

Attn: Proper Officer
Sam Hanna & Co Pty Ltd
ACN 002 405 272
c/o - Sydney Tax & Superannuation Services
Unit F7, 101 Rookwood Road
YAGOONA NSW 2199

Service: By express post and by email

21 March 2024

Building Work Rectification Order

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

Sam Hanna & Co Pty Ltd (ACN 002 405 272) is being given this Building Work Rectification Order (Order) in relation to 61 Keira Street, Wollongong NSW 2500 (SP 92258).

Sam Hanna & Co Pty Ltd is required to cause building work to be carried out to remediate the serious defects as set out below in this Order.

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

Terms of this Order - requirements in relation to serious defects

1. I, Elizabeth Stewart, under section 33(1)(b) of the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 (RAB Act)*, require you **Sam Hanna & Co Pty Ltd (ACN 002 405 272)** to do the things specified in column 4 in Table 1 to eliminate, minimise or remediate each serious defect at **61 Keira Street, Wollongong NSW 2500 (SP 92258)** 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 / Ground Floor Common Area, Basement 1, Basement Carpark	<ol style="list-style-type: none"> 1. Water egress from the perimeter drains. 2. Moisture staining on the floor surface along the perimeter drains, indicating spillage of water from the drains. 	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect team via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>
2.	Basement / Ground Floor Common Area, Basement 1, Basement Carpark	<ol style="list-style-type: none"> 1. Water ingress via the concrete slab into the basement in multiple locations. 2. The leaks in the slab are located below the external common areas. 	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>

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			<p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
3.	Basement / Ground Floor Common Area, Basement 1, Stairs (Fire Isolated)	<ol style="list-style-type: none"> 1. Uncontrolled water enters the carpark from external areas via the fire door. 2. No grated drain has been installed beneath the door. 3. Retrofitted drainage and perimeter drain do not control water. 4. Floor graded adversely resulting in water being directed inside the basement carpark. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>
4.	Basement / Ground Floor Common Area, Ground Floor, Vehicle Driveway/Ramp, Basement Carpark	<ol style="list-style-type: none"> 1. Water ingress via the driveway entrance. 2. The grated drain does not extend the full width of the entry ramp. 3. The entry ramp is graded directing water to the parapet walls either side. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		4. Tracking water against the parapets bypasses the drain and enters the carpark.	<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
5.	External Common Area, Level 2, Common Area, External foyer/ corridor/ access, Common Courtyard	<ol style="list-style-type: none"> 1. Delaminated membrane between the overflows and the parapet wall. 2. No waterproofing membrane within the overflows. 3. Delamination of the skirting tiles and no membrane behind the tiles. 4. Penetration through the membrane from the courtyard (fence) post fixings. 	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>
6.	External Common Area, Level 2, Common Area, Common Courtyard	The overflow outlets are blocked with mortar / concrete along the eastern portion of the courtyard.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>

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			<p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
7.	External Common Area, Level 2, Common Area, Common Courtyard	The horizontal floor surface does not have an adequate slope to the drainage outlet/s causing accumulation of excess water throughout the area.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>
8.	External Common Area, Level 2, Common Area, Common Courtyard	1. No evidence of a waterproofing membrane terminating a minimum 100 mm above the soil level within the planter boxes.	<p>Within the time period specified in column 5, Stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		<ul style="list-style-type: none"> 2. No membrane applied to the top of the wall and outer face of the cement render lining to prevent water related damage to the finished surfaces. 3. The membrane did not have a visible compliant termination detail. 4. No protection boards were visible. 5. Water egress from planter boxes. 	<p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
9.	External Common Area, Ground Floor, Western Side, Common Area	<ul style="list-style-type: none"> 1. Water egress from the planter boxes. 2. No evidence of a waterproofing membrane terminating a minimum 100 mm above the soil level within the planter boxes. 3. No membrane applied to the top of the wall or outer face of the cement render lining to prevent water related damage to the finished surfaces. 4. The membrane did not have a visible compliant termination detail. 5. No protection boards were visible. 	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
10.	External Common Area, Level 8, Rooftop	<ol style="list-style-type: none"> 1. The roof areas are bounded by concrete upstands / parapets. 2. No overflow provisions were visible within the upstands / parapets. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>
11.	External Common Area, Level 8, Rooftop	<ol style="list-style-type: none"> 1. Inadequate falls to roof membrane. 2. Large volumes of ponding water to roof areas. 3. Finished drain level is higher than the finished floor level. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>

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			<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
12.	External Common Area, Level 8, Rooftop	Delaminated membrane with inadequate turn up of membrane to hobs.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>
13.	Sole Occupancy Unit, Unit 6, Level 2, Bedroom/ Room	Uncontrolled water ingress into the bedroom via the external wall in Unit 6.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>

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			<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
14.	Sole Occupancy Unit, Unit 6, Level 2, Toilet/ Bathroom	The horizontal floor surface does not have an adequate slope to the drainage outlet/s causing accumulation of excess water throughout the area.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>
15.	External Common Area, Level 2, Balcony, Unit 6	The horizontal floor surface does not have an adequate slope to the drainage outlet/s causing accumulation of excess water throughout the area.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>

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			<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
16.	Basement/ Ground Floor Common Area, Basement 1, Basement (Common Area), Basement Carpark	<ol style="list-style-type: none"> 1. No evidence of perimeter drainage. 2. No evidence of waterproofing or sealing of external basement walls. 3. Uncontrolled water ingress, dampness and mould to external walls in basement storage areas. 	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 4 Months</p>
17.	Basement/ Ground Floor Common Area, Ground Floor, Foyer/Lobby	The zone block plan for the fire panel didn't include all details and information required under AS 1670.1, Clause 3.10.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

