

Attn: Proper Officer  
St Leonards Real Estate Development Pty Ltd  
Suite 306, 160 Rowe Street  
EASTWOOD NSW 2122

Service: By express post and by email

Date: 11 January 2024

## Building Work Rectification Order

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

St Leonards Real Estate Development Pty Ltd ACN 600 909 224 (St Leonards Real Estate Development) is being given this Building Work Rectification Order (Order) in relation to 567-573 Pacific Highway, St Leonards NSW 2065 (SP 96792).

St Leonards Real Estate Development Pty Ltd is required to cause building work to be carried out to remediate the serious defects as set out in 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 **Attachment A** to this order.
4. Elizabeth Stewart, Acting Executive Director Building Operations and Assistant Building Commissioner, Department of Customer Service is an authorised delegate of the Secretary of the Department.
5. **St Leonards Real Estate Development Pty Ltd** (ACN 600 909 224) is the developer of the residential apartment building known as **567-573 Pacific Highway, St Leonards NSW 2065 (SP 96792) (the Development)** for the purposes of section 4(a) of the Act.
6. The Development comprises an 8 storey mixed use development, comprising 27 apartments and basement parking for 31 cars. 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 7 December 2022, 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 St Leonard Real Estate Development Pty Ltd (ACN 600 909 224), 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**

| <b>Serious Defect Reference Number</b> | <b>Location of Serious Defect</b> | <b>General description of Serious Defect</b>   | <b>Requirement</b>  | <b>Time for compliance with Requirement</b>        |
|--|-----------------------------------|--|---|--|
| 1                                      | General - Basement                | <p>No evidence of waterproofing or sealing of external basement with very moist walls and significant water ingress noted through cracking in the external slabs.</p> <p>Uncontrolled cracks which allow groundwater seepage through cracks and joints in the basement external wall concrete.</p> | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>Australian Standard 3500.3</i> Plumbing and drainage - Stormwater drainage 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;</li> <li>• <i>Australian Standard 3500.3</i>, Plumbing and drainage - Stormwater drainage, Section 6 Surface and subsoil drainage systems - Installation, 6.4 Subsoil drains, 6.4.1 General; and</li> <li>• <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 120 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect   | Requirement  | Time for compliance with Requirement               |
|---------------------------------|----------------------------|---|--|--|
|                                 |                            |   | accordance with the report and drawings required to comply with Stage 1 of this requirement.   |  |
| 2                               | Basement Level 4           | Lift landing is significantly sloped towards the lift doors with inadequate drainage to prevent the ingress of water into the lift. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard AS/NZS 3500.3 – 2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout – General criteria; and</i></li> <li><i>Australian Standard 4654.2 - Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls as a standard referenced in BCA Volume One, Part F Damp and Weatherproofing, Performance Requirements FP1.3.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 120 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement  | Time for compliance with Requirement               |
|---------------------------------|----------------------------|--|--|--|
|                                 |                            |  | required to comply with Stage 1 of this requirement.   |  |
| 3                               | Level 8 Lobby              | Significant water ingress and mould growth over the lift door on Level 8 within the common lobby.        | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 120 days</p> |
| 4                               | Rooftop Deck               | The roof area is bounded by concrete upstands. No overflows were present to the Rooftop terrace balcony. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist</p>  | <p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p> |

| Serious Defect Reference Number | Location of Serious Defect        | General description of Serious Defect   | Requirement  | Time for compliance with Requirement               |
|---------------------------------|-----------------------------------|---|--|--|
|                                 |                                   |   | <p>detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>Australian Standard AS/NZS3500.3 –2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface Drainage Systems –Design, Clause 5.3.1.1 Roof areas as referenced in <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed to Satisfy Provision F1.0; and</li> <li><i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |  |
| 5                               | Lower Ground Floor Entrance Lobby | No adequate drainage is visible to prevent water from entering the building, no floor waste provided to lower ground floor entry point at base of the stairs. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 120 days</p> |

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|---------------------------------|----------------------------|--|--|--------------------------------------|
|                                 |                            |  | <p>to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>Australian Standard AS/NZS3500.3</i> National Plumbing and Drainage Code Part 3, Section 5 Surface water drainage systems – Design, Clause 5.3.4 Entry into buildings;</li> <li>• <i>Australian Standard AS4654.2</i> Waterproofing Membranes for External Above Ground Use, Section–2 - Design and installation, 2.8 Termination of membranes, 2.8.3 Doors and windows onto external waterproofed areas which appears as a standard referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements FP1.4.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |                                      |
| 6                               | Level 2 Planter Boxes      | Visible evidence of water staining to the façade beneath the Level 2 planter boxes therefore it is reasonable to assume that the | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to</p>  | Stage 1 - 60 days                    |

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|---------------------------------|----------------------------|---|---|--------------------------------------|
|                                 |                            | planter boxes haven't been constructed in accordance with the relevant standards.                         | <p>OCAudits@customerservice.nsw.gov.au from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>Australian Standard AS4654.2:</i> Waterproofing membranes for external above ground use: Section 2 – Design and Installation, 2.13 Planter Boxes;</li> <li>• <i>Australian Standard 4654.2</i> 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; and</li> <li>• <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | Stage 2 – 120 days                   |
| 7                               | Rooftop deck               | It was observed that the any drains on the roof top were not possible to detect due to rocks covering the | Within the time period specified in column 5  | Stage 1 - 60 days                    |



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|                                 |                            | <p>view and perhaps blocking the flow of water.</p> <p>All drain grids leaning against the wall without proper installation.</p> <p>No overflow provisions observed to rooftop terrace.</p> | <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard 3500.3</i> Plumbing and drainage Stormwater drainage 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; and</li> <li><i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.3.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | Stage 2 – 120 days                   |
| 8                               | General                    | The fire stopping of penetrations in the fire resisting wall/ floor elements have not been installed using a known tested fire stopping   | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to</p>   | Stage 1 - 60 days                    |

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|                                 |                            | <p>methodology to prevent the spread of fire (fire rated collar, etc).</p> <p>There are multiple redundant penetrations which have been partially filled cementitious mortar and not provided with fire tags/stickers by a qualified certifier.</p> <p>Unsealed service penetrations extending through block wall compromising fire rating level of compartment.</p> <p>Soffit mounted copper and galvanised pipes penetrating the slab without a tested fire stopping methodology. The pipes have been sealed however the material has not been tagged.</p> <p>Penetrations in slab for services in basement car park and residential levels are too large for their purpose.</p> | <p>OCAudits@customerservice.nsw.gov.au from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section C Fire Resistance, CP2 Spread of fire, CP8 Fire protection of openings and penetrations, Part C3 Protection of openings, Deemed-to-Satisfy provisions: C3.15 Openings for service installations and Part C1 Fire Resistance and Stability, Specification C1.1 Fire-Resisting Construction, Part 3 Type A Fire-Resisting Construction, Clause 3.1 Fire-Resistance of Building Elements.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | Stage 2 – 60 days                                 |
| 9                               | General - whole building   | Service penetrations and control joints are not labelled and marked, no labels placed adjacent mechanical, plumbing and electrical penetrations in the fire resisting structural concrete soffit   | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to OCAudits@customerservice.nsw.gov.au from a suitably qualified person or specialist</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

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|                                 |                            |  | <p>detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section 3 Fire resistance, Part C3 Protection of openings, Deemed-to-satisfy provision C3.15 Openings for service installations; and</li> <li>• Deemed-to-satisfy provision C3.15 Openings for service installations is a pathway that can satisfy the <i>BCA Volume One</i>, Section C Fire resistance, Performance Requirement CP8.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |   |
| 10                              | General - whole building   | A number of required fire doors were observed with hollow lintels and framing, this was typical throughout numerous fire door frame sets | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

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|                                 |                            |   | <ul style="list-style-type: none"> <li><i>Australian Standard AS1905.1</i>- Components for the protection of openings in fire-resistant wall Part 1: Fire resistant doorsets, Section 5 Installation, 5.3 Metal doorframes in masonry walls, 5.3.2 Backfilling of metal door frames; and</li> <li><i>BCA Volume One</i>, Section C Fire resistance, Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |   |
| 11                              | Basement - all levels      | Thermal detector spacing throughout the basement carpark exceeded required spacing distances. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard AS1670.1 – 2015</i> Fire detection, warning, control and intercom</li> </ul>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

