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- 4** From the Editor
- 5** Business News
- 13** New Appointments
- 14** Property
- 16** Reaching the Global Marketplace
- 19** Building & Construction
- 30** Business Services Directory
- 31** Funny Business

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# SERVICING ALL AREAS

# From the Editor



With the NSW economy set to reopen, the State and Federal Governments need to carefully address the existing skills and labour shortages as well as the shortages created as many businesses reopen or attempt to ramp up to full scale operations. Unfortunately, during lockdown many businesses have had to shed staff and lost a great deal of experience. Increasing operations for many businesses

isn't just flicking a switch. They will need to restaff and quickly train any new staff before they can get anywhere near pre-lockdown operations.

Whilst there have been some welcome new initiatives put in place, including the Completing Apprenticeship Commencements program announced on 28 September, these will take some time to provide major benefits.

The skills and labour shortages has been exacerbated by the lack of skilled migration which has helped drive the Australian economy for many years.

According to the latest ABS information the net migration in the year to March 2021 was a loss of 95,300 (115,000 arrivals and 210,300 departures). This contrasts to the previous 12 months where there was a net migration gain of 239,200 (618,300 arrivals and 379,100 departures).

With a drop of over 500,000 in arrivals, there is no surprise that many businesses are reporting skills and labour shortages.

With restrictions in place since March, the situation has no doubt deteriorated further.

Migration remains a rapid and effective means of addressing skills and labour shortages, particularly when implemented well.

Once the pandemic settings permit, the Federal Government must address migration with urgency to help the Australian economy grow in post-lockdown.

**Garry Hardie**  
Publisher & Editor

## ON THIS MONTH'S COVER

Office fit out by Evoke Projects. See the Building & Construction feature from page 19 in this issue.

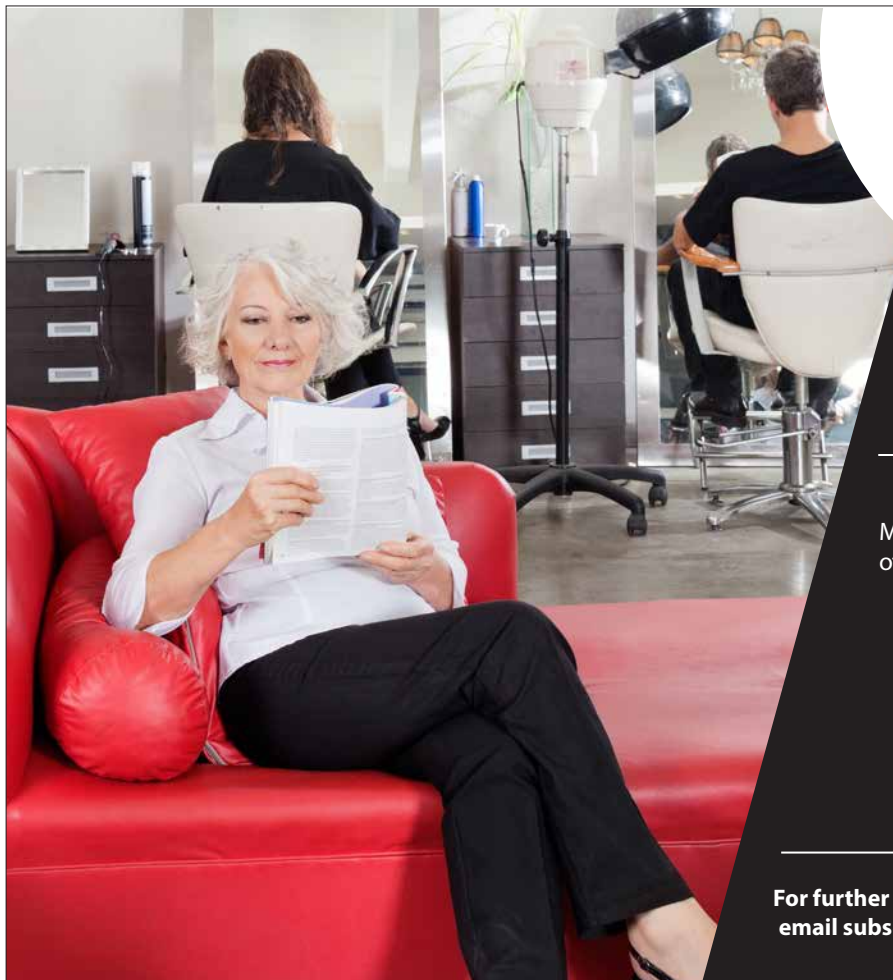


## COMING FEATURES

**November** – Manufacturing in the Hunter + Business Financing

**December** – Women in Business + Mining & Energy Update

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## Platinum IT Solutions merges with OAS Technology

OAS Technology has announced that Platinum IT Solutions, based on the Central Coast has merged with OAS Technology,

a leading IT Provider in Newcastle with satellite offices in the Upper Hunter and the Mid North Coast.

The merger with Platinum IT Solutions will be a long-term investment that further strengthens OAS Technology's position in the Central Coast area and will provide new and existing clients with a more comprehensive portfolio of IT products and services, including a Private Cloud Solution, Communication Services and a world-class Cyber Security offering.

"OAS Technology and Platinum IT hold similar values and philosophies in how we do business. Our main focus is offering quality customer service and delivering world-class IT solutions that empower businesses to be able to continuously evolve", said CEO David Lynch.

OAS Technology was founded in Newcastle over 30 years ago and has since grown to four office locations and over 50 staff across the Upper Hunter, the Mid North Coast and the Central Coast.

## Another cycleway link completed

Newcastle's cycleway network has received a boost with works finalising on a 1.1 km shared path along Watkins Street, Merewether, linking Glebe Road, The Junction, with

Merewether Beach. The 2.5 m wide shared path is the first stage of the City Centre to Merewether Cycleway project and features new and upgraded crossings making it safer for pedestrians and cyclists, and upgrades to drainage.



The Junction Public School Principal Cath Larkman, Lord Mayor Nuatali Nelmes and Councillor John Mackenzie pictured at the new 1.1km shared path, in front of a new raised crossing which links the shared path to The Junction Public School.

The \$3.1million project was brought forward last year after receiving a funding boost under Newcastle's COVID-19 stimulus capital works budget. The NSW Government also committed \$600,000 to the project under the 2020/21 Walking and Cycling Program.

Lord Mayor Nuatali Nelmes said the delivery of this significant cycleway project demonstrates City of Newcastle's commitment to cementing Newcastle's reputation as a cycling and pedestrian-friendly city.

The completion of the Merewether shared path follows the delivery of separated cycleways on Hunter Street. City of Newcastle is also in the process of undertaking shared pathway improvements on University Drive at Birmingham Gardens and improvements are being finalised along the shared pathway at the Warabrook Wetlands.



**Delivering world-class IT solutions that empower Australia's SMEs to continuously evolve.**







## OAS Technology is growing!






Founded in Newcastle in the early 1980's, OAS Technology provides professional IT systems and services to clients based in Newcastle, Central Coast, Hunter Valley and the Mid North Coast.

Due to our recent merger with Central Coast business Platinum IT Solutions and ongoing growth in our other regions, we are looking for passionate and experienced Network Engineers to join our existing team.

### Our Services

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## \$25 million Clarence Town Road upgrade progress

To enhance transport efficiency and keep the local community better connected, Dungog Shire Council has accepted a tender from Downer EDI Pty Ltd for \$1.83 million

worth of works for priority upgrades to Segment 1 of Clarence Town Road, started in September.

Segment 1 upgrades (which lies 1.10 to 3.09 km North of Woerdens Road) will include pavement widening and reconstruction, drainage works, resealing, line marking, and the construction of a safety guardrail for a 2 km stretch along the route.

Mayor of Dungog, Councillor John Connors, says he is confident the project will bring multitiered benefits across the shire, including improved safety, and better access to and from the region.

Construction along this route commenced in November 2020 and the full road upgrade is expected to be completed by mid-2023, with works scheduled along Segment 1 to be carried out from September 2021 to February 2022. The Clarence Town Road – Raymond Terrace to Dungog project is jointly funded, with the Australian Government committing \$20 million, and the NSW Government committing \$5 million. The project will deliver upgrades to 22 sections of the road, improving road safety and access, and is being delivered by Dungog Shire Council and Port Stephens Council.

## Transformation of Newcastle's Honeysuckle almost complete

The 30-year transformation of Newcastle's industrial harbourfront land at Honeysuckle reached a significant milestone on 16 September with

registrations of interest sought for the design and development of the final three hectares of land.

Minister for Planning and Public Spaces Rob Stokes said the waterfront precinct will be an enviable and vibrant destination for the Hunter and NSW.

"This site is the centrepiece of everything we have been working towards in Newcastle. It is the dynamic gateway connecting



the region to the new city centre with a revitalised transport interchange and waterfront area," Mr Stokes said.

"The same strategic planning minds responsible for The Rocks and Darling Harbour have taken what the community wants to see and turned it into a blueprint for a harbourside destination Newcastle will be famous for."

"The revitalization of Honeysuckle has already attracted \$1 billion of private investment and I hope in this process it will attract the right developers who continue to put people at the centre of the foreshore."

Parliamentary Secretary for the Hunter Taylor Martin said this was an unrivalled opportunity to create a place that balances social, cultural and economic activity in the heart of Newcastle.

"Honeysuckle HQ has the potential to be a nationally iconic destination that will give more reasons for people to visit or make Newcastle their home as we transform from steel city to smart city," Mr Martin said.

"The community's aspirations will help guide the approach to finding an experienced and highly motivated development partner to create Honeysuckle's final phase."

Registrations of Interest (ROI) includes two parcels of land - Honeysuckle Quays and Honeysuckle Quarter - and is the first of a two stage process. The ROI period will be followed by a Call for Proposals process in 2022.

## Planning a business FUNCTION?

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## Community Strategic Plan set to shape Lake Mac for next 10 years

Community input into an updated Lake Macquarie City Council strategic plan will help shape the city's priorities for the next 10 years.

The Community Strategic Plan (CSP) 2022-2032 will be based on feedback collected from residents, workers and visitors over the next two months about what they value most about Lake Macquarie, and how to make it even better.

Lake Macquarie Mayor Kay Fraser said the CSP was a plan for the community, by the community.

"We want to check in with the community to ensure we're on the right path to growing our city, while maintaining the amenities and lifestyle people love," Cr Fraser said.

"This is about shaping Lake Mac together and creating a city for the future."

The CSP is reviewed around the start of each new council term to ensure it reflects community perspectives and priorities.