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			<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
18.	Basement/ Ground Floor Common Area, Basement 1, Basement Carpark	Structural steel beams providing lateral support to loadbearing basement walls were not fire rated.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
19.	Basement/ Ground Floor Common Area, Basement 1, Basement Carpark	<ol style="list-style-type: none"> 1. Sprinkler heads were obstructed by storage cages and other storage. 2. Minimum 500mm clearance beneath sprinkler deflectors has not been achieved. 3. Physical barrier has not been provided in cages to maintain the clearance requirement below the sprinklers. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

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			<p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
20.	Basement/ Ground Floor Common Area, Basement 1, Ground Floor, Basement (Common Area)	Multiple penetrations in fire rated concrete slab were unprotected and/or inadequately fire rated or protected.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
21.	Basement/ Ground Floor Common Area, Basement 1, Stairs (Non Fire Isolated)	The basement external stair had inconsistent and/or non-compliant riser heights.	<p>Within the time period specified in column 5, Stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

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			<p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
22.	Basement/ Ground Floor Common Area, Ground Floor, Hydrant Booster/ Sprinkler Valve Room	<ol style="list-style-type: none"> 1. Sprinkler control valves were placed in the bin room and there is no physical separation between the bins and the control valves. 2. A compliant block plan as required under AS 2118.1 was not provided. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
23.	Basement/ Ground Floor Common Area, Ground Floor, Corridor	A passageway on the ground floor was only partially covered with sprinklers.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

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			<p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
24.	Basement/ Ground Floor Common Area, Ground Floor	Masonry wall on the ground floor separating between sprinkler protected vehicular parking area and non-sprinkler protected commercial tenancies had unprotected service penetrations and unsealed gap at wall floor junction.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
25.	Basement/ Ground Floor Common Area, Ground Floor	Door in fire-rated wall between non-sprinkler-protected commercial tenancy and sprinkler-protected carpark on the ground floor has not been certified / tagged to confirm fire resistance and door frame has not been solid core filled.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

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26.	Basement/ Ground Floor Common Area, Ground Floor, Electrical Meter/ Distribution Board (Main) Room	Non-protected penetrations were evident in the main switch room.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
27.	Basement/ Ground Floor Common Area, Ground Floor, Hydrant Booster/ Sprinkler Valve Room	Block plans at the booster assembly are incomplete and/or non-compliant.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
28.	Internal Common Area (upper), All Levels, Foyer/Lobby, Corridor	The fire door frames are hollow when tapped indicating voids exist in the grout behind the frames that are not solid core filled.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

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			<p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	
29.	Internal Common Area (upper), Level 2, Level 3, Level 4, Level 5, Level 6, Level 7, Corridor, Communications Room/Cupboard, Electrical (EDB Sub) Room/ Cupboard	<ol style="list-style-type: none"> 1. Mechanical ductwork had been installed that penetrates fire rated floors/concrete slabs however no fire dampers were provided to stop vertical fire spread within the duct. 2. Mechanical duct was wrapped with fire rated material however this method is not acceptable under NCC Volume 1 C3.15 and/or Australian Standard AS 1668.1 which require fire dampers and/or smoke dampers to be installed. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

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30.	Internal Common Area (upper), Level 7, Stairs (Fire Isolated)	A single step in the fire-isolated stairway which had a low riser height of 100mm approximately.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
31.	Internal Common Area (upper), Level 1, Level 2, Level 3, Level 4, Level 5, Level 6, Level 7, Corridor, Communications Room/ Cupboard, Electrical (EDB Sub) Room/ Cupboard	<ol style="list-style-type: none"> Multiple service penetrations were inadequately fire rated or protected. Air gaps between fire pillows and elements passing through floor. Fire pillows used to protect steel elements that are inadequate to provide insulation fire resistance. Fire pillows used to seal large penetrations in concrete slab near doorways to service cupboards that represents a fall hazard through floor. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
32.	Internal Common Area (upper), All Levels, Stairs (Fire Isolated)	The stairway has not been provided with slip resistant nosing strips.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
33.	Internal Common Area (upper), Level 4, Level 6, Stairs (Fire Isolated)	Fire doors were binding on floor when opened, due to reduced clearance underneath the doors of less than 3mm.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>

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			Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
34.	Basement/ Ground Floor Common Area, All Levels, Whole of Site	Hydraulic engineering drawings show booster assemblies for the sprinkler system and the fire hydrant system as being separate systems (not combined). Refer to hydraulic drawings by arrow consulting engineers, including DWG No. H03 and H09, revision A, dated 28/10/2015. Australian standard AS 2118.6 Automatic fire sprinkler systems, Part 6: Combined sprinkler and hydrant systems in multistorey buildings, that relates to combined sprinkler and hydrant systems, is not mentioned in the fire safety certificate and/or fire safety schedule attached to the occupation certificate. Despite the above, the booster assembly constructed on site appears to be for a combined sprinkler and hydrant system.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 2 Months</p>
35.	Basement/ Ground Floor Common Area, Basement 1, Basement Carpark	Severely corroded steel beams/cross braces and fixings between perimeter walls of the basement carpark.	Within the time period specified in column 5, Stage 1.	Stage 1 – 2 Months

