

Attn: Proper Officer
Developcorp Constructions Pty Ltd
ACN 142 680 466
Shop 2, 1 Sorrell Street
PARRAMATTA NSW 2150

Service: By express post and by email [REDACTED]

DATE: 21 March 2024

Building Work Rectification Order

Section 33 of the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*

Developcorp Constructions Pty Ltd (ACN 142 680 466) is being given this Building Work Rectification Order (Order) in relation to 16-20 Park Avenue, Waitara NSW 2077 (SP 91025).

Developcorp Constructions Pty Ltd is required to cause building work to be carried out to remediate the serious defects as set out below in this Order.

Failure to comply with the requirements in this Order is a criminal offence.

Terms of this Order - requirements in relation to serious defects

1. I, Elizabeth Stewart, under section 33(1)(b) of the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 (RAB Act)*, require you **Developcorp Constructions Pty Ltd (ACN 142 680 466)** to do the things specified in column 4 in Table 1 to eliminate, minimise or remediate each serious defect at **16-20 Park Avenue, Waitara NSW 2077 (SP 91025)** described in columns 1, 2 and 3 of Table 1. Each requirement must be complied with by the time set out in column 5 of Table 1:

Table 1: Requirements in respect of Serious Defects

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
1.	Basement 2 SW Fire Stair	<ol style="list-style-type: none"> 1. Wall lining is separating and detaching in a number of areas. Water ingress evident through detached wall lining. 2. Significant water ingress to the stairs. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 1 – 3 Months</p>
2.	Basement 1 NE Fire Stairs	<ol style="list-style-type: none"> 1. Landing slab does not grade towards the strip drain. Significant water pooling and mould growth present. 2. Carpark slab does not grade to the stormwater pits, noted to fall away from edge of the 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 1 – 3 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		pit.	Stage 2. Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
3.	Central Hot Water Plant Enclosure	1. No drainage provided to enclosure area between equipment podium and building C. 2. Significant amount of water pooling.	Within the time period specified in column 5, Stage 1. Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au Stage 2. Rectify the serious defect in accordance with the written report and designs provided at stage 1.	Stage 1 – 2 Months Stage 1 – 3 Months
4.	Basement 1 NE Fire Stairs	Water ingress to external fire door with mould and rust visible.	Within the time period specified in column 5, Stage 1. Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au Stage 2. Rectify the serious defect in accordance with the written report and designs provided at stage 1.	Stage 1 – 2 Months Stage 1 – 3 Months

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
5.	Building C Ground Level	Horizontal fire stair ramps up to the external facade at steep angle. Insufficient drainage provided to prevent water ingress to the fire corridor, water ingress evident to base of door.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 1 – 3 Months</p>
6.	Basement 2 NW Fire Stair	Fire-rated box section concealing sanitary drainage pipe showing signs of water ingress and damage. Visible water mark and damage.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 1 – 3 Months</p>
7.	Roof	No overflows to concrete barrier walls.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p>	Stage 1 – 2 Months

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			<p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	Stage 1 – 3 Months
8.	Building C Ground Level	Planter box at rear of building leaking down external facade over unit windows.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 1 – 3 Months</p>
9.	This defect has been removed.			
10.	Building D Ground Level	External patio in SE corner is showing signs of water ingress to concrete render causing cracking and deterioration.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 1 – 3 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
11.	Ground Level	External stairway has not been provided with slip resistant nosing strips - systemic to all external Stairs including the timber stairs throughout the building.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
12.	Multiple locations	Exit signs installed above 2700mm AFFL in a number of areas.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
13.	Basement 2 Storage	<ol style="list-style-type: none"> 1. Sprinkler coverage to storage cage area and underside of the mechanical carpark exhaust ducts is insufficient. 2. Sprinkler coverage to the underside of the carpark exhaust duct is insufficient. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
14.	Throughout the building generally	Fire-door lintels and frame hollow in some areas throughout the building.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
15.	Basement 2 Carpark	<ol style="list-style-type: none"> 1. Sprinkler penetration through the lift shaft wall is non-fire rated. 2. Non-fire rated services penetrations through ground floor slab. 3. Exhaust riser from lower level 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		<p>is encased by non-fire rated walls.</p> <p>4. Diesel exhaust and pipework penetrations through sprinkler pump room wall are not fire-rated.</p> <p>5. Penetrations into MSB room are not fire-rated and large holes are evident.</p>	<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
16.	Building D Ground Level Fire Egress	<p>1. Emergency and exit lighting coverage is non-compliant.</p> <p>2. No external exit signs to gates at the external egress points.</p>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
17.	Basement 1	No segregation between fire cabling, communications, and power cabling through penetrations and along cable trays.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
18.	Building A Level 4	Insufficient fire detection coverage.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
19.	Building D Fire Stair	No pressure gauge provided to fire hydrant at top of stairs.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
20.	Booster Location	Cold water meter not identified and not locked in the open position for fire hose reels.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
21.	Booster Location	Fire hydrant pumps are in series - no warning label provided.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
22.	Booster Location	<p>Incomplete fire block plan:</p> <ol style="list-style-type: none"> 1. Street fire hydrant distance 2. Brigade commissioning data 3. No indication of drencher system. 	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			<p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
23.	Ground Level	Wall wetting sprinklers fed from fire hydrant system and label shall be updated.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
24.	Basement 2 Carpark	Carpark exhaust riser shaft is not fire rated.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
25.	Basement 1	FHR installed at rear of PWD carpark with no impact protection or protected zone and use could be obstructed.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
26.	Hydrant/ Sprinkler Booster	<ol style="list-style-type: none"> 1. No large bore suction point provided to onsite storage tank at front boundary. 2. It does appear the fire hydrant system installed incorrectly. Booster assembly connected to Sydney water main while there is an onsite tank and suction installed 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
27.	Central Hot Water Plant Enclosure	Diesel sprinkler pump exhaust discharges above acoustic screen	Within the time period specified in column 5,	Stage 1 – 2 Months

