Department of Customer Service



Attn. the Proper Officer Rockdale One Pty Ltd C/O Boroughs Australia Pty Ltd ABN 62 164 398 092 Level 6, 77 Castlereagh Street SYDNEY NSW 2000

Service: By registered post and by email

9 May 2023

Building Work Rectification Order

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

Rockdale One Pty Ltd ACN 62 164 398 092 is being given this Building Work Rectification Order ("Order") in relation to 395 Princes Highway NSW 2216 (SP99779) ("the Building").

Rockdale One Pty Ltd ACN 62 164 398 092 is required to cause building work to be carried out to remediate the potential serious defects as set out in paragraphs 8 to 38 of this Order.

Failure to comply with 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 the Building or that the Building has a serious defect, they may order the developer to rectify building work to remediate the serious defect or potential defect.
- 3. Elizabeth Stewart is an authorised delegate of the Secretary of the Department. Pursuant to section 20 of the Act, authorised officers of the Department attended the Building (Authorised Officers) on 16 February 2022. The Authorised Officers prepared a report on serious defects in the Building (Audit Report).
- Rockdale One Pty Ltd ACN 62 164 398 092 is the developer of the residential apartment building at 395 Princes Highway Rockdale NSW 2216 (SP99779) (the Building) for the purposes of section 4 of the Act.
- 5. Under section 3 of the Act 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) Act2017*) in contravention of that Act.
- **6.** Under s 6(1) of the *Design and Building Practitioners Act* 2020 a building element means any of the following:
 - (a) the fire safety systems for a building within the meaning of the Building Code of Australia,
 - (b) waterproofing,
 - (c) an internal or external load-bearing component of a building that is essential to the stability of the building, or a part of it (including but not limited to in-ground and other foundations and footings, floors, walls, roofs, columns and beams),
 - (d) a component of a building that is part of the building enclosure,
 - (e) those aspects of the mechanical, plumbing and electrical services for a building that are required to achieve compliance with the *Building Code of Australia*,
 - (f) other things prescribed by the regulations for the purposes of this section.

Decision to issue a building work rectification order

7. I, Elizabeth Stewart, am the decision maker for this Building Work Rectification Order (the Order). I have considered the Audit Report and have decided to issue the Order to Rockdale One Pty Ltd ACN 62 164 398 092 because I have formed a reasonable belief under s 33(1) of the Act the Building has serious defects as set out in this Order.

Descriptions of serious defects

NOTE: The Design and Building Practitioners Act 2020 applies to the remediation work under this Order. In brief, it requires that there be declared designs by registered practitioners before building work commences and that the designs be uploaded to the NSW Planning Portal. Any variations made to the building work must be reflected in the declared and uploaded designs.

8. Defect 1 – Waterproofing			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
 When inspecting Level 4 of the Building, the Authorised Officers observed the following: 1. An absence of the waterproofing membrane on the substrate after removing some pavers and the foam insulation board; 2. Water was observed to be retained between the insulating foam panels. I have formed the view that the water retained on the surface of the membrane as described above is a serious defect because it is a defect in a building element (waterproofing) that is attributable to a failure to comply with the following: 	Australian Standard 4654.2-2012 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.5 Substrate, 2.5.2 Falls , which states: <i>"Falls in finishes shall ensure water drains to the drainage outlet. Water shall not be retained on the finished surface with the exception of residual water remaining due to surface tension. The fall shall be in the structural substrate, or formed by a screed over the structural substrate. NOTE: Falls for surface drainage should be no flatter than 1 in 100." Australian Standard 4654.2 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 External above ground membranes, which states: <i>"Waterproofing membranes for external above ground use must comply with AS 4654 Parts 1 and 2."</i> Deemed-to-Satisfy provision F1.4 is a pathway that can satisfy the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing, which states: <i>"A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause—</i> (a) Unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) undue dampness or deterioration of building elements."</i>	Developer to carry out rectification of the waterproofing defects in accordance with the BCA Volume One and Australian Standard 4654.2 Waterproofing membranes for external above ground use. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	Within 180 days of issuance of this Order.

9. Defect 2 – Waterpro	ofing		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
 The Authorised Officers made the following observations in relation to the rooftop of the Building: 1. The concrete rooftop membrane, had an overlay consisting of placofflute laid directly on the membrane, a geotextile fabric la and river pebbles on top. 2. The roofs were bound by perime hobs. 3. The membrane application did rencapsulate the perimeter hobs 4. There was ponding water throughout the roofs evident between the stones. 5. There was inadequate coating of film thickness on the PVC drainapipes. 6. The membrane had not been applied to services and fixings penetrating the roof, namely threaded rods supporting the air conditioning condenser units. 7. There was corrosion staining at base of the threaded rods where they had penetrated the membrindicating a lack of membrane protection. 8. There were redundant unfilled holes on the face of the anchor posts, allowing uncontrolled water penetration. 	 4654.2-2012 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of membranes, 2.8.1 Upward termination, 2.8.1.1 Height, which states: "Where the membrane above the finished surface level shall be sufficient to prevent water, including wind driven, flowing over the top of the membrane." The water retained on the surface of the membrane." The water retained on the surface of the membrane. demonstrates a failure to comply with Australian Standard 4654.2-2012 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.5 Substrate, 2.5.2 Falls, which states: "Falls in finishes shall ensure water drains to the drainage outlet. Water shall not be retained on the finished surface with the exception of residual water remaining due to surface tension. The fall shall be in the structural substrate, or formed by a screed over the structural substrate. NOTE: Falls for surface drainage should be no flatter than 1 in 100." The detail provided to the overflow demonstrates a failure to comply with Australian Standard 4654.2-2012 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, Figure 2.10 Typical Details of Vertical Penetration Using a Collar which states: "1. All pipes, ducts and vents should be located within a collar mechanically fixed to the substrate as an extension to the penetration. Alternatively, a collar may be cast into the substrate to form the penetration. A separate collar should be used for each penetration. The membrane should be turned up around the penetration and over- flashed with a minimum overlap of 75mm. Sufficient clearance between pipe and slever/substrate to be provided." The detail provided to the fixings penetrating the membrane demonstrates a failure to comply with Australian Standard 4654.2- 2012 Waterproofing Membranes for External Above Ground Use, 2 Design	Developer to carry out rectification of the waterproofing defects in accordance with the BCA Volume One and Australian Standard 4654.2 Waterproofing membranes for external above ground us, design and installation. Developer to demonstrate compliance of remediation works by providing evidence, including but not limited to, comprehensive photographs of work in progress, installer compliance certificate and any third party inspection reports.	Within 240 days of issuance of this Order.
9. There was corrosion staining emanating through the	2.8.1.2 Anchoring, which states:		

waterproofing membrane applied to		
the metal supports attached to the	"Sheet membranes shall be secured along the top edge or bottom edge.	
waterproored stab.	NOTE. The method of securing is dependent on the membrane type.	
I have formed the belief that the water	The cracking in the membrane between the PVC drainage pipe and roof	
ingress issues as described above	slab demonstrates a failure to comply with Australian Standard 4654.2-	
is a defect in a building element	2 Design and Installation, 2.12 Changes in direction or upstands , which	
(waterproofing) that is attributable to a	states in part:	
failure to comply with the following:	ű	
	The membrane system shall be designed to accommodate differential	
	horizontal movement (shear) between the vertical and horizontal	
	Australian Standard 4654.2 appears as a standard referenced in the BCA	
	Weatherproofing, Deemed-to-Satisfy provision F1.4 External above	
	ground membranes, which states:	
	"Waterproofing membranes for external above ground use must comply with	
	AS 4654 Parts 1 and 2."	
	Deemed-to-Satisfy provision F1.4 is a pathway that can satisfy the BCA	
	Volume One, Section F Health and Amenity, Part F1 Damp and	
	which states:	
	"A most and antermational line budies are already and windows and the set	
	A root and external wall (including openings around windows and doors) must prevent the penetration of water that could cause—	
	(a) unhealthy or dangerous conditions or loss of amenity for	
	occupants; and	
	(b) undue dampness or deterioration of building elements."	
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10. Defect 3 – Waterproofin	g		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
 When inspecting the roof windows/skylights to the Building the Authorised Officers observed: 1. That the roof windows / skylights had not been adequately sealed with up to 35mm gaps, allowing wind riven rain to enter areas below the sub sills. 2. Evidence of water ingress by water stain marks. I have formed the belief that the defective installation of the roof windows/ skylights as described above is a serious defect because it is a defect in a building element (waterproofing) that is attributable to a failure to comply with the following: 	 BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing which states: "A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause— (a) unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) undue dampness or deterioration of building elements." 	Developer to carry out rectification of the waterproofing defects in accordance with the BCA Volume One. Developer to demonstrate compliance of remediation works by providing evidence, including but not limited to, comprehensive photographs of work in progress, installer compliance certificate and any third party inspection reports.	Within 120 days of issuance of this Order.