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36.	Basement/ Ground Floor Common Area, Basement 1, Ground Floor, Basement Carpark	<ol style="list-style-type: none"> 1. Uncontrolled cracking up to approximately 3mm wide in the basement slabs. 2. Cracks in the soffits of the basement. 3. Some cracks have migrated through the full depth of the suspended slabs with water permeating through. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 3 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
37.	Basement/ Ground Floor Common Area, Basement 1, Basement Carpark	Areas of the concrete are not properly vibrated or compacted which has created areas of segregation and honeycombing. Embedded objects (e.g debris) within the concrete.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 3 Months</p>
38.	Basement/ Ground Floor Common Area, Basement 1, Stairs (Fire Isolated)	Embedded objects (i.e. nails) and chipped concrete surface in the fire stairs at the basement level.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 3 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
39.	Internal Common Area (upper), Ground Floor, Level 1, Level 2, Level 3, Level 4, Level 5, Level 6, Level 7, Stairs (Fire Isolated)	Areas of the concrete slab are not properly vibrated or compacted which has created areas of segregation and honeycombing.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 3 Months</p>
40.	Basement/ Ground Floor Common Area, Ground Floor, Basement Carpark	Crack approximately 3mm wide in the concrete column.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 3 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
			Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
41.	External Common Area, Level 5, Water Meter Cabinet	Areas of the concrete slab are not properly vibrated or compacted which has created areas of segregation and honeycombing.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p> <p>Rectify the serious defect in accordance with the written report and designs provided at stage 1.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 3 Months</p>
42.	Basement/ Ground Floor Common Area, Basement 1, Stairs (Fire Isolated)	<ol style="list-style-type: none"> 1. The vertical concrete panel beside the door frame are not properly vibrated or compacted which has created areas of segregation and honeycombing. 2. The concrete panel has fractured / failed requiring retrofitted steel angle brackets on either side to stabilise the panel and door assembly. 	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au</p> <p>Stage 2.</p>	<p>Stage 1 – 2 Months</p> <p>Stage 2 – 3 Months</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement
		3. Water ingress is evident at the junction of the external wall and door panel.	Rectify the serious defect in accordance with the written report and designs provided at stage 1.	
43.	External Common Area, Ground Floor, Level 1, Level 2, Level 3, Level 4, Level 5, Level 6, Level 7	1. Delaminated and weathered sealant in the wall joints. 2. Gaps around the sealant allowing water ingress into the building.	Within the time period specified in column 5, Stage 1. Carry out inspections that will satisfy the department that all locations of this recurring defect have been identified. Submit a written report and designs to rectify the serious defect via email to ocaudits@customerservice.nsw.gov.au Stage 2. Rectify the serious defect in accordance with the written report and designs provided at stage 1.	Stage 1 – 2 Months Stage 2 – 4 Months

Conditions of this Order

2. You must make good any consequential damage caused in carrying out the works specified in this Order.
3. A design that is prepared for a building element for building work or a design that is prepared for a performance solution for building work (including a building element) in this Order must comply with the *Design and Building Practitioners Act 2020 (DBP Act)*.

4. A suitably qualified person or specialist referred to in column 4 of Table 1 is a person who is a registered design practitioner under the DBP Act.
5. Where this Order requires you to submit a written report, then written report must:
 - a. be prepared by a suitably qualified person or specialist; and
 - b. be prepared with consideration to this Order and the Reasons for this Order; and
 - c. detail the specific building work necessary to meet the codes and relevant standards specified in column 5 of Table 2; and
 - d. be prepared with consideration to other building work already constructed at the time of this Order and not the subject of a serious defect including designs for that building work, and other building work required by this Order including designs for that building work, and manufacturer's specifications.

Duration of this Order

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



Elizabeth Stewart

A/Executive Director Building Operations and Assistant Building Commissioner, Building Commission NSW

Reasons for the Building Work Rectification Order

8. The Department of Customer Service (**the Department**) administers the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (**RAB Act**).
9. Under section 33 of the RAB Act, if the Secretary of the Department, or their authorised delegate, has a reasonable belief that building work was carried out in a manner that could result in a serious defect in relation a residential apartment building or that a residential apartment building has a serious defect, they may order the developer of that building to carry out or not carry out specified building work or to take other specified action to eliminate, minimise or reduce the serious defect or potential serious defect.
10. Section 3 of the RAB Act defines a serious defect. Section 3 of the RAB Act also defines to term “building element” by reference to the *Design and Building Practitioners Act 2020* (**DBP Act**). Section 4 of the RAB Act defines the term “developer”. Section 6 of the RAB Act provides the building work to which the RAB Act applies. Relevant excerpts from sections 3, 4 and 6 of the RAB Act and section 6 of the DBP Act are set out in **Attachment A** to this Order.
11. Elizabeth Stewart, Acting Executive Director, Assistant Building Commissioner, Department of Customer Service, is an authorised delegate of the Secretary of the Department.
12. Sam Hanna & Co Pty Ltd (ACN 002 405 272) (**Developer**) is the developer of the residential apartment building known as 61 Keira Street, Wollongong NSW 2500 (SP 92258) (**the Development**) for the purposes of section 4(a) of the RAB Act.
13. The Development comprises carparking, restaurant, retail, and residential units. The RAB Act applies to building work at the Development because it is a class 2 building, is currently occupied and is less than 10 years old.
14. On 14 June 2023, with the consent of the owners corporation for the Development, a third party consultant engaged by the Department attended the Development (**Investigator**). The Investigator prepared a report on serious defects in the Development dated 26 June 2023 (**Inspection Report**).
15. I, Elizabeth Stewart, have formed a reasonable belief that the Development has serious defects based on the following.
16. I have reviewed the Inspection Report.

17. My reasonable belief is also based upon the following matters, set out in Table 2 below in respect of each serious defect identified in column 1 of Table 2 (where that reference corresponds to the reference set out in Table 1 above).

