THE AUSTRALIAN LEBANESE CHAMBER OF COMMERCE

Chamber NEWS

AUGUST 2017 AUSTRALIAN LEBANESE CHAMBER OF COMMERCE www.alcc.com.au

LAYING OF THE HISTORIC CORNERSTONE FOR THE TEL CHIHA LEBANESE AUSTRALIAN ONCOLOGY HOSPITAL IN ZAHLE-LEBANON

THE ALCC IS PROUD TO BE THE DRIVING FORCE BEHIND THIS MAJOR AUSTRALIAN LEBANESE HEALTH PROJECT IN LEBANON

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A WORD FROM THE PRESIDENT

Dear Members,
Supporters and Friends.

My very recent trip to Lebanon this time was primarily to attend the corner stone laying for the Tel Chiha Lebanese Australian oncology hospital in Zahle...the ALCC is extremely proud of the fact that it is the driving force behind this very exiting health project, thanks to our head of trade relations Michael Rizk. As I have mentioned on many occasions, the ultimate objective for our chamber is to see Australia take a much more active role in Lebanon and beyond. This major health related project will undoubtedly pave the way for more Australian projects in Lebanon and the region.

It is also my pleasure to inform you that I have signed an MOU with the Beirut chamber of commerce which aim is to create a continuous link between world chambers that are linked to Lebanon. This will allow these chambers to interact by exchanging trade and other related data.

Lebanon is moving forward regardless of all the unrest nearby and it is for those who are interested to further their horizon and with a vision, to take note.
Again I wish all our members, supporters and friends many happy and productive years ahead

Joe Khattar, AM
ALCC President

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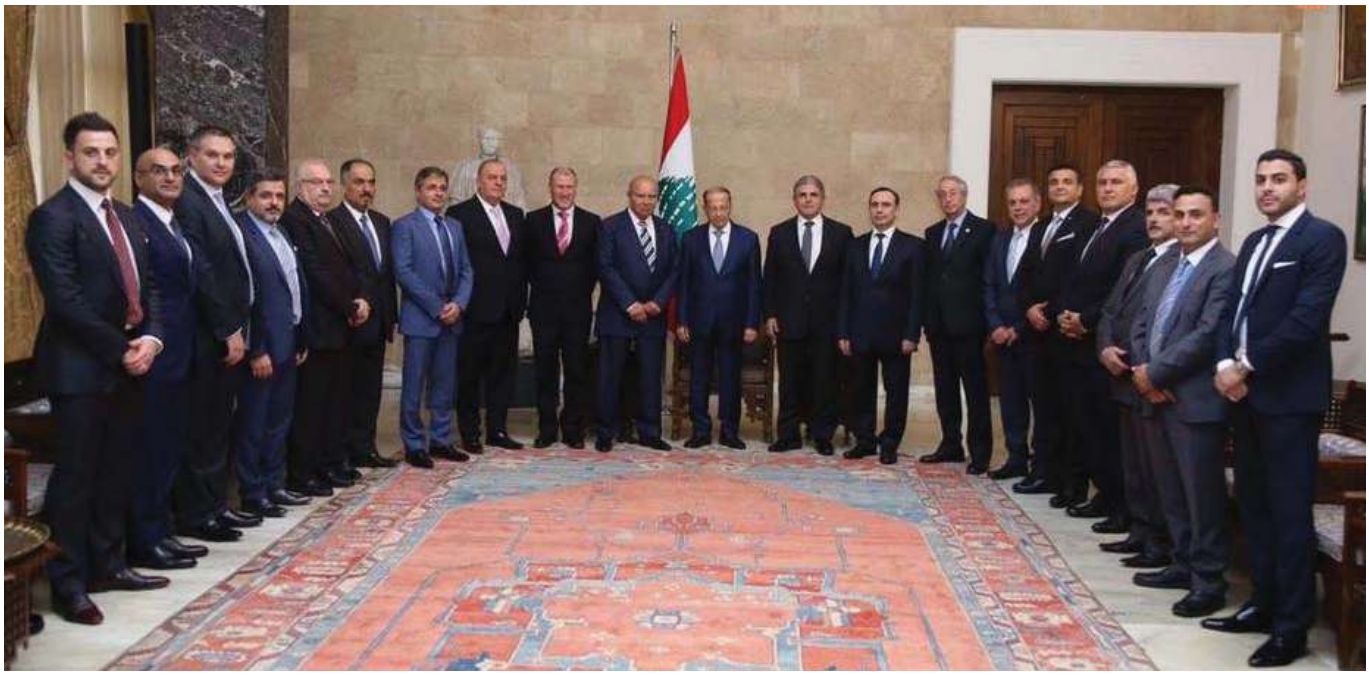
Name	Title	Name	Title
Joe Khattar, AM	President	Joe Rizk, OAM	Director
Michael Rizk	Head of Trade Relations Australia - Lebanon	Michael Symond	Director
		Adam Malouf	Director
Michael Murr	Treasurer	Fouad Deiri	Director
Nadia Obeid	Secretary	Dany Nicolas	Director
Dr Anthony Hasham	1st Vice President	Danny Arraj	Director
Salim Nicolas	2nd Vice President	Elie Touma	Director
		Peter Semaan	Director
		Peter Bader	Director

