

SydneyStrataReport

property strata inspections

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STRATA REPORT

Client	Infinity Property Group
Address of property	Unit 30/29-37 Epsom Road, Rosebery, NSW.
Lot	37
Strata Plan	SP 79951
Name of Strata Management Co.	Precise Property Group
Telephone Number of Strata Agent	9091 6369
Report Date	21 January 2023

General Information

Owner's Name	T. Kaliannan & T. Sellakumaran
Unit Entitlement.	152
Total Unit Entitlement.	9,994

Levy Contributions

Administration Fund contribution.	\$1,028.89
Capital Works Fund contribution.	\$398.17
Are There any Special Levies?	No on records presented. \$1,171.10
Admin. Fund Balance Approx.	\$147,702.30 Debit.
Capital Works Fund Balance.	\$162,817.28 Credit

Insurances

Building Insurance	Yes
Sum Insured	\$29,480,660.00
Insurance Company	CHU
Due Date	1 July 2023
Fire Safety Report ?	Yes
Certificate Date.	2023
Pet Friendly?	Owners corporation permission needed.

Meetings

Annual General Meeting 28 February 2018	Administration Fund set at \$176,000.00 p.a. Capital Works Fund set at \$93,500.00 p.a.
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	<p>Building insurance continued, Motion 5: Balcony waterproofing to be undertaken as per engineers inspection. Clisdells Strata Management appointed, All other matters were meeting formalities and general maintenance as per the scan below, Meeting closed.</p>
Annual General Meeting 2019	The 2019 AGM was deferred to 2020.
Annual General Meeting 15 May 2020	<p>Administration Fund set at \$195,965.00 p.a. Capital Works Fund set at \$95,183.00 p.a. Building insurance continued, Motion 17: Clisdells Strata Management terminated, Sydney Strata Specialists appointed in their place, All other matters were meeting formalities and general maintenance as per the scan below, Meeting closed.</p>
Annual General Meeting 18 May 2021	<p>Administration Fund set at \$244,200.00 p.a. Capital Works Fund set at \$104,720.00 p.a. Building insurance continued, Motion 7: A Fire Order has been placed on the building requiring fire safety upgrades, contractors who undertook the works were to be paid from a special levy of \$126,039.00 The cost of works undertaken are listed below. All other matters were meeting formalities and general maintenance as per the scan below, Meeting closed.</p>
Strata Committee Meeting 12 August 2021	<p>A Fire Order has also been placed on the building to replace the cladding, the Owners Corporation have appointed the government contractors Project Remediate who (building by building) are going around Sydney replacing non-compliant cladding with compliant products funded by an interest free loan from the government. Other works including the western all are as per the attachment of this meeting below.</p>
Extraordinary General Meeting 20 October 2021	<p>Special levy of \$110,000.00 raised for expenses in building repairs, due 21 November 2021. Meeting closed.</p>
Extraordinary General Meeting 2 November 2021	<p>Resolved to approve engineers/builders Hansen Yuncken to carry both invasive and non-invasive testing for water</p>

	<p>leaks throughout the building. Meeting closed.</p>
<p>Strata Committee Meeting 25 May 2022</p> <p>Annual General Meeting 8 November 2022</p>	<p>Project Remediate to be followed up (cladding replacement), C. J. Duncan to undertake water ingress repairs throughout the building.</p> <p>Administration Fund set at \$264,000.00 p.a. Capital Works Fund set at \$104,720.00 p.a. Building insurance continued, Special levy of \$77,000.00 raised to meet building repair expenses, due 1 March 2023. Unit 30 instalment will be \$1,171.10 All other matters were meeting formalities and general maintenance as per the scan below, Meeting closed.</p>
Other comments.	<p>This report is to be taken in context and in conjunction with the scans below. An enquiry on repairs throughout the building was met with the below response from the strata manager. Testing is still ongoing throughout the building for water leaks and so no scope of works is available yet.</p> <p>Hi Les, The scope is still being worked out inspections are taking place at the moment. The other big thing is the fire order is now complete and is in the process of being signed off. Kind Regards, Isabel Malinowsky</p>



