

Attn: Proper Officer
Viewland Developments Pty Ltd
ACN 168 037 492
42 Llandilo Avenue
STRATHFIELD NSW 2135

Service: By Express post and email

DATE: 9 April 2024

Building Work Rectification Order

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

Viewland Developments Pty Ltd (ACN 168 037 492) is being given this Building Work Rectification Order (Order) in relation to 585-589 Canterbury Rd, Belmore NSW 2192 (SP90861).

Viewland Developments 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.

Background

1. The Department of Customer Service (**the Department**) administers the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 (the Act)*.
2. Under section 33 of the 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 to the Building, they may order the developer to rectify building work to remediate the serious defect or potential defect.
3. Section 3 of the Act defines a serious defect. Section 3 of the Act also defines the term “building element” by reference to the *Design and Building Practitioners Act 2020 (DBP Act)*. Section 4 of the Act defines the term “developer”. Section 6 of the Act provides the building work to which the Act applies. Relevant excerpts from sections 3, 4 and 6 of the Act and section 6 of the DBP Act are set out in **Attachment A** to this order.
4. Elizabeth Stewart, Department of Customer Service is an authorised delegate of the Secretary of the Department.
5. Viewland Developments Pty Ltd (ACN 168 037 492) is the developer of the residential apartment building known 585-589 Canterbury Rd, Belmore NSW 2192 (SP90861) (**the Development**) for the purposes of section 4(a) of the Act.
6. The Development comprises carparking, retail and residential units. The Act applies to building work at the Development because it is a class 2 Development, is currently occupied and less than 10 years old.
7. On 17 April 2023, with the consent of the owners corporation, a third party consultant engaged by the Department attended the Building (**Investigator**). The Investigator prepared a report on serious defects in the Building (**Inspection Report**).

Requirements in relation to Serious Defects

8. I, Elizabeth Stewart, under section 33 of the Act, require you Viewland Developments Pty Ltd (ACN 168 037 492) to do the things specified in column 4 in Table 1 to eliminate, minimise or remediate each respective serious defect 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 3 Carpark – Storage Cages	Stormwater is not being discharged and is collecting on the slab surface and in the drainage channel.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture’s recommendation. <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings 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.	Tower 1 – Level 4 Tower 2 – Level 4	Inadequate termination of the waterproofing membrane in the perimeter hob and walls of the external roof.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture’s recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings 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
3.	Eastern Courtyard – Ground Level Basement Carpark 2 – Adjacent Storage Cages and Car Space 64 & 8	The horizontal floor surfaces do not have an adequate slope to the drainage outlet/s causing accumulation of excess water throughout the area.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture’s recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings 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
4.	Eastern Courtyard – Ground Level	<ol style="list-style-type: none"> 1. There does not appear to be any membrane applied to the top or outer face of the planter walls to prevent water ingress into the wall. 2. Inadequate installation of the protection board in the planter boxes. 3. No over flashing was installed between the planter walls and the walls of the building. 	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ol style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture’s recommendation. <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings 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
5.	Northern Courtyard – Ground Level	There are no adequate waterproofing upturns along the perimeter walls of the courtyard.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture’s recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	<p>Stage 1 – 2 months</p> <p>Stage 2 – 4 months</p>
6.	Northern Courtyard – Ground Level	1. No over-flashing was installed between the planter walls and the walls of the building.	<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
		<ol style="list-style-type: none"> 2. Inadequate installation of the protection board in the planter boxes. 3. No membrane appears to be applied to the top or outer face of the planter box walls to prevent water ingress into the wall. 4. Efflorescence and water egress from the planter box. High moisture readings were measured at the base of the external face of the planter box. 	<p>Submit a written report and drawings prepared for the raised defect email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ol style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	<p>Stage 2 – 4 months</p>
7.	Ground floor to Level 5, multiple locations Fire pillows/service penetrations	<ol style="list-style-type: none"> 1. Fire pillows protecting service penetrations through fire rated concrete slabs are installed/stacked in the (incorrect) direction, 	<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>