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|                                 |                            |   | <p>systems – System design, installation and commissioning Clause 4.1.2.</p> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>   |   |
| 12                              | Basement - all levels      | Dry fire protection cabling provided to basement levels is installed in an unprotected riser within vehicular areas without any mechanical protection or fire-rating between the slabs. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard AS1670.1 – 2015 Fire detection, warning, control and intercom systems – System design, installation and commissioning Clause 3.26 and Appendix B1.5.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect   | Requirement   | Time for compliance with Requirement              |
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| 13                              | Basement - all levels      | It was observed that fire doors have been installed with a concrete/grout in-filled section above the lintel.                   | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>BCA Volume One</i>, Section 3 Fire resistance, Part C3 Protection of openings, Deemed-to-satisfy provision C3.5 Doorways in fire walls and Part C1 Fire Resistance and Stability, Specification C1.1 Fire-Resisting Construction, Part 3 Type A Fire-Resisting Construction, Clause 3.1 Fire-Resistance of Building Elements.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |
| 14                              | Basement - all levels      | It was observed that mechanical carpark exhaust ductwork penetrates fire-rated walls and risers without any sealing or dampers. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

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|---------------------------------|----------------------------|--|---|--------------------------------------|
|                                 |                            |  | <p>a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>Australian Standard AS4254.2</i> Ductwork for air handling systems in buildings Part 2: Rigid duct, Section 2 Duct construction and installation, 2.1 Ductwork, 2.1.1 General;</li> <li>• <i>BCA Volume One</i>, Section C Fire resistance, Specification C1.10 Fire hazard properties, 5. Air-handling ductwork; and</li> <li>• Deemed-to-satisfy provision Specification C1.10 Fire hazard properties, 5. Air-handling ductwork is a pathway that can satisfy the <i>BCA Volume One</i>, Section C Fire resistance, Performance Requirement CP2.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |                                      |
| 15                              | Basement Level 1           | Fire hose installed in an unprotected location greater than 4 metres from adjacent fire stair door egress. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to</p>   | Stage 1 - 60 days                    |

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|---------------------------------|----------------------------|--|---|---|
|                                 |                            |  | <p>OCAudits@customerservice.nsw.gov.au from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section E Services and equipment, Part E1.4 fire hose reels Deemed-to-Satisfy provision E1.4 is a pathway that can satisfy the <i>BCA Volume One</i>, Section E Services and equipment, Part E1 Fire fighting equipment, Performance Requirement EP1.1.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | Stage 2 – 60 days                                 |
| 16                              | Fire Pump Room             | No fire dampers were observed on exhaust vents opening onto egress path on Basement Level 1. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to OCAudits@customerservice.nsw.gov.au from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</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"> <li><i>Australian Standard AS4254.2</i> Ductwork for air handling systems in buildings Part 2: Rigid duct, Section 2 Duct construction and installation, 2.1 Ductwork, 2.1.1 General;</li> <li><i>Australian Standard AS1682.2</i> Fire, smoke and air dampers, Part 2; Installation, 5 Selection, 5.2 Fire dampers, 5.2.1 Integrity;</li> <li><i>Australian Standard AS4254</i> appears as a standard referenced in the <i>BCA Volume One</i>, Section C Fire resistance, Specification C1.10 Fire hazard properties, 5. Air-handling ductwork and is a pathway that can satisfy the <i>BCA Volume One</i>, Section C Fire resistance, Performance Requirement CP2.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |   |
| 17                              | Fire Stairs - all          | The perimeter around the stair pressurisation duct work in the external façade has not been adequately fire sealed. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

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|                                 |                            |  | <p>to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section C Fire Resistance CP2 Spread of fire, CP8 Fire protection of openings and penetrations, Part C3 Protection of openings, Deemed-to-Satisfy provisions: C3.15 Openings for service installations and Part C1 Fire Resistance and Stability, Specification C1.1 Fire-Resisting Construction, Part 3 Type A Fire-Resisting Construction, Clause 3.1 Fire-Resistance of Building Elements.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |   |
| 18                              | Fire Stairs 3              | There is insufficient exit directional signage to direct occupants to the correct exit and prevent them from descending to the basement. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p>  | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

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|                                 |   |   | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section E Services and equipment, Part E4 Visibility in an emergency, exit signs and warning signs, Deemed-to-Satisfy provision E4.5 Exit signs; and</li> <li>• Deemed-to-Satisfy provision E4.5 Exit signs is a pathway that can satisfy the <i>BCA Volume One</i>, Section E Services and equipment, Performance Requirement EP4.2 Identification of exits.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>                  |   |
| 19                              | Ground Floor Lobby & Lower Ground Floor Lobby | Exit signs adjacent each exit door have been knocked loose due to the door mechanism. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section E Services and equipment, Part E4 Visibility in an emergency, exit signs and warning signs, Deemed-to-Satisfy provision E4.5 Exit</li> </ul> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|--|---|
|                                 |                            |  | <p>sign, Deemed-to-Satisfy provision E4.5 Exit signs is a pathway that can satisfy the <i>BCA Volume One</i>, Section E Services and equipment, Performance Requirement EP4.2 Identification of exits.</p> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>   |   |
| 20                              | Rooftop Plant Room         | No smoke detection provided to stair pressurisation systems' intake duct work. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i> Section E Services and equipment, Part 2 Smoke hazard management – E2.2 General requirements; and</li> <li>• <i>Australian Standard AS 1670.1 – 2015</i> Fire detection, warning, control and intercom systems – System design, installation and commissioning Clause 7.7 Supply air systems.</li> </ul> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect                 | General description of Serious Defect   | Requirement  | Time for compliance with Requirement              |
|---------------------------------|--|---|--|---|
|                                 |  |   | Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.   |   |
| 21                              | Fire Indicator Panel and Fire Booster Room | No Zone Block Plans have been provided to the Fire Indicator Panel and Fire Booster Room in accordance with relevant standards. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>Australian Standard AS 2419.1 - Fire hydrant installations Part 1: System design, installation and commissioning, Section 7 Fire Brigade Booster Assembly, 7.11 Block plan; and</i></li> <li>• <i>Australian Standard AS1670.1 – 2015 Fire detection, warning, control and intercom systems – System design, installation and commissioning Clause 3.10.</i></li> </ul> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |
| 22                              | General                                    | Electrical cabling installed in shared risers and cable support with other services cabling throughout the building. No         | Within the time period specified in column 5 submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist  | 60 days   |

| Serious Defect Reference Number | Location of Serious Defect       | General description of Serious Defect   | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------------|---|--|---|
|                                 |                                  | separation or segregation observed.   | <p>detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard AS/NZS3000 Electrical Installations "Wiring Rules" Clause 3.9.8.4 Proximity to non-electrical services.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>   |   |
| 23                              | All Residential Levels - Lobbies | Service risers contain non-compliant fire separation as non-fire rated plaster board observed behind the cable tray in each location. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>BCA Volume One, Section C Fire resistance – C2.8 Fire resisting construction and separation of classification in the same story.</i></li> </ul> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement   | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|---|---|
|                                 |                            |  | Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.  |   |
| 24                              | Basement                   | It was observed that there is uncontrolled cracking to the floor surface and the soffit of the suspended concrete slab throughout the basements and ground floor and that the cracks appear through the full depth of the suspended concrete slab. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard 3600-2009 Concrete structures, Section 2 Design procedures, actions and loads, 2.3, Design for serviceability, 2.3.3, Cracking which 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.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 90 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|--|---|
| 25                              | Basement                   | It was observed that there were unprotected tendons in the access stairwell within the basement. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard AS3600</i> 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, 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 and Australian Standard AS3600 - 17.1.3 Handling, placing and compacting of concrete;</li> <li><i>Australian Standard AS3600</i> appears as a standard referenced in the <i>BCA Volume One</i>, Part B1 Structural provisions, BP1.1 Structural reliability.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 90 days</p> |



| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect   | Requirement   | Time for compliance with Requirement              |
|---------------------------------|----------------------------|---|---|---|
|                                 |                            |   | required to comply with Stage 1 of this requirement.  |   |
| 26                              | Basement Level 4           | Significant cracking and damage to the topping slab adjacent to the lift on bottom level of the basement. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard 3600-2009 Concrete structures, Section 2 Design procedures, actions and loads, 2.3, Design for serviceability, 2.3.3, Cracking which 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.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 90 days</p> |
| 27                              | Basement - all levels      | Significant cracking, honeycombing and failure of   | Within the time period specified in column 5  | Stage 1 - 60 days                                 |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect                                  | Requirement  | Time for compliance with Requirement |
|---------------------------------|----------------------------|--|--|--------------------------------------|
|                                 |                            | concrete walls within select areas of the basement was observed.       | <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>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, 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 and Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | Stage 2 – 90 days                    |
| 28                              | General - Fire stairs      | Absence of slip resistant nosing strips in the internal fire stairway. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to</p>  | Stage 1 - 60 days                    |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect   | Requirement   | Time for compliance with Requirement              |
|---------------------------------|----------------------------|---|---|---|
|                                 |                            |   | <p>OCAudits@customerservice.nsw.gov.au from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Part D2: Construction of exits, D2.13.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>                            | Stage 2 – 60 days                                 |
| 29                              | Basement - all levels      | <p>It was observed across the basement that the shoring wall is comprised of multiple concrete placement and subsequent construction joint known as cold joint.</p> <p>Different concrete pours in the shoring wall have not provided a monolithic concrete mass.</p> <p>The location of the construction joint was not specified provided in the approved plan known structural drawing regarding the wall construction joint.</p> | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to OCAudits@customerservice.nsw.gov.au from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>Australian Standard AS3600 Concrete Structures</i> - 17.1.3 Handling, placing and compacting of concrete and 17.4.1 Location of construction joints.</li> </ul> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 90 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|--|---|
|                                 |                            |  | Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.   |   |
| 30                              | Basement and Fire Stairs   | It was observed that head height clearances within the basement and fire stairs are very low and do not meet minimum requirements. Measured as 1990mm to the ceiling and 1905mm to the underside of fire detector. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section D Access and egress – Part D1.6 Dimensions of exist and paths of travel.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |
| 31                              | Residential Levels 1 to 4  | Consumer gas meters for each apartment were observed to be installed within cupboards opening to the common area corridors on levels 1,2,3 & 4.  | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist</p>  | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect   | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------|---|--|---|
|                                 |                            | <p>Louvered ventilation openings were observed to each gas meter cupboard providing natural ventilation of the gas meter cupboards to the adjacent common area enclosed corridor.</p> <p>Permanent, mechanical or natural ventilation openings within the common area corridors to the outside of the building were not observed to be installed.</p> | <p>detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard 4645.1 – 2018 Gas distribution networks, Part 1: Network management, Appendix I – Design requirements for consumer meter assemblies, I7 Consumer meter assemblies in buildings, Section I7.4 Meter Room Ventilation, Clause I7.4.3 Natural Ventilation via adjacent room.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |   |
| 32                              | Main Switchboard Room      | It was observed that there was no separation or individual supports for fire-rated safety services.   | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</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"> <li><i>Australian Standard AS/NZS3000</i> Electrical Installations "Wiring Rules" Clause 3.9.8.4 Proximity to non-electrical services.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>  |   |
| 33                              | Main Switchboard Room      | Safety service main switches are not labelled or segregated in accordance with the relevant standards. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard AS 3000</i> Electrical installations "Wiring rules" – 2007 Clause 7.2.3 and Clause 7.2.4.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|--|---|
| 34                              | Main Switchboard Room      | It was observed that incoming consumer mains into the Main Switchboard Room are not adequately fire-rated and that the Room itself is not adequately fire-rated from the rest of the building. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section C C2.13 Electricity supply system; and</li> <li>• <i>Australian Standard AS 3000 – 2007</i> Electrical Installations “Wiring Rules”– Clause 7.2.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |
| 35                              | Main Switchboard Room      | Inadequate clearance between Main Switch Board and other switchboards and equipment within the room including the MSSB and VSDs.   | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect   | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------|---|--|---|
|                                 |                            |   | <p>to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard AS 3000 – 2007</i> Electrical Installations “Wiring Rules”– Clause 2.9.2.2.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>  |   |
| 36                              | Rooftop Plant Deck         | It was observed that there is no safe access system provided to maintain air conditioning plant on the top of the lift shaft core on the rooftop. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>BCA Volume One</i>, Section D - D2.16 Barriers to prevent falls.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |



| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement   | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|---|---|
| 37                              | General - Basement         | It was observed that pipework in the Basement was not labelled in accordance with the relevant requirements.   | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard 3500.1 - 5.18 Identification of piping and Clause 6.5 Identification and 10.10 Identification of Pipes.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |
| 38                              | Basement                   | <p>It was observed that that sewer and stormwater had been installed without adequate fall or with reverse fall.</p> <p>Heights and falls require confirmation due to being located at high level in Basement 1.</p> | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p>  | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</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"> <li><i>Australian Standard AS3500.2 – 3.4 Grades of drains - 3.4.1 Minimum grade.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>   |  |
| 39                              | Basement                   | <p>It was observed that the subsoil drainage pipe installation within the perimeter drainage channels throughout the basement was uneven and without consistent fall to outlets.</p> <p>Subsoil drainpipe within the perimeter drainage channel was observed to be discontinuous and incomplete and had no provisions for clear outs installed.</p> <p>Most floor waste drainage outlets in the basement carpark did not have a drain cover. The drainage outlet is higher than the concrete floor slab, impeding water drainage.</p> | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard AS3500.2 – 3.4 Grades of drains - 3.4.1 Minimum grade;</i></li> <li><i>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</i></li> <li><i>Australian Standard AS/NZS3500.3</i> appears as a standard referenced in the <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and</li> </ul> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 120 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect   | Requirement  | Time for compliance with Requirement               |
|---------------------------------|----------------------------|---|--|--|
|                                 |                            |   | <p>Weatherproofing, Deemed-to-Satisfy provision F1.1 Stormwater drainage which is a pathway that can satisfy <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements: FP1.3 Rainwater drainage systems.</p> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>  |  |
| 40                              | Basement Level 1           | The Basement Level 1 wash bay horizontal floor surface does not have adequate slope for drainage, causing accumulation of excess water and ponding throughout the area and regular drainage to the carpark stormwater system. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standard AS/NZS3500.3</i> appears as a standard referenced in the <i>BCA Volume One</i>, Part F Damp and Weatherproofing, Performance Requirements FP1.3; and</li> <li><i>Australian Standard 4654.2</i> - Waterproofing Membranes for External</li> </ul> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 120 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|--|---|
|                                 |                            |  | <p>Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls.</p> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>  |   |
| 41                              | Rooftop Deck               | It was observed that a hose tap was located within 1000mm of the balcony above 300mm, providing a potential step point. The hose tap should be relocated away from the balcony to reduce risk of fall. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section D – D2.16 Barriers to prevent falls.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |
| 42                              | Fire Isolated Stairs       | It was observed thresholds to doors leading into Fire Isolated Stairs had uneven surface with gaps exceeding 10mm.   | <p>Within the time period specified in column 5:</p> <p>Stage 1 - Submit a written report to the Department via email to</p>   | Stage 1 – 60 days                                 |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|--|---|
|                                 |                            |  | <p>OCAudits@customerservice.nsw.gov.au from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>Australian Standard AS 1905.1 Components for the protection of openings in fire resistant walls, Part 1: Fire-resistant doorsets, Section 5 Installation, 5.5 Clearances around door leaves, 5.5.1 Threshold and floor finish</li> <li>Fire doors, is a pathway that can satisfy the BCA Volume One, Section C Fire resistance, Performance Requirement CP2.</li> <li>BCA Volume One, Section D Access and Egress, Part D2 Construction of exits, D2.15 Thresholds.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | Stage 2 - 60 days                                 |
| 43                              | Fire Isolated Stairs       | It was observed door opening into the Fire Isolated Stairs encroaches the required width of the exit by more than 500mm. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to OCAudits@customerservice.nsw.gov.au from</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement   | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|---|---|
|                                 |                            |  | <p>a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section D Access and Egress, Part D2 Construction of exits, D2.20 Swinging doors.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>  |   |
| 44                              | Hydrant and Pump Room      | <p>It was observed that fire door frames were found to be hollow when tapped indicating that voids exist in the grout behind the frame.</p> <p>It was also observed the gap to between the bottom of the fire door and finished floor surface exceeded 10mm.</p> | <p>Within the time period specified in column 5:</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>Australian Standard AS1905.1</i>- Components for the protection of openings in fire-resistant wall Part 1: Fire resistant doorsets, Section 5 Installation, 5.3 Metal doorframes in masonry walls, 5.3.2</li> </ul> | <p>Stage 1 – 60 days</p> <p>Stage 2 - 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect   | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------|---|--|---|
|                                 |                            |   | <p>Backfilling of metal door frames. <i>Australian Standard AS1905.1</i> as referenced in <i>BCA Volume One</i>, Section C Fire resistance, Specifications C3.4 Fire doors, smoke doors, fire windows and shutters, Clause</p> <ul style="list-style-type: none"> <li>Australian Standard AS 1905.1 Components for the protection of openings in fire resistant walls, Part 1: Fire-resistant doorsets, Section 5 Installation, 5.5 Clearances around door leaves, 5.5.1 Threshold and floor finish</li> <li>Fire doors and Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors, is a pathway that can satisfy the <i>BCA Volume One</i>, Section C Fire resistance, Performance Requirement CP2.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |   |
| 45                              | Hydrant and Pump Room      | It was observed gaps and inadequately fire protected service penetrations within fire rated walls and ceilings. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out</p>   | <p>Stage 1 – 60 days</p> <p>Stage 2 - 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement  | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|--|---|
|                                 |                            |  | <p>to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section C Fire Resistance, CP2 Spread of fire, CP8 Fire protection of openings and penetrations, Part C3 Protection of openings, Deemed-to-Satisfy provisions: C3.15 Openings for service installations and Part C1 Fire Resistance and Stability, Specification C1.1 Fire-Resisting Construction, Part 3 Type A Fire-Resisting Construction, Clause 3.1 Fire-Resistance of Building Elements.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |   |
| 46                              | Hydrant and Pump Room      | It was observed the concrete plinth to pumpset baseplate was less than the required 150mm in height. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</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"> <li><i>Australian Standards 2941 -2013 Fixed Fire Protection Installations – Pumpset System Section 11 Siting and Installation, 11.7 Plinth.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>  |   |
| 47                              | Hydrant and Pump Room      | Absence of drainage with inadequate falls to Hydrant and Pump Room | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standards 2941 -2013 Fixed Fire Protection Installations – Pumpset System Section 11 Siting and Installation, 11.6 Drainage.</i></li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement   | Time for compliance with Requirement              |
|---------------------------------|----------------------------|--|---|---|
| 48                              | Hydrant and Pump Room      | It was observed that the Hydrant and Pump Room had inadequate ventilation                                    | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section E Services and Equipment, Part E1 Fire fighting equipment, Specification E1.8 Fire control centres, 10. Ventilation and power supply for a fire control room.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |
| 49                              | Fire Hydrant Booster       | It was observed that the front face of all connections is not within 150mm of the front face of the cabinet. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out</p>  | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect  | Requirement  | Time for compliance with Requirement               |
|---------------------------------|----------------------------|--|--|--|
|                                 |                            |  | <p>to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standards 2419.1 -2005</i> Fire Hydrant Installations Part 1: System Design, Installation and Commissioning, Section 7 Fire Brigade Booster Assembly, 7.4 Fire Brigade Booster Assembly Arrangement</li> <li><i>Australian Standards AS2419.1 -2005</i> appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section E Services and equipment, Part E1.3 Fire Hydrants.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p> |  |
| 50                              | Building Enclosure         | Cladding material to the external façade of the building appeared to be combustible, posing a health and safety risk to occupants of the Building. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p>   | <p>Stage 1 - 60 days</p> <p>Stage 2 – 120 days</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"> <li>BCA Volume One, Section C Fire Resistance, Performance Requirements CP2.</li> </ul> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</p>   |   |
| 51                              | Basement Levels            | It was observed stormwater pits did not have falls across the bottom of the pit and were holding water. | <p>Within the time period specified in column 5</p> <p>Stage 1 - Submit a written report to the Department via email to <a href="mailto:OCAudits@customerservice.nsw.gov.au">OCAudits@customerservice.nsw.gov.au</a> from a suitably qualified person or specialist detailing the specific building work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with:</p> <ul style="list-style-type: none"> <li><i>Australian Standards 3500.3 – 2003 Plumbing and Drainage—Stormwater Drainage, Section 7 Surface Water and Subsoil Drainage Systems – Ancillaries, Clause 8.6.3 Falls Across Pits.</i></li> <li><i>Australian Standards 3500.3 – 2003 Plumbing and Drainage—Stormwater Drainage</i> appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and</li> </ul> | <p>Stage 1 - 60 days</p> <p>Stage 2 – 60 days</p> |

