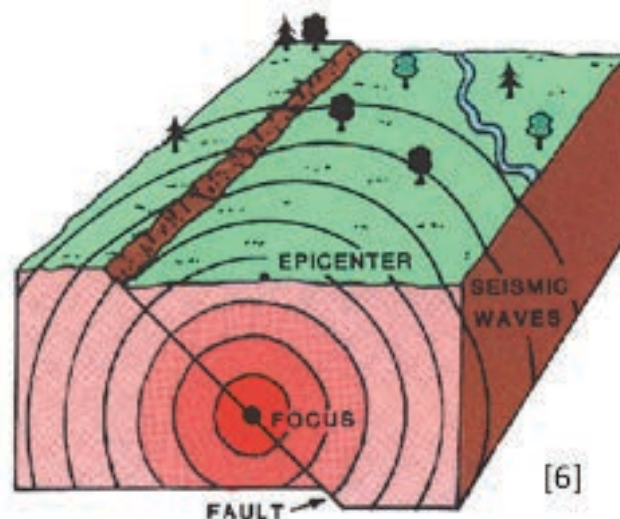
### PRIMARY WAVES (OR P-WAVES)

Vibrate the ground in a horizontal direction and travel in a similar way to ordinary sound waves by alternately squeezing and stretching the ground in patterns known as compressions and rarefactions. Waves travel at speeds of around 25,000 km/h and are often heard more than felt.



### SECONDARY WAVES (OR S-WAVES)

Travel only half as fast as p-waves and unlike p-waves, s-waves travel by making the ground vibrate up and down as they move forward and typically cause greater damage.



It's because seismic waves travel at such amazing speeds we get so little time to avoid earthquakes. Put in perspective; Earth's diameter is a little under 13,000 km at the equator, so a really fast p-wave can theoretically shoot from one side of the planet to the other in around half an hour!

Given the vast majority of plate interfaces are located under oceans, most earthquake activity happens offshore where plates are moving on the sea floor. And unfortunately for us some of the most violent earthquakes happen around the edges of a huge tectonic plate in the Pacific Ocean, forming an intense area of activity known as the Ring of Fire. So-called because there are many active volcanoes there too; again coming back to our egg, allowing the hot soft boiled egg to squeeze out through the gaps in the cracked egg shell. In addition to P and S-waves for us land bound inhabitants these underwater earthquakes also create a tsunami risk; a result of the waves dissipating energy and thereby exciting water particles as they move through it.

So now that we know how the energy in earthquakes is created, transferred and dissipated, in the next edition of StraightUp we will investigate how engineers design for the waves and the associated energy release.

#### Additional reading reference resources:

[1] [www.groovylabinabox.com](http://www.groovylabinabox.com)

[2] [www.explainthatstuff.com](http://www.explainthatstuff.com)

[3] [www.teara.govt.nz](http://www.teara.govt.nz)

[www.quakecentre.co.nz](http://www.quakecentre.co.nz)

[www.gns.cri.nz](http://www.gns.cri.nz)

[www.usgs.gov](http://www.usgs.gov)

[4] [www.tvnz.co.nz](http://www.tvnz.co.nz)

[6] [www.learnz.org.nz](http://www.learnz.org.nz)

[www.earthquakekitguide.com](http://www.earthquakekitguide.com)

[www.nationalgeographic.com](http://www.nationalgeographic.com)

[5] [www.stuff.co.nz](http://www.stuff.co.nz)

[www.geonet.org.nz](http://www.geonet.org.nz)

## Infrastructure New Zealand Launched

New Zealand's peak infrastructure body, the New Zealand Council for Infrastructure Development has relaunched as Infrastructure New Zealand.

Infrastructure New Zealand better reflects the wide range of priorities facing the organisation today, including transport funding, project procurement and regional governance and planning reform," says Infrastructure New Zealand chief executive Stephen Selwood.

