

New Zealand Property Journal

THE USE OF MIS SYSTEMS

For Corporate Real Estate Asset Management

GETTING THE BALANCE RIGHT

Review of the Residential Tenancies Act

LIFESTYLE PROPERTY DEVELOPMENT

A New Zealand Case Study

CHANGE, CHAOS, CONTRASTS & COMPROMISE

Workplace of the Future

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CONTENTS

EDITORIAL

THE USE OF MIS SYSTEMS FOR CORPORATE REAL ESTATE ASSET MANAGEMENT

- John McDonagh (Senior Lecturer Property Group, Lincoln University)

GETTING THE BALANCE RIGHT Jacki Couchman

LIFESTYLE PROPERTY DEVELOPMENT A NEW ZEALAND CASE STUDY

- Gerard Logan

THE BUSINESS CASE FOR INNOVATIVE WORKPLACES

- Stan Kaczmarczyk (Director, Innovative Workplaces Division, U.S. General Services Administration)

r

CHANGE, CHAOS, CONTRASTS AND COMPROMISE: WORKPLACE OF THE FUTURE

- Meredith Thatcher (CFM, CFMJ), Carroll Thatcher (Planning Group, Ottawa)

FELLOWSHIP CITATIONS

CASE NOTES

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Notes for Submitted Works

Each article considered for publication will be judged upon its worth to the membership and profession. The Editor reserves the right to accept, modify or decline any article. Any manuscript may be assigned anonymously for review by one or more referees. Views expressed by the editor and contributors are not necessarily endorsed by PI.

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Format for Contributions

All manuscripts for publishing are to be submitted in hard copy - typed double-spaced on one side only of A4 sized paper and also in Microsoft Word document format on IBM compatible 3.5" disk or alternatively emailed to head office.

Any photographs, diagrams and illustrations intended to be published with an article, must be submitted with the hardcopy. A table of values used to generate graphs must be included to ensure accurate representation. Illustrations should be identified as Figure 1, 2 etc.

A brief (maximum 60 words) profile of the author; a synopsis of the article and a glossy recent photograph of the author should accompany each article.

Manuscripts are to be no longer than 5000 words, or equivalent, including photographs, diagrams, tables, graphs and similar material.

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EDITORIAL

Change, Chaos, Contrast and Compromise this is the title of one of this edition's papers that is worth a read. There is nothing more certain than change, and whether we like it or not, we must adapt and position ourselves to capture the opportunities that change inevitability offers. It's just not always *easy* to see it first up, but we can be sure that resisting change over time simply will not succeed. We need to remain ahead of the game if we are to continue to lead successful and satisfying professional roles.

As well as taking an international look at the workplace, we are also showing the world what we do here in New Zealand. An award winning paper looks at a case study of the New Zealand lifestyle property development.

Fresh challenges lie ahead for all property professionals as the property market prepares itself for a soft landing. Those operating within the property sector have enjoyed a long period of prosperity but this cannot continue forever. Therefore it is imperative as property professionals that we are not complacent. We must adapt to the changes of our environment and be innovative in our approach. 2005 holds much promise.

Thank you for your input and feedback over the year. Finally we would like to wish all members, their staff and families, the very best of wishes for the festive season!

I hope you enjoy this edition and please do not hesitate to give your feedback or indeed your contributions.

Kindest regards

Conor English

20% of NHS districts that had collected reasonably complete data, 40% of current land holdings were surplus. The one authority that had made substantial progress with their database had also made substantial capital and revenue savings.

Two of the seven "dimensions of performance" identified by Veale (1988,1989) were:

- the use of management information systems for real estate operations,
- availability of information and methods for evaluating real estate performance and use.

Veale found that many of the corporations he surveyed were unsure of the area they owned (19%) or leased (24%). One in four did not maintain a property inventory of any kind and 66% had inadequate information available for ongoing management of their real estate assets.

In a similar survey of corporate real estate (CRE) executives Pittman and Parker (1989) found that a comprehensive computerized corporate real estate inventory was a significant factor in corporate real estate asset management (CREAM) performance.

Gale and Case (1989) found 90% of organisations had some form of real estate record but often this was historic, maintained by the accounting department and not readily available or suitable for effective decision-making.

Avis, Gibson and Watts (1989), found that organisations may hold basic property data but this was often incomplete, inaccurate and not held in a CRE MIS that made it readily retrievable. Furthermore, the minority of organisations that did have CRE MIS were less than satisfied with its performance.

The National Audit Office (Bourne 1989) investigated the "Control and Management of the Metropolitan Police Estate". One of the findings was that a prerequisite to improved strategic planning was more accurate information on the whole of the police estate, to allow the effectiveness of decisions to be assessed. "A full property database should be developed urgently which would help bring about a more cohesive system of financial planning" (p.5).

In an analysis of 231 universities by Silverman (1990) it was found that management was "accounting rather than accountability"(p.5). Silverman advocated the application of pro-active asset management techniques derived from the business sector, which included setting up an inventory of physical assets and the use of ongoing and transparent means of performance evaluation.

The only earlier CRE research of significance in New Zealand, by Teoh (1992), found only 39% of respondents maintained a real estate inventory of any kind, and 7.3% a separate CRE MIS.

Simons (1993) examined local authority CREAM and compared Cleveland, Ohio with the Swedish situation as reported by Lundstrom (1991). Again

the fundamental issues of real estate inventories and information systems, property by property accounting and performance monitoring were identified.

In a survey of fifty large publicly listed companies in the USA, Apgar (1993) found 66 percent of the respondents were unable to respond to the questionnaire as they did not have sufficient data on their corporate real estate assets.

Redman, Johnson and Tanner (1994) surveyed 986 members of NACORE and found while 96% of respondents had lease documents pertaining to their properties, only 34% had information on current market rents payable on similar properties. Other characteristics of CRE MIS were examined in detail and it was concluded that historic accounting information dominates current systems, with relatively little data that would aid future decision-making. The report points out that while useful new techniques are being developed by academics, they often assume corporates already have, or can obtain, the basic input data needed, but this is often not the case.

Nourse (1994) confirmed earlier findings that creating a separate CRE MIS is associated with a tighter linkage between CRE operations and CRE strategy. He also found it facilitated better communications amongst operational, financial and CRE management personnel.

Collecting information for control and decision making, and subsequently monitoring progress towards achieving objectives are measures of CREAM performance discussed by Gibson (1991). In a further paper by Gibson (1994) she identifies a consistent picture of process weaknesses across a wide range of organisations, one component of which is inadequate information for valid and transparent decision-making. As a result she includes adequate property, operational and external information as key components in her "Strategic Framework" for the management of corporate real estate assets.

A local authority context was the focus for French (1994) and an asset register was identified as a primary requirement. He also highlighted the importance of systems to monitor the ongoing performance of the property portfolio in meeting the organisation's goals. The management issues involved in addressing deficiencies in local authority asset registers were also discussed, as were the problems when established valuation protocols led to recording property values on a basis that was meaningless from a performance monitoring viewpoint.

Byrne (1994) highlighted the positive effects on CRE MIS of the restructuring of local government in England. The major transfers of assets between local authorities made the establishment of an accurate property a priority. For many local authorities this highlighted for the first time, the relative importance of property assets. In other cases the information was recorded, but in incompatible forms held by diverse

agencies and often compiled for central government treasury use rather than in a format useful for strategic property management.

Johnson, Redman and Tanner (1997) surveyed 986 organisations and concluded that computing systems for CRE have tracked the development of other business computing applications, but are still focused on historic and accounting data rather than decision support. What decision support does exist is usually generated on spreadsheets. They also identified superior rates of CRE MIS performance amongst large companies and banking and finance organisations. The latter was put down to the greater familiarity these types of organisations may have with property data due to the nature of their core business.

Research Methodology

The aim of this research was to examine the current state of CRE MIS amongst New Zealand organisations and, in addition, to see if significant associations could be identified between CRE MIS characteristics and other organisational factors.

The data source was a mail survey of 457 corporate real estate executives from a wide range of commercial and non-profit organisations in New Zealand. These included: all government departments, state -owned enterprises, energy companies and territorial local authorities; all the non-investment companies listed on the New Zealand stock exchange; plus the largest privately owned companies as identified in the government publication "New Zealand's Top 200 Companies". Finally, all major churches and registered charities were included.

The survey questionnaire was quite comprehensive as the data collected was to be used for a number of purposes in addition to the subject of this paper. The specific questions relating to CRE MIS were labelled I1a to I2k and worded as follows:

Information Systems

I 1.

With respect to having access to an accurate computerised database containing details on each property, would you please Firstly circle the importance of a database to your organisation and Secondly circle the performance of your organisation's database on the scale below. Circle N/A if you have no database.

Not important		1	2	3	4	5	Extremely important
Poor performance	N/A	1	2	3	4	5	Excellent performance

I 2.

If your organisation has a computerised property database circle its performance on each of the following:

Shows adequate details on:	Poor		OK		Excellent
a) Current use of property	1	2	3	4	5
b) Physical attributes ie. size, dimensions, age etc	1	2	3	4	5
c) Legal matters including zoning, tenure etc	1	2	3	4	5
d) Lease details if applicable	1	2	3	4	5
e) Purchase cost	1	2	3	4	5
f) Current market value	1	2	3	4	5
g) Operating/maintenance costs	1	2	3	4	5
h) Maintenance programme	1	2	3	4	5
i) No. of people working within specific buildings	1	2	3	4	5
j) Usefulness in assisting in strategic decisionmaking	1	2	3	4	5
k) Usefulness in identifying non-performing properties	1	2	3	4	5

The response rate of 42% was high compared to similar studies. Characteristics of the respondents are summarised in Figures 1-3 below. Analysis of non-respondents indicated the results should be representative.

Data from the survey forms were checked for errors, edited, coded and entered into the SPSS software package for analysis. The statistical tests used to examine associations between the CRE MIS responses and responses to other questions in the survey' were as follows:

- For combinations of two binary variables - Chi squared
- For combinations of binary with ordinal variables - Mann Whitney U - Wilcoxon Rank Sum W
- For combinations of two ordinal variables - Spearman Correlation Co-efficients
- For combinations of ordinal and continuous variables - Spearman Correlation Co-efficients

Results

Characteristics of the Respondent Organisations
 As shown in Figure 1, the distribution of ownership structures amongst respondents was reasonably even except for a lower representation of private companies. The latter may have been due to a number of private companies being wholly owned subsidiaries of listed companies with their CREAM carried out by the parent body. There may also have been a lack of interest in the surveyed issues by smaller companies with relatively minor property portfolios.

Core Business

Respondent organisations were individually allocated to one of 13 business categories based on the New Zealand Standard Industrial Classification primary codes. Again it can be seen in Figure 2 that the distribution of responses was relatively even, except for the over representation of Territorial Local Authorities (TLAs).

Fig. 1 Question 01
 Ownership Structure

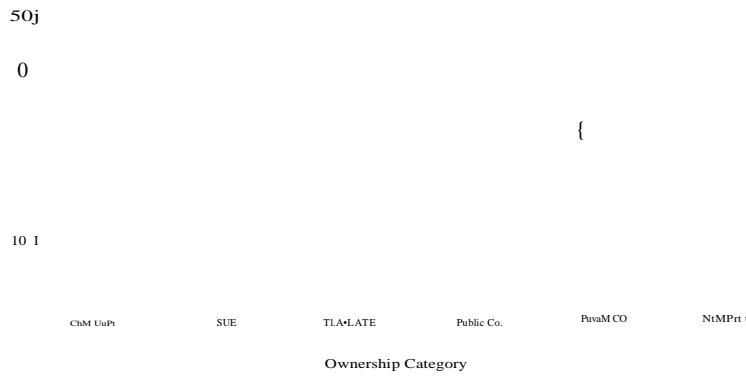


Fig. 2 Question 02
 Organisation Core Business

SIC code

The complete survey questionnaire is available from the author.

Employee Numbers

Most of the organisations responding were large in terms of typical New Zealand businesses, with over 50% having more than 200 employees and 32% more than 500.

Characteristics of the Respondent's Property Portfolios

Number of Freehold Properties Owned

As shown in Figure 4, the largest category was organisations with more than 100 freehold properties, again indicating responding organisations were large in terms of typical New Zealand businesses.

However, the second largest category was at the opposite end of the scale (1-5 freehold properties), and there were a significant number of organisations with no freehold properties at all. As this distribution was not reflected in the question on the number of employees it emphasises that many New Zealand organisations choose to lease property, irrespective of their relative size in terms of employee numbers.

Value of Freehold Properties Owned

As expected given the results from the previous question, 11 % had a nil return for freehold ownership, and there was a relatively small number of low value portfolios and a large number of high value portfolios as shown in Figure 5.

Fig. 3 Question 03
Employee Numbers

1-10 11-20 21-50 51-100 101-201 201-500 Over 500

Fig. 4 Question P1
Number of Properties Owned Freehold

70
60

10
0-

nil 1-5 6-10 11-20 21-50 51-100 100+

Fig. 5 Question P2
Value of Properties Owned Freehold

nil 1- Own \$1M \$1-\$M \$6-\$A1 \$11-\$30M \$31-\$50M over \$50M

Number of Properties Leased

The results on leasing (Figure 6) were relatively even across all categories except for a relatively small number (5%) who do not lease at all and a large number (34%) who lease from 1-5 properties. As this latter category was also well represented in the freehold ownership question it may indicate that organisations tend to fall into one of two categories - those with a relatively large number of freehold properties, or alternatively those with a relatively small number of properties more evenly distributed between leasehold and freehold tenure.

Respondent rating of CRE MIS Importance and Performance

Question IIa of the survey asked for a rating of the importance of an accurate and computerised MIS on a five-point scale. Similarly, question IIb asked respondents to rate the performance of their existing MIS on a five-point scale. The results of both questions are shown in Figure 7.

Fig. 6 Question P3
Number of Properties Leased

40

nil 1-5 6-10 11-20 21-50 51-100 100+

Fig. 7 Questions IIa and IIb
Overall CRE MIS System Performance

Surprisingly, 10% rated having a good MIS as unimportant, but the majority reflected prior research and rated the importance of accurate information highly. The "not important" responses to this question may be uninformed responses because respondents did not have an adequate CRE MIS, reflected by the 28% not applicable response to question 11b. This latter rate is, however, a marked improvement on the earlier research of Teoh (1992), which found only 7% of organisations had a CRE MIS of any description and 39% had no real estate inventory at all.

From the response to 11 b, many CRE MIS users were not happy with the performance of their systems with only 4% rating their performance as excellent, and a total of 25% rating the performance as 1 (poor) or 2 out of 5.

CRE MIS Performance in Dealing with Particular CRE Data

Questions 12a-12k asked respondents to use a five-point Likert scale to rate CRE MIS performance in respect of various data sub-components. The results are represented by bar length in Figure 8.

The areas of poorest performance were recording of the number of staff working within specific buildings, followed by the recording of maintenance programmes, identifying non-performing properties and recording purchase costs. The areas of best performance were in the recording of lease details, current use, physical attributes and legal data. This is unsurprising as these are the details needed for conventional investment property management and form the basis of many standard property management software packages. They may also represent accounting requirements.

Correlations Amongst CRE MIS Questions 11 a-12k

This test was to determine if respondents "holistic" assessment of overall CRE MIS performance as reported in question 11b was reflective of the MIS performance in respect of the various data sub-components reported in questions 12a-12k. Spearman Correlation Coefficients were applied and the results showed significant correlations (r value range of 0.19 to 0.51, p value range of 0.038 to <0.000) between answers on each of the individual data sub-components and Question 11b. As a result there was very high confidence that the rating for the overall performance of the organisations CRE MIS (question 11b) was fully representative of the data sub-components.