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		<p>and no fire rated sealant is applied.</p> <p>2. Additionally, the installation may not achieve integrity fire resistance FRL (refer to Flame stop Fire pillow-240 technical data sheet).</p>	<p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation. <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	
8.	Ground floor to Level 5, multiple locations Service penetrations	Missing and/or inadequate protection of service penetrations passing through fire-rated concrete slabs and fire rated walls.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised 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>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	
9.	Basement carpark levels B3-B1, multiple locations Service penetrations	<p>Missing and/or inadequate protection of service penetrations passing through fire-rated concrete slabs and fire rated walls.</p> <p>The basement carparks have been treated as 3 separate fire compartments (to negate the need to install sprinklers) and therefore penetrations in all intervening concrete slabs are required to be</p>	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect to via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p>	<p>Stage 1 – 2 months</p> <p>Stage 2 – 2 months</p>

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		protected including in lower basements B3 and B2.	v) be prepared by a suitably qualified and registered specialist vi) be prepared with consideration to this Order and the Reasons for this Order vii) detail the specific building work necessary to meet the codes and relevant standard viii) be prepared with consideration to relevant design and installation specification and manufacture's recommendation Stage 2. Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
10.	Ground floor- Level 5, multiple locations Walls between public corridors and apartments	1. Damage to, defective installation of, and/or gaps between lightweight (Hebel) fire rated walls and fire rated concrete slabs.	Within the time period specified in column 5: Stage 1. Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au The written report required to be submitted must: i) be prepared by a suitably qualified and registered specialist	Stage 1 – 2 months Stage 2 – 2 months

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			<ul style="list-style-type: none"> ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	
11.	All levels, multiple locations Fire doors	<ul style="list-style-type: none"> 1. Large gaps of more than 10mm underneath fire doors. 2. Substantially hollow fire door frames. 3. Tags are missing and/or glued (not mechanically fixed) to fire door frames and fire door leaves 	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order 	<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
			<ul style="list-style-type: none"> iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	
12.	Basement levels B3-B1 Fire shutters	<ol style="list-style-type: none"> 1. Fire Engineering Report No. F15-003, Issue V4, dated 23/08/2016 permitted the use of wall wetting sprinklers on basement carpark fire shutters (2 fire shutters) in lieu of having an insulation fire resistance. This report requires (among other things) that the wall wetting drenchers to comply with AS 2118.2-2010. 2. The wall wetting drenchers do not meet the requirements of AS 2118.1- 2010, including in relation to the following: a. Drenchers are installed 	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard 	<p>Stage 1 – 2 months</p> <p>Stage 2 – 2 months</p>

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		<p>more than 300mm (1.2m or more) from the face of the fire shutter. Drenchers are more than 1.25m horizontally from the edges of the opening(s) protected by fire shutters. This is due to the width of the openings (which exceed 6m) and that only 2 drenchers are installed on each side of the fire shutter.</p>	<p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	
13.	Light wells (ground floor)	<ol style="list-style-type: none"> 1. Fire Engineering Report No. F15-003, Issue V4, dated 23/08/2016 requires all openings from the public corridor into the lightwells to have an FRL of - /90/90. 2. Notwithstanding the above, doorways between the public corridors and the lightwells are fitted with non-fire-rated glass doors. 	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ol style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard 	<p>Stage 1 – 2 months</p> <p>Stage 2 – 2 months</p>

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			iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation Stage 2. Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
14.	All levels, multiple locations	The performance solution requirements for departures from the Deemed-to-Satisfy provisions of the BCA Volume One proposed in the Fire engineering report No. F15-003, Issue V4, dated 23/08/2016 applicable to the building have not been satisfied. These include: (i) C1.1 Type of construction required, (ii) C2.7 Separation by fire walls, Specification (iii) C1.1 Fire-resisting construction, (iv) C3.2 Protection of openings in external walls, (v) C3.5 Doorways in fire walls, (vi) D1.4 Exit travel distances, (vii) D1.5 Distance between alternative exits, and (viii) E1.3 Fire hydrants	Within the time period specified in column 5: Stage 1. Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au The written report required to be submitted must: i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation	Stage 1 – 2 months Stage 2 – 2 months

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		Furthermore, the building is also subject to another alternative (performance) solution report No. P2016_246-2 NM, dated 27/9/2016 to justify deviations from the Deemed to Satisfy (DTS) provisions of the NCC BCA Volume One, including (i) D1.6 Dimensions of exits and paths of travel to exits, and (ii) F3.1 Height of rooms and other spaces	Stage 2. Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
15.	Western fire isolated stairway	Adjacent stair risers between ground floor and level 1 have heights that varies by more than 5mm (35mm approximately).	Within the time period specified in column 5: Stage 1. Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au The written report required to be submitted must: i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard	Stage 1 – 2 months Stage 2 – 2 months