ALCC RECENT ACTIVITIES IN BEIRUT

PRESIDENTIAL VISIT

The ALCC President, Directors and other Australian business leaders paid a courtesy visit to the President of Lebanon General Michel Aoun. It was an opportunity to brief the President about the Chamber's business activities in Lebanon. He welcomed all efforts that would help Lebanon in any way possible and thanked the Chamber for its effective and ongoing role in that regard.



THE 2017 LEBANESE DIASPORA ENERGY CONFERENCE IN BEIRUT

Once again the Chamber was in Beirut in full force to take part in this year's LDE conference which aim is to strengthen the bond between Lebanon and the diaspora. The ALCC delegates included Joe Khattar AM, Michael Rizk, Michael Murr, Anthony Hasham, Salim Nicolas and Daniel Nicolas as well as a large contingent of prominent Australian business leaders.

THE VISIT OF THE PRESIDENT OF THE NSW LEGISLATIVE COUNCIL JOHN AJAKA

A business meeting followed by a luncheon at the Sydney room, Vendome hotel, was organized by the Builders Association headed by Mr Elie Sawma and in liaison with Michael Rizk from the ALCC. The meeting was attended by prominent business leaders, members of the association, IDAL Chairman Mr Nabil Itani, Governor Ziad Chebib, Deputy Yassine Jaber, Beirut Chamber President Mr Mohamed Choucair, Gen. Iskandar Ajaka and media personalities. Mr Elie Sawma warmly welcomed President Ajaka and spoke about the strong relationship with Australia through the ALCC. IDAL chairman Mr Nabil Itani delivered a comprehensive presentation about the current economic climate/situation in Lebanon...Mr Ajaka spoke highly of the excellent relationship between Australia and Lebanon and the role the Chamber has been playing for well over thirty years. He was proud of the fact that he was a past director of the board and of his permanent Honorary Membership. He promised to carry back with him an accurate picture of the current situation in Lebanon and how best to further strengthen trade and investments between the two countries. All this will be passed on to the relevant responsible body in the NSW Parliament.

BEIRUT GOVERNOR ZIAD CHEBIB'S MEETING AND LUNCHEON

A meeting was held at the office of Governor Chebib which was also focused on Australian-Lebanese relations. Governor Chebib spoke highly about his last visit to Australia and how impressed he was with all that he saw and experienced. He thanked the ALCC for inviting him and for organizing the NSW and Canberra program for that memorable visit which included a business luncheon at the Lebanese embassy residence in Canberra and laying of the wreath at the war memorial museum. Governor Chebib expressed his gratitude to President Ajaka for sponsoring the luncheon in his honour at the NSW Parliament. President Ajaka expressed his absolute pleasure to be in Beirut and extended an invitation to the Governor to visit Sydney again.