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		onto pedestrian egress paths. Discharge is within 6m of unit windows.	<p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	Stage 2 – 2 Months
28.	Throughout the building generally	Emergency and exit lighting circuits are connected to a dedicated circuit, should be connected to general lighting circuits.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
29.	B1 Boiler Room	Cold water pressure pump serving fire hose reels is not labelled adequately and is not locked in the open position.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			<p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
0.	Basement 1	MDF and Main comms room is located on an egress path and is not provided with a smoke sealed door.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
31.	This defect has been removed.			
32.	Basement 1	Fire door labelled 'Unit 77' below fire egress stairs in NE corner. The Space below a required non fire-isolated stairway (including an external stairway) or non-fire-isolated ramp must not be	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		enclosed to form a cupboard or other enclosed space unless- (i) the enclosing walls and ceilings have an FRL of not less than 60/60/60/; and (iii) any access doorway o the enclosed space is fitted with a self-closing -/60/30 fire door.	Stage 2. Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
33.	Building B External Egress	Non-drenched openable unit windows within 3m of the external egress path	Within the time period specified in column 5, Stage 1. Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au Stage 2. Rectify the serious defect in accordance with the written report and designs provided at stage 1.	Stage 1 – 2 Months Stage 2 – 2 Months
34.	Ground Level	Fire stairs discharge to timber stairs for final passage to ground level and has a finished thickness of less than 44mm.	Within the time period specified in column 5, Stage 1. Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au Stage 2.	Stage 1 – 2 Months Stage 2 – 2 Months

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
35.	Basement 2 SW Fire Stair	<ol style="list-style-type: none"> 1. Significant cracking in stairs and landing slabs. 2. Cracks >2mm evident throughout the basement slab. 3. Significant cracking, impacting the waterproofing membrane. 4. Significant cracks in slab from columns to edge of slab. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 3 Months</p>
36.	Basement 2 SW Fire Stair	Honeycombing and poor concrete mix evident in stair construction.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 3 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
37.	Building A Fire Stair Level 1	<p>1. Exposed re-enforcing in stair landing slab.</p> <p>2. Concrete deteriorated exposing reinforcing below the timber fire stairs.</p>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 3 Months</p>
38.	Roof	Non-compliant roof access systems evident.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
39.	Ground Level	Rear ramp to patio is not provided with slip resistant nosings.	<p>Within the time period specified in column 5, Stage 1.</p>	Stage 1 – 2 Months

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			<p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	Stage 2 – 2 Months
40.	Boiler Room	TPR discharge unit for HWU storage unit does not connect to a tundish.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
41.	Throughout the building generally	No labelling to high level pipework.	<p>Within the time period specified in column 5, Stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			<p>Submit a written report and designs to rectify the serious defect email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
42.	Basement 1 Fire Sprinkler Pump Room	<ol style="list-style-type: none"> 1. No ventilation or exhaust air is provided to the room. 2. The lack of ventilation and exhaust will render the room uninhabitable and will prevent the diesel sprinkler pump from functioning. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
43.	Basement 1 Fire Sprinkler Pump Room	Electrical supplies to the pumps and equipment within the room are not fire-rated or segregated from other services.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
44.	Basement 1 MSB Room	Doors to the corridor do not provide sufficient clearances for egress.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
45.	Basement 1 MSB Room	MSB supplies essential/safety services but the room is not dedicated and is shared with communications and other equipment.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
46.	Throughout the building generally	Building distribution and metering panels are not certified.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
47.	Building D Level 3	Electrical cabling join provided in electrical riser is not adequately sealed and protected. Join is made in tape only and is not sufficiently insulated.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
48.	Throughout the building generally	<ol style="list-style-type: none"> 1. Gas meter cupboards in all buildings on all levels are vented to the lobby. 2. No fire rated ventilation and no fire-rating/smoke sealing to doors. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
49.	Throughout the building generally	<ol style="list-style-type: none"> 1. Insufficient insulation on hot water piping. 2. Lack of insulation to hot water pipework. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
50.	Boiler Room	<ol style="list-style-type: none"> 1. No separation has been provided between the copper pipe and galvanised iron support channel. 	<p>Within the time period specified in column 5, Stage 1.</p>	<p>Stage 1 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		2. The brackets and pipework corroded due to incorrect material selection for the environment that they are installed and exposed to.	Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au Stage 2. Rectify the serious defect in accordance with the written report and designs provided at stage 1.	Stage 2 – 2 Months
51.	Throughout the building generally	Power outlets, pipework and covers installed within 500mm of edge of unit balconies providing a climbable element.	Within the time period specified in column 5, Stage 1. Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au Stage 2. Rectify the serious defect in accordance with the written report and designs provided at stage 1.	Stage 1 – 2 Months Stage 2 – 2 Months
52.	Building B External Egress	1. Main MSB Earth stake installed in the middle of the external egress path. 2. Insufficient egress and access clearance. 3. No labelling to earth stake.	Within the time period specified in column 5, Stage 1. Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au	Stage 1 – 2 Months Stage 2 – 2 Months

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
53.	All Lobbies	<ol style="list-style-type: none"> 1. All lobbies provided with supply air fans from a single intake on the roof level. 2. No evidence of fire dampers between each level and no access panels to supply air shaft. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
54.	Boiler Room	Circulation pumps exposed and not adequately rated for external installation. Rust present.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
55.	Basement	<p>1. Multiple jet fans throughout the basement carpark have been Installed without clear space to the front of each fan in several locations and installed without CO detection to trigger activation with 25m maximum separation between sensors;</p> <p>2. CFD modelling does not match installed locations.</p>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

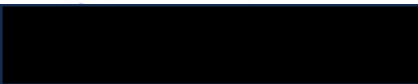
Conditions of this Order

2. You must make good any consequential damage caused in carrying out the works specified in this Order.
3. A design that is prepared for a building element for building work or a design that is prepared for a performance solution for building work (including a building element) in this Order must comply with the *Design and Building Practitioners Act 2020 (DBP Act)*.
4. A suitably qualified person or specialist referred to in column 4 of Table 1 is a person who is a registered design practitioner under the DBP Act.
5. Where this Order requires you to submit a written report, then written report must:
 - a. be prepared by a suitably qualified person or specialist; and

- b. be prepared with consideration to this Order and the Reasons for this Order; and
- c. detail the specific building work necessary to meet the codes and relevant standards specified in column 5 of Table 2; and
- d. be prepared with consideration to other building work already constructed at the time of this Order and not the subject of a serious defect including designs for that building work, and other building work required by this Order including designs for that building work, and manufacturer's specifications.

Duration of this Order

- 6. This Order remains in force until it is revoked by the Secretary.
- 7. This order is given on the date that it is listed above in accordance with section 67 of the RAB Act.