HEAD OFFICE | SYDNEY
48/117 Old Pittwater Road
Brookvale NSW 2100
(02) 9091 0369

Current Owner Account

T Kaliannan & T Sellakumaran

Lot 37 Unit 30

The Owners of SP 79951

CODA, 29-37 Epsom Road, ROSEBERY NSW 2018

Purchased: 10/02/2009 UE / AE: 152.00 / 9,994.00

PORT STEPHENS | NEWCASTLE

1/29 Shearwater Drive

Taylor's Beach 2316

(02) 4916 1000

NORTHERN RIVERS

2 Porter Street, Byron Bay 2481

(02) 6694 3244

strata@precise.property

Date	Details	Administrative Fund due/paid	Capital Works Fund due/paid	Unallocated	Interest paid	Total	Balance (-)prepaid
	Balance brought forward	0.00	0.00	0.00		0.00	0.00
01/12/2022	Quarterly Admin/Capital Works Levy: 01/12/22 - 28/02/23	1,028.89	398.17	0.00	0.00	1,427.06	1,427.06
07/12/2022	Levy payment for 37/79951	-1,028.89	-398.17	0.00	0.00	-1,427.06	0.00
01/03/2023	Quarterly Admin/Capital Works Levy: 01/03/23 - 31/05/23	1,028.89	398.17	0.00	0.00	1,427.06	
01/03/2023	Special Levy	1,171.10	0.00	0.00	0.00	1,171.10	
01/06/2023	Quarterly Admin/Capital Works Levy: 01/06/23 - 31/08/23	1,028.89	398.17	0.00	0.00	1,427.06	
21/02/2023	Current balances excluding interest						
	Administrative Fund		0.00				
	Capital Works Fund		0.00				
	Unallocated Money Fund		0.00				
			0.00				
	Interest due as at 21/02/2023		0.00				
	Current balance including interest		\$0.00				



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Taylors Beach 2316
(02) 4916 1000

NORTHERN RIVERS

2 Porter Street, Byron Bay 2481
(02) 6694 3244
strata@precise.property

Balance Sheet

As at 21/02/2023

The Owners of SP 79951

CODA, 29-37 Epsom Road, ROSEBERY NSW 2018

	Current period	Previous year
Owners' funds		
Administrative Fund		
Operating Surplus/Deficit--Admin	(55,253.37)	0.00
Owners Equity--Admin	(91,448.93)	0.00
	(146,702.30)	0.00
Capital Works Fund		
Operating Surplus/Deficit--Capital Works	46,731.12	0.00
Owners Equity--Capital Works	116,086.16	0.00
	162,817.28	0.00
Net owners' funds	\$16,114.98	\$0.00
Represented by:		
Assets		
Administrative Fund		
Cash at Bank--Admin	(106,305.77)	0.00
Receivable--Levies (Special)--Admin	22.10	0.00
Receivable--Levies--Admin (Arrears)	1,066.52	0.00
Receivable--Owners--Admin	(153.39)	0.00
	(105,370.54)	0.00
Capital Works Fund		
Cash at Bank--Capital Works	169,196.85	0.00
Receivable--Levies--Capital Works (Arrears)	422.18	0.00
Receivable--Owners--Capital Works	1.30	0.00
	169,620.33	0.00
Unallocated Money		
Cash at Bank--Unallocated (Prepaid)	2,646.96	0.00
	2,646.96	0.00
<i>Total assets</i>	66,896.75	0.00
Less liabilities		
Administrative Fund		
Creditor--GST--Admin	(3,246.63)	0.00
Deposits Received--Keys--Admin	10,162.50	0.00
Prepaid Levies (Special)--Admin	15,828.26	0.00
Prepaid Levies--Admin	18,587.63	0.00
	41,331.76	0.00
Capital Works Fund		
Creditor--GST--Capital Works	(390.12)	0.00
Prepaid Levies--Capital Works	7,193.17	0.00
	6,803.05	0.00
Unallocated Money		
Prepaid Levies--Unallocated	2,646.96	0.00
	2,646.96	0.00

	Current period	Previous year
<i>Total liabilities</i>	50,781.77	0.00
Net assets	\$16,114.98	\$0.00

Certificate of Insurance

Strata Plan 79951
C/- Precise Property Strata Management
48/117 Old Pittwater Road
BROOKVALE NSW 2100

Date: 22.12.2022
Invoice No: I1031054

We confirm insurance has been arranged in accordance with the details shown below and subject to the premium having been paid.

Class Strata Title Residential - STRA **Policy No.** HU0036030

Placed With CHU U/W Agencies Pty Ltd
PO Box 507
MILSONS POINT NSW 2065

Period 01.01.2023 to 01.07.2023

Summary of Cover

RESIDENTIAL STRATA INSURANCE

INSURED: Strata Plan 79951
and subsidiary and/or related corporations (as defined under the Australian Companies Codes) all for their respective rights, interests and liabilities.

SITUATION: 33 Epsom Rd, Rosebery 2018

Building	\$ 29,480,660
Common Contents	\$ 294,807
Loss of Rent/Temporary Accommodation	\$ 4,422,099
Floating Floors	Included
Optional Paint Benefit	Included
Flood Cover	\$ Included
Excess \$50,000	Fire claims
\$ 5,000	Burst pipes & All water damage claims
\$ 5,000	Flood & Storm Claims
\$ 2,500	All claims

Public Liability	\$ 30,000,000
Voluntary Workers	\$200,000/2000
Fidelity Guarantee	\$ 250,000
Office Bearers Liability	\$ 5,000,000
Machinery Breakdown	\$ Not Insured
Excess \$	
Catastrophe Insurance	\$ Not Insured

COVERAGE SUMMARYStrata Plan 79951
Strata Title Residential - STRA

Government Audit Costs	\$	25,000
Appeal Expenses - Common Property		
Health & Safety Breaches	\$	100,000
Legal Defence Expenses	\$	50,000
Excess:\$1000		
Lot Owners Fixtures & Improvements (per lot)	\$	250,000

SPECIAL CONDITIONS:

1. CHU to receive an update on the defects and the cladding removal prior to renewal on 1st July 2023.

EXTENSIONS: Conditions/Extensions as per policy wording**EXCLUSIONS:** Exclusions as per Policy

The policy wording applying to this cover is: QM562 01/22

FSRA Clauses - Retail
-----Policy Document

Please refer to your Policy Document for a full explanation of your policy conditions and excesses as applicable.

