Department of Customer Service

NSW GOVERNMENT

Attn: Proper Officer
Derby St Projects Pty Ltd
678 Parramatta Road,
Croydon NSW 2132

Service: By Express Post

DATE: 12 January 2024

Building Work Rectification Order

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

Derby St Projects Pty Ltd (ACN 610 354 197) (Derby St Projects) is being given this Building Work Rectification Order (Order) in relation to 57-59 Lachlan Street, Warwick Farm NSW 2170 (SP 98840).

Derby St Projects is required to cause building work to be carried out to remediate the serious defects as set out below in this Order.

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

Background

1. The Department of Customer Service (**the Department**) administers the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (**the Act**).

2. Under section 33 of the Act, if the Secretary of the Department, or their authorised delegate, has a reasonable belief that building work was carried out in a manner that could result in a serious defect in relation to the Building, they may order the developer to rectify building work to remediate the serious defect or potential defect.

3. Section 3 of the Act defines a serious defect. Section 3 of the Act also defines the term "building element" by reference to the *Design and Building Practitioners Act 2020* (**DBP Act**). Section 4 of the Act defines the term "developer". Section 6 of the Act provides the building work to which the Act applies. Relevant excerpts from sections 3, 4 and 6 of the Act and section 6 of the DBP Act are set out in **Attachment A** to this order.

4. Elizabeth Stewart, Department of Customer Service is an authorised delegate of the Secretary of the Department.

5. Derby St Projects Pty Ltd (ABN 610 354 197) is the developer of the residential apartment building known as 57-59 Lachlan Street, Warwick Farm NSW 2170 (SP 98840) (**the Development**) for the purposes of section 4(a) of the Act.

6. The Development comprises a residential flat development containing two 9 storey components with a total of 66 units above basement car parking. 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 29 November 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, Derby St Projects Pty Ltd (ACN 610 354 197), to do the things specified in column 4 in Table 1 to eliminate, minimise or remediate each respective serious defect described in columns 1, 2 and 3 of Table 1. Each requirement must be complied with by the time set out in column 5 of Table 1:

Table 1: Requirements in respect of Serious Defects

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
1	Basement Level 1 - Visitors Parking	Water ingress was observed from external courtyard areas into the carpark.	Within the time period specified in column 5: 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: • *Australian Standard 4654.2-2012*, Waterproofing Membranes for External Above Ground Use; • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4 which is a pathway that can satisfy BCA Volume 1, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. 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.	Stage 1 - 60 days Stage 2 – 120 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
2	Basement - Toilet	It was observed that there was an inadequate membrane upturn at the wall-floor junction, an absence of sealant or grout around the base of the toilet suite and egress from the toilet at the door water stop, resulting in door frame corrosion. These defects would result in water egress into adjacent areas.	Within the time period specified in column 5: 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**:** • *Australian Standard 3740* – 2010 Waterproofing of domestic wet areas, Section 9 Junctions, 3.9.1 Perimeter flashing, 3.9.1.1 General and Section 9 Junctions, 3.9.1, 3.9.1.2 Perimeter flashing at floor level openings which appears as a standard referenced in *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.7. 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.	Stage 1 - 60 days Stage 2 – 120 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
3	Building B - Rooftop	Various issues related to the waterproofing membrane were observed. A deteriorated and failing membrane, the inadequate application of the membrane resulting in bubbling, the inadequate preparation of the substrate and bubbling membrane and an inadequately waterproofed lift shaft roof.	Within the time period specified in column 5: Stage 1 - Submit a written report 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: • *Australian Standard AS4654.2* - Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of membranes, 2.8.1.1 Height, 2.5 Substrate, 2.5.3.1 Fully bonded or liquid-applied and 2.7 Fillets. 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.	Stage 1 - 60 days Stage 2 – 120 days
4	Building B - Rooftop	Inadequately prepared substrate of the waterproofed lift shaft roof and deteriorating waterproof membrane were observed on the Building B Rooftop. These issues	Within the time period specified in column 5: Stage 1 - Submit a written report to Department via email to	Stage 1 - 60 days Stage 2 – 120 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		will lead to water ingress into the internal building envelop.	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: • *Australian Standard AS4654.2* Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.5 Substrate, 2.5.3.1 Fully bonded or liquid-applied appearing as a standard referenced in the *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4 which is a pathway that can satisfy *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4, 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.	
5	Building B - Rooftop	It was observed on the Rooftop of Building B that the roof areas are bounded by concrete hobs and	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
		that no overflow provisions were visible within the hobs.	Stage 1 - Submit a written report to 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: • *Australian Standard AS/NZS3500.3* –2015 Plumbing and Drainage– Stormwater Drainage, Section 5 Surface Drainage Systems –Design, Clause 5.3.1.1 Roof areas which appears as a standard referenced in the *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. 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.	Stage 2 – 120 days
6	Building B - Rooftop	Water ponding and water staining were observed on the roof surface of Building B.	Within the time period specified in column 5: Stage 1 - Submit a written report to the Department via email to ocaudits@customerservice.nsw.gov.au	Stage 1 - 60 days Stage 2 – 120 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			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: • *Australian Standard 4654.2-2012*, Waterproofing Membranes for External Above Ground Use - Design and Installation, Section 2 - Design and installation which appears as a standard referenced in the *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4 which is a pathway that can satisfy *BCA Volume 1*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. 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.	
7	Building A - Ground Level Walkway	Inadequate falls towards the drain in the ground level walkway were observed. Falls were	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
		5/1000mm which is less than the required 10/1000mm.	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: • *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 • *Australian Standard 4654.2* - Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls which appears as a standard referenced in the *BCA Volume One*, Part F Damp and Weatherproofing, Performance Requirements FP1.3. 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.	Stage 2 – 120 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
8	Unit 14 - Balcony	Inadequate falls towards the drain were observed. Falls were 5/1000mm which is less than the required 10/1000mm.	Within the time period specified in column 5: 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: • *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 • *Australian Standard 4654.2* - Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls which appears as a standard referenced in the *BCA Volume One*, Part F Damp and Weatherproofing, Performance Requirements FP1.3. Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings	Stage 1 - 60 days Stage 2 – 120 days