Table 2 – 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 systems	<ol style="list-style-type: none"> 1. Water egress from the perimeter drains. 2. Moisture staining on the floor surface along the perimeter drains, indicating spillage of water from the drains. 	The inadequate drainage installation is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS3500.3:2015, Plumbing and drainage – Stormwater drainage, Section 6 Surface and subsoil drainage systems installation, 6.4 Subsoil drains, Clause 6.4.1 General. • Australian Standard AS/NZS3500.3 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.1 Stormwater drainage. • Deemed-to-Satisfy provision F1.1 is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements FP1.3.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
2.	Waterproofing systems	<ol style="list-style-type: none"> 1. Water ingress via the concrete slab into the basement in multiple locations. 2. The leaks in the slab are located below the external common areas. 	The water ingress via the concrete slab into the basement is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard 4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation. • Building Code of Australia (BCA) Volume One, Part F Damp and Weatherproofing, Performance Requirements FP1.4.
3.	Waterproofing systems	<ol style="list-style-type: none"> 1. Uncontrolled water enters the carpark from external areas via the fire door. 2. No grated drain has been installed beneath the door. 3. Retrofitted drainage and perimeter drain do not control water. 4. Falls direct water inside the basement carpark. 	The water entering the carpark from external areas is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS3500.3 National Plumbing and Drainage Code Part 3, Section 5 Surface water drainage systems – Design, Clause 5.3.4 Entry into buildings. • Australian Standard AS/NZS3500.3 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Part F Damp and Weatherproofing, Performance Requirements FP1.3.
4.	Waterproofing systems	<ol style="list-style-type: none"> 1. Water ingress via the driveway entrance was reported. 2. The grated drain does not extend the full width of the entry ramp. 3. The entry ramp is graded directing water to the parapet walls either side. 	The water entering the carpark from external areas is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS3500.3 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout – General criteria. • Australian Standard AS/NZS3500.3 appears as a standard referenced in the

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		4. Tracking water against the parapets bypasses the drain and enters the carpark.		Building Code of Australia (BCA) Volume One, Part F Damp and Weatherproofing, Performance Requirements FP1.3.
5.	Waterproofing systems	<ol style="list-style-type: none"> 1. Delaminated membrane between the overflows and the parapet wall. 2. No waterproofing membrane within the overflows. 3. Delamination of the skirting tiles and no membrane behind the tiles. 4. Penetration through the membrane from the courtyard (fence) post fixings. 	The inadequate application of the membrane is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of membranes. • Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4. • Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
6.	Waterproofing systems	The overflow outlets are blocked with mortar / concrete along the eastern portion of the courtyard.	The lack of adequate overflow provisions is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS3500.3 Plumbing and Drainage. Part 3: Stormwater drainage, Section 3.8 Balcony and Terrace Areas. • Australian Standard AS/NZS3500.3 Plumbing and Drainage—Stormwater Drainage, Section 5 Surface Drainage

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<p>Systems –Design, Clause 5.3.1.1 Roof areas.</p> <ul style="list-style-type: none"> Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed to Satisfy Provision F1.0, Performance Requirement FP1.3.
7.	Waterproofing systems	The horizontal floor surface does not have an adequate slope to the drainage outlet/s causing accumulation of excess water throughout the area.	The inadequate falls on the floor is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS/NZS 3500.3 –2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout, 5.3.1.2 Other than roof areas. Australian Standard 4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls. Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Part F Damp and Weatherproofing, Performance Requirements FP1.3.
8.	Waterproofing systems	1. No evidence of a waterproofing membrane terminating a minimum 100	The non-compliant construction to the planter box is attributable to the failure to comply with the Building	<ul style="list-style-type: none"> Australian Standard AS4654.2: Waterproofing membranes for external above ground use: Section 2 – Design and

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		<p>mm above the soil level within the planter boxes.</p> <p>2. No membrane applied to the top of the wall and outer face of the cement render lining to prevent water related damage to the finished surfaces. The membrane does not have a visible compliant termination detail.</p> <p>3. No protection boards were visible. Water egress from planter boxes.</p>	Code and the Australian Standards referenced in column 5.	<p>Installation, 2.13 Planter Boxes, 2.8 termination of membranes, 2.8.1 Upward terminations.</p> <ul style="list-style-type: none"> Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy provision F1.4. Deemed-to-Satisfy provision F1.4 is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.3.
9.	Waterproofing systems	<p>1. Water egress from the planter boxes.</p> <p>2. No evidence of a waterproofing membrane terminating a minimum 100 mm above the soil level within the planter boxes.</p> <p>3. No membrane applied to the top of the wall or outer face of the cement render lining to prevent water related damage to the finished surfaces.</p>	The non-compliant construction to the planter box is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS4654.2: Waterproofing membranes for external above ground use: Section 2 – Design and Installation, 2.13 Planter Boxes, 2.8 termination of membranes, 2.8.1 Upward terminations. Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		4. The membrane does not have a visible compliant termination detail. 5. No protection boards were visible.		Weatherproofing, Deemed-to-Satisfy provision F1.4. <ul style="list-style-type: none"> Deemed-to-Satisfy provision F1.4 is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.3.
10.	Waterproofing systems	1. The roof areas are bounded by concrete upstands / parapets. 2. No overflow provisions were visible within the upstands / parapets.	The lack of overflow provisions is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS/NZS3500.3 –2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface Drainage Systems –Design, Clause 5.3.1.1 Roof areas. Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.3.
11.	Waterproofing systems	1. Inadequate falls to roof membrane. 2. Large volumes of ponding water to roof areas. Finished drain level is higher than the finished floor level.	The water ponding is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard 4654.2, Waterproofing Membranes for External Above Ground Use Design and Installation, Clause 2.5.2. Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<p>Weatherproofing, Deemed-to-Satisfy provision F1.4.</p> <ul style="list-style-type: none"> Deemed-to-Satisfy provision F1.4 is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.3.
12.	Waterproofing systems	Delaminated membrane. Inadequate turn up of membrane to hobs.	The inadequate application of the membrane is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of membranes, 2.8.1.1 Height. Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing. Deemed-to-Satisfy provision F1.4. - Deemed-to-Satisfy provision F1.4 is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
13.	Waterproofing systems	Uncontrolled water ingress into the bedroom via the external wall in Unit 6.	The water ingress into the internal building envelope is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.
14.	Waterproofing systems	The horizontal floor surface does not have an adequate slope to the drainage outlet/s causing accumulation of excess water throughout the area.	The inadequate falls on the floor is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard 3740- Waterproofing of domestic wet areas, Section 3 Installation, 3.3 Falls in floor finishes. • Australian Standard 4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls.
15.	Waterproofing systems	The horizontal floor surface does not have an adequate slope to the drainage outlet/s causing accumulation of excess water throughout the area.	The inadequate falls on the floor is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS/NZS 3500.3 –2015 Plumbing and Drainage–Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout, 5.3.1.2 Other than roof areas. • Australian Standard 4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and installation, 2.5 Substrate, 2.5.2 Falls. • Australian Standard AS4654.2 appears as a standard referenced in the Building Code of Australia (BCA) Volume One,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				Part F Damp and Weatherproofing, Performance Requirements FP1.3.
16.	Waterproofing systems	<ol style="list-style-type: none"> 1. No evidence of perimeter drainage. 2. No evidence of waterproofing or sealing of external basement walls. Uncontrolled water ingress, dampness and mould to external walls in basement storage areas. 	The uncontrolled water ingress is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. • Deemed-to-Satisfy provision F1.1 is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements: FP1.3 Rainwater drainage systems.
17.	Fire Safety Systems	The zone block plan for the fire panel didn't include all details and information required under AS 1670.1, Clause 3.10.	The absence of compliant zone block plans is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS1670.1 Fire detection, warning, control and intercom systems—System design, installation and commissioning Part 1: Fire. • Australian Standard AS 1670.1 appears as a standard referenced in the Building Code of Australia (BCA) Volume One Section E Services and equipment, Part E2 Smoke hazard management, Deemed-to-Satisfy Provision E2.2 General requirements.
18.	Fire Safety Systems	Structural steel beams providing lateral support to	The installation of non-fire rated steel beams is attributable to the	<ul style="list-style-type: none"> • Building Code of Australia (BCA) Volume 1, Part C1 Fire