Nett

All returns Premiums issued under this Contract of Insurance will be calculated on a "Nett" Basis, i.e. Nett of Brokers Earnings.

PLACED WITH	POLICY NUMBER	PROPORTION
CHU Underwriting Agencies Pty Ltd A.B.N. 18 001 580 070 Level 5, 1 Northcliff Street MILSONS POINT NSW 1565 AFSL # 243261	HU0036030	100.0000%
* SUPPORTING INSURERS		
- QBE Insurance (Australia) Limited	100.0000%	
Level 2, 82 Pitt Street SYDNEY NSW 2000		

Fire Safety Statement

Part 9 of the Environmental Planning and Assessment Regulation 2000



Please note:

Information to assist building owners to complete each section of the statement is provided on pages 3, 4 and 5.

Section 1: Type of statement

This is (mark applicable box): ☒ an annual fire safety statement (complete the declaration at Section 8 of this form)
☐ a supplementary fire safety statement (complete the declaration at Section 9 of this form)

Section 2: Description of the building or part of the building

This statement applies to: ☒ the whole building ☐ part of the building

Address

— 29-37 Epsom Road, ROSEBERY NSW 2018

Lot No. (if known) DP/SP (if known) Building name (if applicable)
SP79951 CODA

Provide a brief description of the building or part (building use, number of storeys, construction type etc)

RESIDENTIAL UNIT BLOCK

Section 3: Name and address of the owner(s) of the building or part of the building

Name

THE OWNERS CORPORATION OF STRATA PLAN 79951

Address

c/o Sydney Strata Specialists PO Box 7421 Bondi Beach NSW 2026

Section 4: Fire safety measures

Fire safety measure	Minimum standard of performance	Date(s) assessed	APFS *
Automatic Fire Detection System	BCA Spec E2.2a & AS 1670.1 – 2004	13/04/2022 03/06/2022	F029402A
Emergency Lights	BCA E4.2, E4.4 & AS 2293.1 – 2005	13/04/2022 03/06/2022	F029402A
Exit Signs	BCA E4.5, E4.6, E4.7, E4.8 & AS 2293.1 – 2005	13/04/2022 03/06/2022	F029402A
Fire Doors	BCA C3.8, C2.12, C2.13, Spec C3.4 & AS 1905.1 – 2005	13/04/2022 03/06/2022	F029402A
Fire Hydrant System	BCA E1.3 & AS 2419.1 – 2005	13/04/2022 03/06/2022	F029402A
Fire Seals protecting openings to fire resistant components of the building	BCA C3.15 & AS 1530.4 – 2005 & AS4072.1 – 2005	13/04/2022	F029402A
Hose Reels	BCA E1.4 & AS 2441 – 2005	13/04/2022	F029402A
Lightweight fire Resisting Construction (To ceilings & lightweight shafts within fire stairs)	BCA C1.8 & Specification C1.8 & AS1530.4 – 2005 / 3 layers of 13mm Fyrchek (tested system)	13/04/2022	F029402A

3 ESTHER STREET, SURRY HILLS NSW 2010

Version 3.1 | Effective from 1 March 2021 | NSW Department of Planning, Industry and Environment | 1

Fire Safety Statement

Part 9 of the Environmental Planning and Assessment Regulation 2000



Fire safety measure	Minimum standard of performance	Date(s) assessed	APFS *
Portable Fire Extinguishers	BCA E1.6 & AS 2444 – 2001	13/04/2022 03/06/2022	F029402A
Smoke Alarms	BCA Spec E2.2a & AS 3786 – 1993	13/04/2022 03/06/2022	F029402A
Wall Wetting Sprinklers & Drenchers	BCA '90 Clauses C3.2 & C3.4 & AS 2118.2 – 1995	13/04/2022	F029402A
Warning & Operational Signs	EP&A Reg 2000 Part 9 Division 7, BCA D2.23, & BCA E3.3 & C3.6	13/04/2022	F029402A
Mechanical Air Handling system (Throughout the Carpark)	BCA E2.2a & AS1658.1 – 1998	13/04/2022 03/06/2022	F029402A
Stretcher Lift Facilities	BCA E3.2 & AS 1735.2 – 2001	13/04/2022	F029402A
Fire Alarm Communication Link	AS1670.3	13/04/2022	F029402A

* See notes on page 4 about how to correctly identify an accredited practitioner (fire safety) (APFS).

Section 5: Inspection of fire exits and paths of travel to fire exits (Part 9 Division 7)

Part of the building inspected	Date(s) inspected	APFS *
WHOLE	13/04/2022	F029402A

* See notes on page 4 about how to correctly identify an accredited practitioner (fire safety) (APFS).

Section 6: Name and contact details of accredited practitioners (fire safety) (APFSs)

Full name	Phone	Email	Accreditation No *	Signature
DREW IVISON	02 9909 1626	SERVICE@CIVILFIRE.COM.AU	F029402A	

* Where applicable – see notes on page 4 for further information.