11. Defect 4 – Waterproofing			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the fire stairs of the Building the Authorised Officers observed uncontrolled water penetration in the form of standing water and staining emanating to the floor to wall junction of the permanent plastic formwork walls within the fire staircase. I have formed the belief that the inadequate detail of the waterproofing and drainage system to the Building as described above is a serious defect because it is a defect in a building element (waterproofing) that is attributable to a failure to comply with the following:	 BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.3 Rainwater drainage system, which states: "A drainage system for the disposal of surface water resulting from a storm having an average recurrence interval of— (a) 20 years must— (i) convey surface water to an appropriate outfall; and (ii) avoid surface water damaging the building; and (b) 100 years must avoid the entry of surface water into a building." 	 'Developer to carry out rectification works to comply with the relevant BCA and Australian Standards.Particular attention to be given, but not limited to: 1. Carry out repairs to consequential damages as required. 2. Make good any resultant consequential damage. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports. 	Within 180 days of issuance of this Order.

12. Defect 5 – Waterproofin	ng		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Level 4 common corridor of the Building the Authorised Officers observed that the tiled floor area did not have sufficient falls to the stormwater drainage outlet causing retention of water on the tiled surface of the Building. I have formed the belief that the inadequate falls on the floor as described above is a serious defect because it is a defect in a building element (waterproofing) that is attributable to a failure to comply with the following:	 Australian Standard 4654.2:2012 - Waterproofing Membranes for External Above Ground Use, Design and installation, 2.5 Substrate, 2.5.2 Falls, which states: <i>"Falls in finishes shall ensure water drains to the drainage outlet. Water shall not be retained on the finished surface with the exception of residual water remaining due to surface tension.</i> The shall should be in the structural substrate, or formed by a screed over the structural substrate. NOTE: Falls for surface drainage should be no flatter than 1 in 100." Australian Standard 4654.2 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 External above ground membranes, which states: <i>"Waterproofing membranes for external above ground use must comply with AS 4654 Parts 1 and 2."</i> Deemed-to-Satisfy provision F1.4 is a pathway that can satisfy the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing, which states: <i>"A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause—</i> (a) unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) undue dampness or deterioration of building elements." 	['] Developer to carry out rectification works to comply with the relevant BCA and Australian Standards. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	Within 210 days of issuance of this Order.

13. Defect 6 – Waterproofing			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
 When inspecting the Soffits to the common corridors of the Building the Authorised Officers observed water damage, staining and some blistering to the painted soffit lining of all floors in the Building. I have formed the belief that the water which has penetrated the Building as described above is a serious defect because it is a defect in a building element (waterproofing) that is attributable to a failure to comply with the following: 	 BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing, which states: <i>"A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause-</i> (a) Unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) Undue dampness or deterioration of building elements." 	Developer to carry out rectification of the uncontrolled water penetration in accordance with the BCA Volume One. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	Within 180 days of issuance of this Order.

14. Defect 7 – Fire Safety S	ystems		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Fire Hydrant & Sprinkler Booster which faces the Princess Highway, the Fire Indicator Panel cabinet and at the Pump Room of the Building the Authorised Officers observed that block plans had been printed on paper, sealed in laminate and had been glued and or taped to the wall. I have formed the belief that the installed block plans which are not permanent, water resistant or fade resistant as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following:	 The installed block plans are not permanent, water-resistant or fade-resistant and therefore do not comply with Australian Standard AS1670.1 Fire detection, warning, control and intercom systems—System design, installation and commissioning - Part 1: Fire which states in part – "3.10 ZONE BLOCK PLAN A zone block plan of the installation shall be securely mounted and easily accessible at FBP. The plan shall be in the form of a permanent diagram that is water resistant and fade resistant. The lettering shall be a minimum of 3 mm and shall include the following information: (a) The layout of the building in which the FDAS is installed. (b) The area covered by each zone. (c) The location of all FDCIE, SHCIE, FFCP and EWCIE. (d) The location of the building's main electrical switchboard. (g) The year of original installation and the date of the latest revision to the block plan. (h) A notice stating, 'In the event of a fire ring 000 to ensure fire service response'. The plan shall be installed in the correct orientation of the building" 	Developer to rectify and install Block plans at the Fire Hydrant & Sprinkler Booster, Fire Indicator Panel and in the Pump Room in accordance with the BCA Volume One. Developer to demonstrate compliance by providing evidence, including but not limited to, comprehensive photographs and installer certificates.	Within 90 days of issuance of this Order.

15. Defect 8 – Fire Safety System	ms		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the exit adjoining the Pump Room of the Building the Authorised Officers observed that the path of travel between the Pump Room to the required exit was less than 1000mm. I have formed the belief that the inadequate width of the path as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following:	The noncompliant width demonstrates a failure to comply with the BCA Volume One, Section D Access and egress – Part D1.6 Dimensions of exist and paths of travel that states in part - "In a required exit or path of travel to an exit— (a)the unobstructed height throughout must be not less than 2 m, except the unobstructed height of any doorway may be reduced to not less than 1980 mm; and (b)the unobstructed width of each exit or path of travel to an exit, except for doorways, must be not less than— (i)1 m; The reduced path of travel has not been addressed in Final Fire Safety Schedule issued with the Occupation Certificate.	Developer to rectify the defective width of travel in accordance with the BCA Volume One. Developer to demonstrate compliance by providing evidence, including but not limited to, comprehensive photographs and installer certificates.	Within 210 days of issuance of this Order.

16. Defect 9 – Fire Safety S	ystems		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting each Basement Level of the Building the Authorised Officers observed that the path of travel to the required exit was less than 1000mm between the storage cage and the fire hose reel. I have formed the belief that the inadequate width of the path as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following:	The approved Construction Certificate drawings detail that the storage cage was required to be set back to achieve the 1000mm minimum clearance. Clause D1.6 of the Building Code of Australia requires that the unobstructed width of the path of travel to an exit be no less than 1000mm: The noncompliant width demonstrates a failure to comply with the BCA Volume One, Section D Access and egress – Part D1.6 Dimensions of exist and paths of travel that states in part - <i>"In a required exit or path of travel to an exit—</i> (a) the unobstructed height throughout must be not less than 2 m, except the unobstructed height of any doorway may be reduced to not less than 1980 mm; and (b) the unobstructed width of each exit or path of travel to an exit, except for doorways, must be not less than— (i)1 m; The reduced path of travel does not appear to have been addressed as a Performance Solution in the Fire Engineering Report issued with the approved Construction Certificates.	Developer to rectify the defective width of travel in accordance with the BCA Volume One. Developer to demonstrate compliance by providing evidence, including but not limited to, comprehensive photographs and installer certificates.	Within 210 days of issuance of this Order.

17. Defect 10 – Fire Safety S	Systems		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the exposed soffit locations of the Building the Authorised Officers observed that the fire stopping of penetrations in the fire resisting floor elements had not been installed using a known tested fire stopping methodology such as a fire rated collar, fire sealant or other passive fire protection. I have formed the belief that the inadequate fire-resistant sealing as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following:	 BCA Volume One, Section C Fire Resistance, Part C3 Protection of openings, Deemed-to-Satisfy provisions: C3.12 Openings in floors and ceilings for services which states: " (a) Where a service passes through— (i) a floor that is required to have an FRL with respect to integrity and insulation; or (ii) a ceiling required to have a resistance to the incipient spread of fire, the service must be installed in accordance with (b). (b) A service must be protected (i) (ii) (iii) in accordance with C3.15" And C3.15 Openings for service installations which states: "Where an electrical, electronic, plumbing, mechanical ventilation, airconditioning or other service penetrates a building element (other than an external wall or roof) that is required to have an FRL with respect to integrity or insulation or a resistance to the incipient spread of fire, that installation must comply with any one of the following: (a) Tested systems (i) The service, building element and any protection method at the penetration are identical with a prototype assembly of the service, building element and protection method which has chein extend in accordance with AS 4072.1 and AS 1530.4 and has achieved the required FRL or resistance to the incipient spread of fire. (b) (c)Compliance with Specification C3.15 " 	Developer to rectify the fire-stoppingdefects in accordance with the BCA Volume One, Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third-party inspection reports.	Within 180 days of issuance of this Order.