When NZCID was created 12 years ago, New Zealand's infrastructure challenges were of a different kind. We had severely under-invested in assets critical for economic and social development for a generation. We needed investment and we needed it urgently. Our entire organisational focus was on infrastructure development.

Pleasingly, as a country we have since tackled many of our most urgent priorities. We've invested in our electricity backbone, ramped up investment in transport networks across the country and transformed our telecommunications sector from a global laggard to world leader, for example.

But significant opportunities for improvement remain.

Lifting capability in public procurement of major projects has potential to save the country billions of dollars over coming years. Getting land use and pricing right could make our transport dollars go much further – especially in Auckland. Revising infrastructure responsibilities so that asset owners have the resources and capability to deliver could see a steep change in service delivery in the provinces.

Our new name - Infrastructure New Zealand – better encapsulates our role as New Zealand's peak infrastructure industry body.

Our immediate priorities will be to focus on the really challenging issues that continue to hold New Zealand back including:

- The need for reform of our planning laws and institutions to better align infrastructure planning, funding and delivery
- The need to shift to road pricing to fund much needed transport investment and manage traffic demand more effectively
- Lifting procurement capability across the industry
- Accelerating the use of private capital to deliver better outcomes across the sector

The new logo represents a connected New Zealand. It symbolises networks across transport, energy, water, telecommunications and social infrastructure.

It also symbolises our strong desire for effective partnerships between the public and private sectors to deliver better outcomes for all of New Zealand," says Selwood.

Infrastructure New Zealand can be found at [www.infrastructure.org.nz](http://www.infrastructure.org.nz) and contacted at 09 377 5570.

For further information and comment contact Stephen Selwood on 021 791 209

Stephen Selwood addressed members attending BOINZ's Conference in 2016. To view his presentation, please contact [events@boinz.org.nz](mailto:events@boinz.org.nz).

# Notices to Fix



*"[The council's] inaction [to issue a Notice to Rectify] continued to expose the public to a non-compliant building"*  
**– The High Court in Lee**

**Nathan Speir is a Senior Associate at Rice + Co Lawyers and specialises in providing compliance and enforcement advice to local authorities across New Zealand.**

Throughout 2016 Rice + Co has presented to a number of inspection and compliance teams on the importance of exercising judgment with Notices to Fix (NTF). The discussion that our presentations (including at the SBCO forum on 12 September 2016) have generated suggests to us that NTFs, and those who don't comply with them, are significant pain points for councils.

Councils unquestionably take their regulatory responsibilities seriously, however often a lack of time and resources prohibits thorough monitoring and enforcement of NTFs. The recent decision of Lee (October 2016) brings councils' practices in this regard under the microscope. The purpose of this article is to alert readers of Straight Up to the potential consequences of failing to issue a NTF and to start a dialogue about how councils can reduce their exposure to risk in 2016 and beyond.

## Lee

### THE FACTS

In 2002 the council granted a building consent based on plans that included the following notation:

*non-rigid, solid plaster on exterior walls system, consisting of 21 mm plaster, metal lath, building paper 50 x 25 tanalised batons at 600 CRS building paper on timber studs.*

Building work commenced in May 2002 but the council was not called for an inspection until 18 October 2002. At this inspection, a number of checks were made in relation to weathertightness. A number of subsequent inspections were failed, including the final inspection on 13 November 2003 (for reasons unrelated to the cladding).

On 16 December 2003 the council sent a letter to the consent holder (the original owner), noting that any type of monolithic cladding without a cavity that had not had specific inspections to deal with weathertightness issues would be reviewed on a case by case basis before determining whether a CCC could be issued.

On 24 December 2003 the property was sold by the original owner to another (**the second owner**). It transpired that Styroplast, not Insulclad, had been installed, in breach of the building consent. In February 2004 the original owner (who no longer owned the property) applied to amend the plans to change the cladding from Insulclad to Styroplast. The application was rejected by the council and, on 4 March 2004, the council recorded in writing that:

*As your building is face fixed (monolithic) construction with no cavities we are unable to verify that it fully complies with the Building Code requirements, manufacturer's details application at the time and that it will remain durable for the required period.*

...