"The past 18 months have seen a huge change in many people's daily lives, and while most of those changes will be temporary, it's likely to have prompted a lot of us to see things through a different lens," Cr Fraser said.

"We'd love to know if that has changed how people prioritise the things we do as a Council and as a community."

"The CSP will help ensure Lake Macquarie is a thriving, dynamic and vibrant city 10 years from now."

An online survey at [shape.lakemac.com.au](https://shape.lakemac.com.au) will collect feedback on key parts of the CSP. The page also includes an online discussion board where people can share ideas and comment on those of others.



Cr Fraser said survey participants were automatically entered into a competition to win one of 20 local experiences, including a JoyAir joyflight, a Skydive Australia tandem skydive and a JetBuzz thrill ride on the lake.

How to share your ideas:

- Join an online discussion board
- Complete our survey for a chance to win one of 20 local experiences\*
- Keep an eye out for vibrant activations around the city
- Join in the conversation on social media #lakemac2032
- Join us at a pop-up session in November

Community consultation on the CSP will continue until 26 November. **Go to [shape.lakemac.com.au/lakemac2032](https://shape.lakemac.com.au/lakemac2032) for more information.** \*conditions apply

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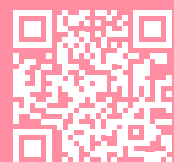
## WIN A LAKE MAC EXPERIENCE

Help create our future by sharing what you love about Lake Mac and how we can make our city even better 10 years from now.

 [shape.lakemac.com.au/lakemac2032](https://shape.lakemac.com.au/lakemac2032)

\*Conditions apply. Closes 26 November 2021.

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here\*



#lakemac2032

## 32 mining projects in planning pipeline can drive economic recovery for NSW

New research has revealed mining has the potential to significantly boost the state's economic recovery

from Covid-19, with 32 mining projects currently at various stages in the NSW planning system.

The research, completed by the NSW Minerals Council, has analysed the potential economic benefits of all major mining projects currently in the NSW planning system, from initial EIS submission stage to approved projects still seeking related conditional approvals before mining can commence.

The projects have the potential to deliver almost \$13 billion in investment and over 17,500 jobs for NSW to help support and rebuild the economy and boost regional development. In the Hunter, there is potential for over \$3.6 billion in capital investment and the creation of around 7,500 jobs.

Stephen Galilee has been CEO of the NSW Minerals Council said "In particular, there is growing demand for our high-quality metals and rare earths. Technological advances in industries such as telecommunications, medicine, defence, renewables, and energy storage are driving demand for critical metals and minerals. This is providing new opportunities for regional communities across the state."

The number of metals projects in the NSW planning pipeline has increased to 13 in 2021, up from 11 projects in 2020, highlighting the strong ongoing interest in the metals sector in NSW. Eight of these are proposals for new mines, including new gold, silver, nickel, cobalt, and scandium mines. This is the highest number of proposed new metals mines for NSW in at least a decade.

Coal continues to be NSW's most valuable export commodity, worth around \$16 billion in exports in 2021 as well as \$1.6 billion in royalties to the NSW Government.

Demand for NSW coal has remained strong despite the global pandemic, including with our top three traditional markets Japan, Korea, and Taiwan, as well as important emerging markets like India, Vietnam and the Philippines. This demand is expected to remain strong for at least the next two decades and we've also seen a significant surge in the coal price over recent months.

This is also driving opportunities, with a range of NSW coal projects under assessment. Most are for extensions of existing operations, with a few new ones and a further \$5.5 billion of investment opportunity for our regions, and thousands more jobs created or protected across the state.

The number of coal projects has decreased from 21 in 2020 to 19 projects in 2021 due to the commencement of a project, withdrawal or discontinuance of some projects, and the refusal of the Dendrobium project by the NSW Independent Planning Commission.

## National research centre opens to secure minerals for the future

The University of Newcastle has congratulated research and industry partners on 17 September at the official opening

of a \$35 million Australian Research Council (ARC) Centre of Excellence focussed on transforming the minerals industry and securing a low-carbon future.

The ARC Centre of Excellence for Enabling Eco-Efficient Beneficiation of Minerals (COEMinerals) will develop and commercialise new and more sustainable mining technologies as demand for minerals – including those used in white goods, smartphones and solar panels - increases. COEMinerals is a national collaboration of multiple universities and industry partners headquartered at the University of Newcastle.

University of Newcastle's Laureate Professor Kevin Galvin will

lead the Centre and oversee collaboration with researchers from seven other Australian universities, the CSIRO, industry partner organisations and leading international researchers.

COEMinerals was officially opened by Liberal Patron Senator for the Hunter Region Hollie Hughes representing the Minister for Education and Youth via Zoom with representatives from the ARC, partner universities and industry representatives.

"A strong, successful and sustainable minerals industry makes for a stronger country," Senator Hughes said.

"Today's official opening and our significant investment in COEMinerals represents the Morrison Government's support for transformative, research-led initiatives that help bring together industry and universities.

"This is a major boost in our efforts to prepare the minerals sector for the needs of the economy and the environment well into the future."

University of Newcastle Vice-Chancellor Professor Alex Zelinsky congratulated the partners on the important milestone.

"A low carbon future will not be possible without minerals. We're delighted to be hosting this Centre and playing a key role in bringing researchers together to find new sustainable technologies to reduce the environmental footprint of minerals recovery," Professor Zelinsky said.

"I congratulate Laureate Professor Galvin on his work to date to bring together a research program that will help transform the minerals industry and bring together expertise across the country for a more sustainable future."

Over the next seven years, more than 70 PhD students and 15 post-doctoral researchers together with consortia members will work across multiple research disciplines to achieve the Centre's transformational solutions.

Researchers at the Centre will focus on developing new technologies and commercialising these technologies with industry partners in an effort to secure future availability of metals essential to modern living – like those used in smart phones and electric vehicles.

The ARC Centre of Excellence for Enabling Eco-Efficient Beneficiation of Minerals is funded by the Australian Government through the Australian Research Council Centres of Excellence funding scheme.

## Cessnock City Council's energy saving

Cessnock Council's commitment to reducing electricity consumption is paying off with

significant results recorded. Over the last four years Cessnock Council has decreased consumption at its nine largest sites by 15%.

The reduction is a win for Cessnock Council's Energy Efficiency Program, which set out with the goal to reduce electricity consumption at Council's major consuming sites.

Council's General Manager, Lotta Jackson said the program is making huge gains.

"We've made changes including removing old fluorescent lighting replacing it with LED lights, more recently we've had 252 solar panels installed on three buildings. Even in winter the solar panels are doing an amazing job. In fact, since they were switched on in March they have generated a combined total of 58.5 MWh and amazingly councils not only powered themselves, during some parts of the day, but exported 19% to the grid. Put simply, they're generating more power than they need in the middle of the day and giving back. Council can't wait to see the results over summer!"

Council's nine largest energy using sites consumed a total of 1,394 MWh during 2016-17. In 2020-21 the same nine sites consumed 1,187 MWh.

Council's Streetlighting Replacement Program, saw over 2,000 streetlights replaced with LED lights which has decreased electricity usage by 23%. This drop in consumption includes the continual growth in additional streetlights for new subdivisions.

All savings made will cover the cost of the installation and be invested into future energy saving projects.



# THE SOUND OF THE HUNTER

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\* The National Listener Survey - Newcastle 2020 Survey Wave #1

## Dixon Park SLSC new ATV to help save lives

Dixon Park Surf Life Saving Club (SLSC) has received funding from

Port Waratah Coal Services to purchase a new all-terrain vehicle that provides lifeguards quick access along the beach for when seconds matter during a rescue.

The small four-wheel drive vehicle is equipped with storage racks for rescue boards, which ensures it is ready to go at all times. The vehicle safely transports resuscitation equipment and members of the public who are in distress and is used to tow the rescue boat to and from the beach.

Last year, lifeguards at Dixon Park SLSC watched over 30,161 people at Dixon Park Beach during 2,726 patrol hours. They made 291 preventative actions, attended 26 first aid incidents and performed nine surf rescues.

"The summer patrol started on Saturday and we are very pleased to have the new vehicle ready to go in an emergency. It's a critical piece of our lifesaving equipment," said Peter Brown, President of the Dixon Park Surf Life Saving Club.

"The vehicle will be used by the lifeguards to patrol the beach and perform our regular duties and allows for quick and easy access across the sand when it's needed most."

The vehicle is replacing the Club's older model, purchased with funding from Port Waratah in 2015.

Port Waratah invests \$750,000 each year to help local organisations, charities and initiatives across six priority areas including health, environment, education, community, diversity and youth sport.



## Ongoing tenure secured for Port Waratah's Carrington Terminal

Port Waratah Coal Services has announced an extension to the Carrington Terminal lease from 2024 to the end of 2031.

The decision to continue operations at Carrington aligns with Port Waratah's expectations of coal industry demand, particularly from South-East Asia, where demand for high-quality Hunter Valley coal remains strong.

This announcement supports the Hunter Valley coal industry, local jobs and the regional economy and community.

CEO of Port Waratah, Hennie du Plooy, said the Carrington Terminal remained a key element of Port Waratah's operations.

"It is critical to being able to meet our customers' needs for terminal capacity and service flexibility now and into the future," Mr du Plooy said.

"Our expectation of the future demand for terminal services is also consistent with the NSW Government's policy position, Strategic Statement on Coal Exploration and Mining in NSW, which recognises that coal exports have an important role to play in NSW while there is strong global demand for the product."

## Indigenous STEM Scholarship helping young leaders to achieve dreams

A young Aboriginal leader with an unshakable desire to help others in his community is a step closer to achieving his dreams thanks to Port of Newcastle's inaugural

Indigenous STEM Scholarship, awarded in partnership with the University of Newcastle.

Proud Ngarigo man Jack Goldspink, who is the first recipient of the Scholarship, said he is also the first in his family to attend university.

"No one in my family has actually been to university or completed year 12. As the eldest of four boys raised by my amazing mum, I knew I always wanted to finish school and go to university to set that example for my brothers," said Mr Goldspink.

Jack relocated to Newcastle from his home-town of Tumburumba, near the Snowy Mountains, to start a Bachelor of Exercise Sport Science at University of Newcastle and says receiving the scholarship is a proud moment.

"The Port of Newcastle Indigenous STEM Scholarship is a reward for all the effort I put in across year 11 and 12, and the challenges I overcame during that time. Finishing high school, getting a good ATAR, being accepted into my preferred course at the University of Newcastle and now receiving this scholarship showed me that with effort, you really can get anything done. I hope to be able to inspire and support other young Aboriginal people to do the same," Jack shared.