The meeting was followed by a luncheon at the Sursock Palace which was attended by a large gathering of government officials, business leaders and media personalities.

Michael Rizk
Head Of Trade Relations
Beirut

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"INVESTMENT OPPORTUNITIES IN AUSTRALIA" ALCC SEMINAR

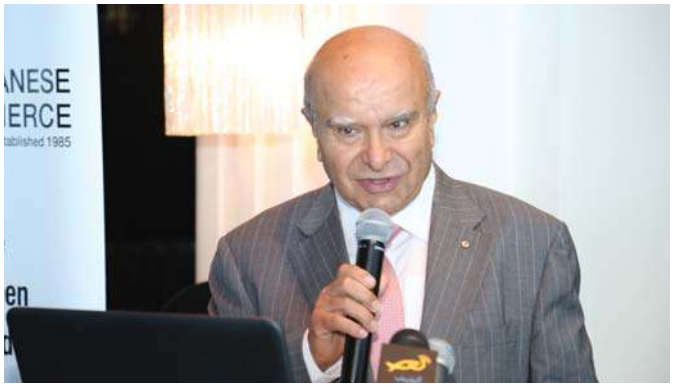
The seminar which was prepared by Drs. Shane Geha and Anthony Hasham, was presented by Dr Anthony Hasham, at Le Royal Hotel in Dbayeh, Beirut on May 2nd 2017.

The audience was a mix of Government officials, the Governor of Beirut, the Australian Ambassador, representatives of the Chambers of Commerce in Lebanon, the Builder's Association, Bankers and leaders in the Business Community in Beirut. It also included members of the Board of the ALCC, led by the Chairman of the Chamber Mr Joe Khattar AM. The presentation was highly acclaimed, due to its comprehensive coverage of the current economic climate in Australia. It also enhanced on the effective role of the Lebanese community, in particular the construction sector. Master of Ceremony, Head of Trade Relations, Michael Rizk, confirmed that this will now become an annual event, focussing on the various topics that would be of interest to the business community in Lebanon.

Before calling on the Australian Ambassador, Glenn Miles, to deliverd a vote of thanks to the presenter, Mr Rizk touched on the effect of the Australian soldiers who fought in Lebanon during the Second World War and the role it played in cementing Australian Lebanese relations. Ambassador Miles also spoke proudly of the Australian Soldiers effective role, while in Lebanon, who took part in building the Lebanese Railway lines, also the strong relationship that exists between, Australia and Lebanon, due to the large Lebanese community in Australia.

The seminar was followed by a luncheon, in honour of all the guests. ALCC President, Mr Joe Khattar, welcomed everyone on behalf of the Chamber, re-iterating the Chamber's on-going commitment to work hand-in-hand with both the public and private sectors for a better Lebanon.

The following day, the ALCC delegation paid a courtesy visit to H.E. President Michel Aoun, which was organized by Minister Pierre Raffoul. The Chairman of the Chamber ,Mr Joe Khattar, presented a short history of the ALCC, and its commitment to Lebanon, while Michael Rizk gave a short briefing about the Chamber's past and its continuous physical presence in Lebanon, even in the most difficult times and the current productive results that have been achieved in Lebanon, not forgetting the large Lebanese community in Australia.



LAYING OF THE CORNER STONE FOR THE TEL CHIHA LEBANESE AUSTRALIAN ONCOLOGY HOSPITAL ZAHLE LEBANON JULY 20TH, 2017

The Australian Lebanese Chamber of Commerce, in its ongoing efforts to promote trade and investments between Australia and Lebanon, is very pleased to inform its members and supporters that the corner stone for the Lebanese Australian Oncology Hospital was laid on the 20th of July this year.

