

Mascot Towers Team of Experts

Legal – Mills Oakley



Scott Higgins
Partner | Building,
Construction &
Infrastructure

Scott Higgins is a partner in Sydney's Projects, Construction and Infrastructure team specialising in claims management and dispute resolution for his property, construction, engineering and infrastructure clients.

Scott has a loyal and high-quality client following acting for institutional developers, major contractor clients and ASX-listed companies including United Group Limited (UGL), Coca-Cola Amatil, GPT, QIC, Laing O'Rourke, GrainCorp, BMD, CSR, Stockland, Boral and AMP. Scott also regularly acts for owners' corporations and mid-tier developers in defect and payment disputes. He is renowned for providing exceptional client service, sharp legal and strategic advice in steering and resolving complex technical and engineering disputes.

Scott brings particular expertise in disputes surrounding combustible cladding and ACP, delay and disruption, payment and valuation disputes, project management issues, design and fitness for purpose issues and defect claims.

Scott's commitment to clients has been recognised in Legal 500 with client's reporting: *"The 'very good, technically focused' Scott Higgins delivers 'first-class quality of legal advice and service'" and "the 'energetic, committed' Scott Higgins 'always ensures a commercially sensible outcome'; he assisted UGL in contractual claims in respect of TfNSW's Digital Train Radio System project"*.



Carlo Garofali
Consultant | Building,
Construction &
Infrastructure

Carlo Garofali is a building, construction and infrastructure consultant based in Sydney, having dual qualifications in law and civil engineering. He has devoted most of his career to the concrete construction industry, synergising this knowledge in both dispute resolution and contract drafting/dispute avoidance matters.

As a former contracting company director, and engineering manager, Carlo is regarded as an expert in constructability of concrete. He has had experience with long running construction arbitrations, as well as smaller defect claims and security of payments adjudications, advising both government authorities as well as contractors. His aptitude for engagement with technical experts provides an added extra dimension to the skills of the team and directly benefits our clients relying on those experts' opinions.

He has advised on projects for Transurban, NBN Co, Westconnex, SW Sydney Health Service, Pacific Power, BMD, UGL Unipart, PSRE and Coca Cola Amatil, Woolworths Group, Abacus Holdings and Graincorp. Carlo brings a thorough and energetic approach to all matters and is able to effectively communicate and interact with all stakeholders, experts and practitioners to drive client-focused solutions.

Carlo was recently invited to join the Executive of the NSW Branch of the Concrete Institute of Australia.

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Luke Stirton
Lawyer | Building,
Construction &
Infrastructure

Luke Stirton has experience in the construction and engineering sectors and regularly advises developers, contractors, owners corporations and individuals on contract documentation and project delivery.

He has particular expertise in dispute resolution and advises clients on both pursuing and defending claims brought in respect of construction and infrastructure projects ranging from large infrastructure disputes to disputes between builders and home owners.

Luke's recent experience includes:

- Representing an owners corporation in Supreme Court of New South Wales proceedings seeking recovery against the builder for defective work in the amount of \$5m
- Advising major contractor on contractual claims for extensions of time and delay costs on two major NSW Government infrastructure projects
- Representing mining contractor in Supreme Court of New South Wales proceedings against a builder and developer regarding payment dispute over \$10m of royalties for harvested sandstone



Kashi Mogensen
Law Graduate | Building,
Construction &
Infrastructure

Kashi Mogensen is a recent Arts/Law graduate of the Australian National University, and will be admitted to practice as a lawyer in NSW in early December 2019.

Having worked in various legal roles since 2014, Kashi has gained experience across a wide range of legal sectors, including insurance, workplace relations, planning and property.

Kashi's professional qualifications include

- Bachelor of Laws (Honours) and Bachelor of Arts (major in Political Science), Australian National University – 2019
- Successful applicant for admission to practice as a lawyer of the Supreme Court of New South Wales – 2019

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Structural Engineers



Vadim Topolinsky
Principal |
T.O.P Consulting Group

Vadim Topolinsky is an experienced structural engineer. His client testimonials include the following:

“In over 50 years in the construction industry I have worked with and have been instructed by many Structural Engineers. I do not hesitate to place Mr Topolinsky foremost in his profession both in knowledge, punctual delivery of his services, his professional integrity and professional competency.”

– **Andrew M. Daniels**, AMD (Building Consultants) Pty Limited

“Vadim is dedicated to providing quality professional services to his clients as supported by his outstanding credentials and qualifications in his field of expertise...”

– **Richard Watson**, Watson & Watson Solicitors



Tim Hoare
Principal | Bonacci Group

Tim Hoare has over 30 years of experience in structural design and design coordination of design teams on major projects in all industry sectors including defence, residential, retail, and commercial, hotels, health, public infrastructure and entertainment.

Tim has a particular interest in the design coordination of high rise structures and in the dynamic analysis and earthquake design for large floor-plate structures.

Tim has the proven ability to lead entire design teams in the conceptual design, analysis, detailed design, construction, and hand-over of private and public buildings and infrastructure. He has a proven background in the visual and technical assessment of existing buildings, as part of Due Diligence and/or Expert Witness processes, or as part of risk assessments/hazard mitigation on particular high profile CBD buildings and infrastructures.



Francis Ayan
Senior Associate | Bonacci
Group

Francis Ayan has over 14 years' work experience in civil and structural engineering works across Australia, New Zealand, Dubai, Saudi Arabia, Qatar and the Philippines.

Francis is particularly skilled in tall building design, computer modelling of structures performing linear and non-linear analysis such as pushover and time-history analysis, sequential or staged-construction analysis and performance-based design.