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		loadbearing basement walls were not fire rated.	failure to comply with the Building Code referenced in column 5.	resistance and stability, Specification C1.1 Fire resisting construction.
19.	Fire Safety Systems	<ol style="list-style-type: none"> 1. Sprinkler heads were obstructed by storage cages and other storage. 2. Minimum 500mm clearance beneath sprinkler deflectors has not been achieved. 3. Physical barrier has not been provided in cages to maintain the clearance requirement below the sprinklers. 	The obstruction of the sprinkler system coverage is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 2118. Automatic fire sprinkler systems, General Systems – Section 5 Spacing and location of sprinklers – 5.5 Obstruction to sprinkler discharge, 5.7.7 Clear space below sprinklers. • Australian Standard AS2118 appears as a standard referenced in the Building Code of Australia (BCA) Volume One Section E Services and equipment, Part E1 Firefighting equipment, Deemed-to-Satisfy Provision E1.5 Sprinklers.
20.	Fire Safety Systems	Multiple penetrations in fire rated concrete slab were unprotected and/or inadequately fire rated or protected.	The inadequate fire-resisting sealing to the penetration/s is attributable to the failure to comply with the Building Code of Australia in column 5.	<ul style="list-style-type: none"> • Building Code of Australia (BCA) Volume One, Section C Fire Resistance, Performance Requirements <ul style="list-style-type: none"> - CP2 Spread of fire - CP8 Fire protection of openings and penetrations, - Part C3 Protection of openings, Deemed-to-Satisfy provisions - C3.12 Openings in floors and ceilings for services - C3.15 Openings for service installations.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<ul style="list-style-type: none"> Deemed-to-satisfy provision C3.15 Openings for service installations is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP8.
21.	Fire Safety Systems	The basement external stair had inconsistent and/or non-compliant riser heights.	The inconsistent stair tread heights is attributable to the failure to comply with the Building Code of Australia in column 5.	<ul style="list-style-type: none"> Building Code of Australia Volume One (Building Code of Australia (BCA) Section D Access and egress, Part D2 Construction of exits, Deemed-to-Satisfy provision D2.13 Goings and risers. Deemed-to-Satisfy provision D.13 goings and risers is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section D Access and egress, Performance Requirement DP2 Safe movement to and within a building.
22.	Fire Safety Systems	<ol style="list-style-type: none"> Sprinkler control valves were placed in the bin room and there is no physical separation between the bins and the control valves. A compliant block plan as required under AS 2118.1 was not provided. 	The location of the sprinkler valves is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> Building Code of Australia (BCA) Volume 1, Part E1 Fire fighting equipment, Specification E1.5 Fire sprinkler systems. Australian Standard AS 2118.1, Section 8 Automatic fire sprinkler systems, Part 1: General requirements. Australian Standard AS 2118.1 appears as a standard

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				referenced in the Building Code of Australia (BCA) Volume One Section E Services and equipment, Part E1 Firefighting equipment, Deemed-to-Satisfy Provision E1.5 Sprinklers and Specification E1.5 Fire sprinkler systems.
23.	Fire Safety Systems	A passageway on the ground floor was only partially covered with sprinklers.	The lack of sprinkler coverage in the passageway is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS 2118.1- Automatic fire sprinkler systems, Part 1: General requirements. • AS 2118.1 appears as a standard referenced in the Building Code of Australia (BCA) Volume One Section E Services and equipment, Part E1 Firefighting equipment, Deemed-to-Satisfy Provision E1.5 Sprinklers.
24.	Fire Safety Systems	Masonry wall on the ground floor separating between sprinkler protected vehicular parking area and non-sprinkler protected commercial tenancies had unprotected service penetrations and unsealed gap at wall floor junction.	The unprotected penetrations and construction joints within the fire-rated wall between sprinkler-protected and non-sprinkler-protected areas of the building is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Building Code of Australia (BCA) Volume One, Specification C1.1 Fire Resisting Construction, Part 3 Type A Fire-Resisting Construction. • Building Code of Australia (BCA) Volume One, Section 3 Fire resistance, Part C3 Protection of openings, Deemed-to-satisfy provision C3.15 Openings for service installations. • Building Code of Australia (BCA) Volume One, Section 3 Fire resistance, Part C3 Protection of