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			iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation Stage 2. Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
16.	Multiple locations Ground floor-Level 5 Systematic defect	A small step (~10-20mm) within the threshold of doorways to fire exit stairways.	Within the time period specified in column 5: Stage 1. Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au The written report required to be submitted must: <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation 	Stage 1 – 2 months Stage 2 – 2 months

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			Stage 2. Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
17.	All levels Fire hydrant outlets, multiple locations	Fire hydrants outlets, in multiple locations, are oriented towards the wall at an angle and therefore don't have adequate clearance of not less than 1m directly in front.	Within the time period specified in column 5: Stage 1. Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au The written report required to be submitted must: <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation Stage 2.	Stage 1 – 2 months Stage 2 – 2 months

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			Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
18.	Ground floor	Fire hydrant on ground floor is installed within the water meters cupboard with limited clearance.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings 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
19.	Basement levels	<ol style="list-style-type: none"> 1. Fire isolated stairways serving basement floors discharge into fire isolated passageways leading to the road. 2. Stair pressurisation system is only applied to the stairs but not to the fire isolated passageways that are part of the exit serving basement floors 	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ol style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	<p>Stage 1 – 2 months</p> <p>Stage 2 – 2 months</p>
20.	All levels, fire isolated exits	Doors to fire isolated exits are not provided with warning signs.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p>	Stage 1 – 2 months

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			<p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	Stage 2 – 2 months
21.	Eastern fire isolated passageway	Final exit door from the eastern fire isolated passageway is not provided with an exit sign.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 months</p> <p>Stage 2 – 2 months</p>

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22.	Ground floor – Level 5	Doors to electric and communication service cupboards in public corridors are not provided with smoke seals.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p>	<p>Stage 1 – 2 months</p> <p>Stage 2 – 2 months</p>

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			i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation Stage 2. Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
23.	This defect has been removed.			
24.	Level 4, eastern lift shaft	Large non-fire protected panel within the fire rated wall bounding lift shaft on level 4 of the eastern building part.	Within the time period specified in column 5: Stage 1. Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au The written report required to be submitted must:	Stage 1 – 2 months Stage 2 – 2 months

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25.	This defect has been removed.			
26.	Doorways adjacent fire isolated exits	Unable to determine type of detectors to activate stair pressurisation.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p>	<p>Stage 1 – 2 months</p> <p>Stage 2 – 2 months</p>

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27.	Throughout Basement Carparks and stairs (all elevations)	There are foreign objects embedded within the concrete slab and segregated concrete/honeycombing, which are surface defects in hardened concrete and will lead to the reduced service life of the concrete.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist 	<p>Stage 1 – 2 months</p> <p>Stage 2 –3 months</p>

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28.	Basement Carparks – Multiple Locations	Cracks in the concrete soffit (i.e. underside) and slabs were seen in multiple locations.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order 	<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
			<ul style="list-style-type: none"> iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	
29.	Basement Carpark	Foreign objects (i.e. corroded nails) are embedded within the concrete slab, which are surface defects in hardened concrete and will lead to the reduced service life of the concrete.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard 	<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
			iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation Stage 2. Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
30.	Basement 2 Carpark – Adjacent Car Space 51	1. Substantial damage/cracks in the concrete slab floor surface. 2. Embedded object and cracks in the concrete wall.	Within the time period specified in column 5: Stage 1. Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au The written report required to be submitted must: <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation 	Stage 1 – 2 months Stage 2 –3 months

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			Stage 2. Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
31.	Basement 1 Carpark – Adjacent Car Space 9	Exposed and unprotected reinforcement was protruding outside the concrete slab in the basement.	Within the time period specified in column 5: Stage 1. Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au The written report required to be submitted must: <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard. iv) be prepared with consideration to relevant design and installation specification and manufacture’s recommendation Stage 2.	Stage 1 – 2 months Stage 2 –3 months

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
32.	External Facade	Cracks in multiple locations across the external facades.	<p>Within the time period specified in column 5:</p> <p>Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation <p>Stage 2.</p>	<p>Stage 1 – 2 months</p> <p>Stage 2 – 4 months</p>