CRE MIS and Overall CREAM Performance

Veale (1989) proposed that various factors/dimensions of CREAM performance (including the use of CRE MIS) are usually strongly correlated within individual organisations. This relationship was tested for in this research with the results shown in Table 1.

**Fig. 8 Questions 12a to 12k
Performance of CRE MIS Functions**

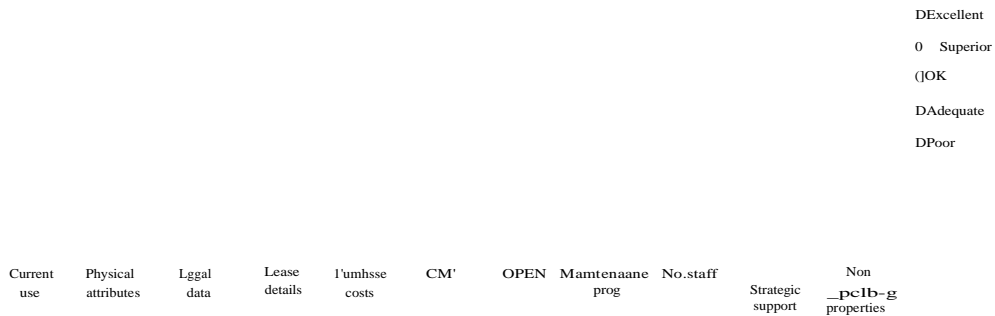


Table 1. Associations Between CREAM Performance Variables

p values	CRE unit exists M1	Contributes cashflow R5h	Reporting level C1 & C2a	Strategic Plan exists C3a	Attitude to CRE M8a	CRE MIS performance IIb
CRE unit exists MI	#					
Contributes cashflow R5h	A E00"	#				
Reporting level C1 & C2a	t'0A	0.706	#			
Strategic Plan exists C3a	1' 0j)			#		
Attitude to CRE M8a			0.563		#	
CRE MIS performance IIb	j)17	iii+i	ii t: 00	0 0 ttil	0.iii	#
Info/eval. methods M8k	0.631	0.953	0.317	0.389	A 00	0.128

Cells highlighted show relationships significant at the 5% level

Table 2. Associations Between CRE MIS Sub Data Components and Overall CREAM Performance (Spearman Correlation Coefficients used for all tests)

Question Number	r value	p value
Ila MIS system importance	0.49	t' 0, 00"
12a current use of property	0.31	i; 001
I2b physical attributes i.e. size, dimensions, age etc	0.15	0.105
12c legal matters including zoning, tenure etc	0.10	0.300
12d lease details if applicable	0.20	;! 0? f .
12e purchase cost	0.10	0.303
12f current market value	0.24	0 to
12g operating/maintenance costs	0.07	0.456
I2h maintenance programme	0.08	0.444
Ili no. of people working within specific buildings	0.02	0.825
12j usefulness in assisting in strategic decision-making	0.33	i 0 1
Iik usefulness in identifying non-performing properties	0.33	0 t +' 41

Cells highlighted show relationships significant at the 5% level

As can be seen from Table 1 significant associations exist for combinations of all but the last of the following CREAM variables:

- Existence of a separate corporate real estate unit (question M1)
- Cash flow contribution by the corporate real estate unit (question R5h)
- Combined reporting level and frequency of liaison (question C1&C2a)
- Existence of written CRE strategic plan (question C3a)
- CRE considered important to organisation (question M8a)
- Availability of information and methods for evaluating CRE (question M8k)

Building on this relationship, a previous paper by the author (McDonagh, 2002) developed and tested an overall CREAM performance measure incorporating the above significantly correlated variables. The result was a factor score representing CREAM performance which applied to each organisation in the survey.

As one of the five variables in this overall CREAM performance model is the performance of the CRE MIS, some correlation between overall CREAM performance and CRE MIS performance (as represented by question Ilb) would be expected. However, it was still considered worthwhile to examine which individual data sub-components of CRE MIS were rated highly amongst those organisations who also had a high score in the overall CREAM performance model. The results of this analysis are presented in Table 2.

The highest correlations with overall CREAM performance were found for usefulness in identifying non-performing properties and assisting strategic decision making, and showing details on current use of property, current market value and lease details. In contrast the lowest correlations were for showing the number of people working in buildings, operating and maintenance costs, purchase cost, legal details and physical attributes.

CRE MIS and other Organisational Factors

As well as the five variables included in the CREAM performance model above, a number of other organisational characteristics were found to be significantly associated with CRE MIS factors. These included the degree of both overall organisational restructuring ($p < 0.000$) and restructuring of the CRE unit ($p = 0.029$) and a high rating of the importance of CRE MIS. There were also significant differences between ownership structure ($p = 0.004$) and core business activity ($p = 0.005$) and the importance of CRE MIS.

While the number of staff in the whole organisation showed no relationship to the importance of CRE MIS, the number of staff in the CRE unit was highly significant (0.001) and positively correlated. In addition the property specific educational qualifications of the CRE executive completing the survey were positively associated with CRE MIS importance ($p < 0.000$), CRE MIS performance ($p = 0.002$), and several of the CRE MIS data sub-components.

An interesting further observation was the significant negative relationship between the number of employees engaged in corporate real estate work and the performance of the CRE MIS in the areas of recording real estate costs ($p = 0.038$), opex ($p = 0.014$) and maintenance ($p = 0.002$). It could be that improvement in CRE MIS performance facilitates a reduction in property staff either via efficiency or outsourcing.

The relationships between CRE MIS characteristics and decision-making techniques used are shown in Table 3. Significant associations exist for the use of DCF, risk diversification and relationship to CMV techniques.

Another interesting observation was that responses from those who felt CREAM did not need major improvement in their organisation were highly correlated with high levels of CRE MIS performance in the following areas:

	p.value
• current use of property	0.015
• physical attributes i.e. size, dimensions, age etc	0.003
• legal matters including zoning, tenure etc	0.008
• lease details if applicable	0.025
• purchase cost.	0.001
• operating/maintenance costs	0.048
• maintenance programme	0.037

Associations with the importance of CRE MIS were not significant for this group. In contrast, for those respondents who rated CRE MIS as important, the property issues rated as most important in their position were; benchmarking ($p = 0.023$), contribution of cash flow from CRE ($p = 0.004$), and developing strategy ($p = 0.001$). As would be expected, there was also a strong association between the importance of developing strategy and usefulness of the CRE MIS system in assisting strategic decision-making and identifying non-performing properties.

A similar pattern emerged in response to the question on time personally spent on activities. For respondents with high ratings for CRE MIS importance and CRE MIS performance there were significant positive associations with strategic level activities. See -Table 4-for details

Table 3. Associations Between Decision-making Techniques and CRE MIS

p values	R o x	w	v v	N >	a %	-	i
Ila MIS importance	0.437	◆r	>>	i'	◆	007	0.697 0.1200.268
Ilb MIS performance	0.081			00-17	0.186	0.115	0.757
I2a current use	ti 019	0001	0.062	0	0.451	0.615	0.469
I2b physical attributes	0.466	0.076	0.145	0.308	0.509	0.926	0.196
I2c legal matters	◆1)	9 927	0.354	0.357	0.317	0.500 0.283
I2d lease details	0.438	0.132	0.425	001 1	0.171	0 0	0.055
I2e purchase cost	0.473	0.098	i1	0.282	0.205	0.398	0.581
I2f CMV	0.193	66 i 4	I;%	r	0.477	0.316	0.956 0.864
I2g OPEX	0.106	0.687	0.125	0.597	0.320	0.139	0.149
I2h maintenance	0.419	0.728	0.129	0.445	0.549	0.465	0.848
I2i staff numbers	0.635	0.645	i?•" 1	0.493	0.429	0.110	r 9
I2j strategic use	0.305	0 i9 7	0◆104◆	0 016	0.990	0.845	0.566
I2k non-performing Properties identified	0.677	0.478	0.000	0.201	0.335	0.427	0.836

Cells highlighted show relationships significant at the 5% level

In light of the above it was not surprising that the question on the existence of a written strategic plan for real estate was very highly and positively correlated with responses for importance of and performance of CRE MIS (p = for both <0.000). Significant associations with strategic planning were also observed for data sub-components of the CRE MIS such as: showing details on current use (p= <0.000), lease details (p= 0.046), usefulness for strategic decision-making (p = 0.003) and identifying non-performing properties (p = 0.013).

There was a very strong positive association between responses on the number of, or value/ rental cost of properties in the CRE portfolio and the importance of CRE MIS. This applied equally to both leasehold and freehold portfolios (p for all <0.004). In contrast, there was a marked difference in significance between those with leased and freehold portfolios in relation to the performance of CRE MIS and portfolio size. Large leased portfolios were very

highly associated with high performance CRE MIS (p = 0.001), whereas the association for large freehold portfolios was less significant (p = 0.047).

Logically, there were significant associations between leasehold portfolios and high performance in the CRE MIS data sub-components of lease details and legal data. Similarly, freehold portfolios were associated with high performance in respect of data on purchase cost, current market value and maintenance programmes

In respect of outsourcing, there was a tendency for increased outsourcing of various services to be associated with higher levels of CRE MIS performance in the areas of recording physical attributes, legal and lease details, and operating expenses. Similarly, it was also observed that those organisations that tended to rate cost analysis prior to outsourcing as very important also operated CRE MIS that recorded a lot of detail.

Is r. A zaialld property

Table 4. Associations Between Time Spent on Management Activities and CRE MIS

p values	0.00	0.01	0.05	0.10	0.20	0.30	0.40	0.50	0.60	0.70	0.80	0.90	0.95	1.00
IIa MIS importance	0.420													
IIb MIS performance	0.449		0.070											
12a current use	0.808	0.801	0.368	0.160	0.264	0.883	0.985	0.378	0.073	0.306	0.038	0.290	0.074	
12b physical attributes	0.808	0.801	0.368	0.160	0.264	0.883	0.985	0.378	0.073	0.306		0.290	0.074	
12c legal matters	0.232	0.266	0.189	0.574	0.511	0.070	0.198	0.147	0.180	0.313	0.232	0.070	0.342	0.069
12d lease details	0.714	0.374	0.438	0.560	0.490	0.278	0.314	0.947	0.395	0.088		0.556	0.119	
12e purchase cost	0.386	0.719	0.792	0.340	0.430	0.389	0.350	0.034	0.771	0.769	0.328	0.080	0.199	0.306
12f CMV	0.155	0.110	0.333	0.865	0.107	0.059	0.233	0.378	0.446	0.781	0.138	0.069	0.691	0.054
12g OPEX	0.179	0.074	0.015	0.307	0.246	0.820	0.382	0.073	0.068	0.350	0.302	0.396	0.306	
12h maintenance	0.93	0.475	0.173	0.368	0.480	0.841	0.112	0.061		0.229	0.032	0.442	0.310	0.05
12i staff numbers	0.93	0.475	0.173	0.368	0.480	0.841	0.112	0.061		0.229	0.032	0.442	0.310	0.05
12j strategic use	0.103	0.383	0.214	0.173	0.085	0.069	0.845	0.085	0.130	0.101		0.001	0.086	0.337
12k non-performing Properties identified	0.276		0.319		0.088		0.483		0.211	0.255	0.161			0.147

Cells highlighted show relationships significant at the 5% level

Conclusions

Since the earlier research of Teoh (1992), there has been a very substantial improvement in the percentage of organisations in New Zealand that both recognise the importance of CRE MIS and have put in place such systems. However, many users are unsatisfied with the performance of their existing systems, and comments were added to some survey forms stating that until you have experience with several CRE MIS you are unable to recognise their individual limitations.

While 10% of organisations still rated CRE MIS as unimportant, this attitude is associated with smaller

organisations with relatively few, generally freehold properties, a small or non-existent CRE unit and no current CRE MIS.

Large organisations tended to recognise the importance of CRE MIS but there was a marked difference between those with predominantly freehold and those with leasehold portfolios in the assessment of their own CRE MIS performance (leasehold portfolios showing more significant association with high performance CRE MIS). This also reflects Nourse (1994) who found organisations who lease, rather than own, better link their property decisions to strategic needs.

The data sub-components with the best performance within CRE MIS tended to be those items held in common with investment real estate and reflecting accounting requirements, such as recording lease details, current use, physical attributes and legal data. These latter types of historic information were also found to be dominant in existing CRE MIS by Redman, Johnson and Tanner (1994), but data to aid future decision-making was lacking.

Similarly, the areas of relatively poor CRE MIS performance in this research were often related to strategic decision-making, for example, identifying non-performing properties. However, the minority of organisations who held good strategic data were also those strongly associated with high levels of overall CREAM performance.

It became apparent looking across the results as a whole, that there appeared to be a division between those organisations that use their CRE MIS in a more "basic" way, dealing mainly with operational level decisions, and those using it for more "advanced" strategic level decisions.

For example, those organisations that were more satisfied with the performance of their CRE MIS and did not rate it as very important, often also rated strategic activities and data as less important.

In contrast, those who rated the importance of CRE MIS highly were likely to spend more time on, and rate as more important, strategic level activities and data. They were also likely to use more sophisticated decision-making techniques and be more highly qualified. This group was also strongly and positively associated with other measures of CREAM performance.

These differences in the degree to which organisations use their CRE MIS for strategic decision-making may be reflective of the five stage CREAM development process put forward by Joroff et al (1993), in that it is necessary to achieve a satisfactory level of performance at one stage of development before progress can be made at the next level. It could be that those organisations operating at the lower level "Taskmasters" and "Controller" stages may be quite happy with the particular output of a CRE MIS whereas the same data would be quite inadequate if they were operating at the highest "Business Strategist" level.

This means future development of CRE MIS systems may need to focus on identifying and integrating strategic level information, rather than operational data, so as to facilitate the movement of the organisation to higher stages of development and therefore improved CREAM performance. This may prove difficult as strategic data varies more from organisation to organisation than operational data, and standard CRE MIS software packages, which are often based on accounting or investment property models, may have trouble coping.

There was also an association between restructuring of both the organisation as a whole, and restructuring of the CRE unit, and the importance of CRE MIS. It could be that, as reported by French(1994), restructuring is a catalyst for marked improvement in CRE MIS. Or, as Byrne (1994) found a "chicken and egg" type situation develops with the need to have a strategic corporate real estate plan "forcing" the development of an effective CRE MIS, or alternatively the output of an effective CRE MIS stimulating the development of a strategic corporate real estate plan.

In a similar way an improved CRE MIS in certain areas may be a catalyst or prerequisite for increased outsourcing. This is reflected by a significant association between high levels of performance in a number of CRE MIS sub-data components and increased outsourcing. There was also a negative association between increased outsourcing and number of CRE staff, which may indicate productivity gains.

However, improvements in CRE MIS are not a panacea for all CREAM problems. As higher stages of CREAM development and performance are achieved, more strategic level analysis and decisions will have to be made. These strategic level decisions are often characterized by less availability of hard data and established methodology than lower level decisions, and rely more on the experience, integrative and intuitive abilities of management.

A good CRE MIS is a foundation, and nothing solid can be built without one. But a foundation is only part of a much bigger building.

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Getting the balance right

This month [ed November] the government is launching a discussion document, called Getting the Balance Right, which poses a number of questions for landlords, tenants, property managers and others who have an interest in rental housing. One of the areas it is keen to gain feedback on is what can be done to improve property management practices and professionalism among landlords and property managers,

The government is looking for a wide range of views on how the rental housing market operates and how the law might need to change. Public consultation on the Act will take place over the next three months and will be run by the newly established Department of Building and Housing. The department will gather views through written submissions, public meetings and focus groups.