Elizabeth Stewart

A/Executive Director Building Operations

Building Commission NSW

Reasons for the Building Work Rectification Order

8. The Department of Customer Service (**the Department**) administers the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (**RAB Act**).
9. Under section 33 of the RAB Act, if the Secretary of the Department, or their authorised delegate, has a reasonable belief that building work was carried out in a manner that could result in a serious defect in relation a residential apartment building or that a residential apartment building has a serious defect, they may order the developer of that building to carry out or not carry out specified building work or to take other specified action to eliminate, minimise or reduce the serious defect or potential serious defect.
10. Section 3 of the RAB Act defines a serious defect. Section 3 of the RAB Act also defines to term “building element” by reference to the *Design and Building Practitioners Act 2020* (**DBP Act**). Section 4 of the RAB Act defines the term “developer”. Section 6 of the RAB Act provides the building work to which the RAB Act applies. Relevant excerpts from sections 3, 4 and 6 of the RAB Act and section 6 of the DBP Act are set out in **Attachment A** to this Order.
11. Elizabeth Stewart, Acting Executive Director, Building Operations, Assistant Building Commissioner, Department of Customer Service, is an authorised delegate of the Secretary of the Department.
12. Developcorp Constructions Pty Ltd (ACN 142 680 466) (**Developer**) is the developer of the residential apartment building known as 16-20 Park Avenue, Waitara NSW 2077 (SP 91025) (**the Development**) for the purposes of section 4(a) of the RAB Act.
13. The Development comprises carparking, restaurant, retail, and residential units. The RAB Act applies to building work at the Development because it is a class 2 building, is currently occupied and is less than 10 years old.
14. On 27 March 2023, with the consent of the owners corporation for the Development, a third party consultant engaged by the Department attended the Development (**Investigator**). The Investigator prepared a report on serious defects in the Development dated 25 May 2023 (**Inspection Report**).
15. I, Elizabeth Stewart, have formed a reasonable belief that the Development has serious defects based on the following:
16. I have reviewed the Inspection Report.
17. My reasonable belief is also based upon the following matters, set out in Table 2 below in respect of each serious defect identified in column 1 of Table 2 (where that reference corresponds to the reference set out in Table 1 above).

Table 2 – basis of reasonable belief as to serious defects

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
1.	Waterproofing	<ol style="list-style-type: none"> 1. Wall lining is separating and detaching in a number of areas. Water ingress evident through detached wall lining. 2. Significant water ingress to the stairs. 	The uncontrolled water ingress is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. • BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements: FP1.3 Rainwater drainage systems. • FP1.5 Rising damp.
2.	Waterproofing	<ol style="list-style-type: none"> 1. Landing slab does not grade towards the strip drain. Significant water pooling and mould growth present. 2. Carpark slab does not grade to the stormwater pits, noted to fall away from edge of the pit. 	The grading of the slab is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3500.3 Plumbing and drainage Part 3: Stormwater drainage. • BCA Volume One, Section F Health and amenity, Part F1 Damp and weatherproofing, Deemed to Satisfy Provision F1.0.
3.	Waterproofing	<ol style="list-style-type: none"> 1. No drainage provided to enclosure area between equipment podium and building C. 	The lack of drainage provisions is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3500.3 Plumbing and drainage, Part 3: Stormwater drainage. • BCA Volume One, Section F Health and amenity, Part F1

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		2. Significant amount of water pooling.		<p>Damp and weatherproofing, Deemed to Satisfy Provision F1.0.</p> <ul style="list-style-type: none"> Australian Standard AS 4654.2 Waterproofing membrane systems for exterior use - Above ground level, Part 2: Design and installation, Section 2 - Design and installation, Clause 2.5 Substrate. BCA Volume One, Section F Health and amenity, Part F1 Damp and weatherproofing, Deemed-to-Satisfy provision F1.4. BCA Volume One, Section F Health and amenity, Part F1 Damp and weatherproofing, Performance Requirement FP1.4.
4.	Waterproofing	Water ingress to external fire door with mould and rust visible.	The uncontrolled water ingress is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> BCA Volume One, Section F Health and amenity, Part F1 Damp and weatherproofing, Performance Requirement FP1.4. BCA Volume One, Section F Health and amenity, Part F1 Damp and weatherproofing, Performance Requirements: FP1.3 Rainwater drainage systems.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
5.	Waterproofing	Horizontal fire stair ramps up to the external facade at steep angle. Insufficient drainage provided to prevent water ingress to the fire corridor, water ingress evident to base of door.	The slope of egress ramp is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section D Access and egress, Part D2 Construction of exits, Clause D2.10 Pedestrian. • Australian Standard AS/NZS3500.3 National Plumbing and Drainage Code Part 3, Section 5 Surface water drainage systems – Design, Clause 5.3.4 Entry into buildings. • Australian Standard AS4654.2 as referenced in BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements FP1.4.
6.	Waterproofing	Fire-rated box section concealing sanitary drainage pipe showing signs of water ingress and damage. Visible water mark and damage.	The installation of pipework in the box section is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 3500.2 Plumbing and drainage, Part 2: Sanitary plumbing and drainage, Section 15 Testing of sanitary plumbing and sanitary drainage installations Part 15.1 General. • BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
7.	Waterproofing	No overflows to concrete barrier walls.	The lack of overflow provisions is attributable to the failure to comply with the Building Code and	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3500.3 Plumbing and Drainage– Stormwater Drainage, Section 5 Surface Drainage Systems –

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			Australian Standards referenced in column 5.	Design, Clause 5.3.1.1 Roof areas. <ul style="list-style-type: none"> • Australian Standard AS/NZS 3500.3 as referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed to Satisfy Provision F1.0. • BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. • Australian Standard 4654.2 Waterproofing Membranes for External Above Ground Use - Design and Installation, Section 2 - Design and installation.
8.	Waterproofing	Planter box at rear of building leaking down external facade over unit windows.	The inadequate planter construction is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 4654.2: Waterproofing membranes for external above ground use: Section 2 – Design and Installation, 2.13 Planter Boxes. • Australian Standard AS 4654.2 Waterproofing membranes for external above-ground use – Design and installation, Section 2 Design and installation, 2.8 termination of membranes, 2.8.1 Upward terminations. • BCA Volume One, Section F Health and Amenity, Part F1