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.	
9	Unit 14 - Bathroom	Inadequate fall to the drainage outlet was observed, resulting in inadequate discharge and accumulation of excess water throughout the floor area. The fall was observed to be 6/1000mm rather than the required ratio of 1:100.	Within the time period specified in column 5: 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: • *Australian Standard 3740* - Waterproofing of domestic wet areas, Section 3 Installation, 3.3 Falls in floor finishes and Clause B4 Diagonal Cutting Tiles. • *BCA Volume One, Part F Damp and Weatherproofing.* 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.	Stage 1 - 60 days Stage 2 – 120 days
10	Unit 14 - Laundry	Inadequate fall to the drainage outlet was observed, resulting in inadequate discharge and	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
		accumulation of excess water throughout the floor area. The fall was observed to be 5/1000mm rather than the required ratio of 1:100.	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: • *Australian Standard 3740* - Waterproofing of domestic wet areas, Section 3 Installation, 3.3 Falls in floor finishes and Clause B4 Diagonal Cutting Tiles. • *BCA Volume One, Part F Damp and Weatherproofing.* 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.	Stage 2 – 120 days
11	Building A - Rooftop	It was observed that there was delaminated and failing membrane, inadequate membrane application and bubbling and inadequate termination of waterproofing membrane in the perimeter hob.	Within the time period specified in column 5: 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	Stage 1 - 60 days Stage 2 – 120 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with: • *Australian Standard AS4654.2* Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.5 Substrate, 2.5.3.1 Fully bonded or liquid-applied which appears as a standard referenced in the *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4 which is a pathway that can satisfy the *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. 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.	
12	Building A - Rooftop	It was observed on the Rooftop of Building A that the roof areas are bounded by concrete hobs and that no overflow provisions were visible within the hobs.	Within the time period specified in column 5: Stage 1 - Submit a written report to the Department via email to	Stage 1 - 60 days Stage 2 – 120 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			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: • *Australian Standard AS/NZS3500.3* –2015 Plumbing and Drainage– Stormwater Drainage, Section 5 Surface Drainage Systems –Design, Clause 5.3.1.1 Roof areas which appears as a standard referenced in *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. 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.	
13	Building A - Rooftop Lift Shaft	It was observed that the lift shaft roof was inadequately waterproofed and had a failing waterproofing membrane, leading to water ingress into the internal building envelop. Additionally, inadequate falls in the lift shaft	Within the time period specified in column 5: 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	Stage 1 - 60 days Stage 2 – 120 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		roof were observed, leading to water ponding on the surface.	work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with: • *Australian Standard AS4654.2* Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.5 Substrate, 2.5.3.1 Fully bonded or liquid-applied which appears as a standard referenced in the *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4 which is a pathway that can satisfy the *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. 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.	
14	Communal Open Space - Ground Level - Planter Boxes	Multiple observations were made in relation to waterproofing of the planter boxes in the ground level communal open space:	Within the time period specified in column 5: Stage 1 - Submit a written report to the Department via email to	Stage 1 - 60 days Stage 2 – 120 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		1. efflorescence in the walls indicating moisture egress from the planter box; 2. no evidence of a waterproofing membrane terminating a minimum of 100mm above the soil level within rooftop planter boxes; 3. no evidence of a membrane applied to the top or outer face of the planter walls to prevent water ingress into the wall; and 4. the membrane did not have a visible compliant termination detail.	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: • *Australian Standard AS4654.2*: Waterproofing membranes for external above ground use: Section 2 – Design and Installation, 2.13 Planter Boxes; • *Australian Standard 4654.2* Waterproofing membranes for external above-ground use – Design and installation, Section 2, 2.8 termination of membranes, 2.8.1 Upward terminations which appears as a standard referenced in *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. 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.	

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
15	Building A - Rooftop	Inadequate termination of the waterproofing membrane in the perimeter hob was observed.	Within the time period specified in column 5: 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: • *Australian Standard AS4654.2* Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of Membranes, 2.8.2 Vertical downward termination, 2.8.2.2 Parapet which appears as a standard referenced in the *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4 which is a pathway that can satisfy the *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. Stage 2 - Carry out the work to rectify the defect and consequential repairs in	Stage 1 - 60 days Stage 2 – 120 days

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.	
16	Southern fire-isolated stairway, Basement carpark - multiple locations	It was observed that service pipes are passing through the southern fire isolated stairway enclosure within the basement levels in multiple locations.	Within the time period specified in column 5: 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: • *Australian Standard AS 2419.1-2005*, Section 6, Pumpsets; • *BCA Volume One*, Part C3: Protection of Openings, C3.9 Service penetrations in fire isolated exits; and • *BCA Volume One*, Part C1 Fire resistance and stability, Specification C1.1: Fire- Resisting Construction. 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.	Stage 1 - 60 days Stage 2 – 60 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
17	Multiple locations	Partially hollow fire door frames and the use of steel plates and angles to close off gaps around fire door frames were observed in multiple locations.	Within the time period specified in column 5: 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: • *Australian Standard AS 1905.1* Components for the protection of openings in fire resistant walls, Part 1: Fire-resistant doorsets, Section 5: Installation which appears as a standard referenced in the *BCA Volume One*, Specification C3.4 Fire doors, smoke doors, fire windows and shutters. 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.	Stage 1 - 60 days Stage 2 – 60 days
18	Fire doors, multiple locations	It was observed that gaps under fire doors of fire isolated exits and fire doors of apartment entry doorways exceeded 10mm.	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
			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: • *Australian Standard AS 1905.1* Components for the protection of openings in fire resistant walls, Part 1: Fire-resistant doorsets, Section 5: Installation which appears as a standard referenced in the *BCA Volume One*, Specification C3.4 Fire doors, smoke doors, fire windows and shutters. 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.	Stage 2 – 60 days
19	Public corridor, Level 8, multiple locations	Gaps were observed between the fire rated wall and fire rated ceiling/concrete slab within the service cupboards on Level 8.	Within the time period specified in column 5: Stage 1 - Submit a written report to the Department via email to ocaudits@customerservice.nsw.gov.au from a suitably qualified person or	Stage 1 - 60 days Stage 2 – 60 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			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: • *BCA Volume One*, Part C1: Fire resistance and stability, Specification C1.1- Fire resisting construction; and • *BCA Volume One*, Part C3: Protection of Openings, C3.16. 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.	
20	Main switch room, Basement Level B1	It was observed that the main switch room in Basement Level B1 had services passing through it which are not adequately fire sealed, including: 1. steel pipe with a gap around it within the wall that is not fire sealed; and 2. localised reduction in slab thickness near yellow cables and an unknown method of sealing for the cables.	Within the time period specified in column 5: 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: • *BCA Volume One*, Part C3: Protection of Openings, C3.15 and Specification C3.15.	Stage 1 - 60 days Stage 2 – 60 days

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	Multiple locations, Ground floor to Level 8	It was observed that there was no evidence of fire stopping of service pipes passing through fire rated concrete floors and that fire rated plasterboard ceilings were installed in service cupboards in public corridors.	Within the time period specified in column 5: 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: • *BCA Volume One*, Part C3: Protection of Openings, C3.15 and Specification C3.15. 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.	Stage 1 - 60 days Stage 2 – 60 days
22	Multiple locations, Ground floor to Level 8	It was observed that wires and cables in service cupboards passing through fire rated elements have not been	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
		adequately fire sealed in accordance with relevant standards. Additionally, gaps can be seen around cables and wires. It is unknown if two layers of fire-rated board material has been used to protect wires and cables passing through the fire rated concrete slab.	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: • *BCA Volume One*, Part C3: Protection of Openings, C3.15 and Specification C3.15. 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.	Stage 2 – 60 days
23	Pumproom - Level B1	It was observed that the clear width of path of travel to access sprinkler valves and circulate within the room in the B1 Pumproom is less than 1m.	Within the time period specified in column 5: 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:	60 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			• *BCA Volume One*, Part D1: Provision for escape, D1.6; and • *Australian Standard AS 2419.1*-2005 which appears as a standard referenced in *BCA Volume One*, E1. 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	Fire hydrant block plan	The location of sprinkler control valves is not displayed at the fire hydrant block plan at the fire hydrant booster assembly.	Within the time period specified in column 5: 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: • *BCA Volume 1*, Part E1 Fire fighting equipment, Performance Requirements, EP1.4 Automatic fire suppression systems. Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings	Stage 1 - 60 days Stage 2 – 60 days