Port of Newcastle CEO, Craig Carmody, says the Indigenous STEM Scholarship in partnership with the University of Newcastle aims to assist young Indigenous people to seriously consider STEM careers and choose to be part of the future talent pool for emerging high-skill, high-income local jobs.

"Jack is the perfect candidate to receive Port of Newcastle's first Indigenous STEM Scholarship. This young man is an inspiration to his fellow students, his family and community. Having achieved much in his young years, Jack is a true leader and a deserving recipient of our Indigenous STEM Scholarship," said Mr Carmody.

As well as financial support, the Scholarship includes the opportunity to take part in professional development with the Port of Newcastle team and learn more about Port operations.

"The generous funding from Port of Newcastle really takes the financial stresses out of moving away from home and will support me with things like updating my technology. It's allowing me to focus on my degree and spend more time making connections in the local Aboriginal community here in Newcastle," said Mr Goldspink.

University of Newcastle Pro Vice-Chancellor - Indigenous Strategy and Leadership, Mr Nathan Towney, said that through this partnership with Port of Newcastle, the University of Newcastle was able to support more Aboriginal and Torres Strait Islander students coming into higher education.



## High Street, Maitland domain landscape proposal



Maitland City Council has unveiled a proposed streetscape landscape plan to reinvigorate High Street in conjunction with the construction of the Maitland Administration Centre and its associated vegetation plan.

The intent of the proposal is to include numerous large street tree plantings with native grasses and groundcovers in the area, upgrades to the pedestrian crossing, bus stop and restoration of the concrete, sandstone and flagstone pavements. A gateway plaza that would form a future stage of the project would also feature significant tree planting to create a beautiful green space in the heart of the City.

These plans are in addition to the 56 trees already confirmed to be planted throughout and around the new car park of the Maitland Administration Centre in mid-2022, which include jacarandas, crepe myrtles and water gums.

Although some shrubs and trees will be removed as the Centre's construction continues, including the London Plane tree located on the corner of Devonshire Street, there will be a substantial net gain of vegetation once construction is complete.

The proposal is still in the design stage as consultation with external agencies continues about possible challenges that may be presented due to the location of underground services.

## Moray & Agnew supports UNICEF's Give the World a Shot program



On 26 August Moray & Agnew announced its support of UNICEF's Give the World a Shot program.

For each employee of the national firm who receives their first dose of a COVID-19 vaccine by 31 December 2021, Moray & Agnew will donate to UNICEF the amount needed to vaccinate at least one person in an international jurisdiction in need. Participation is encouraged within the firm but is voluntary.

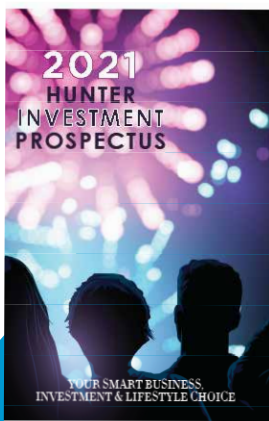
The firm is also making an initial donation equating to 5% of the firm's headcount to recognise that some of its people may not be able to receive a vaccination.

Sean O'Sullivan, Newcastle Managing Partner says he's proud of the firm's participation in the program.

"COVID-19 knows no borders. The devastation we have seen, from India to Brazil, impacts us all as a global community. To beat the virus, we have to see the bigger picture. Not only do we need to vaccinate ourselves we'll only begin to recover from the pandemic when people in lower-income countries have access to vaccines, tests and treatments too. UNICEF is on a mission to deliver 2 billion vaccines, 5.6 million tests and 5.5 million treatments around the world this year."

Moray & Agnew is following the lead of a number of law firms who are running similar campaigns and acknowledges the work of those firms in promoting this initiative.

# 2022 HUNTER INVESTMENT PROSPECTUS NOW SEEKING SUPPORT



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The 2021 edition can be read online at <http://www.hunterinvest.com.au>

## Newcastle to progress significant remediation of former Shortland landfill site

City of Newcastle will soon go to tender to remediate a former landfill site at Shortland where much of the debris from the Newcastle earthquake was buried. The work

will be brought forward following preliminary investigations that show the scale of work will be significantly more complex and costly than previously expected.

The former Astra Street landfill opened in 1974, taking waste from across the Hunter until it was closed in 1995.

Acting Director Infrastructure and Property Joanne Rigby said City of Newcastle has been working with the Environmental Protection Authority (EPA) on a plan to remediate the site and protect the nearby RAMSAR-listed Hunter Wetlands.

"City of Newcastle is committed to ensuring historic sites like Astra Street Shortland are not forgotten and we work closely with the EPA to ensure they're adhering to modern environmental management standards," Ms Rigby said.

"We have completed our preliminary investigations and finalised two detailed designs, which will improve the 20 year old capping and drainage on the 37-hectare site."

Ms Rigby said the detailed designs had allowed City of Newcastle to update their project estimates, with cost efficiencies and innovative methodologies to be explored where possible during the tender process.

"City of Newcastle will invite tenders from five companies identified during an expression of interest process to carry out the construction of these enhanced environmental safeguards, with work expected to get underway next year.

"This will include the final capping and reprofiling of the site, drainage improvements to aid in management of surface water and sediment runoff, followed by revegetation and landscaping.

"These works will allow City of Newcastle to help protect and maintain the local environment well into the future, safeguarding the water quality of surrounding wetlands and aquatic ecosystems, increasing biodiversity values and promoting long-term native vegetation growth."

## NHMRC awards \$8.3M to investigate global health problems

Three University of Newcastle researchers are set to analyse some of the world's

most critical health problems, supported by more than \$8.3m in National Health and Medical Research Council (NHMRC) Investigator grants.

In collaboration with Hunter Medical Research Institute (HMRI), the Newcastle researchers will explore personalised nutrition support, mathematical models of brain disorders and strategies to prevent 'neglected' areas of infection prevention - paving the way to help millions of people around the world live better, healthier lives.

NHMRC Investigator Grants consolidate separate fellowship and research support into one grant scheme, providing each researcher flexibility to pursue important new research directions as they arise and to form collaborations as needed, rather than being restricted to the scope of a specific research project.

Acting Deputy Vice-Chancellor (Research & Innovation) Professor Liz Sullivan said the NHMRC funding reflected the University's commitment to delivering better health outcomes and improving the well-being of its communities.

HMRI Director Professor Mike Calford said the success of these three researchers showed the depth of talent in the local research community.

The world's most published and cited dietitian researcher, Laureate Professor Clare Collins, received \$3.9 million to establish innovative approaches in 'Personalised Nutrition Support' for

those at greatest risk of poor diet-related health. Studies have confirmed the significant health and economic benefits of personalised Medical Nutrition Therapy (MNT) delivered by Accredited Practising Dietitians, yet only 1.1% of eligible adults accessed nutrition support under Medicare in 2018-19. Professor Collins' research will also aim to improve communication between consumers, dietitians, health services and policy makers.

Neuroscientist Professor Michael Breakspear was awarded \$2.9 million to investigate the mechanisms underlying brain disorders, combining brain imaging with mathematical modelling.

Internationally recognised infection control professional and researcher, Professor Brett Mitchell received \$1.5 million to work on building evidence for strategies to prevent healthcare-acquired infections.

## Conditis Lawyers opens Newcastle office

In response to local demand and in line with their commitment to the Newcastle/Hunter region, multi award-

winning law firm, Conditis Lawyers, has opened an office in Hunter Street, Newcastle, right next to the Criminal Courthouse and close to the Family Court.

Founding director, Manny Conditis said: "My fellow director, Michal Mantaj and I are delighted and enthusiastic about our team of highly skilled professionals providing our brand of specialised legal services to the people of Newcastle. I have had a fondness of the area and for the no-nonsense Novacastrians dating back to when I appeared in my first murder trial, which resulted in the acquittal of Dean Waters at Newcastle Supreme Court 24 years ago in 1997."

With a greater than 90% success rate in criminal jury trials and family law-related trials in the Federal Circuit Family Court of Australia, Conditis Lawyers has a reputation for winning cases even when the odds have been stacked against them.

The firm was recently named the 2021 NSW Regional Firm of the Year in the APAC Legal Awards and one of their criminal lawyers, Alexandra Bailey, was named the 2021 Top Young Criminal Lawyer Under 30 in Australia against hundreds of applicants Australia-wide. Manny is currently a finalist in the APAC Regional Partner of the Year awards in the Criminal Law category, with the winner to be announced in December.

Conditis Lawyers was established in Gosford in the early 1980s. The firm is now one of the leading law firms in Sydney and regional NSW with offices in Gosford, Sydney, Wollongong, and now Newcastle.

Recently recognised in the media as one of the most influential lawyers in NSW, Manny is the only solicitor advocate in the state to appear in murder trials in the Supreme Court. An Accredited Specialist in Criminal Law, Manny has appeared in landmark and high-profile cases and is regularly sought by the media for comment on other high-profile cases and legal matters.

He and co-director, Michal Mantaj, have also just been recognised as Leading Criminal Lawyers in NSW in the 2021 Doyle's Guide.

Conditis Lawyers offers the Hunter public a first consultation without charge.





**PROSPERITY ADVISERS GROUP**

**Ricardo Apter** from the Corporate Assurance team has been promoted to Manager. Ricardo has been an important contributor to the Corporate Assurance team, providing clients with a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, internal controls and governance processes.



**ROBERTS LEGAL**

Roberts Legal has promoted **Tony Peterson** to Special Counsel. Tony joined Roberts Legal almost 12 months ago and has a decade of experience in national and international law firms representing clients in large and complex commercial disputes. At Roberts Legal he practices almost exclusively in Commercial Litigation focusing on professional negligence, business disputes, shareholder disputes and is an integral part of the team.



**PKF**

Newcastle accounting and business advisory firm, PKF, has elevated Self-Managed Superannuation Fund Specialist, **Daniel Clements** to Partner. Clements has been with the firm for 8 years working under SMSF expert, David Henriksen, who has been preparing Clements for leadership. Clements has played a key role in leading the team's 4 SMSF accountants to provide superannuation advice and portfolio management to a wide range of clients.



**PROSPERITY ADVISERS GROUP**

**Ben Hailstone** from the Business Services and Taxation team has been promoted to Manager. Ben has strong relationships with his clients with particular expertise in medical, technology, research and development businesses and high net worth individuals. Ben is passionate about both business and financial strategy.



**NEWCASTLE AIRPORT**

On the cusp of the most exciting growth period in its history, Newcastle Airport has welcomed **Allanna Ryan** as its new Executive Manager Corporate Services and Chief Financial Officer (CFO). Allanna has worked across a number of senior roles at several iconic businesses throughout the Hunter. Over the next three years, Newcastle Airport expects to be flying to Singapore, as well as Perth, Adelaide and Hobart. The terminal will be redeveloped, and the Airport will have a vastly expanded and diversified property portfolio.