| Serious Defect Reference Number | Location of Serious Defect | General description of Serious Defect | Requirement   | Time for compliance with Requirement |
|---------------------------------|----------------------------|---------------------------------------|---|--------------------------------------|
|                                 |                            |                                       | <p>Weatherproofing, Performance Requirement FP1.4</p> <p>Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings required to comply with Stage 1 of this requirement.</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.
12. This order is given on the date that it is listed above in accordance with section 67 of the RAB Act



**Elizabeth Stewart**

Acting Executive Director

Building Operations and Assistant Building Commissioner

Building Commission NSW

## Reasons for the Building Work Rectification Order

13. I, Elizabeth Stewart, have formed a reasonable belief that the Development has a serious defect based on the following.
14. I have formed this belief after reviewing:
  - a. An Inspection Report (dated 24 February 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 7 December 2022.
15. My reasonable belief is also based upon the following matters, set out in Table 2 below in respect of each serious defect identified in column 1 of Table 2 (where that reference corresponds to the reference set out in Table 1 above).

**Table 2 – basis of reasonable belief as to serious defects**

| Serious Defect Reference | Building element | Defect   | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard   |
|--------------------------|------------------|--|--|---|
| 1                        | Waterproofing    | No evidence of waterproofing or sealing of external basement and uncontrolled cracks in the basement external wall concrete. | The absence of waterproofing or sealing of external basement and inadequate control of cracks in the basement wall are attributable to a failure to comply with the Australian Standards and Building Code reference in column 5. The standards and codes require compliant waterproofing and adequate water ingress control.                              | <ul style="list-style-type: none"> <li>• <i>Australian Standard 3500.3</i> Plumbing and drainage - Stormwater drainage 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;</li> <li>• <i>Australian Standard 3500.3</i>, Plumbing and drainage - Stormwater drainage, Section 6 Surface and subsoil drainage systems - Installation, 6.4 Subsoil drains, 6.4.1 General; and</li> <li>• <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.</li> </ul> |
| 2                        | Waterproofing    | Grading of the lift landing is significantly sloped towards the lift doors with inadequate drainage.                         | The inadequate falls on the floor and inadequate drainage system are attributable to a failure to comply with the Australian Standards and Building Code referenced in column 5. The Standards and Code require adequate falls in the floor to avoid ponding as well as an adequate drainage system which ensure that water drains to the drainage outlet. | <ul style="list-style-type: none"> <li>• <i>Australian Standard AS/NZS 3500.3–2015</i> Plumbing and Drainage–Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout – General criteria;</li> <li>• <i>Australian Standard 4654.2 - Waterproofing Membranes for External Above Ground Use</i>, Section 2 Design and</li> </ul>  |

| Serious Defect Reference | Building element | Defect   | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard  |
|--------------------------|------------------|--|--|--|
|                          |                  |  |  | installation, 2.5 Substrate, 2.5.2 Falls as a standard referenced in <i>BCA Volume One</i> , Part F Damp and Weatherproofing, Performance Requirements FP1.3   |
| 3                        | Waterproofing    | Water ingress and mould growth over the lift door on Level 8 within the common lobby.                      | The uncontrolled water ingress to the lift door area on Level 8 is attributable to a failure to comply with the Building Code requirements in column 5. The Code requires that a roof and external wall must prevent the penetration of water which would cause unhealthy or dangerous conditions, loss of amenity and undue dampness or deterioration.                        | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.</li> </ul>  |
| 4                        | Waterproofing    | The roof area is bounded by concrete upstands and no overflows are present to the Rooftop terrace balcony. | The lack of overflowing provisions and waterproofing defects on roof areas is attributable to a failure to comply with the Australian Standards and Building Code requirements in column 5. The Standards and Code require the collection of stormwater through gutters, downpipes and overflow systems and that the roof and external walls prevent the penetration of water. | <ul style="list-style-type: none"> <li>• Australian Standard AS/NZS3500.3 –2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface Drainage Systems –Design, Clause 5.3.1.1 Roof areas as referenced in <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed to Satisfy Provision F1.0.</li> <li>• <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.</li> </ul> |



| Serious Defect Reference | Building element | Defect  | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard  |
|--------------------------|------------------|---|--|--|
| 5                        | Waterproofing    | Inadequate drainage to prevent water from entering the building, no floor waste provided to lower ground floor entry point at base of the stairs. | The inadequate fall gradient and lack of adequate drainage is attributable to a failure to comply with the Australian Standards and Building Code requirements in column 5. These require stormwater to be prevented from entering doorways, adequate sub-sill flashing and membrane systems and that external walls prevent the penetration of water. | <ul style="list-style-type: none"> <li>• <i>Australian Standard AS/NZS3500.3 National Plumbing and Drainage Code Part 3, Section 5 Surface water drainage systems – Design, Clause 5.3.4 Entry into buildings;</i></li> <li>• <i>Australian Standard AS4654.2 Waterproofing Membranes for External Above Ground Use, Section–2 - Design and installation, 2.8 Termination of membranes, 2.8.3 Doors and windows onto external waterproofed areas; and</i></li> <li>• <i>BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements FP1.4.</i></li> </ul> |
| 6                        | Waterproofing    | Staining to the building's façade beneath the Level 2 planter boxes.  | The inadequate planter construction, or lack of planter boxes, is attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require planter boxes to be correctly anchored with adequate membranes and waterproofing.   | <ul style="list-style-type: none"> <li>• <i>Australian Standard AS4654.2: Waterproofing membranes for external above ground use: Section 2 – Design and Installation, 2.13 Planter Boxes;</i></li> <li>• <i>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; and</i></li> </ul>   |

