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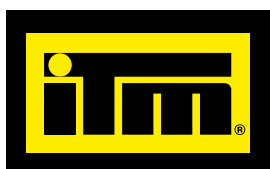
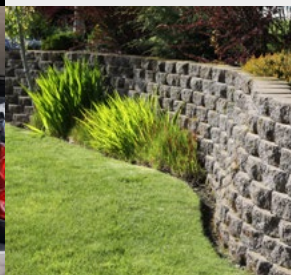
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Building Business contributes towards your LBP skills maintenance requirement. Ensure you log this into your ITM diary or the ITM App today.





03

INDUSTRY NEWS

# ITM and NZCB Apprentice Challenge 2017

**On 8th April ITM and NZCB ran Apprentice Challenge events in 13 venues around the country to find the finalists for this year's National Final.**

Tasked with a challenging 8 hour build, all 70 of the apprentices planned, prepared and built an outdoor furniture set to be judged by teams of experts.

This was a great opportunity for the future builders of New Zealand to show their skills and impress everyone with their craftsmanship and attention to detail. With representatives from ITAB, BCITO and Southern Group Training present, there was an incredible level of talent on display.

ITM and our supplier network provided materials for the competitors, as well as a range of top quality trade tools and ITM vouchers as prizes.

## **Congratulations**

We would like to congratulate all of the apprentices around the country who took part in the challenge, especially those who competed in the finals at the NZCB National Conference & Expo in Auckland on the 26th and 27th of May. To see the results of the final visit [www.itm.co.nz](http://www.itm.co.nz)

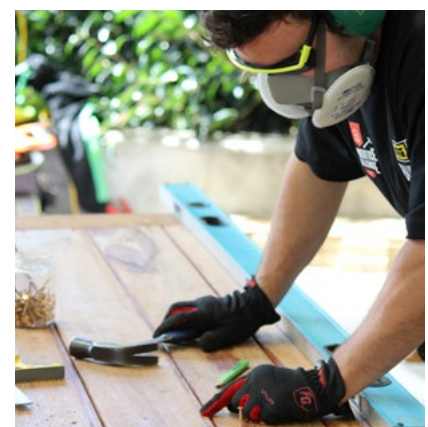
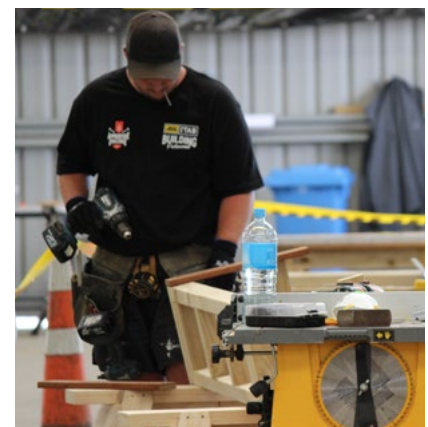
If this sounds like something you or one of your apprentices would like to be involved in, make sure you register for next year's event which is shaping up to be the biggest competition yet.

CONTINUE >>



## Thanks

ITM would also like to thank all of the ITM stores who provided venues, materials and staff to ensure the success of these events, along with the fantastic support from NZCB, ITAB and suppliers: Makita, Estwing, G-Man, Marshalltown, Stanway, Holdfast, Gorilla, GIB and James Hardie.





# POWER TOOLS

## 18V Brushless Compact Impact Drill 3.0Ah

#DV18DBSL(GM)

- 70Nm hard torque output
- Powerful high-torque, compact brushless motor
- Heavy duty 13mm single sleeve metal keyless chuck
- Includes 2x 3.0Ah Lithium compact batteries and fan-cooled smart charger



**\$409**  
EXCL GST

**HITACHI**

## 18V Triple Hammer Brushless Impact Driver 6.0Ah

#WH18DBDL2(GY)

- Triple hammer design for higher torque and better control
- Powerful 207Nm of torque
- 4-mode power selector
- 25% faster screwing than previous models
- Includes 2 x 6.0Ah Batteries, rapid charger & case



**\$753**  
EXCL GST

**HITACHI**

## 18V Brushless Combo Kit 6.0Ah

#KC18DBDL(GB)



- DV18DBL2 Brushless high torque 136Nm Impact Drill
- WH18DBDL2 Brushless triple hammer 207Nm Impact Driver
- 2 x 6.0Ah Lithium advanced batteries
- Rapid 38 min smart charger & stackable system case

**\$949**  
EXCL GST

**HITACHI**

## Brushless 18V Rotary Hammer (skin)

#DH18DBLNN

- 3 mode action: rotary drilling, hammer drilling or chiseling
- High performance brushless motor
- 26mm masonry drilling – SDS+
- Fastest drilling speed in its class
- Battery not included



**\$403**  
EXCL GST

**HITACHI**

## 125mm Orbital Sander

#SV13YB

- 230 watt
- Low noise and minimal vibration
- Ergonomic design
- Hook & loop pad
- Dust collection bag



**\$159**  
EXCL GST

**HITACHI**

## 305mm Slide Compound Mitre Saw

#C12RSH2(G1)

- Powerful 1,520W motor
- Proven belt drive system for safety and durability
- Laser guide for accurate cutting
- Compact slide system with large cutting capacity
- Dual bevel " left / right 45 degrees



**\$1,300**  
EXCL GST

**HITACHI**

## 18V 165mm Brushless Deep Cut Circular Saw (skin)

#C18DBALNN

- High performance EDT brushless motor delivers more power
- Overload protection soft start and electric brake
- Deep Cut Technology, can cut framing timber on the 45deg
- Cuts 67mm @ 90deg and 47mm @ 45deg
- Battery not included



**\$358**  
EXCL GST

**HITACHI**

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**Spend over \$300 on any products on this page and receive a free Beanie and Gloves\***

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# Why aren't more homes better?

**BRANZ research shows homebuyers are interested in high-performance homes. The problem is that information on building above the Building Code minimums is sketchy, and building professionals could do better.**

Tucked away in a picturesque Christchurch street is a house that started the Superhome movement; 11 Church Square, Addington. If you walk by this house, its design may prompt an admiring look.