In addition to the Principals the Archbishopric of Zahle and Team 5 Australia Health Group, the ceremony was attended by a large gathering of high profile government ministers and director generals, politicians, religious leaders, governors, judges, mayors, security chiefs, chambers of commerce, business leaders and the Lebanese media. The ALCC was represented by its President Joe Khattar AM and Vice President Dr Anthony Hasham in addition to a large contingent of Australians who were warmly welcomed by Archbishop Issam Darwish.

The corner stone was laid under the auspices and presence of the President of the Legislative Council of the NSW Parliament, Mr John Ajaka, and Minister Melhem Riachi representing the Lebanese Health Minister and Deputy Prime Minister, Ghassan Hasbani.

The blessing of the stone was performed by Archbishop Darwish and Bishop Robert Rabbat.
Before introducing the speakers, Michael Rizk delivered a briefing about the project and how it all started three years ago when Archbishop Darwish was visiting Sydney. He spoke about the perseverance, dedication and patience to see this project come to fruition.

President John Ajaka expressed his deep joy to be in Zahle to witness the launching of this great Australian Lebanese health project which would further strengthen Australian Lebanese relationship. He thanked the Australian Lebanese chamber of commerce for this initiative. As a former director in the ALCC and a permanent Honorary Member, he is very proud of this major step and most thankful to Archbishop Darwish and the ALCC for inviting him to this historic event.

John Vacapoulos of Team 5 Health Group Australia gave a comprehensive overview of the health projects in Zahle and the enormous benefit that would bring to cancer related patients in Lebanon and beyond. John thanked the overseas delegations GE, Siemens, Toshiba and Biopharm for their attendance.

Minister Mellhem Riachi, and on behalf of the Lebanese Health Minister, Ghassan Hasbani, expressed his utmost appreciation for the Bishopric Team 5 and the ALCC for their tremendous efforts towards this major health project in Lebanon. Minister Riachi spoke highly of Archbishop Darwish and of his relentless efforts to serve the people.

Archbishop Darwish thanked everyone for their presence, particularly the President of the NSW Legislative Council, John Ajaka, and Minister Riachi as well as the visiting delegation from overseas. He welcomed what he called his fellow Australians and how delighted he was to see them in Zahle. He promised more projects to follow in the near future.

In conclusion, all were invited to a cocktail that was well organized at the terrace of the historic Grand Kadri Hotel in Zahle.

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A LUNCHEON IN HONOUR OF MR CARLOS GHOSN KBE