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<p>openings, Deemed-to-satisfy provision C3.16 Construction joints.</p> <ul style="list-style-type: none"> Deemed-to-satisfy provision C3.15 Openings for service installations and C3.16 Construction joints is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP8.
25.	Fire Safety Systems	Door in fire-rated wall between non-sprinkler-protected commercial tenancy and sprinkler-protected carpark on the ground floor has not been certified / tagged to confirm fire resistance and door frame has not been solid core filled.	The inadequate door installation is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> Australian Standard 1905.1 Components for the protection of openings in fire-resistant walls – Part 1 Fire-resistant door sets. Section 5 Installation, 5.3 Metal doorframes in masonry walls, 5.3.2 Backfilling of metal door frames. Section 6 Marking and other documentation, 6.1 Marking of fire resistant door sets, 6.1.4 Information requirements. Australian Standard AS1905.1 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors. Specification C3.4 Fire doors, smoke doors, fire windows and

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				shutters, Clause 2. Fire doors, is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP2.
26.	Fire Safety Systems	Non-protected penetrations were evident in the main switch room.	The inadequate fire-resisting sealing to the penetration/s is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Building Code of Australia (BCA) Volume One, Section C Fire Resistance, Performance Requirements <ul style="list-style-type: none"> - CP2 Spread of fire, - CP8 Fire protection of openings and penetrations, - Part C3 Protection of openings, Deemed-to-Satisfy provisions, - C3.12 Openings in floors and ceilings for services, - C3.15 Openings for service installations. • Deemed-to-satisfy provision C3.15 Openings for service installations is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP8.
27.	Fire Safety Systems	Block plans at the booster assembly are incomplete and/or non-compliant.	The absence of complainant zone block plans is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS1670.1 Fire detection, warning, control and intercom systems—System design, installation and commissioning Part 1: Fire.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<ul style="list-style-type: none"> Australian Standard AS 2419.1 Fire hydrant installations, Part 1: System design, installation and commissioning. Australian Standard AS 2419.1 appears as a standard referenced in the NCC Volume One Section E Services and equipment, Part E1 Firefighting equipment, Deemed-to-Satisfy Provision E1.3 Fire hydrants.
28.	Fire Safety Systems	The fire door frames are hollow when tapped indicating voids exist in the grout behind the frames that are not solid core filled.	The voids in the grouted doorframe is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS1905.1- Components for the protection of openings in fire-resistant wall Part 1: Fire resistant door sets, Section 5 Installation, 5.3 Metal doorframes in masonry walls, 5.3.2 Backfilling of metal door frames. Australian Standard AS1905.1 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors. Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors, is a pathway that can satisfy the Building Code of Australia (BCA)

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				Volume One, Section C Fire resistance, Performance Requirement CP2.
29.	Fire Safety Systems	<ol style="list-style-type: none"> 1. Mechanical ductwork had been installed that penetrates fire rated floors/concrete slabs however no fire dampers were provided to stop vertical fire spread within the duct. 2. Mechanical duct was wrapped with fire rated material however this method is not acceptable under NCC Volume 1 C3.15 and/or Australian Standard AS 1668.1 which require fire dampers and/or smoke dampers to be installed. 	The absence of a damper in a building element with a required FRL is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS1682.2 Fire, smoke and air dampers, Part 2; Installation, 5 Selection, 5.2 Fire dampers, 5.2.1 Integrity. • Australian Standard AS/NZS 1668.1 appears as a standard referenced in the NCC Volume One, Part C3 Protection of openings, C3.15 Openings for service installations. • Australian Standard AS4254.2 Ductwork for air handling systems in buildings Part 2: Rigid duct, Section 2 Duct construction and installation, 2.1 Ductwork, 2.1.1 General. • Australian Standard AS4254 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Specification C1.10 Fire hazard properties, 5. Air-handling ductwork. • Deemed-to-satisfy provision Specification C1.10 Fire hazard properties, 5. Air-handling ductwork is a pathway that can satisfy the Building Code of Australia (BCA) Volume One,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				Section C Fire resistance, Performance Requirement CP2.
30.	Fire Safety Systems	A single step in the fire-isolated stairway which had a low riser height of 100mm approximately.	The inconsistent stair tread heights is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> Building Code of Australia Volume One (Building Code of Australia (BCA)) Section D Access and egress, Part D2 Construction of exits, Deemed-to-Satisfy provision D2.13 Goings and risers. Deemed-to-Satisfy provision D.13 goings and risers is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section D Access and egress, Performance Requirement DP2 Safe movement to and within a building.
31.	Fire Safety Systems	<ol style="list-style-type: none"> Multiple service penetrations were inadequately fire rated or protected. Air gaps between fire pillows and elements passing through floor. Fire pillows used to protect steel elements that are inadequate to provide insulation fire resistance. Fire pillows used to seal large penetrations in concrete slab near doorways to service 	The inadequate fire-resisting sealing to the penetration/s is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> Building Code of Australia (BCA) Volume One, Section C Fire Resistance, Performance Requirements <ul style="list-style-type: none"> CP2 Spread of fire, CP8 Fire protection of openings and penetrations, Part C3 Protection of openings, Deemed-to-Satisfy provisions: <ul style="list-style-type: none"> C3.12 Openings in floors and ceilings for services C3.15 Openings for service installations.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		cupboards that represents a fall hazard through floor.		<ul style="list-style-type: none"> Deemed-to-satisfy provision C3.15 Openings for service installations is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP8.
32.	Fire Safety Systems	The stairway has not been provided with slip resistant nosing strips.	The failure to install nosing strips is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> Building Code of Australia (BCA) Volume One, Part D2: Construction of exits, D2.17.
33.	Fire Safety Systems	Fire doors were binding on floor when opened, due to reduced clearance underneath the doors of less than 3mm.	The non-compliant door/s is attributable to the failure to comply with the Building Code and the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS1905.1- Components for the protection of openings in fire-resistant wall Part 1: Fire resistant door sets, Section 5 Installation. Australian Standard AS1905.1 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors. Specification C3.4 Fire doors, smoke doors, fire windows and shutters, Clause 2. Fire doors, is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section C Fire resistance, Performance Requirement CP2.

