

Attn. Proper Officer
Maroubra Living Pty Ltd (ACN 615 115 930)
34A-36 Burrows Road
ALEXANDRIA NSW 2015

Service: By express post and by email

21 March 2024

Building Work Rectification

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

Maroubra Living Pty Ltd (ACN 615 115 930) is being given this Building Work Rectification Order (Order) in relation to 128A Garden Street Maroubra NSW 2035 (SP100051).

Maroubra Living Pty Ltd (ACN 615 115 930) is required to cause building work to be carried out to remediate the serious defects set out in 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 **Maroubra Living Pty Ltd (ACN 615 115 930)** to do the things specified in column 4 in Table 1 to eliminate, minimise or remediate each serious defect at 128a Garden St Maroubra NSW 2035 (SP100051) 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.	Level 8 Rooftop	<p>The following observations were made:</p> <ol style="list-style-type: none"> 1. Inadequate falls to roof membrane. 2. Localised ponding water observed to common roof area from leaking hot water system and inadequate falls of rooftop above Unit 29 where water leak in entrance suspended ceiling below was observed. 3. Rooftop fence posts were observed to be inadequately sealed at their fixing points into the rooftop slab. No membrane upturn, or waterproof seal to these fixings could be observed. 	<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 - 4 Months</p>

Serious defect reference number	Location of serious defect	General description of serious defect	Requirement	Time for compliance with requirement
2.	Level 8 Rooftop	Delaminated membrane and inadequate turn up of membrane to hobs enabling water ingress to habitable 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 - 4 Months</p>
3.	Level 8 Rooftop	Inadequate falls to roof membrane enabling large volumes of water ponding.	<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 - 4 Months</p>
4.	Level 8 Rooftop	Multiple penetrations to roof membrane with inadequate waterproofing upturn.	<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 2 - 4 Months
5.	Level 8 Rooftop	Substrate not smooth and inadequate to accept the application of the liquid applied waterproof membrane.	<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 - 4 Months</p>
6.	Basement carpark levels 1 to 4	Perimeter drains to some levels of the basement car park and to all levels of the fire stair walls are absent enabling water ingress and accumulation.	<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 - 4 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>	
7.	External balconies to some sole occupancy units and Level 2 Podium terrace	No visible overflow provisions enabling water to sole occupancy units and podium terrace.	<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 - 4 Months</p>
8.	Rooftop, podium and balconies	<p>The following observations were made:</p> <ol style="list-style-type: none"> 1. No evidence of a waterproofing membrane terminating a minimum 100 mm above the soil level within the rooftop planter boxes. 2. No planter box overflow provisions have been 	<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 - 4 Months</p>

Serious defect reference number	Location of serious defect	General description of serious defect	Requirement	Time for compliance with requirement
		installed. 3. There does not appear to be any membrane applied to the outer face of the cement render lining to prevent water related damage to the finished surfaces	Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
9.	Level 3 sole occupancy unit toilet/bathroom	The horizontal floor surface does not have adequate falls to the drainage outlet/s causing accumulation of excess water throughout the area.	<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 - 4 Months</p>
10.	Level 3 sole occupancy unit living area and bedroom	<p>The following observations were made:</p> <ol style="list-style-type: none"> 1. Visual water damage outside Unit 10's bedroom ensuite bathroom. 2. Bathroom membrane visually appeared to be a satisfactory condition with no evidence of active leaks. 3. An inspection hole in adjacent study nook room behind the ensuite vanity 	<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 - 4 Months</p>

