

Attn: Proper Officer  
Wollongong Investments No.1 Pty Limited (ACN 602 735 053)  
Local Knowledge Pty Limited, Suite 310, Level 3  
247 Coward Street,  
Mascot NSW 2020

Service: By Express post

DATE: 6 November 2023

## Building Work Rectification Order

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

Wollongong Investments No.1 Pty Limited (ACN 602 735 053) is being given this Building Work Rectification Order (Order) in relation to 9-15 Railway Parade, Wollongong NSW 2500 (SP101409).

Wollongong Investments No.1 Pty Limited 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. David Chandler, Department of Customer Service is an authorised delegate of the Secretary of the Department.
5. Wollongong Investments No.1 Pty Limited (ACN 602 735 053) is the developer of the residential apartment building known as 9-15 Railway Parade, Wollongong NSW 2500 (SP101409) (**the Development**) for the purposes of section 4(a) of the Act.
6. The Development comprises carparking, offices, and residential units. The Act applies to building work at the Development because it is a class 2 Development, is currently occupied and less than 10 years old.
7. On 10 February 2023 with the consent of the owners corporation, a third party consultant engaged by the Department attended the Building (**Investigator**). The Investigator prepared a report on serious defects in the Building (**Inspection Report**).

#### **Requirements in relation to Serious Defects**

8. I, David Chandler, under section 33 of the Act, require you Wollongong Investments No.1 Pty Limited (ACN 602 735 053) 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 from the date of issue of this Order
1	Basement 1 Carpark - adjacent to Car Space 406	It was observed that the horizontal floor surface does not have an adequate slope to the drainage outlet/s causing accumulation of excess water in the area. There was no drainage in the vicinity of the pooled water.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant designs prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist appropriate to the subject areas of the building, being licensed contractor.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 - 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
2	Ground Level Carpark - Car Space G01	It was observed that 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,</p> <p>Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist appropriate to the subject areas of the building, being licensed contractor.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 - 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
3	Ground Level Carpark - adjacent to ramp	It was observed that there are no outlets/drains in the perimeter drainage channel along the basement carpark wall, resulting in water accumulation within the channel.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <p>i) be prepared by a suitably qualified and registered specialist appropriate to the subject areas of</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 - 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>the building, being licensed contractor.</p> <p>ii) be prepared with consideration to this Order and the Reasons for this Order;</p> <p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
4	<p>Level 3 Courtyard</p> <p>Level 11 Courtyard</p> <p>External Courtyards (in general)</p>	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>The courtyard areas are primarily bounded by planter boxes.</li> </ul>	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p>	<p>Stage 1 – 60 days</p> <p>Stage 2 - 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
		<ul style="list-style-type: none"> <li>No overflow provisions were visible within the planter boxes.</li> </ul>	<p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist appropriate to the subject areas of the building, being licensed contractor.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
5	Level 3 Courtyard	Efflorescence was observed in the external faces of the planter box walls in several locations, which indicates moisture egress and	Within the time period specified in column 5, Stage 1.	Stage 1 – 60 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
		failure in the planter box waterproofing system.	<p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist appropriate to the subject areas of the building, being licensed contractor.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p>	Stage 2 – 120 days



Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			Rectify the works in accordance with the specialist report and relevant design provided at stage 1.	
6	Level 3 Mechanical Plant Room	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>Negative falls of 4/1000mm from the drainage (i.e. the required minimal fall is 10/1000mm towards the drainage)</li> <li>No step down or hob at the door threshold. (Refer to Photograph 1.6.4) preventing water entering the building/room</li> </ul> <p>The above inadequate falls result in water ponding and inadequate discharging of water towards designated drainage points. Absence of adequate barrier at the threshold result in water ingress into the plant room.</p>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist appropriate to the subject areas of the building, being licensed contractor.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
7	Level 11 - External Roof	Inadequate termination of the waterproofing membrane in the perimeter hob of the external roof was observed.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist appropriate to the subject areas of the building, being licensed contractor.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 - 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
8	Rooftop	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>• Water ponding on the rooftop surface</li> <li>• Cracks/damage in the waterproofing membrane</li> </ul>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <p>i) be prepared by a suitably qualified and registered specialist appropriate to the subject areas of</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>the building, being licensed contractor.</p> <p>ii) be prepared with consideration to this Order and the Reasons for this Order;</p> <p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
9	Rooftop Fan Room	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>Negative falls of 12/1000mm from the drain (i.e. the required minimal fall is 10/1000mm towards the drain) were measured.</li> </ul>	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

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		<ul style="list-style-type: none"> <li>Absence of the waterproofing membrane on the surface of the Fan Room.</li> </ul> <p>The inadequate falls will result in water ponding and inadequate discharging of water towards designated drainage points. This in combination with absence of the waterproofing membrane will result in water ingress into the building.</p>	<p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist appropriate to the subject areas of the building, being licensed contractor.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
10	Rooftop	Inadequate termination of the waterproofing membrane in the	Within the time period specified in column 5, Stage 1.	Stage 1 – 60 days

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		perimeter hob of the external roof was observed	<p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist appropriate to the subject areas of the building, being licensed contractor.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p>	Stage 2 - 120 days

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			Rectify the works in accordance with the specialist report and relevant design provided at stage 1.	
13	All Levels, multiple locations	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>Partially hollow door frames in multiple locations throughout the building</li> <li>Rectification works were being carried out in carparking levels</li> </ul>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
14	Level 1 - Fire Door in Garbage Room	Gaps under fire door to garbage room (room contains chute) on Level 1 exceeds 10mm (~20mm)	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>



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			<p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
15	All Levels, multiple locations	Redundant unprotected penetrations in various locations.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:projectintervene@customerservice.nsw.gov.au">projectintervene@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
16	Levels 1 - 18, public corridors	<p>Service penetrations passing through fire rated elements (including slabs and walls) in various locations are not adequately protected against fire spread.</p> <p>Public corridors were generally provided with set false ceilings prevented an inspection of areas above false ceilings.</p>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <p>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<ul style="list-style-type: none"> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
17	Levels 1 - 18, public corridors, service cupboards	<p>Non-fire-rated metal angles/sections used between lightweight fire rated wall and fire rated concrete slab, in multiple locations, within service cupboards in public corridors.</p> <p>Public corridors were generally provided with set false ceilings prevented an inspection of areas above false ceilings.</p>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