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.	
25	Multiple locations, Ground floor to Level 8	Across multiple locations, gas pipes were observed passing through fire rated elements, including fire rated floors.	Within the time period specified in column 5: 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: • *BCA Volume One*, Part C3: Protection of Openings, C3.15 and Specification C3.15; and • *Australian Standard AS 1530.4* Methods for fire tests on building materials, components and structures — Fire-resistance tests for elements of construction. 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.	Stage 1 - 60 days Stage 2 – 60 days
26	All basement levels	Areas of segregation and honeycombing were observed in	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
		the basement levels as areas of the concrete beam/slab have not been properly vibrated or compacted.	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: • *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. 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.	Stage 2 – 90 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
27	Basement Level 2 - Car Space 35	It was observed that areas of the concrete column have not been properly vibrated or compacted which has created areas of segregation and honeycombing.	Within the time period specified in column 5: 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: • *Australian Standard AS3600* Concrete Structures 1. 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. Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings	Stage 1 - 60 days Stage 2 – 90 days

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.	
28	Basement Level 2 - Car Space 18	Uncontrolled cracking, approximately 1mm to 2mm wide, was observed in the basement ceiling slab.	Within the time period specified in column 5: 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: • *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 *BCA* Volume *One,* Section B Structure, Deemed-to-Satisfy provision B1.4 - Determination of structural resistance of materials and forms of construction. Stage 2 - Carry out the work to rectify the defect and consequential repairs in accordance with the report and drawings	Stage 1 - 60 days Stage 2 – 90 days

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.	
29	Basement Level 2 - Adjacent to Lifts	Foreign objects, such as wires, were observed to be embedded within the concrete slab. These are surface defects which will reduce the service life of the concrete. Additionally, the concrete slab has not been properly vibrated or compacted, creating areas of segregation and honeycombing.	Within the time period specified in column 5: 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: • *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.	Stage 1 - 60 days Stage 2 – 90 days

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 Level 2 - Adjacent to Storage Cage 2	Foreign objects, such as wires, were observed to be embedded within the concrete slab. These are surface defects which will reduce the service life of the concrete. Additionally, the concrete slab has not been properly vibrated or compacted, creating areas of segregation and honeycombing. Chipped concrete was also observed, reducing concrete cover over the reinforcement bars and thus the service life of the concrete.	Within the time period specified in column 5: 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: • *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.	Stage 1 - 60 days Stage 2 – 90 days

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.	
31	Basement Level 2 - Car Spaces 40 and 50	Foreign objects, such as wires, were observed to be embedded within the concrete slab at Car Spaces 40 and 50 of Basement Level 2. These are surface defects which will reduce the service life of the concrete. Additionally, the concrete slab has not been properly vibrated or compacted, creating areas of segregation and honeycombing. Chipped concrete was also observed, reducing concrete cover over the reinforcement bars and thus the service life of the concrete.	Within the time period specified in column 5: 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: • *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,	Stage 1 - 60 days Stage 2 – 90 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			17.1.3 Handling, placing and compacting of concrete. 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.	
32	Basement Level 2 to Basement Level 1 ramp	Areas of the concrete slab have not been properly vibrated or compacted, creating areas of segregation and honeycombing.	Within the time period specified in column 5: 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: • *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	Stage 1 - 60 days Stage 2 – 90 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			and construction requirements, 17.1.3 Handling, placing and compacting of concrete. 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.	
33	Basement Level 1 - Car Spaces 7, 26 and 27	Foreign objects, such as corroded nails and metal objects, were observed to be embedded within the concrete slab, these surface defects in the hardened concrete will lead to a reduced service life of the concrete.	Within the time period specified in column 5: 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: • *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	Stage 1 - 60 days Stage 2 – 90 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			concrete, 17.1.7.2 Hardened concrete and Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete. 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.	
34	Basement Level 1 - Car Spaces 64 and 28	It was observed that areas of concrete column and slab have not been properly vibrated or compacted which has created areas of segregation and honeycombing.	Within the time period specified in column 5: 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: • *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	Stage 1 - 60 days Stage 2 – 90 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			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. 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.	
35	Basement Level 1 - Adjacent to Car Spaces 38, 65 and 66	It was observed in the concrete slab that the slab has not been properly vibrated or compacted, resulting in areas of segregation and honeycombing. Additionally, foreign objects such as organic and metal objects were embedded within the concrete slab, reducing the service life of the concrete.	Within the time period specified in column 5: 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: • *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 -	Stage 1 - 60 days Stage 2 – 90 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			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. 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.	
36	Basement Level 1 - Storage Cage 4, 24 and 56	It was observed that foreign objects, including corroded nails, were embedded in the concrete slab. These are surface defects and will result in the reduced service life of the concrete.	Within the time period specified in column 5: 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: • *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	Stage 1 - 60 days Stage 2 – 90 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			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. 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.	
37	Basement Level General	Exposed and unprotected reinforcement bar were observed in the concrete slab in several locations in the Basement Level General.	Within the time period specified in column 5: 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: • *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	Stage 1 - 60 days Stage 2 – 90 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			corrosion protection 10.4.3.1 General and 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 which appears as a standard referenced in the *BCA Volume One*, Part B1 Structural provisions, BP1.1 Structural reliability. 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.	
38	Basement Level 1 - Sprinkler Control Valve Room	Foreign objects, including formwork, were observed within the concrete slab, these are surface defects which will lead to the reduced service life of the concrete. Additionally, damaged concrete was observed, reducing concrete cover over reinforcement bars.	Within the time period specified in column 5: 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:	Stage 1 - 60 days Stage 2 – 90 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			• *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. 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.	
39	Building A and B - All Fire Stairs	It was observed that areas of the stairs concrete slabs have not been properly vibrated or compacted which has created areas of segregation and honeycombing.	Within the time period specified in column 5: 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	Stage 1 - 60 days Stage 2 – 90 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			that can be carried out to eliminate the serious defect in accordance with: • *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. 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.	
40	Unit 14 - Balcony	The bottom section of the window and door assembly on the Unit 14 Balcony was observed to be corroding. This will reduce the service life of the window and door assembly and result in damage to the waterproofing membrane below.	Within the time period specified in column 5: 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	Stage 1 - 60 days Stage 2 – 60 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			work and steps to complete that work that can be carried out to eliminate the serious defect in accordance with: • *Australian Standard 2047* - Windows and external glazed doors in buildings, Clause 2.2. Atmospheric Environments and 3.1.1.5 Finishes which appears as a standard referenced in the *BCA Volume One*, Part B1 Structural provisions, b1.4 Determination of structural resistance of materials and forms of construction.	
41	Building B - Data Room	It was observed that the cables are incorrectly installed and cable fixings were spaced too far apart to adequately support cables. The defect is systemic.	Within the time period specified in column 5 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: • *Australian Standard AS/NZS3000* Electrical Installations "Wiring Rules", Section 3 Selection and installation of wiring systems.	Stage 1 - 60 days Stage 2 – 60 days