*Council cannot be satisfied that the cladding system as installed on the above building will meet the functional requirements of Clause E2 External Moisture of the New Zealand Building Code and is therefore unable to issue a code compliance certificate.*

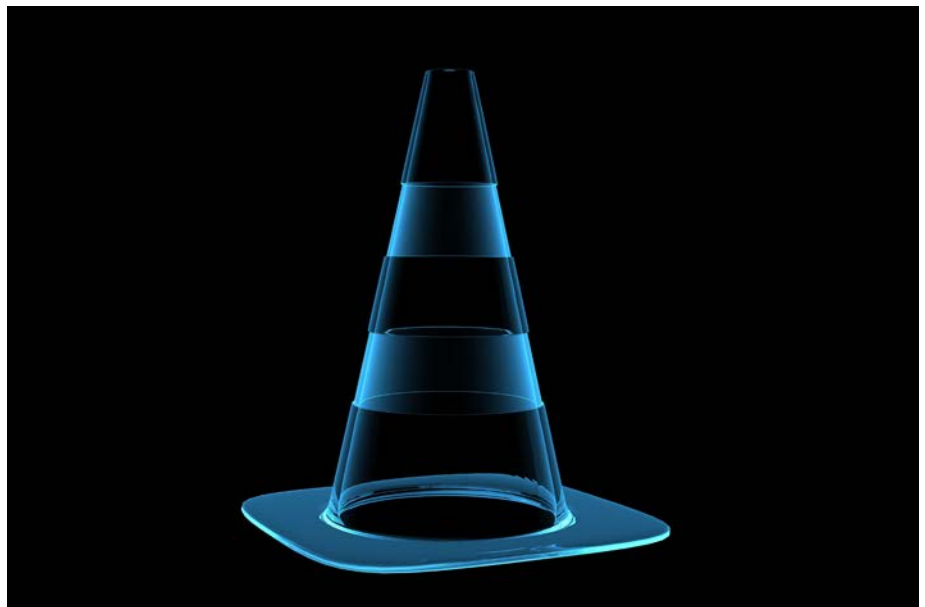
In December 2004 the third owner (the Lees) purchased the property. The Lees lived in the property until 2006 when they began renting the house to tenants. In 2012 a tenant expressed interest in buying the property and obtained a LIM. This identified that the property did not have a CCC. The Lees applied to DBH to have the property assessed and that assessment revealed water damage, which required repair work of about \$340,000 plus \$5,000 for timber testing analysis.

The Lees took their claim to the Weathertight Homes Tribunal (WHT). The WHT found the original owner of the property liable in negligence to the Lees but dismissed the claim against the council. The Lees appealed the WHT decision to the High Court on a number of bases.

### THE HIGH COURT APPEAL

The High Court was asked to address five issues but the relevant one for present purposes was whether the council's failure to issue a Notice to Rectify (NTR) under the Building Act 1991 caused the Lees' loss. The Court found that the council's failure to issue a NTR was a material cause of the Lees' loss. At paragraph [57] of the decision the Judge said:

*I am doubtful that a council was able to dispense with the requirement to issue an NTR while at the same time refuse to issue a CCC under the 1991 Act. There must be an identifiable non-compliance with the code in order to be able to refuse certification. In addition, the mandatory nature of the obligation at s 42(6) is not obviously reducible to a mere discretion (unlike the*



2004 Act notice to fix provisions).

...  
*In this case the Council specifically identified that the Styroplast monolithic cladding without cavities underlay the decision not to issue a CCC. That being the case, the Council was obliged to issue an NTR to install a code compliant cladding system. It was not sufficient to simply do nothing except refuse to issue a CCC. That inaction continued to expose the public to a non-compliant building, as in fact happened in this case.*  
 [Emphasis added]

The appeal was allowed in part.