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			<p>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</p> <p>ii) be prepared with consideration to this Order and the Reasons for this Order;</p> <p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
18	Storage Room, Level 3	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>The storage room on Level 3 (Class 7b) is bounded by a masonry concrete wall (190mm thick) which is</li> </ul>	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

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		<p>unlikely to achieve an FRL of 240 minutes.</p> <ul style="list-style-type: none"> <li>• Tag on fire doors to Storage room on Level 3 indicates they have an FRL of -/120/30 (in lieu of -/240/30).</li> <li>• Architectural drawings indicate the wall bounding the storage room is required to have 4 hours fire resistance level (240 minutes).</li> </ul>	<p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
19	Ground Floor to Level 18, Fire Isolated Exits	Gaps/construction joints between permanent formwork of scissor stair flights and walls bounding the stairway enclosure. Permanent formwork of stair flights is metal	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
		while permanent formwork of the bounding walls is plastic.	<p>team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	

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20	Basement Floor, North-Eastern Fire Exit Stairway	A small gap exists underneath first riser within the north-eastern exit stairway in the basement floor which caused its height to increase and deviate from adjacent second riser by more than 5mm (~10mm).	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

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			Rectify the works in accordance with the specialist report and relevant design provided at stage 1.	
21	All Levels, Multiple Locations, Fire Isolated Exits	A small ramp and/or step (~10-20mm) within the threshold of fire doors to fire isolated exits on several levels.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>



Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
22	Basement Floor to Level 18  Fire Hydrant Outlets, multiple locations	Fire hydrants outlets, in multiple locations, are oriented towards the wall at an angle and therefore don't have adequate clearance of not less than 1m directly in front.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
23	Ground Floor to Level 18 Fire Hydrant Outlets, multiple locations	Sprinkler installations in fire isolated stairways (part of the combined fire hydrant and sprinkler system), in multiple locations, cause an obstruction within the required clearance for hydrant outlets.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <p>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>ii) be prepared with consideration to this Order and the Reasons for this Order;</p> <p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
24	Store room Level 3	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>The clear height from floor to sprinkler head within the store room on Level 3 is less than 2m (~1.93m)</li> <li>The clear height to mechanical ducting within</li> </ul>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
		the storage room on Level 3 is less than 2m)	<ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
25	Level 18	Door to fire isolated stairway on level 18 is locked from the inside.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
26	Pumproom - Ground Floor	The clear width of path of travel within the pump room on the ground floor room is less than 1m (~500mm).	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			Rectify the works in accordance with the specialist report and relevant design provided at stage 1.	
28	All Levels	Referring to observations under items 2.14 and 2.15 above, there is evidence that certain requirements of the Fire engineering report No. 20157-R01, Issue No. 2 Dated: 12 June 2020, applicable to the development, have not be complied with, including in relation to minimum unobstructed clear width in the pump room and minimum clearance under sprinkler heads.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
29	Levels 1 - 18	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>Mechanical drawings indicate requirement for fixed louvred openings at both ends of public corridors for natural ventilation and for stair pressurisation air relief.</li> <li>Louvred windows at both ends of public corridors within multiple floors can be manually controlled including to manually close the louvres.</li> </ul>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>



Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
30	Level 11	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>Mechanical drawings indicate requirement for fixed louvred openings at 2 sides of the public corridor of Level 11 for natural ventilation of the corridors and for stair pressurisation air relief.</li> <li>Ventilation openings (non-fixed louvred windows to be rectified) on Level 11 are only located on one</li> </ul>	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <p>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
		side of the public corridor. Glazed doors on the other side of the corridor are not provided with fixed louvres.	<p>ii) be prepared with consideration to this Order and the Reasons for this Order;</p> <p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
31	Ground Floor and Level 11	No smoke detectors are installed in front of exit door to fire isolated exits on the ground floor, and on level 11 common area.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</p> <p>ii) be prepared with consideration to this Order and the Reasons for this Order;</p> <p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
32	All Levels	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>Emergency lifts are not provided with Warden Intercom Points (WIP).</li> </ul>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
		<p>Refer to photographs 2.20.1 &amp; 2.20.2. The inside of one lift was covered, nonetheless, building manager confirmed there were no WIP phones.</p> <ul style="list-style-type: none"> <li>Public corridors are provided with a single Warden Intercom Point (WIP), including within floors divided by smoke doors. Refer to Photograph 2.20.3. It's unknown whether an 'Emergency control organisation' to determine location of WIPs exits for the building.</li> </ul>	<p>team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
33	Levels 1 - 3	Smoke doors in public corridors swing only in one direction.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			Rectify the works in accordance with the specialist report and relevant design provided at stage 1.	
34	Levels 1 - 3	Smoke doors in public corridors, located between entry doors to alternative fire isolated exits, are not provided with exit signs.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
35	Water tank - Ground Floor	Water tank on the ground floor which is required for fire services is not labelled and not provided with external indicator for water level.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
36	Fire Control Room	Non-fire-rated metal sections used between fire rated concrete block wall and lightweight fire rated construction.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <p>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80days</p>



Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>ii) be prepared with consideration to this Order and the Reasons for this Order;</p> <p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
37	Fire Control Room, Ground Floor	<p>The following observations were made:</p> <ul style="list-style-type: none"> <li>• Fire control is provided with mechanical ventilation.</li> <li>• Mechanical services specifications dated 21.01.2019, revision CC2, state on page 5:</li> </ul>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
		<p><i>“Supply and installation of 3 (Three) High wall split air conditioning units comprising indoor and outdoor units (on GF Carpark), refrigerant piping, condensate drainage, electrical wiring, controls etc. Units shall serve Building Management Room, Fire Control Room &amp; Switch Room.”</i></p>	<p>i) be prepared by a suitably qualified and registered specialist being fire safety/systems engineer.</p> <p>ii) be prepared with consideration to this Order and the Reasons for this Order;</p> <p>iii) detail the specific building work necessary to meet the codes and relevant standard.</p> <p>iv) be prepared with consideration to relevant design and installation specification and manufacture’s recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
38	Basement 1 - Carpark	Uncontrolled cracking of 0.3-1.3mm wide in the basement concrete slab was observed and measured.	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
		<p>It was observed that some of the cracks were patch repaired with several different products. It needs to be confirmed whether the products used are suitable for concrete repairs.</p> <p>This was a systemic defect throughout the Basement 1 Carpark.</p>	<p>team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist, being a structural engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
39	<p>Basement 1 Carpark.</p> <p>Observed locations include:</p> <ul style="list-style-type: none"> <li>• Adjacent to Car Spaces 1202 and 1103</li> <li>• Adjacent to Bike Space 701</li> <li>• Adjacent to Car Space 303</li> <li>• Maintenance Room</li> <li>• Adjacent car Space 103</li> <li>• Spaces 806 and 902</li> <li>• Spaces 802 and 803</li> <li>• Adjacent to Car Space 802</li> <li>• Adjacent to Car Space 802</li> </ul> <p>Basement 1 to Ground Level Carpark – Car Ramp</p> <p>Carpark Ground Level – Visitors</p> <p>Car Spaces</p>	<p>Foreign objects embedded within the concrete slab and segregated concrete were observed in general throughout the basement carparking areas. Embedded foreign objects are surface defects in hardened concrete and will lead to the reduced service life of the concrete.</p>	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist, being a structural engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
	Carpark Ground Level  Carpark Level 1 – Mid-West Fire Stairs  Carpark Ground Level – Adjacent to Lifts  Carpark – Northeast Fire Stairwell  Rooftop Fan Room  Carpark Level 2 – Adjacent to Car Spaces 1402 & 1403		Rectify the works in accordance with the specialist report and relevant design provided at stage 1.	
40	Basement 1 Carpark – Adjacent to Car Space 305  Basement 1 Carpark – Adjacent to Car Space 206  Carpark Ground Level – Adjacent to Car Space 1802	Damaged/chipped concrete was observed, which reduces concrete cover over reinforcement bars.	Within the time period specified in column 5, Stage 1.  Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a>  The written report required to be submitted must:	Stage 1 – 60 days  Stage 2 – 80 days

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist, being a structural engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
41	<p>Carpark Level 2</p> <p>Cold Water Meters Room and Hot Water Meters Room</p> <p>Hydraulic Room</p>	Unused penetrations in the concrete slab were observed at multiple locations. The penetrations appear to be cored post construction.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
	Level 3 Storage Room	This was a systemic defect throughout Level 2 of the Carpark.	<p>team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist, being a structural engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	

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42	<p>Carpark Ground Level – Adjacent to Car Space 1802</p> <p>Carpark – South Fire Stairwell</p> <p>Carpark Level 1 – Adjacent to Carpark Entrance</p> <p>Hallway Communications Room</p> <p>Fire Stairs – Residential Level 3 Storage Room</p>	Segregated concrete and embedded objects in the concrete were observed in multiple locations, which reduces concrete cover over reinforcement bars.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudit@customerservice.nsw.gov.au">ocaudit@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist, being a structural engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>



Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			Rectify the works in accordance with the specialist report and relevant design provided at stage 1.	
43	<p>Carpark Ground Level – Adjacent to Car Space G03</p> <p>– Adjacent to Car Space 1802</p> <p>– Visitors (Disabled) Parking</p> <p>– Adjacent to Building Manager (office) and Toilets</p> <p>Mechanical Plant Room</p> <p>Level 3 Storage Room</p> <p>Rooftop</p>	Cut off reinforcement/steel bars, or bars with no cover that have not been protected were observed, in multiple locations, to be flush with the concrete slab surface.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudit@customerservice.nsw.gov.au">ocaudit@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist, being a structural engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
44	Level 3 Courtyard	<p>Corrosion staining of embedded metal within the concrete slab soffits, which are surface defects in hardened concrete and will lead to the reduced service life of the concrete.</p> <p>This was a systemic defect across the soffits located on Level 3 Courtyard.</p>	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist, being a structural engineer.</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> </ul>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<p>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</p> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
45	Rooftop	<p>Corrosion staining of embedded metal within the concrete slab soffits, which are surface defects in hardened concrete and will lead to the reduced service life of the concrete.</p> <p>This was a systemic defect across the soffits located on the Rooftop.</p>	<p>Within the time period specified in column 5,</p> <p>Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p> <p>i) be prepared by a suitably qualified and registered specialist, being a structural engineer.</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 80 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<ul style="list-style-type: none"> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	
46	East Elevation/Façade	Efflorescence was observed in the external faces of the planter box walls along the east elevation of the building, which indicates moisture egress and failure in the planter box waterproofing system.	<p>Within the time period specified in column 5, Stage 1.</p> <p>Submit a written report and relevant design prepared for the raised defect to OC Audit team via email to <a href="mailto:ocaudits@customerservice.nsw.gov.au">ocaudits@customerservice.nsw.gov.au</a></p> <p>The written report required to be submitted must:</p>	<p>Stage 1 – 60 days</p> <p>Stage 2 – 120 days</p>

Serious Defect Reference Number	Location of Serious Defect	General description of Serious Defect	Requirement	Time for compliance with Requirement from the date of issue of this Order
			<ul style="list-style-type: none"> <li>i) be prepared by a suitably qualified and registered specialist,</li> <li>ii) be prepared with consideration to this Order and the Reasons for this Order;</li> <li>iii) detail the specific building work necessary to meet the codes and relevant standard.</li> <li>iv) be prepared with consideration to relevant design and installation specification and manufacture's recommendation</li> </ul> <p>Stage 2.</p> <p>Rectify the works in accordance with the specialist report and relevant design provided at stage 1.</p>	

#### Conditions of this Order

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

### **Duration of this Order**

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

### **Reasons for this Order**

12. I, David Chandler, have formed a reasonable belief that the Development has a serious defect based on the following.
13. I have formed this belief after reviewing an Inspection Report (dated 13 April 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 10 February 2023.
14. Based on the representations provided by the Developer on 27 April 2023, 4 defects have been removed.

A handwritten signature in black ink, appearing to read 'David Chandler', with a long horizontal flourish extending to the right.