Deemed-to-Satisfy provisions C3.12 and C3.15 are pathways that can satisfy the BCA Volume One, Section C Fire Resistance, Part C3 Protection of openings, Performance Requirement CP2 which states:	
" (a) A building must have elements which will, to the degree	
(ii) to exits; and	
 (iii) to sole-occupancy units and public corridors; and (iv) (v) in a building " 	
Therefore, because the installation does not comply with the BCA Volume One Deemed-to-Satisfy provisions, the BCA Volume One Performance Requirement cannot be shown to have been satisfied.	

Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Basement Carpark and Storage Area of the Building the Authorised Officers observed that a permanent wire fence had been installed within a path of travel to a required exit. I have formed the belief that the permanent wire fence as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following:	The permanent wire fence is not shown on the approved Construction Certificate drawings. The permanent wire fence impedes the free passage of persons contrary to clause 186 of the Environmental Planning and Assessment Regulation 2021. The inadequate path of travel clearance demonstrates a failure to comply with BCA Volume One, Part D1: Provision for escape, D1.6, which states in part- "D1.6 Dimensions of exits and paths of travel to exits In a required exit or path of travel to an exit— (a) the unobstructed height throughout must be not less than 2 m, except the unobstructed height of any doorway maybe reduced to not less than 1980 mm; and (b) the unobstructed width of each exit or path of travel to an exit, except for doorways, must be not less than— (i) 1 m; or" The permanent wire fence was not part of a Performance Solution issued with the approved Construction Certificates.	Developer to rectify the defective path of travel in accordance with the BCA Volume One. Developer to demonstrate compliance by providing evidence, including but not limited to, comprehensive photographs and installer certificates.	Within 150 days of issuance of this Order.

19. Defect 12 – Fire Safety Systems			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
 When inspecting Basement 1 of Carparking Area of the Building the Authorised Officers observed that a number of the storage cages had been reduced to enable the installation of a white security door separating the lifts and fire door from the Basement 1 Carparking Area I have formed the belief that the installation of the security door blocking the path of free egress as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following: 	The security door is not shown on the approved Construction Certificate drawings. The security door impedes the free passage of persons contrary to clause 186 of the Environmental Planning and Assessment Regulation 2021. The inadequate path of travel clearance demonstrates a failure to comply with BCA Volume One, Part D1: Provision for escape, D1.6, which states in part- <i>"D1.6 Dimensions of exits and paths of travel to exits</i> In a required exit or path of travel to an exit— (a)the unobstructed height throughout must be not less than 2 m, except the unobstructed height of any doorway maybe reduced to not less than 1980 mm; and (b)the unobstructed width of each exit or path of travel to an exit, except for doorways, must be not less than— (i) <u>1 m</u> ; or" The security door was not part of a Performance Solution issued with the approved Construction Certificates.	Developer to rectify the defective travel pathway in accordance with the BCA Volume One. Developer to demonstrate compliance by providing evidence, including but not limited to, comprehensive photographs and installer certificates.	Within 180 days of issuance of this Order.

20. Defect 13 – Fire Safety Systems			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Fire Pump Room path to the exit of the Building the Authorised Officers observed that a metal fence and gate had been installed within a path of travel between the Pump Room fire exit and the public road. It was also observed that a deadlock had been installed on the steel the gate. I have formed the belief that the metal fence and gate impeding free passage to the public road as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following:	 The metal fence and gate impedes the free passage of persons to the public road contrary to clause 186 of the Environmental Planning and Assessment Regulation 2021. The metal gate swings in the opposite direction of egress contrary to clause D2.20 of the Building Code of Australia. The obstruction to the egress door demonstrates a failure to comply with the BCA Volume One, Section D – Access and Egress D1.10 - Discharge from exits that states in part – (a) An exit must not be blocked at the point of discharge and where necessary, suitable barriers must be provided to prevent vehicles from blocking the exit, or access to it. (b) If a required exit leads to an open space, the path of travel to the road must have <u>an unobstructed width</u> throughout of not less than— (i) the minimum width of the required exit; or (ii) 1 m, whichever is the greater. (c) If an exit discharges to open space that is at a different level than the public road to which it is connected, the path of travel to the road must be by— (i) a ramp or other incline having a gradient not steeper than 1:8 at any part, or not steeper than 1:14 if required by the Deemed-to-Satisfy Provisions of Part D3; or (ii) except if the exit is from a Class 9a building, a stairway complying with the Deemed-to-Satisfy Provisions of the BCA. (d) The discharge point of alternative exits must be located as far apart as practical. (e) In a Class 9b building which is an open spectator stand that accommodates more than 500 persons, a required stairway or required ramp must not discharge to the ground in front of the stand. 	Developer to rectify the defective travel pathway in accordance with the BCA Volume One. Developer to demonstrate compliance by providing evidence, including but not limited to, comprehensive photographs and installer certificates.	Within 150 days of issuance of this Order.

The deadlock latch does not comply with D2.21 of the BuildingCode of Australia.	

21. Defect 14 – Fire Safety Systems			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Basement Level B3 of the Building the Authorised Officers made the following observations:	BCA Volume One, Section C Fire resistance, Part C3 Protection of openings, Deemed-to-Satisfy provision C3.4 Acceptable methods of protection, which states:	Developer to rectify and ensure the self-closing fire doors to the stairwell latch shut and comply with the BCA Volume One. Particular attention to be given, but not limited to the following:	Within 105 days of issuance of this Order.
 The self-closing fire door to the stairwell did not latch shut. 	"(a) Where protection is required, doorways, windows and other openings must be protected as follows: (i) Doorways—	 Ensuring the ground is level to allow the operation of the self- closing mechanism. 	
2. The self-closing fire doors needs to be able to fully close and latch on its own.	 (A) internal or external wall-wetting sprinklers as appropriate used with doors that are self-closing or automatic closing; or (B)–/60/30 fire doors that are self-closing or automatic closing." 	2. Make good any resultant consequential damage.	
 It is a safety hazard as during a fire emergency event the inadequate self-closing fire door could allow fire and smoke to slip through the gap. 	Deemed-to-Satisfy provision C3.4 is a pathway that can satisfy the BCA Volume One, Section C Fire resistance, Performance Requirement CP2 Spread of fire , which states:	works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	
I have formed the belief that the inadequate self-closing fire door as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following:	"(a) A building must have elements which will, to the degree necessary, avoid the spread of fire – (i) to exits; and (ii) to sole-occupancy units and public corridors; and (iii) between buildings; and (iv) in a building. "		

Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Ground Level of the Building the Authorised Officers observed that there was a 210 mm step at the exit discharge. I have formed the belief that the non- compliant step at the fire exit discharge as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following:	 BCA Volume One, Section D Access and egress, Part D2 Construction of exits, Deemed-to-Satisfy provision D2.15 Thresholds, which states: "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 – (d) in other cases – (i) the doorway opens to a road or open space; and (ii) the door sill is not more than 190 mm above the finished surface of the ground, balcony, or the like, to which the doorway opens." Deemed-to-Satisfy provision D2.15 is a pathway that can satisfy the BCA Volume One, Section D Access and egress, Performance Requirement DP4, which states: "Exits must be provided from a building to allow occupants to evacuate safely, with the number, location and dimensions being appropriate to – (a) the travel distance; and (b) the number, mobility and other characteristics of occupants; and (c) the function or use of the building; and (e) whether the exit is from above or below ground level." 	 Developer to rectify and ensure the fire door discharge complies with the BCA Volume One. Particular attention to be given, but not limited to the following: 1. Ensuring compliant discharge from the fire exit. 2. Make good any resultant consequential damage. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports. 	Within 150 days of issuance of this Order.