The Residential Tenancies Act, which was passed in 1986, was designed to ensure an appropriate ongoing balance between the needs and obligations of landlords and tenants. The housing market has changed significantly in the 18 years since it came into being. More New Zealanders now rent their homes - around one in three - and proportionately fewer people live in houses they own.

People are also staying in rental housing for longer and their circumstances are far more varied than they were in 1986. For example, proportionately fewer young people are flatting away from home and more older people and families with children are renting.

Within the rental market, more individuals and families now depend on housing provided by private landlords, rather than state or council landlords. This means that private rental housing is having a bigger impact on New Zealand's housing, social and economic outcomes than it did in 1986.

The sorts of people who choose to invest in rental housing and become landlords has changed as well. For many people, rental property has become an important business investment and a significant part of saving for retirement. Recent growth in the number of rental properties means there has also been an increase

in the number of first-time landlords and independent property managers.

Together, these changes mean the way in which the rental housing sector operates is more important for more New Zealanders than it was in 1986.

The government believes it is time to review the Residential Tenancies Act to make sure it provides a proper balance between the social needs of tenants for housing and the commercial needs of landlords to manage their rental properties efficiently.

One of the areas the review will focus on is the quality of property management practices. For instance, the discussion document asks what impact variable property management practices have on the private rental market, what can be done to improve property management practices and professionalism and what level of regulation is appropriate for landlords and property managers.

One option is that property managers and landlords could have to be registered - this would be in addition to the current provisions relating to accommodation brokers. The document suggests there are two ways this could be done. Everyone could be required to be registered initially. Landlords and property managers who then failed to meet certain minimum standards could be struck off the register and prevented from managing properties. Or else people could be required to demonstrate their competence or fitness against a set of standards before being allowed to manage properties.

However, the discussion document recognises that provisions like these could put people off becoming landlords, especially those who own only one or two rental properties. In turn, this could lead to private landlords providing fewer rental properties. Alternatives might be to provide incentives for landlords to register voluntarily or seek accreditation against some industry standard. Another option floated in the discussion document is to develop a standard or "quality-mark" that a landlord or property manager could choose to adopt as a way of signalling their quality in the market.

Copies of the discussion document, which includes a submission form, are available from the Department of Building and Housing's website, www.dbh.govt.nz, or can be obtained by ringing the department on 0800 83 62 62. Public meetings will be held in Auckland, Wellington and Christchurch and will be publicised on the department's website. Submissions close on 18 February 2005.

Did you know?

Things have changed since the Residential Tenancies Act was passed in 1986.

- More New Zealanders now rent their homes - around one in three.
- A smaller proportion of people live in houses they own.
- Within the rental market, more people and families depend on housing provided by private landlords, rather than state or council landlords.
- A smaller proportion of young people are flatting away from home.
- More older people and more families with children now rent.
- Both tenants and landlords come from a wider range of cultures for a growing proportion, English is a second language.

LIFESTYLE PROPERTY DEVELOPMENT - A NEW ZEALAND CASE STUDY

1. OVERVIEW OF THE NEW ZEALAND MARKET

The affinity for country living and the demand for lifestyle blocks is resulting in major changes in land use patterns in New Zealand and is consuming valuable productive land in many regions.

Soaring demand from New Zealanders wanting to live the country life has seen the creation of 6,800 new lifestyle blocks being created each year resulting in the loss of more than 33,000 hectares to the sprawl of lifestyle blocks. This is the equivalent of about 247 dairy farms each year and raises fears that creeping urbanism will threaten primary production.

The huge prices for lifestyle blocks the national median price reached \$377,000 per property in June 2004, up from \$277,000 two years earlier have made subdivision in some areas more viable than farming.

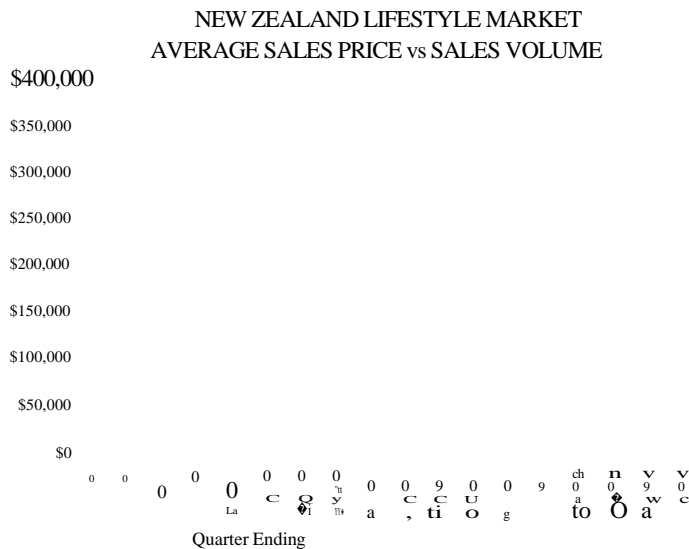
Nationally the area of land in lifestyle blocks has doubled in the last ten years from 443,690 hectares in

1993 to 755,460 hectares in 2003, and the rate of new conversions is increasing.

The most dramatic increases in lifestyle blocks are occurring around the main metropolitan centres of Auckland, Tauranga and Christchurch with a recent study commissioned by the Ministry of Agriculture and Forestry (MAF) suggesting that lifestylers drive much of the new growth with most purchasers being more interested in a large lawn and garden rather than a productive small farm.

The resulting uptake of lifestyle blocks combined with changes in ownership structures of farms and orchards has resulted in a reduction in the number of farmers and orchardists. As an example the number of orchardists in Nelson (northern South island), a desirable living environment has reduced from 370 growers in the area in 1999 to 270 in 2004, while the number of farms nationally fell from 70,000 to 66,054 with the loss of 154,834 hectares of farm land.

Graph 1



The number of lifestyle blocks in New Zealand has increased in the last ten years from 75,278 in 1993 to 138,676 in 2003 resulting in some 330,000 hectares of farm land being converted annually for lifestyle development. This has resulted in the area of lifestyle blocks increasing from 443,690 hectares in 1993 to 755,460 hectares in 2003 (Table 1).

This significant growth has typically come from people migrating away from the hectic pace of the cities to more peaceful country lifestyle and it is a trend that it is not unique to New Zealand. The ability to easily relocate to the country can be attributed to improved motorways, increasingly flexible working hours and the ability for many to work from home via the internet.

District Councils who determine the extent of lifestyle block subdivision through their District Plans and resource consent procedures are being forced to review the areas zoned for development and the minimum site sizes. In many regions the minimum area and average size is being reduced to encourage greater density with minimums being reduced to 0.5-0.8 hectares in comparison to the earlier minimum site sizes of 1.5+ hectares.

Developers are promoting more intensive lifestyle development with golf course resorts, and ecology developments are challenging Councils to review traditional thinking in terms of density and minimum site sizes. This is resulting in more sustainable approaches that will ultimately protect rural environments while meeting the demand for lifestyle development.

Table 1

NZ LIFESTYLE MARKET NUMBER AND AREA				
	1993	1997	2000	2003
Total Area of Lifestyle Improved (hectares)	310,464	443,346	452,072	488,642
Total Number of Improved Lifestyle Blocks	56,408	76,629	84,670	95,881
Total Area of Lifestyle Vacant (hectares)	133,226	196,006	226,285	266,817
Total Number of vacant Lifestyle Blocks	18,870	25,863	34,435	42,795
Total Area of all Lifestyle (hectares)	443,690	639,351	678,357	755,459
Total Count of all Lifestyle	75,278	102,492	119,105	138,676

Table 2

NATIONAL LIFESTYLE AVERAGE SALE PRICE (REINZ)					
Quarter Ending	Jun-01	Jun-03	Provisional Jun-04	3 Year Growth	1 Year Growth
Northland	\$181,845	\$2371,701	\$250,242	38%	5.3%
Auckland	\$411,263	\$458,049	\$628,630	53%	37.2%
Waikato	\$265,315	\$287,990	\$317,182	20%	10.1%
Bay of Plenty	\$293,312	\$287,875	\$392,435	34%	36.3%
Gisborne	\$298,681	\$190,143	\$305,067	2%	60.4%
Hawke's Bay	\$219,907	\$319,616	\$381,373	73%	19.3%
Manawatu Wanganui	\$194,480	\$178,718	\$204,817	5%	14.6%
Wellington	\$191,946	\$261,524	\$354,349	85%	35%
Nelson Marlborough	\$296,198	\$401,245	\$476,535	61%	18.8%
Canterbury	\$238,533	\$239,446	\$309,744	30%	29.4%
Otago	\$267,890	\$335,045	\$394,491	47%	17.7%
Southland	\$145,023	\$175,321	\$196,849	36%	12.3%
New Zealand	\$277,673	\$308,312	\$377,524	36%	22.4°%

Source: REINZ, Bayleys Research

- Identification of two lot types being large homestead sites of 5,000-6,000 m² and smaller villas sites with the units being clustered on sites ranging in size from 800-1500 m² on the areas closer to the coastal fringe which have the best views.
- Building design controls making the use of a registered architect mandatory to ensure that the houses are integrated into the landscape.
- Establishment of an owners association to own, manage and administer the reserves, open spaces and community amenities.
- High standard of infrastructure including cabling for digital television, security and high speed internet.

A new consent was subsequently lodged with council for the homestead sites and approval granted to increase the number of lots to 47. This required numerous discussions with council officers to change traditional mindsets, particularly in regard to common ownership and future management of the reserves and with the road being placed sensitively within the landscape.

A further consent is shortly to be lodged with the Napier City Council for the clustered villas proposal with the objective being to increase the overall number of lots to 70. This application does not comply with the Napier City Council's Operative District Plan and therefore exhaustive planning has been required with detailed concepts being prepared by a team including an Urban Designer, Landscape Architect and Building Architect To achieve the design outcome for the villas and to ensure that the buildings will be integrated into the landscape setting, the villas will be constructed by the developer.

Marketing

Marketing commenced in May 2004 using the marketing bi-line "The Perfect Balance".

The marketing agency expanded several themes contained within the Master Plan. These themes include:

- The perfect balance between community and individuality this theme expands on the importance of community through the shared ownership of the reserves where residents can meet and enjoy the company

of others while the carefully located building sites will give owners scope for self expression in the design of their home and surrounds.

- The perfect balance of landscape and buildings the positioning of the sites through the Esk Hills property ensures the rural character of the property will be retained. On each site there is a designated homestead area with a prepared building platform of approximately 1500 m². These platforms have been sited and contoured to maximise the views while giving privacy where possible. Building Design Guidelines have been prepared to achieve as much integration as possible between buildings and landscape. A Registered Architect's input will be required to meet the design criteria, and to capitalise on the opportunities suggested by each site's natural setting.
- The perfect balance of views and seclusion - this theme emphasises that the views and outlook from the sites vary considerably in character and include sea and shoreline views, vineyards and valley views, mountain ranges and farm land views. Sites have been chosen to maximise the views while making sure the building platforms are 'tucked away' from the gaze of other sites.
- The perfect balance of near and far this theme builds on New Zealander's affinity for rural living. As Esk Hills is only 10 minutes from a busy regional centre that provides sophisticated amenities and a burgeoning cafe culture, there is a balance as the lifestyle sites are surrounded by properties that are rural in character. In addition, the close proximity to wineries, cultural festivals and entertainment events of international standing provides the opportunity to enjoy an enhanced lifestyle.
- The perfect balance of lifestyle and investment this theme targets buyers who seek a quality of life within close to a city, but wish to ensure that their purchase will be an exceptional investment as well. New Zealand rural land prices, especially those on or near the coastal margin, have performed exceptionally well over the last few years.

3. SUMMARY AND CONCLUSIONS

This case study demonstrates how a number of conflicts are being resolved that are resulting in a quality, innovative project that has challenged current thinking. To avoid the loss of productive farm land to lifestyle blocks District Council's need to move beyond current mindsets and provide flexibility within their District Planning Schemes that will enable increased density to meet the changing demographic need of the markets while protecting the unique landscapes that make New Zealand a special place to live.

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Gerard Logan
4 October 2004

THE BUSINESS CASE FOR INNOVATIVE WORKPLACES

Introduction

How can organisations leverage investment in the workplace to help address their challenges while deriving long-term benefits from their people, space, and technology? Leading workplace experts are now showing that careful analysis and good workplace strategies and design can help organisations improve their performance and the bottom line. We believe that innovative workplace solutions are very important to the future success of the United States Government, its human capital. And its citizens.

From Efficient Space to Effective Place

To offer best value, workplaces must go beyond simple function and aesthetics to become a strategic mission tool; to focus not merely on how efficient one's workspace can be, but how effective it is in serving its users and the organisation. What differentiates "effective workplaces" from "efficient workspaces" is a long-range perspective on the value added to the organisation. Your workplace should not be considered simply overhead, but an everyday tool to support work practices and organisational culture. The space should be capable of adapting to fit the mission, rather than the mission fitting the space. Moreover, it should be considered in your strategic business planning to support mission goals, with real property organisations involved in the organisational planning process, and real property professionals taking part in long-term mission decisions.

We believe appropriate initial investment can reap profound benefits over the facility life, especially by improving people's performance and by lowering

office reconfiguration and utility costs. At the General Services Administration, we believe workplace is critical to the success of the U.S. Government both for operational efficiency, and to attract and retain high quality people.

Today's Workplace Challenges

Today's workplace is filled with challenges that influence worker productivity and customer service - directly and indirectly on both "micro" and "macro" levels. Some of these challenges are common to all businesses in the US, while others are particular to the government. However, before improvements can be made in either sector, executives and managers need to become aware of the challenges, including:

- **Market pressures:** An increased focus on measurable performance improvement and customer satisfaction, doing more with fewer resources, and reduced cycle times.
- **Organisational change:** Constant reorganisations that require the inter-office relocation of roughly one-third or more employees each year.
- **Shifting workforce demographics:** Three generations working together, greater diversity, slower workforce growth, and growing skill gaps with the loss of corporate knowledge. Twenty percent of the Federal Government's current workforce will be eligible to retire within the next five years.

- Rapidly evolving technology: Technology surges ahead as organisations attempt to strike a balance between cost and productivity, and Attempt to balance connectivity and real-time information access with mission needs. Workplace solutions are sometimes electronic, not just bricks and mortar.
- Evolved workforce expectations: The growing value of work life "balance" requires companies to understand the importance of social networks and healthy work environments, and provide the requisite amenities so work and worker can be accommodated at any place, at any time.
- The changing nature of work itself: Today's offices need to support more collaborative, team-based work and evolving business processes demanded of high-quality knowledge work.

Workplace CAN Make a Difference

Current researchers and leading businesses agree that the workplace influences employee satisfaction, health, hiring and retention, productivity, and financial success. This is why GSA believes that executives and managers should utilize their workplaces as strategic tools by using innovative workplace solutions.

Knoll Inc. and DYG Inc. conducted a two-year workplace study utilizing 1,500 interviews, 350 full-time office workers and information from DYG SCAN, a syndicated research program tracking social values and trends since 1987. The results indicated that people DO consider the workplace to have an impact on their productivity and job satisfaction, with these major factors:

- Technology Having the right technological tools and supports to do their work.
- Storage Space Providing enough storage to have the necessary documents nearby.
- Climate Control Having control of workplace environment to provide comfort.
- Quiet Space - Minimizing noise that causes distractions and disruptions.
- Adjustable and Adaptable Space - Space that can be personalized to an individual's work style.