**EDUCARE**

EDUCARE Specialist Services has announced the appointment of **Tanya Crawford** as the new Clinical Services Coordinator. Tanya has had 19 years clinical experience with specialised expertise in areas of Clinical and Forensic Psychology. She also brings 10 years senior and middle management experience to the practice including leadership roles within Headspace Newcastle, the Child and Adolescent Mental Health Service, and the Drug and Alcohol Services within Hunter New England Health.

**THIS COULD BE YOUR  
NEWEST EMPLOYEE!**



**ROBERTS LEGAL**

**Jack Lindgren** has joined Robert Legal as Senior Associate. Jack is an astute Commercial Litigation Lawyer adept at resolving complex commercial disputes, with a focus on Professional Negligence, Building & Construction, Employment and Insolvency related claims. At Roberts Legal he is primarily focused on assisting businesses by resolving complex commercial disputes swiftly and implementing strategies and legal solutions designed to avoid or reduce the impact of them in future.

**LET US KNOW ABOUT YOUR PEOPLE!**

We would be pleased to receive information about your new appointments. Just email around 80 words on the employment plus a high resolution head shot to [editorial@HBRmag.com.au](mailto:editorial@HBRmag.com.au). Submissions are **FREE** but subject to editorial control.



# Markets on the road to post-lockdown pickup

**Steve Dick**  
**MOVABLE**

By the time you are reading this article, the NSW Government will hopefully have persisted with its road map out of lockdown.

Then again, we can only speculate what will happen once restrictions lift. However, given the experience of real estate markets once the state economy reopened in May 2020, here are my educated tips for residential and commercial property moving forward.

## Outlook for residential real estate

When COVID restrictions were lifted in 2020, there was unprecedented growth in the Newcastle and Sydney house prices. The market response was nothing more than a reflection of a supply that couldn't cope with the demand exacerbated by easy borrowing because of ultra-low interest rates.

The supply of new housing (building) slowed due to the pandemic, and later in 2020 was only keeping pace with the catch up required from decades of undersupply of new stock and steady migration population growth.

Fast forward to October 2021, and some pundits predict an oversupply of housing this spring season because of continued borders closures since March 2020 and zero migration. Reading the commentary, none of the so-called experts have considered that instead of the annual net of 190,000 migrants coming into Australia, we received 430,000 ex-pats in 10 months. These ex-pats weren't just backpackers and travel bloggers but affluent skilled workers with excellent bank balances. This migration provided an injection in demand that threw residential market out of whack not only in the Hunter but Australia wide.

So, as we head into spring, people will, in more significant numbers, list (place) their property for sale, and this will result in more choice and less frenzy. However, the undersupply of new housing will continue to affect this market.

Intrastate migration is another factor that will impact residential markets across the Hunter as Sydneysiders migrate away from the state capital in search of more affordable housing.

Given the duration of the Sydney lockdown this time around and the adaptation of working from home, many are asking will we see an influx of Sydney buyers in this market as we did when the 2020 lockdown finished? I believe we will, so if you're selling, there is no better time to call our team at Moveable for advice in preparation. Additionally, we expect the trend of more Sydneysiders seeking out a bolthole away from the metropolitan areas to collect speed.

## Commercial is a tale of three markets

Local supply and demand issues drive commercial markets. At present, there is an oversupply of office accommodation due to the NSW Governments consolidation and the new supply at the base of residential towers. This situation means landlords need to consider the rent and terms they ask for carefully and the presentation their properties.

## Retail to rebound after lockdowns end

Most of the retail sector has borne the brunt of the lockdowns. However, as with the last revival after the 2020 lockdowns ended, people will have unspent discretionary dollars to use.

Moreover, those in retail we will need to adjust to the vaxed and unvaxed world, and it looks like they will be the gatekeepers of their realms. Therefore, my prediction is that retailers must get ready, be stocked and consider how they handle the vaccination issue.

My two bobs worth is that if the Government doesn't mandate compulsory closure, cleaning and quarantining of a retail premises and staff if a COVID infected person enters a premises, what is the worry?

By the time you are accepting customers more than 80% of the population will be fully vaccinated. Those who have chosen not to be vaccinated are at risk, not those who are vaxed.

So, I can't see why retail businesses would want to risk arguments with customers by vilifying the minority. That said, within the retail sector there will need to be the maintenance of a higher level of personal hygiene and accountability.

For what it's worth, I believe the government can show some leadership by legislating greater sick days, just like they do with annual leave. As an employer I DO NOT WANT PEOPLE SOLDIERING ON! We all know how Aussie's love a sicky, this may be an election winner for the side that mandates it first.

## There's never been a better time to sell industrial

The industrial sector is being significantly affected by supply and demand because the Lower Hunter is an excellent staging post for distribution businesses. However, the supply of vacant industrial land is nearly non-existent, forcing land prices up rapidly. If you have a block and want to sell – call me now!

The only area with industrial land currently being sold, cleared, and levelled can be found in the Hunter Economic Zone (HEZ). Affordable land and designed ready to build constructions are available for lease and sale right now!

**For further information contact Movable on (02) 4915 3000**



Steve Dick is a director of Newcastle's leading residential and commercial real estate firm, Movable.

## Newcastle office market remains solid

The Newcastle office market has fared reasonably well in these recent turbulent times according to Herron Todd White's Month in Review.

This contrasts with larger office markets, especially Melbourne, which may be seeing significant downward pressure on equivalent rental rates with a massive increase in rental incentives recently.

Larger companies are working out ways for staff to work at home on a more permanent basis, lowering the overall need for office space and hence, company costs. New offices under construction must be innovative and draw in the user, allow for a more fluid use of the space and further blur that line between home and office.

One example of this is the GWH development known as Darby Plaza. Local Newcastle people will know Darby Street as a dining hub close to local beaches. Darby Plaza is positioned at the harbour end of Darby Street along what was once the heavy rail line.

According to the developer "Darby Plaza will deliver a state-of-the-art work and lifestyle destination that will enrich the lives of its occupants and the wider community. Already under construction, it's due for completion in late 2021. The combination of smart building technologies, incredible end of trip facilities, informal meeting areas, lobby café and public plaza linking Darby Street to the Newcastle Foreshore will create an unrivalled and unique tenant and customer experience.

The central and convenient location offers a plethora of lifestyle and commercial conveniences. Darby Plaza is surrounded by numerous parks, waterfront walking and cycle paths, bustling Darby Street (Newcastle's Eat Street) and the reinvention of Hunter Street Mall. With the light rail at your doorstep you are only minutes to the Newcastle Transport Interchange and world renowned beaches."

Interestingly, the building is even providing a pod site within the secure car park for rideshare vehicles. This building, which is due for completion in early 2022, is targeting a NABERS rating of 4.5 stars and certainly appears to tick all of those boxes required for a modern, progressive workspace in the heart of the city.



## Hunter home builders feature strongly in top 100 list

The release of the HIA-COLORBOND steel Housing 100 Report 2020/21 reveals that three Hunter based builders were again in the top 100 of Australia's largest volume builders.

"The report included Thornton-based MJH Group, Rutherford-based Mavid Group, and Belmont-based Montgomery Homes in the list of Australia's largest 100 residential builders. This is based on the number of homes commenced in 2020/21," said HIA Executive Director – Hunter, Craig Jennion.

"MJH Group, which trades predominantly in NSW as McDonald Jones Homes and Mojo Homes, retained its established mantle as the #1 detached house builder in NSW as well as maintained its place as the 3rd largest detached house builder nationally. In total 2,460 detached starts occurred in NSW during 2020/21, and a total of 4,070 nationally."

"Adding the multi-unit projects commenced the MJH Group moved two spots higher to be the 3rd largest home builder in Australia, with 4,548 starts. Impressively the MJH Group was the third biggest mover in the report, with starts increasing by 1,787 or 65% over 2019/20," said Mr Jennion.

With 345 starts, Rutherford based Mavid Group, ranked the 59th largest home builder nationally and 17th largest in NSW. Mavid Group soared the Semi-Detached Dwelling Builder list to 4th place nationally, one spot behind the MJH group.

Known for their contemporary, executive style homes Montgomery Homes were ranked 88th nationally with 192 starts.

The key highlights from this year's HIA-COLORBOND steel Housing 100 Report 2020/21 shows that the largest 100 residential builders:

- Increased their share of the new home building market from 40% to 44%
- Accounted for 80% of the detached homes built in Australia in 2020/21
- Increased revenue earned from home construction by 31.4% to \$31.7 billion in 2020/21
- Increased the number of new starts in the year by 27.0%, which is an extra 18,758
- Increased the number of starts required to make the list from 108 to 125
- Increased the number of detached house starts by 49.1% while the number of units fell by 20.7%.

"The positive findings of this year's HOUSING 100 Report locally matches with the positive journey that the Hunter new home building sector continues on in 2021. While we continue to watch to see what impact the ongoing COVID-19 lockdown will have on building approvals in the future, the good news is that to date they have held up and the steady continuation of approvals will have benefits across the region in the second half of the year and into 2022," concluded Mr Jennion.

# MOVABLE

**SALE**



**B1/7 Poynton Place, Thornton** **307sqm\***  
 New architect designed strata title office with 12 car parks.  
 Price \$1,230,000 + GST **ALAN TONKS 0474 744 422**

**SALE**



**6 Torrens Avenue, Cardiff** **3,067sqm\***  
 Deceased estate investment sale – fully leased (7) tenants.  
 Net Income \$158,078pa **STEVE DICK 0425 302 771**

**LEASE**



**16 Heather Street, Heatherbrae** **722sqm\***  
 High clearance warehouse with 2 separate entrances.  
 Lease \$79,000pa + OGS + GST **STEVE DICK 0425 302 771**

**LEASE**



**1-6/1 Cobbans Close, Beresfield** **From 210sqm\***  
 Complex of 6 brand new industrial units nearing completion.  
 From \$29,500pa + OGS + GST **JASON MORRIS 0425 302 778**

**LEASE**



**40 Camfield Drive, Heatherbrae** **1,296sqm\***  
 Top location with warehousing, offices & showroom.  
 Lease \$125,000pa + OGS + GST **PAUL TILDEN 0425 302 772**

**movable.com.au**

\*Approximate

## PUTTING THE HUNTER REGION ON THE GLOBAL STAGE

Despite the ongoing heavy impact the COVID-19 pandemic continues to inflict on the aviation sector, Newcastle Airport's bold aspirations remain very much on track. Guided by their overarching purpose of being the airport the region deserves, and buoyed by government funding for an airfield upgrade and the Williamstown Special Activation Precinct, the airport is looking through the pandemic to where and how it can help turbo-charge the regional economy.