David Chandler  
**NSW Building Commissioner**  
**Office of the Building Commissioner**  
**Department of Customer Service.**

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

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

<b>Serious Defect Reference</b>	<b>Building element</b>	<b>Defect</b>	<b>Reason why defect is a serious defect</b>	<b>Applicable approved plan, Code or Australian Standard</b>
1	Waterproofing Systems	Floor surface has an inadequate slope to the drainage outlet	<p>The inadequate slopping demonstrates a failure to comply with the Building Code and Australian Standard provisions referenced in column 5.</p> <p>These require that stormwater (from other than roof areas) needs to be collected and conveyed via stormwater channels and inlets to site stormwater drains. Further, there should be no ponding of water.</p>	<ul style="list-style-type: none"> <li>• Australian Standard AS/NZS3500.3 Plumbing and Drainage—Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout – General Criteria</li> <li>• Australian Standard AS/NZS3500.3 appears as a standard referenced in the BCA Volume One, Part F Damp and Weatherproofing, Performance Requirements FP1.3</li> </ul>
2	Waterproofing Systems	Floor surface has an inadequate slope to the drainage outlet	<p>The inadequate slopping demonstrates a failure to comply with the Building Code and Australian Standard provisions referenced in column 5.</p> <p>These require that stormwater (from other than roof areas) needs to be collected and conveyed via stormwater channels and inlets to site stormwater drains. Further, there should be no ponding of water..</p>	<ul style="list-style-type: none"> <li>• Australian Standard AS/NZS3500.3 Plumbing and Drainage—Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout – General Criteria</li> <li>• Australian Standard AS/NZS3500.3 appears as a standard referenced in the BCA Volume One, Part F Damp and Weatherproofing, Performance Requirements FP1.3</li> </ul>

<b>Serious Defect Reference</b>	<b>Building element</b>	<b>Defect</b>	<b>Reason why defect is a serious defect</b>	<b>Applicable approved plan, Code or Australian Standard</b>
3	Waterproofing Systems	Inadequate drainage installation within the basement carpark	<p>The inadequate drainage within the basement carpark demonstrates a failure to comply with the Building Code and Australian Standard provisions referenced in column 5.</p> <p>These require that subsoil drains shall be laid so any pipe or geo-composite drain can be flushed out (with particular requirements to prevent damage). Further, moisture from the ground must be prevented from causing undue dampness or deterioration of building elements and unhealthy or dangerous conditions.</p>	<ul style="list-style-type: none"> <li>• 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</li> <li>• Australian Standard AS/NZS3500.3 appears as a standard referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Deemed-to-Satisfy Provision F1.1 Stormwater Drainage</li> </ul>
4	Waterproofing Systems	Lack of overflow provisions in the planter boxes	<p>The lack of overflow provisions in the planter boxes demonstrate a failure to comply with the Building Code and Australian Standard provisions referenced in column 5.</p> <p>These require that a planter box should be provided with a suitable overflow, and that externally exposed walls should be waterproofed to prevent failure of the internal planter box membrane.</p>	<ul style="list-style-type: none"> <li>• Australian Standard AS4654.2: Waterproofing Membranes for External Above Ground Use: Section 2 – Design and Installation, 2.13 Planter Boxes</li> <li>• Australian Standard AS4654.2 appears as a standard referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4</li> </ul>