## WHAT THE LEE DECISION MEANS FOR COUNCILS IN 2016 AND BEYOND

If a building consent has been issued under the Building Act 1991 and the council has refused to issue a CCC on account of an identifiable non-compliance with the Building Code, the council ought to have issued a NTR because the "triggers" are the same.

The more interesting question is whether the Lee doctrine will be applied to the Building Act 2004 (the Act). In other words, could a council be found to have caused loss by failing to issue a NTF under s 164 of the Act?

This is the \$64,000 question (or likely more). There are differences between the NTR and NTF regimes but in our view the intention of the Act is clear – a council must issue a NTF if it considers on reasonable grounds that a specified person is contravening or failing to comply with the Building Act or Regulations (i.e. carrying out building work contrary to the Building Code (s 17) or except in accordance with a building consent (s 40)).

If a council declines to issue a CCC under the Act it is doing so because it is not satisfied that the building work is code compliant. In our view s 164 of the Act is also triggered and the council must issue a NTF. A number of issues flow from this situation and we will attempt to highlight some of these in subsequent articles for Straight Up.

From a risk management perspective, now more than ever councils need to think carefully about their compliance strategies.



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**Frana Divich, Partner, Heaney & Partners**

Concern about non compliance with passive fire protection requirements has been expressed by the industry for a number of years.

In 2008 BRANZ funded research to address concerns within the fire protection industry that the passive fire protection systems within commercial and public buildings were not up to standard. The research confirmed that there were significant issues and identified a number of areas where improvements to design, installation, inspection and ongoing maintenance of passive fire protection in buildings, could be made.

More recently there have been articles in the news media about passive fire defects being discovered during weathertightness repairs to apartment buildings. This has been borne out in the claims that we see. No longer are claims confined to breaches of E2 of the Building Code. They now involve multiple breaches of the Building Code including structure, durability, acoustics, safety barriers and fire protection.

Adequate passive fire protection has a significant effect on limiting the spread of smoke and fire in buildings. In 2012 it was stated that the bulk of public buildings in New Zealand were operating without the correct passive fire systems which put the occupants' lives at risk in the event of fire.

The problems being encountered include design (the wrong passive fire protection system has been selected), installation (the work has not been done

## The Risks Posed by Non Compliant Passive Fire Measures

properly) and certification (the system has not been signed off properly). The opinion of the experts working in this area is that the problems stem from a lack of knowledge within the construction industry i.e. that the code is concerned not just with the spread of fire but also with the spread of smoke.

The correct sealing of service penetrations is critical, yet it is apparently the most misunderstood area of fire protection. Like in "leaky building" litigation, problems arise because of a lack of coordination between different trades installing services in buildings, particularly in relation to services through fire-rated elements.

Passive fire protection is primarily about correctly installed, tested and compliant systems. It is not about squirting foam or sealant around penetrations and buying and installing fire collars. Fire stopping is a collection of products which form a system. They may include a particular wall or floor construction along with a specific range of manufacturers' products, which are then tested. If they are installed outside the test parameters it is difficult to predict how they will perform. Ron Green, the director of Fire Group Consulting, opines that the following steps should be taken to improve the current system.

### Identify who does the work

At building consent stage identify who will be undertaking the fire stopping of the service penetrations. Most building projects have several trades carrying out the work. Each trade should provide a Producer Statement Construction (PS3).

### Proper Producer Statement Design Review (PS2) Information

Ensure that the peer reviewer is adequately qualified to provide the certification as often systems are unsuitable for the penetrations as designed.

### Do not allow self checking

Some building consent conditions provide for the installing company to inspect its own work. Have a qualified person undertake the inspection to ensure it is installed as per the design.

### Construction monitoring

Councils should ensure passive fire protection is monitored and at the appropriate level – see IPENZ construction monitoring levels CM1 – CM5.

### Producer Statement Construction Review (PS4)

The fire engineer or the fire designer usually signs the PS4 for the fire stopping of penetrations. There is concern within the industry that many certifiers do not have enough knowledge of many of the fire stopping systems sold in this country and they rely upon the installer's PS3 and a quick inspection to check if the fire stopping has been applied. Without adequate product knowledge non-compliant systems have been certified as compliant.