Other items that had a moderate impact on productivity and satisfaction were:

- Personal Lighting Control
- An Ergonomic Chair for physical comfort
- Proximity to an Exterior Window providing natural light and views

- Privacy & space at one's workstation for personal items (to make people feel more at home)
- A visually appealing workplace, with a professional atmosphere reflecting an appreciation for the employee's value to the organisation

The study also showed that satisfaction is important in retaining staff. Employees planning to leave an organisation were 25% less satisfied with their physical workplace than those who planned to stay. Organisations striving to retain a world-class workforce should factor employee workplace satisfaction into strategic organisational thinking.

What are Innovative Workplaces?

Innovative workplaces are those that integrate business processes and individual work practices with work strategies and office space, resulting in healthy, high-performance workplace solutions. They are the result of using integrated, sustainable development strategies that address an organisation's need to provide better and more cost-effective workspaces. New ways of thinking can tie together the facilities, information technology and human resources components of the workplace to support changing business practices with the growing awareness that "work" is no longer simply a "place."

Innovative workplaces are characterized by the following attributes, identified by GSA as "Hallmarks of the Productive Workplace." Thoroughly combining these attributes with Information Technology (IT) and Human Resources (HR) considerations produces an "Integrated Workplace."

Spatial Equity	Humane, well-designed workspace that meets the functional needs of the users with individual access to privacy, daylight, and outside views.
Healthfulness	Clean and healthy work environments, free of contaminants and excessive noise, with access to good quality air, light, and water.
Flexibility	Easily adaptable workplaces that support work strategies and enhance employee work/life balance, with systems and furnishings that can accommodate organisation changes with a minimum of time, effort, and waste.
Comfort	occupant-adjustable thermal, lighting, acoustic, and furniture systems for personal and group comfort.

Connectivity	Full communication with access to people and/or data from any place (main office, telework or commuting center, home office, travel venues, etc.)
Reliability	Efficient, state-of-the-art, easily maintained heating, ventilating, air conditioning, lighting, power, security, and telecommunication systems and equipment, with equally easy to use back-up capabilities.
Sense of Place	Having a unique character and appropriate image that instills a sense of pride, purpose, and dedication; and, we'd add some whimsy, some elements of "fun."

Achieving a Sustainable Workplace

Combining the concepts of both Sustainable Development and the Integrated Workplace yields the Sustainable Workplace: one that respects the environment and makes the most efficient use of resources; improves both occupant health and performance; maximizes human capital; and supports a more consciously efficient organisation. A powerful concept for creating "world-class" workplaces, Sustainable Workplaces are also a way to provide the most effective work strategies and environments that accommodate both individual work processes as well as organisational goals at the lowest lifecycle "true" cost. When sustainable workplace concepts inform your mission decisions, you'll likely make the right decisions those that benefit the project constituents, the environment, and the bottom line.

Who Cares?

The work "place" as a business tool has not yet entered into the thinking of most executives and managers. Flexible work arrangements, technology advancements and security concerns require new ways of thinking about the workplace. We must educate our stakeholders and executives so that they understand why the workplace is critically important.

Work strategies, new environments, and technology tools are only successfully applied when organisational culture, mission processes, and human resources are properly considered. Some are affected more than others: organisations coping with change, highly competitive business environments, and research and development enterprises. Successful workplaces can only happen when executives, managers, employees, facility managers, project managers and designers all actively participate in developing and owning the workplace

Why Should the U. S. Government Be Concerned About the Workplace?

The Federal Government spends millions of dollars annually providing workspace for its workforce. GSA alone houses 1.1 million federal workers in 334 million square feet of office space.

Regrettably, many of these work environments are based on old concepts that do not adequately support contemporary management strategies and collaborative work "styles" of an information-based workforce. Such work settings do little to incorporate new approaches or improvements to the way people work or to reducing operational costs. With a more innovative approach the cost of workspace can be leveraged to improve overall business performance while increasing the real mission productivity of the Federal Governments most important asset its people.

Improving employee performance affords the greatest opportunity for increasing the bottom line. Therefore, providing inappropriate space or installing systems, furniture, and technology that only meet minimum standards can have disastrous long-term effects in an organisation. Innovative workplace strategies bring new value to your operation by helping you create healthy, productive, effective workplaces. The question remains, how does the cost of implementing such cost-saving and performance-enhancing workplace strategies affect my organisation? Using a typical cost-per-square-foot model (see below), we've estimated the rough "order of magnitude" cost to alter and renovate all GSA-controlled office space utilizing innovative principles and processes to provide flexible, efficient, world-class workspace. We find cost is equivalent to renovating the same space the "traditional" way, but there are substantial benefits achieved through innovation above and beyond what is achievable through traditional means.

Private Sector Responses to Evolving Workplace Needs

Unfortunately, because the real estate industry is quite fragmented, a coordinated research program does not currently exist. However, the magnitude of this issue has precipitated actions from a variety of organisations, including:

- **Industry and Business:**

Major corporations such as Owens Corning, Lucent Technologies, Sun Microsystems, Cisco Systems, and Nortel Networks recognize a business and user-focused integrated systems approach to the workplace.

- **Professional Associations:**

CoreNet Global's recent research initiative "Corporate Real Estate 2010" is strong evidence that the real estate industry considers the workplace important. Similar efforts from others include the American Institute of Architects and the American Society of Interior Design.

- Academia, Consortia, etc.:

Several of the country's top universities (and their related advisory groups) consider workplace an important topic for research and development, including Cornell, Carnegie Mellon, Georgia Tech, MIT, Berkeley, and Harvard.

Federal Government Responses to Workplace Needs
GSA, other U.S. Government Agencies, and other nations (Canada, Netherlands, Germany, Finland) are participating in workplace research and developing ways to improve conditions for all Federal employees (individual case studies will be provided during the presentation).

Since 1997, when GSA's Office of Real Property published the "Office Space Use Review: Current Practices and Emerging Trends," we have focused on strategies for effectively managing Federal real property assets and their alignment with an agencies' strategic business plan.

The "Office Space Use Review" encouraged agencies to go beyond traditional thinking in providing Federal office space beyond simply housing employees and providing support spaces. The "Office Space Use Review" also advocated that "Federal Agency strategic plans should focus on mission but not overlook administrative costs such as real property. Recommendations also noted that agencies should use planning and measurement to manage their real property use and costs. When agencies understand that real property costs can be managed, overall savings may accrue to provide some fiscal relief in tight budgetary environments (assuming a tradeoff among real property, operations, personnel, and program costs during the agency's own budget development process).

In 1999, the Office of Real Property published "The Integrated Workplace: A Comprehensive Approach to Developing Workspace." This report advocated a multidisciplinary approach to the design of high-performance, adaptable workplaces that have the flexibility to accommodate the changing needs of the occupants and the organization. The Integrated Workplace identifies and promotes leading-edge workplace concepts that can result in cost-effective, efficient office environments that enhance productivity and help to attract and retain a quality workforce.

The Integrated Workplace differs from more traditional space design in that, while it gives consideration to the physical space, special emphasis is placed on individual needs and the organizational culture or working environment that defines that organization. Rather than characterizing the workplace as just "space," the Integrated Workplace considers three components: People (human resources, work processes, organizational culture), Places (varied work locations and settings), and Tools (communication and information technology, connectivity, design processes,

measurement) and how they interact to produce more productive, cost-effective workplace environments.

An Integrated Workplace approach has organizations consider a variety of options for performing their work. This approach involves a process of determining how, when and where people work, and matching these needs to a range of workplace solutions. Some alternatives may make innovative use of existing office space, such as using shared workstations to free up space for a community room. Other options may allow a person to work elsewhere and come to the central office location on an occasional basis what we call the "Virtual Workplace," expanding the idea of a traditional office.

Increasingly, a large proportion of employees work outside of the traditional office perhaps at home, on the road, at a telework center, or at a customer's office. In this virtual workplace, employees are provided with tools, technology and skills to work and perform their jobs anywhere they can be the most productive. This can have a positive effect on organizational performance. This virtual workplace demonstrates that safe, healthy and productive places to work can exist both inside and outside of the primary environment. This innovative strategy can transform an organization's thinking about the workplace and itself. In this new perspective, work is what you do, not the place where you do it.

The growth of the virtual workplace in the Federal Government can be attributed to a number of factors: the emphasis on E-Government, the proliferation of new technologies that allow for more collaborative and distributed ways of working, a need to recruit and retain a "world class" workforce, plus a long-overlooked focus on continuity of operations. This strategy supports moving work to where people are, rather than moving people to where the work is. One example is the Spouse Telework Employment Partnership (STEP): using telework to address the career and employment needs of relocated Federal employee spouses, who can then continue their current work even after moving to a different geographical region. The virtual workplace offers organizations an opportunity to reduce costs, increase productivity, attract and retain employees and lessen environmental pressures.

In order to pilot the ideas of the integrated Workplace, GSAs Public Buildings Service has developed a ground breaking process called "WorkPlace 20-20" to help government agencies create workplaces that objectively support the strategic goals and organizational needs of the agency. WorkPlace 20-20 is a comprehensive, multidisciplinary process that provides workplace solutions that are two mission tools for improving the performance of the organization. The process starts well before and goes beyond traditional space design by establishing a strategic mission focus for workplace, helping people

think about HOW and WHY they work, not just where they work. It also provides innovative change management strategies so space can become a catalyst for change. Workplace 20-20 is in the testing phase, with 17 pilot projects in progress across the country involving four federal agencies and more than 4,500 federal employees.

Benefits of Innovative Workplaces

Integrated, sustainable workplace strategies can benefit the Federal government and other organisations in three significant ways.

1. LEVERAGING HUMAN CAPITAL

Over the typical life of a facility, employees account for 90 percent of expenses, while initial construction and subsequent operation and maintenance costs account for only 5 percent each. Innovative workplaces help to leverage the investment in an organisation's employees through:

- Increased occupant comfort and satisfaction in a more healthful work environment better indoor air quality (IAQ) and more daylight reduces illness and stress.
- Increased productivity and performance - improvements in thermal comfort, lighting, acoustics and indoor air quality can increase productivity by up to 6 percent and reduce absenteeism by anywhere from 8 to 45 percent.
- Healthier environments mean healthier employees that are more productive OSHA repetitive strain injuries cost anywhere from U.S. \$20 billion to \$100 billion annually.
- Better and more frequent staff interaction - more teaming & collaboration.
- Improved recruitment and retention workplace is a factor in hiring and employment longevity
- Reduced absenteeism healthy, satisfied employees would be more engaged in their work.
- Better work/life balance means happier employees who stay longer.

2. ENHANCING PORTFOLIO VALUE

This is the remaining 10 percent of costs. Buildings that support innovative workplaces help increase the value of an owner's real estate portfolio through:

- Greater flexibility of building services reduces reconfiguration time and expense.

- More effective space utilization workplace strategies such as telework and hoteling support better space use alternatives.
- Effective operations and maintenance saves operating and technology expenses.
- Greater customer satisfaction improves employee performance and satisfaction.

3. SUPPORTING MISSION/BUSINESS OBJECTIVES

Beyond the human capital and portfolio value aspects, innovative workspace implementation can enhance mission objectives by:

- Clarifying mission goals and strategies - facilitates process evolution.
- Enhancing product/brand image makes a statement to employees and the customers.
- Performance measurement for continuous improvement comprehensively assesses financial, business process, customer, and employee measures.
- Supports corporate stewardship reinforces sustainability goals as well as environmental and regulatory compliance opportunities.

The Macro-Business Case for Innovative Workplaces

Using innovative workplace principles to develop high-quality office space, in contrast to a more shortsighted, lowest-first-cost approach, could offer long-term cost benefits to the Federal Government and other organisations. Our analysis offers a surprising glimpse at the magnitude of these benefits for our GSA-controlled space sample population of 1.1 million federal workers housed in 334 million square feet:

Annual personnel cost benefits of innovative workplaces may include:

- Productivity Increase 3% work improvement gain could yield about \$2.5 billion.
- Attendance Increase - 8% absenteeism avoided could capture about \$216 million.
- Retention Increase 10% higher staff retention rate could save about \$263 million. The subtotal of personnel benefits is about \$3 billion per year (about \$2,700 per person).

Annual physical office space cost savings of innovative workplaces may include:

- **Chum Cost Reduction** 80% lower move costs, saving \$396 million.
- **Energy Cost Reduction** better lighting strategies can reduce electric consumption 12%, saving \$54 million.
- **Occupied Space Reduction** more effective use space, reducing space requirements by a conservative 5%, can yield savings to \$343 million.

The subtotal of space cost savings is about \$793 million per year (about \$2.37 per square foot).

Therefore, the total annual benefit that might accrue from renovating the entire GSA-controlled space inventory of 334 million square feet is approximately \$3.8 billion. Our analysis, based on actual case studies, convinces us that renovating and redesigning our existing office space using innovative workplace strategies is cost-neutral compared to renovating and redesigning in the "traditional" way. There is real value here that cannot be ignored or wished away by those who are comfortable with the status quo. Now, consider that the GSA inventory represents only 40 percent of the Federal Government's overall office space inventory and only 10 percent of the Federal Government's total space inventory. While there are additional variables to consider when expanding this analysis to the more diverse Government wide portfolio, strictly as an order of magnitude the potential benefits on a Government wide basis over a 3.4 billion square foot portfolio could be as much as \$38 billion per year.

Towards an Innovative Workplace?

There is no standardized solution to implementing innovative workplace strategies, since every organisation works somewhat differently, has a unique mission and needs, and responds to different motivational factors. However, there are some elements common to every project. These include developing the project using an integrated, sustainable approach that involves all stakeholders in determining the needs of the project and what workplace strategies can be used to address them.

While the facility professionals and executives must lead their organisations in creating effective workplace strategies, they should not do this alone. At the outset, they should involve both the space users and other company experts, especially those in Information Technology and Human Resources, to define project goals, and identify precisely what problems need solutions. The IT professionals can help to determine hardware, software, and networking requirements, as well as issues with implementing telework strategies. Because personnel issues surface regularly during corporate change, HR must also be fully informed and capable of handling management

and staff communication, in terms of resetting a company's cultural momentum or responding to individual concerns.

Understanding how changes in the workplace are accommodated over time is also important. While developing new workplaces is usually part of any major renovation project, many other space changes occur through a series of smaller projects or minor changes over an extended timeframe. It is equally important to plan for dealing with long-term management of the workplace and insure, through coordination, that the smaller, incremental changes continue to best support the larger organisation mission as well as local group and individual needs, well after the initial change occurs.

What You Can Do

GSA is committed to the concept of Innovative Workplaces. As facility management professionals, you can join with the Federal government in responding to and supporting the changing nature of the workplace by:

- Rethinking standard practices: using sustainable, integrated solutions and services to create facilities that support healthier and more productive workplaces.
- Developing new ways of thinking: beyond function or aesthetics, considering the nature of work and how it relates to the mission; providing 'work places'- not just "work spaces."
- Being an advocate and partner for change; raising awareness of the workplace as a strategic tool; educating your clients and helping them use their workplace as a tool for change.
- Offering expanded services and being able to better demonstrate the value of the workplace and workplace services by including organisational development, change management, and performance measurement.
- Sharing information with the real property community on project progress or lessons learned.

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CHANGE, CHAOS, CONTRASTS AND COMPROMISE: WORKPLACE OF THE FUTURE

WHAT ARE THE TRENDS?