In May this year, the Prime Minister Scott Morrison announced \$66 million in funding to upgrade the airfield owned by RAAF Base Williamstown. This upgrade will allow larger aircraft like Boeing 777s and Airbus 330s to land in Newcastle, opening up Northern NSW to the world and stimulating significant economic growth for the region.

Designs for the upgrade of the airfield are nearing completion, with works on site due to commence by the end of this year and will be completed in the second half of 2023. To meet the expected increase in demand, the airport is working on designs for upgrading the terminal to deliver enhanced facilities and services for passengers and visitors alike. Discussions are underway with government to secure grants to enable this project.

Complementing this expanded international connectivity, is the further development of a world class aerospace and defence precinct. Astra Aerolab, located adjacent to the airport and RAAF Base Williamstown, is the centrepiece of the airport's expanding property portfolio.

Astra Aerolab is designed to enhance Australia's ability to deliver world class sustainment and manufacturing capability to the Defence sector. It's a place designed to be uplifting, taking people and businesses higher, where world leading defence, research, aerospace and industry partners converge to elevate performance. The Williamstown location offers unprecedented airside access to the growing RAAF aircraft fleet, including the F-35A Lightning Strike fighter, BAE Hawk 127 Lead-In-Fighter (LIF), Pilatus PC-21 and the Boeing E-7A Wedgetail.

Astra sits in the heart of the Williamstown Special Activation Precinct (SAP), one of six such precincts across NSW. This SAP will attract further public and private investment, create job and career opportunities, streamline planning approval processes, and ensure Williamstown is set to become the state's premier location for defence, aerospace and innovation.

Following an initial investment of \$11.8 million by the State Government, which was used to support civil works within the Astra Aerolab precinct, design of the first commercial office building on site is now underway. Additionally, works have now commenced on two pocket parks on the Astra Aerolab site, including formal landscaping, seating, shelter, lighting and BBQ facilities. This place activation will provide an uplifting foundation for the first commercial office building on site, with construction due to start in 2022.

Alternative commercial and space options for prospective tenants looking for a bespoke build are also available. To this end, the first stage of the Astra Aerolab development will deliver 9.5 hectares of B7 Business Park Zone sub-division land lots. With 50% of stage 1 pre-committed by a leading Defence Prime, inaugural tenants within the Astra Aerolab will be joining a thriving defence, aerospace and innovation ecosystem.

Astra Aerolab is designed to foster a working environment that will attract a globally significant workforce to the region. It is a place designed for people to push boundaries and embrace new technology. The inaugural tenants in the first commercial office building are expected on site in early 2023 with expressions of interest to lease space in this landmark building now being taken.

Newcastle Airport is determined to create new opportunities and drive real economic impact across the region, ultimately delivering thousands of new jobs and greater global connectivity for the region.

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That's the airport our region deserves.

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Prime Minister Scott Morrison at the announcement of \$66 million in Federal Government funding for runway upgrade at Newcastle Airport, 6 May 2021.



# UPLIFTING OPPORTUNITY

Every aspect of Astra Aerolab is designed to uplift performance.

With outstanding integration of technology and lifestyle, co-located with RAAF Base Williamtown and Newcastle Airport, this is a unique opportunity to join the world's leading defence, aerospace and innovation precinct.

Leasing opportunities now available.

Contact: Brook Grimmond  
+61 478 677 263  
[bgrimmond@newcastleairport.com.au](mailto:bgrimmond@newcastleairport.com.au)

Newcastle Airport,  
RAAF Base Williamtown, NSW, Australia  
[astraerolab.com.au](http://astraerolab.com.au)

 ASTRA  
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Airport

# PORT OF NEWCASTLE LAUNCHES EOI FOR EMPTY CONTAINER PARK

Port of Newcastle has opened an Expressions of Interest (EOI) via tenderlink.com regarding potential establishment of an Empty Container Park in the Mayfield Precinct of Port of Newcastle.

The EOI for this potential project opened on 23 September and closes at 4 pm on 5 November 2021.

Port of Newcastle is Australia's deepwater global gateway, the largest on the nation's East Coast. Port of Newcastle is more than a port, it exists to build Australia's prosperity with responsible, integrated and innovative supply chain solutions.

With trade worth about \$26 billion to the national economy each year, Port of Newcastle enables Australian businesses to successfully compete in international markets. The Port currently handles 4,400 ship movements and 164 million tonnes of cargo annually, including dry bulk, bulk liquids, ro-ro, general and project cargoes and containers.

With a deepwater shipping channel operating at 50% of its capacity, significant Port land available and enviable access to national rail and road infrastructure, Port of Newcastle is positioned to further underpin the future prosperity of the Hunter, NSW and Australia. As custodians of the region's critical asset, Port of Newcastle is diversifying its trade as it strives to create a safe, sustainable and environmentally and socially responsible future.

As the Hunter Region's trade gateway to the world, Port of Newcastle is committed to diversifying for the future to accommodate existing trade and ensuring that the Port is best placed to meet the demands of customers into the future through leveraging full use of its abundant rail, road and land capacity to attract new trade.

Port of Newcastle's existing project cargo, general cargo and container handling capability will be further enhanced following a \$28.4 million investment in two Liebherr L550 mobile harbour cranes and associated infrastructure at the Port's versatile Mayfield 4 berth.

In announcing the Mobile Harbour Crane purchase in July, Port of Newcastle expressed its excitement about this upgrade to its Mayfield 4 berth service offering and the opportunities it presents to support the Port working with customers and new trades alike to identify how the Mobile Harbour Cranes service can benefit their supply chains, improve efficiency and further support their ability to successfully compete in international markets.

The cranes will feature the latest lift assistance systems, provided to ensure improved material handling, precise control over load movement and safer lifts. With access to rail sidings and upgraded internal roads, able to handle oversized trucks, the new cranes are capable of handling a diverse mix of project cargo, including wind turbines, mining equipment, timber, steel coils and transformers. The cranes will also have the capability to work in tandem for heavy lifts and lift two 20' or one 40' container in a single move.

Port of Newcastle expects containerised trade to increase through the Port with the addition of the Mobile Harbour Cranes to assist loading and unloading of vessels, whilst Port of Newcastle seeks to remove existing restrictions so that it can build the Multi-Purpose Deepwater Terminal.

The Mayfield 4 berth, where the new Mobile Harbour Cranes and potential Empty Container Park will be located, is used for break bulk and general cargo and this trade is expected to continue through the berth following installation of the cranes.

Within the Mayfield Precinct, Port of Newcastle is seeking Expressions of Interest (EOI) for the potential operation, or operation and construction, of an Empty Container Park. If the project is to proceed, Port of Newcastle proposes to make available approximately 4Ha of land which may be established for the use of an Empty Container Park. Port of Newcastle would provide the Applicant a portion of hardstand area under licence to establish the Empty Container Park and the Port is prepared to consider establishing the facilities required in agreement with the Applicant, as part of the initial licence.

Through establishing this EOI, Port of Newcastle is seeking to receive feedback from industry and interested applicants on the project, and to understand views on how Port of Newcastle and an applicant could work collaboratively to maximise the project should it be determined that it proceed.

Port of Newcastle has not yet decided whether or not to proceed with the Project, with the ultimate decision to be made pending response to the EOI and a range of other business considerations and factors affecting the Port.



## EXPORT SERVICES EXPANDED TO HELP MORE BUSINESSES GO GLOBAL

Austrade has announced that export help and market insights are now available for Advanced Technology and Health sectors, in addition to Food and Agriculture.

Austrade regularly and comprehensively updates export.business.gov.au to provide more businesses with tools and information to navigate the export process.

Export advice and market insights are being continually developed to help businesses explore the possibilities of growing overseas and find the right markets.

Did you know that South Korea is a top-performing market for health biotech? Australia's largest Phase 1 clinical tester Nucleus Network sells use of its facilities and expertise to pharma companies in this market.

Whether you're a health biotech company quickly expanding in response to COVID-19, a digital game developer gearing up for global success, or a fintech business looking for viable markets to achieve rapid growth, Austrade can help.

Austrade can help businesses learn the basics of exporting, assess if you're ready to export, find top-performing markets for your product or service and understand market requirements.

# NORTH, YOUR TRUSTED BUILDING PARTNER

With a long history of building local iconic projects like Merewether Surfhouse, Newcastle Light Rail depot and stations, and the grandstand at Number 2 Sportsground, North Construction & Building continues to be involved in shaping the City of Newcastle and Greater Hunter Region landscapes.

“North’s first project in Newcastle was some 20 years ago now and we haven’t looked back ... The breadth of projects we have undertaken over this time stands out for sure,” stated Matthew Cook, North Managing Director.

“We are really proud to have so many repeat clients in the hospital, education, health and aged care sectors. These are projects that contribute greatly to the community, and we take immense pride in being able to play our part.”

North recently completed the new four-storey commercial building at the corner of Parry and Steel Streets near Marketown Shopping Centre for Cutcher & Neale. This impressive building has further transformed that part of Newcastle.

“We engaged North to deliver a bespoke office space that met our current needs but also allows for future growth and enhancements in technology,” said Ian Neale of Cutcher & Neale.

“The space delivered provides a state of the art, collaborative working environment that syncs with the evolving culture of Cutcher & Neale. North worked to a tight deadline and delivered a quality product. Their service post contract continues to impress.”

North has also ventured beyond the broad commercial construction sector into the residential space with their involvement on two developments for Compass Housing; a 7-storey, 56-unit affordable housing block in West Gosford and an 8-storey, 16-unit affordable housing project in Wickham, the latter completed and handed over last month.

Compass Housing’s Chief Corporate Services Officer, Lyndall Robertshaw, said North Construction & Building certainly delivered on its part of an important NSW Government funded social and affordable housing project, despite the challenges of COVID-19.

“North were great to deal with throughout the entire process and we are extremely happy with the results of the completed development,” Ms Robertshaw said.

Newcastle Lord Mayor, Cr Nuatali Nelmes, joined Compass Housing, North, consultants and subcontractors at the Wickham project’s topping out ceremony in April and had this to say at the time, “This joint venture between City of Newcastle, Compass Housing Services, and the NSW Government provides a wide range of accessible housing options for people from all backgrounds, which is close to the amenity of the city, is key to maintaining Newcastle’s unique character and diversity.”

North’s involvement on key local developments continues to grow as their reputation of being a trusted building partner is further cemented by each project – the benefits of which will be enjoyed by many throughout the region for decades to come.