*11 Church Square in Christchurch is a high-performance Superhome.*

It's what's inside that sets it apart. The house has New Zealand's first 10 Homestar rating, a rating that certifies a house's level of health, efficiency and sustainability.

This means it demonstrates international best practice as a high-performing sustainable home. For example, the house has slab-edge insulation, thicker exterior walls and higher levels of roof insulation, making the indoor temperature a comfortable 22°C in winter without any heating.

## **Why aren't more buildings beyond Code?**

The Superhome movement, Passive House Institute of New Zealand and various Zero Energy House projects lead the way in changing our attitudes towards high performance housing.

Houses such as 11 Church Square demonstrate what can be done with current materials, technology and know-how within the building industry.

So why aren't more New Zealanders choosing to build beyond Code and incorporate sustainable high-performance design and features into their houses?

**Research participants spoke of their frustration about a lack of choice and sustainability options, and their builder's poor knowledge.**

## **BRANZ project investigating**

A Building Research Levy-funded project by BRANZ has been looking at why New Zealanders choose to, or not to, build or retrofit homes to exceed the Building Code.

To date, the project has undertaken an audit of information sources and interviews with consumers and industry experts about building beyond Code.

## **Poor information available**

We have found that much of the information available to consumers is fragmented and unhelpful. One respondent summed up the difficulty of finding relevant information and failed conversations with her builder about trying to exceed Code minimum housing as "the whole system wears you down".

Tools to help with the design and construction of sustainable high-performance houses such as Homestar, were found to be not widely known by consumers. This was also found in previous research. In the few instances where interviewees knew about Homestar, this was due to the use of the rating tool on the television show *The Block NZ*.

## **Builder reluctance to build non-standard**

Other research participants spoke of their frustration about a lack of choice and sustainability options and their builder's poor knowledge, especially in post-earthquake Christchurch.

One wanting to incorporate a greywater system into her rebuilt house after the Christchurch earthquakes just gave up as "it was too hard to get builders to do anything non-standard."



### Consumer interest is there

What has been clear from the research so far is that there is great consumer interest in housing features beyond Code that promote warmth and energy efficiency. However, there is a disconnect between building professionals, relevant information and consumers.

People searching for comfortable, healthy and efficient high-performance homes are often passionate individuals, devoting a large amount of time to online research or talking with others with similar wishes. This desire to seek out information about high-performance housing suggest public attitudes to Code-minimum housing are changing.

The choice to exceed Code minimums in buildings is a first step in changing New Zealand's cultural attitudes and expectations towards housing performance and sustainability.

As one participant explained, "exceeding suggests it is expensive. Perhaps ... [it's] better to frame it around doing something good like healthier and warmer homes."

### Consumer resource to be developed

By expecting more from housing performance, consumers could take more responsibility and empower themselves to demand the kind of home they want built.

As this research develops, a benchmarking survey will be undertaken to see where the industry is currently exceeding the minimum building standards.

BRANZ will also create a resource for consumers and industry that enables more discussion around choosing to exceed Code-minimum housing performance.

### By Casimir MacGregor,

BRANZ Senior Social Scientist, and Tegan Wardle, Victoria University Of Wellington



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**NEW  
FEATURES**

# Maintenance Schedules

Save even more time creating your next maintenance schedule. The new maintenance schedule workspace features mean it's easier and quicker for you to use.

You can now manage volumes of schedules, save, sort and share them within your own personal workspace. The enhanced easy-to-use features include:

- Sort and save schedules alphabetically by schedule name or client name.
- Add notes to each schedule.
- Include a practical completion date.
- Send and share your schedules to other users within the tool.
- Save schedules as a favourite when building spec homes and produce copies of favourites for future builds.

In addition, the site look, feel and navigation have also been refreshed.

Increase your workflow and meet legal obligations by providing your clients with a detailed maintenance schedule report at the end of the build.

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



# Discover the new range of GIB-Cove®

SHOWCASING MEZZO



Whether you're building a new home or renovating, Mezzo by GIB-Cove® is a stylish and cost-effective way to cover gaps at wall and ceiling junctions. Like the other cornices in the GIB-Cove® collection, Mezzo creates a stable system that ties walls and ceilings together. Plus, with a whole new range of GIB-Cove® to choose from, there's a style to suit any client.

**To view the full GIB-Cove® range contact your local Winstone Wallboards representative or visit [www.gib.co.nz/cove](http://www.gib.co.nz/cove)**





# The apprentice diary: entry #4

09

APPRENTICES

**I've often heard the term 'variety is the spice of life', and it is certainly proving the case on-site.**

I'm now on the far side of the six month marker and during this time I've had a wide exposure to how houses are built, altered and added to. I've even changed employers and found they have different approaches.

With all this variety, time certainly has flown by and with never a dull moment, well... maybe the odd couple. To be honest, there haven't been too many tricky situations either, but when they have arisen, it's normally because I didn't have the right tool for the job.

## **Funny...for some**

Along with all the usual building duties, there have been some other fun things happen, like seeing a 300mm rat carcass drop down on top of a fellow apprentice (see pic) or a bag of cement open at the bottom, dropping all its contents over a workmate. I've had a few interesting things happen to me too, like blowing up balloons to put in downpipes to test water tightness of the surrounding deck above, only for the balloon to fall through, leaving me to try and blow a replacement up underwater to stop the downpour, much to the amusement of everyone else.

## **My next big project**

As mentioned in my last diary entry, my confidence is now growing fast (but not too fast, I still know there is a lot to learn), however I have set myself the inspirational goal of building my own family home within the next 5 years. This will either be a new build or a large renovation. I've mentioned it to a

few friends, who have said that would be amazing (most are office workers), and I too feel it would give a great sense of satisfaction.

## **Adding to the knowledge bank**

To that end, building on lots of different sites allows us all to see what works and doesn't work, whether it be the flow of a house, the orientation, how you can squeeze an extra bedroom in, or simply some cool ideas for garden furniture or landscaping. They all add up to valuable experience and knowledge.