Serious defect reference number	Location of serious defect	General description of serious defect	Requirement	Time for compliance with requirement
		<p>was observed to be cut into the stud wall by Others prior to the inspection.</p> <p>4. Upon viewing the inspection hole, an approx. 50mm diameter PVC bathroom service pipe, believed to be servicing the vanity was observed in the area of concern.</p> <p>5. Water staining was observed to the floor in the stud wall in the vicinity of the pipework. No active leak was observed.</p>		
11.	Corridor Level 1 Basement / Ground Floor Common Area	Emergency exit signage was missing or not visible	<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 – 4 Months</p>
12.	Fire Pump Room Basement / Ground Floor Common Area	The path of travel clearance between equipment, services and walls is less than 1m.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p>	<p>Stage 1 - 2 Months</p> <p>Stage 2 - 2</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>	Months
13.	Stairs (Fire Isolated) All Levels	fire door frames were hollow when tapped indicating voids exist in the grout behind the frames that are not solid core filled.	<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>
14.	Stairs (Fire Isolated) All Levels	Fire door certification tags are incomplete.	<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</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
			the written report and designs provided at stage 1.	
15.	Stairs (Fire Isolated) all Levels	Fire doors are undersized and fitted with large gaps exceeding 3mm around the perimeter, including the base of the door where gaps are up to approximately 13mm.	<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>
16.	Electrical (EDB Sub) Room / Cupboard all Levels	Multiple electrical service cupboards in the corridor path of travel to all levels are not adequately smoke sealed.	<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.	Whole of building	Multiple penetrations throughout the whole property do not have adequate fire protection.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify</p>	<p>Stage 1 - 2 Months</p> <p>Stage 2 - 2</p>

Serious defect reference number	Location of serious defect	General description of serious defect	Requirement	Time for compliance with requirement
			<p>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>	Months
18.	Basement 3 stairs (Fire Isolated)	The fire door is not of fire resistant construction suitable for the protection required.	<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>
19.	Ground Floor Hydrant Booster / Sprinkler Valve Room	The fire hydrant booster valve steel pipework installed is not adequately protected from damage by fire through a fire rated wall.	<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.	
20.	Ground Floor Waste Storage / Chute Room	The service riser shaft which extends from the basement to the roof has not been enclosed.	<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>
21.	Level 5 stairs (Fire Isolated)	The stairway has not been provided with slip resistant nosing strips.	<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>
22.	Level 8 Rooftop	Excessive cracking in the rooftop concrete slab.	<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 - 3 Months
23.	Ground Floor and Basement carpark level 2	Areas of the concrete slab have segregation and honeycombing due to insufficient vibration or compaction.	<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>
24.	Basement 1 carpark stairs (Fire Isolated)	Dintel concrete wall construction on the underside of the concrete fire stair has voids and damage.	<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</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
			the written report and designs provided at stage 1.	
25.	Various rooms in Level 7 sole occupancy unit	No glazing certificate and glazing to windows and doors throughout the unit do not have labelling to confirm compliance.	<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.	Level 2 northern side	Damaged wall panel at junction of the external rendered Hebel cladding allowing water ingress.	<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 - 4 Months</p>

Serious defect reference number	Location of serious defect	General description of serious defect	Requirement	Time for compliance with requirement
27.	Northern, Southern and Eastern side all levels	Weepholes/pressure equalisation slots are not installed at intervals as per manufacturer's recommendations or have been painted over or sealed.	<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 - 4 Months</p>
28.	Living area of sole occupancy unit on Level 3	Non-compliant window system allowing uncontrolled water ingress which has caused staining 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 2 - 4 Months</p>

29.	Bedroom on southern side of sole occupancy unit on Level 4	Water ingress at the wall/ floor junction of the external cladding and the concrete floor slab.	<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 - 4 Months</p>
30.	Level 1 Front Driveway Entry	There is no sign indicating the location of the main switchboard at any of the entry points or the fire indicator panel.	<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.	Level 1 Electrical Meter / Distribution Board (Main) Room	<p>1. Inadequate clearance between main switchboard and other electrical switchboards and equipment in the main switchboard room.</p> <p>2. Obstructions within 600mm of the main switchboard.</p>	<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>

32.	Level 1 Cold Water Pump Room	The cold water Pump Room vents to the car park area and not to natural or mechanical ventilation, resulting in recirculation of the car park air and inadequate fresh air intake.	<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>
33.	Level 8 Rooftop	<p>1. Inadequate sealing and UV protection of refrigeration piping to air conditioning condenser units on the rooftop.</p> <p>2. Refrigeration piping is unsealed in some areas, inadequately protected, and insulation is damaged.</p>	<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>