Changing Demographics

Today's workforce is made up of four generations of workers: the Traditionalists (1930's and early 1940's), the Baby Boomers (1945 to 1962), the Generation Xers (1965 to 1985) and the Millennials (1985 to 2005). The majority of workers today are 'boomers' or Xers.' Ask anyone and they'll tell you about the conflict between the boomers and Xers.

BOOMERS	XERS
Quiet	Rich sensory input
Large families	latchkey kids
Calm	Frenetic
Closed office	Team space

Boomers like quiet space while the Xers can have multiple items running at once a CD player, 2 or more software programs, email, instant messaging, cell phones etc. Boomers generally come from large families where they shared everything bedrooms and clothes. Xers generally come from small families and were often latchkey kids. Boomers are typically looking for calm, quiet space (i.e. closed office) and Xers are comfortable with frenetic team environments. The easy solution is to accommodate each type in a space in which they are comfortable however, the organisation suffers in that knowledge transfer between generations is not occurring and the boomers are retiring quickly! The facility manager needs to find a way, now, to accommodate the different generations to ensure knowledge transfer and find ways to reduce the conflict. By 2020 most baby-boomers will be in retirement years; in Canada alone, the labour shortage is expected to be approximately 950,000 workers.

Changing Skills and Occupations

The labour will increasingly contract, especially in technical areas. The proportion of technical workers is increasing as the work changes and those in non-technical occupations are subject to downsizing. As well, there are a number of emerging and promising occupations:

- Computer related, multi-media, and telecommunications
- Engineering, especially multi-disciplinary
- Environment specialists
- Aerospace
- Bio-technology
- Accountants and investment professionals
- Sales
- Nurses
- HR professionals
- Building trades

As facility managers, we will be directly affected by these emerging occupations. For example we will need to create an environment to retain and attract knowledge workers, and we will need to find technical staff to help deliver FM services.

The types of 'soft' skills required to succeed now and in the future are:

- Flexibility and adaptability to change ability to summarise and analyze information, withstand stress, accept criticism, work as part of a team, work in a multicultural environment
- Independence learning, problem solving, decision making, taking calculated risks
- Communications orally, in writing, independently, and as part of a team

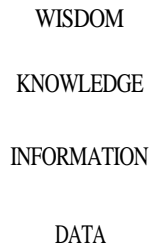
INCREASING IMPORTANCE OF KNOWLEDGE MANAGEMENT

There are two types of knowledge explicit and tacit. Explicit knowledge is that which can be or is written down (much is captured in computer files). Tacit knowledge is that which we gain through our senses

sight, hearing, touch, taste and smell. Tacit knowledge is known as 'sticky' in that it is difficult to pass on to another person. We are not always aware that we are increasing our tacit knowledge. The ratio of tacit knowledge that we know we have received vs. that which we don't know we've received is 1:1,000,000.

We define the 'knowledge worker' as one who interprets or gains insight. It is used to be defined as someone who works with a computer. The computer only has explicit knowledge. The knowledge worker uses all the explicit knowledge they can find and the tacit knowledge they have acquired to interpret or gain insight into issues. The information hierarchy can be described as a pyramid: data is collated to become information, information is analyzed to become knowledge, and knowledge is interpreted to become wisdom.

For example, to create a building condition report, the onsite data is captured, and the information is collated to create a building condition report. The information is reviewed and analysed to develop in-depth knowledge of the building. Interpreting the knowledge in the report leads to the executive summary and risk management of proceeding or not with recommendations in the report.



BUSINESS AND CULTURAL SHIFTS

There have been many changes in our work, life in the last 15 years and these changes appear to be accelerating not reducing. Some of these changes include:

- The quest for continuous improvement (is it ever good enough?)
- An increasingly diverse workforce
- A desire for a balanced work and personal life • Being connected 24/7

What these changes are creating is chaos and often paralysis. Many people are simply no longer able to cope with the amount of change and have reached the point of not knowing what to do or which way to turn. This stress is palpable in many organisations.

NEW TECHNOLOGIES

The reliance on technology, specifically email, is causing a breakdown in communication to the point that there are courses available on 'email conflict.' Only seeing the written word does not give us the opportunity to 'see' the body language and adjust our method of communication, which leads to an escalation of conflict.

Flat panel monitors are rapidly replacing the old CRT type monitors. Flat panel monitors draw less power, produce less heat load, are better for the eyes, weigh less, and require less 'real estate.' Now all we have to do is divest ourselves of the 48" corner work surfaces!!

While there are many new technologies, both to be accommodated and harnessed by facilities, the fastest new technology facing facility managers in 2004 is wireless. Occupant pressure will be the driver for this technology. The exploding use of wireless technology at home, for personal use and for telework, has created a knowledgeable end user who expects the same kind of flexibility and ease of connection in the workplace. The same user may not have the same awareness of all the data security issues that the use of wireless creates.

Communications networks are not necessarily, or even probably, totally wireless from end to end. The most important concern is to free the end user from the need to physically connect the device that he/she is using to a specific physical connector on the wall or in their workstation,

Until now, the relationship of the physical construction of the building and the communications systems has been the issues of where to run the vertical and horizontal backbone cabling, where to locate the communications closets and how to get the voice and data wiring to every workstation. With the increasing use of wireless, these concerns will be lessened, but other concerns take their place.

We know that thick concrete is a barrier to radio signals, and we know that metal components can impede or block wireless signals completely. For the facility manager, this means that attention will need to be paid to the actual construction materials for both the facility and its contents, to avoid creating avoidable blockage of wireless signals.

One surprising benefit is the ability to adapt older, historic buildings into state-of-the-art office facilities that, in the past would not accommodate the hard-wired infrastructure, but are easy to set-up with wireless.

CHANGE IS ACCELERATING

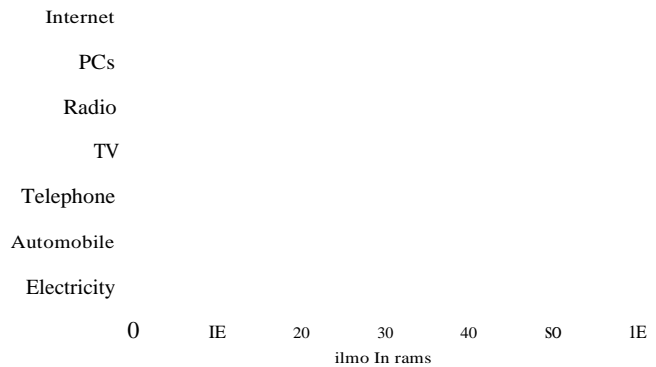
In 1995

- 50% reconfigured their furniture, every six months or less
- 42% moved their people
- 12% of companies never made substantial changes to their offices

In 2004 these percentages continue to increase. Most organisations react to change through functional or organisational changes. When this is not enough, they then make changes to the work environment. When this is not enough, they then make real estate changes. This is where facility managers can show their value - being able to distinguish when a facility solution is viable or when an organisational solution would be faster, cheaper and more appropriate.

In the US, critical mass of a new product is reached when 30% of household purchase the new product. It took 50 years for electricity to reach critical mass and 3 years for the internet to reach critical mass. What this shows is that we are acquiring new products/ technologies and changing at a much faster pace.

Critical Mass (30% of households)



STRESS INDICATORS

With the number of changes many people are reacting with a wait and see attitude, a feeling that nothing is ever good enough, and a desperate need for consolidation. The change we are experiencing is stress enough. As facility managers we have a responsibility to create environments that are as stress free as possible. Much of the stress we experience is through our senses.

SIGHT

- Visual clutter
- Unclear or missing signage
- Inappropriate lighting
- No variety a monotonous environment

SOUND

- Noisy environment
- Noisy people
- Street noise
- No refuge from sound

TOUCH

- Dirty and sticky
- No texture
- Too hot, too cold
- Quality of finishes

TASTE

- Feeling that 'I'm not even worth a cup of coffee'
- lack of scheduled social interaction
- 'Left a bad taste in my mouth'

SMELL

- Bad or stale air
- No welcoming smells
- diversity in food
- Allergies perfume, cleaning products, off-gassing

There are two other senses that I talk about - intuition and balance.

INTUITION

I believe that intuition is the culmination of the tacit knowledge that we have received and unconsciously processed. In North America many don't have confidence with decisions based on intuition, and risk aversion is not always respected. In addition there are cultural differences in how we react and interpret events.

BALANCE

Can be defined as a state of equilibrium. In the office today, enabling employees to balance work and family life is becoming a competitive advantage for many companies - it is the essential establishment of trust from employers that employees 'know what has to be done' and can manage their own schedules. Benefits, on-site summer camp, employee help lines, even pet care and dry cleaning services.

The challenge to facility service-providers is to be prepared for and reduce the cost and impact of change.

HOW DO YOU...

- Plan when the organisation is constantly changing?
- Maintain efficiencies in planning, budget and control?
- And keep the cost of chum under control?

OPTIONS REAL ESTATE, PLANNING AND BEHAVIORAL

Real Estate Rather than redundancy, consider building in the capability for flexibility and adaptability.

Flexibility of the Interior Work environment can be defined as a measure of a building accommodation setting that has the capability to respond or conform to organisational change with respect to three major planning criteria versatility, rearrangeability, and convertibility.

FLEXIBILITY

Versatility

Rearrangeability

Convertibility

17

Move the People
Around

Move the Things
Around

Reconfigure the Space
and the Things

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FELLOWSHIP CITATIONS

AH-LEK TAY

Ah-Lek Tay was born at Christchurch on 10 November 1963 and received his education at St Albans primary school, although his first year at school was in England where his family was resident for a year, attended Heaton Intermediate and Shirley Boys High School in Christchurch.

He studied at Lincoln College and gained the degree of Bachelor of Commerce, specialising in valuation and property management.

Ah-Lek commenced his career in valuation with Valuation New Zealand in 1986 and worked in the Dunedin office where he gained experience in rating roll valuations for the full range of urban properties including residential, industrial, commercial and small rural holdings. A change to private practice in 1988 saw Ah-Lek employed at Simes Dunckley Valuation in Dunedin where he undertook mainly specialist computer programming and applications for the valuation of large corporate and institutional property portfolios. His work also involved residential and small rural holdings valuations and some commercial properties.

Ah-Lek became registered as a valuer in 1989 and attained Associate status of the New Zealand Institute of Valuers in 1991. He is currently a Senior member of the New Zealand Property Institute.

A further change in employment took Ah-Lek to Barlow Justice Valuations Ltd in 1998 where he has progressed to become a director and shareholder. His work now involves the full range of property valuation and property consultancy. He is also a director of ValuersNet, an association of medium size valuation practices throughout New Zealand who use their collective expertise and resources to undertake large corporate and institutional valuation assignments.

Ah-Lek Tay has been continuously involved on the Otago Branch Committee of the New Zealand Institute of Valuers and subsequently the New Zealand Property Institute since 1989. He immediately became responsible for the collection and publication of statistical data for the branch, being appointed the Branch Statistical Officer. He also assumed responsibility for arranging the Branch annual pedestrian count survey in the city. The pedestrian counts involved liaison with Logan Park High School who provided students to assist with the survey and Ah-Lek extended his involvement with the school through a Careers Expo in 1993, promoting the valuation profession. In 1991 he became the editor of the Otago Branch Newsletter and he was the Convenor of a sub-committee which liaised with the Dunedin City Council on district

plan matters and the compilation of a hazard plan for the city. He was elected Vice Chairman of the Otago Branch, New Zealand Institute of Valuers in 1998 and became Chairman in 1999. Ah-Lek was appointed to the Transitional Sub-Committee of the New Zealand Property Institute in April 2000, and he guided the Branch as Chairman through this particularly difficult period with singular dedication and enthusiasm. He completed his term as Chairman in April 2003 and continues to serve on the committee, being responsible for most of the communications with the Branch membership and is instrumental in arranging most Branch events. He is presently the Conference Convenor for the NZPI Annual Conference this year, to be held in Queenstown.

Ah-Lek is married to Alison and they have four children, ranging in ages from 13 to 6 years. Family and community responsibilities have involved Ah-Lek in School Board of Trustees and he is currently the Chairman of the Board at Fairfield primary school, a position he has held over three terms. His leisure activities are somewhat restricted by family and work responsibilities but he has been a keen badminton and tennis player when time has permitted.

Ah-Lek Tay has made and continues to make a very significant contribution to the Otago Branch of the New Zealand Property Institute and to the valuation profession through an active practice in the city. His nomination for advancement to Fellow is recommended by the Otago Branch Fellows Committee.

JOHN LLOYD [BLUE] HANCOCK

Blue was brought up on the family farm in Nelson, and after leaving school attended Lincoln College where he gained the Dip. Agriculture [1980], Dip Farm Management [1981] and Dip. Valuation and Farm Management [1983]. He commenced work with the Valuation Department at Hokitika in 1982, and transferred to Nelson in 1986.

He registered as a valuer in 1986, and became an Associate of the institute in 1987. He transferred to Alexandra as "Senior valuer" in 1988, and back to Hokitika as "Managing District Valuer" in 1990. Then to Nelson in 1998 as "Area Valuer". On restructuring when the Department was disestablished he became the "Manager Rating Values" in 1999, and then "Manager Q V Valuations Central District in 2002. In this current role he manages the QV valuations team from Nelson to New Plymouth.

Blue has always kept his Institute involvement current, and has been the Nelson branch secretary

David Paterson was born at Winton, Southland on 6 January 1959 and attended Hedgehope primary school and Central Southland College in Winton. He studied at Lincoln College and graduated in 1980 with a Bachelor of Agricultural Commerce Degree, specialising in valuation and farm management.

David started his valuation career with the Government Valuation Department in 1981 at Dunedin where he gained experience in rural and residential valuations mainly for Local Authority rating. David attained registration as a valuer in April 1984 and became an Associate of the New Zealand Institute of Valuers in 1987. He is currently a Senior member of the New Zealand Property Institute. In 1985 David transferred to the Invercargill office of the Valuation Department where he was subsequently appointed Senior Valuer in 1989.

David was continuously involved in the affairs of the Southland Branch of the New Zealand Institute of Valuers until 1998 when he received further promotion in his employment in the now Valuation New Zealand and transferred to Alexandra as Managing Senior Valuer. The Southland Branch recognised his outstanding contribution to their Committee for 13 years with the presentation of a Certificate on 22 June 1998.

During his years in Invercargill David was involved in the full range of rural and urban valuations for rating rolls and some market valuations of farm, residential, industrial and commercial properties. He completed extramural study through Massey University in urban valuation during this period. David was appointed to his present position as Manager of Quotable Value at Dunedin in 2000, starting with two valuers undertaking market valuations for all residential, industrial, commercial and rural properties for the public, and now managing a team of seven valuers.

David and his wife Sandra have four children aged from 16 years to 9 years including twins.

David Paterson has given substantial contributions to the Southland and the Otago Branches of the New Zealand Institute of Valuers and continuing participation in the NZIV and the New Zealand Property Institute. He has forged a successful career in the valuation profession at Valuation New Zealand and subsequently Quotable Value, proving his ability as a valuer in both the rural and urban fields and as a manager in a challenging commercial environment. The Otago Branch Fellowship Committee recommends his advancement to Fellow

DOUGLAS JOHN SAUNDERS

Doug was born in October_1960 in Upper Hutt. Five years later the family, including his two brothers and a sister moved to Hamilton where he has remained ever since. He was educated at the Hamilton Boys High

School and then at Lincoln University from 1979 until his graduation in 1981 with a B.Com (VPM).

