

THE FULL MEASURE Taranaki West Wharf—Wellington

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This project on Wellington's Waterfront precinct, is located alongside the new Wharewaka Building (currently under construction) and is an integral part to the overall project. The Public Space encompasses the area between St Johns Bar, the City to Sea Bridge and the rowing club buildings.

The scope of work includes extension of the existing Frank Kitts Lagoon to create space for waka access, landscaping and paving. Chevron patterned waka ramps from the Wharewaka building to the water, and a new ramp for the two rowing clubs to launch their boats from will be constructed. Terraces, ramps, walkways and imported sand to form a beach area will allow public interaction with the lagoon. Vehicle access to the area will be controlled with new automatic bollards at the Taranaki Street entry.

Due to the location and nature of the work, the project incorporates stringent environmental protection requirements and public access must be maintained at all times. Work on site will commence mid July and is programmed to be completed in conjunction with the Wharewaka Building early in 2011.

Client – Wellington Waterfront Ltd

Architects – Athfield Architects Ltd

Engineer – Aurecon

Current Projects

Wellington Office

Heretaunga College
Porirua College
Thorndon City Fitness
Amesbury Drive School
Newlands Intermediate
Palmerston North Pak N Save
Broadway New World
No 1 Featherston Street
Summerset Aotea
Aviation Security Fitout
Wellington Zoo
Luxford Villas
New Zealand Film Archive
Taranaki Wharf West
Rathkeale College

Auckland Office

Papatoetoe Multisport
Site 14, Tank farm
HNZC Ernie Pinches Street
BNZ Tower mall refurbishment
Liu House
ACC Library roof repairs
Warkworth Medical Centre
Sudima Auckland Airport Hotel
Northern Swim School, Silverdale
Westhaven Marina pier upgrades
Dio School carpark & sports turf
Te Wao Nui at Auckland Zoo

Queenstown Office

Barley Station
Sofitel Front of House
Terrace Junction
Wanaka Medical Centre
WHK Invercargill

Wellington Zoo – The Hub and Bird Care Facilities

Back in late 2008, as noted in our December 2008 newsletter, we were engaged by Wellington Zoo as the project QS for the 'Meet The Locals' Zoo Capital Program which is a \$21m redevelopment over the next ten years.

The first stage of the 'Zoo Capital Program' is now under way. This is a new Bird Breeding & Care Facility which replaces the existing old aviaries and gives the ability for breeding and care of ailing birds as well as providing new aviaries and incubating and nesting areas which have been designed by Architecture Cubed. Co-incidentally, the Auckland office is also involved in the construction of a new bird holding facility at Auckland Zoo. This project precedes the start of the zoos \$11m Te Wao Nui project.

A second project at the zoo which is not part of 'Meet The Locals' is also about to commence. The Hub is a cafeteria, conference and entertainment centre designed by Assembly Architecture. The Zoo will be able to host many functions from this new centre including weddings and corporate events.

The Zoo Capital Program will produce a creative, interactive, unique, dynamic and accessible zoo. The redevelopment will provide visitors with a place to connect with wildlife through interactive experiences with best practice animal welfare and management.



Dispute Resolution—What's the Alternative?

An extract from RICS Business Magazine January 2010

Many Surveyors encounter disputes during their professional lives. Increasingly, they seek alternatives to litigation, as these provide greater and faster access to justice, can maintain future relationships and can cost far less than litigation. But what is Alternative Dispute Resolution (ADR) and how well equipped is the property business to practice it?

The main dispute resolution mechanisms in use today are: negotiation; mediation/conciliation; neutral evaluation; expert determination; adjudication; and litigation. ADR tends to refer to methods of dispute resolution that exclude litigation and arbitration, and incorporates both consensual solutions, whereby the parties resolve their differences themselves, and imposed solutions, when unanimity cannot be reached.

- Negotiation—a consensual solution—is the simplest and cheapest method of settling disputes, where parties are knowledgeable of their own positions and should often be able to come to a solution together. Negotiations fail when there is an impasse, often reached when overly aggressive, hence emotional, and overly optimistic expectations are entrenched.
- Mediation / conciliation, also a consensual solution, is when a third party is involved. Mediation aims to take the gamesmanship out of the negotiation and focus on a solution acceptable to both parties. The conduct of the mediator and the need to be neutral (and be seen to be neutral) is central to disputants willing involvement. Outcomes are non-binding but can be, if the parties agree, made legally binding. Central to mediation's success are both parties willingness to co-operate and compromise where necessary.
- Impartial evaluation (another consensual solution) is a non-binding process whereby a lawyer, arbitrator or retired judge opines upon the possible outcome of a dispute, if it were to be submitted to either arbitration or litigation. Such opinion is intended to form the basis of a negotiated settlement and is particularly useful where a solution lies in a point of law, rather than a technical matter.
- Expert determination is an imposed solution. An agreed independent expert will determine a contentious matter, whereby the parties accept such a decision as contractually binding. It is useful in a dispute concerning a technical matter.
- Adjudication - an imposed solution— is a process, normally adversarial, whereby a contention is adjudicated quickly to maintain a contracts efficacy, and where adjudicatory decisions are initially binding.
- Arbitration is also an imposed solution. It is a private and contractually agreed process of settling disputes, culminating in a final and binding settlement with limited recourse to appeal. Central to arbitration is the concept of party autonomy, whereby parties are afforded freedoms (in most arbitration laws) to decide how their disputes are to be resolved, with default provisions in the event of the parties not so agreeing.
- Litigation is an imposed solution and involves courts. It is conducted in public and judgments (subject to appeal) are binding upon the parties. Recourse to potentially lengthy and expensive litigation focuses disputants on out of court settlements. To transnational companies, this is perhaps the least attractive of all solutions.