<b>Serious Defect Reference</b>	<b>Building element</b>	<b>Defect</b>	<b>Reason why defect is a serious defect</b>	<b>Applicable approved plan, Code or Australian Standard</b>
5	Waterproofing Systems	Membrane is not sealed to the drainage outlet, causing efflorescence and moisture egress from the planter boxes	<p>The lack of membrane sealant demonstrates a failure to comply with the Australian Standard and Building Code provisions referenced in column 5.</p> <p>These require the membrane to be sealed to the drainage outlet and extend vertically to a height of 100 mm above the soil or fill level. Further, sheet membranes need to be secured along the top edge or bottom edge of the planter boxes.</p>	<ul style="list-style-type: none"> <li>• Australian Standard AS4654.2: Waterproofing membranes for External Above Ground Use: Section 2 – Design and Installation, 2.13 Planter Boxes</li> <li>• Australian Standard 4654.2 Waterproofing Membranes for External Above-Ground Use – Design and Installation, Section 2 Design and Installation, 2.8 Termination of Membranes, 2.8.1 Upward Terminations</li> <li>• Australian Standard AS4654.2 appears as a standard referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4</li> </ul>
6	Waterproofing Systems	Inadequate falls on the floor to the drainage and no step down or hob at the door threshold	<p>The inadequate falls on the floor and no step down or hob at the door threshold demonstrate a failure to comply with the Australian Standard and Building Code provisions referenced in column 5.</p> <p>These require that stormwater (from other than roof areas) needs to be collected and conveyed via stormwater channels and inlets to site stormwater drains. Further, there should be no ponding of water.</p>	<ul style="list-style-type: none"> <li>• AS/NZS3500.3 Plumbing and Drainage—Stormwater Drainage, Section 5 Surface water drainage system – Design, 5.3 Layout – General Criteria</li> <li>• AS/NZS3500.3 National Plumbing and Drainage Code Part 3, Section 5 Surface Water Drainage Systems – Design, Clause 5.3.4 Entry into Buildings</li> <li>• AS4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 - Design and Installation, 2.8 Termination</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			Further, stormwater should be prevented from entering doorways and other openings in buildings. For doors and windows onto external waterproofed areas, sub-sill flashings should be part of the membrane system, with the membranes fixed under the sill.	<p>of Membranes, 2.8.3 Doors and Windows onto External Waterproofed Areas</p> <ul style="list-style-type: none"> <li>AS/NZS3500.3 and Australian Standard AS4654.2 appear as standards referenced in the BCA Volume One, Part F Damp and Weatherproofing, Performance Requirements FP1.3</li> </ul>
7	Waterproofing Systems	Waterproofing membrane has not been adequately terminated to the perimeter hob/roof area	<p>The inadequate termination of waterproofing membrane on the hob/roof demonstrates a failure to comply with the Australian Standard provisions referenced in column 5.</p> <p>These require that where membrane termination is to prevent water entry, the finished height of the membrane above the finished surface level must be sufficient to prevent water flowing over the top. Further, membranes must result in the substrate surface being smooth, without protrusions and free from contamination.</p>	<ul style="list-style-type: none"> <li>AS4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of Membranes, 2.8.1.1 Height and 2.5 Substrate, 2.5.3.1 Fully Bonded or Liquid-Applied</li> </ul>
8	Waterproofing Systems	Damage in the waterproofing membrane, inadequate falls and water pooling	<p>The damage to the membrane demonstrate a failure to comply with the Australian Standard and Building Code provisions referenced in column 5.</p> <p>These require falls in finishes to ensure water drains to the drainage</p>	<ul style="list-style-type: none"> <li>AS4654.2-2012, Waterproofing Membranes for External Above Ground Use - Design and Installation, Section 2 - Design and Installation</li> <li>AS4654.2 appears as a standard referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			outlet, and that water shall not be retained on the finished surface. Further, the fall must be in the structural substrate or formed by a screed over the structural substrate.	Weatherproofing, Deemed-to-Satisfy Provision F1.4
9	Waterproofing Systems	Inadequate falls and absence of waterproofing membrane in the rooftop fan room	<p>The inadequate falls on the floor and absence of waterproofing membrane demonstrate a failure to comply with the Australian Standard and Building Code provisions referenced in column 5.</p> <p>These require falls in finishes to ensure water drains to the drainage outlet, and that water shall not be retained on the finished surface. Further, the fall must be in the structural substrate or formed by a screed over the structural substrate.</p>	<ul style="list-style-type: none"> <li>AS4654.2-2012, Waterproofing Membranes for External Above Ground Use - Design and Installation, Section 2 - Design and Installation</li> <li>Australian Standard AS4654.2 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</li> </ul>
10	Waterproofing Systems	Waterproofing membrane has not been adequately terminated to the perimeter hob/roof area	The inadequate waterproofing membrane on the hob/roof demonstrates a failure to comply with the Australian Standard provisions referenced in column 5.	<ul style="list-style-type: none"> <li>AS4654.2 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of Membranes, 2.8.1.1 Height and 2.5 Substrate, 2.5.3.1 Fully Bonded or Liquid-Applied</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			These require that where membrane termination is to prevent water entry, the finished height of the membrane above the finished surface level must be sufficient to prevent water flowing over the top. Further, membranes must result in the substrate surface being smooth, without protrusions and free from contamination. Finally, fillets should be used when a membrane changes from a horizontal to vertical or vertical to vertical plane.	
13	Fire Safety Systems	Partially hollow door frames	<p>The partially hollow door frames demonstrate a failure to comply with the Australian Standard and Building Code provisions referenced in column 5.</p> <p>These require the fixing and filling of metal doorframes in non-masonry walls to be as per the tested specimen to ensure fire protection.</p>	<ul style="list-style-type: none"> <li>AS 1905.1 Components for the Protection of Openings in Fire Resistant Walls, Part 1: Fire-Resistant Doorsets, Section 5: Installation</li> <li>AS 1905.1 appears as a standard referenced in the NCC BCA Volume One, Specification C3.4 Fire Doors, Smoke Doors, Fire Windows and Shutters</li> </ul>
14	Fire Safety Systems	Excessive gaps under fire doors to the garbage room	<p>The excessive gaps under the fire doors demonstrate a failure to comply with the Australian Standard and Building Code provisions referenced in column 5.</p> <p>These require that the clearances between the bottom of all door leaves and the floor shall be not less</p>	<ul style="list-style-type: none"> <li>AS 1905.1 Components for the Protection of Openings in Fire Resistant Walls, Part 1: Fire-Resistant Doorsets, Section 5: Installation</li> <li>AS 1905.1 appears as a standard referenced in the NCC BCA Volume One, Specification</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			than 3 mm and not more than 10 mm.	C3.4 Fire Doors, Smoke Doors, Fire Windows and Shutters
15	Fire Safety Systems	Inadequate fire-resisting sealing of redundant penetrations	<p>The inadequate fire-resisting demonstrates a failure to comply with the Building Code provisions referenced in column 5.</p> <p>This requires that any building element, including openings, penetrations and constructions joints, provided to resist the spread of fire must be protected so that an adequate level of fire protection is maintained.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Section C Fire Resistance, Performance Requirements, CP8 Fire Protection of openings and penetrations</li> </ul>
16	Fire Safety Systems	Unprotected service penetrations passing through fire rated elements	<p>The unprotected service penetrations demonstrate a failure to comply with the Building Code provisions referenced in column 5.</p> <p>These require that where a service penetrates a building element that is required to have an FRL, that installation has been tested and achieved the required FRL.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Part C3: Protection of Openings, C3.15 and Specification C3.15</li> </ul>
17	Fire Safety Systems	Non-fire-rated metal angles/sections used between fire rated walls and ceilings.	<p>The unprotected gaps and joints demonstrate a failure to comply with the Building Code provision referenced in column 5.</p> <p>This requires any wall required to have an FRL must extend to the</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Part C1: Fire Resistance and Stability, Specification C1.1- Fire Resisting</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			underside of the floor next above, the underside of the roof or provide other specified alternative fire protection.	
18	Fire Safety Systems	Inadequate fire protection in the storage room. Required 4-hour FRL not met.	<p>The inadequate fire protection in the storage room demonstrates a failure to comply with the Building Code provision referenced in column 5.</p> <p>This requires that where a building has different classifications located alongside one another in the same storey, each building element must have the higher FRL prescribed for that element or the parts must be separated in that storey by a fire wall. Further, the aggregate width of openings for doorways in a fire wall must not exceed ½ of the length of the fire wall, and each doorway must have adequate protection.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Part C2: Compartmentation and Separation, C2.8</li> <li>NCC BCA Volume One, Part C1: Specification C1.1.</li> </ul>
19	Fire Safety Systems	Unprotected gaps and construction joints between fire rated building elements	<p>The inadequate fire protection in the storage room demonstrates a failure to comply with the Building Code provision referenced in column 5.</p> <p>This requires construction joints and spaces to be fire-resisting with respect to integrity and insulation.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Section C Fire Resistance, Performance Requirements, C3.16</li> </ul>