Section 7: Name and contact details of the person issuing this statement *

Full name
☒ Richard Alsweiler
 Organisation (if applicable)
 Title/Position (if applicable)
 Strata Treasurer
 Email
☒ richard.alsweiler@gmail.com
 Phone
☒ 0416542381



* The person issuing this statement must not be a APFS listed in section 6.

Section 8: Annual fire safety statement declaration

☒ I, Richard Alsweiler (insert full name) being the: ☒ owner ☐ owner's agent declare that:

- each essential fire safety measure specified in this statement has been assessed by an accredited practitioner (fire safety) and was found, when it was assessed, to be capable of performing:
 - in the case of an essential fire safety measure applicable by virtue of a fire safety schedule, to a standard no less than that specified in the schedule, or
 - in the case of an essential fire safety measure applicable otherwise than by virtue of a fire safety schedule, to a standard no less than that to which the measure was originally designed and implemented, and
- the building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Division 7 of Part 9 of the Regulation.

Fire Safety Statement

Part 9 of the Environmental Planning and Assessment Regulation 2000



Owner/Agent Signature

Date issued

X *[Handwritten signature]*

X 11/07/2022

Section 9: Supplementary fire safety statement declaration

I, _____ (insert full name) being the: ☐ owner ☐ owner's agent

declare that each critical fire safety measure specified in the statement has been assessed by an accredited practitioner (fire safety) and was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which this statement is issued.

Owner/Agent Signature

Date issued

Note: A current fire safety schedule for the building must be attached to the statement in accordance with the Regulation

SCHEDULE OF ESSENTIAL OR CRITICAL FIRE SAFETY MEASURES

PREMISES: 29-37 Epsom Road, ROSEBERY NSW 2018

The following items shall be certified.

Fire Safety Schedule

	FIRE SAFETY MEASURE	STANDARD OF PERFORMANCE
1.	Automatic smoke detection and alarm systems	Specification E2.2a of the BCA / AS 1670.1- 2004 & AS3786 - 1999
2.	Emergency lighting	E4.2 & E4.4 of the BCA / AS 2293.1
3.	Exit signs	E4.5,4.6, E4.7, E4.8 of the BCA / AS 2293.1-2005
4.	Fire alarm communication link	AS 1670.3
5.	Fire doors	Spec C3.4, C2.12, C2.13 & C3.8 of the BCA / AS 1905.1 - 2005
6.	Fire hydrants systems	BCA: E1.3, AS 2419.1-2005
7.	Fire seals protecting openings to fire resisting components of the building	C3.15 of the BCA / AS 4072.1, AS 1530.4
8.	Hose reel system	BCA: E1.4, AS 2441-2005
9.	Lightweight fire resisting construction (to ceilings & light-weight shafts within fire stairs)	C1.8 of the BCA / AS1530.4 / 3 layers of 13mm Fyrchek (tested system)
10.	Mechanical air handling system (throughout car park)	E2.2 of the BCA / AS/NZS 1668.1-1998
11.	Portable fire extinguishers	E1.6 of the BCA / AS 2444-2001
12.	Stretcher lift facilities	E3.2 of the BCA / AS1735.2
13.	Wall Wetting & Drencher System	BCA: C3.2, AS 2118.2
14.	Warning and operational signs	BCA: E3.3 (Lifts) C3.6 (Sliding doors) D2.23 (Signs on exit doors) Environmental Planning & Assessment Regulation 2000

Note: This information is compiled for your assistance from information previously provided to Council. Any errors in the information do not remove your statutory obligation to furnish an Annual Fire Safety Statement with measures maintained to the correct standard of performance.

*** If you believe that the above schedule is not accurate or does not accord with your records please advise as a matter of urgency.

MINUTES OF ANNUAL GENERAL MEETING

STRATA SCHEMES MANAGEMENT ACT 2015

Strata Plan - 79951 CODA, 29-37 Epsom Road, ROSEBERY NSW 2018

An Annual General Meeting of the Owners of Strata Plan - 79951 was held on 28/02/2018 at BBQ Area, 29-33 Epsom Rd Rosebery. The meeting commenced at 06:35 PM.

Present :

Lot #	Unit #	Attendance	Owner Name Representative
10	3	Yes	Rex Turnbull & Justin McCormick
11	3A	Yes	Thornbury, Michael Augustine
58	3A S	Yes	Thornbury, Michael
63	3S	Yes	Rex Turnbull & Justin McCormick
15	8	Yes	Thompson, Emily Elizabeth
69	8S	Yes	Thompson, Emily Elizabeth
16	9	Yes	Barboutis, Anthony
62	9S	Yes	Barboutis, Anthony
22	15	Yes	Whelan Family Pty Ltd, Natalie Whelan
78	15G	Yes	Whelan Family Pty Ltd, Natalie Whelan
68	15S	Yes	Whelan Family Pty Ltd
30	23	Yes	Williams, Andrew MacPherson & Shelley
34	27	Yes	Wei Choo & Wai Chung
35	28	Yes	Chung, Patrick
39	32	Yes	Kym & Clayton West
74	32S	Yes	Kym & Clayton West
40	33	Yes	Sofo, Daniel
42	35	Yes	Alsweiler, Richard
43	36	Yes	Verne, Lucie
44	37	Yes	O'Brien, Peter & Claire
50	43	Yes	Sfinas, John
82	43G	Yes	Sfinas, John
53	43S	Yes	Sfinas, John

In attendance: Yuliya Sobol (Clisdells Strata)

Chairperson: Yuliya Sobol

A quorum was declared and the meeting was opened.