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Avoidance Skills

An increasing number of multi-national companies actively run legal or commercial departments to avoid disputes rather than instigate and/or prosecute disputes. Dispute avoidance skills (such as equitable contract drafting terms and management of relationships) are complimentary to the skills a surveyor will need to successfully manage a negotiated or mediated outcome.

Transnational companies faced with unfamiliar jurisdictions and weak enforcement regimes have turned to arbitration as the alternative to litigation. However, the increasing resemblance of arbitration to litigation increases the popularity of consensual dispute solutions.

Political society is often supportive of litigation, particularly when an individual's rights are considered more important than the rights of a group, and/or where generous litigated outcomes are common. Conventional wisdom tells us that the USA is a litigious society because of its views on the rights of the individual and the rewards that the individual might get.

Consequently, over litigious societies have an overworked legal system. This often has the effect that legal doctrines and practice hijack the dispute to produce the best financial outcome. Modern arbitration is similarly, not immune to criticism. In some societies, particularly those that reflect family and community based cultures, pre-litigious efforts at negotiation, mediation and conciliation are ingrained, and litigation really is only a last resort. Recourse to authorities can be seen as an embarrassment to the community. In my own jurisdiction of Indonesia, community law (referred to here as Adat Hukum or Adat) - which can vary from area to area, even village to village—persists. It is unusual for, say, martial problems, vehicular accidents and business disputes to not run the gauntlet of all available forms of resolution process prior to recourse to legal authorities. Inherent in these informal philosophies, though, is the danger that peer pressure influences outcomes. Some formality of procedure then is necessary to ensure the triumph of true fairness.

It may be that western democracies have learnt from the east, it may be that alternatives to litigation are merely a common sense conclusion that all in the east and west will arrive at one day. In respect of major international commercial transactions, stakeholders are increasingly embracing a contractually mandated process of dispute, culminating in the last resort of arbitration—rarely do international commercial contracts provide for litigated solutions.

Entrenched Positions

Indications are that practitioners no longer view recommending mediation as an option. Failure in mediation arises as a result of entrenched positions, unrealistic expectations, lack of compromise and, quite commonly, enmity between the parties. Practitioners, therefore, need to be aware not only of the potential for mediation, but the reasons for failure, the importance of the parties' attitudes and the need to work in collaboration with the client.

These issues are something that surveyors deal with on a day-to-day basis as they juggle subcontractors' demands with clients. With a little extra training, their existing skills can be developed and put to good use in consensual solutions to disputes.

Less than clear is what the future holds for criminal law and the part that alternatives to litigation will play. Surveyors are already a part of this evolution of 'alternative' justice. In fact, they are some of the finest mediators, with finely honed analytical skills. Training in mediation skills and a desire to conclude matters as expeditiously as possible and get on with the next job in hand are pre-requisites of effective solutions outside of litigation. Businessmen need to be good at that to survive, and we as a profession, need to be good at that as well.

New Faces - Old Faces

New Faces

Lucy Jamieson

Hello, I'm Lucy Jamieson and I have recently been employed in Maltbys Wellington branch as PA/Administrator. My husband Mike and our three girls (Ella, Kate and Maggie) returned from Washington DC in January after living there for two fabulous years. Mike is in the Military and worked within the NZ Embassy so we were exposed to a number of opportunities and met a lot of interesting people from around the world.



I have been a stay at home mum for the past 10 years while studying part-time at Massey University. Before children came along, my background was in Pre-school Teaching, Interior Decoration and travelling the world. This includes teaching English in Tokyo and working at my favourite Interior Design Company (Designers Guild) in London as their Export Administrator. I grew up in Christchurch and am a loyal Crusaders supporter. I enjoy all sports and especially look forward to getting out at the weekend and exploring the South Coast with its many walks. We are also in the midst of doing up a house we recently bought on the South Coast, which is a big DIY project! I am really enjoying my time so far at Maltbys and I look forward to meeting the rest of the team.

