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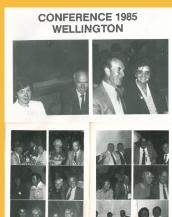
**SEPTEMBER 2017** 

# Conferences through the decades...

A look at the New Zealand Institute of Building Inspectors/BOINZ's main event over time







NEW ZEALAND INSTITUTE OF BUILDING INSPECTORS

ANNUAL CONFERENCE, NELSON, 30 APRIL 1986

The New Zealand Uniform Building Code



this month's issue:

SBCO Forum O'Brien – Ethics and Professionalism for the Modern Surveyor

COMFERENCE QUOTES (Unofficial)





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# straight up

### IN THIS ISSUE

From the President	2
PrefabNZ Top 5	4
Feature	6
Spotlight on a Member	10
Industry News	12
Golden Memories	13
Media Release	17
Stadium Southland	20
NZHHA	22
Regulation	23
Industry News	24
Senior Building Control Officers Forum	28
Training Academy	29









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### **From the President**

# Dealing with People Who Don't Understand Us

I have just finished attending our Senior Building Control Officials Forum, and come away from the event wiser, more knowledgeable and slightly reflective.

The reflective bit stems from a fantastic presentation by Lynne Schinella on "Working with people you just don't get". This was a highly interactive session that asked attending members to categorise themselves across some twenty or so scenarios. The end result was we learnt we were all different, inter-related differently and with a bit of awareness the way we communicated with people who were different to the way we were engineered and motivated made for a more productive and familiar relationship.

As it turned out I was a "Mango", a big picture person who talks a lot, thinks about lots of things at once, loves variety and hates rules.

I related well to the "Apple" a "direct" type of personality who likes debate, was a fast thinker who loves results and dislikes incompetence.

I could relate to the "Banana" personality who was patient, empathic, a steady thinker and loves relationships but wasn't too keen on aggression.

The polar opposite personality for me was the "Lime" who was neat, detailed, a deep thinker, loves rules and hates disorder.

No matter what personality type you are you are

the product of your genes, but to be successful in life it is important to relate to others. This was the essence of the presentation and one that many of the attendees found very useful. Interestingly when we were divided up into our groups the split among the 4 personality types was not too far from being even. This essentially means we need to understand the personalities of all we work with if we are to successfully communicate across the human gene pool.

Following this presentation there were lots of discussions and examples by members describing situations where people failed to understand each other, ranging from mental illness, depression, feelings and just plain ignorance. A few of us got together and the subject turned to

BOINZ'S ACTIVITIES AND WHY IN SOME INSTANCES PEOPLE JUST DIDN'T GET WHAT WE WERE TRYING TO DO:

- Why did we support the qualifications?
- Why should I become qualified as a building surveyor?
- Why can't BOINZ run courses for just a few attendees?
- Why is BOINZ getting into the recruitment and skill shortages field?
- Why can't BOINZ produce and run this course or that course?
- Why does BOINZ have a reserve fund?
- Why can't BOINZ courses be cheaper?
- Why does the CEO only visit Branches once a vear?

For those close to BOINZ the answers are transparent and have been available to members either through branch meetings, on our website, through our Straight Up Magazine or via the regular e-news deliveries. We are a great source of information and enthusiasm, and our goal is to promote our skills and professionalism.

The conversation then turned to some of our stakeholders. In the main it was agreed that at a senior level, BOINZ is very much appreciated as a voluntary organisation who with limited resources has made great strides in supporting the Building and Construction sector. Our sector Minister the Hon. Dr Nick Smith has been very complementary of our efforts across many areas, as of course was the Canterbury Earthquake Royal Commission.

However, within some of our stakeholder organisations there are individuals who struggle to understand the purpose of BOINZ as for some reason they disagree with what we are trying to achieve. Whether they hold these positions or perceptions based on ignorance or misinformation, it is important we clarify why we are undertaking the pathways we do.

Most organisations have these internal and external misunderstandings. As a general rule our communications are designed to bring clarity to what we try to do and what we aim to achieve. However, there is nothing better than delivering an explanation or putting some context into a discussion so people and their immediate environment are better informed.

What we as building surveyors do is complex. There are too few of us and the environment around us is in a perpetual state of change and advancement. For the Institute to be relevant we need support and awareness around what we are trying to deliver, not only to our members, but also to our employers and the public in general.

Over the next few months the Chief Executive and I will be visiting Branches. This is your opportunity to encourage your colleagues and external stakeholders to come to our training and networking meetings to learn why we do what we do. In turn, we become collectively more relevant and our efforts are not directed at perceptions rather at providing more solutions.

In closing, our genes are a fruit salad that requires understanding and collaboration. As members of the Institute we are all in the bowl together and I look forward to seeing you over the next 4 or so months.

**Kerry Walsh**President



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# 1. PREFABRICATION A CRITICAL COMPONENT IN ALPINE CONSTRUCTION.

No stranger to utilising prefabrication techniques in difficult locations, Stanley Construction have successfully constructed the new twin elevator shaft at the Happy Valley Learner ski area at Whakapapa on Mt Ruapehu.

The timeframe was very tight: 12 weeks to construct the 24m high elevator building, along with an 18m span bridge at the top linking the building to the upper level. Utilising prefabricated components and techniques, the client's timeframe was achieved.

During the construction phase the ski field was open for business, limiting the size of the construction site, and for safety reasons, crane usage. A large part of the structure was prefabricated out of position, or offsite. "Having so much of the componentry built offsite was important to accelerate this project," said Craig Davison, Project Manager. "In these alpine environments ... clever planning is critical to keeping the project to programme."

The final stages of construction were completed overnight so that the new elevator complex was operational the next morning. For more examples see Projects at

http://www.stanleygroup.co.nz/

## **PrefabNZ Top 5**

# 2. OFFSITE CONSTRUCTION ON THE RISE: 111 DIXON STREET APARTMENTS.

Arrow International is building this new apartment building with maximum use of off-site manufacturing in its construction. The 20-level development secured a 35% height bonus consent via Wellington City Council's Design Excellence rules – thanks to the design by PrefabNZ members Archaus Architects.

The structure is mostly steel around two large concrete sheer walls which go up all levels. They will use the Doka climbing wall formwork system, then assemble the steel components as they arrive to site, which is standard. However, the design negates the need to prop the floors as they build up, which has significant advantages for a modular approach.

The exterior cladding will be manufactured off-site, lifted into place and clipped to the exterior with brackets designed and tested by their engineers to ensure compliance.

The 47 balconies and 228 bathrooms will all be manufactured offsite and craned into place. Not having to prop the floors becomes a significant advantage, the bathrooms can be positioned before the next floor is started. Investigations are almost complete for offsite fabrication of the internal walls, modular

www.iqcontainerhomes.co.nz https://www.nzgbc.org.nz/



## 3. THE GROUNDS - BREAKING PREFABRICATION IN AUCKLAND

Tall Wood develops products and typologies that are intended to be duplicated. This is not a copy and paste approach, but a recognition that there is value in certainty: in how a building will be made; its parts and assemblies, and how that goes together in the most predictable and repeatable way to consistently achieve compliance.

The Grounds is evidence of this - a community of 42 apartments and a commercial space on Hobsonville Point Road comprising 4 three-level buildings using as much as 70% prefabrication. They use Cross-Laminated timber (CLT) floors and roof, offsite manufactured external walls and balconies that utilise LVL and glulam to contribute to a very quick 8 month build time. Tall Wood worked closely with their consultant team, (Peddle Thorp, Enovate, Xigo, eCubed, Olsson and AE Services) to create a project that will bring a new level of quality and affordability to Auckland's much needed housing supply.

Tall Wood and its partners are actively working on taking the learnings of The Ground and applying it to other sites in Auckland and New Zealand. See

www.TheGrounds.nz



### 4. CLUSTERS - COLLABORATIVE EVENTS FOR URBAN-ENVIRONMENT DEVOTEES

PrefabNZ is thrilled to welcome Members of BOINZ to attend the regional Cluster events. These collaborative events bring together professionals from across the construction industry for thought-provoking, quick-fire presentations. Sharing knowledge, ideas and innovation with those active in the green urban environment.

Why do people come to Clusters? "Networking, meeting new people, connections + industry presentations."

What do they love about Clusters? "Informal but informative events around the country, variety of topics, range of speakers + great site tours."

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- New Zealand Green Building Council New Zealand Institute of Architects New Zealand Institute of Quantity Surveyors
- Architectural Designers New Zealand Institution of Professional Engineers NZ Building Officials Institute of New Zealand
- PrefabNZ •New Zealand Institute of Building

### The next Clusters are:

Wed 18 October in Dunedin. 4.30 – 6.30pm, Thur 23 November in Rotorua. 4.30 – 6.30pm

For more information and to register see: http://www.prefabnz.com/Events/



### 5. TALLEST ENGINEERED TIMBER OFFICE BUILDING FOR WELLINGTON

The news that property developer Sir Bob Jones will build a tall timber commercial building in Wellington is a big step forward for engineered-timber in commercial building. PrefabNZ is proud that it's Members, Studio Pacific Architects are designing this record breaker. What is exciting the engineers here is that in demolishing the existing building, they will leave the existing foundations in place and bolt the new lightweight building structure directly to that. Timber buildings are lighter than concrete or steel buildings, and with good design will perform better in an earthquake. PrefabNZ will be keeping abreast of the process they will be taking with engineers at Dunning Thornton Consultants, in the design and installation of the glue-lam components and CLT panels. See more at www.prefabnz.com/news [image: Bob Jones'Tall Timber Building design for Featherston Street Wellington. Picture Source: Studio Pacific Architects]

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### **Ethics and Professionalism for the Modern Building Surveyor**



### INTRODUCTION

This article is intended as a broad introduction into the study of professional conduct that may be relevant to building surveyors. I will be specifically focusing upon;

- Ethics,
- · Conflict of interest, and
- Professionalism
- Article objectives;
- Provide a brief Introduction into the principle ethical theories,
- Look at examples of conflict of interest in other professions and what (if any) lessons can be used by building surveyors,
- Describe the nature of professionalism, and Discuss the importance of training

### **ETHICS DESCRIBED**

We hear the term ethics being used on a regular basis, but have we stopped to consider what the term 'ethics' actually means?