Minutes of the meeting:

- 1 **Confirmation of Previous Minutes**
Resolved that the minutes of the last general meeting be confirmed as a true and accurate record of the proceedings of that meeting.
-
- 2 **Financial Statements**
That the last financial statements be adopted.
-
- 3 **Auditor**
Resolved that an auditor NOT be appointed to audit the accounts and financial statements of the Owners Corporation.
-
- 4 **Levy Contributions**
That:
(a) in accordance with Section 79(1) and 79 (2) of the *Strata Schemes Management Act 2015* the Owners Corporation estimates that in respect of the budgetary period it will need to credit to its administrative and capital works funds for actual and expected expenditure referred to in those subsections the amounts set out in the budget that was attached to the notice of the meeting at which this resolution was passed; and
(b) in accordance with Section 81 of the Act, the Owners Corporation determines that the following amounts are to be levied to raise the estimated contributions:
Administrative Fund, the sum of \$176,000.00 Including GST
Capital works Fund, the sum of \$93,500.00 Including GST
(c) those amounts are to be paid by regular equal periodic instalments on the 7/04/2018, 1/06/2018, 1/09/2018, 1/12/2018; and not being less than 30 days after the levy notice is given.
(d) the Treasurer is authorised to levy those contributions by written notice on each person liable to pay them.
-
- 5 **Balcony Waterproofing**
Resolved that the Owners Corporation
a) approves from CJ Duncan to carry out repairs as per scope of works dated 20 December 2017 prepared by H&H Consulting Engineers.
b) instructs Managing Agent to engage CJ Duncan to carry out repairs.
-
- 6 **Capital Works Fund Plan**
Resolved that:
(a) the Owners Corporation reviewed the current Capital Works Fund Plan and decided to replace that Plan (strata committee to prepare a list of items that they would like included in the CWFP) to be tabled at the next Annual General Meeting; and
(b) the Owners Corporation authorised the strata managing agent to appoint a suitably qualified consultant for those purposes (consultant is to meet with the strata committee on site).
-
- 7 **Recovery of overdue levies**
That the Owners Corporation authorises the managing agent and/or the Strata Committee to take all necessary steps on its behalf to recover, from any person liable to pay a contribution:
(a) any contribution that is not paid at the end of one month after it becomes due and payable,
(b) any interest payable on the contribution, and
(c) the reasonable expenses of the Owners Corporation incurred in recovering those amounts, including (without limitation) engaging and giving instructions to a debt collector or lawyer and:
-

- (i) issuing letters of demand,
 - (ii) initiating and maintaining legal action,
 - (iii) entering judgment in the legal action, and
 - (iv) enforcing any judgment including through:
 - (A) the issue of a writ for the levy of property,
 - (B) a garnishee order, or
 - (C) initiating and maintaining bankruptcy or winding up proceedings.
-

8 Payment Plans

Resolved that the Owners Corporation will not enter into any payment plans for payment of overdue contributions over a period of up to 12 months in accordance with section 85(5) of the Act.

9 Mandatory Insurance

Resolved that the insurances as listed in the Annexures to the agenda of the meeting be confirmed and further that the Strata Committee be delegated the function of increasing, altering or adding insurances should it be resolved to include further insurances.

10 Insurance Quotations

Resolved that three quotations for all items of insurance required under the Strata Schemes Management Act 2015 be sought and obtained and the function of accepting and executing an appropriate quotation be delegated to the strata managing agent on instruction of the Owners Corporation or Strata Committee.

11 Insurance Valuation

Resolved that, for the purposes of section 161 of the Strata Schemes Management Act 2015, the Managing Agent on annual basis obtain insurance valuation update prior to the renewal of the insurance policy.

12 Commissions and Training Services

That the attached report by the Managing Agent as to whether, and what, commissions or training services have been provided or paid to the managing agent in the last 12 months and are likely to be provided to or paid to the managing agent for the following 12 months be adopted.