23. Defect 16 – Fire Safety Systems			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Ground Level of the Building the Authorised Officers observed that the fire door discharge at ground level from fire stair 02 was heavier than other doors and was reasonably difficult to open. I have formed the belief that the installation of the fire door as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following:	 BCA Volume One, Section E Services and equipment, Part E2 Smoke hazard management, Deemed-to-Satisfy provision E2.2 General Requirements, which states: "A building must comply with (b), (c), (d) and – (i) Table E2.2a as applicable to Class 2 to 9 buildings such that each separate part complies with the relevant provisions for the classification" Table E2.2a General provisions states that: "A required – (a) fire-isolated stairway, including any associated fire-isolated passageway or fire-isolated ramp serving – (i) any storey above an effective height of 25m; or (ii) more than 2 below ground storeys, not counted in the rise in storeys in accordance with C1.2; must be provided with – (c) an automatic air pressurisation system fore fire-isolated exits in accordance with AS 1668.1" Australian Standard 1668.1:2015 The use of ventilation and air conditioning in buildings Part 1: Fire and smoke control in buildings, Section 4 Smoke control systems – General requirements, 4.7 Fire doors pressure differentials, which states: "Pressure differentials across fire doors providing access to fire-isolated exits shall be such that – (a) the force to open any door against the combined effect of the air pressure differential and any self-closing mechanism does not exceed 110 N at the door handle; 	Developer to rectify and ensure the fire door discharge complies with the BCA Volume One. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	Within 120 days of issuance of this Order.

24. Defect 17 – Fire Safety Systems			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Basement Level B1 of the Building the Authorised Officers observed that the floor to the ceiling height in the lift lobby area measured 2050 mm. I have formed the belief that the inadequate height clearance in the lift lobby as described above is a serious defect because it is a defect in a building element (fire safety systems) that is attributable to a failure to comply with the following:	 BCA Volume One, Section F Health and amenity, Part F3 Room heights, Deemed-to-Satisfy provision F3.1 Heights of rooms and other spaces, which states: "The height of rooms and other spaces must be not less than – (b) in a Class 5, 6, 7 or 8 building – (i) (ii) a corridor, passageway, or the like – 2.1m" Deemed-to-Satisfy provision F3.1 is a pathway that can satisfy the BCA Volume One, Section F Health and amenity, Performance Requirement FP3.1 Room or Space Heights, which states: "A habitable room or space must have sufficient height that does not unduly interfere with its intended function" 	 Developer to carry out rectification of inadequate ceiling heights in accordance with the BCA Volume One. Particular attention to be given, but not limited to the following: 1. Compliant ceiling heights. 2. Make good any resultant consequential damage. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports. 	Within 180 days of issuance of this Order.

25. Defect 18 – Structural Systems			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
 When inspecting the Basement Carpark of the Building the Authorised Officers made the following observations: 1. That there was uncontrolled cracking of 2mm to 4mm in the basement slabs and soffits. 2. That some cracking has occurred immediately adjacent to the sawn joint and was not contained within the joint. 3. That some cracks have migrated through the full depth of the suspended post tension slab with water permeating through. I have formed the belief that the cracking in the Basement Carpark of the Building as described above is a serious defect because it is a defect in a building element (structural systems) that is attributable to a failure to comply with the following: 	Australian Standard 3600-2009 Concrete structures, Section 2 Design procedures, actions and loads, 2.3, Design for serviceability, 2.3.3, Cracking which states: "2.3.3.1 General Cracking in concrete structures shall be controlled so that structural performance, durability and appearance of the structure are not compromised." Australian Standard 3600 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 which states: "The structural resistance of materials and forms of construction must be determined in accordance with the following, as appropriate: "(b) Concrete: (i) Concrete construction (including reinforced and prestressed concrete): AS 3600."	 Developer to rectify the cracking defects in accordance with BCA Volume One and Australian Standard 3600 Concrete Structures. Particular attention to be given, but not limited to the following areas: 1. Conduct remedial rectification work to the structural concrete slab in coordination with the project structural design engineer. 2. Attention to the monitoring of the cracking to ensure long term stability. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports. 	Within 240 days of issuance of this Order.

26. Defect 19 – Structural Systems			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Basement Carpark area of the Building the Authorised Officers observed exposed and unprotected reinforcements in the slab-on- ground. I have formed the belief that the unprotected reinforcement as described above is a serious defect because it is a defect in a building element (structural systems) that is attributable to a failure to comply with the following:	Australian Standard 3600-2009, Concrete structures, Section 4, Design for durability 4.10 Requirements for cover to reinforcing steel and tendons, 4.10,3 Cover for corrosion protection 10.4.3.1 General which states: <i>"For corrosion protection, the cover shall be not less than the value given in accordance with Clauses 4.10.3.2 to 4.10.3.7."</i> In accordance with clauses 4.10.3.2 to 4.10.3.7 depending on exposure classification and concrete characteristic strength, required cover varies between 20mm to 70 mm.	Developer to rectify the defect by providing appropriate protection to the exposed reinforcements in accordance with the BCA Volume One and Australian Standard 3600 – Concrete Structures. Demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates.	Within 180 days of issuance of this Order.

27. Defect 20 – Building Enclosure			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
 When inspecting the basement stairs of the Building the Authorised Officers made the following observations: 1. That there was corrosion staining the permanent metal formwork encasing the stairs leading from the basement of Building. 2. The corrosion of the abovementioned stairs appeared to be the result of uncontrolled water penetration of the stair wells. I have formed the belief that the water which had penetrated the Building as described above is a serious defect because it is a defect in a building element (building enclosure) that is attributable to a failure to comply with the following: 	 BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing, which states: <i>"A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause—</i> (a) unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) undue dampness or deterioration of building elements. And Performance Requirement FP1.5 which states: <i>"Moisture from the ground must be prevented from causing—</i> (a) undue dampness or deterioration of building elements; and (b) undue dampness or deterioration of building elements; and (b) undue dampness or deterioration of building elements; and (b) unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) unhealthy or dangerous conditions, or loss of amenity for occupants; and 	 Developer to carry out rectification of the uncontrolled basement water penetration in accordance with the BCA Volume One. Particular attention to be given, but not limited to the following areas: Conduct remedial rectification work to address the sources of uncontrolled water ingress. Make good consequential damage. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports. 	Within 180 days of issuance of this Order.

28. Defect 21 – Building Enclosure				
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance	
When inspecting the exterior of the balconies of the Building the Authorised Officers observed that there were no overflow provisions installed to the area to prevent stormwater entering the Building in the event of overflow of the stormwater drainage system. I have formed the belief that the absence of overflow provisions as described above is a serious defect because it is a defect in a building element (building enclosure) that is attributable to a failure to comply with the following:	 Australian/ New Zealand Standard 3500.3:2003 Plumbing and drainage - Stormwater drainage, Section 5 Surface drainage systems, 5.4 General method, 5.4.1 Basis, which states: <i>"The general method may be used for all buildings. Surface drainage systems shall be designed to provide protection against potential losses caused by any overflows, including damage to buildings and their contents, and injury and nuisance to persons".</i> AS/NZS 3500.3 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 must comply with AS/NZS 3500.3". Deemed-to-Satisfy provision F1.1 is a pathway that can satisfy the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.3, which states: <i>"A drainage system for the disposal of surface water resulting from a storm having an average recurrence interval of—</i> (a) 20 years must— (b) 100 years must avoid the entry of surface water into a building". 	Developer to carry out rectification of the overflow provisions in accordance with the BCA Volume One and Australian/ New Zealand Standard 3500.3:2003 Plumbing and drainage - Stormwater drainage. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	Within 180 days of issuance of this Order.	