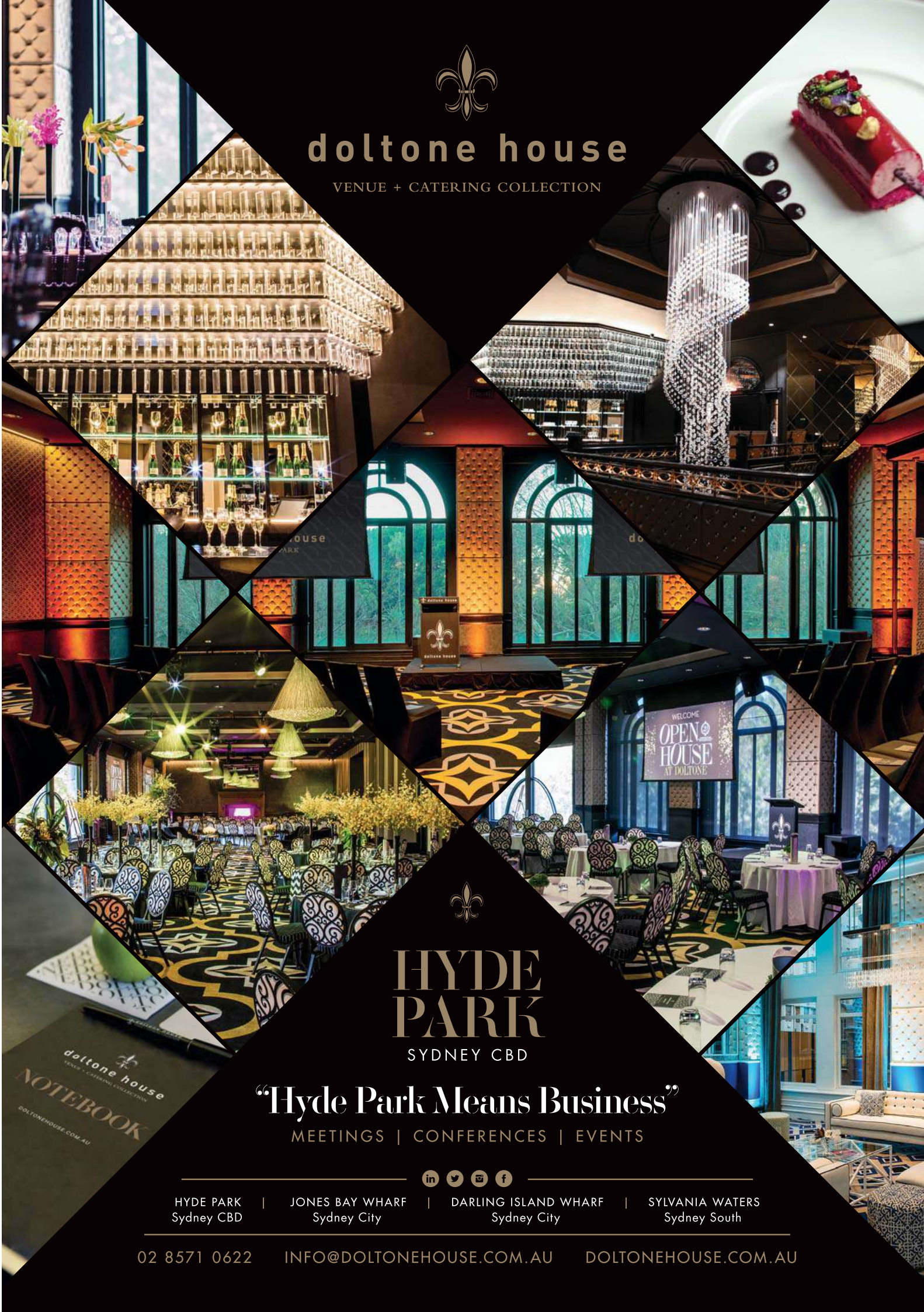
The ALCC collaborated with the Australian Lebanese Foundation and held special luncheon on 6 June 2017, in honour of Mr. Carlos Ghosn KBE, Chairman and CEO, Renault-Nissan Alliance, who was visiting Sydney.

Mr. Ghosn reflected on his many and varied experiences, and the opportunities and challenges he faced, in being at the helm of one of the world's largest car manufacturers. He also spent time discussing his close relationship with Lebanon, and his interests there in that regard.

UDIA NSW AWARDS FOR EXCELLENCE

Ray White Commercial NSW had the pleasure of sponsoring and representing the Commercial & Industrial Industry award at the UDIA NSW Crown Group Awards for Excellence 2017.

The Urban Development Institute of Australia (UDIA) is Australia's peak representative celebrating excellence in urban development. The UDIA awards was held on Friday the 4th of August 2017 and celebrates the highest levels of achievement in innovation, sustainability, and industry leadership in the urban development industry. The awards showcase the outstanding contribution that developers, architects, engineers, councils, government agencies and planners make to the industry. Nominees undergo a rigorous process of assessment and evaluation, and the winners are selected for their standout commitments to excellence on one of the award categories with the program part of the institute's commitment to build a better NSW & ACT.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ANNUAL BUSINESS AWARDS 2016

The ALCC Annual Business Awards Dinner took place on Saturday 19 November 2016 at Doltone House, Jones Bay Wharf. The night started with entertainment by "The Diamondz" which led us through the night.