### **ORIGINS OF ETHICAL BEHAVIOR**

Moral reasoning is based on an individual's moral progress, and will be influenced by family, peers, community standards and the individual personality Religion has played a major role in establishing ethics. Jesus Christ's statement "do onto others as you would have them do onto you" is a good example United Nations Statements of Rights such as are the Convention on the Rights of the Child (1989) and the Convention on the Rights of Persons with Disabilities (2006)

The three principle ethical decision making frameworks are;

**Consequentialism** In its most basic description, consequentialism is a theory of ethical reasoning that looks

at the consequences of our actions. Consequentialism is also known as tetological decision making, from the Greek telos meaning end or purpose.

**Deontology** Deontology comes from the Greek word for 'duty' and this provides a good idea for the basis of Deontological ethics, that is decisions are based upon rules and principles. In broad terms, deontological (or duty based) ethical models require that where certain acts are required to be done, then we have a duty to perform these acts, regardless of the consequences.

Prescribed ethics Prescribed ethics can also be referred to as applied ethics, being defined as a cooperative effort of a group of people, having mutual interests, to explain to the general community the principles according to which they want to live and work. Prescribed ethics can be viewed as the friction between a professional body's desire for autonomy and the public desire for accountability. We see this in:

- Ethical codes applied by various groups
- · Practices of arbitration and law
- Value statements (Codes of Conduct) in organisations

Finally, I want to finish this discussion on ethics with some thoughts on the golden rule. Too often, when people decide they have the rules on their side, they often forget about the Golden Rule - do un to others. Unfortunately, many people in authority seem to govern themselves and others in the following manner: Knowing that they hold authority in a given situation, they are relieved from any greater moral responsibility. They may act arrogantly or perhaps unreasonably. After all, the rules are on their side. We see this phenomenon all the time in our daily lives – the person at the transport agency, the check in person when your bag is overweight ... if these people remembered the Golden Rule the potential for conflict and escalation would be greatly reduced.

### **CONFLICT OF INTEREST**

When discussing conflict of interest, I'm reminded of a comment made by US Supreme Court Justice Potter Steward, who said;

'Criminal laws in this area are limited to hardcore pornography. I shall not today attempt to define the kinds of material I understand to be embraced within that shorthand description; and perhaps I could never succeed in intelligibly doing so. But I know it when I see it' (1964).

### **CONFLICT OF INTEREST DEFINED**

A conflict of interest can be described as where a primary interest has been or could be compromised by a secondary interest. What then are primary and secondary interests?

- A primary interest is determined by the professional duties of a building surveyor. In general our primary interests include the assessment and inspection of building work, always acting in the public interest.
- Secondary interest may be financial gain, professional prestige. A secondary interest is not illegitimate and may actually be necessary – the problem is the emphasis this interest is given relative to the primary interest that is the source of conflict of interests. A conflict of interest can arise when the secondary interest appears to dominate the primary interest in the decision making process.

Having briefly defined a conflict of interest, I will know describe its relevance to our profession and briefly look at how it has the potential to affect other similar professions.

## Why is conflict of interest an issue for our profession?

The purpose of building certification is to act as the owner's proxy for QA, in doing so maintain consumer confidence in the construction process.

The commercialisation of building surveying has exposed an inherent friction whereby the builder is free to seek audit services in an open market, in part based on price, exposing certifiers to a 'potential conflict between the requirements to uphold high professional standards and the need to maintain commercial viability' (Pierce and Sweeney, 2004, p.415). The move to private certification in some jurisdictions has created the environment for the potential for opportunistic behaviour to occur, as 'in a market in which the company to be supervised can choose its own auditor, misleading incentives may occur. A cheap certification can be a decisive competitive advantage in certification markets' where 'Low-cost strategies can significantly affect the quality of inspections' (Jahn et al., 2005. p.54). Are there examples of conflict of interest in other professions that may provide lessons for building surveyors?

The Accounting profession may hold

some interesting parallels, specifically in relation to auditing practices.

- Accountants audit books, we audit buildings
- We are both employed to police our employer termed the 'user pays' model

One significant case from early 2000 was the collapse of Enron, costing shareholders approximately \$11 billion and at the time with \$64 billion dollars in assets made it the largest bankruptcy in US corporate history. Auditor Arthur Anderson was fined \$500,000 for its auditing practices in relation to the collapse of ENRON Corp. In 2000, Arthur Andersen earned \$25 million in audit fees and \$27 million in consulting fees (this amount accounted for roughly 27% of the audit fees of public clients for Arthur Andersen's Houston office).

In 2001, US firms paid an average of \$ 3.2 million in consulting fees compared to \$1.3 million in auditing fees. This relationship could create an environment that created conditions for conflicts of interest to arise. In these circumstances it may be difficult for auditors to question the accountancy practices of a major client if this client is responsible for significantly more consultancy income than audit income.

### **CREDIT RATINGS AGENCIES;**

Prior to 1968 the three major credit rating

agencies provided free credit rating services. However, from 1968 onward these firms moved to a user pays model where financial derivative issuers paid ratings agencies for the ratings provided. What this means is that the credit rating agency is paid a fee from the entity wanting the security rated and then discloses this rating to investors, who rely upon this information to make investment decisions. In performing this function, the credit rating agencies are serving three interest groups:

- The issuers wanting to sell the investment product and who rely on the ratings agency to provide a satisfactory rating that allows their product to access the market (builders),
- The investors who rely upon an accurate and unbiased rating to make an informed investment decision (the home owners)
- The regulators who rely on ratings agencies to act professionally to guarantee the integrity of the market
- The ratings agencies obtain their income from the issuers, who will pay only when they get a satisfactory rating,
- Leading to a situation where issuers actively seek and pay agencies that provide a satisfactory rating.
- The higher the rating, the higher the fees
- The bias in this system was evidenced

by the fact that both Moody's and Fitch ratings received approximately 90% of their fees from issuers, 10% from investors.

### **BACK TO CERTIFICATION**

Having briefly looked at examples from other professions that use the 'user pays' model, does the user pays system allow the possibility of a conflict of interest to exist where the builder, rather than owner, engages the third party certifier to carry out the required certification functions? In examining the potential for conflict of interest in private building certification, the Australian Productivity Commission stated that 'Depending on their relationship with the builder and the designers of a building, certifiers can potentially be pulled in different directions' (Productivity Commission, 2004, p.222). Potential areas for conflict identified by the productivity commission included;

- Certifiers being directly involved in building alternative solutions
- Being engaged by the project owner, leading to the perception that private goods rather than public goods were the principle project incentives
- Certifiers working for the same, or a limited cadre of builders
- A perceived lack of independence



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where the certifier had a contractual relationship with the builder (Productivity Commission, 2004).

• Where do we go for guidance?

### Increased regulations may not be the answer:

As noted by one Enron accountant 'We tried to aggressively use the codes to our advantage. All the rules create all these opportunities. We got to where we did because we exploited that weakness' (McLean et al. 2004). Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws. Plato

### Possible solutions and strategies

Strategies to avoid a conflict of interest may include;

- Identify all potential parties involved in the action to identify if any potential or actual conflicts of interest exist.
   Identifying each client (such as in the case of a company) is important to understand individual roles and responsibilities,
- With new clients, try to identify details of relationships/affiliations with other parties that may lead to a conflict of interest,
- If a potential conflict is identified consider whether it is lawful to continue in your role. Check and confirm the statutory requirements and your Code of Conduct obligations. Objective analysis is critical so you may need to discuss with a legal practitioner
- Can you draw a distinction between regulatory/certification advice and design advice?
- If involved in an performance solution consider having a competent person undertake an independent peer review
- Provide information about your organisations values and business ethics (provide access to the BOINZ Code of Ethics for example)

### **PROFESSIONALISM**

I now want to turn to the question of professionalism. Ultimately the concepts of ethics and conflict of interest are interrelated with the broader concept of professionalism and it is how we manage these issues that create the public perception of our profession.

Before I start, a show of hands – who believes building surveying is a profession? Our profession has a long history. Following the 1666 Great Fire of London, the 1667 Rebuilding Act (London) required 'That irregular buildings may be better prevented, the City shall erect one or

more discreet and intelligent person or persons knowledgeable in the art of building to see the said rules well and truly observed. This statute led to the evolution of building surveyors as a professional body, responsible for ensuring life safety, health and amenity of persons occupying buildings.

But what constitutes a profession? 'Members of a profession are bound together by common aspirations, values and training, and in varying degrees the professions develop social and moral ties among their members who enter into a community of common purpose' (Frankel, 1989, p.110).

However our professional actions can affect the interests and well-being of both individuals and the general public who rely on our services. Thus the community has a right to evaluate our performance through a moral, as well as technical dimension. Thus it's important to remember that our professional autonomy is not as much a right but a granted privilege and consequently imposes an ethical duty on us. If the public loses trust in our ability to self - regulate our behaviour there will be calls for greater regulation of our behaviour.

## A role for education in creating and maintaining professionalism

Finally I want to turn briefly to the question of education and how this relates to the perception of professionalism.