It's not until a friend or family member asks for your advice on how to do some building jobs, that you realise you know more than you think. On that note, stay positive that every day is a day to learn. Yes some tasks maybe dull, but they are done for a reason with the end goal of a professional outcome in sight. Plus with every dull job done, you are one step closer to the more fun jobs.

**By Stu Foster**

Apprentice

## **Highlights**

**Best job:** Framing

**Worst job:** Honing exterior bricks

**Favourite power tool:** Sabre Saw

**Favourite hand tool:** Chalk line

**Apprentice tip:** Keep your batteries charged

# Build easy workplace policies

**You can't expect staff to follow the rules if they don't know and understand them. So business.govt.nz and Employment NZ have launched the Workplace Policy Builder to help you create policies tailored to your business.**

Policies set out the house rules for your workplace. Together with an employment agreement, they're a great foundation for employment relationships.

## Why have policies?

Policies tell your workers what you expect from them, and what they can expect from you.

Using this tool to create policies will save your business time and money, and help build great relationships with staff. It will also help you comply with your obligations as an employer and reduce misunderstandings that can lead to disputes.

## DIY with ease

The tool guides you through the steps to create policies tailored to your business. A policy can be as short or as detailed as you need.

You can save draft policies part way through and return to them any time. Once you're happy with a finished policy, email it to yourself.

At every step, the tool offers information, tips and ways to avoid common mistakes to help you decide what you need in the policy.

Once you have your policies, pop back from time to time to check new ones added.

Check it out now at:  
[wpb.business.govt.nz](http://wpb.business.govt.nz)

## Workplace Policy Builder (WPB) - FAQ

### 1. What is included in the new tool?

Three workplace policies have been launched to start with:

- ☐ Flexible work policy
- ☐ IT and social media policy
- ☐ Leave and holidays policy

### 2. How will the content be kept up to date?

Business.govt.nz will continue to work closely with Employment NZ and MBIE Policy as new employment laws are developed and make sure WPB is kept updated. Users will be notified of any material updates to policies via the business.govt.nz newsletter.

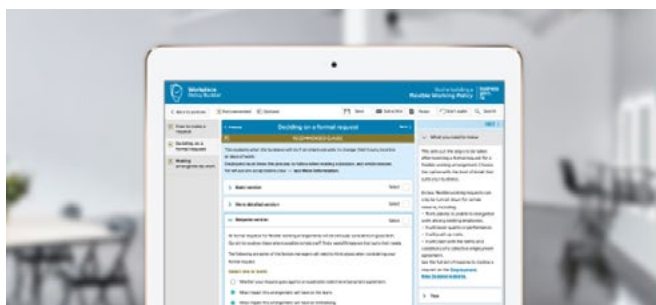
### 3. Who is the tool designed for?

WPB is designed primarily for small businesses with staff. Because the tool also features guidance material explaining its clauses, it can also be used by staff to learn about workplace policies and check specific clauses in their policies.

### 4. What is business.govt.nz?

business.govt.nz makes business easier, by bringing together advice and guidance from across government and the private sector, all in one place, all designed for small businesses.

WPB is a good example, by making it easy to create legally correct workplace policies that will also improve your team's performance.



## Build your own workplace policies

Use our Workplace Policy Builder to create policies tailored to your workplace. The tool has tips to help you decide what to put in and leave out of your policy. You'll also find common mistakes employers make and ways to avoid them.

[Get started](#)

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gloss black uPVC spouting and downpipe system.



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HOTEDGE®

# GET THE EDGE

## ACHIEVE A SUPERIOR R-RATING WITH FIRTH'S NEW SLAB EDGE INSULATION

As we head into an era where energy efficiency and sustainability defines how homes are designed and built, Firth have developed a new slab edge insulation system called RibRaft® HotEdge®. Designed specifically for Firth RibRaft® floors, RibRaft® HotEdge is a fully integrated slab edge insulation system that assists in attaining Homestar® points. The system is fully compatible with Firth's RibRaft EQ® and RibRaft TC3® seismic foundation systems.



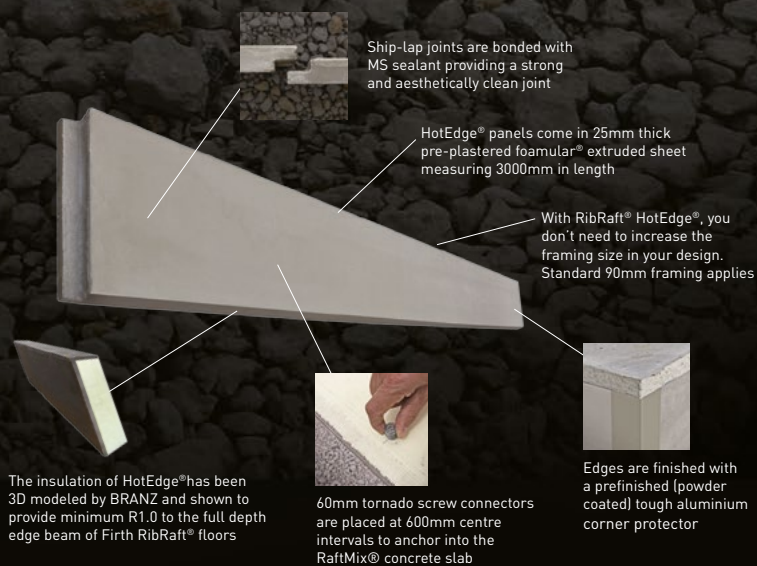
Unlike 'bolt-on' alternatives, HotEdge® panels are placed inside the RibRaft® foundation boxing before Firth RaftMix® concrete is poured. Tornado screws allow it to be structurally connected to the Firth RaftMix® concrete edge beam, making it an integral part of the foundation.



RibRaft® HotEdge® is a closed cell extruded insulation system, with a pre-meshed and plastered exterior that provides high strength durability and is highly resistant to moisture, retaining its R-value year after year.