Cameron Mahon

Hi, I'm Cameron Mahon and started as a junior QS at Maltbys Auckland branch in March this year. I am in my third year of a Bachelor of Construction at Unitec working towards a double major in quantity surveying and construction management.

Before working for Maltbys I lived and worked in Brisbane for a year, and in a city called Arhus in Denmark for about 5 months. I'm a fan of the mighty Vodafone Warriors and look forward to watching them win the NRL premiership this year.

I'm enjoying my time at Maltbys and definitely learning lots. I'm also enjoying meeting some people in the industry and I'm looking forward to meeting the rest of the Maltbys team.



Old Faces

Ryan Smith

A tasty meal was enjoyed by all on May 18th for Ryan's leaving lunch at 'Wagamamas' on Queens Wharf. The team proceeded to enjoy the lunch and continued well into the early hours of the morning!

We know our paths will cross again Ryan and all the best of luck for your move to Auckland.



Kelly Anset

It is with sadness that we say farewell to Kelly Anset. We celebrated her new job with a night out at Dragon's Restaurant. Kelly has worked in our Wellington office as a PA/ Administrator for David Morriss during the past year. Kelly has secured an amazing job and we wish her luck in the future.



SOCIAL EVENTS

Queenstown

R & R Sport Naseby 12 Hour Day/Night Mountain Bike Challenge.

Jeff made up a team of 3 with Lindsay Williams and Geoff Hunt to compete in the 6th Naseby day and night mountain bike challenge.

The race is designed in a 10km loop, made up of water race, single track and 4WD tracks within the Naseby Forest and Larchview Holiday Park and the goal is over a 12 hour period you ride as many laps of the course as you can and the team or individuals who make the most laps are the winners.

Although the 'Circumnavigators' (named after another of their feats around Lake Wakatipu), were making good time, instead of going through the night until 9pm, they finished at 5pm to attend a 60th birthday back in Queenstown.



Fresh Choice Southern Lakes Women's Duathlon

Nicky competed in her first ever duathlon in February, held at Lake Hayes. Pictured here getting a well deserved foot massage from supporter, daughter Lucy.



Auckland

Golf

We stepped out from the office one Friday afternoon to brave the weather and play 9 holes of golf at Takapuna. Unfortunately the weather broke and it was only the very brave who finished the round. The girls headed for cover and had the beers ready for the very wet rest of the crew who played on in the rain. We even had a double rainbow.



Brian's Birthday

Brian had a significant birthday and we celebrated with a lunch at Head Quarters. Brian was presented with a nice bottle of wine and two lovely glasses filled with chocolate's on top of the cake. He had a hard time trying to keep his chocolates for his grand children with Gary (the chocoholic) around. Thanks to Kendall for organizing this. Happy Birthday Brian.



Maltbys Ltd
Level 2 Princes Court
2 Princes Street
PO Box 2176
Auckland 1140

T 09 303 4394
F 09 307 1034
E admin@maltbys.co.nz
I www.maltbys.co.nz

Maltbys Ltd
Maltbys House
Level 2, 9 Tory St
PO Box 1034
Wellington 6011

T 04 499 1468
F 04 499 4648
E admin@maltbys.co.nz
I www.maltbys.co.nz

Maltbys Ltd
Level 2
The Station Building
7-9 Duke Street
PO Box 975
Queenstown 9300

T 03 442 5965
F 03 442 5931
E admin@maltbys.co.nz
I www.maltbys.co.nz

EDITOR
Anne Fletcher
afletcher@maltbys.co.nz

Auckland

Arthur Gabriel Fishing Trophy

This year it was a beautiful afternoon on the Waitemata Harbour. After having a little trouble finding our boat and skipper we headed out to the Rangitoto Harbour. The skipper had been told where the fish were but they had all gone when we got there. So we stopped for a BBQ on board after which the tide had changed and so had our luck. The skipper found a great place and each one of us went home with two fish each.

This year we kept the trophy in the girls hands again with Anne catching the biggest fish which was 4 kilos and I hear she smoked it for her sons 30th birthday. We are so lucky to have clean waters in New Zealand.



St Patricks Day

Once again we had a shared lunch to celebrate Saint Patricks Day. The plate had to have either a green or Irish theme and we all enjoyed Beth's' Irish Stew with potato bread.



Pool Night

After celebrating winning the inaugural Maltbys Pool Cup at the end of 2009, this year the competition has expanded to six teams. Despite the extra competition, we still top the table after six rounds of this years league.

The most memorable game so far being one of the games in a 5-0 win over Mainzeal which involved just two visits to the table. Mainzeal broke and potted four balls, then missed one and we cleaned the table at the first visit. (no trousers were removed!)