29. Defect 22 – Building Enclo	osure		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the façade of the Building the Authorised Officers made the following observations:	Australian Standard 4654.2-2012 Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, Clause 2.8 Termination of Membranes, 2.8.1 Upward terminations, 2.8.1.3 Membrane termination finishing, which states:	Developer to carry out rectification of the waterproofing defects in accordance with the BCA Volume One and Australian Standard 4654.2 Waterproofing membranes for external above ground use.	Within 240 days of issuance of this Order.
 It was observed that there was inadequate integration of the cross-cavity flashing on the external cladding system. This departs from the manufacturer's standard installation detail for this interface requiring a method of cavity drainage to be installed. 	"The sheet membrane shall be finished with over-flashing or cover- flashing." Australian Standard 4654.2 appears as a standard referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements FP1.2, FP1.3, and FP1.4, which states:	 Particular attention to be given, but not limited to the following: 1. Adequate bottom finish wall system level and waterproofing system termination height at the wall. 	
 Non-Combustible Sarking (sarking) had been identified and the coverage of the sarking was incomplete. 	FP1.2 Preventing rainwater from entering buildings , which states: "Surface water, resulting from a storm having an average recurrence interval of 100 years must not enter the building."	 Continuity and integration of the waterproofing system at the perimeter cladding and balcony entry doors. Make good any resultant consequential damage. 	
 There were significant gaps at its base or be hard up against the structural slab. This installation was inconsistent with the Balcony Recess and Blade Walls – Application Guide, Design Options, by James Hardie. 	 FP1.3 Rainwater drainage systems, which states: "A drainage system for the disposal of surface water must— (a) convey surface water to an appropriate outfall; and (b) avoid the entry of water into a building; and (c) avoid water damaging the building." 	Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	
I have formed the belief that the inadequate installation of the waterproofing to the weatherproofing at the walls on the balconies as described above is a serious defect because it is a	FP1.4 Weatherproofing , which states: "A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause—		
detect in a building element (building enclosure) that is attributable to a failure to comply with the following:	 (a) unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) undue dampness or deterioration of building elements." 		

30. Defect 23 – Building Encl	osure		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
 When inspecting the roof and Level 4 common area of the Building the Authorised Officers made the following observations: 1. There was a parapet capping which intersects with a perpendicular wall. 2. The capping had not been adequately terminated and the seal at the top of the intersecting wall was broken. 3. There was an uncovered section of the top of a pre-lined fibrous cement permanent formwork wall which was allowing water to penetrate. I have formed the belief that the failure to prevent water penetrating the Building as described above is a serious defect because it is a defect in a building element (building enclosure) that is attributable to a failure to comply with the following: 	 BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing, which states: "A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause – (a) Unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) Undue dampness or deterioration of building elements." 	Developer to carry out rectification of the uncontrolled basement water penetration in accordance with the BCA Volume One. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	Within 240 days of issuance of this Order.

31. Defect 24 – Building Esse	ential Services		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Basement Level 3 of the Building the Authorised Officers made the following observations:	BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing , which states:	Developer to carry out rectification of the uncontrolled basement water penetration in accordance with the BCA Volume One.	Within 210 days of issuance of this Order.
 Water was penetrating the wet wall of the Basement Level 3 and escaped from an area considered to be a perimeter drain. The water was uncontrolled, extending and ponding across the basement from car spaces. Water was penetrating the slab above the Basement of Level 3. The water had created corrosion to the ceiling slab. I have formed the belief that the water which has penetrated the Building as described above is a serious defect because it is a defect in a building element (building enclosure) that is attributable to a failure to comply with the following: 	 "A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause- (a) Unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) Undue dampness or deterioration of building elements." 	Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	

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32. Defect 25 – Building Enclosure			
Description of serious defect Applicable performance requirements Remediati carried ou	on work to be carried out or caused to be t by the Developer Time period for compliance		
When inspecting the window on the living room of Unit 1001 on Level 10 of the Building the Authorised Officers observed that the flashing was damaged and water was getting between the windows.BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements FP1.4 Weatherproofing, which states:Developer management RequirementI have formed the belief that the water which has penetrated the Building as described above is a serious defect because it is a defect in a building element (building enclosure) that is attributable to a failure to comply with the following:BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements FP1.4 Weatherproofing, which states:Developer management Requirement(a)unhealthy or dangerous conditions, or loss of amenity for occupants; and1. The ir replace(b)undue dampness or deterioration of building elements."2. Make Developer works by p compreher compliance	to carry out rectification of the moisture ent of cavity walls to satisfy Performance int of BCA Volume One. Attention to be given, but not limited to the eas: Installation of flashing along the window and the damaged materials. good any resultant consequential damage. to demonstrate compliance of remediation roviding evidence including but not limited to isive photographs of work in progress, installer ecertificates and any third-party inspection		

33. Defect 26 – Building Encl	osure		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
 When inspecting the roof area of the Building the Authorised Officers made the following observations: 1. The external brick parapet installed along the edge of the roof area was partially covered with sheet metal, leaving exposed unprotected face brickwork. 2. The roof did not have junction on the parapets, parapet cappings and steel posts supporting louvre screens. It was also observed that there was a lack of seal. I have formed the belief that the details which are not preventing water penetrating the Building as described above is a serious defect because it is a defect in a building element (building enclosure) that is attributable to a failure to comply with the following: 	 BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4, which states: "A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause- (a) Unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) Undue dampness or deterioration of building elements." 	Developer to carry out rectification of the uncontrolled basement water penetration in accordance with the BCA Volume One. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	Within 180 days of issuance of this Order.

34. Defect 27 – Building Encl	osure		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
 When inspecting the Building (generally) the Authorised Officers made the following observations: 1. There were no weep holes immediately above the coated metal sheet flashing dressing the junction of the external walls and the planter boxes. Capping showed multiple gaps surrounding the perimeter capping detail between the grout lines of the façade wall and capping adjoining the parapet. 2. There were no weep holes at the base of the external wall of the common area which appeared completely obstructed by the tiling. 3. There were no weep holes at the base and on the brick façade wall. I have formed the belief that the inadequate installation of weep holes as described above is a serious defect because it is a defect in a building element (building enclosure) that is attributable to a failure to comply with the following: 	 BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirement FP1.4 Weatherproofing, which states: "A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause- (a) Unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) Undue dampness or deterioration of building elements." 	 Developer to demonstrate the following: How the cavity flashing expels water from the cavity above the planter boxes. How the western external brick wall of the Level 4 common area balconies prevents undue dampness in the base of the cavity. How the external brick walls which extend below ground prevents undue dampness in the base of the cavity. How the installations comply with Australian Standard 3700 – 2011 – Masonry Structures and the BCA Volume One, Section F Health and Amenity. 	Within 180 days of issuance of this Order.

35. Defect 28 – Building Encl	osure		
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the planter boxes in various locations of the Building (specifically the Ground Level and Level 4) the Authorised Officers observed that the capping showed multiple gaps surrounding the perimeter capping detail between the grout lines of the wall and capping adjoining the parapet wall. I have formed the belief that the inadequate installation as described above is a serious defect because it is a defect in a building element (building enclosure) that is attributable to a failure to comply with the following:	 BCA Volume One, Section F Health and Amenity, Part F1 Damp and Weatherproofing, Performance Requirements FP1.4 Weatherproofing, which states: " A roof and external wall (including openings around windows and doors) must prevent the penetration of water that could cause— (a) unhealthy or dangerous conditions, or loss of amenity for occupants; and (b) undue dampness or deterioration of building elements." 	 Developer to carry out rectification of the defects in accordance with the BCA Volume One, Australian Standard 1562.1 Design and installation of sheet roof and wall cladding – Metal. Particular attention to be given, but not limited to the followingareas: 1. Conduct remedial rectification work to the coloured profiled metal cladding and associated components to prevent water entry through porous masonry and bypass of flashing systems. 2. Provide façade engineering design and details demonstrating compliance of the AAC product use and installation for fire safety, structural capacity and weatherproofing provisions. 3. Remove existing flashing system and safely depose off site. 4. Install vertical and horizontal Z-flashing allowing the flashing to be chased into the existing blockwork wall and rectify any consequential damages as a result of the removal of capping. 4. Make good any consequential damage. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports. 	Within 150 days of issuance of this Order.