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				Damp and Weatherproofing, Performance Requirement FP1.4.
9.	This defect has been removed.			
10.	Waterproofing	External patio in SE corner is showing signs of water ingress to concrete render causing cracking and deterioration.	The water ingress to concrete render is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS 4654.2 Waterproofing membrane systems for exterior use - Above ground level, Part 2: Design and installation BCA Volume One, Section F Health and amenity, Part F1 Damp and weatherproofing, Performance Requirement FP1.4.
11.	Fire Safety Systems	External stairway has not been provided with slip resistant nosing strips - systemic to all external Stairs including the timber stairs throughout the building.	The failure install nosing strips is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> BCA Volume One, Part D2: Construction of exits, D2.13.
12.	Fire Safety Systems	Exit signs installed above 2700mm AFFL in a number of areas.	The failure to ensure the installation of compliant exit signage is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> BCA Volume One, Section E Services and equipment, Part E4 Visibility in an emergency, exit signs and warning signs, Deemed-to-Satisfy provision E4.5 Exit signs. Deemed-to-Satisfy provision E4.5 Exit signs may satisfy the BCA Volume One, Section E

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				Services and equipment, Performance Requirement EP4.2 Identification of exits.
13.	Fire Safety Systems	<ol style="list-style-type: none"> 1. Sprinkler coverage to storage cage area and underside of the mechanical carpark exhaust ducts is insufficient. 2. Sprinkler coverage to the underside of the carpark exhaust duct is insufficient. 	The absence of a sprinkler system is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One Section E Services and equipment, Part E1 Firefighting equipment, Deemed-to-Satisfy Provision E1.5 Sprinklers.
14.	Fire Safety Systems	Fire-door lintels and frame hollow in some areas throughout the building.	The voids in the grouted door frame is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 1905.1 Components for the protection of openings in fire-resistant wall, Part 1: Fire resistant doorsets, Section 5 Installation, Clause 5.3 Metal doorframes in masonry walls, Sub-clause 5.3.2 Backfilling of metal door frames. • Australian Standard AS 1905.1 as referenced in the the BCA Volume One, Section C Fire resistance, Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors. • Specification C3.4 Fire doors, smoke doors, fire windows and

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				shutters, Clause 2. Fire doors, may satisfy the BCA Volume One, Section C Fire resistance, Performance Requirement CP2.
15.	Fire Safety Systems	<ol style="list-style-type: none"> 1. Sprinkler penetration through the lift shaft wall is non-fire rated. 2. Non-fire rated services penetrations through ground floor slab. 3. Exhaust riser from lower level is encased by non-fire rated walls. 4. Diesel exhaust and pipework penetrations through sprinkler pump room wall are not fire-rated. 5. Penetrations into MSB room are not fire-rated and large holes are evident. 	The inadequate fire-resisting sealing is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section C Fire Resistance, Performance Requirements CP2 Spread of fire. • CP8 Fire protection of openings and penetrations. • Part C3 Protection of openings, Deemed-to-Satisfy provisions: C3.15 Openings for service installations. • Part C1 Fire Resistance and Stability, Specification C1.1 Fire-Resisting Construction, Part 3 Type A Fire-Resisting Construction, Clause 3.1 Fire-Resistance of Building Elements.
16.	Fire Safety Systems	<ol style="list-style-type: none"> 1. Emergency and exit lighting coverage is non-compliant. 	The failure to ensure the adequate installation of exit signage is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section E Services and equipment, Part E4 Visibility in an emergency, exit signs and warning signs,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		2. No external exit signs to gates at the external egress points.		<p>Deemed-to-Satisfy provision E4.5 Exit signs.</p> <ul style="list-style-type: none"> Deemed-to-Satisfy provision E4.5 Exit signs is a pathway that can satisfy the BCA Volume One, Section E Services and equipment, Performance Requirement EP4.2 Identification of exits.
17.	Fire Safety Systems	No segregation between fire cabling, communications, and power cabling through penetrations and along cable trays.	The non-compliant separation to fire related services is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS/NZS 3000 Electrical installations (known as the Australian/New Zealand Wiring Rules), Section 7 Special electrical installations, Clause 7.2 Safety services, Sub-clause 7.2.2 Supply systems. Australian Standard AS/NZS 3000 Electrical installations (known as the Australian/New Zealand Wiring Rules), Section 7 Special electrical installations, Clause 7.2 Safety services, Sub-clause 7.2.8 Segregation.
18.	Fire Safety Systems	Insufficient fire detection coverage.	The spacing between fire detectors along residential corridors is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS 1670.1 Fire detection, warning, control and intercom systems—System design, installation and commissioning, Part 1: Fire, Section 5 Smoke and CO Fire Detectors, Clause 5.1 Spacing and location of point-type detectors.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
19.	Fire Safety Systems	No pressure gauge provided to fire hydrant at top of stairs.	The hydrant pipework installation is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS 2419.1 - Fire hydrant installations Part 1: System design, installation and commissioning, Section 9 Ancillary equipment, 9.3.2 Location of pressure gauges.
20.	Fire Safety Systems	Cold water meter not identified and not locked in the open position for fire hose reels.	The inadequate installation of padlocks to isolation valves that can prevent flow of water to the hose reels is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS 2441 Installation of fire hose reels, Section 6 Water Supply, 6.2 Metered water supply. Australian Standard AS 2441 as referenced in the BCA Volume One, Section E Services and equipment, Part E1.4 Fire Hose Reels. Deemed-to-Satisfy provision E1.4 may satisfy the BCA Volume One, Section E Services and equipment, Part E1 Firefighting equipment, Performance Requirement EP1.1.
21.	Fire Safety Systems	Fire hydrant pumps are in series - no warning label provided.	The fire hydrant installation is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS 2419.1 Fire hydrant installations, Part 1: System design, installation and commissioning, Section 7 Fire brigade booster assembly Clause 7.6 Boosters in series(relay) with pumps.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<ul style="list-style-type: none"> Australian Standard AS 2419.1 as referenced in the BCA Volume One, Section E Services and equipment, Part E1.3 Fire hydrants.
22.	Fire Safety Systems	Incomplete fire block plan: <ol style="list-style-type: none"> 1. Street fire hydrant distance 2. Brigade commissioning data 3. No indication of drencher system. 	The hydrant pipework installation is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS 2419.1 - Fire hydrant installations Part 1: System design, installation and commissioning, Section 7 Fire Brigade Booster Assembly, 7.11 Block plan. Australian Standard AS 2419.1 as referenced in the BCA Volume One, Section E Services and equipment, Part E1.3 Fire hydrants. Deemed-to-Satisfy provision E1.3 may satisfy the BCA Volume One, Section E Services and equipment, Part E1 Fire fighting equipment, Performance Requirement EP1.3.
23.	Fire Safety Systems	Wall wetting sprinklers fed from fire hydrant system and label shall be updated.	The wall wetting sprinklers fed from fire hydrant system is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS 2118.2 Automatic Fire Sprinkler Systems – Part 2 Drencher Systems – Section 3 water Supplies – Clause 3.3.2 Demand Exceeds supply.
24.	Fire Safety Systems	Carpark exhaust riser shaft is not fire rated.	The absence of a damper in a building element with a required FRL	<ul style="list-style-type: none"> Australian Standard AS 4254.2 Ductwork for air handling