Education is a critical factor in the perception of professionalism. One distinguishing feature of a profession is the degree of training and education required and the application of skills and knowledge to competently work within the profession. However, to be effective education needs to be quality. What do I mean by quality education?

A quality education frame work comprises three components:

**Inputs** – Student admission process, entry requirements (the raw materials)

**Process** – Lecturer competency, accuracy and quality of teaching materials, delivery medium, assessment types

**Outputs** – Employment opportunities, academic recognition (Chau, 2004). Who benefits from quality education? The students, employers and the community all benefit from a quality education system As there are a wide range of educational entry requirements and license levels for building surveyors the need for a quality education system in more important than ever. The creation of a quality education system has the advantage of ensuring the public that our profession is up to date with changes and to demonstrate to the

regulators and public that the professional standards of members are being upheld.

### What does a quality education system look like?

The BOINZ Training Academy processes the necessary attributes of quality training. Specifically its processes embody lecturer competency, accuracy and quality of teaching materials, effective delivery mediums and authentic assessment types. In turn, this means quality graduates that help maintain public confidence in the building surveying profession.

### CONCLUSION

This article has covered a lot of important topics for the building surveying profession. Although operating in the complex technological and regulatory environment can seem daunting, opportunities for our profession exist. If our profession can demonstrate a pro-active approach to managing matters such as conflict of interest by the use of quality education we will be seen as part of the solution, not the problem – a true measure of a professional body.

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# **Spotlight on a Member**

Name: Richard London
Official Job Title::
Subject Matter Expert
for the Ministry of
Business Innovation and
Employment.
Region: Wellington



### What was your first full-time job?

My first job was part time in a photographic shop in Masterton after school hours, I basically walked up the main street calling into every shop to see if they had a job for me and I landed one at the sixth place. My first full time job was in 1998, I had my own architectural design business called 'Red DesigNZ'. I also started a business called Audio Fusion that followed my passion for acoustics and design, I ran this in the background and a year later got head hunted by Southcombe McClean to do 'real' Architecture.

### How did you get into the industry?

I've always been curious about architecture and design, wanting to know how things work. As a kid I'd be tinkering, designing, and inventing stuff with Lego. I pulled apart the new family TV at age 9 (an old Philips K9 for those that remember) to figure out how the pictures got inside – it even worked after I put it back together. My father then suggested a career in engineering or

architecture might be a good idea and I never looked back.

Even while building, I was designing and inventing things, a speaker design I was building in my last year at Uni, called "Volare", finally took me into acoustic engineering for a few years. My wife said I couldn't have any black boxes in the house, they look a bit like jet engines on an aircraft wing or the tail end of a '68 Cadillac', very retro futuristic.

This really took my passion for materials and science to another level. Every part was custom made, even the speaker cones. I'd chosen aluminium, chrome and carbon fibre - they were an Audio Fusion. We got bought out by Sound Lab and I was asked to head up the SLab X-treme division.

Why the name "Volare"? It's Latin meaning 'to fly', the design concept was about performance, acoustics and aesthetics. The shape allowing the aerodynamic movement of sound through air and the listener being moved emotionally through the experience of sound quality and aesthetics. "Volare" was inducted into the "Audio Hall of Fame" in 2008, ironically, 4 years after we stopped its production, now it's a bit like owning a Britten motorcycle.

But my real journey into building control started in the UK in 2005, when a mate suggested working as a Council inspector, I told him I was happy with building and architecture. His reply won me over, "I'd be outside, the pay was good, and I'd be wasting my talents anywhere else".

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

We're becoming more professional. I was studying building science and Architecture at university when the Building Act and Code was first introduced. When I graduated, I soon realised I knew very little about them. We were taught how to design beams and draw details, but not why we were designing them that way. The curriculum has changed somewhat, incorporating papers on our legislation, but they're still not compulsory. I mentor architecture and building science graduates now, and there is a greater understanding for those grads coming into the industry that get exposed early. But as you'll hear from one of my mentees speaking today, it seems we've a long way to go.

## What job did you do before the job you have now?

I was at the Ministry of Education, in the role of Senior Engineering and Project Advisor in the Policy and Strategy team. I was developing a framework for evidence based policy making to support the school construction programme and updating the guidance for the design of New Zealand schools. Specifically, I was drafting the 'Designing Quality Learning Spaces', to ensure innovative learning environments would have benchmarks for good ventilation, acoustics, warmth, air quality and so forth.



### What is the most interesting part of your job?

I'm helping to make a national database for New Zealanders to view and find our building compliance documents – Building CodeHub. While doing this it also gives me the opportunity to see the evolution of standards and understanding the supporting structure of our regulatory systemin a wider context.

### What do you consider to be the biggest challenge in your role?

Ensuring information is accurate, a challenge when historic documents are difficult to source. What do you think is different about being in Building Control in Wellington versus other regions? In Wellington, you're at the seat of Government, you have access to a huge number of national agencies and stakeholder groups and can 'feel the pulse of the nation'.

### What do you see as the future of Building Control?

I see more accountability on the individuals and their organisations, much like the planners, engineers, professional bodies will become more important. There will be more opportunity for private building consent authorities to work with or within local government organisations, and there will need to be more collaboration between local and central government to deliver a unified service to the sector.



# **New Zealand Green Building Council**



### 25 AUGUST 2017

Real estate and designers support new healthy housing standard

The recent launch of Homestar Version 4 drew a packed house, with Prime Minister Bill English making a video appearance at the Auckland event.

Homestar is an independent rating tool that certifies the health, efficiency and sustainability of New Zealand homes. And, thanks to extensive industry consultation, the New Zealand Green Building Council (NZGBC) has re-engineered the tool to align with the needs of those building apartments or homes at volume.

When developers use Homestar, new home buyers have absolute confidence that their investment is sound and their family will be kept healthy.

REINZ CEO Bindi Norwell extended her congratulations to the NZGBC, saying: "Homestar v4 aims to make it easier for builders of apartments and multi-unit developments to get Homestar certification. New Zealand's current housing stock is below par by world standards, and any improvement will be of benefit to the health and wellbeing of Kiwis, particularly in relation to respiratory illnesses caused by cold and damp housing, like asthma and rheumatic fever, which can have significant impacts on children and elderly people."

She added that REINZ welcomes initiatives that will encourage healthy homes and

improve the country's housing stock.

Adding to the enthusiasm for the standard at the launch, Dr Rhys Jones of the organisation OraTaiao, which is calling for healthy climate action, pointed out that housing is a 'win-win' area for both climate and health. "Low quality housing is a significant cause of poor health and addressing it can deliver substantial environmental benefits. Measures such as Homestar that ensure homes are built with better insulation, ventilation and energy efficiency are great for health and for the low carbon future that New Zealand needs."

Also sharing his support for Homestar v4, resident builder Peter Wolfkamp says he's used Homestar for a number of years but the revisions of v4 has made it simpler and easier but it's still as robust. "We need to educate and increase the level of understanding in the construction field, and v4 will help those building the houses better understand what they need to achieve."

The launch of Homestar v4 has attracted support from the supply chain including Green Gorilla, Pink Batts, Viridian, Auckland Council, Watercare, Resene and Carters. The new Homestar v4 is live from launch, with the option to register new projects under either v3 or v4 until the end of September, at which point Homestar rolls over exclusively to v4.

The uptake of Homestar v4 is increasing significantly with Masterspec as the latest to announce the launch of no fewer than 10 new sustainable/green General sections, including two sections for Homestar v4 and three for Green Star. This should greatly assist designers and contractors with, project documentation, and formally providing/

delivering to Homestar certification.

Sharing his support, Masterspec Managing Editor Alex Shaw added that "with regard to content and functionality, it's Masterspec's first step into formal sustainable, green sections. It's not expected to be all things to all people, at least initially, but over time it is expected to develop and spread across more of the Masterspec Work sections and systems".

Andrew Eagles, NZGBC Chief Executive Officer, is thrilled to have had such an overwhelmingly positive reception from the industry for a tool that is easier to use and which delivers dependable certification for the organisations which are working so hard to address the housing shortage backlog.

"It is only through the support of sponsors and partners that the revision of the standard was possible. I'd also like to thank all those within the industry who participated in our consultation process. That input is invaluable in delivering a standard that the public can depend upon and that the industry can use practically to provide warm, safe and dry homes for all New Zealanders," he said.

The NZGBC and representatives from the Resource Managers Lawyers Association toured the country during August to introdce Homestar V4 and set out how councils are incentivising the building of better buildings and homes.

Cities on the tour were Auckland, Tauranga, Wellington, Christchurch and Queenstown.



# **Golden Memories Part 2**

### **NICK MCKINSTRY.**

Born in Kingaroy, Queensland, 20 March 1941.

**Educated:** Brisbane, Toowoomba, Mackay, Queensland. He received primary schooling in Mackay and Brisbane, intermediate education in Toowoomba and secondary education at Mackay Technical High School. The latter 2 schools had very high sporting profiles and he became involved in all forms of sport.

Commenced an apprenticeship as a carpenter and joiner in late 1956 in Mackay and soon learned the rules of listening to one's instructions but he often did not so suffered the hard tasks to redeem himself. He became a quick learner of not being an upstart who had riled up the 'Oldies'. In 1959 he moved to Townsville to continue his apprenticeship and started to narrow down his sporting activities to life saving in summer and hockey and basketball in winter, representing Mackay then Townsville and he was a state trialist for 3 years.

Nick joined the Australian Navy in 1960 and served on various shores bases and ships while still managing to play hockey for the Navy and the North Shore Club in Sydney for a couple of years. On discharge from the Navy he returned to Mackay to work as a carpenter.