Boxing is removed, revealing a truly integrated seamless thermal barrier. With the RibRaft® HotEdge® you don't need to increase the framing size in your design: standard 90mm framing applies.



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# Should builders insure their tools?

13

INSURANCE

**Tool theft is rife around the country at the moment and if it hasn't happened to you yet, you've probably at least heard of it happening to someone you know. We're urging all tradies to take extra precautions when on site and to ensure tools are securely locked away, ideally out of sight from the road, at night.**

## What's happening out there?

**Wellington:** Police are warning contractors and tradesmen to secure valuable tools and equipment after an increase in thefts targeting construction sites and work vehicles across the region.

**Auckland:** Police arrested a "prolific property crime offender" after carrying out a search and seized a large amount of suspicious property including several thousand dollars worth of electronics, trade and electrical tools.

**Otago:** In Cromwell late last year a bricklayer lost \$6,500 worth of tools when the house he was working on was broken into. And in Dunedin, a trailer, tools and a generator were taken in a single weekend in separate incidents in April.

**Hawke's Bay:** More than \$100,000 worth of stolen building materials, tools and equipment was recovered in Hastings in August last year. Hawke's Bay police said the haul included circular saws, nail guns, timber, a set of windows, bags of plaster, scaffolding, electrical wires, dive tanks - and an entire new kitchen.

**Coromandel:** In Whitianga \$25,000 worth of tools and plumbing gear was stolen from a site on Hopping Place. A man was arrested and found with two drop saws, one with a diamond cutting blade.

**Waikato:** 14 toilets were stolen from a site in Hamilton East, along with thousands of dollars worth of tools from developments in Horotiu and Te Rapa. Thieves also stole a Nissan Navara, a trailer and \$10,000 worth of tools from Hamilton developments.

**Christchurch:** In 2016 one business had \$78,000 of power tools and laser levels stolen. In February this year a 24-year-old painter told police he carried out the theft of goods worth thousands of dollars from parked cars in Halswell driveways at night. He also targeted power tools by breaking into tradesmen's vehicles.

Builtin has also heard of one incident in which a whole shipping container full of tools was stolen from a building site!

CONTINUE >>

### **What should you do?**

Police are urging builders, project managers and contractors to be vigilant and take steps to reduce the opportunity for offenders to target construction sites. Security around construction sites is essential. Fencing acts as a deterrent but good locks are important too. The police's advice to any company with valuable tools and equipment is to make sure they are not left in unattended vehicles that aren't kept in secure premises overnight and at weekends. This same crime prevention principle extends to construction sites where owners and contractors are encouraged to assess the risks of leaving valuable equipment and tools at vulnerable sites. At a minimum, make sure keys are removed and vehicles locked.

Where possible, vehicles that contain tools should be garaged or parked off the roadside and alarmed. If you have a container on site where you store tools this should be fitted with a heavy duty lockbox-style steel cover to prevent the padlock being cut. Portable alarms are also recommended for on site storage containers.

Police recommend people record serial numbers of tools or engrave them, which makes it easier to recover them under search warrants or at second-hand dealers, and to prosecute offenders.

### **Keep your asset register up to date**

To make a claim under a tools & equipment (also known as mobile assets) policy you need to prove your loss. Make sure you have an up to date tools/asset register that includes:

- item description, including model number
- serial number
- date of purchase
- purchase price.

It would also be ideal to keep invoices and photos of all items.

### **Only your tools & equipment are covered**

This means tools owned by the insured entity (eg. the company). It does not cover tools owned by subcontractors on a site, they should insure their own. Employees may have cover under their own contents insurance in some cases, under the terms of some employment contracts and optionally in some contract works policies (with restrictions).

If you employ staff and contractors make sure they understand this. If you are an employee, check your contract and/or contents policy to find out.

### **Theft of or damage to trailers**

These should be insured as commercial vehicles, they can't be insured under a tools policy.

### **Indemnity/market value vs replacement value cover**

Indemnity or market value policies will only pay what the tool is worth when the claim is made, you have to make up the difference to buy a new one.

Replacement value cover will replace any item (that can't be repaired) for new, regardless of its age or condition. The sum insured must be the replacement value of your tools. Beware, as some policies that claim to be for replacement value will revert to market value on items more than a few years old, so check the fine print.

### **Theft in the open air vs forced entry (burglary)**

Tools and mobile assets policies make a distinction between theft and burglary. Theft is generally considered to be when an item is stolen "in the open air", that is without any sign of forced entry. So, it would be considered theft if tools were stolen from an unlocked van, but burglary if locked doors were forced to gain entry. The same applies to tools stolen from site or other types of storage. Some policies may include burglary but not theft in the open air.

### **Excesses**

Even if your policy does include theft in the open air, theft excesses can differ. It's common to see a \$1,000 excess for burglary but \$2,500 for theft. You can find policies with options for lower burglary excesses and specialist insurers like Bultin also offer a \$1,000 excess for theft.

### **In a nutshell**

Having your tools stolen can be a massive inconvenience, cause delays and cost money. Taking preventative measures, keeping good records and having the right insurance cover will ensure that if something does happen you can be back to work quickly and not be out of pocket. You can request a quote at [builtininsurance.co.nz/tools](http://builtininsurance.co.nz/tools)



# FASTENERS

## Purlin-Batten Screws

#TTB14100C4

- 14G x 100mm. Large gauge. 14 gauge = 6mm diameter.
- Ideal for fixing purlins & battens to rafters and trusses
- Complies with NZS 3604:2011 requirements (SG8 10.2.1.16.1)
- 5mm internal hex drive
- Bugle head self-counter-sinks for a flush finish and strong holding power
- T17 point to improve self-drilling through thin metal and into timber

Note: The use of a single 14G x 100mm Fortress Purlin screw meets national standard requirements as opposed to other solutions of two 10G x 80mm screws.