<b>Serious Defect Reference</b>	<b>Building element</b>	<b>Defect</b>	<b>Reason why defect is a serious defect</b>	<b>Applicable approved plan, Code or Australian Standard</b>
20	Fire Safety Systems	Inconsistency in adjacent riser heights	<p>The inconsistency in adjacent riser heights demonstrates a failure to comply with the Building Code provision referenced in column 5.</p> <p>This requires a stairway to not more than 18 and not less than 2 risers in each flight, constant goings and risers throughout each flight (except as permitted in the BC) and the variation between adjacent risers to be no greater than 5mm.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Part D2: Construction of exits, D2.13</li> </ul>
21	Fire Safety Systems	Non-compliant small ramp/step	<p>The non-compliant small ramp/step demonstrates a failure to comply with the Building Code provision referenced in column 5.</p> <p>This requires that the threshold of a doorway must not incorporate a step or ramp at any point closer to the doorway than the width of the door leaf, unless particular provisions apply.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Part D2: Construction of Exits, D2.15</li> </ul>
22	Fire Safety Systems	Lack of minimum clearance directly in front of hydrant outlet as they are oriented towards the wall at an angle	<p>The lack of minimum clearance for fire hydrants demonstrates a failure to comply with the Australian Standard and Building Code provision referenced in column 5.</p> <p>These require the valve outlet of a fire hydrant to be facing away from</p>	<ul style="list-style-type: none"> <li>AS 2419.1: Fire Hydrant Installations, Part 1- System Design, Installation and Commissioning</li> <li>AS 2419.1 appears as a standard referenced in the NCC BCA Volume One, E1.3</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			the wall immediately behind it, with a clearance of 1000mm directly in front of it for the connection and laying of house.	
23	Fire Safety Systems	Lack of minimum clearance for hydrant outlets as the sprinklers are causing an obstruction	<p>The lack of minimum clearance for fire hydrants demonstrates a failure to comply with the Australian Standard and Building Code provision referenced in column 5.</p> <p>These require that the centre-line of the fire hydrant outlet shall be no less than 750mm and not more than 120mm above the ground, floor or platform. Further, the valve outlet of a fire hydrant to be facing away from the wall immediately behind it, with a clearance of 1000mm directly in front of it for the connection and laying of house.</p>	<ul style="list-style-type: none"> <li>AS 2419.1: Fire Hydrant Installations, Part 1- System Design, Installation and Commissioning</li> <li>AS 2419.1 appears as a standard referenced in the NCC BCA Volume One, E1.3</li> </ul>
24	Fire Safety Systems	Insufficient clear height from floor to sprinkler head and mechanical ducting	<p>The insufficient clear height demonstrates a failure to comply with the Building Code provision referenced in column 5.</p> <p>This requires that in a required exit or path or travel to exit, the unobstructed height throughout must be no less than 2 m, and the unobstructed width of each exit or path of travel to an exist, must be no less than 1m.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Part D1: Provision for Escape, D1.6</li> </ul>