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
Assistant Building Commissioner
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, Building Commission NSW, Department of Customer Service, is an authorised delegate of the Secretary of the Department.
12. **Maroubra Living Pty Ltd (Developer)** is the developer of the residential apartment building known as **128A Garden Street Maroubra NSW 2035 (SP100051) (the Development)** for the purposes of section 4(a) of the RAB Act.
13. The Development is comprised of residential dwellings (building classification 2 of the BCA), and basement carpark (building classification 7a of the BCA) as well as retail premises (building classification 6 of the BCA). As the Development is a building that includes a part that is classified as a class 2 component of the BCA, the Act applies to building work at the Development.
14. On 14 June 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 20 June 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 – Requirement in relation to specified standard

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
1.	Waterproofing systems	Inadequate falls and sealing of fixtures allowing water ingress and ponding causing unhealthy or dangerous conditions, loss of amenity for occupants and undue dampness or deterioration of building elements.	The inadequate falls and water ponding is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that horizontal areas have adequate falls to drainage, waterproof membranes are watertight and uncompromised, and penetrations are sealed.	<ul style="list-style-type: none"> • Australian Standard AS4654.2 Waterproofing membranes for external above-ground use Design and installation, Section 2 Design and installation, 2.8 Termination of membranes, 2.8.4 penetrations. • Australian Standard 4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.5 Substrate, 2.5.2 Falls. • Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4. • Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4
2.	Waterproofing systems	Delaminated waterproof membrane and inadequate turn up of membrane to hobs allowing water ingress causing unhealthy or dangerous conditions, loss of amenity for occupants and undue dampness or deterioration of building elements.	The delamination of waterproofing membrane and inadequate upturns is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that waterproof membranes are watertight and uncompromised.	<ul style="list-style-type: none"> • Australian Standard AS4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.5 Substrate, 2.5.3.1 Fully bonded or liquid-applied. • Australian Standard AS4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of membranes, 2.8.1.1 Height. • Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				provision F1.4. <ul style="list-style-type: none"> Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
3.	Waterproofing systems	Inadequate falls allowing water ingress and ponding causing unhealthy or dangerous conditions, loss of amenity for occupants and undue dampness or deterioration of building elements.	The inadequate falls and water ponding is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that horizontal areas have adequate falls to drainage.	<ul style="list-style-type: none"> Australian Standard 4654.2, Waterproofing Membranes for External Above Ground Use Design and Installation, Clause 2.5.2. Australian Standard 4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls. Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4. Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
4.	Waterproofing systems	Multiple rooftop penetrations have an inadequate waterproofing upturn detail.	The inadequate upturn to penetrations are attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that waterproof membranes are watertight and uncompromised, and penetrations are sealed.	<ul style="list-style-type: none"> Australian Standard AS4654.2 Waterproofing Membranes for External Above Ground Use Design and Installation, Section 2 Design and installation, Figure 2.10 note 1.

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
5.	Waterproofing systems	Substrate insufficiently smooth and not adequate to accept the application of the liquid applied waterproof membrane.	The inadequate substrate is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that waterproof membranes are watertight and uncompromised.	<ul style="list-style-type: none"> Australian Standard AS4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.5 Substrate, 2.5.3.1 Fully bonded or liquid-applied. Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4. Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
6.	Waterproofing systems	Perimeter drains to some levels of the basement car park and to all levels of the fire stair walls are absent.	The absence of perimeter drainage is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that a drainage system for the disposal of surface water must convey surface water to an appropriate outfall; and avoid surface water damaging the building.	<ul style="list-style-type: none"> Australian Standard AS/NZS3500.3:2015, Plumbing and drainage – Stormwater drainage, Section 6 Surface and subsoil drainage systems installation, 6.4 Subsoil drains, Clause 6.4.1 General. Australian Standard AS/NZS3500.3 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.1 Stormwater drainage. Deemed-to-Satisfy provision F1.1 is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements FP1.3.