| Serious Defect Reference | Building element    | Defect   | Reason why defect is a serious defect   | Applicable approved plan, Code or Australian Standard   |
|--------------------------|---------------------|--|---|---|
|                          |                     |  |   | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4</li> </ul>  |
| 7                        | Waterproofing       | Inadequate draining and overflow provisions on the roof top. Additionally, an inability to detect any drain on the roof top as rocks covered the view and possibly covered the flow of water.  | The inadequate draining provisions, lack of drain grid installation and lack of overflow provisions to the rooftop terrace are attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require adequate stormwater drainage systems which convey surface water to an appropriate outfall and avoid surface water damage to the building. | <ul style="list-style-type: none"> <li>• <i>Australian Standard 3500.3</i> Plumbing and drainage Stormwater drainage appears as a standard referenced in the <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.1 Stormwater drainage; and</li> <li>• <i>BCA Volume One</i>, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.3.</li> </ul> |
| 8                        | Fire Safety Systems | The fire stopping of penetrations in fire resisting wall and floor elements have not been installed using a known methodology, such as a fire rated collar. There are multiple redundant penetrations which have been partially filled with cementitious mortar, unsealed service penetrations extend through block wall compromising fire rating levels, soffit mounted copper and pipes penetrating the slab without a | The inadequate fire-resisting sealing is attributable to a failure to comply with the Building Code sections referenced in column 5. These require buildings to have elements which avoid the spread of fire, fire rating of openings and penetrations and adequate testing in accordance with relevant Standards.  | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section C Fire Resistance, CP2 Spread of fire, CP8 Fire protection of openings and penetrations, Part C3 Protection of openings, Deemed-to-Satisfy provisions: C3.15 Openings for service installations and Part C1 Fire Resistance and Stability, Specification C1.1 Fire-Resisting Construction, Part 3 Type A Fire-Resisting Construction, Clause 3.1 Fire-</li> </ul>                 |

| Serious Defect Reference | Building element    | Defect   | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard  |
|--------------------------|---------------------|--|--|--|
|                          |                     | <p>tested fire stopping methodology and a lack of tagging.</p> <p>Penetrations in slab for services in basement car park and residential levels are too large for their purpose.</p>   |  | Resistance of Building Elements.   |
| 9                        | Fire Safety Systems | It was observed that service penetrations and control joints were not labelled and marked and that no labels were placed adjacent to mechanical, plumbing and electrical penetrations in the fire resisting concrete soffit. | The lack of labelling and marking on penetration points are attributable to a failure to comply with the Building Code sections referenced in column 5. These require labels and testing in accordance with relevant Australian Standards.                           | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section 3 Fire resistance, Part C3 Protection of openings, Deemed-to-satisfy provision C3.15 Openings for service installations; and</li> <li>• Deemed-to-satisfy provision C3.15 Openings for service installations is a pathway that can satisfy the <i>BCA Volume One</i>, Section C Fire resistance, Performance Requirement CP8.</li> </ul>   |
| 10                       | Fire Safety Systems | It was observed that a number of required fire doors were observed with hollow lintels and framing.  | The hollow lintels and framing of fire doors is attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require the backfilling of fire door frames with material of fusion not less than 1000°C. | <ul style="list-style-type: none"> <li>• <i>Australian Standard AS1905.1</i>-Components for the protection of openings in fire-resistant wall Part 1: Fire resistant doorsets, Section 5 Installation, 5.3 Metal doorframes in masonry walls, 5.3.2 Backfilling of metal door frames; and</li> <li>• <i>BCA Volume One</i>, Section C Fire resistance, Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors.</li> </ul> |

| Serious Defect Reference | Building element    | Defect  | Reason why defect is a serious defect   | Applicable approved plan, Code or Australian Standard  |
|--------------------------|---------------------|---|---|--|
| 11                       | Fire Safety Systems | It was observed that thermal detector spacing in the basement carpark exceeded the required spacing.  | The excessive spacing between detectors for level services in the basement carpark is attributable to a failure to comply with the Australian Standard referenced in column 5. Spacing between detectors for level surfaces is required to be 7 m between detectors and no more than 5 m between any point on the ceiling of the protected area and the detector. | <ul style="list-style-type: none"> <li><i>Australian Standard AS1670.1 – 2015 Fire detection, warning, control and intercom systems – System design, installation and commissioning Clause 4.1.2.</i></li> </ul>   |
| 12                       | Fire Safety Systems | It was observed that dry fire protection cabling provided to basement levels is installed in an unprotected rise within vehicular areas without any mechanical protection of fire-rating between slabs. | The installation of dry fire protection cabling without protected risers, mechanical protection or fire-rating between slabs is attributable to a failure to comply with the Australian Standard referenced in column 5. This standard requires transmission paths to be protected against mechanical damage and physical damage by impact from light vehicles.   | <ul style="list-style-type: none"> <li><i>Australian Standard AS1670.1 – 2015 Fire detection, warning, control and intercom systems – System design, installation and commissioning Clause 3.26 and Appendix B1.5.</i></li> </ul>  |
| 13                       | Fire Safety Systems | Fire doors in the basement have been installed with a concrete/grout in-filled section above the lintel.  | The inadequate sealing of the fire doors with concrete/grout in-fill are attributable to a failure to comply with the Building Code sections referenced in column 5. The Code requires protection of doorways with fire doors or fire shutters with compliant FRL ratings.  | <ul style="list-style-type: none"> <li><i>BCA Volume One, Section 3 Fire resistance, Part C3 Protection of openings, Deemed-to-satisfy provision C3.5 Doorways in fire walls and Part C1 Fire Resistance and Stability, Specification C1.1 Fire-Resisting Construction, Part 3 Type A Fire-Resisting Construction, Clause 3.1 Fire-Resistance of Building Elements.</i></li> </ul> |

| Serious Defect Reference | Building element     | Defect  | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard   |
|--------------------------|----------------------|---|--|---|
| 14                       | Fire Safety Systems  | It was observed that mechanical carpark exhaust ductwork penetrates fire-rated walls and risers without any sealing or dampers.   | The lack of adequate sealing and dampers on the penetrating ductwork is attributable to a failure to comply with the Australian Standard and Building Code referenced in column 5. These require walls requiring FRL which are penetrated by ducts to be protected by fire dampers. It is also a requirement that ductwork complies with fire hazard properties. | <ul style="list-style-type: none"> <li>• <i>Australian Standard AS4254.2</i> Ductwork for air handling systems in buildings Part 2: Rigid duct, Section 2 Duct construction and installation, 2.1 Ductwork, 2.1.1 General;</li> <li>• <i>BCA Volume One</i>, Section C Fire resistance, Specification C1.10 Fire hazard properties, 5. Air-handling ductwork; and</li> <li>• Deemed-to-satisfy provision Specification C1.10 Fire hazard properties, 5. Air-handling ductwork is a pathway that can satisfy the <i>BCA Volume One</i>, Section C Fire resistance, Performance Requirement CP2.</li> </ul> |
| 15                       | Fire Safety Systems  | A fire hose reel was observed in an unprotected driveway location greater than 4 metres from the adjacent fire stair door egress. | The installation of the fire hose reel in an unprotected location is attributable to a failure to comply with the Building Code sections referenced in column 5. The Code requires fire hose reels to be located within 4 metres of an exit and installed to allow occupants to safely undertake its use.  | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section E Services and equipment, Part E1.4 fire hose reels Deemed-to-Satisfy provision E1.4 is a pathway that can satisfy the <i>BCA Volume One</i>, Section E Services and equipment, Part E1 Fire fighting equipment, Performance Requirement EP1.1.</li> </ul>  |
| 16                       | Fire Safety Symptoms | It was observed that the exhaust vents opening onto egress path on Basement Level 1 did not have fire dampers.                    | The absence of a fire damper on the exhaust vents is attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require fire dampers on  | <ul style="list-style-type: none"> <li>• <i>Australian Standard AS4254.2</i> Ductwork for air handling systems in buildings Part 2: Rigid duct, Section 2 Duct construction and installation, 2.1 Ductwork, 2.1.1 General;</li> </ul>   |