36. Defect 29 – Building Enclosure			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Ground Level façade and all common corridors of the Building the Authorised Officers observed a lack of a dip groove to prevent water drainage along the slab (ceiling). I have formed the belief that the inadequate waterproofing system terminations as described above is a serious defect because it is a defect in a building element (building enclosure) that is attributable to a failure to comply with the following:	 Australian Standard 4654.2-2012, Waterproofing Membranes for External Above Ground Use, Section 2 Design and Installation, 2.8 Termination of membranes, 2.8.2. Vertical downward termination, 2.8.2.1 Roofs and balconies, which states: "The vertical downward termination for roofs or similar structures using sheet membrane shall extend a minimum if 100mm from the junction. Note: Typical vertical downward terminations are detailed in Figure 2.4. A typical 100mm extension is shown in Figure 2.4(a). For balconies with fully bonded membrane, the membrane may be terminated at the drip groove. For a typical treatment, see Figure 2.4(b). The vertical downward termination for roofs or similar structures using sheet membrane shall extend a minimum of 100mm from the junction." Australian Standard 4654.2-2012 appears as a standard referenced in the BCA Volume One, Section F Health and Amenity, Part F1 Damp and weatherproofing, Performance Requirement FP1.4 Weatherproofing, which states: "A roof and external wall (including openings around windows and doors) must prevent the penetration of to prevent penetration of water that could cause- (a) Unhealthy or dangerous conditions, or loss of amenity for occupants: and (b) Undue dampness or deterioration of building elements." 	 Developer to carry out rectification of the waterproofing defects in accordance with the BCA Volume One and Australian Standard 4654.2-2012. Particular attention to be given, but not limited to the following areas: The provision of suitable dip groove to avoid water leaking through the slab (ceiling) from the façade. Make good any consequential damage. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports. 	Within 180 days of issuance of this Order.

37. Defect 30 – Building Essential Services			
Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the Pump Room Entry of the Building the Authorised Officers observed the services had been placed to close together with inadequate separation. I have formed the belief that the inadequate services installations as described above is a serious defect because it is a defect in a building element (building essential services) that is attributable to a failure to comply with the following:	 Australian Standard 3000 – Wiring rules, 3.9.8.4 Proximity to non-electrical services which requires: (a) General The following conditions shall be satisfied when installing electrical services: (i) Wiring systems shall not be installed in the vicinity of services that produce heat, smoke or fumes likely to be detrimental to the wiring system. (ii) Where a wiring system is situated below services liable to cause condensation (such as water, steam or gas services), precautions shall be taken to protect the wiring system from harmful effects. (iii) Where electrical services are installed close to non-electrical services, they shall be so arranged that any reasonably foreseeable routine operation carried out on the other services will not cause damage to the electrical services. (iv) Wiring systems shall be suitably protected against the hazards likely to arise from the presence of other services in normal use. (v) Cables without sheathing or further enclosure shall not be installed in enclosures where they are accessible to personal contact or where they may contact other services, such as water, gas, hydraulic or communications systems. 	Developer to provide electrical services with the required separation in accordance with Australian Standard 3000. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	Within 180 days of issuance of this Order.

Description of serious defect	Applicable performance requirements	Remediation work to be carried out or caused to be carried out by the Developer	Time period for compliance
When inspecting the electrical meter room of the Building the Authorised Officers observed the cables have been installed with a non-compliant bending radius. I have formed the belief that the inadequate installation as described above is a serious defect because it is a defect in a building element (building essential services) that is attributable to a failure to comply with the following:	 The installation demonstrates a failure to comply with Australian Standard 3000 Wiring Rules, 3.10.3.4 Bending of Cables which requires: The radius of every bend in a wiring system shall be such that conductors and cables will not suffer damage. Bends in rigid conduit shall be such that the internal diameter is not significantly reduced. Changes of direction in trunking, ducts or similar applications, shall permit the bending of cables laid therein, so as to comply with the requirements of this Clause. NOTE: See Clause 3.9.6 for cable-bending requirements. 	Developer to rectify the installation of electrical cables in accordance with the Australian Standard 3000. Developer to demonstrate compliance of remediation works by providing evidence including but not limited to comprehensive photographs of work in progress, installer compliance certificates and any third party inspection reports.	Within 180 days of issuance of this Order.

Conditions of this Order

40. Rockdale One Pty Ltd must notify Chris Lentholm, in writing, by email sent to <u>projectintervene@customerservice.nsw.gov.au</u> within 2 business days of the work required by this Order being completed.

Duration of this Order

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

Alunt

Elizabeth Stewart Director Legal Operations Department of Customer Service

REASONS FOR THE ORDER

Reasonable belief and serious defects

I, Elizabeth Stewart, an authorised delegate of the Secretary of the Department, have formed a reasonable belief for the purposes of s 33(1) of the Act in relation to Defects 1 to 31 in the Order, that the Building has serious defects. I have considered the submissions made on behalf of the Owners Corporation in a letter from Clyde and Co dated 23 January 2023.

- 1. Defect 1 The water retained on the surface of the membrane on Level 4 of the Building as described in paragraph 8 of the order, is a serious defect because it is a deficiency in a building element (waterproofing) that are required to achieve compliance with the performance requirements as particularised in paragraph 8 of the order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 1.2.6.1 in which I also observed photographs which depicted pavers sitting atop of an insulating foam layer, together with photographs which depicted water retained below the insulating foam and as otherwise particularised in section 1.2.6.1 of the Audit Report and paragraph 8 of the order.
- 2. Defect 2 The water ingress issues on the rooftops of the Building as described in paragraph 9 of the Order, is a serious defect because it is a deficiency in a building element (waterproofing) that are required to achieve compliance with the performance requirements as particularised in paragraph 9 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 1.2.6.2 in which I also observed photographs which depicted:
 - (a) that the membrane application did not encapsulate the inner vertical surface of the perimeter hobs;
 - (b) the poorly prepared perimeter hob was not encapsulated by a protective coating;
 - (c) that there was water retained throughout the roofs which was evident between the stones which had not evacuated to stormwater drain outlets;
 - (d) that water was retained on the membrane, and that there was inadequate membrane application to the PVC drainage pipe;
 - (e) that there were fixings securing components to the roof with had no membrane visible;
 - (f) that there was corrosion staining emanating through the waterproofing membrane applied to the metal supports,

and as otherwise particularised in section 1.2.6.2 of the Audit report and paragraph 9 of the Order.

- 3. Defect 3 The defective skylight/ roof window installation in the roof of the Building and as described in paragraph 10 of the Order, is a serious defect because it is a deficiency in a building element (waterproofing) that are required to achieve compliance with the performance requirements as particularised in paragraph 10 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 1.6.11.1 in which I also observed photographs which depicted the typical roof windows and skylight installation penetration through the rooftop, together with water entry and stains on the roof windows and skylight, and a close up photograph which depicted that there was a gap beneath the sub sills which was unprotected against rain entry and as otherwise particularised in section 1.6.11.1 of the Audit Report and paragraph 10 of the Order.
- 4. **Defect 4** The inadequate detail of the waterproofing and drainage systems to the basement walls in the fire stairs of the Building and as described in paragraph 11 of the Order, is a serious defect because it is a deficiency in a building element (waterproofing) that are required to achieve compliance with the performance requirements as particularised in paragraph 11 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 1.2.6.4 in which I also

observed photographs which depicted water ponding on the base of the stairs and water penetration through the Building wall and as otherwise particularised in section 1.2.6.4 of the Audit Report and paragraph 11 of the Order.

- 5. Defect 5 The inadequate falls on the floor of the Level 4 common corridor of the Building and as described in paragraph 12 of the Order, is a serious defect because it is a deficiency in a building element (waterproofing) that are required to achieve compliance with the performance requirements as particularised in paragraph 12 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 1.5.10.2 in which I also observed a photograph which depicted that the floor on the common areas had an insufficient slope, together with a photograph of the slope equal to degrees, and photographs depicting that water had gone through the corridor inside the lift shaft of the Building, and white bags were used to try and prevent this occurring and as otherwise particularised in section 1.5.10.2 of the Audit Report and paragraph 12 of the Order.
- 6. Defect 6 The water which has penetrated the Soffits to the common corridors of the Building and as described in paragraph 13 of the Order, is a serious defect because it is a deficiency in a building element (waterproofing) that are required to achieve compliance with the performance requirements as particularised in paragraph 13 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 1.6.11.3 in which I also observed photographs which depicted water staining to area of the Building, in particular to Level 10 of the Building and as otherwise particularised in section 1.6.11.3 of the Audit Report and paragraph 13 of the Order.
- 7. Defect 7 The inadequate installation of block plans in the Fire Hydrant & Sprinkler Booster which faces the Princes Highway, the Fire Indicator Panel cabinet and at the Pump Room of the Building and as described in paragraph 14 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as set out in paragraph 14 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.2.60 in which I also observed a photograph which showed the non-compliant block plan installed within the Pump Room which was not permanent, water resistant or fade resistant and as otherwise particularised in section 2.2.60 of the Audit Report and paragraph 14 of the Order.
- 8. Defect 8 The inadequate width of the path at the exit adjoining the Pump Room of the Building and as described in paragraph 15 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as set out in paragraph 15 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.1.15 in which I also observed a photograph which showed that the unobstructed path of travel in the Pump Room was less than 1000mm wide and as otherwise particularised in section 2.1.15 of the Audit Report and paragraph 15 of the Order.
- 9. Defect 9 The inadequate width of the path at each Basement Level of the Building and as otherwise described in paragraph 16 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 16 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.1.17 in which I also observed photographs which depicted through the aid of a measuring tape that the unobstructed path of travel was less than 1000mm wide, and that the pathway width obstruction was caused due to where the hose reel was mounted and as otherwise particularised in section 2.1.17 of the Audit Report and paragraph 16 of the Order.
- 10. Defect 10 The inadequate fire-resistant sealing and as otherwise described in paragraph 17 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 17 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.2.8 in which I also observed a photograph which depicted that there was no fire stopping installed at the penetrations and as otherwise particularised in section 2.2.8 of the Audit Report and paragraph 17 of the Order.