### Inspections

The government is committed to the self regulation of new construction, including for passive fire

Councils usually rely upon producer statements. However, there may not be reasonable grounds to rely upon them if defects (like inadequately sized fire collars or unsealed penetrations) were visible during the council's inspections.

There are currently cases awaiting trial where it is alleged that councils have been negligent when it comes to the consenting, inspecting and/or certification of passive fire protection measures. Until the courts decide on the issues we cannot say with certainty what will happen. What we can do is draw on our experience of how the courts have handled the attribution of blame for leaky building defects. Our view is that the courts will be keen to compensate innocent building owners if at all possible and passive fire protection remains an area of risk for councils.

<sup>1</sup> *Determining Barriers to Industry Delivery of Fire-Safe Buildings in New Zealand by Fire Protection Association of New Zealand.*

<sup>2</sup> "Major apartment fire hazards revealed" *Phil Taylor, NZ Herald, 10.10.15*

<sup>3</sup> *NZ Construction News, Media Release, 10.04.12*

<sup>4</sup> See [www.originfire.co.nz/passive-fire-stopping](http://www.originfire.co.nz/passive-fire-stopping) 20.10.15 for some scenarios and what needs to be considered when assessing whether the passive fire stopping is compliant

<sup>5</sup> "Fire stopping falling short", *Ron Green, Build Magazine, October/November 2014*

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*If you think there is someone out there (other than yourself!) who deserves the recognition and a prestigious award at our 50th Annual Conference & Expo Gala Dinner, then please let us know by submitting your nomination to [www.boinz.org.nz](http://www.boinz.org.nz).*

## Available Awards:

**Contribution to Technical and Legislative Improvements Award** - This award is given to the individual who has excelled in contributing to advancing the technical and/or legislative understanding of members.

**Emerging Leader Award** - Each Branch is to nominate an individual who has shown exceptional leadership skills at a local and/or national level, whose actions have grown the value of BOINZ among members.

**Contribution to BOINZ Award** - The individual or organisation who have made a significant impact to the advancement of BOINZS in the market place.

**Outstanding Commitment to Information, Skills Development and Education of Building Officials Award** - The individual or organisation who demonstrated outstanding commitment to providing information, developing skills and advancing the education of Building Officials within the industry.

**The Young\* Building Control Professional of the Year Award** - Young\* defined as under the age of 35 as at 31st December 2014. This Award goes to an individual that reflects strong professional growth and has dedicated their time to enhancing the Building Control profession.

**Training Commitment Award** - The Individual or Organisation that has committed to significantly improving the position of training in their field.

**Branch of the Year Award** - The Branch award is considered by the BOINZ Board each year based on participation, innovation and member value at a local level.

**Building Control Innovator of the Year** - This award recognises a building control professional or team engaged in building control activities, who has demonstrated commitment to innovation in engineering.

**Organisational Commitment to Customer Service & Excellence** - Awarded to an organisation who demonstrates dedication to exceptional customer service and excellence.

# 50

## YEARS

1967-2017

Building  
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## BOINZ Job Board



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- Advertise to 1,200+ BOINZ Members
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- Automatically align yourself with the Institute's vision and mission
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For further information about the BOINZ Job Board, visit BOINZ HR Division - Situations Vacant at [www.boinz.org.nz](http://www.boinz.org.nz) or contact [events@boinz.org.nz](mailto:events@boinz.org.nz)

# New evidence on the impacts of quality buildings

By Andrew Eagles CEO NZGBC

The built environment has a huge impact on how we live. We spend 80% – some say as much as 90% – of our lives in buildings. The quality of these buildings influences our physical and mental health, our productivity and also has a large effect on the costs of our energy bills. Across the world there is a real, growing interest in ensuring buildings are more resilient and less resource-hungry, and better for people too. I've seen what a difference green building makes while I worked in the UK in the housing and construction sectors, and I believe it should be part of every country's vision.