13 Strata Committee

Resolved that:

(a) the following nominations for members of the strata committee were received:

Nominee	Nominees Lot	Nominated by Lot	Method of Nomination	Method of Acceptance
Anthony Barboutis	Lot 16	Self	Verbal	n/a
Sean Choo	Lot 34	Self	Verbal	n/a
Richard Alsweiler	Lot 42	Self	Verbal	n/a
Peter O'Brien	Lot 44	Self	Verbal	n/a
John Sfinas	Lot 50	Self	Verbal	n/a

(b) the number of members of the strata committee be determined at five (5) and

(c) the strata committee was be elected as follows:

Anthony Barboutis, Sean Choo, Richard Alsweiler, Peter O'Brien and John Sfinas

- 14 Restricted matters**
Resolved that in accordance with clause 6(a) and 9(i) of Schedule 1 of the Strata Schemes Management Act 2015 the Owners Corporation decides that there be NO additional type of matters which must be determined at a general meeting.
-
- 15 Motion to approve to engage J S Mueller**
Resolved that the Owners Corporation to:
- issue a letter of demand to lot 5 owners and tenants regarding unauthorised works;
 - failing a satisfactory response to the letter of demand, make an application for mediation in the Office of Fair Trading against lot 5 owners and tenants regarding unauthorised works;
 - failing a satisfactory outcome from mediation, make an application for orders in the NSW Civil and Administrative Tribunal against the lot owners in regarding to unauthorised works;
 - engage J S Mueller in accordance with its cost agreement attached to this notice to undertake the activities referred to in the motions immediately above and to provide legal services related to those activities; and
 - appoint a representative as the strata committee point of contact to provide the owners corporation's instructions to J S Mueller or if leave is not granted for J S Mueller to legally represent, for that person to appear with the support of J S Mueller.
- .
-
- 16 Motion to appoint Peter Clisdell Pty Ltd**
Resolved that pursuant to section 49 of the Strata Schemes Management Act 2015, the Owners Corporation:
- appoint Peter Clisdell Pty Ltd (agent) as the strata managing agent of the strata scheme;
 - delegate to the agent all of the functions of:
 - the Owners Corporation (other than those listed in section 52(2) of the Act); and
 - its chairperson, treasurer, secretary and Strata Committee; necessary to enable the agent to carry out the services defined in the strata management agency agreement (agreement), a copy of which is attached to the notice of this meeting;
 - record that the delegation to the agent is to be subject to the conditions and limitations in the agreement;
 - execute the agreement to give effect to this appointment and delegation; and
 - give authority for the common seal of the Owners Corporation to be affixed to the agreement in the presence of two members of the Strata Committee.
-
- 17 Annual Fire Safety Statement**
Resolved that:
- the last annual fire safety statement under the Environmental Planning and Assessment Act 1979 be adopted; and
 - the Managing Agent make arrangements for obtaining the next annual fire safety statement.
-
- 18 Cladding**
Resolved that the Owners Corporation engage a suitably qualified consultant to carry out an audit and risk assessment to identify if any cladding has been installed in the building.
-

-
- 19 Lift Registration**
Resolved that the Owners Corporation authorises the Managing Agent to:
- (a) on an annual basis to engage a competent person to provide a statement as to whether the lift equipment is safe to operate; and
 - (b) subject to receipt of the statement from the competent person that the equipment is safe to operate, it is instructed to sign on behalf of the scheme and lodge with SafeWork NSW any item registration renewal or application form.
-
- 20 Tenants at meetings**
Resolved that the tenants be restricted from being present when the following matters are being discussed:
- (a) financial statements and auditor's reports;
 - (b) levying of contributions;
 - (c) recovery of unpaid contributions;
 - (d) a strata renewal proposal under Part 10 of the Strata Schemes Development Act 2015 or any related matter; and/or
 - (e) any other financial matter specified by the regulations for the purpose of this clause (as at 30 November 2016 there is nothing further).
-
- 21 By-law Review**
Resolved that pursuant to the obligation under clause 4 of Schedule 3 of the Strata Schemes Management Act 2015 (NSW) that the by-laws be reviewed within 12 months of 30 November 2016, owners reviewed and discussed existing By-Laws and decided that no amendments are required.
-
- 22 Electronic Voting**
Resolved that the Owners Corporation permit any of the following means of voting on a matter to be determined by the Owners Corporation at any future general meeting:
- (a) before the meeting at which the matter (not being an election) is to be determined by the Owners Corporation - voting by means of email or other electronic means; and
 - (b) while participating in a meeting from a remote location - voting by means of teleconference, videoconferencing, email or any voting website.
-
- 23 Window Safety Devices**
Resolved that the Owners Corporation authorise and direct the managing agent to appoint a suitably qualified contractor to install complying window safety devices on any windows that do not have but require complying window safety devices pursuant to section 118 of the Act.
-

There being no further business the meeting closed at 07:45 PM



Clisdell's Strata Management

Approved Levy Posting for

The Owners--Strata Plan 79951

ABN 87102074039

Peter Clisdell Pty Ltd
 ABN 19016 133 899
 Tel: (02) 9556 5222
 Fax: (02) 9556 5223
 623 Princes Highway
 Rockdale NSW 2216
 Locked Bag 30
 Rockdale DC NSW 2216
 DX 25304 Rockdale