- 11. Defect 11 The unapproved wire fence in the Basement Carpark and Storage Area of the Building and as otherwise described in paragraph 18 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 18 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.2.9 in which I also observed a photograph which depicted that the path of travel to the required exit was obstructed by the wire fence and that the unobstructed path of travel was less than 1000 mm wide and as otherwise particularised in section 2.2.9 of the Audit Report and paragraph 18 of the Order.
- 12. Defect 12 The unauthorised installation of the security door blocking the path of free egress in Basement 1 of the Carparking Area of the Building and as described in paragraph 19 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 19 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.2.10 in which I also observed photographs which depicted the security door installation blocking the path of free egress and showing that the number of storage cages had been reduced to allow for the installation of the unauthorised security door and as otherwise particularised in section 2.2.10 of the Audit Report and paragraph 19 of the Order.
- 13. Defect 13 The metal fence and gate impeding free passage to the public road at the Fire Pump Room path to the exit of the Building and as described in paragraph 20 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 20 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.2.13 in which I also observed a photograph which depicted a deadlocked gate which impeded access and egress to and from the Fire Pump Room and as otherwise particularised in section 2.2.13 of the Audit Report and paragraph 20 of the Order.
- 14. Defect 14 The inadequate self-closing fire door in the Basement Level B3 of the Building and as described in paragraph 21 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 21 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.2.15 in which I also observed a photograph which depicted the Basement Level B3 Fire Door being unable to self-close and as otherwise particularised in section 2.2.15 of the Audit Report and paragraph 21 of the Order.
- **15. Defect 15** The non-compliant step at the fire exit discharge at the Ground Level of the Building and as described in paragraph 22 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 22 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.2.89 in which I also observed a photograph which showed that there was a 210 mm non-compliant step at the fire exit discharge of the Building and as otherwise particularised in section 2.2.89 of the Audit Report and paragraph 22 of the Order.
- 16. Defect 16 The inadequate installation of the fire door in the Ground Level of the Building and as described in paragraph 23 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 23 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.2.89 in which I also observed a photograph which depicted the metal plated door that was found difficult to open at the Ground Level of the Building and as otherwise particularised in section 2.2.89 of the Audit Report and paragraph 23 of the Order.
- 17. Defect 17 The inadequate height clearance in the lift lobby of the Basement Level B1 of the Building and as described in paragraph 24 of the Order, is a serious defect because it is a deficiency in a building element (fire safety systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 24 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 2.2.89 in which I also observed a photograph

which depicted the reduced ceiling height in corridor of the Basement Level B1 of the Building and as otherwise particularised in section 2.2.89 of the Audit Report and paragraph 24 of the Order.

- 18. Defect 18 The uncontrolled cracking in the Basement Carpark of the Building and as described in paragraph 25 of the Order, is a serious defect because it is a deficiency in a building element (structural systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 25 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 3.1.12 in which I also observed photographs which showed soffit cracking with evidence of water passage through the entire depth of slab and uncontrolled cracking on the floor surface of the slabs and as otherwise particularised in section 3.1.12 of the Audit Report and paragraph 25 of the Order.
- **19. Defect 19** The unprotected reinforcements in the Basement Carpark area of the Building and as described in paragraph 26 of the Order, is a serious defect because it is a deficiency in a building element (structural systems) that are required to achieve compliance with the performance requirements as particularised in paragraph 26 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022, section 3.2.13 in which I also observed photographs which showed exposed reinforcing tendons and as otherwise particularised in section 3.2.13 of the Audit Report and paragraph 26 of the Order.
- 20. Defect 20 The water which has penetrated the basement stairs of the Building and as otherwise described in paragraph 27 of the Order, is a serious defect because it is a deficiency in a building element (building enclosure) that are required to achieve compliance with the performance requirements as particularised in paragraph 27 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 4.2.9.1 in which I also observed a photograph which depicted corrosion staining the permanent metal formwork encasing the stairs leading from the Basement of Building and as otherwise particularised in section 4.2.9.1 of the Audit Report and paragraph 27 of the Order.
- 21. Defect 21 The absence of overflow provisions on the façade Balconies of the Building and as otherwise described in paragraph 28 of the Order, is a serious defect because it is a deficiency in a building element (building enclosure) that are required to achieve compliance with the performance requirements as particularised in paragraph 28 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 4.2.9.2 in which I observed a photograph which showed that there were no overflow provisions installed to the balcony of the Building and as otherwise particularised in section 4.2.9.2 of the Audit Report and paragraph 28 of the Order.
- 22. Defect 22 The inadequate integration of the waterproofing to the weatherproofing at the walls on the balconies and external façade of the Building and as otherwise described in paragraph 29 of the Order, is a serious defect because it is a deficiency in a building element (building enclosure) that are required to achieve compliance with the performance requirements as particularised in paragraph 29 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 4.2.11 in which I also observed photographs which depicted:
 - (a) That the horizontal cross-cavity was blocked preventing the flow of water on the external and internal facades of the Building;
 - (b) That the horizontal cross-cavity was blocked preventing the flow of water on Level 4 of the Building;
 - (c) Non-Combustible Sarking had been identified,

and as otherwise particularised in section 4.2.11 of the Audit Report and paragraph 29 of the Order.

23. Defect 23 – The failure to prevent water penetrating the Roof and Level 4 common area of the Building and as otherwise described in paragraph 30 of the Order, is a serious defect because it is a deficiency

in a building element (building enclosure) that are required to achieve compliance with the performance requirements as particularised in paragraph 30 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 4.2.16 in which I also observed photographs which depicted:

- (a) That parapet capping was intersecting with a perpendicular wall;
- (b) That the capping had not been adequately terminated or sealed to the top of the intersection;
- (c) That there was an uncovered section of the top of a pre-lined fibrous cement permanent formwork wall which was allowing water to penetrate,

and as otherwise particularised in section 4.2.16 of the Audit Report and paragraph 30 of the Order.

- 24. Defect 24 The failure to prevent the water penetration in the Basement Level 3 of the Building and as otherwise described in paragraph 31 of the Order, is a serious defect because it is a deficiency in a building element (building enclosure) that are required to achieve compliance with the performance requirements as particularised in paragraph 31 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 4.2.18.1 in which I also observed a photograph which showed:
 - (a) Water escaping the perimeter drain in the Basement Level 3 of the Building;
 - (b) Water ponding across the Basement Level 3 of the Building;
 - (c) Water penetrating the concrete slab within a car space of the Building;
 - (d) That water has created corrosion on the slab;

and as otherwise particularised in section 4.2.18.1 of the Audit Report and paragraph 31 of the Order.