Nick immigrated to New Zealand on 29 March 1966 arriving in Wellington where he worked as a leading hand and subforeman on various building sites in the Wellington area. In 1968 his bachelor days were ended when he and married Juliet in Wellington before moving to Gisborne with Durney Construction as a foreman and later he was transferred to Auckland opening a Branch there before joining Fletcher Construction in 1971 at the Auckland Hospital Acute Block.

In 1975 Nick moved away from physical construction to that of Local Government as a Building Inspector for the then Auckland City Council and later he began studying at Carrington Technical Institute obtaining Trade, Advanced Trade, N Z Certificate of Building and the Diploma of Building qualifications.

In 1976 his involvement with the NZ Institute of Building Inspectors [NZIBI]

began as an associate member. In 1978 he was elected Vice President of the Auckland Branch for 2 years becoming Branch President in 1980. 1978 also saw a change in career paths having been appointed as a Senior Building Inspector at One Tree Hill Borough Council. It then started to get busier recognising that members and others had to have better qualifications and became an active participant in preparation for the Inspectors' Study Course.

### **Changes Ahead**

The 1980's emerged as a period of change, not only for the Institute, but also for the construction industry. NZIBI had for some time sought higher recognition within the 'Industry' in the promotion of a cohesive and collective voice in the administration of all Local Authorities' By-Laws by way of training and the NZIB Certificate was seen as a progressive pathway. There was a rocky road with many steps forward and sometimes more backwards but perseverance would see the results later. This was also the change time being mooted by Parliament for changes to the whole New Zealand Building Control System and in 1982 the Building Controls Forum came into force in which NZIBI was a participant. There were many parties from all sectors in the industry participating headed by the Department of Internal Affairs. Trevor Bridges was our representative and the outcome of this Forum was to see a step towards a proposed National Building Code. NZIBI was being recognised as an important participant in the process. It is important to note that the Town & Country Planning Act became less detailed at a local level. Power play on a big scale by all parties

Going forward we became more focused on increasing our small voice in the overall process, not only increasing our membership but also producing our own specific Training Programme in which many of our members participated. In the mid 1980's we also became involved with the World Organisation of Building Officials [WOBO] who provided NZIBI with a link to the wider world of Building Controls. This was to be of great help to our Executive and members.

Changing of the Guard in the Auckland Branch occurred at the 1984 Auckland Branch meeting when Past President Ken McDermott stepped down as the Branch representative of NZIBI and Nick was elected as the Branch representative along with all the other progressive activities of trying to get the Training Programme of NZIBI Practice 1 & 2 completed for final approval. It was a little frustrating with the support from the Local Councils not really getting behind the course, but we still persevered.

1986 Nelson Conference was the wakeup call for the changes ahead as the Minister of the day, Hon Peter Tapsell, addressed the Conference about the proposed 'Legislative' changes that were being introduced in the immediate future. Were we prepared for this massive change along with the pending Local Government Restructure where the previous 274 (or so) Local Bodies were being made into 74 Territorial Local Bodies?

The Institute had forged links with the "World Body of Building Officials" [WOBO] and also that Island off the west coast of New Zealand with the "Australian Institute of Building Surveyors" who became very supportive of the Institute leading up to the changes ahead both having a big representation and forging on-going relationships.

The 1986 Annual Conference in Nelson heralded the introduction of the New Zealand Uniform Building Code by the Hon Peter Tapsell who outlined the formation of the interim agency called the Building Industry Commission to manage the drafting of the new Code and its means of compliance in as simple a form as possible and with some flexibility. He hoped the Commission would work itself out of a job inside a two-year time frame. The Conference was also notable with the influx of overseas guests as part of the proceedings including Omkar Nath Channan, President of the World Organisation of Building Officials. The pace of change was guickening in 1987 with appointment of the members of the Building Industry Commission. These were Mr R.M. Jansen (Chairman),

Mr C.W Hall, Professor Helen Tippett, Mr I.C. Wesley and Mr W.T. Williams. The Commission appointed Mr Peter Leslie as Executive Director and Mr John Hunt as Project Director. The consultation process had begun in earnest and the organisation was mindful of the time constraint Parliament had imposed in producing the "Draft Code".

1988 was a year where we trying to complete the Practice 1 & 2 material and there was also some uncertainty within the Industry as to what the future might bring. On a more positive note the Executive was forming good working relationships with the Clerk of Works and Plumbing and Drainage Institute whose future was also in a state of uncertainty with the forthcoming amalgamation and new National Building Code. At the Annual Conference held in Hastings the outgoing President, Colin Stansfield, handed the guidance of the Institute to Ron Roberts along with his support in the forthcoming restructuring that was about to take place.

The latter part of 1988 and early 1989 saw a lot of changes occurring in Government Departments in readiness for amalgamation. Preparing the National Building Code was causing some concern for our members as to the Institute role with these extensive changes taking place as well trying to progress the last 2 papers for the NZIBI Certificate. There were a lot of changes in Government agencies and funding problems.

How could I forget 1988. It was the Institute's 21st Birthday celebration year and there were a few interesting photos (black & white) in the middle of Journal Volume 19 No 2 1988 one of which was the Institute's sponsors of the time, New Zealand Forest Products Technical Representative, Murray Taylor, cutting the 21st Birthday Cake with Harry Sansom, Hawkes Bay Conference Convenor, assisting. Note: If anyone is able to identify all those in the photos it would be a great piece of history.

1989 – 90 heralds the implementation of Amalgamation and background work that had been completed and put into place in a relatively short space of time. This involved many of us who had been working towards the Auckland Commonwealth Games being held in the early part of 1990 having added frustration of trying to fit into new

premises and new roles. Somehow we survived.

There were changes happening within the Institute with the outgoing President Ron Roberts handing over the direction of the Institute to me in these changing times, workloads and patterns. Timesare-a-changing and so commences my term of office. This certainly happened with the welcoming to the Executive of Neil Eade-Canterbury/Westland, Harry Sanson- East Coast Branches and Colin Gray as Vice President.

The Institute and members now were entering the time of preparing and reviewing submissions being presented to the Department of Internal Affairs who were collating them on behalf of the Commission. We were fortunate to have various members of the Commission able to address Branches at various times with updates on the completion of the National Building Code. The Annual Conference held in Whanganui was a well balanced programme.

The demise of the Building Industry
Commission saw a new body arise in the
form of the Building Industry Authority
which consisted of 6 people who
were; Win Hoadley (Chairperson), John
Sutherland, Peter Leslie, Dennis Ferrier,
Debra Cranko, and Bill Williams. The
changes made towards the new concept
for New Zealand left a set of controls
to which the whole building industry
and its consumers are subject on a daily
basis. With my comment
Praedemeditatus Est?

The Latin interpretation could mean: "HAVE YOU THOUGHT THROUGH THIS IN PREPARATION FOR WHAT MAY HAPPEN". 1991 Following on from Ron Roberts "Times-are-a-changing" and they have somewhat. The new Executive Team were faced with old and new challenges. The 'Old' one was the completion of NZ Certificate in Building Inspection, Practice 2. The Institute was asked to provide a moderator to work with the **Technical Correspondence Institute** (TCI) and The Authority for Advanced Vocational Awards (AAVA). The course became available from the TCI with Alan Martin and Derek Stains as Tutors.

The Executive along with other industry groups were busy preparing submissions on the 'Draft Building Code' and we were fortunate to have commission members address various groups around the

country with interesting features arising. One in particular is that those who administer the code will be required to be technically competent. In the latter part of the year Parliament finally passed the "Building Act 1991" with the Regulations to be promulgated the following year. More changes to

The 1991 Conference and Training Seminar was held in Tauranga with the Theme "Building Towards the 21st Century" This was the 24th Conference/ Training Seminar with an address by Alan Bickers, Chief Executive, Tauranga District Council – "Are you ready for the next decade" with a series of changes that will have an impact on all Local Authorities being:

- Private Certification of building consent application and new building construction.
- 2. Performance based national Building Code.
- 3. Monitoring of Local Authority performance by the Building Industry Authority.
- 4. Provision of information on sites.
- 5. Issue of Occupancy Consents for new buildings.
- 6. Annual Safety Inspections.
- 7. Building consent applications to include new features including vehicular access, safety provisions, drainage, utility connections.

He concluded with the comment, 'Local Government Reform and Building Reform will require significant further change to the structure and process of local authorities'.

This was the time when I promoted the following comment: -

"As we move towards our Silver Jubilee, it may be timely to consider initiating some fundamental changes to the Institute. The implementation of both the Resource Management Act and the Building Bill will definitely have an impact on our present functions and duties. Perhaps this is an appropriate time to consider changing the name of During the year more changes occurred on the executive with Past President Ron Roberts retiring and John Apeldoorn replacing him.

1992 began with a period of getting used to the Building Act and awaiting the introduction of the Regulations. The Institute was still actively involved

with the BIA and the proposed training that would be required. This was also our Silver Anniversary with the Annual Conference and Training being held in Christchurch in April.

The conference was convened by Bruce Berryman and his team.

The formal welcome by the Mayor of Christchurch, Vicki Buck, was enlightening concerning the City of Christchurch, the impact the new Building Act was having on staff and ratepayers and how they were proposing to manage the extra workload and costs. These were all very topical of the day. The Hon John Carter was the Minister who presented the opening address on behalf of the Minister of Internal Affairs, Hon Graham Lee. During his address he intimated that more changes were in the pipeline. Whew!

The 25th AGM was quite an important one as we were hosting John Wilson, President of the AIBS, and his team who were watching how the changes were happening in New Zealand. He commented to me that he liked what he saw could happen.