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
34.	Fire Safety Systems	Hydraulic engineering drawings show booster assemblies for the sprinkler system and the fire hydrant system as being separate systems (not combined).	The inadequate installation is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Building Code of Australia (BCA) Volume 1, Part E1 Fire fighting equipment, E1.5 Sprinklers and Specification E1.5 Fire sprinkler systems. • Australian Standard AS 2118.1- Automatic fire sprinkler systems, Part 1: General requirements. • Australian standard AS 2118.6 Automatic fire sprinkler systems, Part 6: Combined sprinkler and hydrant systems in multistorey buildings. • Australian Standards AS 2118.1 and AS 2118.6 appear as standards referenced in the Building Code of Australia (BCA) Volume One Section E Services and equipment, Part E1 Firefighting equipment, Deemed-to-Satisfy Provision E1.5 Sprinklers and Specification E1.5 Fire sprinkler systems.
35.	Structural Systems	Severely corroded steel beams/cross braces and fixings between perimeter walls of the basement carpark.	The corrosion of permanent steel structures is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS4100-1998 Steel Structures, Section 3 General Design Requirements, 3.2, Loads and other actions. • Australian Standard AS4100 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section B Structure, Part B1 Structural Provisions, Clause

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				B1.4 Determination of Structural Resistance of Materials and Forms of Construction.
36.	Structural Systems	<ol style="list-style-type: none"> 1. Uncontrolled cracking up to approximately 3mm wide in the basement slabs. 2. Cracks in the soffits of the basement. Some cracks have migrated through the full depth of the suspended slabs with water permeating through. 	The cracking identified is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard 3600-2009 Concrete structures, Section 2 Design procedures, actions and loads, 2.3, Design for serviceability, 2.3.3, Cracking. • Australian Standard AS3600 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section B Structure, Deemed-to-Satisfy provision B1.4 Determination of structural resistance of materials and forms of construction.
37.	Structural Systems	Areas of the concrete are not properly vibrated or compacted which has created areas of segregation and honeycombing. Embedded objects (e.g debris) within the concrete.	The honeycombing in the concrete installation is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS3600 Concrete Structures <ul style="list-style-type: none"> - Section 4 – Design for durability, 4.10 Requirements for cover to reinforcing steel and tendons, 4.10.3 Cover for corrosion protection, 4.10.3.7 Embedded items cover - Section 17 - Materials and construction requirements, 17.1.7- Rejection of concrete, 17.1.7.2 Hardened concrete

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<ul style="list-style-type: none"> - Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete.
38.	Structural Systems	Embedded objects (i.e. nails) and chipped concrete surface in the fire stairs at the basement level.	The chipped concrete and embedded nails in the concrete installation is attributable to the failure to comply with the Australian Standards referenced in column 5	<ul style="list-style-type: none"> • Australian Standard AS3600 Concrete Structures <ul style="list-style-type: none"> - Section 4 – Design for durability, 4.10 Requirements for cover to reinforcing steel and tendons, 4.10.3 Cover for corrosion protection, 4.10.3.7 Embedded items cover - Section 17 - Materials and construction requirements, 17.1.7- Rejection of concrete, 17.1.7.2 Hardened concrete - Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete.
39.	Structural Systems	Areas of the concrete slab are not properly vibrated or compacted which has created areas of segregation and honeycombing.	The honeycombing in the concrete installation is attributable to the failure to comply with the Australian Standards referenced in column 5	<ul style="list-style-type: none"> • Australian Standard AS3600 Concrete Structures <ul style="list-style-type: none"> - Section 4 – Design for durability, 4.10 Requirements for cover to reinforcing steel and tendons, 4.10.3 Cover for corrosion protection, 4.10.3.7 Embedded items cover - Section 17 - Materials and construction requirements,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				17.1.7- Rejection of concrete, 17.1.7.2 Hardened concrete - Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete.
40.	Structural Systems	Crack approximately 3mm wide in the concrete column.	The cracking identified is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> Australian Standard 3600-2009 Concrete structures, Section 2 Design procedures, actions and loads, 2.3, Design for serviceability, 2.3.3, Cracking. Australian Standard AS3600 appears as a standard referenced in the Building Code of Australia (BCA) Volume One, Section B Structure, Deemed-to-Satisfy provision B1.4 Determination of structural resistance of materials and forms of construction.
41.	Structural Systems	Areas of the concrete slab are not properly vibrated or compacted which has created areas of segregation and honeycombing.	The honeycombing in the concrete installation is attributable to the failure to comply with the Australian Standards referenced in column 5.	<ul style="list-style-type: none"> Australian Standard AS3600 Concrete Structures <ul style="list-style-type: none"> Section 4 – Design for durability, 4.10 Requirements for cover to reinforcing steel and tendons, 4.10.3 Cover for corrosion protection, 4.10.3.7 Embedded items cover Section 17 - Materials and construction requirements,

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				<p>17.1.7- Rejection of concrete, 17.1.7.2 Hardened concrete</p> <ul style="list-style-type: none"> - Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete.
42.	Structural Systems	<ol style="list-style-type: none"> 1. The vertical concrete panel beside the door frame not properly vibrated or compacted which has created areas of segregation and honeycombing. 2. The concrete panel has fractured / failed requiring retrofitted steel angle brackets on either side to stabilise the panel and door assembly. 3. Water ingress is evident at the junction of the external wall and door panel. 	The inadequate concrete installation and the uncontrolled water ingress is attributable to the failure to comply with the Australian Standards and the Building Code referenced in column 5.	<ul style="list-style-type: none"> • Australian Standard AS3600 Concrete Structures <ul style="list-style-type: none"> - Section 4 – Design for durability, 4.10 Requirements for cover to reinforcing steel and tendons, 4.10.3 Cover for corrosion protection, 4.10.3.7 Embedded items cover - Section 17 - Materials and construction requirements, 17.1.7- Rejection of concrete, 17.1.7.2 Hardened concrete - Section 17 - Materials and construction requirements, 17.1.3 Handling, placing and compacting of concrete. • Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4. • Deemed-to-Satisfy provision F1.1 is a pathway that can