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
7.	Waterproofing systems	Multiple external balconies and external areas have no overflow provisions installed.	The absence of overflows are attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that a drainage system for the disposal of surface water must convey surface water to an appropriate outfall; and avoid surface water damaging the building.	<ul style="list-style-type: none"> • Australian Standard AS/NZS3500.3 Plumbing and Drainage. Part 3: Stormwater drainage, Section 3.8 Balcony and Terrace Areas, • Australian Standard AS/NZS3500.3 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface Drainage Systems –Design, Clause 5.3.1.1 Roof areas, • Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed to Satisfy Provision F1.0, Performance Requirement FP1.4.
8.	Waterproofing systems	Inadequate waterproofing membrane in planter boxes and no planter box overflow provisions allowing water ingress and accumulation causing unhealthy or dangerous conditions, loss of amenity for occupants and undue dampness or deterioration of building elements, and no membrane applied to the outer face of the cement render lining to prevent water related damage to the finished surfaces of the building.	The inadequate planter box construction is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that waterproof membranes are watertight and uncompromised and penetrations are sealed.	<ul style="list-style-type: none"> • Australian Standard AS4654.2: Waterproofing membranes for external above ground use: Section 2 – Design and Installation, 2.13 Planter Boxes. • Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4. • Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
9.	Waterproofing systems	Horizontal floor surfaces have inadequate falls to the drainage outlet/s allowing accumulation of excess water.	Accumulation of excess water is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that horizontal areas have adequate falls to drainage.	<ul style="list-style-type: none"> • Australian Standard 3740- Waterproofing of domestic wet areas, Section 3 Installation, 3.3 Falls in floor finishes. • Australian Standard 4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls.
10.	Waterproofing systems	Uncontrolled water ingress causing unhealthy or dangerous conditions, loss of amenity for occupants and undue dampness or deterioration of building elements.	Uncontrolled water ingress is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that adequate measures are taken to prevent water ingress and leakage.	<ul style="list-style-type: none"> • Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
11.	Fire Safety Systems	Emergency exit signage is missing or not visible which does not adequately facilitate the ability of occupants to safely evacuate the building quickly In case of fire.	Failure to adequately facilitate the ability of occupants to safely evacuate the building quickly In case of fire is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among	<ul style="list-style-type: none"> • Building Code of Australia (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 is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section E Services and equipment, Performance Requirement EP4.2 Identification of exits.

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			other things that an exit sign must be clearly visible to persons approaching the exit.	
12.	Fire Safety Systems	The path of travel clearance between equipment, services and walls in the Pump Room is less than 1m causing restricted egress in case of fire.	The insufficient width to egress is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things clear paths of safe egress in case of fire.	<ul style="list-style-type: none"> Australian Standards 2941 – Fixed fire protection installations – Pumpset Systems, Section 11 Siting and installation, 11.3 Location. Building Code of Australia (BCA) Volume One, Part D1: Provision for escape, D1.6
13.	Fire Safety Systems	Multiple fire door frames on all levels are hollow causing a fire hazard by allowing the spread of fire.	The hollow fire door frames are attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things installation of adequate fire-resisting sealing, and protection of openings and penetrations, to the degree necessary to avoid the spread of fire and achieve the required FRL.	<ul style="list-style-type: none"> Australian Standard AS1905.1- Components for the protection of openings in fire-resistant wall Part 1: Fire resistant door sets, Section 5 Installation, 5.3 Metal doorframes in masonry walls, 5.3.2 Backfilling of metal door frames. Australian Standard AS1905.1 appears as a standard referenced in the Building Code of Australia (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 shutters, Clause 2. Fire doors, is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP2

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
14.	Fire Safety Systems	Fire doors have incomplete fire certification tags.	Failure to correctly attach certification tags to fire doors is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that fire doors be labelled with appropriate fire rating information.	<ul style="list-style-type: none"> • Australian Standard 1905.1-2005 Components for the protection of openings in fire- • resistant walls – Fire-resistant door sets, Section 6 Marking and other documentation, 6.1 Marking of fire resistant door sets, 6.1.4 Information requirements. • Australian Standard AS 2419.1 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section C Fire Resistance, Specification C3.4 Fire Doors, Smoke Doors, Fire Windows and Shutters, 2 Fire Doors.
15.	Fire Safety Systems	Fire doors are undersized with large gaps exceeding allowed limits around the perimeter causing a fire hazard by allowing the spread of fire.	The excessive gaps to the perimeter of the fire doors is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things installation of adequate fire-resisting sealing, and protection of openings and penetrations, to the degree necessary to avoid the spread of fire and achieve the required FRL.	<ul style="list-style-type: none"> • Australian Standard AS1905.1- Components for the protection of openings in fire-resistant wall Part 1: Fire resistant door sets, Section 5 Installation. • Australian Standard AS1905.1 appears as a standard referenced in the Building Code of Australia (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 shutters, Clause 2. Fire doors, is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP2.
16.	Fire Safety Systems	Multiple electrical service cupboards on all levels in	The inadequate smoke sealing allowing the spread	<ul style="list-style-type: none"> • Building Code of Australia (BCA - 2016) Volume One, Section D Access and Egress,