A new Canadian report shows that improving buildings will boost the Canadian economy by \$32.5 billion while cutting 19.4



NZGBC office balcony, 205 Queen St, Auckland. If you're in the area, come in and see our 5 Green Star-rated office. Photo: Alexander Goh

million tonnes of greenhouse gas emissions. Investing in the building sector involves improving energy efficiency and reducing emissions in existing buildings, as well as embracing innovation in the move towards net zero carbon buildings.

Lenders are taking notice of the impressive gains on offer. A group of major European banks, mortgage lenders, the Royal Institution of Chartered Surveyors and others recently announced the ground-breaking European **Energy Efficiency Mortgages initiative**.

This is the first time a group of major banks and mortgage lenders have come together to develop "energy-efficient mortgages". The group aims to create a standardised energy-efficient mortgage, so homebuyers across the EU could enjoy better interest rates for energy-efficient homes and/or funds for retrofitting homes.

There's a clear case for encouraging residential energy efficiency on a larger scale, too. Research released in June this year by UK consultancy Sustainable Homes surveyed social-housing landlords who manage more than 500,000 homes in England and Wales. The **study** found that making homes

more energy efficient led to fewer tenants defaulting on their rent, lower operating costs and shorter periods of time where houses were left vacant.

That's good for landlords, but what it also means is that the homes are better for tenants, too. The people living in those homes had lower power bills, which is especially vital for the health and wellbeing of already vulnerable tenants. They moved less often, and that stability creates better outcomes for children, as well as more cohesive communities.

It's exciting that New Zealand's uptake of rating tools Green Star, Homestar and NABERSNZ is growing. I'm proud to return home to **take the reins at the NZGBC**, and continue the drive towards healthier, more efficient offices, schools, communities and homes. It will help us meet our international obligations, it will reduce your energy bills, but mainly it will lead to a better future for us all.

I look forward to working with you and others to improve the quality of New Zealand's built environment. Want to get involved?

[Join the NZGBC.](#)