Our guests for the evening were The Hon. Barnaby Joyce Deputy Prime Minister, Minister for Agriculture and Water Resources and Mrs Natalie Joyce , Consul General of Lebanon, His Excellency George Bitar Ghanem and Mrs Ghanem, The Hon. John Ajaka who also represented The Hon, Stuart Ayres, Minister for Trade and Investment and as a Minister for Tourism and Major Events and Mrs Ajaka , His Excellency Mr. Ahmad Ait Aissa , Moroccan Ambassador, Mark Coure, Member of Oatley and Geoff Lee, Member of Parramatta.

Lebanese Delicacies, such as "Roasted Nuts", "Knefe", and Lebanese Bouza were being served all through the night outside on the deck, while a cigar raffle was being drawn.

Congratulations once again to the Winners for the 2016 ALCC Annual Business Awards

The Winners for the 2016 ALCC Annual Business Awards went to :

Hospitality Industry: Caterez
Raymond Hekeik
A Catering Company based all over Sydney that caters restaurant quality food, has been catering at Major Corporate Head Offices such as Nestle and Woolworths.

Retail Industry: Results Laser Clinic
Paulina Habkouk
The next winner started with having one little room in a gym and is now running 30 clinics, Nation Wide in NSW, Queensland and Melbourne

Construction Industry: Urban Apartments
George Elias
In the Construction industry for over 35 Years. Started as a labourer, and in the past 12-15 months they have had under 500 apartments have been built.

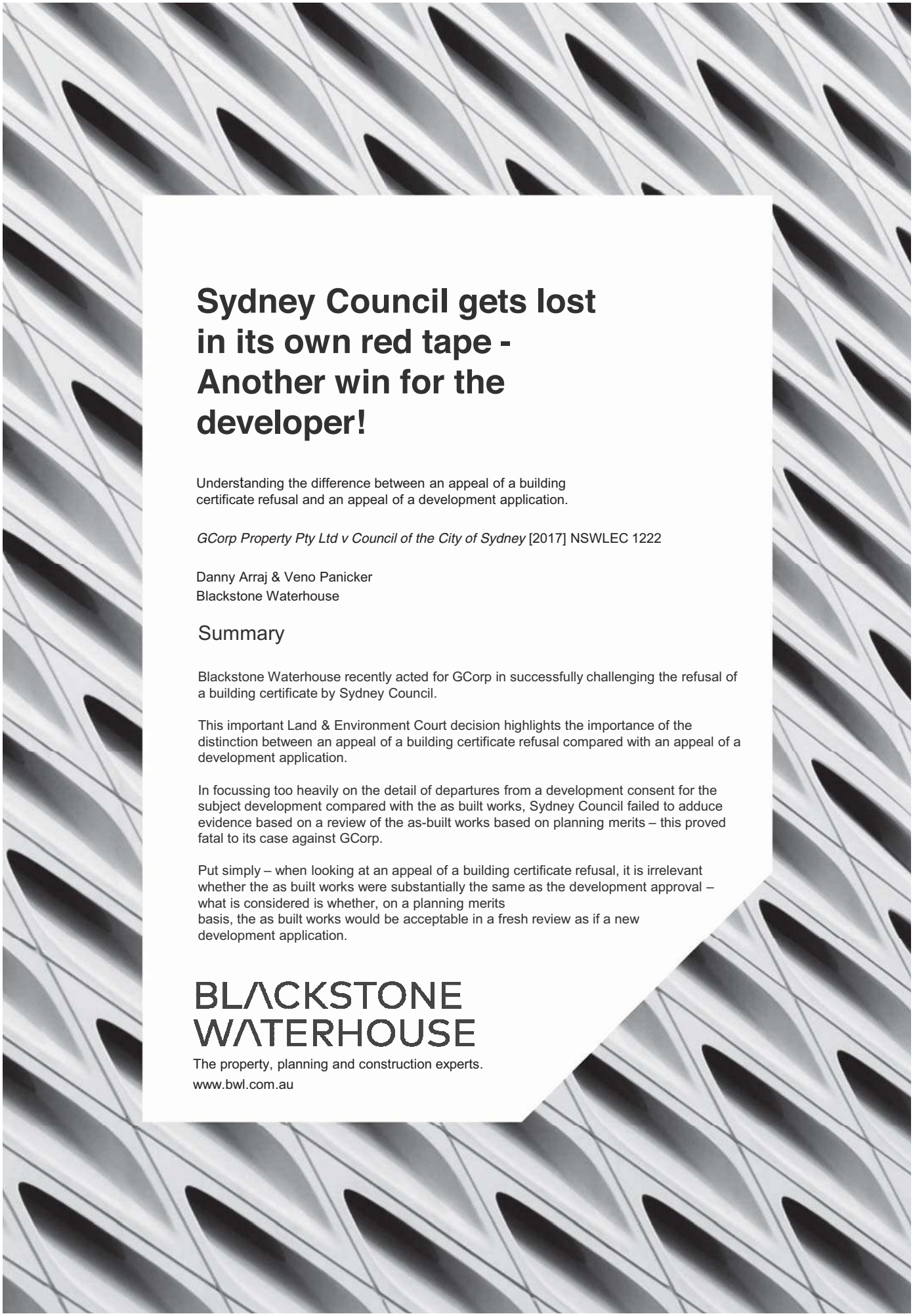
We had the pleasure having Tanny Mangos, as the Master of Ceremony for the evening, and she was an absolute star, making the night flow so smoothly with her charming personality.