The annual general meeting was well

attended and having been briefed by our Secretary, Peter Morpeth, I proceeded with the business on the agenda (a copy I regret not to have retained) and in the Remits of which there were 2 being

Auckland branch and the Waikato/Bay of Plenty branch. The Waikato/Bay of Plenty branch remit was that the Institute change its name to "New Zealand Institute of Building Officers". Members discussed this at some length with it being suggested that maybe it was several years too soon and that the Institute should wait until the new legislation had settled down and the role of the Institute and other organisations were clearly established. However, another member suggested that the Institute needed to be proactive not reactive. Various other names were suggested including: Building Officials, Enforcement Officers, Certifiers, Building Control Officers.

It was eventually passed subject to the consent of the registrar of incorporated societies, the Institute change its name to "Building Officials Institute of New Zealand"

As the AGM ended I looked at Peter and commented that this was another milestone in the old NZIBI. The

foundations had been laid and the structure was progressing and then I had the privilege of passing over the control of the last 25 years of NZIBI to the incoming President of BOINZ, Colin Gray, to complete the formalities of a name change as required by the Incorporated Societies Act.

There are two plaques in the garage gathering dust for 'Literacy Awards' - one for the old NZIBI and one from BOINZ but of a more worrying item is the absence of the Auckland Branches Plaque of Past Presidents and when we shall see the new NZIBI/BOINZ one? A 'Challenge for the future'??

Nick McKinstry JP,REA, BOINZ Past President.

## **The LBP Supervision Practice Note**



**Paul Hobbs** 

We have recently issued the LBP Supervision Practice Note which outlines all the nuts and bolts a Licensed Building Practitioner (LBP) needs to know about supervising unlicensed people. Supervision in the building and construction sector has become an increasingly hot topic with the amplified amount of work we're seeing across New Zealand.

Supervision is a key feature of the LBP scheme where LBPs oversee unlicensed people undertaking restricted building

work (RBW) in different contexts. It's important that all LBPs read and engage with the Supervision Practice Note. With the current stake of the industry in a building boom, supervision of unlicensed people is becoming more common. There is a right and wrong way to supervise a non-LBP and this Practice Note identifies that to assist supervisors out on site. The Practice Note provides practical guidelines for LBPs working with builders with varying skill levels, as well as we varying difficulty levels of work. It also outlines the value and importance of LBPs' responsibility when it comes to supervision. Practice Notes are administered by regulators and set out expectations for licensed people on key subject matters. Practice Notes are issued by different regimes such as the Plumbers, Drainlayers and Gasfitters Board and the Institute of Professional Engineers of New Zealand. A Practice Note will often address important topics that have potential for confusion. They set out clear expectations



for acceptable conduct and behaviour, and establish clear standards for the industry to follow.

Recently, we've issued several mandatory articles about supervision which can be read in previous editions of Codewords on when is supervising supervision and revisiting supervision. This Practice Note and the Codewords articles share the stance of the Building Practitioners Board and the Ministry of Business, Innovation and Employments. It offers LBPs a consolidated piece of guidance around how to approach supervision.

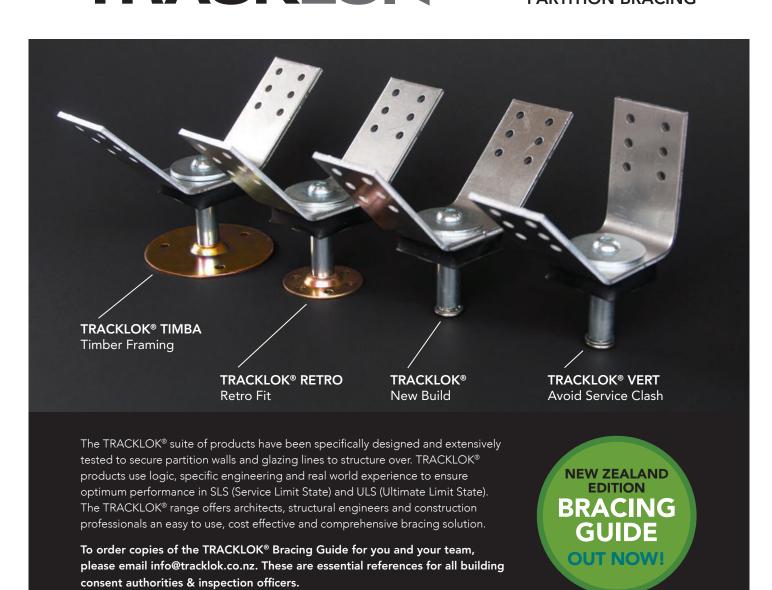
The Supervision Practice Note is available on the LBP website. If you have any questions about the Practice Note, email us at licensing@lbp.govt.nz or call our service centre on 0800 60 60 50 between 8:30 and 5pm on weekdays.



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# **BOINZ Media Release/Membership notice Grenfell Apartment Fire, London**

The Building Officials Institute of NZ (BOINZ) board and staff first and foremost would like to convey their empathy to the families, friends and colleagues of those involved in the tragic incident that unfolded in the Grenfell Apartment tower in London.

There has already been extensive and speculative media coverage on this fire, its possible causes, and the numerous factors that may have contributed to the resulting multiple fatalities. The general public accurately assumes the buildings in which we live, work, and play provide a higher level of protection to human life than the Grenfell Apartment building provided to its occupants. BOINZ believes it is a failure that must be acknowledged and every opportunity taken to investigate thoroughly, and allow findings to influence our continual evolution of building design and compliance outcomes.

The event has also seen wide ranging opinions expressed on the use of what many have described as non-conforming building materials. BOINZ is encouraged by the interest building professionals,

regulators and the general public have shown in the implications that the use of non-conforming or substituted product may have had in this particular instance, and the more far reaching insinuations on New Zealand's own existing and future building stock.

Fit-for-purpose products and systems are of particular relevance to our New Zealand construction regulatory framework founded on a performance based Building Code that permits alternative solutions and systems to be presented for assessment by our Building Surveying Profession against performance requirements. It is a process that those in the construction sector comprehend but the general public has limited understanding of. The performance based requirements do encourage innovation and provide for design flexibility, and as Building Surveyors engaged in building control it is our duty to society to make informed decisions that ensure the risk of events such as the Grenfell Apartment fire are minimised.

BOINZ is not in a position to provide comment on specifics of the Grenfell case

until details of cause and contributors have been published by investigators. At this point in time BOINZ would encourage members, designers, engineers, suppliers and regulators to engage in greater transparent communication, to facilitate informed decisions being made on building product compliance under our performance based requirements to ensure the public can continue to have faith in the quality of existing housing stock and new construction.

BOINZ strives to "Improve the Quality and Performance of the Built Environment" through quality education, facilitating knowledge sharing among the Profession, and construction industry partnerships.

Any life lost as a result of failings should be remembered and considered in making effective changes to better protect others. In this regard the Institute will continue to engage stakeholders in the pursuit of better building outcomes, taking advantage of the interest created by recent events in the construction industry and the regulatory framework underpinning it.



### Android:



- 1. Search your app store for 'BOINZ'
- 2. On the login page press 'first time using the app'
- 3. Enter your membership number, email address, and choose a password
- 4. Tap 'sign up' and you're ready to use the app

iOS:



17

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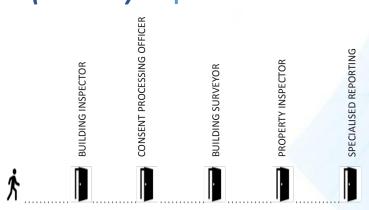
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# NZ Diploma in Building Surveying (Level 6) - Update



### Opening career opportunities in the Building Industry

This qualification is a result of innovative collaboration between BOINZ (the peak body for building surveying in NZ), Otago Polytecnic, Future Skills (a NZQA approved Private Training Establishment [PTE]), and Skills (the Industry Training Organisation [ITO] for the sector), forming the Building Surveying Centre of Excellence. By Combining our unique strengths, we are delivering quality education outcomes suited to real world practicalities of building surveying.

# The New Zealand Diploma in Building Surveying (Level 6);

- is the baseline qualification for anyone actively engaged in, or looking to seek a career in Building Surveying.
- will help deepen understanding of building compliance and ensure practical application for Building Surveyors engaged in building control, pre-purchase property inspections, or specialised reporting.
- alongside other education and training initiatives is targeted to help drive a change in skills, knowledge and perception of Building Surveyors engaged, particularly in Building Control, while also providing staff with targeted quality education in a cost effective and time efficient manner, and to establish Building Surveying as an autonomous profession.



### Specifically, Targeted Qualification for:

### Front-line operations staff

This qualification provides operational staff with assurance that their practical expertise is grounded in 'why we do', not just 'what we do', and meets regulatory requirements.

# Individuals with other building related qualifications

For anyone looking to engage in any aspect of Building Surveying, a more thorough understanding of the building compliance is a must. Compliment existing qualifications and skillsets by adding the specific knowledge required to conduct your duties as a Building Surveyor in an ethical and professional manner.

### **People new to New Zealand**

The qualification brings you quickly up to date with how the New Zealand building compliance system works, and good practice relevant to New Zealand construction.

### **Specialists and Senior management**

Pre-purchase property inspectors and specialist reporters, as well as senior and other non-direct customer faced building control staff can all benefit from this appropriately-scaled overview of core building compliance.

### **In-employment vs Full Time Study**

Two **cost effective** and time efficient delivery pathways are being developed that will help addresses the existing skill shortage:

- In-employment study option for those employed by BCAs, by way of inimitable combination of block course teacher directed learning delivery, assessment of hands-on application of day-to-day duties, and student self-managed learning.
- Full time study option delivered through hands-on, project-based learning with regular site visits, and practicum placement within BCAs.