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.	
42	Building B - Ground Level - Electricity Meters Room	It was observed that the cables are not correctly installed, and cable fixings were spaced too far apart to adequately support cables. The defect is systemic.	Within the time period specified in column 5: 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: • *Australian Standard AS/NZS3000* Electrical Installations "Wiring Rules", Section 3 Selection and installation of wiring systems. 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.	Stage 1 - 60 days Stage 2 – 60 days
43	Building A - Ground Level - Electricity Meters Room	It was observed that the cables are not correctly installed, and cable fixings were spaced too far	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
		apart to adequately support cables. The defect is systemic.	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: • *Australian Standard AS/NZS3000* Electrical Installations "Wiring Rules", Section 3 Selection and installation of wiring systems. 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.	Stage 2 – 60 days
44	Building A - Ground Level - Water Meters Room	The minimum separation required in accordance with the relevant standards has not been achieved between services in the water meters room.	Within the time period specified in column 5: 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:	Stage 1 - 60 days Stage 2 – 60 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			• *Australian Standard AS3500* – Plumbing and drainage - Clause 5.2 Proximity to other Services. 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.	
45	Building A - Data Rooms	It was observed that the cables are not correctly installed and cable fixings were spaced too far apart to adequately support cables. The defect is systemic.	Within the time period specified in column 5: 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: • *Australian Standard AS/NZS3000* Electrical Installations "Wiring Rules", Section 3 Selection and installation of wiring systems. 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.	Stage 1 - 60 days Stage 2 – 60 days

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 is listed above in accordance with section 67 of the Act.

Elizabeth Stewart
A/Executive Director

Building Operations and Assistant Building Commissioner

Reasons for the Building Work Rectification Order

Reasons for this Order

1. These Reasons for the Order are with respect to the Order dated 25 May 2023 issued to Derby St Projects Pty Ltd (ACN 610 354 197) under the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act* 2020 (**Order**). These reasons for the Order adopt the Background to the Order and any definitions within the Order, unless otherwise specified in the Reasons for the Order.

2. I, Elizabeth Stewart, have formed a reasonable belief that the Development has serious defects.

3. I have formed this belief after reviewing an Inspection Report (dated 23 January 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 29 November 2022.

4. 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)

Reason why defect is a serious defect

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	Water ingress into the basement car park from external courtyard areas was observed.	The water ingress into the basement is attributable to a failure to comply with the Australian Standards and Building Code referenced in column 5. These require compliant waterproof membranes for external above ground use and that roofs and	• *Australian Standard 4654.2-2012*, Waterproofing Membranes for External Above Ground Use; • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4 which is a pathway that can satisfy

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			external walls prevent the penetration of water which could cause unhealthy or dangerous conditions or undue dampness.	BCA Volume 1, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
2	Waterproofing	It was observed in the basement toilet that there was inadequate membrane upturn at the wall-floor junction, absence of sealant or grout around the base of the toilet suite and egress from the toilet at the door water stop, resulting in door frame corrosion.	The defect would result in water egress into adjacent areas and is attributable to a failure to comply with the Australian Standard and Building Code sections referenced in column 5. These require adequate waterproofing membranes, the use of junctions and waterproofing.	• *Australian Standard 3740* – 2010 Waterproofing of domestic wet areas, Section 9 Junctions, 3.9.1 Perimeter flashing, 3.9.1.1 General and Section 9 Junctions, 3.9.1, 3.9.1.2 Perimeter flashing at floor level openings which appears as a standard referenced in *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.7.
3	Waterproofing	On the Rooftop of Building B, deteriorated and failing membrane was observed. Additionally, inadequate application of membrane resulting in bubbling, inadequate preparation of substrate and bubbling membrane and inadequately waterproofed lift shaft roof were also observed.	The inadequate application of the waterproofing membrane on the Rooftop of Building B is attributable to a failure to comply with the Australian Standards referenced in column 5. These standards require the finished height of waterproofed membrane to be sufficient to prevent water flowing over the top of the membrane as well as the application of the substrate resulting in a smooth surface.	• *Australian Standard AS4654.2* - Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of membranes, 2.8.1.1 Height, 2.5 Substrate, 2.5.3.1 Fully bonded or liquid-applied and 2.7 Fillets
4	Waterproofing	Inadequately prepared substrate of the waterproof lift shaft roof and a deteriorating waterproofing	The inadequate preparation of substrate and deteriorating waterproofing membrane are attributable to a failure to comply	• *Australian Standard AS4654.2* Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		membrane were observed on the Rooftop of Building B. These defects will lead to water ingress into the internal building envelope.	with the Australian Standards and Building Code sections referenced in column 5. These require the preparation of substrate for membranes to result in smooth surfaces. It is also a requirement that roofs prevent the penetration of water that could cause unhealthy or dangerous conditions and undue dampness or deterioration of building elements.	2.5 Substrate, 2.5.3.1 Fully bonded or liquid-applied; and • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4 which is a pathway that can satisfy *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4,
5	Waterproofing	It was observed that the roof areas on the Building B Rooftop are bounded by concrete hobs and that there are no overflow provisions visible within the hobs.	The lack of overflow provisions on the Rooftop of Building B is attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require adequate discharge of stormwater and that roofs prevent the penetration of water that could cause unhealthy or dangerous conditions and undue dampness or deterioration of building elements.	• *Australian Standard AS/NZS3500.3* –2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface Drainage Systems –Design, Clause 5.3.1.1 Roof areas; and • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
6	Waterproofing	Ponding and water staining on the Rooftop of Building B were observed, indicating low points.	The water ponding and staining on the roof surface are attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require compliant waterproof membranes, that roofs prevent the penetration of water and that falls ensure that water	• *Australian Standard 4654.2-2012*, Waterproofing Membranes for External Above Ground Use - Design and Installation, Section 2 - Design and installation; • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4; and