First instalment due date: 01/03/2018

Discount: Nil

Instalment frequency: Quarterly

Group: General

Number of instalments: 4

Entitlement set: Levy Entitlement

Description: Quarterly Admin/Capital
Works Levy

Levy determination date: 28/02/2018

Lot no.	Unit no.	Unit entitlement	Administrative Fund	Capital Works Fund	Total
1	Shop1	409.00	7,202.80	3,826.60	11,029.40
2	ATM	3.00	53.00	28.20	81.20
3	Shop2	409.00	7,202.80	3,826.60	11,029.40
4	Shop3	245.00	4,314.60	2,292.20	6,606.80
5	Shop4	210.00	3,698.20	1,964.80	5,663.00
6	Shop5	213.00	3,751.20	1,992.80	5,744.00
7	Shop6	206.00	3,627.80	1,927.40	5,555.20
8	1	156.00	2,747.40	1,459.60	4,207.00
9	2	191.00	3,363.60	1,787.00	5,150.60
10	3	191.00	3,363.60	1,787.00	5,150.60
11	3A	191.00	3,363.60	1,787.00	5,150.60
12	5	179.00	3,152.40	1,674.80	4,827.20
13	6	191.00	3,363.60	1,787.00	5,150.60
14	7	191.00	3,363.60	1,787.00	5,150.60
15	8	191.00	3,363.60	1,787.00	5,150.60
16	9	191.00	3,363.60	1,787.00	5,150.60
17	10	191.00	3,363.60	1,787.00	5,150.60
18	11	191.00	3,363.60	1,787.00	5,150.60
19	12	143.00	2,518.40	1,338.00	3,856.40
20	12A	143.00	2,518.40	1,338.00	3,856.40
21	12B	172.00	3,029.00	1,609.20	4,638.20
22	15	143.00	2,518.40	1,338.00	3,856.40
23	16	143.00	2,518.40	1,338.00	3,856.40
24	17	186.00	3,275.60	1,740.20	5,015.80
25	18	163.00	2,870.60	1,525.00	4,395.60
26	19	147.00	2,588.80	1,375.40	3,964.20
27	20	147.00	2,588.80	1,375.40	3,964.20
28	21	147.00	2,588.80	1,375.40	3,964.20
29	22	188.00	3,310.80	1,759.00	5,069.80
30	23	200.00	3,522.20	1,871.20	5,393.40
31	23A	200.00	3,522.20	1,871.20	5,393.40
32	25	200.00	3,522.20	1,871.20	5,393.40
33	26	200.00	3,522.20	1,871.20	5,393.40
34	27	200.00	3,522.20	1,871.20	5,393.40
35	28	200.00	3,522.20	1,871.20	5,393.40
36	29	152.00	2,676.80	1,422.20	4,099.00
37	30	152.00	2,676.80	1,422.20	4,099.00

Lot no.	Unit no.	Unit entitlement	Administrative Fund	Capital Works Fund	Total
38	31	152.00	2,676.80	1,422.20	4,099.00
39	32	152.00	2,676.80	1,422.20	4,099.00
40	33	152.00	2,676.80	1,422.20	4,099.00
41	33A	194.00	3,416.60	1,815.00	5,231.60
42	35	258.00	4,543.60	2,413.80	6,957.40
43	36	259.00	4,561.20	2,423.20	6,984.40
44	37	259.00	4,561.20	2,423.20	6,984.40
45	38	259.00	4,561.20	2,423.20	6,984.40
46	39	259.00	4,561.20	2,423.20	6,984.40
47	40	284.00	5,001.40	2,657.00	7,658.40
48	41	154.00	2,712.20	1,440.80	4,153.00
49	42	154.00	2,712.20	1,440.80	4,153.00
50	43	154.00	2,712.20	1,440.80	4,153.00
51	43A	284.00	5,001.40	2,657.00	7,658.40
52	36S	3.00	53.00	28.20	81.20
53	43S	3.00	53.00	28.20	81.20
55	36G	11.00	193.80	103.00	296.80
56	41S	1.00	17.60	9.40	27.00
57	41S	1.00	17.60	9.40	27.00
58	3A S	2.00	35.40	18.80	54.20
62	9S	1.00	17.60	9.40	27.00
63	3S	1.00	17.60	9.40	27.00
64	21S	1.00	17.60	9.40	27.00
65	33A G,S	1.00	17.60	9.40	27.00
66	33G,S	1.00	17.60	9.40	27.00
67	18G,S	1.00	17.60	9.40	27.00
68	15S	1.00	17.60	9.40	27.00
69	8S	1.00	17.60	9.40	27.00
70	7S	1.00	17.60	9.40	27.00
71	6S	1.00	17.60	9.40	27.00
72	25S	1.00	17.60	9.40	27.00
73	2S	1.00	17.60	9.40	27.00
74	32S	1.00	17.60	9.40	27.00
75	17S	1.00	17.60	9.40	27.00
76	2G	1.00	17.60	9.40	27.00
77	42G	1.00	17.60	9.40	27.00
78	15G	1.00	17.60	9.40	27.00
79	12BG	1.00	17.60	9.40	27.00
80	21G	1.00	17.60	9.40	27.00
81	5G	1.00	17.60	9.40	27.00
82	43G	1.00	17.60	9.40	27.00
83	19G	1.00	17.60	9.40	27.00
84	20G	1.00	17.60	9.40	27.00
85	16G	1.00	17.60	9.40	27.00