The NZ Diploma in Building Surveying is also the only NZQA approved qualification, at Level 6, specifically developed for Building Surveyors. This recognises the depth of specialised technical and theoretical knowledge delivered, and for the in-employment option also assesses the practical application thereof as individual's conduct their duties within a BCA.

The qualifications work is on-going; further detailed information will be provided once available, but please don't hesitate to send queries to technical@boinz.org.nz



### By Frana Divich and Sarah Macky

At the Senior Building Control Officer's Forum we convened a panel on the lessons that could be taken from the Stadium Southland case. The panel consisted of Sarah Macky (Partner of Heaney & Partners), Simon Tonkin (Chief Building Control Officer of Invercargill City Council), Peter Jordan (Expert Building Consultant and ex-Auckland City Council Building Inspector) and Professor Stephen Todd (from Canterbury University, an expert on the law of negligence).

The case concerned allegations of negligence brought by the lessees of the stadium, Southland Indoor Leisure Centre Charitable Trust (the Trust) against the Invercargill City Council (the council) for its involvement in approving the construction of the stadium in 2000.

In 2010 the stadium's roof collapsed under heavy snow.

The case went through a High Court trial which the council lost. The council appealed to the Court of Appeal and won. The Trust then appealed to the Supreme Court. The Supreme Court appeal was heard on 10 and 11 August 2017.

For lawyers, the Stadium Southland case has thrown up some interesting issues surrounding the duty of care owed by councils to those who have buildings constructed for them (as opposed to subsequent purchasers). The duty issues are the reason the case has progressed as far as the Supreme Court. However, whatever the outcome of the latest appeal, there are important practical lessons that councils can learn from the case.

### THE BACKGROUND

The Trust engaged a registered structural engineer, Mr Major. The council accepted a design for the stadium from Mr Major. There were nine separate building consents for the stadium construction. The consent we are concerned with had a condition that the construction be observed by a registered structural engineer to confirm compliance with the Building Code. Mr Major was that engineer.

During construction sagging of the trusses by up to 240mm was noticed. The council required the sagging to be addressed. The Trust applied for an amended building consent for the remedial work to the sagging trusses. A producer statement design (PS1) was provided to the council by Mr Major together with a producer statement peer review (PS2) from an independent structural engineer, Mr Harris, in support of the amended consent application. The council relied upon the producer statements when issuing the amended consent.

In addition, the council was assured by both engineers that the sagging trusses was only a deflection issue and there was no issue of inadequate structural integrity which would be a cause for concern. The council was told that there was no threat of collapse. The council issued an amended consent. Two of the consent conditions required:

- Mr Major to confirm in writing that the six trusses' pre-camber was in line with Mr Harris' letter enclosing his peer review producer statement with the pre-camber measurements of the individual trusses to be included; and
- Mr Major to provide a producer statement

   PS4 construction review for the remedial work.

In addition, the council wrote to Mr Major asking him what quality control measures he was putting in place so the council could be satisfied and have confidence in Mr Major's work in the future.

On 28 February 2000, Mr Major wrote to the council setting out the extensive quality control measures he had adopted.
The remedial work to the trusses was completed. The stadium had an opening date of 25 March 2000 which was attended by Helen Clark.

By this stage interim code compliance certificates had been issued but final code compliance certificates had not been issued as there were some outstanding issues. The outstanding issues were not significant and did not compromise the safety of people or to prevent the stadium from opening in March 2000.

In late October 2000, the Trust sought copies of the code compliance certificates for the stadium so that it could obtain an onsite liquor licence. In response, the council wrote to the Trust asking for Mr Major's PS4 and the truss measurements so that it could issue the final code compliance certificate (CCC) for the amended building consent to remedy the sagging trusses.

On 20 November 2000, the council issued the CCC for the amendment to the building consent to rectify the sagging trusses. Simon Tonkin (or any other qualified building inspector) had not approved the issue of the CCC. It was in fact issued by a council clerk without authority. As a result, the CCC was issued when the PS4 and pre-camber measurements had not been provided. Although the council knew at that time that Mr Major had observed the construction and the documentation would be forthcoming.

On 22 January 2001, the council received a letter from Mr Major enclosing the PS4. However, Mr Major had not provided the precamber truss measurements.

The council then wrote to Mr Major asking for the truss measurements.

Many months later, on 28 November 2001, the council received a letter from the architect enclosing the datum heights of the steel trusses and a drawing from Mr Major. At that time the council considered that it had all that it required, although the truss pre-camber measurements had not been provided. Had the pre-camber measurements been provided and not just the datum heights of the trusses, they would have revealed the trusses sagged below Mr Harris' pre-camber requirement.

The High Court recognised that the lack of pre-camber measurements of itself was not a cause of the collapse. Rather, the provision of the pre-camber measurements would have revealed work had not been done correctly and other defects would have been identified such as the welding defects.

The Trust issued proceedings in the High Court one day shy of the ten year anniversary of the CCC being issued. The claim was therefore limited to the negligence in the issuing of the CCC.





### **THE LESSONS**

### Sarah Macky - lawyer

Councils must be vigilant when it comes to being satisfied that building consent conditions have been fulfilled. They must ensure that the information they ask for is in fact provided.

Check the wording of all producer statements to make sure they cover the consent condition and do not attempt to limit the scope of the engineer's work to something other (or less) than what was required.

The Supreme Court was comfortable with the proposition that councils without inhouse expertise to inspect certain types of construction may opt out of inspecting and accept a producer statement. Hopefully that is expressed in the judgment.

### Simon Tonkin - council officer

The Stadium Southland case has helped Invercargill City Council to check PS4s more carefully when they are received to ensure that the correct documents have been referenced by the engineer (such as the right plans and specifications) and that there are no qualifications. If there are qualified statements we will ask why and consider how it impacts on whether the council can be satisfied that code compliance has been achieved.

If there is a difference between the wording of the producer statement and what was envisaged at the outset of the project, but the council deems it appropriate to accept the producer statement then file note the decision in a detailed manner. Simon was cross examined for two days about the council's involvement and the council's practices some 15 years after the event. If something goes wrong you may be put under the spotlight. It is hard to remember many years after the event but good record keeping can help piece things together and the Court likes contemporaneous records.

Post Stadium Southland, the council has also put in place an improved checking system to ensure that producer statements are on the file before a code compliance certificate can be issued.

### Peter Jordan - expert on council practices

It is important for councils to realise that the Courts will scrutinise the steps taken by councils in approving building construction. The issues that all councils face in terms of funding, staffing and lack of time when inspecting building construction will simply fall by the wayside and will not be taken into account when the Court comes to assess whether the council acted reasonably in any given situation.

When considering producer statements make sure the author has appropriate qualifications and experience.

### **Professor Stephen Todd - academic**

The High Court Judge found that the council owed a duty of care to the Trust.

However the findings of the Court of Appeal are very interesting. Only one of the three appellant Judges found that a duty was owed and it was only a very limited duty because the Trust itself arranged for the stadium to be built and in doing so relied upon its own architect and engineers. This Judge went on to find that although the council owed a duty, it had not in fact caused any loss to the Trust because the council did not rely upon the council's CCC rather it relied upon its own experts.

The other two Court of Appeal judges found that the council did not owe a duty of care.

### **SUPREME COURT**

Heaney & Partners were the council's solicitor in the Supreme Court. The five Supreme Court Judges have reserved their decision. We expect a judgment later this year.

The last important lesson that can be taken from the Stadium Southland case is that litigation is a very uncertain process. The council was found liable to the Trust in the High Court on the basis that the council owed the Trust a duty of care and that it breached that duty of care in not requiring Mr Major to provide the pre-camber measurements for the trusses. That resulted in the council being found liable for in excess of \$15 million which is a substantial sum for Invercargill.

In the appeal to the Court of Appeal the Court overturned the High Court judgment in its entirety by finding the council was not liable to the Trust. There was complete flip flop in outcome between the two levels. We think that if the Supreme Court finds the Trust was not owed a duty of care by the council, then it will be on the basis of a very limited exception to the general rule due to the specific facts of the case. Those specific facts are that the Trust was a commissioning owner i.e. it had the stadium built for it; that the only claim was limited to the council issuing the CCC (because all other council involvement was time barred due to the ten year limitation in the Building Act); and because the Trust did not appear to rely upon the issue of the CCC.

It could go either way.

If you are interested in hearing the result of the appeal please email Sarah Macky at sarah. macky@heaneypartners.com and she will send you the judgment and a summary of it, when it is released.



**straight up** September 2017 **21** 

# The NZHHA and NZ's Demand for Solid Fuel Heating



New Zealand Home Heating Association Inc.

The New Zealand Home Heating Association was formed in 1985, by a group of wood burner manufacturers and retailers who saw a need to improve the standards of products and workmanship within the industry.

The New Zealand Home Heating Association (Association) today has an extensive membership comprising of the country's leading manufacturers, retailers and installers of domestic wood burning appliances.

Once completed, an Installer member becomes a Solid Fuel Appliance Installation Technician (SFAIT). Working with a SFAIT gives the customer peace of mind that the correct fire is selected for the home and that it is installed to a high standard.

Accordingly, the NZHHA encourages all homeowners ensure an installer is suitably qualified prior to installing the solid fuel appliance.

Wood-burners are among the most lethal appliances installed in a home, as there is the potential for them to cause a house fire. Many modern wood burners are technical and require considerable expertise to install.

The NZHHA website is a convenient way to find professionals involved with the solid fuel heating industry. We provide a special link to all Councils in New Zealand allowing you access to check who are current SFAIT installers. Please email info@homeheat.co.nz for the link and login details.