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			should not be retained on the finished surface.	• *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
7	Waterproofing	Inadequate falls of 5/1000mm towards drainage on the Ground Level Walkway of Building A were observed. This is less than the required 10/1000mm falls for drainage.	The inadequate falls on the floor are attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require that falls in finishes ensure water drains to the drainage outlet and that falls be no flatter than 1:100.	• *Australian Standard AS/NZS 3500.3* –2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout – General criteria; • *Australian Standard 4654.2* - Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls; and • *BCA Volume One*, Part F Damp and Weatherproofing, Performance Requirements FP1.3.
8	Waterproofing	Inadequate falls of 5/1000mm towards drainage on the Unit 14 Balcony were observed. This is less than the required 10/1000mm falls for drainage.	The inadequate falls on the floor of the Unit 14 Balcony are attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require that falls ensure water drains to the drainage outlet and should be no flatter than a ratio of 1:100.	• *Australian Standard AS/NZS 3500.3* –2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout – General criteria; • *Australian Standard 4654.2* - Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls; and • *BCA Volume One*, Part F Damp and Weatherproofing,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				Performance Requirements FP1.3.
9	Waterproofing	Inadequate falls to the drainage outlet in the Unit 14 Bathroom were observed, resulting in inadequate discharge and the accumulation of excess water throughout the floor area. The fall was observed to be 6/1000mm to the drainage outlet rather than the required ratio of 1:100.	The inadequate falls on the floor are attributable to a failure to comply with the Australian Standard referenced in column 5. This requires that falls allow surface water to drain without ponding and a minimum fall to the waste being 1:100 in general bathroom floor areas.	• Australian Standard 3740- Waterproofing of domestic wet areas, Section 3 Installation, 3.3 Falls in floor finishes and Clause B4 Diagonal Cutting Tiles. • *BCA Volume One, Part F Damp and Weatherproofing.*
10	Waterproofing	Inadequate falls to the drainage outlet in the Unit 14 Laundry were observed, resulting in inadequate discharge and accumulation of excess water throughout the floor area. The fall was observed to be 5/1000mm to the drainage outlet, less than the required 1:100 ratio.	The inadequate falls observed in the Unit 14 Laundry are attributable to a failure to comply with the Australian Standards referenced in column 5. These require that falls in floor finishes allow surface water to drain without ponding and that the minimum fall to the waste shall be 1:100.	• *Australian Standard 3740* - Waterproofing of domestic wet areas, Section 3 Installation, 3.3 Falls in floor finishes and Clause B4 Diagonal Cutting Tiles. • *BCA Volume One, Part F Damp and Weatherproofing.*
11	Waterproofing	Delaminated and failing membrane, inadequate application of the membrane and bubbling and inadequate	The defective membrane and waterproofing on the Rooftop of Building A are attributable to a failure to comply with the Australian	• *Australian Standard AS4654.2* Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		termination of the waterproofing membrane in the perimeter hob were observed on the Rooftop of Building A.	Standards and Building Code sections referenced in column 5. These require that the preparation of substrate results in a smooth surface, that waterproofing membranes are compliant and that roofs prevent the penetration of water that could cause unhealthy or dangerous conditions or undue dampness or deterioration of building elements.	2.5 Substrate, 2.5.3.1 Fully bonded or liquid-applied; • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4; and • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
12	Waterproofing	It was observed that the roof areas on the Building A Rooftop are bounded by concrete hobs and that there are no overflow provisions visible within the hobs.	The lack of overflow provisions on the Rooftop of Building A is attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require adequate discharge of stormwater and that roofs prevent the penetration of water that could cause unhealthy or dangerous conditions and undue dampness or deterioration of building elements.	• *Australian Standard AS/NZS3500.3* –2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface Drainage Systems –Design, Clause 5.3.1.1 Roof areas; and • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
13	Waterproofing	The Rooftop Lift Shaft of Building A was observed to have an inadequately waterproofed lift shaft roof and failing waterproofing membrane, leading to water ingress into the internal building envelop. Additionally, inadequate falls were	The inadequate waterproofing and lack of adequate falls on the lift shaft roof are attributable to a failure to comply with the Australian Standard and Building Code sections referenced in column 5. These require the preparation of the substrate for liquid-applied membranes resulting in a smooth surface and compliance of	• *Australian Standard AS4654.2* Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.5 Substrate, 2.5.3.1 Fully bonded or liquid-applied; • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		observed in the lift shaft roof, leading to water ponding on the surface.	waterproofing membranes. They also require that roofs prevent the penetration of water that could cause unhealthy or dangerous conditions, loss of amenity and undue dampness or deterioration of building elements.	Deemed-to-Satisfy provision F1.4; and • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
14	Waterproofing	Multiple defects were observed in relation to the Planter Boxes in the Ground Level Communal Open Space: 1. efflorescence in the walls indicating moisture egress from the planter box; 2. no evidence of a waterproofing membrane terminating a minimum of 100mm above the soil level within rooftop planter boxes; 3. no evidence of a membrane applied to the top or outer face of the planter walls to prevent water ingress into the wall; and 4. the membrane did not have a visible compliant termination detail.	The inadequate planter construction with lack of compliant waterproofing is attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require that membranes for planter boxes be sealed to a drainage outlet and extend to a height of 100 mm above the soil or fill level.	• *Australian Standard AS4654.2*: Waterproofing membranes for external above ground use: Section 2 – Design and Installation, 2.13 Planter Boxes; • *Australian Standard 4654.2* Waterproofing membranes for external above-ground use – Design and installation, Section 2, 2.8 termination of membranes, 2.8.1 Upward terminations; and • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4**.**

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
15	Waterproofing	Inadequate termination of the waterproofing membrane in the perimeter hob of the Building A Rooftop was observed.	The inadequate installation of the membrane over the hob is attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5. These require the top edges of the waterproofing membrane to be protected by the downturn of the cavity flashing and that roofs and external walls prevent the penetration of water that could cause unhealthy or dangerous conditions or undue dampness or deterioration of building elements.	• *Australian Standard AS4654.2* Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of Membranes, 2.8.2 Vertical downward termination, 2.8.2.2 Parapet; • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4; and • *BCA Volume One*, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
16	Fire Safety Systems	Service pipes were observed passing through the Southern fire isolated stairway enclosure within the basement levels across multiple locations. This stairway gives access to the pumproom and sprinkler valves on Level B1.	The lack of adequate fire isolation of the southern fire exit stairway serving the basement carpark is attributable to a failure to comply with the Australian Standard and Building Code sections referenced in column 5. These require internal pumprooms and fire exit stairways to be fire isolated. The service pipes and penetrations within the walls bounding the fire isolated stairway fail to comply with fire resistance requirements of the Building Code.	• *Australian Standard AS 2419.1-2005*, Section 6, Pumpsets; • *BCA Volume One*, Part C3: Protection of Openings, C3.9 Service penetrations in fire isolated exits; and • *BCA Volume One*, Part C1 Fire resistance and stability, Specification C1.1: Fire- Resisting Construction.
17	Fire Safety Systems	Across multiple fire-rated door frames, partially hollow	The partially hollow door frames and gaps around fire-rated door	• *Australian Standard AS 1905.1* Components for the protection of