**north**

BUILDING WITH TRUST®

## NORTH, YOUR TRUSTED BUILDING PARTNER®

“We engaged North to deliver a bespoke office space that met our current needs but also allows for future growth and enhancements in technology. The space delivered provides a state of the art, collaborative working environment that syncs with the evolving culture of Cutcher & Neale. They worked to a tight deadline and delivered a quality product.

Their service post contract continues to impress.”

- Ian Neale, CEO, Cutcher & Neale



# ADJUDICATION – FOUR COMMON PITFALLS FOR APPLICANTS AND RESPONDENTS

**Ned Mortensen**  
**Roberts Legal**

The Building and Construction Industry Security of Payment Act 1999 (the Act) is an incredibly effective way for participants in the construction industry to maximise their chances of fair and prompt payment of invoices rendered.

The Act offers protection to both head contractors and subcontractors at every stage of the contracting ladder, as well as to those who provide materials and plant for construction work, and even associated services such as engineering and architectural design, surveying and estimating.

When push comes to shove and you've made a payment claim under the Act, but haven't been paid as expected, it can be time to turn to adjudication, but both applicants and respondents alike should be mindful of the strict requirements of the Act.

Below is a list of some of the most common pitfalls for claimants and respondents.

## 1. Timing of Payment Claims

Incorrect timing can invalidate a payment claim. Unless there is a contract in place between the claimant and respondent that says otherwise, a claimant can only make one payment claim per month. That claim is to be made on or from the last day of the month in which the construction work was done, or the goods or services supplied.

So beware. Unless your contract says otherwise, a payment claim made earlier than the last day of the month for construction work in the same month is an invalid payment claim that cannot succeed in adjudication. Likewise, in the absence of a contractual provision to the contrary, where two payment claims are made in the same month, the payment claim which is served second in time will be an invalid payment claim that cannot succeed in adjudication.

## 2. Time frames

The Act stipulates strict time frames that must be adhered to.

Where a payment schedule is served and the Claimant wishes to dispute the scheduled amount and refer the dispute to an adjudicator to make a determination under the Act, the application for adjudication must be made with ten (10) business days, and a copy of the application must be served on the Respondent quickly. A failure to apply for adjudication within 10 days will invalidate an application and leave it unable to be adjudicated under the Act.

If you're the respondent, you only have five (5) business days to respond. If you are later than this, the adjudicator will not consider the response.

Do not make the mistake of thinking that an adjudicator has the discretion to accept late applications or submissions. We are prohibited from doing so by the Act.

## 3. Demonstrate an entitlement to the claimed amount

Do not make the mistake of assuming an adjudicator will ask either the claimant or respondent for further information if it is not provided to us at first. Whilst it's true that we do have a statutory power to make requests of the parties for further submissions, there is no requirement for us to do so, and in practice, where there is already very little time allowed for us to determine an application, we probably won't.

It is therefore imperative that a claimant provides a high level of detail about the contract to which the work relates. If it's a written agreement, then include a copy of it. If it's an oral agreement, then provide as much detail about the agreement as possible. When and where was the agreement made? What was discussed about pricing, rates or payment terms?

Claimants also must show that they have claimed in accordance with the agreement. For example, if it was agreed between the parties that payment of a certain amount would be made at a certain stage of the works, you must demonstrate to the adjudicator that you have actually reached that stage of the works, and the amount claimed was the amount agreed.

## 4. Not Seeking Specialist Legal Assistance

If you think you might need assistance preparing an adjudication application, it's critical that you seek specialist help as early as you can.

Interpretations of some parts of the Act can be very technical, and strict time limits apply. An experienced construction lawyer who has intimate knowledge of what an adjudicator is looking for, will be able to help you work through the issues and position your application in the best light to get the most favourable determination possible.

**Contact Ned for a Free Case Evaluation or Fixed Fee SOPA Assessment on 1300 553 343 or email [ned@robertslegal.com.au](mailto:ned@robertslegal.com.au).**

**Ned Mortensen**, Principal at Roberts Legal, is a specialist construction lawyer and an adjudicator appointed by ABC Dispute Resolution Service for adjudication applications made pursuant to the Building and Construction Industry Security of Payment Act 1999. Before becoming a lawyer, Ned worked in the construction industry for almost twenty years, ending that career as a senior project manager for one of Australia's top tier construction and infrastructure contractors.





# ROBERTS LEGAL

BUSINESS & LITIGATION SPECIALISTS



## LEADERS AND EXPERTS IN SOLVING BUSINESS LEGAL PROBLEMS

**If your business has a legal problem, we can help you find a solution.**

Our highly talented team is headed by Sam Roberts, Accredited Specialist in Commercial Litigation.

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- Business & Company Law
- Insolvency & Corporate Restructuring
- Workplace & Employment Law



**Visit our website to download our popular Security of Payment Guide.**



# THE NEW OFFICE

Office environments are going through a type of 're-branding' to attract people back to the workplace. The aim is to provide a safe office space where staff can enjoy collaboration and feel a sense of community and belonging. These are important human interactions that have been missed during lockdowns and working from home. Workplace design company Evoke Projects looks at the fit-out strategy for this 'new office'.

## What is driving the change?

During the COVID-19 pandemic, most office staff switched to home-based work. Businesses and staff adapted very well to working from home and recent PwC research showed that only 10% of Australian respondents wanted to return to a traditional work environment. However, people have missed the opportunities for collaboration and belonging so unsurprisingly, 74% of respondents were keen for some face-to-face interaction. A hybrid workplace design strategy which combines office and remote working is the most popular model.

Gensler's Workplace Survey indicates that office-based work optimises collaboration. The survey reported that people working full-time in the office spend nearly twice as much time collaborating compared to those working at home full-time.

Office design trends overseas often give us insight into what is likely to happen in Australia as we move to working and living with COVID-19. According to the Harvard Business Review, more than 50% of U.S. companies plan to pilot new spaces as part of their return to the office this year; for example, repurposing a café into a high-energy social and collaboration space that better supports new hybrid work patterns.

Even before the pandemic, companies recognised that they needed to look at new office designs and working models to attract millennials who demand more flexibility and social connection.

## The benefits of collaboration

Stanford University research showed that employees working collaboratively are more engaged and more motivated to perform. People who perceived their work as a joint project with others had the following characteristics over a control group of individuals working alone:

- Persisted 48% to 64% longer on a challenging task
- Reported being more interested in the project
- Reported less project fatigue
- Became more "engrossed in the task"
- And had higher performance.

Other benefits reported were better project management, innovation, teamwork, professional development and an improved company culture which helps companies to attract and retain good people.

## The benefits of belonging

Depression and anxiety alone cost the global economy an estimated USD \$1 trillion due to lost productivity. Any measures that improve mental health can lead to higher motivation and productivity and reduced absenteeism. A sense of community and belonging undoubtedly improves mental health. This is just as true in the workplace as it is in our personal lives.

## Office design inspiration for collaboration and belonging

1. **Breakout spaces for people to eat and drink together at work.** The focus on COVID safety has stifled workplace social gathering but our human desire for connection will need to be satisfied. Reduced density, staggered breaktimes and outdoor hospitality nooks can provide COVID-safe gathering opportunities. Courtyards, rooftops and balconies



all provide safer ways to mingle at work. People will feel more comfortable in a lower risk environment, which will help their sense of community.

2. **Adapt technology for collaboration.** The Harvard Business Review discusses how traditional meetings are likely to evolve with more people connecting to meetings on individual devices as well as the technology in the room.<sup>6</sup> The office fit-out will require ample power supplies and whiteboards to facilitate collaboration. Jim Keane and Todd Heiser in HBR describe office designers (for employee engagement) acting "like a movie director – lights, camera, audio, content. Some solutions we're seeing are angled or mobile tables, additional lighting, extra speakers, in room microphones, and easy-to-move markerboards and displays. Video calls will happen everywhere, so enclosures — screens, panels, pods — will give people places to focus and mitigate disruptions."
3. **Create an agile workplace design.** The office fit-out can make or break collaboration. Tasks may need singular or group work. Creative brainstorming will be noisy, while intricate work requires a quiet place. An agile workplace design and fit-out gives people the freedom to work where they want. This morale-boosting way to work is called Activity Based Working. A new office design supporting Activity Based Working would include quiet working zones, private meeting rooms, group meeting pods, open workstation areas and breakout spaces.
4. **Home away from home.** A welcoming office fit-out, not just at reception but throughout the workplace, will help staff feel at home. Workplaces will no longer just be for 'work', but a place to connect and collaborate. UK online retailer Lounge shared their office design changes:
  - Tea areas called "brew bars" to facilitate organic interactions
  - A "sunken snug" that looks out onto an amazing view
  - Inspiring signage in different parts of the building.They also have tea at 3 o'clock every Wednesday, yoga, quizzes and they surprise staff with parcels. This is all about keeping people connected and providing a work environment where people feel safe, build memories and where they can be themselves.<sup>7</sup>
5. **Get talked about for all the right reasons.** Employees talk about their workplaces with family and friends. Impressing them with the latest technology, a statement piece of art or surprise treats will make them feel proud to talk about their workplace. It becomes part of who they are and who they connect with. The workplace design provides many opportunities to impress. Our skilled office designers can show you examples of statement pieces and branding that create a sense of belonging.