<b>Serious Defect Reference</b>	<b>Building element</b>	<b>Defect</b>	<b>Reason why defect is a serious defect</b>	<b>Applicable approved plan, Code or Australian Standard</b>
25	Fire Safety Systems	Door to fire isolated stairway is locked from the inside	<p>Locking doors to fire isolated stairways demonstrates a failure to comply with the Building Code provision referenced in column 5.</p> <p>This requires that doors of a fire-isolated exit must not be locked from the inside, unless it is a door fitted with a fail-safe device that automatically unlocks the door upon activation of a fire alarm.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Part D2: Construction of Exits, D2.22</li> </ul>
26	Fire Safety Systems	Insufficient width of path of travel	<p>An insufficient width of path of travel demonstrates a failure to comply with the Australian Standard and Building Code provisions referenced in column 5.</p> <p>These require that in a required exit or path or travel to exit, the unobstructed height throughout must be no less than 2 m, and the unobstructed width of each exit or path of travel to an exist, must be no less than 1m. Further, an on-site pump set and associated equipment must be constructed with adequate space for pump maintenance and replacement.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Part D1: Provision for escape, D1.6</li> <li>AS 2419.1-2005</li> <li>AS 2419.1 appears as a standard referenced in the NCC BCA Volume One, E1.3</li> </ul>
28	Fire Safety Systems	Certain requirements of the Fire Engineering Report No. 20157-R01. Issue No.2 dated 12 June 2020 have not been	Non-compliance with the Fire Engineering Report demonstrates a failure to comply with the Building	<ul style="list-style-type: none"> <li>NCC BCA Volume One (2016), A0.1, A0.2 &amp; A1.5</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		met, including defects 2.14 and 2.15 above.	Code provision referenced in column 5. This requires that in order to comply with performance requirements, the deemed-to-satisfy solution must be followed.	
29	Fire Safety Systems	Installation of manually operated mechanical louvers	The inadequate ventilation demonstrates a failure to comply with the Australia Standard provision referenced in column 5.  This requires that provisions must be made to allow the relief or exhaust of air flows by either mechanical or non-mechanical means.	<ul style="list-style-type: none"> <li>AS 1668.1, The Use of Ventilation and Air Conditioning in Buildings, Part 1: Fire and Smoke Control in Buildings, Section 10- Protection of Fire Isolated Exits</li> </ul>
30	Fire Safety Systems	Failure to provide relief openings in public corridors	The failure to provide relief openings demonstrates a failure to comply with the Australia Standard and Building Code provisions referenced in column 5.  These require that non-mechanical relief system are used to relive exist pressurisation air flows from the compartment are to meet certain requirements.	<ul style="list-style-type: none"> <li>AS 1668.1, The Use of Ventilation and Air Conditioning in Buildings, Part 1: Fire and Smoke Control in Buildings, Section 10- Protection of Fire Isolated Exits</li> <li>AS 1668.1 appears as a standard referenced in the NCC BCA Volume One, E2.2 &amp; Table E2.2a</li> </ul>
31	Fire Safety Systems	No smoke detectors installed in front of exist doors	The lack of smoke detectors demonstrates a failure to comply with the Australia Standard and Building Code provisions referenced in column 5.	<ul style="list-style-type: none"> <li>AS 1670.1, Fire Detection, Warning, Control and Intercom Systems- System Design, Installation and Commissioning, Part 1: Fire</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			These require that where an exit pressurisation or zone pressurisation system is installed, a smoke detector or sampling point be located in the circulation space adjacent to the exit door at the specified measurements.	<ul style="list-style-type: none"> <li>AS 1670.1 appears as a standard referenced in the NCC BCA Volume One, Specification E2.2a Smoke Detection and Alarm Systems</li> </ul>
32	Fire Safety Systems	Lack of Warden Intercom Points (WIP)	<p>The lack of Warden Intercom Points demonstrates a failure to comply with the Australia Standard provisions referenced in column 5.</p> <p>These require that WIPs are located in specified areas, at specified heights.</p>	<ul style="list-style-type: none"> <li>AS 1670.4, Fire Detection, Warning, Control and Intercom Systems—System Design, Installation and Commissioning, Part 4: Emergency Warning and Intercom Systems, Section 5 - Emergency Intercom System Installation Requirements,</li> </ul>
33	Fire Safety Systems	Smoke doors only swing in one direction	<p>The inadequate smoke doors demonstrate a failure to comply with the Building Code provision referenced in column 5.</p> <p>This requires smoke doors to be constructed so that smoke will not pass from one side of the doorway to the other. A smoke door is compliant if the leaves are side hung to swing in both directions.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Specification C3.4 Fire Doors, Smoke Doors, Fire Windows and Shutters</li> </ul>
34	Fire Safety Systems	Lack of exit signs to the smoke doors	The lack of exit signs demonstrates a failure to comply with the Building Code provision referenced in column 5.	<ul style="list-style-type: none"> <li>NCC BCA Volume One, NSW E4.6 Direction Signs</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			This requires exit signs to be installed in an exit is not readily apparent to persons occupying or visiting the building.	
35	Fire Safety Systems	Lack of labelling and external indicator for water tank	<p>The lack of labelling and/or external indicator demonstrates a failure to comply with the Australian Standard and Building Code provisions referenced in column 5.</p> <p>These require a water tank to be fitted with an external indicator to show the tank water level. Further, fire hydrant signs must show the capacity in litres.</p>	<ul style="list-style-type: none"> <li>AS 2419.1, Fire Hydrant Installations, Part 1: System Design, Installation and Commissioning</li> <li>AS 2419.1 appears as a standard referenced in the NCC BCA Volume One, E1.3</li> </ul>
36	Fire Systems	Unprotected gaps and construction joints	<p>The unprotected gaps and construction joints demonstrate a failure to comply with Building Code provisions referenced in column 5.</p> <p>These require construction joints between building elements to be fire resisting to be protected to achieve the required FRL. Further, the construction of a fire control room must meet the specifications required including height, materials and protection openings.</p>	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Section C Fire Resistance, Performance Requirements, C3.16</li> <li>NCC BCA Volume One, Part E1 Fire Fighting Equipment, Specification E1.8</li> </ul>
37	Fire Systems	Insufficient fire control room ventilation	The insufficient fire control room ventilation demonstrates a failure to	<ul style="list-style-type: none"> <li>NCC BCA Volume One, Part E1 Fire Fighting Equipment, E1.8 &amp; Specification E1.8</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			<p>comply with Building Code provision referenced in column 5.</p> <p>This requires fire control centres to be constructed with an effective height of more than 25mm, and a total floor area of more than 18000m2. Further, it must be sufficiently ventilated.</p>	
38	Structural Systems	Uncontrolled cracking in the basement slab	<p>The uncontrolled cracking in the basement slab demonstrates a failure to comply with the Australian Standard and Building Code provisions referenced in column 5.</p> <p>These require general cracking in concrete structures to be controlled so that structural performance, durability and appearance are not compromised.</p>	<ul style="list-style-type: none"> <li>AS 3600-2009 Concrete structures, Section 2 Design Procedures, Actions and Loads, 2.3, Design for Serviceability, 2.3.3, Cracking</li> <li>AS3600 appears as a standard referenced in the BCA Volume One, Section B Structure, Deemed-to-Satisfy provision B1.4 - Determination of Structural Resistance of Materials and Forms of Construction</li> </ul>
39	Structural Systems	Foreign objects embedded within the concrete slab and segregated concrete	<p>The foreign objects embedded within the concrete and segregated concrete demonstrate a failure to comply with the Australian Standard provisions referenced in column 5.</p> <p>These require embedded items to be protected from corrosion or deterioration. Further, that hardened concrete is subject to rejection if it is</p>	<ul style="list-style-type: none"> <li>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 and Section 17 - Materials and Construction Requirements, 17.1.7- Rejection of Concrete, 17.1.7.2 Hardened Concrete and Section 17 -</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
			segregated. Finally, concrete must be handled to limit segregation.	Materials and Construction Requirements, 17.1.3 Handling, Placing and Compacting of Concrete.
40	Structural Systems	Damaged and chipped concrete	<p>The damage to the concrete demonstrates a failure to comply with the Australian Standard provisions referenced in column 5.</p> <p>These require embedded items to be protected from corrosion or deterioration. Further, that hardened concrete is subject to rejection if it contains surface defects. Finally, concrete must be handled to limit deficiencies.</p>	<ul style="list-style-type: none"> <li>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 and 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</li> </ul>
41	Structural Systems	Post pour penetrations in the concrete	<p>The post pour penetrations demonstrate a failure to comply with the Australian Standard provisions referenced in column 5.</p> <p>These requires embedded items to be protected from corrosion or deterioration. Further, that hardened concrete is subject to rejection if it contains surface defects or fails to comply with the relevant standards. Finally, concrete must be handled to limit deficiencies.</p>	<ul style="list-style-type: none"> <li>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 and Section 17 - Materials and Construction Requirements, 17.1.7- Rejection of Concrete, 17.1.7.2 Hardened Concrete and Section 17 - Materials and Construction Requirements, 17.1.3 Handling,</li> </ul>

Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
				Placing and Compacting of Concrete
42	Structural Systems	Segregated concrete and embedded objects in the concrete	<p>The segregated concrete and embedded objects in the concrete demonstrate a failure to comply with the Australian Standard provisions referenced in column 5.</p> <p>These require embedded items to be protected from corrosion or deterioration. Further, that hardened concrete is subject to rejection if it is segregated or fails to comply with the relevant standards. Finally, concrete must be handled to limit deficiencies, particularly segregation.</p>	<ul style="list-style-type: none"> <li>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 and 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</li> </ul>
43	Structural Systems	Reinforcement/cut off bars have been left in the concrete installation	<p>The bars left in the concrete demonstrate a failure to comply with the Australian Standard provisions referenced in column 5.</p> <p>These require embedded items to be protected from corrosion or deterioration. Further, that hardened concrete is subject to rejection if it contains surface defects or fails to comply with the relevant standards. Finally, concrete must be handled to limit deficiencies.</p>	<ul style="list-style-type: none"> <li>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 and 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</li> </ul>