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<p>systems in buildings Part 2: Rigid duct, Section 2 Duct construction and installation, 2.1 Ductwork, 2.1.1 General.</p> <ul style="list-style-type: none"> • Australian Standard AS 1682.2 Fire, smoke and air dampers, Part 2; Installation, 5 Selection, 5.2 Fire dampers, 5.2.1 Integrity. • Australian Standard AS 4254 as referenced in the the BCA Volume One, Section C Fire resistance, Specification C1.10 Fire hazard properties, 5. Air-handling ductwork. • Specification C1.10 Fire hazard properties, 5. Air-handling ductwork may satisfy the BCA Volume One, Section C Fire resistance, Performance Requirement CP2.
25.	Fire Safety Systems	FHR installed at rear of PWD carpark with no impact protection or protected zone and use could be obstructed.	The fire hose reel installation is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section E Services and equipment, Part E1.4 fire hose reels, and Australian Standard 2441. • Deemed-to-Satisfy provision E1.4 may satisfy the BCA Volume One, Section E Services and equipment, Part E1 Fire fighting equipment, Performance Requirement EP1.1.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
26.	Fire Safety Systems	<ol style="list-style-type: none"> 1. No large bore suction point provided to onsite storage tank at front boundary. 2. It does appear the fire hydrant system installed incorrectly. Booster assembly connected to Sydney water main while there is an onsite tank and suction installed. 	The hydrant pipework installation is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 2419.1 - Fire hydrant installations Part 1: system design, installation and commissioning, Section 5 Water Storage, 5.4.3 Small bore suction connection. • Australian Standard AS 2419.1 as referenced in the BCA Volume One, Section E Services and equipment, Part E1.3 Fire hydrants. • Deemed-to-Satisfy provision E1.3 may satisfy the BCA Volume One, Section E Services and equipment, Part E1 Fire fighting equipment, Performance Requirement EP1.3.
27.	Fire Safety Systems	Diesel sprinkler pump exhaust discharges above acoustic screen onto pedestrian egress paths. Discharge is within 6m of unit windows.	The Installation of the diesel exhaust adjacent building entry and habitable area is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standards AS 1668.2 The use of ventilation and air conditioning in buildings, Part 2: Mechanical ventilation in buildings, Section 3 Mechanical Ventilation – Exhaust Systems, Clause 3.10 Air discharges, 3.10.2 Discharges not deemed objectionable.
28.	Fire Safety Systems	Emergency and exit lighting circuits are connected to a dedicated circuit, should be connected to general lighting circuits.	The emergency and exit lighting circuits being connected to a dedicated circuit is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standards AS 2293.1 Emergency Lighting and Exit Signs for Buildings – System Design , Installation and Operation Section 2 General Requirements, System Design,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<p>Operation, Arrangement, Control and Labelling Part 2.3 Operation Arrangement and Control Clause 2.3.1 General.</p> <ul style="list-style-type: none"> Australian Standards AS 2293.1 Emergency Lighting and Exit Signs for Buildings – System Design, Installation and Operation Section 2 General Requirements, System Design, Operation, Arrangement, Control and Labelling Part 2.3 Operation Arrangement and Control Clause 2.3.3 Sensing of Supply Failure
29.	Fire Safety Systems	Cold water pressure pump serving fire hose reels is not labelled adequately and is not locked in the open position.	The inadequate identification of pipework is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS/NZS 3500.1 Plumbing and drainage, Part 1: Water services, Section 5 Installation of cold water services, Clause 5.21 Identification of piping. Section 6 Fire Services, Clause 6.8 Identification. Australian Standard AS/NZS 3500.2 Plumbing and drainage, Part 2: Sanitary plumbing and drainage, Section 9 General Installation of pipework, Clause 9.11 Identification of pipes.
30.	Fire Safety Systems	MDF and Main comms room is located on an egress path and is not provided with a smoke sealed door.	The absence of fire separation is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> BCA Volume 1 Section D2.7 Installations in exits and paths of travel.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
31.	This defect has been removed.			
32.	Fire Safety Systems	Fire door labelled 'Unit 77' below fire egress stairs in NE corner. The Space below a required non fire-isolated stairway (including an external stairway) or non-fire-isolated ramp must not be enclosed to form a cupboard or other enclosed space unless- (i) the enclosing walls and ceilings have an FRL of not less than 60/60/60/; and (iii) any access doorway o the enclosed space is fitted with a self-closing -/60/30 fire door.	The storage below the fire stairs is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section D Access and egress, Part D2 Construction of exits, Clause D2.8 Enclosure of space under stairs and ramps.
33.	Fire Safety Systems	Building B External Egress	The non-drenched openable unit windows is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section D Access and egress, Part D1 Provision for Escape Clause D1.7 Travel via fire-isolated exits. • BCA Volume One, Section C Fire Resistance Part C3 Protection of Openings Clause C3.4 Acceptable Methods of Protection.
34.	Fire Safety Systems	Fire stairs discharge to timber stairs for final passage to ground level and has a finished thickness of less than 44mm.	The timber stairs is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section D Access and egress, Part D2 Construction of exits, Clause D2.3 Non-fire-isolated stairways and ramps