In 1981 he joined the Valuation Department gaining experience throughout the whole of the Waikato region in a wide range of work. He became closely involved in staff training and made a major contribution to the management within the office. He remained therein until 1986 when he joined the Hamilton practice of Brian J Hilson and Associates which later became part of the Robertson Young Telfer Company and more recently enlarged into the Telfer Young Group of which he is a Director.

He was registered as a valuer in 1985 and granted Associate status in the New Zealand Institute of Valuers in 1986.

His valuation work was initially predominantly rural orientated but for many years now Doug has been largely focused on the urban marketplace being involved in a wide range of commercial valuation and consultancy work. He is secretary of a residential Body Corporate and manages commercial portfolios.

Within the Waikato Branch, he has for many years been a very active participant in Branch activities including being Branch Chairman. He has been a member of various committees handling branch affairs including seminars, meetings, pedestrian counts and Associateship status as well as being newsletter editor for a number of years.

Doug is held in high esteem by clients, other professionals and his peers.

He has been, and still is an active sportsman and played representative hockey for Waikato, as well as coached Hamilton Boys High School hockey teams. He is also a very keen golfer and has had a long involvement in sailing.

Doug was married in 1986 to Pip and they have three daughters.

The Fellowship Committee of the Waikato-King Country Branch of the New Zealand Institute of Valuers recommends the elevation of Douglas John Saunders to the status of Fellow

FRANK LABONE HUTCHINS

Frank Hutchins is a Director of Hutchins & Dick Limited New Plymouth.

Frank was raised in New Plymouth, attended New Plymouth Boys' High School and completed his tertiary education in Auckland. He spent three years overseas in his early 20s including working in the property sector in London and Zimbabwe (then Rhodesia). On returning to New Zealand he joined the valuation department working in Wanganui and then New Plymouth through until 1980 when he commenced practise on his own account, being joined in 1983 by Max Dick and then (the late) Mark Muir to form Hutchins & Dick in 1983.

Frank has been a member of the NZIV and NZPI since the early 1970s, was registered in 1975, and was advanced to associate status in 1978. He has played an active part within the branch over the past 30 years serving twice as Chairman and on the various executive committees. He has been publicity spokesman and organised pedestrian counts over an extended period. He was appointed to the Taranaki Land Valuation Tribunal in 1989.

Frank is a well-respected Valuer with extensive experience throughout Taranaki and Wanganui particularly in the commercial property field.

Frank has been an active Rotarian and past President, is involved in community affairs, is a member of a wine group, plays golf, enjoys skiing, and is dedicated to his family being Rosemary (a school teacher), and two daughters (both at University).

Frank is highly regarded for his abilities professionally and for his undoubted integrity and commitment to the profession.

The Central Districts Fellowship Committee encompassing New Plymouth, Wanganui and Palmerston North recommend Frank Labone Hutchins be advanced to the status of Fellow.

HAMISH MURRAY MCKEGG

Hamish comes from Nelson where he grew up in the city and attended Nelson College. On leaving school in 1965 and seeking a career in the farming industry, he joined Borthwicks (a meat company) and went to Wellington to learn the ropes. On completion of that training and introduction to the industry he was posted to Murchison. He spent about two years there before deciding that he needed to expand his knowledge and opportunities. At that point he enrolled at Lincoln College.

Hamish began the Diploma in Agriculture course in 1970 and, upon completion of that course at the end of 1971, continued at Lincoln and completed the Diploma of Valuation and Farm Management course in 1972. He joined the Valuation Department in Hamilton early in 1973, and gained registration as a valuer in 1975. Soon after he was admitted to the New Zealand Institute of Valuers as an associate member.

During his time with the Valuation Department, Hamish worked throughout the whole of the Waikato, assisting with the completion of the valuation roles of all the area's Local Authorities and accordingly gained a broad, in-depth knowledge of rural valuation throughout the region. Concurrent with working with the Department, Hamish completed the NZIV urban exams and thus became dual qualified.

In 1980, seeking to use his knowledge and experience in an entrepreneurial and professional way, Hamish left the Department and set up a private practice. Since then he has built an excellent

reputation throughout Hamilton and the Waikato, especially with regard to rural valuations. In recent years he has had significant involvement with issues of compensation, in particular relating to the land requirements of the Mercer to Cambridge expressway. His work has won him high regard among his many clients, professional associates and his peers in the valuation profession. Hamish has contributed to the profession by the high standards he has set for himself and he has assisted the Waikato Branch of NZIV by serving on the Branch Committee for about five years during the 1980's.

In addition to his valuation practice, Hamish has, for many years been involved in property, successfully carrying out a subdivision and he has been a shareholder in a substantial dairy farm. Such work enhances his practical knowledge of land management matters.

Hamish is married to Margaret and they have two adult children. They live at Horsham Downs, just north of Hamilton where they have developed an attractive property alongside the Waikato River. Margaret is a successful landscape architect and carries out commissions throughout New Zealand.

The Fellowship Committee of the Waikato-King Country Branch of the New Zealand Institute of Valuers recommends the elevation of Hamish Murray McKegg to the status of Fellow.

JOHN CHARLES ALDIS

John Aldis is the principal of Aldis Jackson Valuers as a sole practitioner, in which capacity he has practised since beginning on his own account as a registered valuer in 1996 and then taking over the practice of Peter Jackson in 1999.

John was born at Dunedin on 27 April 1955 and received his education at College Street primary school and Kings High School. He studied at Lincoln College and graduated with a Bachelor of Agricultural Commerce Degree, specialising in valuation and farm management in 1978. He completed a Post Graduate Diploma in Property from Lincoln University in 2002.

John commenced his valuation career in the Government Valuation Department at Hamilton in 1977 and became registered as a valuer in 1980. He attained Associate status of the New Zealand Institute of Valuers in 1989, having previously become an Associate member of the Real Estate Institute of New Zealand in 1986. Having moved back to his home town in Dunedin in 1983, John was involved in valuation and real estate sales and then was employed as a registered valuer with Smith Barlow Justice in 1987, undertaking mainly residential and some suburban commercial and industrial valuation assignments and rural valuations.

John Aldis has been actively involved in the affairs of the Otago Branch Committee of the New Zealand

Institute of Valuers since coming back to Dunedin and particularly in the years of being in public practice. He addressed Institute seminars and luncheon meetings as a member of a panel of speakers and on the student accommodation investment market in the city. John was elected to the Otago Branch Committee in 1995 and immediately became involved with the Education Sub Committee and was appointed Chairman of that Committee in 1997. He has been and continues to be the Distance Teaching Seminar coordinator for the Branch. He was appointed Deputy Chairman of the Branch in 1999, serving for two years and being reappointed again in 2001.

John was also a committee member of the Otago Branch of the Property and Land Economy Institute of New Zealand and he was a member of the Transitional Sub Committee of the New Zealand Property Institute from April 2000. He is currently a Senior member of the New Zealand Property Institute.

Outdoor pursuits are John's favourite leisure time activities, particularly tramping and cross-country skiing, with physical fitness being a priority of his life involving daily running and frequent swimming and cycling. For relaxation John plays Bridge and he is a connoisseur of fine wine. John is married to Janice.

John Aldis is highly respected as a valuer and as a person of integrity by his valuation colleagues and his many clients. He is involved in all aspects of urban valuation practice including residential, industrial and commercial properties and also, less frequently, rural valuations. He has contributed significantly to the affairs of the Otago Branch Committees of both the valuation and the property management professions .

The Otago Branch Fellowship Committee of the New Zealand Property Institute recommends his advancement to Fellow.

JOHN CHRISTOPHER CHURCH

It is with great pleasure the Canterbury Westland Branch of NZPI supports the nomination and award of Fellowship to John Church in recognition of his outstanding service to both the institute and Profession as a whole.

John was raised and educated in Invercargill, moving to Christchurch in 1987 to complete a B Com (VPM) at Lincoln as a Bursar to the Housing Corporation for whom he had been working since 1984.

In 1990 John was appointed to a Property Management role in Telecom New Zealand based in Christchurch and by 1994 John's role had expanded to a national property position.

John's first involvement with the Institute began in 1992 when he joined the Branch Committee.-----

In 1994 John was invited to become a Director Shareholder of Thompson Wentworth, a property services company and in 1996 John was appointed

as Managing Director for the company with offices in Auckland, Wellington and Christchurch.

In 1997 John rejoined the Canterbury branch of the PLEINZ and in 1998 was elected to the National Council of PLEINZ representing the Canterbury/ Nelson / Marlborough region.

John was on the last National PLEINZ Council prior to the merger of PLEINZ and NZIV in 2000.

He continues to speak regularly to Universities, Industry Groups and makes contributions across most sectors of the Institute's business.

In 2002 Thompson Wentworth merged with Telco Asset Management where John now works holding the office of Executive Director.

John has been involved in the provision of professional property services to both public and private sector clients for the last fifteen years.

He is a Registered Property Consultant, Registered Property Manager and is currently a director on the Board of NZPI. John was a member of the NZPI panel who recently completed a full review of property degrees at Lincoln University.

He exhibits the highest standards of professionalism, ethics and integrity and is respected nationally by his peers and continues to make a significant contribution to the Institute.

John is married to Tracee, has two children and is keen on rugby, golf and the pursuit of the perfect beer.

JOHN EDWARD TRUMAN

John has been involved in the valuation profession for 24 years. He qualified at Lincoln College and graduated May 1980 with a Bachelor of Agricultural Commerce. John became a registered valuer in 1983.

John's introduction to valuation began in 1980 in the Dunedin office of the Valuation Department working through Central and North Otago. He transferred to Blenheim through the Valuation Department and then took a position with Landcorp.

John was also Senior Property Manager for the Marlborough District Council before setting up in private practice in 1994. He specialises in all aspects of valuation and is well respected within the industry.

Throughout his career John has been actively involved with the Nelson/Marlborough Branch of the New Zealand Institute of Valuers from 1986 as a new branch member, elected to branch committee in 1987 through to 1989 then acting branch chairman in 1997, elected branch chairman 1998, elected to branch committee again 2001 through to 2003. He has also assisted as programme sub committee member in 1988 and joint educational co-ordinator in 2003.

John is married to Sue and has two children Scott and Sarah.

John enjoys the outdoors including boating but does not have the opportunities as much these days.

The Nelson/Marlborough Branch recommends

John's advancement to Fellow of the New Zealand Property Institute and New Zealand Institute of Valuers.

KEITH WILLIAMS

Keith Williams was born in Clyde in June 1955 and, after the family move north, he attended Allantown Primary School before advancing to Ashburton College. That saw him into the ANZ Bank as a bank officer for a period, followed by a couple of years working on farms in Canterbury. His true interest in the land appears to have been cemented into place at this time because he enrolled at Lincoln.

In 1977 he graduated with a Diploma in Agriculture, followed by a Diploma in Farm Management in 1978. Then in 1979 he attained his Diploma in Valuation and Property Management.

The North Island snared him in 1980 when the then Valuation Department employed his services as a valuer in Te Kuiti. This led to a transfer to the Department's Hamilton office in 1985 where he has remained ever since.

In the meantime, he was registered as a Valuer in May 1983.

Keith is married to Jackie and they have three children. In addition to his professional and family interests he is a member of the Horsham Downs Golf Club and plays a respectable game. Both rugby and cricket have variously occupied his time and he became well known in the cricket fraternity for his skill with both ball and bat.

An auspicious career with the Department saw him rapidly promoted to Senior Valuer in 1985 and over subsequent years through to his present position as Account Manager Rating for Quotable Value, with responsibility for the Hamilton, Rotorua, Tauranga and New Plymouth offices. In this environment, where many issues are complex and demanding, Keith manages these circumstances with great skill despite limited resources. His team is loyal and this is, perhaps, his greatest complement.

Keith, in his role as a Valuer and Manager of O_V and the Department, has appeared before the Land Valuation Tribunal on many occasions. There he is recognised for his professional and helpful approach in presenting effective evidence and resolving the many complicated issues that arise.

He has also made a significant contribution to the Waikato-King Country Branch of the institute, acting as a Secretary/ Treasurer, newsletter editor, and general back-up person in the Branch. In the late 1980's he was elected to the Branch Committee where he served for several years.

Keith is held in high esteem both by members of the profession and by the many people in the community with whom he deals. His quiet authority and unflinching dedication to the efficient practice of

the profession is exemplary and he has consistently sought to pass on his knowledge and skills to younger valuers, firstly in the Valuation Department, then Valuation New Zealand and currently Quotable Value.

The Fellowship Committee of the Waikato-King Country Branch of the New Zealand Institute of Valuers recommends the elevation of Keith Williams to the status of Fellow.

Michael Antony Horsley

The Wellington Branch is unanimous in recommending Mike Horsley for advancement to Fellow of the Institute as he is a well regarded member of the valuing profession in Wellington. He has a diverse range of clients, and through his long service to local and national cricket, has heightened the awareness of the valuation and Property profession amongst leaders of commerce, the professions, and sport.

Mike is joint Managing Director of Colliers International (Wellington Valuation) Limited and after secondary schooling at Scots College in Wellington completed the Urban Professional Valuation qualification of the Institute in 1976. He was registered in 1979 and has been an Associate Member since 1980, having worked in the Government Valuation Department in Wellington, Harcourt Valuations Limited, and Darroch Limited from 1984 to 2002. He served on the Wellington Branch Committee of the NZ Property Institute of Valuers in the late 1980's and has contributed to various branch activities over the years. He has been a regular attendee at branch workshops and seminars, as well as property industry conferences.

Mike's practising arenas include commercial and industrial properties, as well as hotels and motels, retirement villages and private hospitals. He is skilled in the rental review/arbitration process and has given evidence as an expert witness on many occasions. His community activities have included serving as a board member of Wellington Cricket for 15 years from 1984, chairing the Association for 10 years from 1989 to 1999 and serving as a Board Member of New Zealand Cricket from 1992 to 1995. During the latter period he was involved in hosting a World Cricket Cup series in New Zealand. He helped establish the Basin Reserve Trust, was a joint negotiator of cricket's WestpacTrust Stadium and Basin Reserve occupancy agreement, and assisted with the amalgamation of Wellington and Hutt Valley cricket.

He is married and lives with his wife and their four children on a small holding in the Makara Valley.

Michael Horsley is respected by his colleagues, and clients, as being a very capable, reliable, and forthright commentator on property values.

MILTON JOHN BEVIN

The Wellington Branch Fellowship Committee is unanimous in recommending Milton Bevin for advancement to Fellow of the New Zealand Property Institute as he is a very well regarded member of the valuing profession in Wellington.

Milton currently works for DTZ New Zealand Ltd in Wellington but started his property career by completing a diploma in Valuation in 1981 - 1983 and cross credited to a Bachelor of Property Administration in 1984 at Auckland University. He first began working as a Valuation Bursar, then later as a Land Purchase Office for the Ministry of Works and Development in Auckland from 1983 - 1984. He then worked as a Valuer & Property Manager for H.G Livingstones in Auckland, and transferred to the Christchurch office of H.G Livingstones in 1986. Then before moving to Darroch Ltd he worked for Jones Lang Wootton Ltd in Wellington till 1988.

Milton joined the NZ Institute of Valuers in March 1985 and was registered in November 1987. He was advanced to Associate of NZIV in November 1988. He became a member of the New Zealand Property Institute on inception in January 2000 which gave him a Senior member status and the designation of SNZPI.

Milton has served on different branch committees over his years working in the property profession. He served two years as the Secretary for the Christchurch Branch of The Property Managers Institute from 1986 - 1987, and served for three years on the Wellington Branch of the NZ Institute Property Institute from 1988 - 1990.