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		door frames and steel plates and angles used to close off gaps around fire door frames were observed.	frames are attributable to a failure to comply with the Australian Standards and Building Code section referenced in column 5. These require fire doors to comply and metal doorframes to be appropriately fixed and filled as per the tested specimen.	openings in fire resistant walls, Part 1: Fire-resistant doorsets, Section 5: Installation; and • *BCA Volume One*, Specification C3.4 Fire doors, smoke doors, fire windows and shutters.
18	Fire Safety Systems	In relation to fire doors across multiple locations, it was observed that gaps under fire doors of fire isolated exists were larger than 10mm and gaps under fire doors of apartment entry doorways also exceeded 10mm.	The excessive gaps between fire door leafs and non-combustible thresholds of more than 10mm are attributable to a failure to comply with the Australian Standards and Building Code sections referenced in column 5.	• *Australian Standard AS 1905.1* Components for the protection of openings in fire resistant walls, Part 1: Fire-resistant doorsets, Section 5: Installation; and • *BCA Volume One*, Specification C3.4 Fire doors, smoke doors, fire windows and shutters.
19	Fire Safety Systems	Gaps between the fire rated wall and fire rated ceiling/concrete slab were observed within the service cupboards on Level 8.	The unprotected gaps between the fire rated walls and ceiling are attributable to a failure to comply with the Building Code sections referenced in column 5. These require construction joints and spaces between building elements to be fire-resisting and that internal walls have a compliant FRL rating.	• *BCA Volume One*, Part C1: Fire resistance and stability, Specification C1.1- Fire resisting construction; and • *BCA Volume One*, Part C3: Protection of Openings, C3.16.
20	Fire Safety Systems	It was observed that the main switch room in Basement Level B1 had services passing through it which are not adequately fire sealed, including:	The unprotected service penetrations observed in the fire rated elements in the Basement B1 main switch room are attributable to a failure to comply with the Building Code sections referenced in column 5. This requires that	• *BCA Volume One*, Part C3: Protection of Openings, C3.15 and Specification C3.15.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		1. steel pipe with a gap around it within the wall that is not fire sealed; and 2. localised reduction in slab thickness near yellow cables and an unknown method of sealing for the cables.	penetrations in building elements required to have an FRL are adequately protected and been tested to achieve a the required FRL or resistance to the incipient spread of fire.	
21	Fire Safety Systems	Across multiple locations it was observed that fire rated plasterboard ceilings have been installed in service cupboards in public corridors. There is no evidence of fire stopping of service pipes passing through fire rated concrete floors.	The unprotected service penetrations in fire rated elements across multiple locations from the Ground floor to Level 8 are attributable to a failure to comply with the Building Code sections referenced in column 5. This requires that service penetrations of building elements that are required to have an FRL comply with relevant specifications and have been tested to achieve the required FRL or resistance to the incipient spread of fire.	• *BCA Volume One*, Part C3: Protection of Openings, C3.15 and Specification C3.15**.**
22	Fire Safety Systems	Across multiple locations from the Ground floor to Level 8 it was observed that wires and cables in service cupboards passing through fire rated elements have not been adequately fire sealed and that gaps can be seen around cables and wires.	The unprotected service penetrations in fire rated elements across multiple locations from the Ground floor to Level 8 are attributable to a failure to comply with the Building Code sections referenced in column 5. This requires that service penetrations of building elements that are required to have an FRL comply	• *BCA Volume One*, Part C3: Protection of Openings, C3.15 and Specification C3.15

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		It is unknown if two layers of fire-rated board material has been used to protect wires and cables passing through fire rated concrete slab.	with relevant specifications and have been tested to achieve the required FRL or resistance to the incipient spread of fire.	
23	Fire Safety Systems	Within the Level B1 Pumproom, it was observed that the clear width of path of travel within the room is less than 1m. This path of travel is to circulate within the room and access sprinkler valves.	The insufficient width of path of travel within the B1 Pumproom is attributable to a failure to comply with the Building Code and Australian Standard sections referenced in column 5. These require the unobstructed width of the path of travel is not less than 1m and that pumprooms have adequate space for pump maintenance and replacement.	• *BCA Volume One*, Part D1: Provision for escape, D1.6; • *Australian Standard AS 2419.1*-2005; and • BCA Volume One, E1.
24	Fire Safety Systems	The fire hydrant block plan at the fire hydrant booster assembly does not show the location of the sprinkler control valves.	The failure to display the location of the sprinkler control valves is a failure to comply with 'Fire engineering report, No. 17181-R01, Issue No.2, Date: 28/11/2018' which is in turn a failure to comply with the Building Code section referenced in column 5. This section requires that automatic fire suppression systems be installed to the degree necessary to control the development and spread of fire appropriate to the building's characteristics.	• *BCA Volume 1*, Part E1 Fire fighting equipment, Performance Requirements, EP1.4 Automatic fire suppression systems.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
25	Fire Safety Systems	Across multiple locations from the Ground floor to Level 8, gas pipes passing through fire rated elements, including fire rated floors, were observed.	The penetration of gas pipes through fire rated elements is attributable to a failure to comply with the Australian Standard referenced in column 5, and possibly the Building Code section referenced.	• *BCA Volume One*, Part C3: Protection of Openings, C3.15 and Specification C3.15; and • *Australian Standard AS 1530.4* Methods for fire tests on building materials, components and structures — Fire-resistance tests for elements of construction.
26	Structural Systems	Across all basement levels honeycombing and segregation in the concrete was observed. This is a result of the concrete beam/slab having not been properly vibrated or compacted.	The honeycombing and segregation in the concrete installation across all basement levels is attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require embedded items to be protected from deterioration, that hardened concrete shall not be porous, segregated or honeycombed and that handling of concrete should limit segregation or loss of materials.	• *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.
27	Structural Systems	Areas of the concrete column on Basement Level 2 at Car Space 35 were observed to have areas of segregation and honeycombing, created by a lack of proper vibration and compaction.	The honeycombing and segregation in the concrete column at Car Space 35 on Basement Level 2 are attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require that embedded items are protected from deterioration, that hardened	• Australian Standard AS3600 Concrete Structures 1. 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,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			concrete shall not be porous, segregated or honeycombed and that handling of concrete should limit segregation or loss of materials	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.
28	Structural Systems	Uncontrolled cracking of the basement ceiling slab was observed in Basement Level 2 at Car Space 18. The cracking observed was approximately 1mm to 2mm wide.	The cracking identified is attributable to a failure to comply with the Australian Standard and Building Code sections referenced in column 5. These require the control of general cracking in concrete structures so that structural performance, durability and appearance are not compromised.	• *Australian Standard 3600-2009* Concrete structures, Section 2 Design procedures, actions and loads, 2.3, Design for serviceability, 2.3.3, Cracking; and • *BCA Volume One*, Section B Structure, Deemed-to-Satisfy provision B1.4 - Determination of structural resistance of materials and forms of construction.
29	Structural Systems	Honeycombing, segregation and foreign objects were observed in the concrete slab on Basement Level 2, adjacent to the Lifts. Foreign objects, including wires, were embedded within the concrete, which are surface defects and will reduce its service life. Additionally, honeycombing and segregation were observed, resulting from improper vibration and compacting.	The honeycombing and foreign objects in the concrete slab are attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require embedded items to be protected from corrosion or deterioration and that hardened concrete is not segregated or honeycombed.	• *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.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
30	Structural Systems	Foreign objects, segregation, honeycombing and chipped concrete were observed in the concrete slab at Basement Level 2 adjacent to Storage Cage 2. Foreign objects, including wires, were embedded within the concrete, these are surface defects which will reduce its service life. Honeycombing and segregation were observed, resulting from improper vibration and compacting. Additionally, chipped concrete was observed, reducing cover over the reinforcement bars and reducing the service life of the concrete.	The foreign objects, segregation, honeycombing and chipped concrete observed in the concrete slab at Basement Level 2 adjacent Storage Cage 2 are attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require embedded items to be protected from corrosion or deterioration and that hardened concrete is not segregated or honeycombed.	• *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**.**
31	Structural Systems	Foreign objects, segregation, honeycombing and chipped concrete were observed in the concrete slab on Basement Level 2 at Car Spaces 40 and 50. Foreign objects, including wires, were embedded within the concrete, these are surface defects which will reduce its	The foreign objects, segregation, honeycombing and chipped concrete observed in the concrete slab at Basement Level 2, Car Spaces 40 and 50 are attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require embedded items to be protected from corrosion or deterioration and that hardened	• *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**