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
35.	Structural Systems	<ol style="list-style-type: none"> 1. Significant cracking in stairs and landing slabs. 2. Cracks >2mm evident throughout the basement slab. 3. Significant cracking, impacting the waterproofing membrane. 4. Significant cracks in slab from columns to edge of slab. 	The cracking identified is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 3600 Concrete structures, Section 2 Design procedures, actions and loads, 2.3, Design for serviceability, 2.3.3, Cracking. • Australian Standard AS 3600 as referenced in the BCA Volume One, Section B Structure, Deemed-to-Satisfy provision B1.4 - Determination of structural resistance of materials and forms of construction.
36.	Structural Systems	Honeycombing and poor concrete mix evident in stair construction.	The honeycombing in the concrete installation is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 3600 Concrete Structures Section 4 – Design for durability, 4.10 Requirements for cover to reinforcing steel and tendons, 4.10.3 Cover for corrosion protection, 4.10.3.7 Embedded items cover. • Australian Standard AS 3600 Concrete Structures Section 17 - Materials and construction requirements, 17.1.7- Rejection of concrete, 17.1.7.2 Hardened concrete. • Australian Standard AS 3600 Concrete Structures Section 17 - Materials and construction requirements, 17.1.3 Handling,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				placing and compacting of concrete.
37.	Structural Systems	<ol style="list-style-type: none"> Exposed re-enforcing in stair landing slab. Concrete deteriorated exposing reinforcing below the timber fire stairs. 	The cracking identified is attributable to the failure to comply with the Building Code and/or Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS 3600 Concrete structures, Section 2 Design procedures, actions and loads, Clause 2.3, Design for serviceability, Sub-clause 2.3.3, Cracking. Australian Standard AS 3600 as referenced in the BCA Volume One, Section B Structure, Deemed-to-Satisfy provision B1.4 - Determination of structural resistance of materials and forms of construction.
38.	Building Enclosure	Non-compliant roof access systems.	The unprotected ladder to top of Fire Stair 07 is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> BCA Volume One, Section D Access and egress, Part D2 Construction of exits, Clause D2.18 Fixed platforms, walkways, stairways and ladders. Australian Standard AS 1657 Fixed platforms, walkways, stairways and ladders - Design, construction and installation, Section 7 Access between levels, Clause 7.4 Twin-stile rung-type ladders, Sub-clause 7.4.8 Extension above landings.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
39.	Building Enclosure	Rear ramp to patio is not provided with slip resistant nosing's.	The rear ramp to patio is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section D Access and egress, Part D3 Access for people with a disability Clause D3.3 Parts of buildings to be accessible. • Australian Standard AS 1428.1 Design for access and mobility Part 1 General requirements for access – new building work Section 9 Tactile Ground surface indicators (TGSIs). • Australian Standard AS 1428.4.1 Design for access and mobility - Means to assist the orientation of people with vision impairment - tactile ground surface indicators. Section 2 Criteria and application of warning tactile indicators. Clause 2.4 Stairways, ramps, Escalators and moving walks.
40.	Building Essential Services	TPR discharge unit for HWU storage unit does not connect to a tundish	The installation is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3500.2 Plumbing and drainage, Part 2: Sanitary plumbing and drainage, Section 11 Fixtures and appliances.
41.	Building Essential Services	No labelling to high level pipework.	The inadequate identification of pipework is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3500.1 Plumbing and drainage, Part 1: Water services, Section 5 Installation of cold water

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<p>services, Clause 5.21 Identification of piping.</p> <ul style="list-style-type: none"> Section 6 Fire Services, Clause 6.8 Identification. Australian Standard AS/NZS 3500.2 Plumbing and drainage, Part 2: Sanitary plumbing and drainage, Section 9 General Installation of pipework, Clause 9.11 Identification of pipes.
42.	Building Essential Services	<ol style="list-style-type: none"> No ventilation or exhaust air is provided to the room. The lack of ventilation and exhaust will render the room uninhabitable and will prevent the diesel sprinkler pump from functioning. 	The insufficient ventilation is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> BCA Volume One, Section F Health and amenity, Part F4 Light and ventilation, Deemed-to-Satisfy Provision, Clause F4.5 Ventilation of rooms.
43.	Building Essential Services	Electrical supplies to the pumps and equipment within the room are not fire-rated or segregated from other services.	The inadequate electrical installation is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS/NZS 3000 Electrical installations (known as the Australian/New Zealand Wiring Rules) Clause 3.9.8.4 Proximity to non-electrical services.
44.	Building Essential Services	Doors to the corridor do not provide sufficient clearances for egress.	The main switch board room not labelled is attributable to the failure to comply with Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS 3000 Electrical installations (known as the Australian/New Zealand Wiring Rules) Part 2 Installation practices Section 2 General

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				Arrangement, control and protection 2.9 Switchboards 2.9.2 Location of switchboards.
45.	Building Essential Services	MSB supplies essential/safety services but the room is not dedicated and is shared with communications and other equipment.	The building work is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section C C2.13 Electricity supply system. • Australian Standard AS 3000 Electrical installations (known as the Australian/New Zealand Wiring Rules) – Clause 7.2.
46.	Building Essential Services	Building distribution and metering panels are not certified.	The installation is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3000 Electrical installations (known as the Australian/New Zealand Wiring Rules), Section 2 General arrangement, control and protection, Clause 2.5 Protection against overcurrent, Sub-clause 2.5.4 Protection against short-circuit current, 2.5.4.3 Alternative position of short-circuit protective device. • Australian Standard AS/NZS 3000 Electrical installations (known as the Australian/New Zealand Wiring Rules), Section 2 General arrangement, control and protection, Clause 2.5 Protection against overcurrent sub-clause 2.9.3 Construction.
47.	Building Essential Services	Electrical cabling join provided in electrical riser is not adequately sealed and	The installation of unprotected exposed electrical cables is attributable to the failure to comply	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3000 Electrical installations (known as the Australian/New

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		protected. Join is made in tape only and is not sufficiently insulated.	with the Australian Standards referenced in column 5.	Zealand Wiring Rules), Section 1 Scope, application and fundamental principles, Clause 1.5 Fundamental principles, Sub-clause 1.5.4 Basic protections (protection against direct contact).
48.	Building Essential Services	Gas meter cupboards in all buildings on all levels are vented to the lobby. No fire rated ventilation and no fire-rating/smoke sealing to doors.	The insufficient ventilation at gas meter cupboard is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section F Health and Amenity, Part F4 Light and Ventilation, Deemed-to-Satisfy Provision, Clause F4.5 Ventilation of Rooms. • Australian Standard AS 1668 The Use of Ventilation and Air conditioning in Buildings, Part 2 Mechanical Ventilation in Buildings, Section 1 Scope and General, Clause 1.1 Scope, Note 8. • Australian Standard AS 5601 Gas Installations, Part 1 General Installations, Section 5 Means of Compliance – Installing Consumer Piping, Part 5.13 Ventilation of Gas Equipment, Clause 5.13.14 Mechanical Ventilation.
49.	Building Essential Services	<ol style="list-style-type: none"> 1. Insufficient insulation on hot water piping. 2. Lack of insulation to hot water pipework. 	The insufficient insulation on hot water piping is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3500.4 Plumbing and Drainage – Part 4 Heated water Services – Section 8 Energy Efficiency 8.2