Milton has also been involved in Rotary for the Wellington North Club from 1996 - 2003 including chairing community service and vocational groups, and organised and counselled foreign exchange student visits.

Milton is also a keen sports fan like most Kiwi men and has a passion for swimming, and road cycling. He also enjoys cricket and has been a coach in the Onslow Junior Cricket Club.

Milton is married to Pamela and they have two sons.

RICHARD CHUNG

Born in Wellington in 1967, Richard was educated in Wellington and went on to graduate from Massey University in 1988 with a Bachelor of Business Studies Degree. Richard continued his University education and obtained a Diploma in Business Studies in 1993.

Richard initially joined the firm of Jones Lang Wootton before moving to Ernst & Young. He gained registration in 1993, the same year in which he was awarded the BOMA Award for-Property Achieve of the Year, and in August 1994 was elevated to Associate. Soon after this Richard was seconded to the New York office of Ernst & Young Kenneth Leventhal

where he worked for some 15 months within the real estate consulting team. Richard spent just under ten years with Ernst & Young, most latterly holding the position of Principal leading the Wellington Real Estate Group and joined Wareham Cameron & Co Ltd in April 2000.

Richard has a wide range of property experiences with respect to both commercial and specialised assets. He also has particular expertise in valuation standards and methodologies, and both landlord and tenant representation roles. Richard acted as the lead consultant to the Treasury to develop guidance notes on the valuation of specialised assets in the health and education sectors and through his membership of the NZ Property Institute's Valuation and Property Standards Board has played a key role in the writing and release of the new Valuation Standard 3. Richard has also presented at numerous seminars, has sat on various New Zealand Institute of Chartered Accountants' working groups and authored professional articles.

Married to Bridget since 1995, and with son Beau and daughter Paget, Richard has a strong sense of family and community responsibility which he has balanced carefully with work and play. Richard is a keen golfer.

Richard is held in the highest regard by his peers and related professionals and has worked tirelessly to promote valuation standards and the Institute's links with the accounting profession in general. Richard's advancement to Fellow is a reflection of both these achievements, and of the high level of skill and integrity that he consistently delivers to the industry.

Case Notes

High Court

RD 1 Ltd v Mabel Bush Holdings Ltd 09/09/04, John Hansen J, *HC Invercargill CIV-2004-425-309*

Property Real Lease

Successful application by RDL for renewal of Deed of Lease - original Deed of Lease was entered into in 1999 - rent reviews were set for every three years lease contained standard provisions dealing with rent reviews, holding over, notice and arbitration notice of renewal was required in 2004 when it was not received, MBHL informed RDL that lease would end in three months - next day, RDL gave notice of intention to renew and sought confirmation that renewal was accepted, failing which RDL would seek relief against forfeiture - parties unable to resolve dispute between them MBHL submitted that Court should refuse application for renewal on basis that any expenditure by RDL, was minor and could be taken care of by compensation offered by MBHL MBHL asserted there was significant financial disadvantage and prejudice to MBHL because of RDI's evidence that there were four parties who indicated they would sign lease immediately for higher rental that there was prejudice in that, and further, lower rental now paid by RDL decreased value of property significantly - MBHL relied on breaches of lease by RDL, which related to repainting building, new signage and erection of security fence finally submitted that it was case where RDL had insisted on strict contractual rights for its own benefit, and could not now complain when MBHL strictly enforced renewal provisions also RDL challenged admissibility of "without prejudice" letter from RDL's solicitors to MBHL's solicitors.

Held, only breaches relied on by MBHL are minor, and in relation to the physical changes to the premises ignored at the time by MBHL future setting of market rents on review is governed by terms of parties' contract financial advantages alleged by MBHL do not seem to be as great as alleged in any event, in circumstances of case, do not persuade to refuse to grant leave on other hand there would be disruption to RDI's business, financial loss occasioned by that also losses relating to its improvement or expenditure on premises concerned case weighted heavily in favour of RDL in relation to admissibility of solicitor's "without prejudice" letter, evidence is irrelevant to this proceeding secondly its admission is in breach of "without prejudice" rules letter could have possible significance or consequence in future rent reviews application granted.

High Court

Kolmar Investments Ltd v R Hannah & Co Ltd 27/8/04, Harrison J, *HC Auckland CIV-2002-404-001861*

Contract Formalities Acceptance Counter offer
Property Real Lease

Unsuccessful claim by KIL against RHC for rent shortfall KIL owned large retail premises in Papatoetoe - Dress for Less Ltd ("DFL1") was anchor tenant KIL agreed with DFL's major shareholders, Warnocks Ltd ("WL"), Paulls Fashions Ltd ("PFL"), and RHC that DFL1 would enter into lease which shareholders would guarantee deed of lease for six year term, with two rights of renewal, drawn up and circulated among guarantors PFL did not sign KIL noted PFIs failure to sign but executed deed anyway copy of completed deed not circulated to guarantors 1991, at time of first renewal DFL1's property manager requested copy of deed and noticed PFL had not signed guarantee he drew this to attention of W, RHC's representative on DFL1's Board DFL1's board subsequently agreed to renewal of lease for further six year term 1997 KIL and Dress for Less Ltd ("DFL2"), a separate legal entity from DFL1, agreed to further renewal on different terms - DFL2 failed in 1998 KIL issued proceedings against RHC as sole remaining guarantor for rental shortfall issues were whether PFIs failure to sign initial deed of lease amounted to failure of contract, W's knowledge could be attributed to RHC, or renewal by DFL2 bound guarantors.

Held, PFIs failure to sign initial deed of lease rendered nugatory offer of guarantee by RHC and WL sending of informal letter to third party, DFL1, enclosing copy of deed of lease cannot constitute a counter offer even if letter could be construed as counter offer, DFL1's subsequent exercise of its right of renewal did not and could not amount to acceptance by RHC, because W acted throughout solely as director of DFL1 - knowledge acquired by agent acting outside scope of engagement cannot be imputed to principal identity of company names cannot be determinative where companies themselves are legally different entities - RHC only guaranteed DFL1's obligations under lease, which came to end when KIL entered into contract with DFL2 application declined.

High Court

Finlayson v Clapham 28/07/04, Baragwanath J, *HC Auckland CIV2004-404-1867*

Tort Trespass Land Defences

--Successful appeal by F against District-Court ("DC") decision which awarded \$15,000 damages and costs against him to C F entered neighbouring property

without lawful authority and cut down hedge trees - privacy lost as result property owner C was not in possession having let the property by time lease expired and C resumed possession trees had regrown to point that property was once again completely private nevertheless C successfully sued for damages in trespass for loss of privacy F appealed, submitting that given ability of trees in question to grow back the damage caused and effect on privacy was not such that it caused permanent damage to C's reversionary interest - alternatively argued that if damages were available conduct did not warrant exemplary damages at all or at level awarded.

Held, type of trees in question are of some relevance because they are fast growing, distinguishing this case from others where cutting is resented due to permanent damage no right of self-help in case of overgrown trees, given right of land occupier to apply under s 129C Property Law Act 1952 (PLA) for an order requiring occupier of neighbouring land to remove or trim trees - no policy or principle preventing a plaintiff with reversionary interest in land from suing for loss of privacy suffered during period following his resumption until his privacy is restored - should C have been able to show resumption of possession before trees had regrown and restored privacy, he would succeed however, no evidence C regained possession of property and no permanent injury to the trees or C's privacy - also no loss to C's reversionary interest that could give rise to damages - any suggestion that there can be a "notional" resumption of possession under s 105 PLA in the absence of any notice to terminate tenancy would be inconsistent with settled principle that actual possession is required in order to sue an occupier rather than a reversioner if appeal had been dismissed, quantum would not have been interfered with as F's actions in taking law into his own hands justified exemplary damages - appeal allowed.

High Court

Grace Pacific Ltd v Noy Holdings Ltd 14/07/04, Keane J, HC Christchurch CIV-2004-409-1234

Contract - Breach Remedies Specific performance
Equity Fiduciary relationships Breach
Unsuccessful application by GPL for specific performance or inquiry into remedies for breach of contract NHL owned prime land in centre of Queenstown which it offered for sale in 3 lots - lot 1 largest and most valuable lots 2 and 3 situated on hills behind lot 1 - NHL entered into agreement with second defendant, Troon ("T"), acting as agent for undisclosed principal, for sale and purchase of whole site NHL then entered into back-up agreement for whole site with GPL back-up contract contingent on first contract not becoming unconditional, and NHL undertook not to extend time under which T

could complete due diligence - GPL and T, as agent, subsequently entered into agreement for sale of lot 1 - agreement conditional on first contract becoming unconditional and T being satisfied as to compatibility between sale of lot 1 and T's principal proposals to develop adjoining land third contract terminated on grounds of incompatibility T nominated as yet unformed third defendant, Esplanade Villas Ltd ("EVL"), as purchaser under first contract - on same day, T and partner in same law firm exchanged letters agreeing five variations to first contract and requiring due diligence to be completed next day GPL given notice first contract unconditional, meaning back-up contract at an end GPL did not accept third contract at end and lodged caveat - GPL applied for specific performance of back-up contract or remedies for wrongful termination of third contract issues were whether first contract ever confirmed as unconditional and whether GPL had right to lot 1 under third contract or whole site under back-up contract.

Held, test against which exchange of letters must be measured is that, while notice must be clear and unambiguous, no precise words are called for, as long as effect is clear beyond ambiguity T's intent clear beyond ambiguity on date first contract confirmed, deed of nomination, while it nominated an as yet unformed company as principal, did not alter relations between NHL and T NHL did not owe fiduciary duty to GPL outside stated agreement regarding due diligence - equity will only accord fiduciary status to commercial relationship where there is distinctive reason that compels the conscience, and will not interpose where contract falls short - notice of incompatibility rested on analysis made fairly and reasonably within terms allowed for by third contract - application declined.

Court of Appeal

Primary Health Remuera Ltd v Avoca Residential Construction Ltd 10/9/04, CA44/04

Building Regulation Construction
Contract - Breach

Unsuccessful appeal by PHR against dismissal of application for order setting aside statutory demand - ARCL served statutory demand on PHR under s 290 (4) Companies Act 1993 (CA) - PHR also ordered to pay \$215,000 within 14 working days under s 291 (1)(a) CA PHR property developer and ARCL construction company PHR developer of town house complex in Remuera - it called for tenders for construction of town houses on basis of specifications produced by architect ARCL provided tender December 2001 which PHR accepted, however formal contract for construction never signed was provision for progress payments to be made during construction period problems arose May 2003 as PHR failed to pay progress payment specified in Certificate 15,

issued in April 2003 - ARCL issued notice advising PHR it intended to suspend work May 2003, meeting took place to try and resolve impasse and an agreement was reached - ARCL completed contract works as agreed in June 2003 - PHR refused to pay amount certified under Certificate 15 and also refused to pay for any further work PHR argued project's completion was delayed by ARCL and liquidated damages provision of agreement applied PHR also alleged certain defects for which ARCL liable August 2003, ARCL served statutory demand on PHR and PHR applied to High Court ("HC") for order setting it aside HC held statutory demand only be set aside if PHR paid \$215,000 to ARCL and ARCL provided PHR with bond, if ARCL ultimately found to be indebted to PHR for that sum PHR told HC did not propose to make such payment PHR's application to set aside statutory demand dismissed PHR then appealed.

Held, focus of HC decision was on nature of obligations under Certificate 15 and terms of contract parties agreed to new regime in May 2003 agreement which modified their respective rights and obligations under contract PHR's obligation to pay outstanding \$215,000 crystallised when settlements of sale of units occurred PHR cannot establish an arguable case for counterclaim, set-off or cross demand May 2003 agreement required process to be conducted to determine whether was any basis for set-off or counterclaim in absence of that process, no set-off or counterclaim appears to exist in relation to outstanding debt arising from Certificate 15 - application to set aside statutory demand rightly declined appeal dismissed.

High Court

Heimbright v Environment Court 06108/04, Baragwanath J, HC Rotorua CIV2004-463-124

Civil procedure Costs - Assessment Judicial discretion

Civil procedure Costs Third parties Judgment as to costs - plaintiffs H and Mr Weaver ("W") unsuccessfully applied for judicial review H and W had sought to overturn Environment Court ("EnvC") decision that allowed third defendant Waitohi Contractors Limited's ("WCL") appeal result was that WCL could proceed with subdivision including land ("Knoll X") that H and W contended was waahi tapu both EnvC and WCL sought costs against H and W H and W submitted that had current consultation policy operated at the time hearing might have been avoided.

Held, while costs scheme set out in High Court Rules presumptively apply, discretion does exist for departure in cases with sufficient public-interest departure may be necessary to give that interest due weight - although this proceeding was essentially against EnvC, WCL, as owners of Knoll X, had no

practical option but to participate - policy decisions in relation to land use are made first by local bodies, and on appeal EnvC - in the past each has recognised merit of leaving Knoll X undeveloped despite not being given ultimate legal effect, those substantive decision makers would have acknowledged H and W's claim under s 6(e) Resource Management Act 1991 - therefore appropriate to order only one set of costs on limited basis it was public sector and its systems that led to result at odds with opinion of statutory policy makers costs award will be in favour of WCL alone - no assessment of costs provided by WCL but able to assess contribution of WCL as 20 per cent of Crown, whose assessment amounted to \$6,670 on 2B basis - award made in favour of WCL, which would otherwise be in realm of \$2000, for fixed lump sum of \$1000 - orders accordingly.

High Court

Fu Hao Construction Ltd v Landco Albany Ltd 13/8/04, Baragwanath J, HC Auckland CIV2004-404-1272

Property - Real Encumbrances Caveats

Successful application by FHCL for order caveat not lapse - LAL owned large parcel of land which it agreed to sell to FHCL on completion of subdivision - subdivision not expressly allowed under district plan - contract contained clauses under which LAL entitled to cancel contract if it became unwilling or unable to obtain "consents to Property Real Encumbrances Caveats sale", and FHCL agreed to lodge caveat against title - after spending in excess of \$137,000 attempting to obtain subdivision consent, LAL reached conclusion that proposal not viable and purported to cancel contract FHCL lodged caveat and applied for order it not lapse - issues were whether LAIs cancellation reasonable and whether FHCL's undertaking not to caveat LAI's title should bar the claim.

Held, inability and unwillingness must be measured by objective standard standard is what degree of inability or unwillingness could reasonably justify cancellation, having regard to parties' mutual contemplation at time they entered contract, and to events that had occurred by time of cancellation - concerns and reservations by Council officers in relation to some aspects of subdivision is relatively usual part of process of obtaining subdivision consents - cancellation of contract before Council had even heard application was unreasonable - a "no caveat" clause would be inconsistent with public interest in the integrity of the register, and therefore void as contrary to public policy application granted.

High Court

Pangani Properties Ltd v Owens Transport Ltd 12/07/04, Frater J, HC Auckland, CIV2001-404-2036

Civil procedure - Costs Amount

Contract - Construction and interpretation

Ruling and reasons given with respect to two costs issues; PPL owned warehouse premises which were leased to OTL; following expiry of term PPL undertook extensive work to repair property and sued OTL for breaches of covenant; PPL's claims were quantified at \$729,369.87 for repairs plus consultants' fees of \$133,182.83, and legal costs of \$233,460.32, all GST inclusive; claim for repairs was settled by agreement after six days of hearing and two days of negotiations for sum of \$280,000 plus GST (if payable); this left outstanding claims for costs for PPL and its consultants; two questions required determination; namely (1) whether on terms of lease legal costs of litigation payable on indemnity basis or in accordance with scale of fees; and (2) quantum of costs properly payable in respect of consultants engaged by PPL to assist in remedying OTL's breach, and for ensuring litigation; with respect to consultants, PPL claimed reimbursement for costs paid to six people or firms; OTL submitted costs claimed far exceeded what was reasonable for dispute in question.