| Serious Defect Reference | Building element    | Defect  | Reason why defect is a serious defect   | Applicable approved plan, Code or Australian Standard   |
|--------------------------|---------------------|---|---|---|
|                          |                     |   | building elements where ducts penetrate walls that are required to have a FRL. Ductwork must comply with fire hazard properties set out in the Standards.   | <ul style="list-style-type: none"> <li>• <i>Australian Standard AS1682.2</i> Fire, smoke and air dampers, Part 2; Installation, 5 Selection, 5.2 Fire dampers, 5.2.1 Integrity;</li> <li>• <i>Australian Standard AS4254</i> appears as a standard referenced in the <i>BCA Volume One</i>, Section C Fire resistance, Specification C1.10 Fire hazard properties, 5. Air-handling ductwork and is a pathway that can satisfy the <i>BCA Volume One</i>, Section C Fire resistance, Performance Requirement CP2.</li> </ul> |
| 17                       | Fire Safety Systems | Sealing around the stair pressurisation duct work in the external façade of the fire stairs does not match the fire-rating of the wall. | The inadequate fire-resisting sealing of the duct work is attributable to a failure to comply with the Building Code sections referenced in column 5. These require building elements provided to resist the spread of fire to be protected so that an adequate level of performance is maintained where openings occur and where penetrations occur for building services. | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section C Fire Resistance CP2 Spread of fire, CP8 Fire protection of openings and penetrations, Part C3 Protection of openings, Deemed-to-Satisfy provisions: C3.15 Openings for service installations and Part C1 Fire Resistance and Stability, Specification C1.1 Fire-Resisting Construction, Part 3 Type A Fire-Resisting Construction, Clause 3.1 Fire-Resistance of Building Elements.</li> </ul>  |
| 18                       | Fire Safety Systems | It was observed that there was insufficient exit signage at Fire Stairs 3 to direct occupants to the correct exit and prevent           | The lack of exit signage on Fire Stairs 3 is attributable to a failure to comply with the Building Code provisions referenced in column 5. These require exit signs to be clearly   | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section E Services and equipment, Part E4 Visibility in an emergency, exit signs and warning signs,</li> </ul>  |

| Serious Defect Reference | Building element    | Defect  | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard   |
|--------------------------|---------------------|---|--|---|
|                          |                     | them from descending into the basement.   | visible to persons approaching the exit and ensure that exit signs guide occupants to exits.   | Deemed-to-Satisfy provision E4.5 Exit signs; and <ul style="list-style-type: none"> <li>Deemed-to-Satisfy provision E4.5 Exit signs is a pathway that can satisfy the <i>BCA Volume One</i>, Section E Services and equipment, Performance Requirement EP4.2 Identification of exits.</li> </ul>  |
| 19                       | Fire Safety Systems | Exit directional signs adjacent the exit doors on the Ground Floor Lobby & Lower Ground Floor Lobby have been knocked loose.  | The damaged and loose exit signs in the Lobby are attributable to a failure to comply with the Building Code provisions referenced in column 5. These require exit signs to be clearly visible and installed above or adjacent to doors and be capable of guiding occupants to exits.                                      | <ul style="list-style-type: none"> <li><i>BCA Volume One</i>, Section E Services and equipment, Part E4 Visibility in an emergency, exit signs and warning signs, Deemed-to-Satisfy provision E4.5 Exit sign; and</li> <li><i>BCA Volume One</i>, Section E Services and equipment, Performance Requirement EP4.2 Identification of exits.</li> </ul>               |
| 20                       | Fire Safety System  | Absence of a smoke detection system provided to the stair pressurisation systems' intake duct work in the Rooftop Plant Room. | The absence of a smoke detection system is attributable to a failure to comply with the Building Code and Australian Standard provisions referenced in column 5. These require the provision of automatic smoke detection and alarm systems and the installation of a smoke detector where air handling equipment is used. | <ul style="list-style-type: none"> <li><i>BCA Volume One</i> Section E Services and equipment, Part 2 Smoke hazard management – E2.2 General requirements; and</li> <li><i>Australian Standard AS 1670.1 – 2015</i> Fire detection, warning, control and intercom systems – System design, installation and commissioning Clause 7.7 Supply air systems.</li> </ul> |
| 21                       | Fire Safety System  | Zone Block Plans have not been provided to the Fire   | The absence of Zone Block Plans is attributable to a failure to comply with the Australian Standard and Building Code provisions referenced  | <ul style="list-style-type: none"> <li><i>Australian Standard AS 2419.1 – Fire hydrant installations Part 1: System design, installation and commissioning</i>, Section 7 Fire</li> </ul>   |



| Serious Defect Reference | Building element    | Defect  | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard  |
|--------------------------|---------------------|---|--|--|
|                          |                     | Indicator Panel and Fire Booster Room.  | in column 5. These require block plans to be securely mounted and fixed within the booster cabinet, enclosure, recess, fire control room and pump room.  | Brigade Booster Assembly, 7.11 Block plan; and <ul style="list-style-type: none"> <li><i>Australian Standard AS1670.1 – 2015 Fire detection, warning, control and intercom systems – System design, installation and commissioning Clause 3.10.</i></li> </ul>                         |
| 22                       | Fire Safety Systems | No separation or segregation observed in electrical cabling installed in shared risers and cable support with other service cabling throughout the building.                                    | The inadequate electrical installation is attributable to a failure to comply with the Australian Standard provisions set out in column 5. These require wiring systems to be suitably protected against hazards and not to be installed in enclosures where they are accessible to personal contact or where they may contact other services. | <ul style="list-style-type: none"> <li><i>Australian Standard AS/NZS3000 Electrical Installations “Wiring Rules” Clause 3.9.8.4 Proximity to non-electrical services.</i></li> </ul>   |
| 23                       | Fire Safety Systems | Non-compliant fire separation in service risers across all residential levels as non-fire rated plaster board was observed behind cable tray.   | The inadequate fire separation in service risers is attributable to a failure to comply with the Building Code provisions referenced in column 5. These require parts of different classifications located alongside one another to be separated by a fire wall having a sufficient FRL.   | <ul style="list-style-type: none"> <li><i>BCA Volume One, Section C Fire resistance – C2.8 Fire resisting construction and separation of classification in the same story.</i></li> </ul>  |
| 24                       | Structural Systems  | Uncontrolled cracking to the floor surface and soffit of the suspended concrete slab throughout the basements and ground floor were observed, cracks appear through the full depth of the slab. | The uncontrolled cracking to the floor surface is attributable to a failure to comply with the Australian Standards and Building Codes referenced in column 5. These require general cracking in concrete structures to be controlled so that  | <ul style="list-style-type: none"> <li><i>Australian Standard 3600-2009 Concrete structures, Section 2 Design procedures, actions and loads, 2.3, Design for serviceability, 2.3.3, Cracking</i></li> <li><i>AS 3600 appears as a standard referenced in the BCA Volume</i></li> </ul> |



| Serious Defect Reference | Building element   | Defect  | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard  |
|--------------------------|--------------------|---|--|--|
|                          |                    |   | the structural performance, durability and appearance of the structure are not compromised.  | <i>One</i> , Section B Structure, Deemed-to-Satisfy provision B1.4 - Determination of structural resistance of materials and forms of construction.  |
| 25                       | Structural Systems | Unprotected tendons were observed in the access stairwell within the basement level.                    | The unprotected reinforcement is attributable to a failure to comply with the Australian Standards and Building Code provisions referenced in column 5. These require embedded items to be protected from corrosion or deterioration. They require that metals such as aluminium should not be embedded unless effectively coated, covered or treated. | <ul style="list-style-type: none"> <li>• <i>Australian Standard AS3600</i> 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, 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 and Australian Standard AS3600 - 17.1.3 Handling, placing and compacting of concrete;</li> <li>• <i>Australian Standard AS3600</i> appears as a standard referenced in the <i>BCA Volume One</i>, Part B1 Structural provisions, BP1.1 Structural reliability.</li> </ul> |
| 26                       | Structural Systems | Significant cracking and damage to the topping slab was observed adjacent the lift on Basement Level 4. | The cracking and damage to the topping slab is attributable to a failure to comply with the Australian Standards and Building Code provisions referenced in column 5.  | <ul style="list-style-type: none"> <li>• <i>Australian Standard 3600-2009</i> Concrete structures, Section 2 Design procedures, actions and loads, 2.3, Design for serviceability, 2.3.3, Cracking which appears as a standard</li> </ul>  |

| Serious Defect Reference | Building element   | Defect   | Reason why defect is a serious defect   | Applicable approved plan, Code or Australian Standard  |
|--------------------------|--------------------|--|---|--|
|                          |                    |  |   | referenced in the <i>BCA Volume One</i> , Section B Structure, Deemed-to-Satisfy provision B1.4 - Determination of structural resistance of materials and forms of construction.   |
| 27                       | Structural Systems | Significant cracking, honeycombing and failure were observed to the concrete walls within select levels across all levels of the Basement.   | The cracking and honeycombing of the concrete installation in the Basement are attributable to a failure to comply with the Australian Standards and Building Code provisions referenced in column 5. These require corrosion protection and that concrete is handled, placed and compacted as to produce a monolithic mass between planned joints and/or the extremities of members. | <ul style="list-style-type: none"> <li><i>Australian Standard AS3600 Concrete Structures</i> 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 and Section 17 - Materials and construction requirements, 17.1.3 Handling</li> </ul> |
| 28                       | Structural Systems | Absence of slip resistant nosing strips in internal fire stairways.  | The absence of installed nosing strips is attributable to a failure to comply with the Building Code provision referenced in column 5. This requires nosing strips to be installed with a slip-resistant classification.  | <ul style="list-style-type: none"> <li><i>BCA Volume One</i>, Part D2: Construction of exits, D2.13.</li> </ul>  |
| 29                       | Structural Systems | Across all levels of the basement defects to the shoring wall were observed: <ul style="list-style-type: none"> <li>Shoring wall is comprised of multiple concrete placement and subsequent</li> </ul> | The presence of multiple cold joints in the basement shoring wall are attributable to a failure to comply with the Australian Standards provisions referenced in column 5. These require concrete to be   | <ul style="list-style-type: none"> <li><i>Australian Standard AS3600 Concrete Structures</i> - 17.1.3 Handling, placing and compacting of concrete and 17.4.1 Location of construction joints.</li> </ul>  |