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				Thermal Insulation – Clause 8.2.1 Piping associated with storage water heaters.
50.	Building Essential Services	<ol style="list-style-type: none"> 1. No separation has been provided between the copper pipe and galvanised iron support channel. 2. The brackets and pipework corroded due to incorrect material selection for the environment that they are installed and exposed to. 	The installation of brackets is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3500.1 Plumbing and drainage, Part 1: Water services, Section 5 Installation of cold water services Clause 5.7 Support and fixing above ground. • Australian Standard AS 2419.1 Fire hydrant installations, Part 1: System design, installation and commissioning, Section 8 Pipework and valves, Clause 8.6 System protection and identification. • Australian Standard AS 2419.1 Fire hydrant installations, Part 1: System design, installation and commissioning, Clause 8.7 Support of fire hydrant pipework. • Australian Standard AS 2118.1 Automatic fire sprinkler systems, Part 1: General systems, Section 7 Piping, Clause 7.8 Support of sprinkler piping. • Australian Standard AS 2118.1 Automatic fire sprinkler systems, Part 1: General systems, Section 7 Piping, Clause 7.9 Installation—general.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
51.	Building Essential Services	Power outlets, pipework and covers installed within 500mm of edge of unit balconies providing a climbable element.	The building work is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • BCA Volume One, Section D – D2.16 Barriers to prevent falls.
52.	Building Essential Services	Main MSB Earth stake installed in the middle of the external egress path. Insufficient egress and access clearance. No labelling to earth stake.	The insufficient egress and access clearance is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 1428.1 Part 1 General Requirements for Access – New Building Work – Section 6– Continuous Accessible Paths of Travel - Clause 6.3 Width of a continuous accessible path of travel. • Australian/New Zealand Standard AS/NZS 3000 Electrical installations (known as the Australian/New Zealand Wiring Rules) – Part 2 Installation Practices – Section 5 Earthing arrangements and Earthing Conductors Clause 5.5 Earthing Arrangements - 5.5.1 Main Earthing Conductors – 5.5.1.3 Labelling.
53.	Building Essential Services	All lobbies provided with supply air fans from a single intake on the roof level. No evidence of fire dampers between each level and no access panels to supply air shaft.	The absence of a damper in a building element with a required FRL is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 4254.2 Ductwork for air handling systems in buildings Part 2: Rigid duct, Section 2 Duct construction and installation, 2.1 Ductwork, 2.1.1 General. • Australian Standard AS1682.2 Fire, smoke and air dampers,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<p>Part 2; Installation, 5 Selection, 5.2 Fire dampers, 5.2.1 Integrity.</p> <ul style="list-style-type: none"> • Australian Standard AS4254 as referenced in the BCA Volume One, Section C Fire resistance, Specification C1.10 Fire hazard properties, 5. Air-handling ductwork. • Specification C1.10 Fire hazard properties, 5. Air-handling ductwork is a pathway that can satisfy the BCA Volume One, Section C Fire resistance, Performance Requirement CP2. • AS 4254.2 Ductwork for air handling systems in buildings, Australian Standard AS 1682.2 Fire, smoke and air dampers. • BCA Volume One Deemed-to-satisfy provision Specification C1.10 Fire hazard properties, 5. Air-handling ductwork.
54.	Building Essential Services	Circulation pumps exposed and not adequately rated for external installation. Rust present.	The installation of brackets is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3500.1 Plumbing and drainage, Part 1: Water services, Section 5 Installation of cold water services Clause 5.7 Support and fixing above ground. • Australian Standard AS 2419.1 Fire hydrant installations, Part 1: System design, installation and commissioning, Section 8

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<p>Pipework and valves, Clause 8.6 System protection and identification.</p> <ul style="list-style-type: none"> • Australian Standard AS 2419.1 Fire hydrant installations, Part 1: System design, installation and commissioning, Section 8 Pipework and valves, Clause 8.7 Support of fire hydrant pipework. • Australian Standard AS 2118.1 Automatic fire sprinkler systems, Part 1: General systems, Section 7 Piping, Clause 7.8 Support of sprinkler piping • Australian Standard AS 2118.1 Automatic fire sprinkler systems, Part 1: General systems, Section 7 Piping, Clause 7.9 Installation—general.
55.	Building Essential Services	<p>Multiple jet fans throughout the basement carpark have been:</p> <ol style="list-style-type: none"> 1. Installed without clear space to the front of each fan in several locations; 2. Installed without CO detection to trigger activation with 25m maximum separation between sensors; 	The jet fan installation is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 1668.1 Fire and Smoke Control in buildings Section 5 Miscellaneous Systems Part 5.5 Car Park Ventilation Systems Clause 5.5.1. • Australian Standard AS 1668.2 Mechanical ventilation in buildings Section 4 Ventilation of Enclosures used by Vehicles with Combustion Engines Part

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		CFD modelling does not match installed locations.		4.4 Car Parks Clause 4.4.2 Ventilation Distribution.

Consideration of written representations

18. On 14 November 2023, a notice of intention to issue a building works rectification order, including a draft building work rectification order (**Draft BWRO**) was served on the Developer, Local Council, Owners Corporation and Certifier.
19. The Developer, Local Council, Owners Corporation and Certifier were invited to provide written representations relating to the draft BWRO to the Department by 05 December 2023.
20. On 05 December 2023, the Developer provided submissions by way of email which included the following information:
 - a) The Developer acknowledged the receipt of the correspondence from the Department dated 14 November 2023.
 - b) The Developer stated it is willing to undertake the necessary works to remediate the orders set out in this Order however it has been constrained by the following issues:
 - i. It has not been granted access to the common property to inspect or make the necessary enquiries.
 - ii. They sought to negotiate an amended process deed poll with the department to enter an undertaking under s28 Of the Residential Apartment Buildings (Compliance and Enforcement Powers) Act but it was not accepted by the Secretary's delegate.
 - iii. Several of the original consultants engaged by the Developer for the development are not cooperating with the Developer in relation to the remediation of serious defects and as a result they have had to identify and engage new consultants which has been difficult because of the state of the building industry during the lead up to the Christmas period.
 - iv. Some of the serious defects in the draft BWRO have been identified by them as relating to works conducted after the issuance of the occupation certificate.