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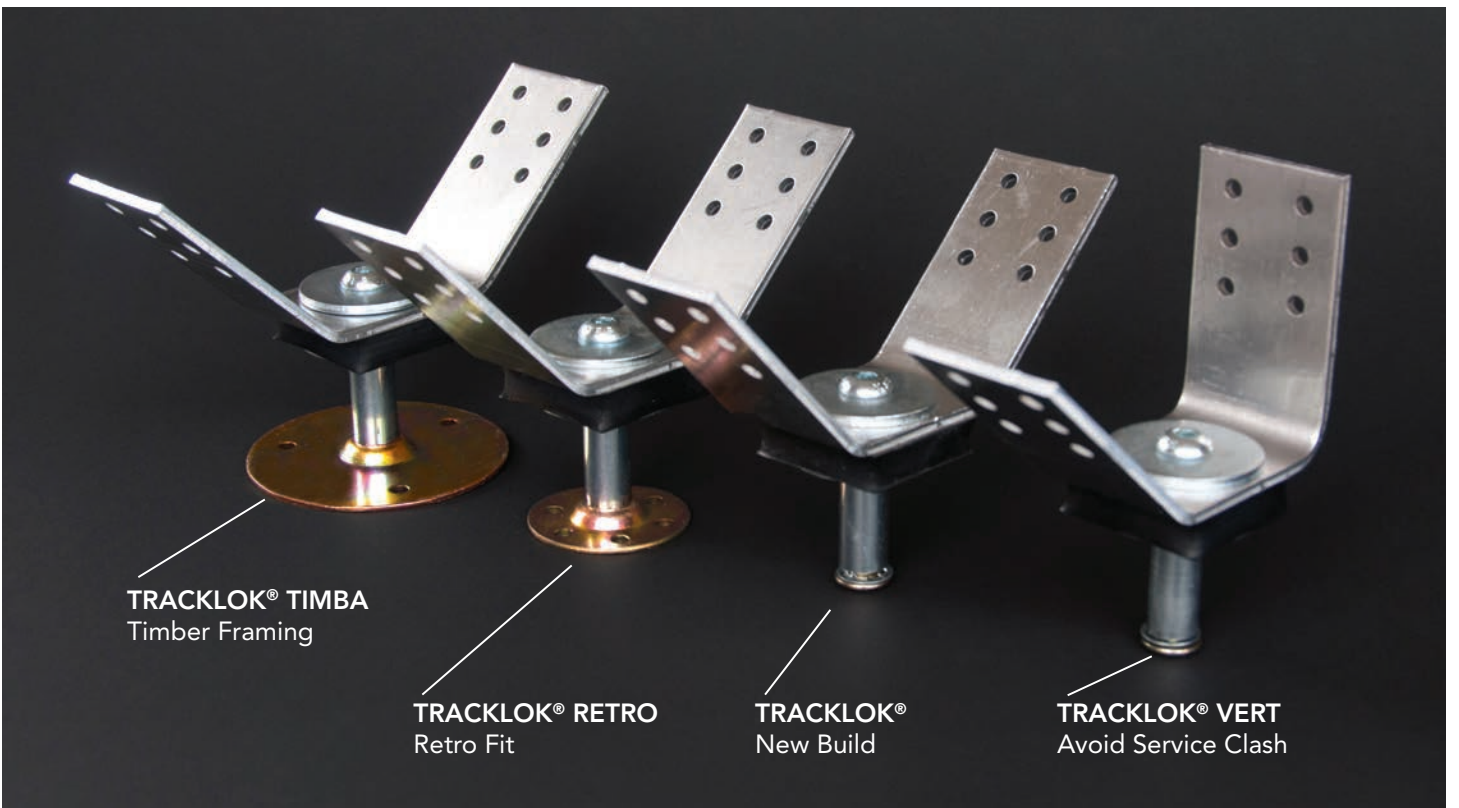
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# Boinz 2017 Annual General Meeting Notice

The Institute's 2017 Annual General Meeting will be held at the **Langham, 83 Symonds St, Grafton, Auckland**, in the Main Plenary on **Monday 8th May 2017** commencing at **3.45pm**.

Access to the 2017 AGM will be done by identification via your current Membership Card, proving your current membership status.

## AGM Timelines

Notices of Motion to Chief Executive to be received by **20th February 2017**

Notices of Meeting, agenda and any notices of motion to members will be conveyed to members by **10th April 2017**

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Building Officials Institute of NZ

Building Officials Institute of New Zealand

Training Academy

New for  
2017!

# Investigative Training

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Each step in the prosecution process is explained with examples given including:

1. Identifying a breach under the Building Act
2. Planning your investigation
3. Recording and documenting
4. Identifying the liable person/people
5. Statutory time limits
6. The standard of proof required

For each step in the Investigative process a full and detailed explanation of what is required by the surveyor to fully support a successful prosecution is given. This is central to enforcement of the Building Act and an important function of every BCA.

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TRAINING  
ACADEMY

## A Case in Point – Why Investigative Training is Important

The following case demonstrates the need to follow correct procedures when identifying an offence and taking proceedings. The Investigative training by Inskill Services Ltd and provided by BOINZ is a must for all Building Surveyors and Council Officers if they are to avoid these pitfalls.

In August 2015 there was a hearing at the Auckland District Court which clearly illustrated the need to identify; the offence committed, the time limitations relating to that offence, the evidence required to substantiate the accusations and the specific roles and responsibilities of Council Officers.

The case in question is, Auckland Council versus S Kelly, JS Nguy and County Cork Trustees Ltd. Enforcement proceedings were taken against the defendants in relation to land clearance of three lots of land. This was a permitted use under the Resource Management Act. However, they were accused of being in breach of an abatement notice with respect to discharging a contaminant, namely sediment laden water.