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## Through-Bolt

#CFTBG12135

- M12 x 135mm
- 12mm hole diameter, 80mm depth
- Fastens material up to 40mm
- For bottom plate fixing
- Galvanised to 45 microns
- Heavy duty T316 stainless steel clip
- BRANZ appraised bolt



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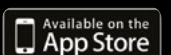
Spend over \$300 on any products on this page and receive a free Beanie and Gloves\*

\*Strictly while stocks last.

Record your  
LBP activity  
anywhere  
with the new  
ITM App.



See how easy it is.  
View our 'how-to' video  
at [itm.co.nz/app](http://itm.co.nz/app)



# Mythbusting

## Site Safe busts a health and safety myth

**Q: I'm a subbie and I'm only on-site for a couple of hours, surely I'm not responsible for health and safety and don't have to do any paperwork?**

**A: Wrong.** Even if you're a subbie who is only on-site for a couple of hours, you still have health and safety responsibilities. From workers through to company directors, safety on-site is now everyone's responsibility.

**Here's an example:** Sam is a self-employed floor sander. He often does sanding on residential renovations for his friend Bruce the builder.

Although Sam may only come on-site for a few hours or days, he is still a PCBU (Person Conducting a Business or Undertaking) and has responsibilities. The extent of his duty will depend on how far he is able to control the risk. The more influence and control he has over the risk, the more responsibility he has. And because Sam is usually sharing a site with other crews or workers, he needs to be consulting with these other businesses to make sure everyone on-site is kept safe.

Under the Health and Safety at Work Act, clients, principals, main contractors and sub-contractors are all PCBUs. Despite the name, a PCBU is not necessarily one person – in most cases a PCBU will be a business entity, like a company or organisation but it could also be an individual running their own business, like a sole trader. A PCBU has the "primary responsibility of care" to ensure the safety of its workers and anyone affected by its work.

### PCBUs must (as far as is reasonably practical):

- ☐ Have a safe site, plant, structures and ways of working
- ☐ Make sure plant, structures and substances are used, handled and stored safely
- ☐ Provide facilities for the welfare of workers, such as running water and toilets
- ☐ Provide the necessary information, training and supervision to protect people from risk
- ☐ Monitor health and workplace conditions



As Sam is self-employed, he is also classed as a "worker" under the Act. This means he also has a responsibility to take reasonable care to ensure the health and safety of himself and others in the workplace.

### So, what should Sam be doing?

Let's take Sam. He may only be on-site for a day but he still needs to be thinking about what risks there might be and what he can do to manage them. As a minimum, we would suggest Sam:

1. Meets with the main contractor before starting work to discuss the job, any risks and what to do in an emergency
2. Completes a:
  - Site Specific Health and Safety Agreement with the main contractor
  - Hazardous Products and Substances Register for his varnishes and stains
  - Site/Job Hazard Risk Register. The Hazardous Products and Substances Register may be the same for most of his jobs and might just need minor changes for each job
3. Does a quick Step Back 5x5 to think through the job.

### Not just ticking the boxes

By talking to the main contractor and completing the Agreement, Sam is helping to communicate what he is doing about safety. By completing the Hazardous Products and Substances Register and Site/Job Hazard Risk Register, he is communicating what the risks of his work might be and how he will manage them on-site. By completing the right safety documentation, he is not just "ticking the boxes" but taking a systematic approach to managing risks. This reduces the chances of miscommunication and mistakes.

In the event of an accident or injury, it is also evidence that Sam is on top of safety. In a nutshell, the job is not there to create paperwork, the paperwork is there to support the job.





"GOOD THINGS COME IN THREES"



# WIN

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Buy any three (or more) of our outstanding Gorilla products from ITM during the month of June, email a snapshot of your receipt or proof of purchase to [promotions@holdfast.co.nz](mailto:promotions@holdfast.co.nz) and go in the draw to win!

T&C's apply. See [holdfast.co.nz/goodthings](http://holdfast.co.nz/goodthings). Winners will be drawn on 15th July.

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- Ideal for temporary repairs
- Strong and versatile yet easy to tear by hand - constructed from 36 mesh cloth
- Conforms to irregular surfaces
- Will stick to almost anything

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# What building laws (if any) apply to landscaping?

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LEGAL

Landscaping is similar to building in that it involves humans making modifications to the natural environment, but it is usually more concerned with aesthetics and less with functionality. There is the creative side of it – landscape architecture or design – and then there is the physical side of it – the horticulture, construction, and maintenance. There is generally less risk of harm to persons or property with landscaping than there is with designing and constructing buildings that might collapse on you or catch fire. So you would be tempted to think that landscaping doesn't need to be highly regulated at all. But is that true? Do landscapers get a free rein, or are they in fact as strictly policed as builders are?

Obviously landscapers are subject to the common law (the law made up by Judges rather than Parliament) just like builders are. The two main features of the common law are the law of contract (you have to honour the promises you made to your client) and the law of negligence (you have to take reasonable care to avoid harming other people). But on top of the common law, you also have laws introduced by Parliament – these are variously known as legislation, statutes, or more commonly as “Acts” and “Regulations”. The two main statutes that regulate the building trade are the Building

Act 2004 and the Construction Contracts Act 2002. In the residential context builders are also governed by the Consumer Guarantees Act 1993, but that Act essentially duplicates what the Building Act says so I am going to ignore it for present purposes.

## The Building Act

The Building Act is the one that makes sure our buildings are safe and easy to use. The Building Code is one of the ways that it does that. The Act also gives to the Ministry of Business, Innovation and Employment (the “MBIE”) the power and the responsibility to regulate building in New Zealand. It creates the building consent, code compliance, warrant of fitness and swimming pool safety regime and gives Councils the power and the responsibility to administer that regime. And since the leaky building crisis it has done three additional things – it requires builders who do important residential work to be licensed, it has established the Building Practitioners Board (the “BPB”) to discipline them, and it gives to homeowners a lot of special rights and remedies against their builders.