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				satisfy the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements: FP1.3 Rainwater drainage systems.
43.	Building enclosure	Delaminated and weathered sealant in the wall joints. Gaps around the sealant allowing water ingress into the building.	The water ingress into the internal building envelope is attributable to the failure to comply with the Building Code referenced in column 5.	<ul style="list-style-type: none"> Deemed-to-Satisfy provision F1.4 is a pathway that can satisfy the Building Code of Australia (BCA) Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4.

Why is it appropriate to give this Order?

18. I am aware that the Development is occupied which may delay the Developer doing the things ordered to be done by this Order. I have taken this into account when specifying the time periods in column 5 of Table 1. I am of the view the periods above for serious defects reference numbers 1 to 43 (inclusive) are reasonable periods for compliance in all the circumstances for the specified actions required by this Order to be carried out. I have formed this belief balancing the risks that the serious defects pose against the period of time it will take to carry out the specified actions.
19. The potential consequence of the serious defects set out in this Order are that they may negatively impact the amenity of the Development for owners and occupiers of the Development and may reduce the ability of the Development being used for its intended purposes by owners and occupiers of the Development such as a reduction in the habitability of apartments by their residents.
20. Considering the potential consequences, I give greater weight to the seriousness of each defect and failure to adhere to the Building Code of Australia, Australian Standards and the approved plans and the benefits arising from remediating the defects and I find that it is appropriate, in

the exercise of my discretion, to make this Order requiring the Developer to carry out the building works or take the actions described above within the periods described above.

21. I have considered all of the circumstances. I accept that this Order requires considerable further building works and actions that are likely to be costly, and I give this consideration moderate weight. However, the cost to the Developer must be balanced against the benefit to the owners and occupiers of the Development in having the Development constructed according to approved plans, the Building Code of Australia and Australian Standards.
22. I am aware that obtaining reports from third parties required by this Order will pose time constraints and costs on the Developer. However, I balance these considerations against the serious defects outlined in this Order and the consequences these serious defects pose.

Consideration of written representations

23. On 06 November 2023 a notice of intention to issue the Order and a draft copy of the Order ("Order") was served on the Developer, Local Council, the Owners Corporation and Private Certifier. The parties were invited to provide submissions relating to the draft copy of the Order by 27 November 2023.
24. The Owners Corporation provided written representations by way of email dated 24 November 2023 which included, among other things, a table of defects identified with number 4, 22, 5, 14 and two others not listed in the draft Order, with associated comments and photos/videos for each defect. This was submitted by the owner of Lot 7 (unit 6) as representations for the Owners Corporation (OC) as written submissions on the draft Building Work Rectification Order.
25. No written submission from other parties were received.
26. In relation to the Owners Corporation, I am of the view that the serious defects as set out in this Order appropriate and reflect the actions required to rectify the serious defects.

Conclusion

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

Notes about this Order

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

Annexure A

serious defect, in relation to a building, means—

- (a) a defect in a building element that is attributable to a failure to comply with the performance requirements of the Building Code of Australia, the relevant Australian Standards or the relevant approved plans, or
- (b) a defect in a building product or building element that—
 - (i) is attributable to defective design, defective or faulty workmanship or defective materials, and
 - (ii) causes or is likely to cause—
 - (A) the inability to inhabit or use the building (or part of the building) for its intended purpose, or
 - (B) the destruction of the building or any part of the building, or
 - (C) a threat of collapse of the building or any part of the building, or
- (c) a defect of a kind that is prescribed by the regulations as a serious defect, or
- (d) the use of a building product (within the meaning of the Building Products (Safety) Act 2017) in contravention of that Act.

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

- (a) the fire safety systems for a building within the meaning of the Building Code of Australia,
 - (b) waterproofing,
 - (c) an internal or external load-bearing component of a building that is essential to the stability of the building, or a part of it (including but not limited to in-ground and other foundations and footings, floors, walls, roofs, columns and beams),
 - (d) a component of a building that is part of the building enclosure,
 - (e) those aspects of the mechanical, plumbing and electrical services for a building that are required to achieve compliance with the Building Code of Australia,
 - (f) other things prescribed by the regulations for the purposes of this section.
- (2) The regulations may exclude things from being building elements for the purposes of this Act.
- (3) In this section—

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

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

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

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

- (a) the person who contracted or arranged for, or facilitated or otherwise caused, (whether directly or indirectly) the building work to be carried out,
- (b) if the building work is the erection or construction of a building or part of a building—the owner of the land on which the building work is carried out at the time the building work is carried out,
- (c) the principal contractor for the building work within the meaning of the Environmental Planning and Assessment Act 1979,
- (d) in relation to building work for a strata scheme—the developer of the strata scheme within the meaning of the Strata Schemes Management Act 2015,
- (e) any other person prescribed by the regulations for the purposes of this definition.

Section 6 - Act applies only to residential apartment building work

- (1) The exercise of any function under this Act applies only to building work in respect of a residential apartment building that—
 - (a) is or was authorised to commence in accordance with a construction certificate or complying development certificate issued under the Environmental Planning and Assessment Act 1979, or is required to be authorised by a construction certificate or complying development certificate, and
 - (b) has not been completed or has been completed within the period of 10 years before the exercise of that function.
- (2) The regulations may provide that a specified provision, or specified provisions, of this Act extend to other classes of buildings (within the meaning of the Building Code of Australia).