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		the corridor path of travel have not been smoke sealed.	of smoke is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things clear paths of safe egress in case of fire.	Clause D2.7 Installations in exits and paths of travel.
17.	Fire Safety Systems	Multiple penetrations throughout the whole property have not been adequately fire protected.	The inadequate fire protection to penetrations are attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things installation of adequate fire-resisting sealing, and protection of openings and penetrations, to the degree necessary to avoid the spread of fire and achieve the required FRL.	<ul style="list-style-type: none"> • Building Code of Australia (BCA) Volume One, Section C Fire Resistance, Performance Requirements <ul style="list-style-type: none"> - CP2 Spread of fire, - CP8 Fire protection of openings and penetrations, - Part C3 Protection of openings, Deemed-to-Satisfy provisions: - C3.12 Openings in floors and ceilings for services - C3.15 Openings for service installations - C3.16 Construction joints • Deemed-to-satisfy provision C3.15 Openings for service installations is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP8.
18.	Fire Safety Systems	Basement 3 fire door is not of suitable fire resisting construction causing a fire hazard by allowing the spread of fire.	Fire hazards such as inadequately protected openings allowing the spread of fire is attributable to the failure to comply with the Building Code and	<ul style="list-style-type: none"> • Australian Standard AS1905.1- Components for the protection of openings in fire-resistant wall Part 1: Fire resistant door sets, Section 5 Installation. • Australian Standard AS1905.1 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section C Fire

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			Australian Standards referenced in column 5 which requires among other things installation of adequate fire-resisting sealing, and protection of openings and penetrations, to the degree necessary to avoid the spread of fire and achieve the required FRL.	<p>resistance, Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors.</p> <ul style="list-style-type: none"> Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors, is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP2.
19.	Fire Safety Systems	The fire hydrant booster valve steel pipework in the Hydrant Booster / Sprinkler Valve Room is not adequately protected from damage by fire.	Failure to adequately protect fire-fighting plant and equipment from damage by fire is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that fire-fighting plant and equipment must be protected from damage by fire so as to provide a fire hydrant system necessary to facilitate the needs of the fire brigade.	<ul style="list-style-type: none"> Building Code of Australia (BCA - 2016) Volume One, Section C Fire Resistance, Part 3 - Protection of openings, C3.15 Openings for service
20.	Fire Safety Systems	The service riser shaft which extends from the basement to the roof has	Fire hazards such as unprotected openings allowing the spread of fire	<ul style="list-style-type: none"> Building Code of Australia (BCA) Volume One, Section 3 Fire resistance, Specification C1.1 Fire-resisting construction, Deemed-to-

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		not been enclosed, causing a fire hazard by allowing the spread of fire.	is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things installation of adequate fire-resisting sealing, and protection of openings and penetrations, to the degree necessary to avoid the spread of fire and achieve the required FRL.	<p>satisfy provision General requirements, 2.7 Enclosure of shafts.</p> <ul style="list-style-type: none"> Deemed-to-satisfy provision 2.7 Enclosure of shafts, is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP2.
21.	Fire Safety Systems	Fire stairs have not been provided with slip resistant nosing strips causing a safety hazard.	Missing nosing strips is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that slip resistant nosing strips must be applied to avoid slip hazards.	<ul style="list-style-type: none"> Building Code of Australia (BCA) Volume One, Section D – Access and egress – D2.13 Going and risers
22.	Structural Systems	Excessive uncontrolled cracking in the rooftop concrete slab.	Excessive uncontrolled cracking in concrete 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 3600-2009 Concrete structures, Section 2 Design procedures, actions and loads, 2.3, Design for serviceability, 2.3.3, Cracking. Australian Standard AS3600 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section B