CONTINUE >>



The licensing regime and the consumer rights and remedies are worth a mention. A licensed builder has to carry out or supervise all residential building work that is critical to the building's structural integrity, weathertightness or fire safety, and the Council keeps permanent records of which licensed builders were involved. Licensed builders have to prove their capabilities and continually improve their knowledge, and if they have done anything wrong they can be disciplined by the BPB. In a residential building project costing \$30,000 or more, there are four mandatory documents that builders (licensed or unlicensed) have to give to their customers, and those customers can enforce a lot of implied warranties against them as well as insist that any defects emerging within 12 months are rectified immediately.

### **The Construction Contracts Act**

The Construction Contracts Act (the "CCA"), on the other hand, is the one that tries to free up cash flow within the industry. It does that by prohibiting certain unfair clauses in building contracts, by establishing a payment claim/payment schedule system that forces parties at the top of the pecking order to either pay up or explain themselves, and by creating a quick and dirty method for resolving building disputes promptly and economically. Recently that dispute-resolution system has been modified, architects, engineers and quantity surveyors have been brought within the ambit of the Act, and rules have been introduced requiring payment retentions to be held in trust or otherwise secured for the benefit of the intended recipients.

Do any of those rules apply to landscapers? Do they have to comply with the building code, ensure building consents are obtained, and become licensed? Are they required to hand over the four mandatory documents, and are they subject to the powerful consumer rights and remedies? Do they have to ensure their contracts are CCA-compliant, are they subject to the payment claim/payment schedule system, can they use CCA adjudication to resolve disputes, and do their payment retentions have to be held in trust? The answer to all those questions is – quite possibly. It all turns on the definitions of "building work" under the Building Act, and "construction work" under the CCA.

### **What is Building Work?**

Under the Building Act, "building work" essentially means the construction, alteration, demolition or removal of a "structure". There is no definition of "structure" but logically it would mean something tangible and man-made. There is no doubt

that landscaping items such as retaining walls, fences and gates, pergolas, paths and driveways, awnings, tanks and pools, decks, platforms, bridges, boardwalks, playground equipment, and drains are all structures, because Schedule 1 of the Building Act 2004 expressly exempts most of them from the requirement to obtain a building consent. If they weren't structures they wouldn't need an exemption at all. The building code contains provisions relating to most of those items. So to the extent that landscaping involves any of the above items – or sitework preparatory to or associated with them – then the Building Act would apply.

That means that the building code and building consent regime would apply to a lot of landscaping work, but not necessarily the other requirements. The licensing requirements only apply if you are designing or doing "restricted building work", which is work that is critical to make a home structurally sound and weathertight. And the consumer rights and remedies (the mandatory documents, the implied warranties, the 12 months defects liability period) only apply to residential projects for \$30,000 or more where you are not doing exclusively design work and you are not a subcontractor.

### **What is Construction Work?**

Under the CCA, "construction work" is much more comprehensively defined than "building work" under the Building Act. It means the construction, erection, installation, carrying out, alteration, repair, restoration, renewal, maintenance, extension, demolition, removal, or dismantling of any building, erection, edifice, or structure forming, or to form, part of land. And it expressly includes site clearance, earthmoving, excavation, tunnelling, and boring, laying foundations, prefabricating customised components of any building or structure, site restoration and landscaping, and the provision of roadways and other access works. Finally, it includes design or engineering work carried out in New Zealand in respect of the above work.

What does this tell us? It tells us that if you are a landscaper or a landscape designer, and you get into a dispute with either a Council or a customer, they might be able to pinpoint a lot of laws that you are unwittingly in breach of. On the other hand, if you are a conscientious landscaper it means that you can find out ahead of time what laws you are subject to, and ensure that you are squeaky clean.

### **By Geoff Hardy**

Auckland Commercial Lawyer



Geoff Hardy has 42 years' experience as a commercial lawyer and heads up the construction law team at the Auckland firm "Martelli McKegg". He guarantees personal attention to new clients at competitive rates. His phone number is (09) 379 0700, fax (09) 309 4112, and e-mail [geoff@martellimckegg.co.nz](mailto:geoff@martellimckegg.co.nz). This article is not intended to be relied upon as legal advice.



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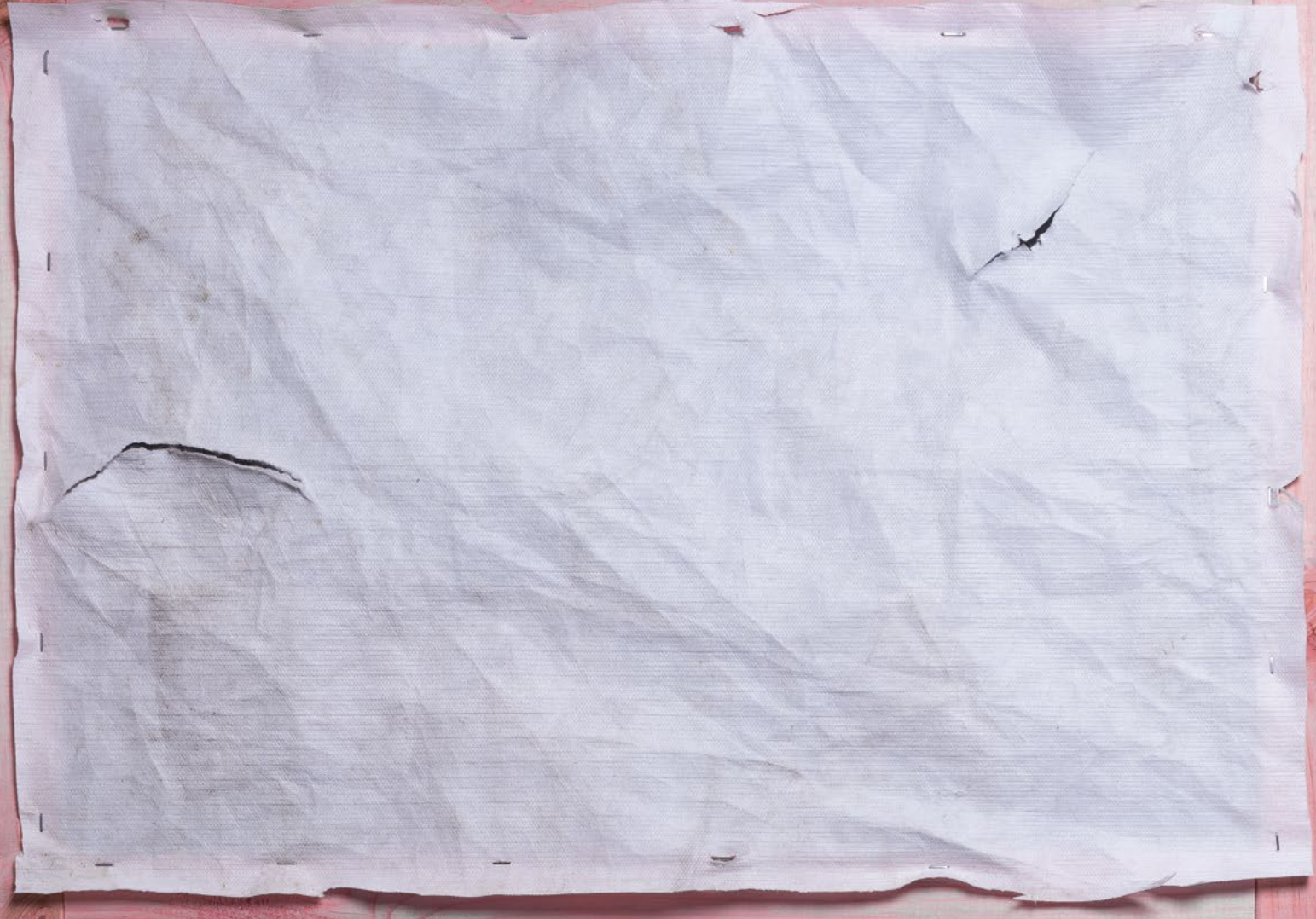