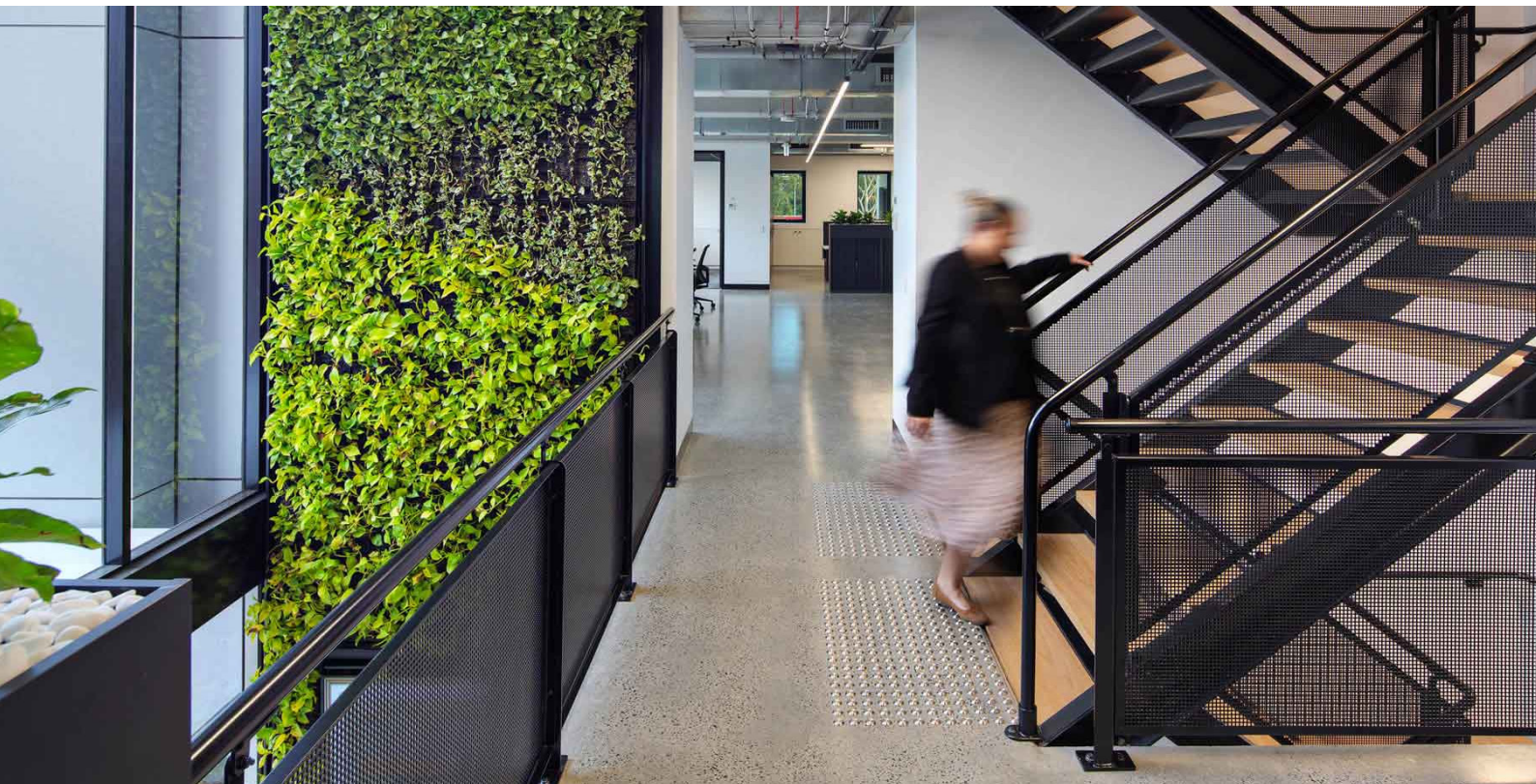
**For workplace design and fit-out ideas for the 'new office', please call Evoke Projects on 1300 720 692.**



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# APP APPOINTED TO \$835 MILLION JOHN HUNTER HEALTH AND INNOVATION PRECINCT PROJECT

APP has been appointed Delivery Project Manager for the new, seven-storey \$835 million John Hunter and John Hunter Children's Hospitals clinical tower.

The works are set to transform health care for the greater Newcastle, Hunter New England and northern NSW regions, with a 60 per cent increase in Intensive Care Unit capacity and almost 50 per cent more theatres. The significant investment of \$835 million by the NSW Government, will further support the delivery of world class health care to the rural and regional communities in NSW.

Patients are at the forefront of the innovative designs, with large windows for more natural light and plenty of green spaces and quiet zones to make the hospital stay as comfortable as possible.

The new seven-storey Acute Services Building will include:

- A new Emergency Department
- Critical care services (adult and paediatric)
- Operating theatres and interventional suites
- Imaging services
- Birthing suite and inpatient maternity unit
- Neonatal intensive care and special care nursery
- Retail, new hospital entrance canopy and improved drop-off zone
- Rooftop helipad and increased car parking capacity

APP's project team is thrilled to again be working with Health Infrastructure and Hunter New England Local Health District on

***Patients are at the forefront of the innovative designs, with large windows for more natural light and plenty of green spaces and quiet zones to make the hospital stay as comfortable as possible.***

this transformational project. APP Project Director Peter Allen said: "Our project team brings extensive experience delivering critical health aligned infrastructure to the region. We are proud to be playing an important role in this project, enabling our clients and communities to prosper."

The redevelopment will also deliver improvements to the internal road network, including future connection to the Newcastle Inner City Bypass and a link bridge to connect the new building to Hunter Medical Research Institute (HMRI).

The John Hunter Health and Innovation Precinct project is being delivered in partnership with Health Infrastructure and Hunter New England Local Health District.

APP is very proud to continue its working relationship with Health Infrastructure and Hunter New England Local Health District, with our team previously delivered health facilities in the Hunter New England Local Health District including Murrurundi, Tamworth, Inverell and Armidale.



## Innovation through collaboration: trust, cooperation and commitment

Since 1991, APP has been delivering key property and infrastructure projects throughout the Hunter and Regional NSW, working strategically with clients such as NSW Health, Newcastle Airport, Newcastle City Council, Anglican Care, Opal Aged Care and the University of Newcastle.

We're proud to be shaping the future through the planning and delivery of important social infrastructure projects.

To find out how APP can make a difference to your next project **contact Peter Allen**, General Manager Northern NSW  
**Telephone 4928 7600**

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John Hunter Hospital artist impression



# New sustainable home design from Tomaree Homes

Tomaree Homes is 100% family owned and operated and was founded by Martin Ardagh and Jamie Giacomini in 2013. They love the idea of creating homes that will be around for 50 plus years, and spaces that will generate and hold beautiful memories for anyone who lives there. They are driven to create homes that are comfortable, sustainable and a place for families and friends to come together and connect.

The boys at Tomaree Homes are passionate about energy efficiency and sustainable building practices. Tomaree Homes are introducing an exciting new home design that focuses on the integration of natural environments into residential homes.

Tomaree's new SkyGarden homes represent the first stage in the fulfilment of a 10-year-old dream that builders, Martin Ardagh and Jamie Giacomini first had when they visited Guatemala together back in 2012.

"Every house from Mexico to Argentina is built with a rooftop space that provides an additional living zone for the family," enthused Martin.

"Their homes tend to be multigenerational sanctuaries regardless of their budgets. We wanted to bring this concept to Australia, and we're excited to be on the cusp of making this dream come true."

The new SkyGarden home is a 2 storey home with a concrete floor on the second storey. This concrete base allows for the

opportunity to create true outdoor spaces on the roof – full sized gardens, pool and outdoor entertainment is all possible. This roof space can include a large indoor area ideal for entertaining that can spill out to the outdoor roof garden, a home office, a business such as a hairdressing salon or even an artist's studio.

Fully customisable, Tomaree Homes will advise on the landscaping of your rooftop garden as part of the building design.

"Lockdown has created a need to ensure that our homes become a true sanctuary. A place we can live and work from that also provides access to the benefits of the natural environment. Our homes are already energy efficient and built on the strongest of sustainable building practices. SkyGarden takes this one step further. It's no longer simply what we can do for the environment, it's also what that environment can do for us in terms of the health and lifestyle benefits an inbuilt green space can provide," said Martin.

Homes are being built on smaller blocks and people are missing out on the benefits of a true green space.

Building up, with a garden and entertaining zone where the roof would normally be, opens up opportunities for views that buyers never expected. This not only improves the value of your home but it's an investment in the wellbeing and health of your family.

Tomaree's new SkyGarden Homes are coming soon to a suburb near you.



## SKYGARDEN

Lockdown has created a need to ensure that our homes become a true sanctuary. A place we can live and work from that also provides access to the benefits of the natural environment. Our homes are already energy efficient and built on the strongest of sustainable building practices.

SkyGarden takes this one step further. It's no longer simply what we can do for the environment, it's also what that environment can do for us in terms of the health and lifestyle benefits an inbuilt green space can provide.

- Perfect for smaller blocks
- Green spaces for mental health
- Multi uses
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- Fully customisable



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# A WIN FOR HOME BUILDERS: BUT HOMEOWNERS BEWARE

**Sarah Hammond**  
**Moray & Agnew**

From 1 March 2021 the NSW Government has extended the Building and Construction Industry Security of Payment Act 1999 (SOP Act) to apply to contracts between residential builders and homeowners.

This will significantly change how residential builders are paid, and how payment disputes are resolved.

## What is the SOP Act all about?

The SOP Act aims to ensure that any person who carries out construction work (or supplies related goods or services) can recover progress payments for carrying out that work. It achieves this goal by creating a right to claim payment, and a regime for the prompt resolution of disputes about payment by way of "adjudication"; a rapid, written dispute process where payment entitlements are determined by an independent adjudicator.

## Why the change?

The SOP Act previously did not apply to contracts with homeowners (that is, "owner-occupiers" who reside in or intend to reside in the premises that are the subject of the construction contract). This meant that residential builders could not make claims under the SOP Act, even though subcontractors who carried out work on the same project could make such claims against the builder. This put builders in a difficult financial

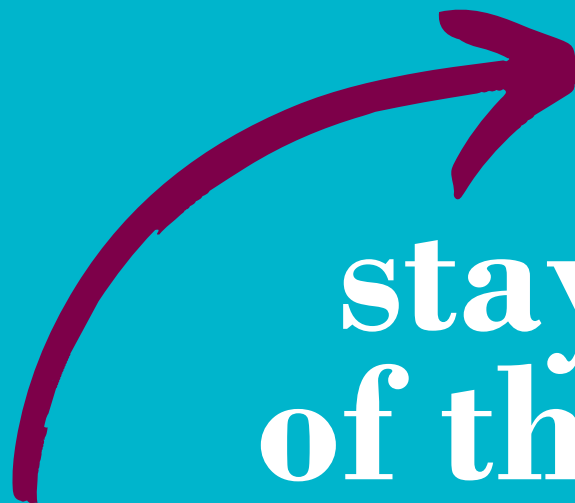
position if the homeowner had not paid the builder, but the builder was obliged to pay subcontractors.

## Key changes

From 1 March 2021, contracts with homeowners for residential building work are now subject to the SOP Act. This means that:

- Residential builders can submit progress claims to homeowners monthly, even if the contract only allows claims to be submitted on completion of certain milestones
- If the contract doesn't specify a due date for payment of progress claims, payment is due 10 business days after the claim. Penalties apply for homeowners' failure to pay on time, including suspension of work
- Unpaid progress claims attract interest, even if the contract doesn't allow interest
- Homeowners need to provide a payment schedule within 10 business days of receiving a claim (or an earlier time specified in the contract)
- If homeowners do not provide a valid payment schedule in time, they will become liable to pay the whole amount of the claim

Disputes about progress payments can be referred by the builder to adjudication.



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**What homeowners need to know**

Homeowners who engage a builder after 1 March 2021 should familiarise themselves with the SOP Act, and how it works. This includes for renovations, new home builds, and repairs.