### The case failed for several reasons which included:

1. Charges were laid outside the limitation period
2. The abatement notice at the centre of the hearing did not identify the correct block of land, the correct people carrying out the work and the work had already ceased when it was issued.
3. The defendants requested that the abatement notice be cancelled. The request to cancel was from a person directly affected under the RMA and this request was not processed. This was seen as a substantive failure as it denied Mr Kelly of his rights to appeal.
4. The Council did not observe any discharge taking place, but the defendant was able to give evidence as an affected party under the RMA and denied that any discharge took place.
5. A Council Officer did visit the site but was not warranted to collect evidence.

### The judge concluded by saying that:

1. The charges against Mr Kelly are dismissed on the grounds they were commenced out of time
2. In the alternative, the charges in respect of Mr Kelly are dismissed on the basis that the prosecution has failed to establish a case to answer
3. The single charge against Mr Nguy is dismissed on the basis the prosecution failed to establish a case to answer.
4. The charge against County Cork is dismissed on the basis that there is no evidence sufficient to support the charge and/or any case to answer.

Not only did the Council lose every aspect of

the case and come into criticism from the Judge but His Honour indicated that this was one of those cases where full costs might be awarded against the Council because he did not believe the case was brought in good faith. Additionally, because of the findings in this case the defendants were likely to bring civil action against the Council seeking damages.

While this is just one example, BOINZ is aware of others and has therefore engaged the expertise of Inskill Services Ltd to be able to offer the BOINZ Investigative Training. The course provides Building Surveyors with the tools to clearly identify what constitutes a breach and be able to collect evidence which will support any enforcement proceedings. Council or BCA officers who do this as part of their normal work practice will avoid the pitfalls illustrated by this case.

To find out about all our 2017 Training Academy courses, please visit our website: [www.boinz.org.nz](http://www.boinz.org.nz) and click "Training Calendar"

## And finally...

To finish our December issue of *Straight Up*, we would like to share with you this Christmas message from Worksafe:

### "Health and Safety isn't the Christmas Grinch"

08 December 2016

Myths continue to abound about how health and safety is stopping New Zealanders from doing all the fun things they used to do.

The end of year season seems to bring a fresh avalanche of stories about how the Health and Safety at Work Act prevents kiwis from doing this and that.

Have you heard the one about how companies are banning workers from putting up decorations in their offices for "health and safety reasons", or that WorkSafe requires the task to be done by a "qualified" person? I can tell you, some of our staff have been doing a bit of decorating and there wasn't a qualified person in sight! Yes, WorkSafe is having a Christmas function for staff.

Then there was the laughable suggestion which has been coming up for years that sweets couldn't be thrown to children in street parades or at pantomimes. Now out of nowhere, and with no basis in fact come a couple of new myths - that employers might be liable for dance floor accidents at end of year work functions and that any function where a drink or two of alcohol was involved brought about a whole heap of compliance that made functions impossible to run.

We're not grinchies - never have been. What we've got here is people who've got completely the wrong idea about what health and safety actually is. They're the grinchies and all they're doing is raising unnecessary angst over things that are simply not a problem. Please people; stop blaming the new Health and Safety at Work Act. All these silly suggestions were just as silly under the old legislation. The new Act doesn't make one iota of difference.

It's not about lollies at parades or putting up office decorations - never has been. It's about keeping an eye on risks, and if there are real risks, making sure they are dealt with appropriately.

The fact is that neither the Health and Safety at Work Act nor WorkSafe as the regulator have any interest in banning things.

All the law requires is that persons conducting a business or undertaking do what is reasonably practicable to keep their workers safe - no more and no less.

When it comes to business social activities, staff functions, celebrations or after work drinks this means a sensible approach to host responsibility.

As for tossing a few sweets into the audience at a parade or a panto it's very much a case of "Oh yes you can!"

To view the original article, please click here:

<http://www.worksafe.govt.nz/worksafe/news/releases/2016/health-and-safety-isn2019t-the-christmas-grinch>



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