59

51

46

30



Sydney Council gets lost in its own red tape - Another win for the developer!

Understanding the difference between an appeal of a building certificate refusal and an appeal of a development application.

GCorp Property Pty Ltd v Council of the City of Sydney [2017] NSWLEC 1222

Danny Arraj & Veno Panicker
Blackstone Waterhouse

Summary

Blackstone Waterhouse recently acted for GCorp in successfully challenging the refusal of a building certificate by Sydney Council.

This important Land & Environment Court decision highlights the importance of the distinction between an appeal of a building certificate refusal compared with an appeal of a development application.

In focussing too heavily on the detail of departures from a development consent for the subject development compared with the as built works, Sydney Council failed to adduce evidence based on a review of the as-built works based on planning merits – this proved fatal to its case against GCorp.

Put simply – when looking at an appeal of a building certificate refusal, it is irrelevant whether the as built works were substantially the same as the development approval – what is considered is whether, on a planning merits basis, the as built works would be acceptable in a fresh review as if a new development application.

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Background

1. GCorp was the developer of a mixed use residential and commercial site at 33-49 Euston Road Alexandria.

2. Council initially complained that GCorp built the subject works outside of the development consent for the site and sought works to be undertaken including:

    a. amending the front façade to include "Prodema" Timber cladding and concrete texture finish;
    b. altering the privacy louvres to the balconies;
    c. correcting the rear façade window which not horizontal;
    d. addressing a lack of set-back for uppermost floor; and
    e. other rectification works.

3. As the subject works had not received a final occupation certificate, GCorp sought a building certificate to regularise the alleged non-conformances.

4. In August 2015, Council refused the building certificate, including on the basis of the following reasons:

    a. the subject works were not in accordance with the development approval; and
    b. no s96 modification application had been sought – and, given the extent of the non-conformances, would not be 'substantially the same development'.

5. GCorp commenced proceedings in the Land and Environment Court challenging the refusal of the building certificate.

The Hearing

6. At trial, Council gave evidence that the design elements overlooked by the developer were "essential" and were required to be amended. The Prodema timber, textured concrete and louvres were important in the development plans. It was conceded by Council that they was considering the as-built design to the approved design.