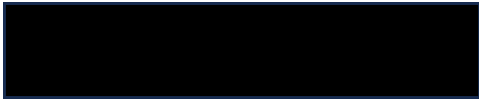
Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			Rectify the works in accordance with the specialist report and drawings provided at stage 1.	
33.	Lifts	Lift cars did not appear to be provided with emergency lights.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and drawings prepared for the raised defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> i) be prepared by a suitably qualified and registered specialist ii) be prepared with consideration to this Order and the Reasons for this Order iii) detail the specific building work necessary to meet the codes and relevant standard iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and drawings provided at stage 1.</p>	<p>Stage 1 – 2 months</p> <p>Stage 2 – 2 months</p>

Conditions of this Order

9. Making good any consequential damage caused in carrying out the works specified in this Order.
10. For any building work to address a serious defect in this Order you must comply with the requirements of the *Design and Building Practitioners Act 2020* (NSW).

Duration of this Order

11. This Order remains in force until it is revoked by the Secretary.



Elizabeth Stewart
A/Executive Director

Building Operations and Assistant Building Commissioner

Reasons for the Building Work Rectification Order

12. I, Elizabeth Stewart, have formed a reasonable belief that the Development has a serious defect based on the following.
13. I have formed this belief after reviewing an Inspection Report dated 13 June 2023 prepared by a third party consultant engaged by the Department, who conducted an inspection of the Development by consent of the owners corporation on 17 April 2023.
14. 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	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
1.	Waterproofing systems	Stormwater is not being discharged and is collecting on the slab surface and in the drainage channel.	The inadequate drainage installation within the basement 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/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 BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to Satisfy provision F1.1 Stormwater drainage
2.	Waterproofing systems	Inadequate termination of the waterproofing membrane in the perimeter hob and walls of the external roof.	The inadequate waterproofing membrane termination is attributable to the failure to comply with the	<ul style="list-style-type: none"> Standard AS4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			Australian Standards referenced in column 5.	Installation, 2.8 Termination of membranes, 2.8.1.1 Height
3.	Waterproofing systems	The horizontal floor surfaces do not have an adequate slope to the drainage outlet/s causing accumulation of excess water throughout the area.	The inadequate falls on the floor are 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 –2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout – General criteria • 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 BCA Volume One, Part F Damp and Weatherproofing, Performance Requirements FP1.3
4.	Waterproofing systems	<ol style="list-style-type: none"> 1. There does not appear to be any membrane applied to the top or outer face of the planter walls to prevent water ingress into the wall. 2. Inadequate installation of the protection board in the planter boxes. 3. No over flashing was installed between the 	The inadequate planter construction with the lack of adequate protection boards and non-compliant membrane termination detail is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Standard AS4654.2: Waterproofing membranes for external above ground use: Section 2 – Design and Installation, 2.13 Planter Boxes' • Australian Standard 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

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		planter walls and the walls of the building.		<ul style="list-style-type: none"> Australian Standard AS4654.2 appears as a standard referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4
5.	Waterproofing systems	There are no adequate waterproofing upturns along the perimeter walls of the courtyard.	Inadequate waterproofing terminations 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 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 AS/NZS3500.3 and Australian Standard Photograph 1.5.1 – General view of the courtyard. AS4654.2 appear as standards referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4
6.	Waterproofing systems	<ol style="list-style-type: none"> No over-flashing was installed between the planter walls and the walls of the building. Inadequate installation of the protection board in the planter boxes. No membrane appears to be applied to the top or outer face of the planter box walls to 	Inadequate waterproofing resulting in efflorescence and moisture egress from the planter boxes 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 AS4654.2: Waterproofing membranes for external above ground use: Section 2 – Design and Installation, 2.13 Planter Boxes Australian Standard 4654.2 Waterproofing membranes for external above-ground use – Design and installation, Section 2 Design and installation, 2.8