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Dr Daksh Baweja
Director, Materials | BG&E

Dr Daksh Baweja is Director – Materials for BG&E Consulting. This is a specialist group that provides strategic advice in civil engineering materials, and group within a broader civil/structural consultancy that provides strategic advice in areas relating to civil engineering materials. Daksh is also Industry Fellow at the School of Civil and Environmental Engineering at the University of Technology in Sydney. He started his career with the Electricity Commission of NSW as a civil engineer and completed his Masters degree in civil engineering by research on durability of fly ash and other concretes. He then worked in research at the CSIRO Division of Building, Construction and Engineering where he completed his PhD in civil engineering on corrosion of steel reinforcement in concrete.

Following that, he worked with CSR, Readymix, Rinker and CEMEX Australia in various functional management roles prior to setting up his consultancy and commencing at UTS from 2009. Daksh is actively involved in knowledge management, marketing and commercial R&D and is the author of over 100 research papers into aspects relating to concrete materials, structural design, concrete durability and serviceability in major infrastructure. He is a Past President of the Concrete Institute of Australia, Fellow of Engineers Australia and received an award for outstanding contributions to concrete technology from the American Concrete Institute in 2007. He received Life Membership of the Concrete Institute of Australia in 2013 and became a Fellow of the American Concrete Institute in 2014. He was Chair of the Concrete Institute of Australia organising committee for the Concrete 2019 Biennial conference in Sydney, September 2019.

Geotechnical Engineers



Andrew Shirley
Civil & Geotechnical
Engineer, Director | Shirley
Consulting Engineers

Andrew Shirley is a consulting civil & geotechnical engineer with over 55 years experience, is an honours graduate [soils and structures] from the University of Sydney, and has extensive experience in the Ground, Civil & Mining Engineering fields.

Andrew currently specialises in forensic investigations & providing expert reports in relation to basement excavation failures, anchors & retaining walls and landslides. In addition, Andrew:

- has investigated the cause(s) of failure of many engineering structures & mining facilities;
- provides advice as to the remedial measures for failed structures;
- has a keen interest in coastal engineering & climate change issues;
- routinely advises local and international insurers on the probable 'cause of damage' of a particular major event or loss.

Andrew has given evidence in over a hundred matters in the Supreme Courts of NSW, Queensland, Victoria and Western Australia, the District Court of NSW and the Land & Environment Court of NSW; he has also assisted in several coronial enquiries [including the Thredbo enquiry where he was appointed by the NSW Government to act for the families of the victims].

Andrew is the author of a number of technical publications in the geomechanics field and was part of the Standards Australia Committee on Earth Retaining Structures [which was published in 2002 as AS4678], and is the President of College of Investigative & Remedial Consulting Engineers of Australia.

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Simon Fagg

Principal Forensic Engineer |
Shirley Consulting
Engineers

Simon Fagg is a consulting forensic civil & geotechnical engineer with 17 years experience, and has degrees in Civil Engineering and Science [geophysics] from the University of Sydney.

Simon has investigated the cause of failure of many building excavations, and the associated damage to neighbouring buildings, where the foundation was deep sandy soils – these investigations have included sites in Alexandria, Dee Why, Double Bay, Mona Vale, Parkes and Woolloomooloo – with the shoring systems being either contiguous pile or sheet pile systems.

Simon has experience in the Civil & Geotechnical Engineering fields and currently specialises in forensic investigations of excavation failures, settlement induced building damage, landslides and mine infrastructure failures.

Simon has given evidence in the District Court and the Land and Environment Court of NSW.

As a Principal Forensic Engineer, Simon is responsible for the general management and co-ordination of various civil and geotechnical projects including the site investigations, analysis, design and reporting.



Harry Poulos

Senior Consultant | Coffey

Harry Poulos is a Senior Consultant who has been with Coffey for 30 years, following a full-time academic career at the University of Sydney. Harry has been involved in a variety of projects in Australia and overseas with a focus on foundation design and rectification for tall buildings.

In 2003, Harry was awarded Civil Engineer of the Year by the Institution of Engineers Australia.

“My main areas of experience relate to deep foundations and their use for supporting buildings, bridges and retaining structures. I have been a leading advocate for the use of piled raft foundations, the use of which can lead to significant cost savings, especially for tall buildings. I’ve designed this type of foundation for several high-profile projects around the world, including the Burj Khalifa in Dubai (currently the world’s tallest building), the Emirates Twin Towers in Dubai, the Incheon 151 tower in South Korea, the KL118 building in Kuala Lumpur, and the Diamond Tower in Jeddah, Saudi Arabia.

I’ve worked on a variety of projects outside of the property industry including the Egnatia Odos Project in Greece, a 720km expressway linking the western and eastern parts of the country, and the Barelang Bridge project in Indonesia – a project involving the construction of six bridges linking a series of islands. I have extensive experience with geotechnical earthquake engineering – having carried out seismic microzonation studies for Newcastle, Adelaide and Delhi.

I’ve undertaken research into the design of piles in seismically active areas, including areas which undergo liquefaction and have co-authored papers on piles in liquefying soils – winning an award from ASCE in 2007, and from the New Zealand Geotechnical Society in 2009. This research has also formed the basis of a method of assessing pile condition in Christchurch after the earthquakes in 2010-2011.”

Dr Brian Burman
Principal Engineer |
Burman Consult

Dr Brian Burman is the principal of Burman Consult, a boutique consultancy specialising in geotechnical, ground water and mining engineering. Dr Burman is a chartered professional engineer and fellow of the Institution of Engineers Australia.