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			which requires among other things that cracking in concrete structures must be controlled so that structural performance, durability and appearance of the structure are not compromised	Structure, Deemed-to-Satisfy provision B1.4 Determination of structural resistance of materials and forms of construction
23.	Structural Systems	Areas of the concrete slab have not been properly vibrated or compacted which has created areas of segregation and honeycombing.	Segregation and honeycombing is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that concrete must be handled, placed and compacted as to limit segregation or loss of materials and provide the specified finish to the formed surfaces and preserve structural integrity.	<ul style="list-style-type: none"> Australian Standard AS3600 Concrete Structures, <ul style="list-style-type: none"> 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 Section 17 - Materials and construction requirements, 17.1.7- Rejection of concrete, 17.1.7.2 Hardened concrete, Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete
24.	Structural Systems	Poorly formed and cured concrete to the underside of the Basement 1 fire stairs.	Poorly formed and cured concrete is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that concrete	<ul style="list-style-type: none"> Australian Standard AS3600 Concrete Structures - Section 4 – Design for durability; Australian Standard AS3600 Concrete Structure - Section 17 - Materials and construction requirements.

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			must be handled, placed and compacted as to limit segregation or loss of materials and provide the specified finish to the formed surfaces and preserve structural integrity.	
25.	Building Enclosure	No compliance labelling or certificate of compliance for glazing.	Absence of compliance labelling or a certificate of compliance is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that windows and external glazed doors have compliance labelling or acceptable alternative certification.	<ul style="list-style-type: none"> Australian Standard AS2047. Windows and External Glazed Doors in Buildings section 8 Labelling and Certificate.
26.	Building Enclosure	Water ingress through a damaged wall panel causing unhealthy or dangerous conditions, loss of amenity for occupants and undue dampness or deterioration of building elements.	Water ingress causing unhealthy or dangerous conditions, loss of amenity for occupants and undue dampness or deterioration of building elements is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5	<ul style="list-style-type: none"> Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			which requires among other things that buildings be weatherproof.	
27.	Building Enclosure	Weepholes/pressure equalisation slots were not installed at intervals as per manufacturer's recommendations or painted over or sealed leading to retention of moisture causing unhealthy or dangerous conditions, loss of amenity for occupants and undue dampness or deterioration of building elements.	The absence of pressure equalisation slots is attributable to failure to comply with the the manufactures guide to installation referenced in column 5 which requires among other things that weepholes/pressure equalisation slots are installed at intervals as per manufacturer's recommendations and not blocked.	<ul style="list-style-type: none"> The installation of the external 'CSR Hebel' wall cladding system is not relatable to a relevant Australian Standard, not is it considered a Deemed to-Satisfy provision demonstrating compliance to the Building Code of Australia (BCA) Volume One. The design, consideration for adoption and installation therefore must be capable of demonstrating compliance to the Performance Requirements of the BCA Volume One. The pathway to demonstrate compliance with the BCA Volume One falls to the manufacturer's requirements including - CSR Hebel – High Rise Facades – Design and Installation Guide.
28.	Building Enclosure	Water ingress causing unhealthy or dangerous conditions, loss of amenity for occupants and undue dampness or deterioration of building elements.	Water ingress is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that buildings be weatherproof.	<ul style="list-style-type: none"> Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing.
29.	Building Enclosure	Water ingress causing unhealthy or dangerous conditions, loss of amenity for occupants and	Water ingress is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5	<ul style="list-style-type: none"> Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing.