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		<p>prevent water ingress into the wall.</p> <p>4. Efflorescence and water egress from the planter box. High moisture readings were measured at the base of the external face of the planter box.</p>		<p>termination of membranes, 2.8.1 Upward terminations</p> <ul style="list-style-type: none"> Australian Standard AS4654.2 appears as a standard referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4
7.	Fire Safety Systems	<p>1. Fire pillows protecting service penetrations through fire rated concrete slabs are installed/stacked in the (incorrect) direction, and no fire rated sealant is applied.</p> <p>2. Additionally, the installation may not achieve integrity fire resistance FRL (refer to Flame stop Fire pillow-240 technical data sheet).</p>	Inadequate protection of service penetrations passing through fire rated elements is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, Part C3: Protection of Openings, C3.15 and Specification C3.15
8.	Fire Safety Systems	Missing and/or inadequate protection of service penetrations passing through fire-rated concrete slabs and fire rated walls.	Inadequate protection of service penetrations passing through fire rated elements is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, Part C3: Protection of Openings, C3.15 and Specification C3.15
9.	Fire Safety Systems	Missing and/or inadequate protection of service penetrations passing through	Inadequate protection of service penetrations passing through fire rated elements is attributable to the	BCA Volume One, Part C3: Protection of Openings, C3.15 and Specification C3.15

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		<p>fire-rated concrete slabs and fire rated walls.</p> <p>The basement carparks have been treated as 3 separate fire compartments (to negate the need to install sprinklers) and therefore penetrations in all intervening concrete slabs are required to be protected including in lower basements B3 and B2.</p>	<p>failure to comply with the Building Code referenced in column 5.</p>	
10.	Fire Safety Systems	<ol style="list-style-type: none"> 1. Damage to, defective installation of, and/or gaps between lightweight (Hebel) fire rated walls and fire rated concrete slabs (in addition to inadequate protection for service penetrations- refer to item 2.2 above). 2. It was not possible to verify whether the method of installation of Hebel panels followed the manufacturer's details, including in relation to fire sealant between Hebel panels and concrete floors. 	<p>Unprotected gaps/ joints between fire rated walls and fire rated floors, and damage to fire rated walls is attributable to the failure to comply with the Building Code referenced in column 5.</p>	<ul style="list-style-type: none"> • BCA Volume One, Part C1: Fire resistance and stability, Specification C1.1- Fire resisting construction • BCA Volume One, Part C3: Protection of Openings, C3.16
11.	Fire Safety Systems	<ol style="list-style-type: none"> 1. Large gaps of more than 10mm underneath fire doors. 	<p>Gap between fire door leaf and non-combustible threshold of more than 10mm is attributable to the failure to</p>	<ul style="list-style-type: none"> • Australian Standard AS 1905.1 Components for the protection of openings in fire resistant walls,

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		<ol style="list-style-type: none"> 2. Substantially hollow fire door frames. 3. Tags are missing and/or glued (not mechanically fixed) to fire door frames and fire door leaves 	<p>comply with the Building code and Australian Standards referenced in column 5.</p>	<p>Part 1: Fire-resistant doorsets, Section 5: Installation, Section 5.5</p> <ul style="list-style-type: none"> • Australian Standard AS 1905.1 Components for the protection of openings in fire resistant walls, Part 1: Fire-resistant doorsets, Section 5: Installation • Australian Standard AS 1905.1 Components for the protection of openings in fire resistant walls, Part 1: Fire-resistant doorsets, Section 6: Marking and other documentation • Australian Standard AS 1905.1 appears as a standard referenced in the BCA Volume One, Specification C3.4 Fire doors, smoke doors, fire windows and shutters
12.	Fire Safety Systems	<ol style="list-style-type: none"> 1. Fire Engineering Report No. F15-003, Issue V4, dated 23/08/2016 permitted the use of wall wetting sprinklers on basement carpark fire shutters (2 fire shutters) in lieu of having an insulation fire resistance. This report requires (among other things) that the wall wetting drenchers to 	<p>Drenchers more than 300mm from the surface of the fire shutter and more than 1.25m from the edges of the openings protected by fire shutters is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5.</p>	<ul style="list-style-type: none"> • Australian Standard AS 2118.2-2010 • Australian Standard AS 2118.2-2010 fails to comply with the Fire engineering report and therefore fails to comply with the NCC BCA Volume One, the Performance Requirements, including CP2 and EP1.4 • Performance Requirements fails to comply with NCC BCA Volume One, Part A0.