<b>Serious Defect Reference</b>	<b>Building element</b>	<b>Defect</b>	<b>Reason why defect is a serious defect</b>	<b>Applicable approved plan, Code or Australian Standard</b>
44	Structural Systems	Corrosion of the concrete in the courtyard	<p>The corroded concrete demonstrates a failure to comply with the Australian Standard provisions referenced in column 5.</p> <p>These require embedded items to be protected from corrosion or deterioration. Further, that hardened concrete is subject to rejection if it contains surface defects or fails to comply with the relevant standards. Finally, concrete must be handled to limit deficiencies.</p>	<ul style="list-style-type: none"> <li>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 and 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</li> </ul>
45	Structural Systems	Corrosion of the concrete slab	<p>The corroded concrete demonstrates a failure to comply with the Australian Standard provisions referenced in column 5.</p> <p>These require embedded items to be protected from corrosion or deterioration. Further, that hardened concrete is subject to rejection if it contains surface defects or fails to comply with the relevant standards. Finally, concrete must be handled to limit deficiencies.</p>	<ul style="list-style-type: none"> <li>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 and 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</li> </ul>
46	Building Enclosure	Inadequate membrane in the planter boxes	The inadequate membrane in the planter boxes demonstrates a failure to comply with the Australian	<ul style="list-style-type: none"> <li>AS4654.2: Waterproofing Membranes for External Above</li> </ul>



Serious Defect Reference	Building element	Defect	Reason why defect is a serious defect	Applicable approved plan, Code or Australian Standard
		Efflorescence and moisture egress from the planter boxes	<p>Standard and Building Code provisions referenced in column 5.</p> <p>These require the membrane to be sealed to the drainage outlet and extend vertically to a height of 100mm above the soil or fill level. Further, sheet membranes should be secured along the top edge or bottom edge to avoid penetration of water.</p>	<p>Ground Use: Section 2 – Design and Installation, 2.13 Planter Boxes</p> <ul style="list-style-type: none"> <li>• 4654.2 Waterproofing Membranes for External Above-Ground Use – Design and Installation, Section 2 Design and Installation, 2.8 Termination of Membranes, 2.8.1 Upward Terminations</li> <li>• AS4654.2 appears as a standard referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4</li> </ul>

16. I am of the view the periods above for Defects 1 - 43 are reasonable periods for compliance in all the circumstances for the specified actions required by the Order to be carried out. I have formed this belief balancing the risks that the serious defects pose against the period of time it will take to carry out the specified actions.
17. Considering the potential consequences as outlined in my reasons and the order, I give greater weight to the seriousness of the defect and failure to adhere to the Building Code of Australia, Australian Standards & the approved plans and the benefits arising from remediating the defects and I find that it is appropriate, in the exercise of my discretion, to make the building work rectification order to carry out the building work described above within the specified period.
18. I have considered all of the circumstances. I accept that the Order requires considerable further building work that is likely to be costly, and I give this consideration moderate weight. However, the cost to the developer must be balanced against the benefit to the occupiers in having the development constructed to the Building Code of Australia and Australian Standards.

#### Other matters considered relevant

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

### **Consideration of written representations**

21. On 13 April 2023 an inspection report dated 10 February 2023 was served on the Developer.
22. The Developer provided a response to the inspection report on 27 April 2023.
23. The response from the Developer was considered on 24 May 2023. Responses provided allowed the closure of certain defects included in the draft order so that they have not been included in the finalisation of this order.
24. On 23 June 2023 a notice of intention to issue a building work rectification order, including a draft copy of the Order, was served on the Developer, Local Council, Office of the Registrar General, Certifier and Owners Corporation.
25. The served parties were invited to provide written representations relating to the Order to the Department by 14 July 2023. Submissions from the Developer were emailed to the Department on 26 June 2023 and referred to their earlier representations of 27 April 2023 that had been considered. No further submissions were received. I am satisfied that the Developer had been given an opportunity to provide representations concerning the Order. In the circumstances where the Developer has made no substantive submissions in response to the draft, I am satisfied that it is appropriate to give the Order.

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

26. 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.
27. 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 Wollongong Investments No.1 Pty Limited (ACN 602 735 053) to carry out the building work described, within the period specified in the above Order.

28. I have considered and accept that the Order requires considerable further construction work that is likely to be costly, and I give this consideration moderate weight. However, the cost to the developer must be balanced against the benefit to the occupiers at the development in having the building constructed to the Building Code of Australia and Australian Standards. Considering the potential consequences as outlined in my reasons and the order, I give greater weight to the seriousness of the defect and failure to adhere to the Building Code of Australia, Australian Standards and the benefits arising from remediating the defects and I find that it is appropriate, in the exercise of my discretion, to make the building work rectification order to carry out the building work described above within the specified period

### Notes about this Order

- A person is not required to obtain consent or approval under the *Environmental Planning and Assessment Act 1979* to carry out work in compliance with a requirement of a Building Work Rectification Order.
- It is an offence to fail to comply with this Order. The maximum penalty for a company is 3,000 penalty units and in addition, for every day the offence continues, 300 penalty units. For an individual the maximum penalty is 1,000 penalty units and in addition, for every day the offence continues, 100 penalty units.
- You may appeal to the Land and Environment Court against this Order within 30 days after this Order is given, unless the Land and Environment Court grants leave for it to be made after that time. Lodging an appeal does not operate to stop the effect of this Order unless ordered by the Court.
- You are entitled to be given reasons for this Order, unless it has been given in an emergency. The reasons have been included within this Order and are not provided separately.
- The Secretary has given the following persons notice of the making of this building work rectification order:
  - the relevant local council,
  - if the local council is not the certifier in relation to the building work—the principal certifier,
  - if you are not the owner of the land concerned—the owner of the land concerned,
  - the Registrar-General,
  - if the order relates to a strata building—the relevant owners corporation,
  - any other person prescribed by the regulations.
- This Order specifies a time by which, or period within which, the order must be complied with. This Order continues to have effect until it is complied with even though the time has passed, or the period has expired, unless any requirement under this Order is revoked.

## Annexure A

**serious defect**, in relation to a building, means—

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

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

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

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

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

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

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

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

**Section 6 - Act applies only to residential apartment building work**

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