The NZHHA has a wealth of industry expertise and is dedicated to providing professional services and advice to its members and their customers. As an Association we have become the industry's voice for advice on

regulations to members and non-members alike. The Association has an active role in the development and promotion of clean air standards, and energy and resource conservation. The Good Wood programme has been a critical factor in educating the public about quality fuel and clean methods of operating a wood burner.

Importantly, as a national organisation, submissions to regional authorities on clean air policy offers the knowledge gained from what has worked in other regions.

NZHHA has played a crucial role in writing the Domestic Solid Fuel Standards in New Zealand and Australia.

Through the Building Officials Institute of New Zealand (BOINZ), the NZHHA runs training programmes for Building Consent Authorities inspectors throughout New Zealand. It is critical they know what to look for when they are inspecting solid fuel heaters

The NZHHA is run by an Executive Board that works hard to ensure high standards are maintained across the industry. The Board considers it necessary to also assist the public where possible in the interests of safety and advice on clean air rules.

The Association has four Field Officers, two in each island, who regularly audit NZHHA certified installers. Onsite audits and refresher classroom training are an important part of the quality assurance regime. Our Field Officers are also available for any technical information or guidance.

New Zealand manufacturers have come a long way. Solid fuel heaters used to emit around 4.5 grams per kilogram of fuel burnt. However, new air quality standards have necessitated that appliances maintain emissions as low as 0.5 grams per kilogram of fuel burnt. Such leaps in technology have enabled the solid fuel industry to continue alongside the introduction of strict air quality standards.

New ultra-low emission burners (ULEBs)

are proving to be very popular in clean air zones amongst the regional councils and consumers alike. Technologies being released to the market will continue to have a positive impact.

New products are constantly being developed in the market from significant investment in research and development of NZHHA manufacturers. along with a huge amount of testing and re-testing to ensure they meet the current standards. As stricter standards are further implemented around the country, the Association expects ULEBs to have a larger presence in the market.

### WHY CHOOSE A NZHHA CERTIFIED INSTALLER?

- NZHHA Solid Fuel Appliance Installation Technicians (SFAIT) are trained under the most comprehensive training programme available in New Zealand.
- An SFAIT Installer has been trained to apply the AS/NZS 2918:2001 Domestic Solid Fuel Heating Appliances to the New Zealand Building Code.
- An SFAIT Installer has additional knowledge regarding installation techniques to be both practical and safe for New Zealand consumers.

### **NZHHA AIMS AND OBJECTIVES**

- To promote and maintain high standards of production, advice, and the installation of solid fuel appliances.
- To promote research and education of wood as a sustainable and cost-effective source of energy.
- To build relationships with government departments such as MBIE and MFE and also Building Consent Authorities for the betterment of the solid fuel heating industry.
- To foster and promote research and innovation so that solid fuel technology advances and remains a legitimate and desirable form of domestic heating.



### **CONTACT INFO**

If you require further information, either contact the Association at the contacts below, or one of the members.

We'll be pleased to help you.

Email info@homeheat.co.nz www.nzhha.co.nz National Secretary (04) 473 6011 A professional association keeping NZ warm since 1985

# The right tool for the job What's new in Building Act enforcement



Nathan Speir is a Senior Associate at Rice + Co Lawyers and specialises in providing compliance and enforcement strategies for local authorities

Recently we assisted Tasman District Council in prosecuting a landowner who had transformed his rural, two-storey shed into a potential dwelling. The council's practices received a glowing endorsement from the Court, which is always worth celebrating.

The basic facts were that neighbours first complained of the man's alterations to his consented shed in 2013. Council staff inspected the work in December of that year and did their best to resolve the issues amicably. However, the defiant landowner forced the council to issue two notices to fix, neither of which were complied with. As a last resort, the council commenced a prosecution under section 164 of the Building Act for failing to comply with one of the notices to fix. The landowner promptly pleaded guilty to the charge and was fined \$4,000. 90% of the fine was directed to be paid to the council, however the matter was never going to be a cost-recovery exercise. The real benefits came from the Judge's public endorsement of the council's practices.

The Judge agreed that one of the council's roles was to regulate the built environment for people's safety and that ultimately consenting gives home buyers confidence. He also gave support to our

submission that "to put one's head in the sand is not good enough."
The Judge's comments attracted some media attention and the council's Environment and Planning Manager,
Dennis Bush-King, received a valuable opportunity to relay some key messages, including:

"We have been trying over a long period of time to work this out.
Action like this is a last resort. We do not have the resources to attend to it all, but we do respond to complaints."

The importance of getting messages like this across to the community should not be underestimated. If Tasman District Council's decision to prosecute has deterred one other person from carrying out illegal building work then it has done well by its ratepayers.

Our experience suggests that some readers consider Building Act enforcement and compliance as costly, not customer focussed and too aggressive. We often hear complaints that, unlike Resource Management Act prosecutions, fines imposed for Building Act offending are akin to a slap on the wrist with a wet bus ticket.

To those readers we say that the only reason the fines aren't more serious is because, unlike the Resource Management Act, there aren't enough Building Act prosecutions being commenced to push Judges to impose harsher penalties.

Councils have a number of enforcement tools available to them but those tools, like any other, are only useful if they leave the shed occasionally - for the right job. To read the Stuff article on the above prosecution please follow the link below and for any questions on Building Act enforcement and compliance feel free to call.

https://www.stuff.co.nz/business/ property/94176190/tasman-shed-ownerfined-4000-for-illegal-alterations

# **TA010 Light Steel Framing**

**2017's** last training opportunity with BOINZ

11 December 2017 in Hamilton

Light Steel Framing is achieving a growing market share within the built environment. It is essential Building Surveyors, Designers and Builders have a thorough working knowledge of the technology and construction requirements that pertain to steel framed buildings.

This course will provide an understanding of the content of the NASH (National Association of Steel Framed Housing)
Standard - Residential and Lowrise Steel Framing Part 1: Design Criteria and the tools required to apply this knowledge to ensure compliance of a completed steel construction.

For more information about this course please view the BOINZ Training Calendar on

### www.boinz.org.nz

If you are already thinking about your education in 2018, BOINZ Training Academy is keen to hear about what courses you would like in your area.

Please email training@boinz.org.nz with any courses you would like to be run in your region.



# **Steele Construction New Zealand**



### Industry initiative drives quality

A big challenge for building officials and design and construction professionals is identifying structural steel fabricators capable of completing work to the appropriate standard. The trend towards sourcing steelwork offshore has made the task even more problematic.

"The current boom in construction activity has seen an increased amount of imported prefabricated steel entering New Zealand. However, there have been cases where it has been difficult to prove the steelwork meets the required specification, leading to expensive and time-consuming testing to demonstrate compliance. The upshot is costly project delays," says Steel Construction New Zealand (SCNZ) Manager Darren O'Riley.

The Steel Fabrication Certification (SFC) scheme is a pivotal initiative.

Launched in 2014, the industry-led quality assurance scheme aims to provide procurers, specifiers and building inspectors with greater certainty of product quality and significantly reduced compliance risk. SFC ensures participating structural steel fabricators are capable of manufacturing product to the specified standard by certifying that companies have installed the appropriate personnel and quality management systems.

SFC's technical base is the recently published Structural Steelwork Fabrication and Erection Standard AS/NZS 5131. It has the potential to improve quality by defining good practice. AS/NZS 5131 identifies the key manufacturing processes a fabricator must control, the key competencies required, and the inspection and testing necessary to establish conformance with the standard.

### Kiwi steel firms take the lead

Since SFC's introduction, 28 fabricators – representing 80 percent of New Zealand's structural steel output – have become certified.



Notably, the SFC qualification will soon be mandatory for all SCNZ fabricator members – members voted unanimously to introduce the compulsory requirement at its last AGM.

Mr O'Riley says that New Zealand's structural steel fabricators have shown tremendous support for the SFC scheme.

"Certification is a significant step for our industry and shows New Zealand is taking the lead internationally on raising industry standards. We are committed to providing compliant product of the highest quality for building and infrastructure projects nationwide.



This new resolution means SCNZ membership will be much more than simply paying an annual fee – members will first have to qualify then ensure they maintain their standard," says Mr O'Riley.

New SCNZ members must now qualify for SFC prior to being inducted into SCNZ and existing members have until 2020 to meet the new requirement. This timeframe will allow the industry to prepare. The SFC process involves an initial audit followed by annual reviews.

"As with many construction materials, the current compliance regime for structural steelwork relies, for the most part, on self-inspection and self-certification. This approach is dependent on the fabricator's expertise, ethics and quality systems, and on the knowledge and expertise of engineers and welding inspectors, to assess if the steel supplied is compliant," says Mr O'Riley.

Significantly, the SFC scheme raises the bar by providing expert certification of New Zealand fabrication companies. Independent auditing body HERA Certification was established to audit and certify steel fabricators to ensure they have both the welding and the fabrication quality management systems in place to consistently produce fully compliant steelwork.

The scheme also offers an important point of difference for locally fabricated steelwork compared with offshore competitors.

"The SFC initiative is a continuation of the industry's focus on raising standards and ensuring a sustainable future. Over the last decade, local industry has invested substantially in research, people, and state-of-the-art

technology and workshops. The effect has been to boost capacity, efficiency and quality, and reduce the cost of prefabricated structural steel," says Mr O'Riley.

As a result, the appetite for steel has grown considerably. Today, structural steel's market share is more than 50 percent nationwide. Christchurch is leading the way due to the material's proven seismic performance where steel has grown its share of the multilevel construction market to over 80 percent, up from virtually nil prior to the Canterbury earthquakes.

In the past year the New Zealand structural steel sector has turned approximately 100,000 tonnes of structural steel (plate, hot-rolled and hollow sections) into buildings and bridges through its network of steel distributors, fabricators and erectors.