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		<p>comply with AS 2118.2-2010.</p> <p>2. The wall wetting drenchers do not meet the requirements of AS 2118.1- 2010, including in relation to the following: a. Drenchers are installed more than 300mm (1.2m or more) from the face of the fire shutter. Drenchers are more than 1.25m horizontally from the edges of the opening(s) protected by fire shutters. This is due to the width of the openings (which exceed 6m) and that only 2 drenchers are installed on each side of the fire shutter.</p>		
13.	Fire Safety Systems	<p>1. Fire Engineering Report No. F15-003, Issue V4, dated 23/08/2016 requires all openings from the public corridor into the lightwells to have an FRL of - /90/90.</p> <p>2. Notwithstanding the above, doorways between the public corridors and the</p>	Non-compliance with the requirements of the Fire engineering report is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, Part A0

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		lightwells are fitted with non-fire-rated glass doors.		
14.	Fire Safety Systems	The requirements of the Fire engineering report No: No. F15-003, Issue V4, dated 23/08/2016 applicable to the building have not been satisfied.	This failure is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Deemed to Satisfy (DTS) provisions of the NCC BCA Volume One, including: <ul style="list-style-type: none"> ○ C1.1 Type of construction required, ○ C2.7 Separation by fire walls, Specification ○ C1.1 Fire-resisting construction, ○ C3.2 Protection of openings in external walls, ○ C3.5 Doorways in fire walls, ○ D1.4 Exit travel distances, ○ D1.5 Distance between alternative exits, and ○ E1.3 Fire hydrants. • BCA Volume One, including: <ul style="list-style-type: none"> ○ D1.6 Dimensions of exits and paths of travel to exits, and ○ F3.1 Height of rooms and other spaces. • BCA Volume One, Part A0.
15.	Fire Safety Systems	Adjacent stair risers between ground floor and level 1 have heights that varies by more than 5mm (35mm approximately).	Height of risers exceeding 190mm and/or inconsistency in adjacent riser heights of more than 5mm is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, Part D2: Construction of exits, D2.13

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
16.	Fire Safety Systems	A small step (~10-20mm) within the threshold of doorways to fire exit stairways.	The step directly under or near the doorway is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, Part D2: Construction of exits, D2.15
17.	Fire Safety Systems	Fire hydrants outlets, in multiple locations, are oriented towards the wall at an angle and therefore don't have adequate clearance of not less than 1m directly in front.	Lack of minimum 1m clearance directly in front of hydrant outlet 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 • Australian Standard AS 2419.1 appears as a standard referenced in the NCC BCA Volume One, E1.3
18.	Fire Safety Systems	Fire hydrant on ground floor is installed within the water meters cupboard with limited clearance.	Locating fire hydrant outlet in service 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"> • Australian Standard AS 2419.1: Fire Hydrant Installations, Part 1- System design, installation and commissioning • Australian Standard AS 2419.1 appears as a standard referenced in the NCC BCA Volume One, E1.3
19.	Fire Safety Systems	<ol style="list-style-type: none"> 1. Fire isolated stairways serving basement floors discharge into fire isolated passageways leading to the road. 2. Stair pressurisation system is only applied to the stairs but not to the fire isolated passageways that are part of the exit serving basement floors 	Lack of stair pressurisation in the fire-isolated passageways that are part of the exits from the basement floors is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, Part E2: General requirements, Table E2.2a General provisions

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
20.	Fire Safety Systems	Doors to fire isolated exits are not provided with warning signs.	Lack of warning signs is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, Part D2: Construction of exits, D2.23
21.	Fire Safety Systems	Final exit door from the eastern fire isolated passageway is not provided with an exit sign.	Lack of exit signs is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, NSW E4.5
22.	Fire Safety Systems	Doors to electric and communication service cupboards in public corridors are not provided with smoke seals.	Lack of smoke seals is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, Part D2: Construction of exits, D2.7
23.	This item has been removed.			
24.	Fire Safety Systems	Large panel within the fire rated wall bounding lift shaft on level 4 of the eastern building part.	Large (potentially) unpacked panel in fire rated lift shaft wall (exceeding 35000mm ²) is attributable to the failure to comply with the Building Code and referenced in column 5.	BCA Volume One, Part C3: Protection of openings, C3.10
25.	This item has been removed.			
26.	Fire Safety Systems	Unable to determine type of detectors to activate stair pressurisation.	The incorrect type of detectors to activate stair pressurisation is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One Section E – Services and Equipment, Part E2 Smoke Hazard Management, E2.2 General requirements
27.	Structural Systems	There are foreign objects embedded within the concrete slab and segregated	The foreign objects and segregation/honeycombing in the concrete installation is attributable to	Australian Standard AS3600 Concrete Structures as follows:

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		concrete/honeycombing, which are surface defects in hardened concrete and will lead to the reduced service life of the concrete.	the failure to comply with the Australian Standards referenced in column 5.	<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
28.	Structural Systems	Cracks in the concrete soffit (i.e. underside) and slabs were seen in multiple locations.	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 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 BCA Volume One, Section B Structure, Deemed-to-Satisfy provision B1.4 - Determination of structural resistance of materials and forms of construction
29.	Structural Systems	Foreign objects (i.e. corroded nails) are embedded within the concrete slab, which are surface defects in hardened concrete and will lead to the	Embedded nails within the concrete slab is attributable to the failure to comply with the Australian Standards referenced in column 5.	<p>Australian Standard AS3600 Concrete Structures as follows:</p> <ul style="list-style-type: none"> • Section 4 – Design for durability, 4.10 Requirements for cover to reinforcing steel and tendons,

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		reduced service life of the concrete.		<p>4.10.3 Cover for corrosion protection, 4.10.3.7 Embedded items cover</p> <ul style="list-style-type: none"> • 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
30.	Structural Systems	<ol style="list-style-type: none"> 1. Substantial damage/cracks in the concrete slab floor surface. 2. Embedded object and cracks in the concrete wall. 	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 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 BCA Volume One, Section B Structure, Deemed-to-Satisfy provision B1.4 - Determination of structural resistance of materials and forms of construction
31.	Structural Systems	Exposed and unprotected reinforcement was protruding outside the concrete slab in the basement.	The unprotected reinforcement is a defect in a building element 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 AS3600 Concrete structures, Section 4, Design for durability 4.10 Requirements for cover to reinforcing steel and tendons, 4.10.3 Cover for corrosion protection 10.4.3.1 General

Serious Defect Reference	Building element	General description of Serious Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<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 Australian Standard AS3600 - 17.1.3 Handling, placing and compacting of concrete Australian Standard AS3600 appears as a standard referenced in the BCA Volume One, Part B1 Structural provisions, BP1.1 Structural reliability
32.	Structural Systems	Cracks in multiple locations across the external facades.	Cracks across the external façade may lead to the penetration of water which penetrates the building envelope causing deterioration to the building elements is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing
33.	Building Enclosure	Lift cars did not appear to be provided with emergency lights.	Lack of emergency lights in lift cars is attributable to the failure to comply with the Building Code referenced in column 5.	BCA Volume One, Part E3: Lift installations, Specification E3.1

15. I am of the view the periods above for Defect 1 through to Defect 33 (inclusive) are reasonable periods for compliance in all the circumstances for the specified actions required by the 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.

16. 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 & 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 the building work rectification order to carry out the building work described above within the specified period.
17. I have considered all of the circumstances. I accept that the Order requires considerable further building 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 in having the development constructed to the Building Code of Australia and Australian Standards.

Other matters considered relevant

18. I am aware that obtaining reports from third parties will pose time constraints and costs on the developer and the impact on the period of time it will take to give effect to the rectification work. However, I balance this risk against the serious defects outlined in this Order and the serious consequences these serious defects pose.
19. I am aware that there are residents occupying this location as the Building is completed which will delay rectification work.

Consideration of written representations

20. On 15 September 2023, a notice of intention to issue a building work rectification order, including a draft building work rectification order, was served on the Developer, Local Council, Owners Corporation and Certifier. The served parties were invited to provide written representations relating to the Order to the Department by 06 October 2023.
21. On 1 November 2023 and 8 January 2024 respectively, the Developer provided the Department with written representations which include, among other things that the Developer has assessed the inspection report the Department provided to them, and stated that they have obtained their own expert advice, and attached a list of rectification methods for the defects.
22. I have considered the Developer's representations dated 1 November 2023 and 8 January 2024 and make the following observations:
 - i. I acknowledge that the Developer has engaged expert consultants to inspect the building and provide an opinion for rectification methods of each serious defect.
 - ii. I do not consider that the making of this Order would unnecessarily cause prejudice to the Developer.
23. Considering these 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 Viewland Developments Pty Ltd (ACN 168 037 492) to carry out the building work described, within the period specified in the above Order.

24. 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).