For contracts entered after 26 June 2021, and with a value over \$20,000, builders must provide homeowners with a copy of the "Security of Payment Guide" published by NSW Fair Trading. Homeowners should carefully read this document, and keep it in a safe place for ease of reference.

In particular, homeowners should be aware that the SOP Act imposes obligations that may not appear in their contract with the builder, or may be different to the terms of their contract. If there are any concerns or disputes about progress claims submitted by builders, homeowners should carefully prepare a payment schedule, within time, which includes detailed reasons for disputing the claim. Failure to do so can make homeowners liable for the full amount of the claim, and if that claim goes to adjudication, homeowners cannot raise any reasons for non-payment not already included in their payment schedule.

Adjudication decisions in a builder's favour can be entered as a judgment debt in Court against the homeowner.

Disputes about the quality of work or any overpayments can still be referred to NSW Fair Trading or to the NSW Civil & Administrative Tribunal, but such claims will not delay a builder's entitlement to be paid under the SOP Act.

**What builders need to know**

Residential builders should update their contracts and standard payment claim forms to ensure that they align with both the SOP Act and the Home Building Act 1989 where necessary.

For contracts entered into after 26 June 2021 and worth more than \$20,000, builders need to ensure that a copy of the "Security of Payment Guide" is provided to homeowners or risk fines of up to \$8,800 for a corporation or \$4,400 for individuals.

**For further information please contact Sarah on (02) 4911 5464 or email [shammond@moray.com.au](mailto:shammond@moray.com.au)**



**Sarah Hammond** is a Senior Associate at Moray & Agnew. Sarah is highly sought-after for her practical and timely expertise in building & construction and commercial litigation, particularly in disputes relating to the SOP Act, and judicial review challenges to decisions under that legislation in the NSW Supreme Court.

# TOMAREE SPORTS COMPLEX

Tomaree Sports Complex is being upgraded with an old building demolished and major new facilities being constructed.

The project is funded by Port Stephens Council and the NSW Government's Stronger Country Communities fund and aims to improve the lives of the community by increasing accessibility, inclusion and wellbeing.

Port Stephens Council is working with EJE Architecture, Northrop Engineering and Collaborative Constructions to provide the new facilities for the community.

The new multi-purpose amenities building will feature:

- accessible amenities
- change rooms
- storage rooms
- canteen
- multi-purpose room for training and events
- meeting room for sporting clubs and youth services
- referee's rooms
- first aid room.

The works include a storage building which had its roof added in late September. Finishing touches are proceeding with and the storage building will be handed over following completion in October.

The remainder of the main building is scheduled to be completed early 2022.

Tomaree Sports Complex is one of the largest sporting facilities in Port Stephens. It caters for a range of sports including:

- Croquet
- Rugby league
- AFL
- Soccer
- Touch football
- Baseball
- Cricket
- Bocce
- Netball
- Little Athletics

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# GBE GROUP CELEBRATES 30 YEARS WITH LARGEST AUTOMATION PROJECT TO DATE

GBE Group was founded in September 1991 by Greg Beeton, Darren Andrews and Mick Smedley. The aim at the start was to provide work for founders and now 30 years on the business employs 80 people and provides services to the Hunter's most prestigious clients. The range of services we do goes from small residential electrical jobs to large industrial control systems and everything in between.

Their core business has always been the ability to respond to clients' needs quickly and promptly and to solve issues that other companies walk away from.

GBE is also celebrating the nearing completion of their largest residential electrical and automation project, incorporating the latest in automation technology.

This project has it all: a three level lift, full electrical, CCTV, blinds, air-conditioning, security, IP audio and video automation using the latest from C-Bus and Savant. The home features a lobby light valued at \$43K and opening roof over the pool with integrated opening louvre within, a huge 6 metre glass wall automated door, automated gas fire pit and lighting full spectrum colour control along with a lighting that can be set to wellbeing light colour/level with automated control.

The initial brief from the clients was they wanted one point of contact as they had built before where one contractor would blame the other without any one person taking responsibility.



GBE was pleased to take on the responsibility, delivering a complete turnkey operation. The client gave GBE the freedom to design the best systems available today and is extremely happy with the results.

GBE designed the electrical system, the network design, the lighting designs, audio/visual designs, the lift system, the opening roof controls. They installed all the wiring, the comms cabling, the security system, the CCTV the Audio/Visual cabling and the lift.

GBE commissioned the system and programmed all the software to integrate the systems into an easy-to-use platform from app control, touchscreens, and wall controls. They also set up the motion sensors, scenes and schedules making the user experience one of ease, function, and simplicity.



GBE Group

## Celebrating 30 years of providing high standard electrical and maintenance services



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A rich stock trader visits a village. During his stay, he sees a young man sleeping every day and doing nothing outside his house. He decides to persuade him to change his life and goes on to talk to him.

Trader: Hello young man, looks like you have nothing to do. I suggest you come with me to the city.

Man: What happens then?

Trader: I'll make you a stock trader and you'll earn

lots of money.

Man: What happens then?

Trader: With that new wealth, you can buy new house, new car, a yacht or anything you want.

Man: What happens then?

Trader: You don't have to worry about your future and have a relaxing life.

Man: What does it look like I am doing right now?

I sent my hearing aids in for repairs three weeks ago. I haven't heard anything since.

Genie: I will grant you two wishes.

Stan: I wish I was Rich.

Genie: Granted.

Rich: I wish I had a lot of money

One lovely morning, Ben and Thomas were out golfing.

Ben slices his ball deep into a wooded ravine. He grabs his 7-iron and proceeds down the embankment into the ravine in search of his ball. Ben searches diligently through the thick underbrush and

suddenly he spots something shiny. As he gets closer, he realises that the shiny object is in fact an 7-iron in the hands of a skeleton lying near an old golf ball.

Ben excitedly calls out to his golfing partner: "Hey Thomas, come here, I've got big trouble down here."

Thomas comes running over to the edge of the ravine and calls out, "What's the matter Ben?"

Ben shouts back in a nervous voice, "Throw me my 9-iron! Looks like you can't get out of here with a 7-iron."

An overweight time traveller goes to ancient Rome and realizes he wore historically incorrect clothes for the trip.

Realising his mistake, he visits a toga shop to purchase new clothes. He looks around the shop and realises they do not have togas big enough to fit him.

He goes to the counter and asks the clerk: Do you have XL togas?

The clerk replied "Well, yes. But why do you need so many?"

"Can I help you?" the surgeon asked.

"I keep thinking that I'm a moth," I replied.

"Well you probably want to see a psychiatrist for that," he said.

"Yeah, I know," I replied.

The surgeon looked confused. "Then... why are you here?"

"The light was on."

### QUOTE OF THE MONTH

"You can use an eraser on the drafting table or a sledgehammer on the construction site"

- Frank Lloyd Wright

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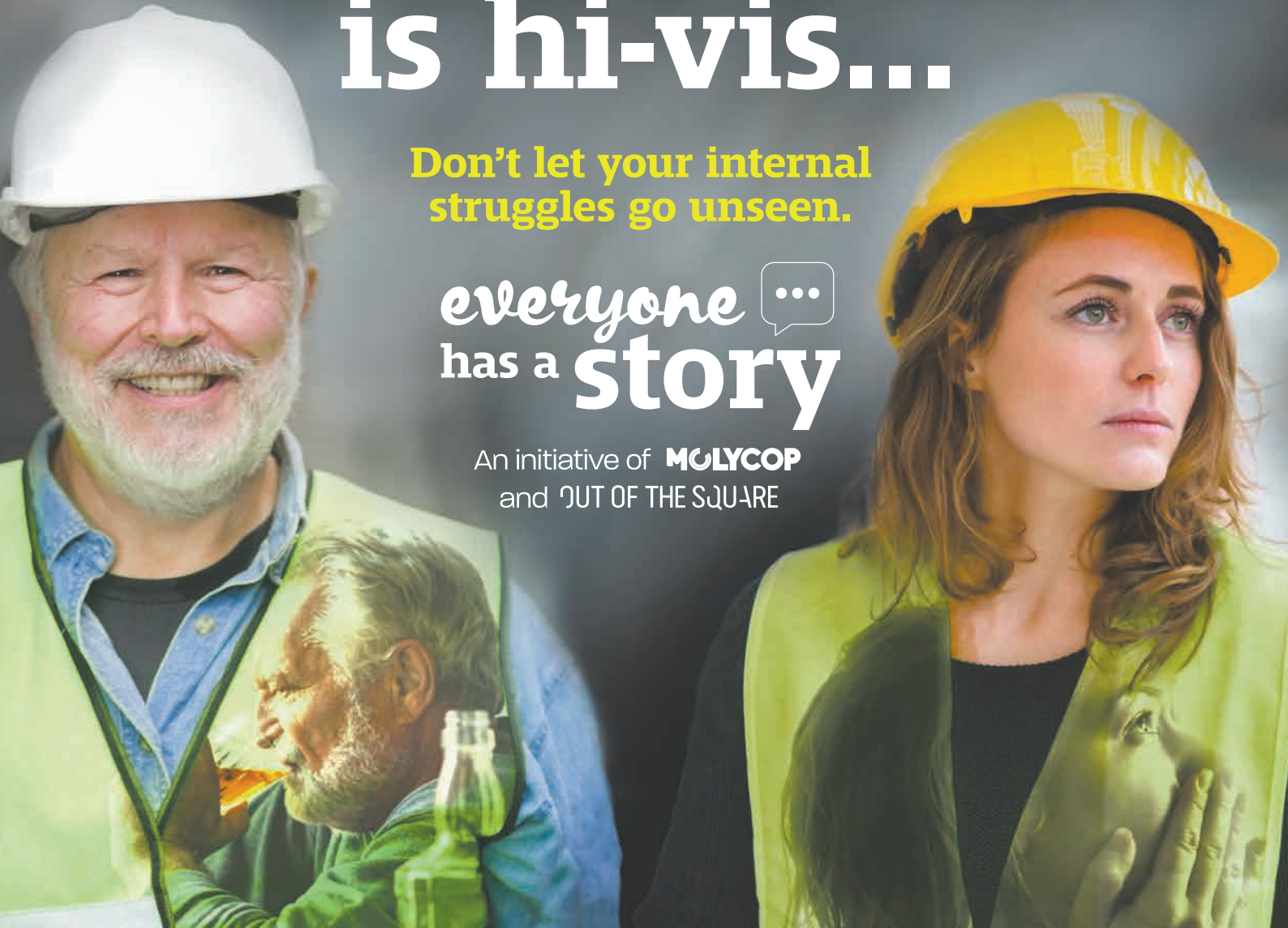
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