#### **SFC Architecture**

SFC is based on four pillars: technical requirements, conformity assessment, a risk-based approach and an independent auditing body.

### **Technical Requirements**

The technical foundation for SFC is AS/NZS 5131, which is expected to replace the Fabrication and Erection provisions in the current Steel Structures Standard NZS 3404 in 2018.

### **Conformity Assessment**

Weld quality is at the core of SFC and the International Institute of Welding's Manufacturer Certification Scheme IIW MCS ISO 3834 is a key certification plank. AS/NZS 5131 defines the manufacturing controls needed to ensure that structural steel components meet the technical conditions of the standard.

### **Risk-based Approach**

Four construction categories, CC1-CC4, are recognised in the SFC framework. It enables specifiers to select a level of quality management appropriate to how safety critical the component will be in the construction.

### **Independent Auditing Authority**

In line with international best practice, independent auditing body HERA Certification was established to assess and certify steel fabrication companies. It audits both the welding and the fabrication quality management systems.



24

# **Concrete Industry Goes On the Front Foot**

The New Zealand concrete industry has come together to promote concrete as the resilient construction material of choice for a modern New Zealand. Concrete New Zealand (NZ) was launched on 28 August 2017 at a Parliamentary function in Wellington hosted by Hon Dr Nick Smith, Minister for Building and Construction.

"Concrete, in its many forms, is the foundation (and heart) of the majority of residential, commercial and infrastructure construction throughout New Zealand. "The recent earthquakes have demonstrated the benefits of appropriately designed and built concrete structures. It is simple, concrete is functional, resilient and sustainable. In New Zealand, concrete is the ideal fit-forpurpose building material – it has no rival in modern construction," says Concrete NZ Chief Executive Rob Gaimster.

"Concrete NZ is being launched at a time of unprecedented construction activity, with work across all sectors forecast to remain strong for the immediate future," says Mr Gaimster. "New Zealand's cement production is world-class, as are our ready-mixed concrete and precast operators. The concrete industry is capable of meeting the expected rise in future demand.

"The idea of a single consolidated association for the concrete industry emerged several years ago. As an industry, we want to be better placed to promote excellence in all things concrete, in an efficient and effective manner that provides better value for all. I am very pleased that we have been able to realise that vision."

Founding member organisations of Concrete NZ are the Cement & Concrete Association of New Zealand (CCANZ), the New Zealand Concrete Masonry







Association (NZCMA), the New Zealand Ready Mixed Concrete Association (NZRMCA), Precast New Zealand (PCNZ) and the New Zealand Concrete Society (NZCS).

Concrete NZ aims to be a highly respected and valued association, supporting industry to position concrete as the resilient construction material of choice for a modern New Zealand. This will be achieved through a consolidated voice that brings confidence, knowledge and leadership to members, industry and regulators.

"As a consolidated association, this new organisation speaks with collective authority on behalf of its members," says Concrete NZ Chair Glenda Harvey. "Stakeholders within government and amongst professional groups can now liaise with a single concrete industry association."

Through a pan-industry work programme Concrete NZ will strive to improve perceptions, raise standards and promote quality through its consolidated voice. Areas of activity will include regulatory advocacy, knowledge transfer and Standards development. "We are very excited about what Concrete NZ can help its members achieve in the future," says Mrs Harvey.

"A key outcome of the consolidation will be contributing to a resilient and prosperous New Zealand." Ends

For more information go to www.concretenz.org.nz or email admin@concretenz.org.nz





# **Metals New Zealand Appointment**







Gary Hook

**Nick Collins** 

We are pleased to advise that Mr Nick Collins has been appointed to the CEO role for Metals NZ effective the 1st of September 2017. Nick will replace Gary Hook who will be retiring at our AGM in October after 4 years of sterling service.

Nick joins Metals NZ from Beacon Pathway where he has been General Manager and then CEO for over 10 years now. Prior to that Nick held a number of senior GM type roles in both public and private industry.

Nick has significant experience in the building and construction sector. In addition, he is well versed in the research, lobbying and advocacy spaces.

Nick has an MBA from Auckland University and brings with him excellent networks and relationships in Wellington that he has built up over the years.

We welcome Nick to our organisation to take on the next phase of our development, and we will farewell Gary in the appropriate way a bit closer to his leaving date.

Kind regards

#### Scott Fuller

### Chairman, Metals New Zealand Inc.

P.O. Box 76 134, Manukau 2241, Auckland City, New Zealand Phone (direct): +64 9 262 4846 | Phone (main switchboard): +64 9 262 2885 | Fax: +64 9 262 2856 | Mobile: +64 21 571 619 | E-mail



# **GoShift- Simply Faster Building Consents**



GoShift is a partnership between central and local government to improve performance, consistency and service delivery across the building consent system. The programme will deliver a common vision, goals, management framework and quality management for building consent processes across all participating councils.

GoShift now has a new online service for building consent applications, and it's live. The service, one of a number of initiatives that aim to improve performance and consistency across the building consent system, means that customers will enjoy simpler, faster building consenting – no matter where they live and work.

The online service trial began at the end of April 2017 with seven participating councils. Since then, nearly 400 submissions have been created in the online portal, and the service is gradually being introduced to more customers.

More than 20 Councils from Western Bay of Plenty to Nelson are involved with GoShift, most of whom are already using the new standardised building consent application forms.

Making applications with GoShift's online service will be quicker and easier for customers with a single point for application submissions. It also means that customers will be able to easily track the progress of their application, including the ability to check if more information is required for processing.

Stephanie Lay, Online Service Project Manager, says it's great to have the service go live, and extending it to more customers.

"We've had lots of positive feedback from customers who say that it is quicker and easier to apply for a building consent online," she says. The new online service is being provided by GoCouncil – a partnership between Master Business Systems (MBS) the developers of GoGet software suite, and Nuwave Technologies. MBS has more than 20 years of experience working with Council building departments. In the future, processing and inspection checklists will also be standardised, and there will be a single, best practice quality management system.





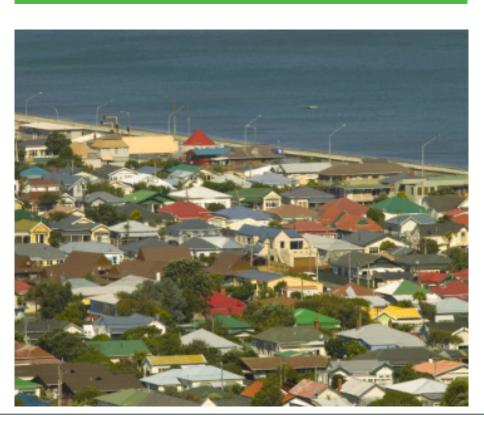
### **BOINZ Subscription Fee Change Notice**

At the 2017 AGM, members discussed and ratified a motion to increase annual subscriptions for all Membership Categories of the Building Officials Institute of New Zealand by 5% effective January 2018.

The supporting information advised members that subscriptions hadn't altered since 2012 and the Institute was now operating in an environment of increased cost and revenue pressures. The increase was seen as modest particularly in an environment where the Institute was looking to expand its training and other service investments to enhance benefits to grow and support our membership.

Membership subscription invoices will be issued in November 2017 for the 2018 subscription year and will reflect the changes.

For any further information please contact membership@boinz.org.nz



**straight up** September 2017 **27** 

# Senior Building Control Officers Forum 2017 Expo Highlights



### 6 - 7 November 2017 in Queenstown

### TA 007 ADVANCED PLAN PROCESSING

The concept of Advanced Plan Processing revolves around demonstrating compliance of a dwellingto all of the Clauses of the NZBC that apply to housing using the Simple House Acceptable Solution.

Reference will also be made to other Acceptable Solutions that might also be applied to the variousclauses of the NZBC required to demonstrate compliance for housing, e.g. NZS 3604, 4218, etc.













### 6 - 10 November 2017 in Christchurch

### TA 019 Plumbing and Drainage Compliance

A Building Surveyor must have a thorough understanding of the mechanics of safe water heating, hot and cold water distribution and disposal of surface water, waste water and sewerage to an approved outfall.

This course provides the ability to review and inspect these installations to identify different systems and approaches and to recognise unsafe installations and ensuring compliance with the N7RC













8 - 9 November 2017 in Queenstown

### TA 017 SERVICES AND FACILITIES

Services form a significant part of any building and because of this their installation and maintenance to comply with the code is essential to ensure the safety, health and amenity of the public.

The modules covered in this course deliver a working knowledge and understanding of the following disciplines.













13 November 2017 in Christchurch

### TA 004 ACCREDITATION

Accreditation is the ultimate risk management tool. This course ensures participants have knowledge, understanding and a capacity to contribute effectively within a Building Control Authority.











20 - 21 November 2017 in Hawkes Bay

### TA 013 E2 WEATHERTIGHTNESS

The NZ economy has experienced one of the worst construction disasters in its history. This weathertightness disaster was caused by lack of understanding and lack of application of the clause E2 Weathertightness.

This course will provide an understanding of the mechanics of water and the application

of these principles ensuring compliance with E2 to make buildings weathertight.













27 - 28 November 2017 in Hamiton

### TA 005 PLAN PROCESSING

Plan Processing is a significant component in ensuring quality building outcomes. This course provides a foundation of knowledge and application practices ensuring the delivery of compliant design and construction for the end

The course includes practical exercise, simulation and case studies using real









27 - 28 November 2017 in Christchurch

### TA 014 B2 Durability

The Building Code stipulates requirements around the durability of various building components, ensuring the continued safety and health of building users.

The building surveyor plays an essential role in ensuring a building is fit for purpose, by meeting the code requirements with only normal maintenance.







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