- 25. Defect 25 The inadequate installation of the window on the living room of Unit 1001 on Level 10 of the Building and as otherwise described in paragraph 32 of the Order, is a serious defect because it is a deficiency in a building element (building enclosure) that are required to achieve compliance with the performance requirements as particularised in paragraph 32 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 4.2.18.2 in which I also observed a photograph which showed water leaking between the façade glasses inside of Unit 1001 and as otherwise particularised in section 4.2.18.2 of the Audit Report and paragraph 32 of the Order.
- 26. Defect 26 The failure to prevent water penetrating the Roof area of the Building and as otherwise described in paragraph 33 of the Order, is a serious defect because it is a deficiency in a building element (building enclosure) that are required to achieve compliance with the performance requirements as particularised in paragraph 33 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 4.2.18.3 in which I also observed a photograph which depicted the absence of junction on the parapets, parapet cappings and steel posts supporting louvre screens and as otherwise particularised in section 4.2.18.3 of the Audit Report and paragraph 33 of the Order.
- 27. Defect 27 The inadequate installation of weep holes in the Building and as otherwise described in paragraph 34 of the Order, is a serious defect because it is a deficiency in a building element (building enclosure) that are required to achieve compliance with the performance requirements as particularised in paragraph 34 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 4.2.18.4 in which I also observed photographs which depicted:
 - (a) That there were no weep holes immediately above the coated metal sheet flashing dressing the junction of the external walls and the planter boxes;

- (b) That the weep holes at the base of the external wall appeared completely obstructed;
- (c) That there were no weep holes on the base of the external brick walls,

and as otherwise particularised in section 4.2.18.4 of the Audit Report and paragraph 34 of the Order.

- 28. Defect 28 The inadequate perimeter capping to the planter boxes in various locations of the Building and as otherwise described in paragraph 35 of the Order, is a serious defect because it is a deficiency in a building element (building enclosure) that are required to achieve compliance with the performance requirements as particularised in paragraph 35 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 4.2.18.5 in which I also observed photographs which depicted gaps surrounding the perimeter capping and as otherwise particularised in section 4.2.18.5 of the Audit Report and paragraph 35 of the Order.
- 29. Defect 29 The inadequate waterproofing system terminations to the Ground Level façade and all common corridors of the Building and as otherwise described in paragraph 36 of the Order, is a serious defect because it is a deficiency in a building element (building enclosure) that are required to achieve compliance with the performance requirements as particularised in paragraph 36 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 4.2.18.7 in which I also observed photographs which showed a lack of dip grove to prevent water draining along the slab and as otherwise particularised in section 4.2.18.7 of the Audit Report and paragraph 36 of the Order.
- **30. Defect 30** The inadequate service installations in the Pump Room entry of the Building and as otherwise described in paragraph 37 of the Order, is a serious defect because it is a deficiency in a building element (building essential services) that are required to achieve compliance with the performance requirements as particularised in paragraph 37 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 5.1.2 in which I also observed a photograph which showed that the proximity of the grouped cables and other services were non-compliant and as otherwise particularised in section 5.1.2 of the Audit Report and paragraph 37 of the Order.
- 31. **Defect 31** The inadequate cable installation in the electrical meter room of the Building and as otherwise described in paragraph 38 of the Order, is a serious defect because it is a deficiency in a building element (building essential services) that are required to achieve compliance with the performance requirements as particularised in paragraph 38 of the Order. I have formed this belief after reviewing a copy of the Audit Report dated 10 May 2022 section 5.2.11 in which I also observed a photograph which showed the tight radius bending the electrical cabling and as otherwise particularised in section 5.2.11 of the Audit Report and paragraph 38 of the Order.

Period for compliance

32. I am of the view that a time periods set out alongside each serious defect in the Order are reasonable periods for compliance in all the circumstances for the rectification work required by the Order to be carried out. I have formed this belief balancing the risks that the serious defect poses against the period of time it will take to give effect to the rectification work. I am aware that there are residents occupying this location as the Building is completed which will delay rectification work. I am of the view that the time periods as set out in set out alongside each serious defect in the Order are sufficient to conduct the work as particularised set out alongside each serious defect in the Order.

Consideration of written representations

33. As decision maker I have also considered the written representations from John Moran at Clyde & Co dated 27 January, 2023, pursuant to section 47 of the Act.

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

- **34.** I have considered all of the circumstances. I 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 of the units which comprise the Building in having the Building constructed to the approved plans and in accordance with the Building Code of Australia and the relevant Australian Standards so as to ensure in respect of:
 - Defect 1 that Level 4 of the Building be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;
 - (b) Defect 2 that the Building rooftops be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements, and rectified so that the falls in finishes ensure that water drains to the drainage outlets and water is not retained on the finished surface with the exception of residual water remaining due to surface tension;
 - (c) Defect 3 that the roof windows and skylights of the Building be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;
 - (d) Defect 4 that the fire stairs of the Building be rectified to ensure that water drains to an appropriate outfall and avoids surface water damaging or entering the Building;
 - (e) Defect 5 that Level 4 common corridor of the Building be rectified so that the falls in finishes ensure that water drains to the drainage outlets and water is not retained on the finished surface with the exception of residual water remaining due to surface tension, and be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;
 - (f) Defect 6 that the Soffits to the common corridors of the Building appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;
 - (g) Defect 7 that the block plans installed in the Fire Hydrant & Sprinkler Booster which faces the Princess Highway, the Fire Indicator Panel cabinet and at the Pump Room of the Building be rectified so as to ensure that they are permanent, water resistant and fade resistant;
 - (h) Defect 8 that the inadequate width of the path at the exit adjoining the Pump Room of the Building be rectified so that the unobstructed width of the path of travel to the exit is no less than 1000mm;
 - (i) Defect 9 that the inadequate width of the path in each Basement Level of the Building be rectified so that the unobstructed width of the path of travel to the exit is no less than 1000mm;
 - (j) Defect 10 that the penetrations to the exposed soffit locations in the Building be sealed so as to ensure the penetrations are fire resistant and capable of resisting the spread of fire within the Building
 - (k) Defect 11 that the permanent wire fence in the Basement Carpark and Storage Area of the Building be rectified to ensure it does not impede the free passage of persons;
 - (I) Defect 12 that the security door in Basement 1 of the Carparking Area of the Building be rectified to ensure it does not impede the free passage of persons;

- (m) Defect 13 that the metal fence and deadlocked gate installed at the Fire Pump Room path to the exit of the Building be rectified to ensure it does not impede the free passage of persons;
- Defect 14 that the inadequate self-closing fire door in the Basement Level B3 of the Building be rectified to ensure it is self-closing or automatic closing and otherwise avoid the spread of fire within the Building;
- Defect 15 that the step at the fire exit discharge at the Ground Level of the Building be rectified to achieve compliance and otherwise ensure occupants can evacuate safely from the Building;
- (p) Defect 16 that the fire door at the Ground Level of the Building be rectified so as to render it capable of being opened in a fire and so as to achieve compliance and to ensure the safe exit of occupants;
- (q) Defect 17 that the height clearance in the lift lobby of the Basement Level B1 of the Building be rectified so as to render it complaint and not less than 2.1 meters in height;
- (r) Defect 18 that the uncontrolled cracking in the in the Basement Car Park of the Building be rectified so as to ensure the structural performance and durability of the Building;
- (s) Defect 19 that the exposed and unprotected reinforcement in the Basement Carpark area of the Building be rectified so as to achieve compliance and ensure durability of the Building;
- (t) Defect 20 that the Basement stairs of the Building be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;
- Defect 21 that the façade Balconies of the Building be rectified to ensure that water drains to an appropriate outfall and avoids surface water damaging or entering the Building and protects against potential losses caused by any overflows;
- (v) Defect 22 that the inadequate integration of the waterproofing to weatherproofing at the walls on the balconies and external façade of the Building be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements, and be rectified so that the drainage systems convey surface water to appropriate outfalls, and avoids entry or water damage to the Building;
- (w) Defect 23 that the Roof and Level 4 common areas of the Building be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;
- Defect 24 that the Basement Level 3 of the Building be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;
- (y) Defect 25 that the living room of Unit 1001 on Level 10 of the Building be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;

- (z) Defect 26 that the Roof area of the Building be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;
- (aa) Defect 27 that the weep holes in the Building be rectified to achieve compliance;
- (bb) Defect 28 that the inadequate planter box installation in the Building be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;
- (cc) Defect 29 that the inadequate waterproofing system terminations at the ground level façade and all common corridors of the Building be rectified to ensure compliance and be appropriately weatherproofed and waterproofed so as to prevent the penetration of water, and unhealthy or dangerous conditions, or loss of amenity to occupants or undue dampness or deterioration of building elements;
- (dd) Defect 30 that the inadequate service installations in the pump room entry of the Building be rectified and made compliant;
- (ee) Defect 31 that the inadequate cable installation in the electrical meter room of the Building be rectified to ensure compliance and otherwise ensure that the conductors and cables will not suffer damage.