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# New withholding tax rules

## Do you use contractors to provide services to your customers?

There are some significant new withholding tax rules that apply from 1 April 2017 which can have an impact on the withholding obligations for businesses engaging contractors to perform services in addition to labour-only building contractors.

### **What do the existing building contractor withholding tax rules apply to?**

Anyone engaged as a contractor within the building/construction industry may be subject to withholding tax. Labour only contractors are those that are typically engaged to perform certain building services, but who supply little or no products or materials.

### **When do the new labour-hire rules apply, and at what rates?**

From 1 April 2017, labour-hire firms must withhold tax from payments to their contractors, including payments to their contractors' companies.

The default rate of withholding tax is generally 20% for this new category of withholding. However, contractors may elect any rate above 10% and they may apply to the IRD for a lower rate.

### **Who do the new labour-hire rules apply to?**

Your business will be one of labour-hire:

- if you arrange for 'others' to perform services (brains and/or brawn related) directly for your clients; and
- you are paid for supplying the others – as opposed to being paid for what others do for your client; and
- doing the above represents one of your main (that is, not incidental to any other) activities.

### **Does sub-contracting make your business labour-hire?**

Subcontracting does not, in itself, make your business a labour-hire firm.

If the client has a house and they wish to have a room added then they can employ and pay a contractor to do so. This is not a "labour-hire" situation because there is no arranging involved.

If the contractor sub-contracts a third party then this is still not a labour-hire situation because the contractor has contracted to supply an outcome, being a room added to a house.

### **Does contracting to supply labour make you a labour-hire firm?**

Arranging the supply of labour is likely to be defined as a labour-hire arrangement and therefore the contractors supplied may be subject to the new withholding rules.

If the client has a house that they wish to add a room to they might approach a firm to find some builders. In this case, the firm meets its obligation by supplying people with building or construction skills and the firm is a labour-hire firm, if that activity is one of that firm's main activities.

### **Is part of your business covered by the new rules?**

Examples where the new rules apply are businesses providing planning, training, construction, and other such services. Essentially any service-related business could be a labour-hire firm, depending on the arrangements between the business, the client and the contractor.

### **Contractor v labour-hire**

A labour only contractor engaged by a construction company will be subject to withholding tax as a building contractor.

A contractor engaged by a construction company (Build Co) which then subcontracts them to another construction company, is likely to be a labour-hire arrangement. Whether or not this is a main activity of Build Co then determines whether withholding tax needs to be deducted from the amounts paid to the contractor.

We can't cover every scenario here, but we can assist you to understand whether you need to be concerned. For more information please contact us.

## By Stuart Ruddell

Senior Accountant

 Crowe Horwath.  
PART OF FINDEX

# A building tape that sticks around

**SUPER-STICK building tape sticks and stays stuck. No build up, no mess and no nonsense.**

## The problem

Window and door flashing areas are typical ingress points for moisture. Sill flashing tapes provide a barrier, but adhesion problems during temperature extremes and compatibility issues with sealants can render traditional tapes ineffective and leave these areas vulnerable. Marshall Innovations offers an alternative.

## The solution

SUPER-STICK is a high-performance window and door flashing tape designed to withstand weather extremes and can be installed in temperatures as low as minus five degrees Celsius.



SUPER-STICK is compatible with most sealants and can be used with plywood and fibre-cement rigid air barrier systems. Super-Stick's peel and stick application makes installation easy with no primers or heat guns required.

## The proof

Gareth Collins Director of Gareth Collins Building LTD- Taranaki says "Previously we have used all types of building tapes and had nothing but failures. Either it was too cold, too hot, too wet or too dusty; the various companies always had an excuse...the tapes would fall off, therefore wasting time and product and not to mention leaving us very frustrated.

Since we have been introduced to SUPER-STICK we have eliminated the problems I just mentioned. Whether it be used on a rigid air barrier or in conjunction with Tekton Building Wrap."

## The recommended option

SUPER-STICK is a preferred option with James Hardie® RAB® Board and also forms part of the Tekton Weatherization System when used in conjunction with Tekton Building Wrap and Trade-Seal. Service Plus Install Solutions Ltd in Canterbury is an installer for James Hardie products, specialising in the pre-clad lining HomeRAB® and RAB® Board – supply and install.