| Serious Defect Reference | Building element            | Defect   | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard  |
|--------------------------|-----------------------------|--|--|--|
|                          |                             | <p>construction joint known as cold joint.</p> <ul style="list-style-type: none"> <li>• Different concrete pours in the shoring wall have not provided a monolithic concrete mass.</li> <li>• The location of the construction joint was not specified provided in the approved plan known structural drawing regarding the wall construction joint.</li> </ul>      | <p>handled, placed and compacted in a way to produce a monolithic mass between planned joints.</p>   |  |
| 30                       | Building Essential Services | <p>Head height clearances in the basement and fire stairs were observed to be lower than required, at 1990mm to ceiling and 1905mm to the underside of the fire detector.</p>  | <p>The inadequate height is attributable to a failure to comply with the Building Code provision referenced in column 5. This requires the unobstructed height throughout the required exit to be not less than 2 metres.</p>  | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section D Access and egress – Part D1.6 Dimensions of exist and paths of travel.</li> </ul>  |
| 31                       | Building Essential Services | <p>It was observed that consumer gas meters for each apartment were observed to be installed within cupboards opening to the common area corridors on levels 1-4, louvered ventilation openings were observed on these cupboards, permanent, mechanical or natural ventilation openings within the common area corridors to the outside of the building were not</p> | <p>The absence of adequate ventilation in the common area corridors related to gas meters is inadequate and is attributable to a failure to comply with the Australian Standard provisions referenced in column 5. These require the common area corridors to be ventilated directly to the outside.</p> | <ul style="list-style-type: none"> <li>• <i>Australian Standard 4645.1 – 2018 Gas distribution networks</i>, Part 1: Network management, Appendix I – Design requirements for consumer meter assemblies, 17 Consumer meter assemblies in buildings, Section 17.4 Meter Room Ventilation, Clause 17.4.3 Natural Ventilation via adjacent room.</li> </ul> |

| Serious Defect Reference | Building element            | Defect  | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard  |
|--------------------------|-----------------------------|---|--|--|
|                          |                             | observed to have been installed.  |  |  |
| 32                       | Building Essential Services | It was observed that there is no separation or individual support for fire-rated safety services in the Main Switchboard Room.  | The inadequate electrical installation in the Main Switchboard Room is attributable to a failure to comply with the Australian Standard referenced in column 5. This requires that wiring systems for fire-related services are adequately separated.  | <ul style="list-style-type: none"> <li><i>Australian Standard AS/NZS3000 Electrical Installations "Wiring Rules" Clause 3.9.8.4 Proximity to non-electrical services</i></li> </ul>  |
| 33                       | Building Essential Services | Safety service main switches in the Main Switchboard Room are not labelled or segregated correctly.   | The lack of labelling and segregation of safety service main switches is attributable to a failure to comply with the Australian Standard referenced in column 5. This requires that main switches for safety services be adequately separated from non-emergency equipment switchgear by metal partitions.  | <ul style="list-style-type: none"> <li><i>Australian Standard AS 3000 Electrical installations "Wiring rules" – 2007 Clause 7.2.3 and Clause 7.2.4.</i></li> </ul>   |
| 34                       | Building Essential Services | Inadequate fire rating of the Main Switchboard Room, incoming consumer mains are not adequately fire rated and the Room itself is not adequately fire rated from the remainder of the building. | The lack of adequate fire rating of the Main Switchboard Room and incoming consumer mains are attributable to a failure to comply with the Building Code and Australian Standards provisions referenced in column 5. These require main switchboards to be separated from other parts of the building by construction having an FRL of not less than 120/120/120 and adequate electrical installation of building services which are | <ul style="list-style-type: none"> <li><i>BCA Volume One, Section C C2.13 Electricity supply system; and</i></li> <li><i>Australian Standard AS 3000 – 2007 Electrical Installations "Wiring Rules" – Clause 7.2.</i></li> </ul> |

| Serious Defect Reference | Building element            | Defect  | Reason why defect is a serious defect   | Applicable approved plan, Code or Australian Standard  |
|--------------------------|-----------------------------|---|---|--|
|                          |                             |   | essential for the safe operation of safety services.  |  |
| 35                       | Building Essential Services | It was observed that there is inadequate clearance between the Main Switch Board and other switchboards and equipment in the Main Switchboard Room. | The inadequate clearance in the Main Switchboard Room is attributable to a failure to comply with the Australian Standard provision referenced in column 5. This requires sufficient access to switchboards and unimpeded space of at least 0.6 metres around switchboards.                         | <ul style="list-style-type: none"> <li><i>Australian Standard AS 3000 – 2007 Electrical Installations “Wiring Rules” – Clause 2.9.2.2.</i></li> </ul>                                |
| 36                       | Building Essential Services | There is no safe access system provided to maintain the air-conditioning plant on the top of the lift shaft core on the Rooftop Plant Deck.         | The lack of safe access system is attributable to a failure to comply with the Building Code provision listed in column 5. This requires a delineated path of access to a building if the trafficable surface is 1 metre or more above the surface beneath.   | <ul style="list-style-type: none"> <li><i>BCA Volume One, Section D - D2.16 Barriers to prevent falls.</i></li> </ul>  |
| 37                       | Building Essential Services | Pipework in the Basement was observed to have been not labelled in accordance with the relevant requirements.                                       | The lack of labelling and identification of pipework in the Basement is attributable to a failure to comply with the Australian Standard provisions set out in column 5. These require that accessible pipework and fire service pipelines are permanently marked so as to be readily identifiable. | <ul style="list-style-type: none"> <li><i>Australian Standard 3500.1 - 5.18 Identification of piping and Clause 6.5 Identification and 10.10 Identification of Pipes.</i></li> </ul> |
| 38                       | Building Essential Services | Sewer and stormwater installation in Basement has been installed without adequate fall or with reverse fall.  | The inadequate pipe fall is attributable to a failure to comply with the Australian Standard referenced in column 5. This requires minimum grades to be   | <ul style="list-style-type: none"> <li><i>Australian Standard AS3500.2 – 3.4 Grades of drains - 3.4.1 Minimum grade.</i></li> </ul>  |

| Serious Defect Reference | Building element            | Defect  | Reason why defect is a serious defect  | Applicable approved plan, Code or Australian Standard   |
|--------------------------|-----------------------------|---|--|---|
|                          |                             |   | achieved for 100mm PVC drainage as 1.65%.  |   |
| 39                       | Building Essential Services | <p>Subsoil drainage pipe installation within the perimeter drainage systems in the Basement was observed to be uneven and without consistent falls to outlets.</p> <p>Subsoil drainpipe within the perimeter drainage channel was observed to be discontinuous and incomplete and had no provisions for clear outs installed.</p> <p>Most floor waste drainage outlets in the basement carpark did not have a drain cover. The drainage outlet is higher than the concrete floor slab, impeding water drainage.</p> | <p>The inadequate pipe fall within the Basement demonstrates a failure to comply with the Australian Standards and Building Code provisions referenced in column 5. These require the minimum grade for 100mm PVC drainage as 1.65%. Drainage systems must convey surface water to an appropriate outfall and moisture from the ground must be prevented from causing undue dampness or unhealthy or dangerous conditions for occupants.</p> | <ul style="list-style-type: none"> <li>• <i>Australian Standard AS3500.2 – 3.4 Grades of drains - 3.4.1 Minimum grade;</i></li> <li>• <i>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</i></li> <li>• <i>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 which is a pathway that can satisfy BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements: FP1.3 Rainwater drainage systems.</i></li> </ul> |
| 40                       | Building Essential Services | <p>It was observed that the Basement Level 1 wash bay horizontal floor surface does not have adequate slope to the drainage outlet causing accumulation of excess water and ponding throughout the</p>  | <p>The inadequate sloping to the drainage outlet in Basement Level 1 is attributable to a failure to comply with the Australian Standards and Building Code provisions referenced in column 5. These require the drainage system to convey surface</p>   | <ul style="list-style-type: none"> <li>• <i>Australian Standard AS/NZS3500.3 appears as a standard referenced in the BCA Volume One, Part F Damp and Weatherproofing, Performance Requirements FP1.3; and</i></li> </ul>  |

| Serious Defect Reference | Building element            | Defect  | Reason why defect is a serious defect   | Applicable approved plan, Code or Australian Standard   |
|--------------------------|-----------------------------|---|---|---|
|                          |                             | area and regular drainage to the carpark stormwater system  | water to an appropriate outfall and avoid surface water damaging the building. Falls in finishes must ensure that water drains to the drainage outlet.  | <ul style="list-style-type: none"> <li><i>Australian Standard 4654.2 - Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls.</i></li> </ul> |
| 41                       | Building Essential Services | It was observed that the hose tap located on the Rooftop Deck was located within 1000mm of the balcony above 300mm, providing a potential step point. | The location of the hose tap in relation to the balcony is attributable to a failure to comply with the Building Code provision referenced in column 5. This requires a continuous barrier to be provided along the side of the roof to which general access is provided if the trafficable surface is 1 metre or more above the surface beneath. | <ul style="list-style-type: none"> <li><i>BCA Volume One, Section D – D2.16 Barriers to prevent falls.</i></li> </ul>   |