Held, discretion to award indemnity costs exists if contract between parties allows for it; clear meaning of words in relevant clause of contract between PPL and OTL is such that PPL is entitled to full indemnity; therefore, in terms of the lease, costs are payable on indemnity or solicitor/client basis, subject to assessment of reasonableness; following ruling parties were able to reach agreement on amount of costs OTL had to pay in this regard; noted that English decision *Re Adelphi Hotel (Brighton) Limited* [1953] 1 WLR 955, [1953] 2 All ER 498 is not applicable here, and at best is only applicable in limited circumstances of interpretation of costs clauses in security documents; terms of lease also allow for payment of all litigation and non-litigation costs on indemnity basis: approach in *Frater Williams and Co Ltd v Australian Guarantee Corporation (NZ) Ltd* (1994) 2 NZConvC 191,873 (CA) provides useful guidelines, approach advocated merits more general application than just cases for solicitor/client costs incurred in recovering rent arrears; helpful to also consider nature of dispute; in this case there are no complex factual or legal issues or any special features justifying significant expenditure at either remedial stage or in litigation; non-litigation and litigation costs need to be looked at separately; while it is appropriate to reimburse for specialist assessments and some allowance for overseeing, some costs in remedial stage involved unnecessary application of effort; similarly, some aspects--of-costs incurred-with---respect to litigation are clearly reasonable but extent of involvement in some instances cannot be justified; in particular, one consultants' duplication of effort,

particularly regarding work properly the domain of PPL's lawyers, unproductive work, and excessive hours are outside bounds of reasonable entitlement; also appropriate to consider sum actually recovered (as opposed to amount claimed) by PPL and what involvement would have been expected to achieve that result; total reimbursement of \$60,000 plus GST is appropriate; orders accordingly.

Court of Appeal

Starrenburg v Mortre Holdings Ltd 10/8/04, CA52/04

Contract - Breach

Taxation Goods and services tax Registration
Unsuccessful appeal by S against High Court ("HC") decision granting summary judgment in favour of MHL - MHL agreed to sell three properties to S - agreement contained standard provisions providing that purchase price included GST - it also had standard provision, "Clause 13", under which S and MHL warranted that they were registered persons under Goods and Services Tax Act 1985 (GSTA) and agreeing supply was going concern which was zero rated for GST - S was not registered for GST resulting in MHL having to pay \$117,222.21 in GST, which they claimed as damages against S - S submitted Clause 13 has no application unless purchase price is expressed to be "plus GST (if any)".

Held, S does not have tenable defence to warranty claim - role of Clause 13 is to ensure transactions entered into on basis of standard form involving tenanted property meets requirements of GSTA to be zero rated for GST - provision as to price payable being inclusive of any GST is not inconsistent with Clause 13 - purpose of Clause 13.2 not inconsistent with an ability to claim separately for damages for breach of warranty, even if Clause 13.2s requirements, such as expressing price as "plus GST (if any)" are not met - it is not surprising that there is no express provision for compensation given that remedy of damages for breach of warranty well established at law - even accepting S's version of background facts in dispute, they do not demonstrate that parties had different contractual intention to that conveyed by ordinary meaning of agreements - appeal dismissed.

High Court

Manukau City Council v New Zealand Fire Service Commission 22/7/04, Robertson J, HC Auckland CIV20044042687

Government Local - Administration Local authorities

Government - Local Land Public works

Successful application by NZFSC for declaration -Public Works Act 1981-(PWA) applied to NZFSC - in 1953 Papatoetoe Borough Council ("PBC"), predecessor of MCC, bought land from the Westerns,

High Court

Sharma v Patel 14/5/04, Paterson J, HC Auckland
CIV6508-03

Commercial law Guarantees Distraint for rent
Property Real Lease

Unsuccessful appeal by S against judgment in favour of Ps in respect of unpaid rent S guaranteed rental and performance of C under lease of premises in Auckland - P were owners of premises when C defaulted in payment of rent, Ps terminated lease in February 2001 - Ps subsequently sued S for rent and rates to November 2001, being original termination date of lease, and for damages for remedial work S counterclaimed for amounts spent on premises June 2003, District Court ("DC") gave judgment in favour of Ps for \$28,260 in respect of rent and rates from March to November 2001 - on appeal S contended DC erred in finding was no accord or satisfaction - DC also erred in finding P's took reasonable steps to mitigate their loss.

Held, consideration which S allegedly gave was \$10,180 and payment by C of further \$2,250 cannot be any doubt that sum was a liquidated sum due by S and provided for under lease - accord and satisfaction defence cannot succeed as was no valid consideration given for new agreement and facts do not establish there was a new agreement was even entered into - a plaintiff cannot recover damages for loss which would not have been suffered if he or she had taken reasonable steps to mitigate that loss - onus is on S to prove Ps failed in their duty of mitigation DC found Ps could not immediately afford cost of reinstatement, therefore they made a claim under their insurance policy they made efforts to re-lease premises but were unsuccessful because of condition of premises Ps took reasonable steps to mitigate their damages and S not discharged onus on him appeal dismissed.

Court of Appeal

Peters v NZHB Holdings Ltd 30/9/04, CA207/03

Civil procedure - Judgments - Summary
Property Real

Unsuccessful appeal by JP against summary judgment NZHB financier who offers service called "Homebond" whereby it finances payment of deposit on real estate transactions - repayment of advance, plus fee, was expected to occur at settlement of transaction NZHB funded payment of deposit by JP's brother, SP, on purchase of property in Wellington - vendor was JP's company, Caravelle Holdings Ltd ("CHL") - settlement to take place contemporaneously with CHL's purchase of property, but on-sell to SP was at higher price SP did not repay bond at settlement date despite settlements-being-granted-,SP-stillnot---able to pay NZHB realised its security and made demand on JP for shortfall, under deed of indemnity JP entered into JP refused to pay NZHB applied for

nenu z aiar' property

summary judgment against JP High Court ("HC") held deed entered into by JP was characterised as indemnity, rather than guarantee - as deed was one of indemnity, variations in SP's obligations did not relieve JP from liability, and JP had given his consent to variation of SP's securities - HC granted summary judgment against JP - JP appealed on grounds HC wrong to hold deed was of indemnity JP contended his liability was only as guarantor and he was relieved of liability because NZHB granted extensions to SP, without JP's knowledge JP also contended, even if deed was of indemnity, NZHB breached condition precedent to JP's liability by failing to secure repayment of bond from SP, when he settled purchase of property as a consequence JP had right to cancel indemnity.

Held, HC correct to characterise deed as one of indemnity rather than guarantee - in contract of indemnity a primary liability is assumed - by contrast, in contract of guarantee, surety assumes a secondary liability to creditor for default of another who remains primarily liable to the creditor document headed up "Deed of Indemnity", which gives strong indication of intention of parties - deed used word "indemnify" in describing obligation it is clearly a primary liability and wider than an obligation to guarantee obligations of purchasers as deed is an indemnity, it would not matter whether or not extensions of time to pay, that were not contemplated by conditions, were given to SP - an indemnifier, as JP is in this case, is not discharged by such conduct of creditor appeal dismissed.

High Court

Faulkner v Tauranga District Council 2/6/04, Cooper J,
HC Hamilton CIV2004-470-00124

Maori affairs - Land - Valuation

Unsuccessful appeal by F against decision of the Land Valuation Tribunal ("WT") - F challenged valuations of Maori freehold land owned or partly owned by him F argued that land was Maori customary land as it held in accordance with tikanga Maori and had a nil value for rating purposes - LVT held property was Maori freehold land - in Valuer-General v Mangatu Inc 1199713 NZLR 641 it was held that when valuing Maori freehold land constraints on alienability of land had to be taken into account - LVT decided valuations were appropriate and requirements of Valuer-General v Mangatu had been met no evidence had been submitted to establish that valuations were wrong F appealed decision on four grounds - firstly, LTV erred in concluding that land had Maori freehold status - secondly, under Te Ture Whenua Maori Act 1993/ Maori Land Act 1993 (TTWMA) land with status of -Maori freehold could-be considered as being Maori customary land if it was held in accordance with tikanga Maori - thirdly, LTV failed to consider common law ruling of Privy Council, that despite Crown grants,

all land in New Zealand remains of unextinguished customary title - finally, F submitted LTV failed to consider that land was subject to Treaty of Waitangi claim.

Held, all issues have been previously dealt with by Blanchard J in *Faulkner v Tauranga District Council* [1996] 1 NZLR 357 - no evidence has been placed before Court to allow a different conclusion to be reached - decision of Attorney-General v *Ngati Apa* [2003] 3 NZLR 643 does recognise that customary title may be extinguished by statute and therefore would not lead to a different conclusion - Blanchard J's decision must be seen as holding that an extinguishment of customary title to the land had occurred - untenable for F to claim that the land should have any other status under s 129 TTWMA - argument that all land in New Zealand remains of unextinguished customary title is plainly wrong - fact that land is part of an unresolved Treaty of Waitangi claim does not make a difference - appeal dismissed.

Index to Costings	
Residential Costings	
Fernside July 2004.....	56
Fernside January 2004	56
Waikuku January 2004.....	56
Woodend January 2004	56
Ohaka February 2004	56
Northwood April 2004.....	56
Rangiora May 2004.....	57
Canterbury Westland October 2004.....	57
Commercial Costings	
Birmingham April 2004	57

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Contributor's Name & Firm

Location of Costing

Date

Type of Costing (please circle)

Residential

Rural

Commercial

Industrial

Type of Construction (i.e. House/Flats/Office/Shed etc)

Construction Details

(If insufficient space please continue on separate sheet)

Areas

Contract Price (Excluding GST)

Analysis

Element Floor Area

Cost/M2 Modal

Multiple

Notes

Costings

idential Coatings

Fernside- Hip Roofed Bungalow, July 2004

Contributed by Denis J Milne, *North Canterbury* Valuations
Construction: 4 Bedroom, 2 Bathroom, Hip roofed Bungalow with integral double garage situated on a level site at Woodend. Brick veneer with conc. tile roof and double-glazed.

Areas: 146.40m²

Contract price: \$148,150 (excl. GST)

Analysis:

Total: 146.40m² Net Modal Rate: \$699.72

Notes: Country build factor 1% of contract price per 10km. The distance from the main centre is 28km.

The allowance for architecture/draughting fees is \$1,476. Golden Homes Building were the Contractor.

Fernside- Hip Roofed Bungalow, January 2004

Contributed by Denis J Milne, *North Canterbury* Valuations
Construction: 4 Bedroom, 2 Bathroom, Hip roofed Bungalow with internal access double garage. Situated on a flat site at Fernside. BV and C/Steel roof.

Areas: 146.66m²

Contract price: \$172,271 (excl. GST)

Analysis:

Total: 146.66m² Net Modal Rate: \$778.52

Notes: Country build factor 1% of contract price per 10km. The distance from the main centre is 35km, and the allowance for the architecture/draughting fees is \$1,718. House constructed by Builder Today Homes.

Waikuku- Hip Roofed Bungalow, January 2004

Contributed by Denis J Milne, *North Canterbury* Valuations
Construction: 4 Bedroom, dual bathroom Hip Roofed Bungalow with integral double garage. Constructed of concrete floor slab, Rockcote walls and Coloursteel roof.

Areas: 163.54m²

Contract price: \$173,537 (excl. GST)

Analysis:

Total: 163.54m² Net Modal Rate: \$745.73

Notes: Country build factor 1% of contract price per 10km. The distance from the main centre is 30km, and the allowance for the architecture/draughting fees is \$1,852. House constructed by Stonewood Homes.

Woodend- Hip Roofed Bungalow, January 2004

Contributed by Denis J Milne, *North Canterbury* Valuations

Construction: 3 bedroom, dual bathroom, Hip roofed Bungalow with integral double garage erected on a flat site at Woodend. Conc. Floor 70 series BV and Col. Steel roof.

Areas: 154.98m²

Contract price: \$150,771 (excl. GST)

Analysis:

Total: 154.98m² Net Modal Rate: \$709.00

Notes: Country build factor 1% of contract price per 10km. The distance from the main centre is 26km, and the allowance for the architecture/draughting fees is \$1,591. House constructed by a private builder.

Ohoka- Superior Dwelling, February 2004

Contributed by Denis J Milne, *North Canterbury* Valuations

Construction: 1 1/2 storey superior dwelling with integral double garage, situated on a flat rural residential block at Ohoka. Concrete floor, hebel walls, metal tile roof and double-glazed ext. joinery.

Areas: 260.27m²

Contract price: \$324,030 (excl. GST)

Analysis:

Total: 260.27m² Net Modal Rate: \$916.27

Notes: Country build factor 1% of contract price per 10km. The distance from the main centre is 26km, and the allowance for the architecture/draughting fees is \$3,047. House constructed by David Reid Homes Ltd.

Northwood, Christchurch April 2004

Contributed by *Property Technology Ltd*

Construction: Residential House, currently 27% completed. 4 bedrooms (Con fdn for floor), 2 bathrooms (Est walls Rockcote cladding and Linea boarding), Double Garage (Interior walls plaster board). Roof Long Run Colsteel, Joinery: D/S Alum. 7 year Masterbuild guarantee. Site works: driveway (col concrete) patio same concrete service Board.

Landscaping: ready lawn & basic shrubs, boundry line 2 sides 1/2 share. Internal fence 1.5 & 2, clothesline (fence mounted), 1 mailbox (brick plaster)

Areas: House area 191.48m² (PC Sum \$8,500)

Contract Price: House \$216,400 (excl GST)

Siteworks: \$15,420 (excl GST)

Rangiora, Canterbury Westland May 2004

Contributed by Denis J Milne, North Canterbury

Valuations

Construction: Superior hip roofed bungalow with dual bathroom and integral double garage in a new subdivision Hamner Springs.

Areas: 37.65m²

Contract Price: \$177,464 (excl GST)

Analysis:

Net Modal Rate: \$827.43

Canterbury Westland October 2004

Contributed by Denis J Milne, North Canterbury

Valuations

Construction: Hip roofed 3 bedroom bungalow with dual bathrooms and integral double garage, situated on a flat section at Sefton. Private builder whose price is very competitive.

Areas: 35.34m²

Contract Price: \$156,254 (excl GST)

Analysis:

Net Modal Rate: \$720.89

Commercial Coatings

Birmingham Dr Area, CHCH April 2004

Contributed by Property Technology Ltd

Construction: Commercial Factory Warehouse

5 meter stud, Concrete Fdn and floor (w/oddin top), Ext walls 120m precast concrete slabs office Hardillex on TW frame & Rockcote. Roof Trimdele Col steel. Joinery Alum, Lininap Plaster (office) & D/side sisalation on netting (roof). Steel portal frame, Suttering Butynolan 18m CPd plywoods P+ Para/xl wall. GIFl reception & Office top office & (A Hachect's side of building)

Areas: Ground floor 561m² + Deck 11.16m² + Upper Floor 58m³ = 619m²

Contract Price: \$340,5000 (excl GST) + \$5,000 plans + \$5,500 Council RC.

Analysis: Office GF 63.8, Top 58.0, Ablution 7.0

Notes: Warehouse 503.67, Roller Door 4.8 x 4 hand operated.

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