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		undue dampness or deterioration of building elements.	which requires among other things that buildings be weatherproof.	
30.	Building Essential Services	There is no sign indicating the location of the main switchboard at any of the entry points or the fire indicator panel	The inadequate installation of a sign identifying the location of the main switchboard is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that there must be a sign indicating the location of the main switchboard at the entry points and the fire indicator panel.	<ul style="list-style-type: none"> Australian Standard AS3000:2007 - Wiring Rules, Section 2 - General Arrangement, Control and Protection, Section 2.9 - Switchboards, Clause 2.9.2.4 - Identification of main switchboard.
31.	Building Essential Services	Inadequate clearance and obstructions between main switchboard and other electrical switchboards and equipment in the main switchboard room.	Inadequate clearance and obstructions between switchboard and other electrical equipment is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that safe clearance to allow proper access to electrical	<ul style="list-style-type: none"> Australian Standard AS 3000 – 2007 Electrical Installations “Wiring Rules”– Clause 2.9.2.2

Serious defect reference number	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			installations must be maintained.	
32.	Building Essential Services	In adequate supply air to Cold Water Pump Room resulting in recirculation of the car park air.	In adequate supply air is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that air in buildings must be circulated to natural or mechanical ventilation	<ul style="list-style-type: none"> • Australian Standard AS1668.2 2012 – Mechanical Ventilation In Buildings, Section 2.3: Outdoor Air intake, and, • Australian Standard AS1668.2 2012 – Mechanical Ventilation In Buildings, Section 3.8: Replenishment of Exhaust Air.
33.	Building Essential Services	Inadequate sealing and UV protection of refrigeration piping to air conditioning condenser units	The inadequate sealing and protection of the rooftop air conditioning refrigeration pipes is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that air conditioning refrigeration pipes must be a sealed and insulated.	<ul style="list-style-type: none"> • Building Code of Australia (BCA - 2016) Volume One, Section J: Energy Efficiency, Part J5 - Air conditioning and Ventilation systems, Clause J5.2 - Air-conditioning systems.

18. I am aware that the Development is occupied and this 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 33 (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.
19. 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.
20. 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.
21. 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.
22. 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.

Consideration of written representations

23. On 6 November 2023 a notice of intention to issue a building work rectification order, including a draft copy of the Order, was served on the Developer, Local Council, Certifier and Owners Corporation. The served parties were invited to provide representations by 27 November 2023. The following was received:
 - (a) A written response from Owners Corporation on 8 November 2023 attaching expert reports on general and building defects, defect list reports and remedial engineering scope of works ("**OC Documents**") that it wishes to be included in any rectification order made.
 - (b) No Responses from other parties were received.
24. I make the following observation in relation to the Owners Corporation Representation:

- i. I acknowledge that the Owners Corporations seeks that the OC Documents be included in the Order but only serious defects as defined in the Residential Apartment Buildings (Compliance and Enforcement Powers) Act can be included in this Order.
- ii. I am of the view that the serious defects as set out in this Order are appropriate.

Why is it appropriate to give the Building Work Rectification Order?

- 25. Considering the potential consequences as outlined in this order, I give greater weight to the seriousness of the defects and failure to adhere to the Australian Standards and Building Code of Australia, and the benefits arising from remediating them and I find that it is appropriate, in the exercise of my discretion, to require Maroubra Living Pty Ltd to carry out the building work described, within the period specified in the above Order.
- 26. I have considered and accept that the Order requires considerable further construction work that is 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 occupiers at the development in having the building constructed to the Building Code of Australia and Australian Standards. Considering the potential consequences as outlined in my reasons and the order, I give greater weight to the seriousness of the defect and failure to adhere to the Building Code of Australia, Australian Standards and the benefits arising from remediating the defects and I find that it is appropriate, in the exercise of my discretion, to make the building work rectification order to carry out the building work described above within the specified period.

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,
 - the Registrar-General,
 - 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—
 - (i) is attributable to defective design, defective or faulty workmanship or defective materials, and
 - (ii) causes or is likely to cause—
 - (A) the inability to inhabit or use the building (or part of the building) for its intended purpose, or
 - (B) the destruction of the building or any part of the building, or
 - (C) a threat of collapse of the building or any part of the building, or
- (c) a defect of a kind that is prescribed by the regulations as a serious defect, or
- (d) 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,
 - (b) waterproofing,
 - (c) 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),
 - (d) a component of a building that is part of the building enclosure,
 - (e) those aspects of the mechanical, plumbing and electrical services for a building that are required to achieve compliance with the Building Code of Australia,
 - (f) 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,
- (b) 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,
- (c) the principal contractor for the building work within the meaning of the Environmental Planning and Assessment Act 1979,
- (d) 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,
- (e) 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
 - (b) 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).