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| 42 | Fire Safety Systems | It was observed thresholds to doors leading into Fire Isolated Stairs had uneven surface with gaps exceeding 10mm. | Gaps underneath the fire doors exceeding 10 mm is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that the clearances between the bottom of all door leaves and the floor shall be between the leaf and the top surface of the floor including any floor covering—not less than 3 mm and not more than 10 mm. | <ul style="list-style-type: none"> <li>Australian Standard AS 1905.1 Components for the protection of openings in fire resistant walls, Part 1: Fire-resistant doorsets, Section 5 Installation, 5.5 Clearances around door leaves, 5.5.1 Threshold and floor finish</li> <li>Australian Standard AS 1905.1 appears as a standard referenced in the NCC BCA Volume One, Specification C3.4 Fire doors, smoke doors, fire windows and shutters</li> </ul> |
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| 43 | Fire Safety Systems | It was observed door opening into the Fire Isolated Stairs encroaches the required width of the exit by more than 500mm.  | The excessive encroachment is attributable to the failure to comply with the Building Code referenced in column 5 which requires among other things that a swinging door in a required exit must not encroach at any part of its swing by more than 500mm on the required width of path of travel. | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section D Access and Egress, Part D2 Construction of exits, D2.20 Swinging doors.</li> </ul>  |
| 44 | Fire Safety Systems | It was observed that multiple fire door frames were found to be hollow when tapped, indicating that voids exist in the grout behind the frames that are not solid core filled. This was typical throughout numerous fire door frame sets. | The voids in the grouted door frames are attributable to a failure to comply with the Australian Standards and Building Codes referenced in column 5 which require door frames to be backfilled by thoroughly and progressive grouting.  | <ul style="list-style-type: none"> <li>• Australian Standard AS1905.1- Components for the protection of openings in fire-resistant wall Part 1: Fire resistant doorsets, Section 5 Installation, 5.3 Fixing of Doorframes</li> <li>• Australian Standard AS1905.1 as referenced in <i>BCA Volume One</i>, Section C Fire resistance, Specifications C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors</li> <li>• Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors, is a pathway that can satisfy the <i>BCA Volume One</i>, Section C Fire resistance, Performance Requirement CP2,</li> </ul> |
| 45 | Fire Safety Systems | Gaps and unprotected service penetrations within fire rated walls and ceiling bounding the pump room.   | Gaps and unprotected service penetrations within fire rated walls is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that where an electrical, electronic, plumbing, mechanical                     | <ul style="list-style-type: none"> <li>• Australian Standard AS 2419.1- 2005 Fire Hydrant Installations, Part 2: System design, Installation and commissioning, Section 6 Pump sets, 6.4.2 Internal pumprooms</li> </ul>  |



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|    |                     |  | ventilation, air-conditioning, or other service penetrates a building element (other than an external wall or roof) that it is required to have an FRL with respect to integrity or insulation or a resistance to the incipient spread of fire, and construction joints, spaces and the like in and between building elements are required to be fire-resisting with respect to integrity and insulation. | <ul style="list-style-type: none"> <li>• Australian Standard AS 2419.1 appears as a standard referenced in the NCC BCA Volume One, Part E1 Fire Fighting Equipment, E1.3 Fire hydrants</li> <li>• NCC BCA Volume One, Part C3 Fire Resistance, Part Cw3 Protection of Openings, C3.15 Openings for service installations and Specification C3.15 Penetration of walls, floors and ceilings by services</li> <li>• NCC BCA Volume One, Part C3 Protection of Openings, C3.16 Construction joints</li> <li>•</li> </ul> |
| 46 | Fire Safety Systems | It was observed the concrete plinth to pumpset baseplate was less than the required 150mm in height. | The reduced height to the concrete plinth to pumpset baseplate is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that pumpset baseplates be mounted on concrete plinths with a height not less than 150mm above the floor.  | <ul style="list-style-type: none"> <li>• <i>Australian Standards 2941 -2013</i> Fixed Fire Protection Installations – Pumpset System Section 11 Siting and Installation, 11.7 Plinth.</li> </ul>  |
| 47 | Fire Safety Systems | It was observed that the hydrant and pump room did not have adequate drainage with adequate falls.   | The inadequate drainage and falls to the pump room is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that provision for drainage of water with graded floor to the drainage system  | <ul style="list-style-type: none"> <li>• <i>Australian Standards 2941 -2013</i> Fixed Fire Protection Installations – Pumpset System Section 11 Siting and Installation, 11.6 Drainage.</li> </ul>  |

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|    |                             |   | be located in the pumphouse with pumpset.   |  |
| 48 | Fire Safety Systems         | It was observed that the hydrant and pump room did not have adequate ventilation.   | The inadequate ventilation is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that natural ventilation and a pressurisation system that only serves the fire room.   | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section E Services and Equipment, Part E1 Fire fighting equipment, Specification E1.8 Fire control centres, 10. Ventilation and power supply for a fire control room.</li> </ul>   |
| 49 | Fire Safety Systems         | The inadequate installation of a fire hydrant booster assembly within a cabinet/enclosure, and installation of outlets being greater than 150mm to the front face of the enclosure. | The inadequate fire hydrant booster installation is attributable to the failure to comply with the Building Code and Australian Standards referenced in column 5 which requires among other things that where boosters or feed fire hydrants are installed in a cabinet or recess, the front face of all connections shall be within 150 mm of the front face of the cabinet or recess. | <ul style="list-style-type: none"> <li>• Australian Standard AS2419.1 Fire hydrant installations Part 1 System design, installation and commissioning, Section 7 clause 7.4 Fire hydrant booster assembly arrangement</li> <li>• Deemed-to-Satisfy provision E1.4 is a pathway that can satisfy the <i>BCA Volume One</i>, Section E Services and equipment, Part E1 Fire fighting equipment, Performance Requirement EP1.1</li> </ul> |
| 50 | Building Enclosure          | There is cladding material to the external façade of the building which appeared to be combustible.   | The combustible cladding material is attributable to a failure to comply with the Building Code and Australian Standards referenced in column 5 which requires that a building must have elements which avoid the spread of fire within the Building.   | <ul style="list-style-type: none"> <li>• <i>BCA Volume One</i>, Section C Fire Resistance, Performance Requirements CP2</li> </ul>   |
| 51 | Building Essential Services | The failure to install falls across the bottom of the basement stormwater pits and the  | The stormwater pits holding water is attributable to the failure to comply with the Building Code and Australian  | <ul style="list-style-type: none"> <li>• Australian Standard AS/NZS3500.3 –2003 Plumbing and Drainage–Stormwater</li> </ul>  |

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|  |  | stormwater pits consequently holding water. | Standards referenced in column 5 which requires among other things pits to have graded to fall at least 20mm between the inverts of inlets and outlet pipes. | <p>Drainage, Section 7 Surface Water and Subsoil Drainage Systems – Ancillaries, Clause 8.6.3 Falls Across Pits</p> <ul style="list-style-type: none"> <li>• 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, Performance Requirement FP1.4</li> </ul> |
|--|--|---|--|--|

16. I am of the view that the periods above for Defect 1 through 51 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.
17. 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.
18. 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**

19. 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.
20. I am aware that there are residents occupying this location as the Building is completed which will delay rectification work.

#### **Consideration of written representations**

21. On 1 June 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, Office of the Registrar General, and Certifier. The served parties were invited to provide written representations relating to the Order to the Department by 22 June 2023.
22. No written submissions from any parties were received. On 5 July 2023, a subsequent notice of intention to issue a building work rectification order, including an amended draft copy of the Order, was served on the Developer, Local Council, Office of the Registrar General, and Certifier as further defects were identified, confirmed, and added to the order. The served parties were again invited to provide written representations relating to the Order to the Department by 19 July 2023.
23. No written submissions from any parties were received.

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

24. 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 Kenna Developments to carry out the building work described, within the period specified in the above Order.
25. 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,
- 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).