As part of the installation they use tapes for joints, sills and jambs. They previously used another tape brand which they found time-consuming and difficult to use. During winter they had to use heat guns or adhesive sprays and even had to return to jobs to re-apply. There was an improvement in summer; however it got very messy on hot days and often left residue in vehicles.



Service Plus were recently introduced to SUPER-STICK and Managing Director Sharon Weir says "In my opinion it is a far superior product and easy to use. It is thinner and more workable and comes in small rolls so storage is no problem. There is no residue when stored and transported in vehicles, and it always sticks and is quick to install."

## Get it today!

Look for the Pink Box in your local ITM store and say goodbye to problems with flashing tapes!



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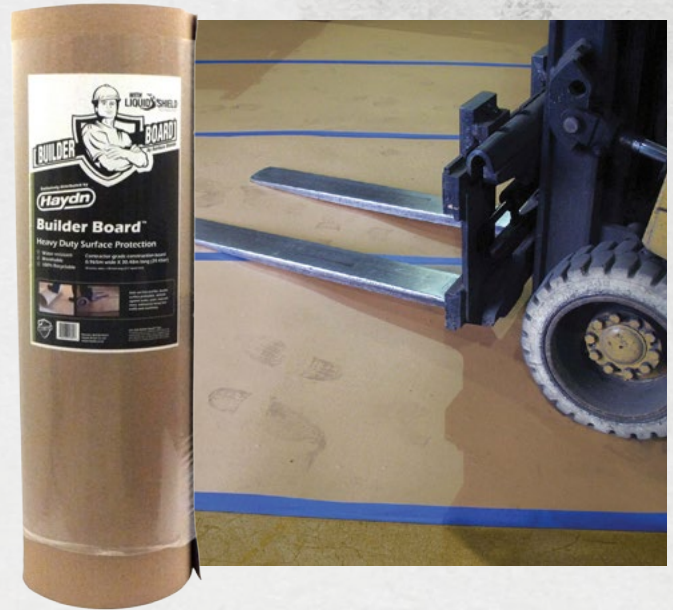
With Liquid Shield technology, Builder Board is spill proof. It defends against water, paint, mud and more! It's also 100% recyclable.

### Heavy duty water resistant temporary floor protection:

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- ☐ Allows vapours to escape for maximum breathability
- ☐ Tough enough to be driven on – over 1mm thick
- ☐ Easy to install- lays fast and flat
- ☐ Prevent costly repairs and labour
- ☐ A green product – 100% recyclable
- ☐ Protects: granite, marble, travertine, carpet, concrete, tiles, wood, lino
- ☐ Roll size 0.965m x 30.48m

**\$110 per roll**  
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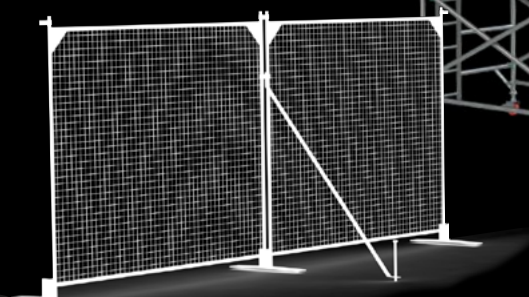
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## When Looking Tough is not enough!

Over recent years Staffy Scaffold has grown to become one of the major scaffold wholesalers to the trade. We have the solution to all your height access needs and more importantly, our gear is compatible across systems making it hugely versatile and ultimately affordable. But we did not stop there! We have been working hard to further improve our **Scaffold Systems** but also adding new safety and security products such as **Security Fencing**, **LED Work Lights** and **Tie Downs**.



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## The next mission

FISHING

**No question, the best part of my job is travelling to new places here in New Zealand and around the world, meeting new people and fishing, diving and occasionally hunting in some incredible locations.**

### NZ offers the best

I make it no secret, I love big game fishing, and fishing in places like Cape Verde for blue marlin, or the Great Barrier Reef for giant black marlin. But when I think about my best moments fishing, they have always been in New Zealand, and only about half have been game fishing. More and more these days I'm thinking less about my next blue marlin or swordfish, and more about my next experience in New Zealand above and below the water. Whether it be free-diving for crayfish or trying to catch a bluefin on a stick-bait, it's exploring new ground and uncovering the potential that stirs my imagination. So when I pull out the charts, I always gravitate to the South Island and scope out the myriad of canyons, seamounts, reefs and islands. And the stories from commercial fishers of swordfish basking on the surface, and catching bluefin tuna on anchor in a sheltered bay really gets the imagination fired up.

### Puka/cray/deer virgins

So off we headed to the South Island recently, the plan, doing the classic Kiwi combo of catching a puka, getting a big cray, and shooting a deer. Yes we've done this before, only this time we took a couple of guys who'd never experienced anything like this. Within a day, we had them in the water free diving for crays, and they were going seven meters to grab big 3kg bucks, they were roaring for stags and trolling for bluefin tuna and it was all new for them. It was great to see it through their

eyes, but they were surprised that I was so amped up. Over a beer at the end of the day the comment was made "Gee Matt you were buzzing at those big crays, thought you'd be more chilled out after all these years". But no it still gets me every time.



### Expecting the unexpected

There are so many possibilities that I'm planning and preparing for on these trips, the gear alone will have me rigging and packing for three days, and that's before we even start on the camera gear. But it's imagining what we'll encounter that we aren't prepared for which is what really gets me excited. I only get this fired up when planning these missions in New Zealand. So you can expect to see plenty of cool locations here and abroad later this year, and some great characters that I'll be sharing the adventures with. Here's hoping the surprises we encounter are good surprises.

Till then  
Keep 'em tight,  
Matt





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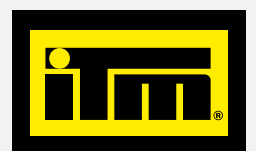
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