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		service life. Honeycombing and segregation were observed, resulting from improper vibration and compacting. Additionally, chipped concrete was observed, reducing cover over the reinforcement bars and reducing the service life of the concrete.	concrete is not segregated or honeycombed.	Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete**.**
32	Structural Systems	Areas of the concrete slab of the Basement Level 2 to Basement Level 1 ramp have not been properly vibrated or compacted, creating areas of segregation and honeycombing.	The honeycombing and segregation observed in the concrete slab on the Basement Level 1 to Basement Level 2 ramp are attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require that hardened concrete shall not be segregated or honeycombed and that it is handled, placed and compacted so as to limit segregation.	• *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.
33	Structural Systems	Foreign objects, including corroded nails and metal objects, were observed to be embedded within the concrete slab at Basement Level 1 at Car Spaces 7, 26	The foreign objects embedded in the concrete installation are attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require embedded items to be protected from corrosion or	• *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

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		and 27. These surface defects will lead to reduced service life of the concrete.	deterioration and that hardened concrete shall not contain surface defects.	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.
34	Structural Systems	Areas of the concrete column and slab at Basement Level 1, Car Spaces 64 and 28 were observed to have areas of segregation and honeycombing, resulting from improper vibration and compaction.	The segregation and honeycombing in the concrete column and slab are attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require hardened concrete to be free from segregation and honeycombing and that the handling, placing and compacting of concrete limits segregation or loss of materials.	• *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.
35	Structural Systems	Segregation and honeycombing of the concrete slab at Basement Level 1, adjacent Car Spaces 38, 65 and 66 were observed. Additionally, foreign objects were observed to be embedded within the concrete slab,	The segregation, honeycombing and embedded objects in the concrete slab are attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require embedded items to be protected from deterioration, that hardened concrete must not be segregated or honeycombed and should be	• *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,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		these are surface defects and will reduce the service life of the concrete.	handled so as to limit segregation or loss of materials.	17.1.7.2 Hardened concrete and Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete.
36	Structural Systems	Foreign objects, including corroded nails, were observed to be embedded within the concrete slab at several locations at the Basement Level 1 storage cages 4, 24 and 56. These are surface defects and will reduce the service life of the concrete.	The foreign objects embedded in the concrete are attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require embedded items to be protected from deterioration, that hardened concrete must not be segregated or honeycombed and should be handled so as to limit segregation or loss of materials.	• *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.
37	Structural Systems	At the Basement Level General exposed and unprotected reinforcement bar was evident in the concrete slab in several locations.	The exposed and unprotected reinforcement bar is attributable to a failure to comply with the Australian Standard and Building Code sections referenced in column 5. These require corrosion cover and protection for reinforcing steel to protect from corrosion or deterioration. Concrete must also be handled, placed and compacted so as to completely fill the formwork and closely surround all reinforcements.	• *Australian Standard AS3600* Concrete structures, Section 4, Design for durability 4.10 Requirements for cover to reinforcing steel and tendons, 4.10,3 Cover for corrosion protection 10.4.3.1 General and 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

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				• *Australian Standard AS3600* – 17.1.3 Handling, placing and compacting of concrete which appears as a standard referenced in the *BCA Volume One*, Part B1 Structural provisions, BP1.1 Structural reliability.
38	Structural Systems	At the Basement Level 1 Sprinkler Control Valve Room foreign objects and damaged concrete were observed in the concrete slab. Foreign objects, such as formwork, embedded in the slab are surface defects which will reduce the service life of the concrete. Damaged concrete reduces the concrete cover over the reinforcement bars.	The foreign objects and damaged concrete are attributable to failures to comply with the Australian Standard sections referenced in column 5. These require embedded items to be protected from corrosion and deterioration and that hardened concrete does not contain surface defects.	• *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.
39	Structural Systems	Areas of the concrete slabs on the Fire Stairs of Building A and B were observed to have segregation and honeycombing, resulting from improper vibrating and compacting.	The honeycombing and segregation in the concrete slabs of the Fire Stairs are attributable to a failure to comply with the Australian Standard sections referenced in column 5. These require the handling, placement and compaction of concrete so as to limit segregation or loss of materials and that hardened	• *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,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			concrete shall not be segregated or honeycombed.	17.1.7.2 Hardened concrete and Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete.
40	Building Enclosure	Corrosion was observed in the door frame and window assembly of the Unit 14 Balcony. This will reduce the service life of the assembly and result in damage to the waterproofing membrane below.	The corroding window/door assembly is attributable to a failure to comply with the Australian Standard and Building Code sections referenced in column 5. These require materials used in windows and external glazed doors to be compatible with the atmospheric conditions of the site and that surfaces are finished and treated to resist corrosion.	• *Australian Standard 2047* - Windows and external glazed doors in buildings, Clause 2.2. Atmospheric Environments and 3.1.1.5 Finishes; and • *BCA Volume One*, Part B1 Structural provisions, b1.4 Determination of structural resistance of materials and forms of construction.
41	Building Essential Services	The cables in the Building B Data Room were observed to have not been correctly installed. Additionally, the cable fixings are spaced too far apart to adequately support the cables. This defect is systemic.	This systemic defect in the cable installation is attributable to a failure to comply with the Australian Standard section referenced in column 5. This requires that installed wiring systems provide adequate strength of supports, suspensions and fixings.	• *Australian Standard AS/NZS3000* Electrical Installations “Wiring Rules”, Section 3 Selection and installation of wiring systems.
42	Building Essential Services	The cables in the Building B Ground Level Electricity Meters Room were observed to have been incorrectly installed. The cable fixings were spaced too far apart to	The systemic defect in the cable installation observed in the Building B Ground Level Electricity Meters Room is attributable to a failure to comply with the Australian Standard section referenced in column 5. This requires that installed wiring systems provide	• *Australian Standard AS/NZS3000* Electrical Installations “Wiring Rules”, Section 3 Selection and installation of wiring systems.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		adequately support cables, this is a systemic defect.	adequate strength of supports, suspensions and fixings.	
43	Building Essential Services	The cables in the Building A Ground Level Electricity Meters Room were observed to have been incorrectly installed. The cable fixings were spaced too far apart to adequately support cables, this is a systemic defect.	The systemic defect in the cable installation observed in the Building A Ground Level Electricity Meters Room is attributable to a failure to comply with the Australian Standard section referenced in column 5. This requires that installed wiring systems provide adequate strength of supports, suspensions and fixings.	• *Australian Standard AS/NZS3000* Electrical Installations "Wiring Rules", Section 3 Selection and installation of wiring systems**.**
44	Building Essential Services	It was observed that the minimum separation required by the standards has not been achieved between services in the Water Meters Room on the Building A Ground Floor.	The inadequate hydraulic installation in the Building A Ground Level Water Meters Room is attributable to a failure to comply with the Australian Standard section referenced in column 5. This requires a separation of at least 25mm between any above-ground water service.	• *Australian Standard AS3500* – Plumbing and drainage - Clause 5.2 Proximity to other Services.
45	Building Essential Services	The cables in the Building A Data Rooms were observed to have been incorrectly installed with cable fixings spaced too far apart to adequately support cables. This defect is systemic.	The inadequately supported cable installation is attributable to a failure to comply with the Australian Standard referenced in column 5. This requires that installed wiring systems provide adequate strength of supports, suspensions and fixings.	• *Australian Standard AS/NZS3000* Electrical Installations "Wiring Rules", Section 3 Selection and installation of wiring systems.