7. Against this, GCorp submitted evidence that reviewing the as built works on a planning merits basis, sensible alternatives to the extensive works proposed by Council would enable the works to conform with the Sydney Local Environmental Plan 2012.

Judgment

8. A building certificate is issued by council and relates to existing works to a building. A building certificate ensures that council will not, for a period of 7 years from the date of the certificate, seek to require a building to be demolished, or altered, except in the case of fair wear and tear over that period.

9. *The Environmental Planning and Assessment Act 1979 (NSW)* requires that council must issue a building certificate if it appears that there is no matter discernible which would require a building to be demolished, altered, added to or rebuilt, or no such matter the council would propose to make an order over or initiate proceedings.[1]

10. The Court found that when considering a building certificate the planning merits of the building (as built) should be considered. It is not a question of whether unauthorised work was carried out, or how much the building differs from the original approved design.

11. Expert evidence was heard for amendments that were reasonably required for the building to meet planning guidelines, but not to the extent to make the building conform to the original design.

12. The relevant principle is that deviation from the approved plans is not grounds for refusing a building certificate. The consideration to be made is whether the building complies with planning guidelines. It should be considered de novo and not in comparison to the approved plans.

Danny Arraj leads the Environment and Planning Team at Blackstone Waterhouse. The Firm acts for Developers and Builders involved in disputes with local council in some of the largest developments in Australia.

[1] *Environmental Planning and Assessment Act* 1979 (NSW) s 149D(1).

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LEBANON'S FOREIGN MINISTERS VISIT TO AUSTRALIA

The President and Board Members of the ALCC held a business meeting most recently in Sydney with Lebanon's Foreign Minister Gebran Bassil and Minister Pierre Raffoul to follow up on earlier talks about trade relations between Australia and Lebanon and how best to strengthen that relationship.

The ALCC pointed out to the urgency of modernizing Lebanon's Bureaucratic and Judicial systems, in order to attract foreign investors.

The ALCC raised the ongoing subject of exporting fresh Lebanese produce to the Australian market and urged Minister Bassil to pursue this matter with the Agriculture Minister in Lebanon in order to finalize the signing of a protocol between the two countries

The Chamber will follow up these matters through its office in Beirut and in conjunction with both the Consulate General in Sydney and the Lebanese Embassy in Canberra.

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BUSINESS NETWORKING LUNCHEON WITH CARMEL TEBBUTT "WHY WE NEED A SOCIALLY INCLUSIVE SOCIETY"

The ALCC held a luncheon on 1 June 2017 at Doltone House, Hyde Park, with special guest speaker Carmel Tebbutt, CEO, Medical Deans of Australia and New Zealand. The luncheon was well-attended, with over 200 members and guests from all industry sectors, as well as government bodies and authorities.

Ms. Tebbutt provided her views on what constitutes a socially inclusive society, drawing on her experiences in the public and private sectors. The speech provided a sound platform for a lively and engaging Q&A session, during which many matters of mutual interest were discussed.

The luncheon was proudly supported by the Chamber's principal partners, Arab Bank Australia and Etihad Airways.

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CORPORATE BUSINESS BREAKFAST WITH CRAIG JAMES CHIEF ECONOMIST, COMMSEC

The ALCC held a business breakfast on the 2nd of March 2017 at the Waterview, Bicentennial Park with special guest speaker Craig James, Chief Economist at CommSec. The breakfast was well-attended, with over 200 members and guests from all industry sectors, as well as government bodies and authorities.

Mr James gave a comprehensive presentation on the state of the Australian and global economy, from a macroeconomic viewpoint, and also in relation to specific sectors such a property investment and construction. The presentation provided a sound platform for a lively and engaging Q & A session, during which many matters of mutual interest were discussed

The breakfast was proudly supported by the Chamber's principal partners, Arab Bank Australia and Etihad Airways.

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