21. On 21 December 2023, the Developer provided further submissions by way of email and as a reply to an email correspondence from the department, which included the following:
- a) it was not granted access to the site to inspect the items included in the draft BWRO and is unable to provide a response to the items.
 - b) There were items in the draft BWRO that were undertaken by others, and it believes that it is not fair for those items to remain in the order.
 - c) It will liaise directly with the Strata Plan to obtain access to the site and inspect the items.
 - d) The Developer would prefer to offer an undertaking to the department under s28 Of the Residential Apartment Buildings (Compliance and Enforcement Powers) Act, but the amended form offered by the Developer was not in an acceptable form and it was not accepted by the Secretary's delegate.
22. I have reviewed and considered the Developer's representations and make the following observations:
- a) It is not the role of the Department to provide access to the site but on issue of the final of this Order the Secretary can require the owners corporation to provide access as provided for under s41 of the Residential Apartment Buildings (Compliance and Enforcement Powers) Act.
 - b) It is open to the Developer to offer an undertaking if it offers an undertaking in the form of an acceptable form.

Why is it appropriate to give this Order?

23. I am aware that the Development is occupied which may delay the Developer doing the things ordered to be done by this Order. I have taken this into account when specifying the time periods in column 5 of Table 1. I am of the view the periods above for serious defects reference numbers 1 to 55 (inclusive) are reasonable periods for compliance in all the circumstances for the specified actions required by this Order to be carried out. I have formed this belief balancing the risks that the serious defects pose against the period of time it will take to carry out the specified actions.
24. The potential consequence of the serious defects set out in this Order are that they may negatively impact the amenity of the Development for owners and occupiers of the Development and may reduce the ability of the Development being used for its intended purposes by owners and occupiers of the Development such as a reduction in the habitability of apartments by their residents.

25. Considering the potential consequences, I give greater weight to the seriousness of each defect and failure to adhere to the Building Code of Australia, Australian Standards and the approved plans and the benefits arising from remediating the defects and I find that it is appropriate, in the exercise of my discretion, to make this Order requiring the Developer to carry out the building works or take the actions described above within the periods described above.
26. I have considered all of the circumstances. I accept that this Order requires considerable further building works and actions that are likely to be costly, and I give this consideration moderate weight. However, the cost to the Developer must be balanced against the benefit to the owners and occupiers of the Development in having the Development constructed according to approved plans, the Building Code of Australia, and Australian Standards.
27. I am aware that obtaining reports from third parties required by this Order will pose time constraints and costs on the Developer. However, I balance these considerations against the serious defects outlined in this Order and the consequences these serious defects pose.

Conclusion

28. Having regard to the above and the benefits arising from eliminating, minimising or remediating the serious defects, I find that it is appropriate, in the exercise of my discretion, to make this Order.

Notes about this Order

- A person is not required to obtain consent or approval under the *Environmental Planning and Assessment Act 1979* to carry out work in compliance with a requirement of a Building Work Rectification Order.
- It is an offence to fail to comply with this Order. The maximum penalty for a company is 3,000 penalty units and in addition, for every day the offence continues, 300 penalty units. For an individual the maximum penalty is 1,000 penalty units and in addition, for every day the offence continues, 100 penalty units.
- You may appeal to the Land and Environment Court against this Order within 30 days after this Order is given, unless the Land and Environment Court grants leave for it to be made after that time. Lodging an appeal does not operate to stop the effect of this Order unless ordered by the Court.
- You are entitled to be given reasons for this Order unless it has been given in an emergency. The reasons have been included within this Order and are not provided separately.
- The Secretary has given the following persons notice of the making of this building work rectification order:
 - the relevant local council,
 - if the local council is not the certifier in relation to the building work—the principal certifier,
 - if you are not the owner of the land concerned—the owner of the land concerned,
 - if the order relates to a strata building—the relevant owners corporation,
 - any other person prescribed by the regulations.
- This Order specifies a time by which, or period within which, the order must be complied with. This Order continues to have effect until it is complied with even though the time has passed, or the period has expired, unless any requirement under this Order is revoked.

Annexure A

serious defect, in relation to a building, means—

- (a) a defect in a building element that is attributable to a failure to comply with the performance requirements of the Building Code of Australia, the relevant Australian Standards or the relevant approved plans, or
- (b) a defect in a building product or building element that—

is attributable to defective design, defective or faulty workmanship or defective materials, and causes or is likely to cause—

the inability to inhabit or use the building (or part of the building) for its intended purpose, or

the destruction of the building or any part of the building, or

a threat of collapse of the building or any part of the building, or

a defect of a kind that is prescribed by the regulations as a serious defect, or

the use of a building product (within the meaning of the Building Products (Safety) Act 2017) in contravention of that Act.

building element, as defined in the *Design and Building Practitioners Act 2020* (NSW), means any of the following—

- (a) the fire safety systems for a building within the meaning of the Building Code of Australia,

waterproofing,

an internal or external load-bearing component of a building that is essential to the stability of the building, or a part of it (including but not limited to in-ground and other foundations and footings, floors, walls, roofs, columns and beams),

a component of a building that is part of the building enclosure,

those aspects of the mechanical, plumbing and electrical services for a building that are required to achieve compliance with the Building Code of Australia,

other things prescribed by the regulations for the purposes of this section.

- (2) The regulations may exclude things from being building elements for the purposes of this Act.

- (3) In this section—

above grade wall means a wall above the level of the ground surrounding a building.

below grade wall means a wall below the level of the ground surrounding a building.

building enclosure means the part of the building that physically separates the interior environment of the building from the exterior environment, including roof systems, above grade and below grade walls (including windows and doors).

a developer, in relation to building work, means any of the following persons, but does not include any person excluded from this definition by the regulations—

- (a) the person who contracted or arranged for, or facilitated or otherwise caused, (whether directly or indirectly) the building work to be carried out,

if the building work is the erection or construction of a building or part of a building—the owner of the land on which the building work is carried out at the time the building work is carried out,

the principal contractor for the building work within the meaning of the Environmental Planning and Assessment Act 1979,

in relation to building work for a strata scheme—the developer of the strata scheme within the meaning of the Strata Schemes Management Act 2015,

any other person prescribed by the regulations for the purposes of this definition.

Section 6 - Act applies only to residential apartment building work

- (1) The exercise of any function under this Act applies only to building work in respect of a residential apartment building that—
 - (a) is or was authorised to commence in accordance with a construction certificate or complying development certificate issued under the Environmental Planning and Assessment Act 1979, or is required to be authorised by a construction certificate or complying development certificate, and

has not been completed or has been completed within the period of 10 years before the exercise of that function.

- (2) The regulations may provide that a specified provision, or specified provisions, of this Act extend to other classes of buildings (within the meaning of the Building Code of Australia).