5. I am of the view that the periods above for Defect 1 through 45 (inclusive) are reasonable periods for compliance in all the circumstances for the specified actions required by the Order to be carried out. I have formed this belief balancing the risks that the serious defects pose against the period of time it will take to carry out the specified actions.

6. 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.

7. 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

8. 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.

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

Consideration of written representations

10. On 25 May 2023, a notice of intention to issue a building works rectification order, including a draft building work rectification order (**Draft BWRO**) was served on the Developer, Local Council, Owners Corporation and Certifier.

11. The Developer and Owners Corporation were invited to provide written representations relating to the Draft BWRO to the Department by 15 June 2023.

12. The Certifier and Local Council were invited to provide written representations relating to the Draft BWRO to the Department by 25 June 2023.

13. On 15 June 2023, the solicitors for the Developer, provided representations to the Department on behalf of the Developer. The representations included the following information:

    a) The Developer acknowledged the receipt of the correspondence from the Department dated 25 May 2023.

b) The Developer attached a copy of the Noviion Engineering Report dated 8 June 2023 which purports to provide a response to the Report from ARC Building Consulting, and Leo & Associates Consulting Engineers (**ARC Report**) and the serious defects set out in the Draft BWRO.

14. The Developer's primary submission is that it is premature for the Department to issue an Order given the following:

    a) The alleged defects and the scope of rectification set out in the ARC Report are in dispute. The Developer will seek to rely on the Noviion Engineering Report and submits that the defects ought to be completed in accordance with the Noviion Engineering Report.

    b) The Order should not be given as the Developer is already bound by the statutory warranties under the *Home Building Act 1989* (NSW). The mechanisms under the *Home Building Act 1989* (NSW) are sufficient to deal with the rectification works in circumstances where the Developer has contracted a third party to commence and undertake rectification works. The Developer is prepared to work directly with the Owners to complete the rectification works with a qualified building expert and fire expert.

    c) The Order should not be given as the Developer was provided access to the Property on 4 May 2023 and has begun rectification works at the property. Derby has engaged an independent expert to supervise and oversea the completion of the rectification works at the Property.

15. I have considered the Developer's representations dated 15 June 2023 and have decided that it is appropriate to issue the Order.

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

16. I have considered all of the circumstances. I accept that the order requires considerable further 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 with respect to building elements.

17. 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 Derby St Projects Pty Ltd (ACN 610 354 197) to carry out the building work described, within the period specified in the above Order.

18. 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 and individual the maximum penalty is 1,000 penalty units and in addition, for every day the offence continues, 100 penalty units.**

- **You may appeal to the Land and Environment Court against this Order within 30 days after this Order is given, unless the Land and Environment Court grants leave for it to be made after that time. Lodging an appeal does not operate to stop the effect of this Order unless ordered by the Court.**

- **You are entitled to be given reasons for this Order, unless it has been given in an emergency. The reasons have been included within this Order and are not provided separately.**

- **The Secretary has given the following persons notice of the making of this building work rectification order:**

    - **the relevant local council,**

    - **if the local council is not the certifier in relation to the building work—the principal certifier,**

    - **if you are not the owner of the land concerned—the owner of the land concerned,**

    - **the Registrar-General,**

    - **if the order relates to a strata building—the relevant owners corporation,**

    - **any other person prescribed by the regulations.**

- **This Order specifies a time by which, or period within which, the order must be complied with. This Order continues to have effect until it is complied with even though the time has passed, or the period has expired, unless any requirement under this Order is revoked.**

Attachment A

Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020.

3 Definitions

(1) In this Act—

approved plans, in relation to building work, means the following—

(a) approved plans and specifications issued with respect to a construction certificate or complying development certificate for the building work under the *Environmental Planning and Assessment Act 1979*, together with any variations to those plans and specifications for the purposes of those certificates effected or approved in accordance with that Act,

(b) regulated designs under the *Design and Building Practitioners Act 2020*,

(c) any other plans prescribed by the regulations for the purposes of this definition.

Building Code of Australia has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

Building Commissioner means the Building Commissioner referred to in section 61.

building element has the same meaning as in the *Design and Building Practitioners Act 2020* and includes any element of a building that is prescribed by the regulations for the purposes of this definition.

building product means any product, material or other thing that is, or could be, used in a building.

building work—see section 5.

building work rectification order—see section 33.

class of building means a building of that class as recognised by the *Building Code of Australia*.

completion, in relation to building work, means the date that the occupation certificate for the building or part of a building to which the building work relates was issued.

Department means the Department of Customer Service.

developer—see section 4.

expected completion amendment notice—see section 8.

expected completion notice—see section 7.

expected date—see section 7(2).

function includes a power, authority or duty, and ***exercise*** a function includes perform a duty.

occupation certificate means an occupation certificate issued under the *Environmental Planning and Assessment Act 1979*.

owner's corporation for a strata scheme means the owners corporation for the strata scheme constituted under the *Strata Schemes Management Act 2015*.

prohibition order—see section 9.

rectification bond—see section 28.

residential apartment building means a class 2 building within the meaning of the *Building Code of Australia* and includes any building containing a part that is classified as a class 2 component but does not include any building or part of a building excluded from this definition by the regulations.

Secretary means the Secretary of the Department.

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.

stop work order—see section 29.

strata building means a building containing a lot or part of a lot that is the subject of a strata scheme.

strata plan has the same meaning as in the *Strata Schemes Development Act 2015*.

strata scheme has the same meaning as in the *Strata Schemes Development Act 2015*.

Note. The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

(2) Notes included in this Act do not form part of this Act.

4 Meaning of "developer"

For the purposes of this Act, 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.

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*).

Design and Building Practitioners Act 2020.

6 Building elements

(1) For the purposes of this Act, building element 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 door).