Lot no.	Unit no.	Unit entitlement	Administrative Fund	Capital Works Fund	Total
Totals		9,994.00	\$176,003.00	\$93,506.40	\$269,509.40
GST included in amounts to be raised			\$16,000.48	\$8,500.12	\$24,500.60
Amount to be raised per unit of entitlement			\$17.61	\$9.36	\$26.97

The following advanced instalment settings were used:

Due date	Description	Administrative Fund	Capital Works Fund	Total	Comment
07/04/2018	Quarterly Admin/Capital Works Levy	44,000.00	23,375.00	67,375.00	
01/06/2018	Quarterly Admin/Capital Works Levy	44,000.00	23,375.00	67,375.00	
01/09/2018	Quarterly Admin/Capital Works Levy	44,000.00	23,375.00	67,375.00	
01/12/2018	Quarterly Admin/Capital Works Levy	44,000.00	23,375.00	67,375.00	
		\$176,000.00	\$93,500.00	\$269,500.00	



Clisdell's Strata Management

Approved Levy Posting for

The Owners--Strata Plan 79951

ABN 87102074039

Peter Clisdell Pty Ltd

ABN 19 016 133 800

Tel: (02) 9556 5222

Fax: (02) 9556 5223

623 Princes Highway

Rockdale NSW 2216

Locked Bag 30

Rockdale DC NSW 2216

DX 25304 Rockdale

First instalment due date: 01/03/2018

Discount: Nil

Instalment frequency: Quarterly

Group: General

Number of instalments: 4

Entitlement set: Commercial Restroom

Description: Quarterly Admin Levy

Levy determination date: 28/02/2018

Lot no.	Unit no.	Unit entitlement	Administrative Fund	Capital Works Fund	Total
1	Shop1	1.00	428.60	0.00	428.60
2	ATM	1.00	428.60	0.00	428.60
3	Shop2	1.00	428.60	0.00	428.60
4	Shop3	1.00	428.60	0.00	428.60
5	Shop4	1.00	428.60	0.00	428.60
6	Shop5	1.00	428.60	0.00	428.60
7	Shop6	1.00	428.60	0.00	428.60
Totals		7.00	\$3,000.20	\$0.00	\$3,000.20
GST included in amounts to be raised			\$272.72	\$0.00	\$272.72
Amount to be raised per unit of entitlement			\$428.57	\$0.00	\$428.57

The following advanced instalment settings were used:

Due date	Description	Administrative Fund	Capital Works Fund	Total	Comment
07/04/2018	Quarterly Admin Levy	750.00	0.00	750.00	
01/06/2018	Quarterly Admin Levy	750.00	0.00	750.00	
01/09/2018	Quarterly Admin Levy	750.00	0.00	750.00	
01/12/2018	Quarterly Admin Levy	750.00	0.00	750.00	
		\$3,000.00	\$0.00	\$3,000.00	

MINUTES OF ANNUAL GENERAL MEETING STRATA SCHEMES MANAGEMENT ACT 2015

An Extraordinary General Meeting of the Owners of Strata Plan - 79951
'CODA', 29-37 Epsom Road, ROSEBERY NSW 2018, was held as per details below:

Date: 15/05/2020
Time: 05:00 PM
Venue: By Pre-Meeting Electronic Vote

Voting papers received from:

<u>Lot #</u>	<u>Unit #</u>	<u>Owner Name</u>
8	1	Quan, Jasmine
3	Shop2	Korkidas Property Investments Pty Ltd
12	5	Quan, Pauline
81	5G	Quan, Pauline
14	7	Sonia Moura
70	7S	Sonia Moura
15	8	Emily Elizabeth Thompson
69	8S	Emily Elizabeth Thompson
62	9S	Anthony Barboutis
25	18	Will & Erin Lynes
67	18S	Lynes, Will & Erin
31	23A	Anthony Justin Costa
42	35	Alsweiler, Richard
44	37	O'Brien, Peter & Claire
10	3	Rex Turnbull & Justin McCormick
63	3S	Rex Turnbull & Justin McCormick
13	6	John Zorzetto
71	6S	John Zorzetto
16	9	Anthony Barboutis

The secretary declared voting papers received by the following lots as informal votes:

<u>Lot #</u>	<u>Unit #</u>	<u>Owner Name</u>
10	3	Rex Turnbull & Justin McCormick
63	3S	Rex Turnbull & Justin McCormick
13	6	John Zorzetto
71	6S	John Zorzetto
16	9	Anthony Barboutis

A quorum was declared and the meeting was opened at 05:00 PM in accordance with Clause 17 of the Strata Schemes Management Regulation 2016, the secretary declared the following result of the ballot votes:

- 1 **Confirmation of Previous Minutes**
Resolved that the minutes of the last general meeting be confirmed as a true and accurate record of the proceedings of that meeting.
Motion Carried (13 votes cast in favour/ 0 votes cast against/ 1 abstained).
-
- 2 **Financial Statements**
That the last financial statements be adopted.
Motion Carried (13 votes cast in favour/ 0 votes cast against/ 1 abstained).
-
- 3 **Auditor**
Resolved that an auditor be appointed to audit the accounts and financial statements of the Owners Corporation.
Motion Carried (12 votes cast in favour/ 0 votes cast against/ 2 abstained).
-
- 4 **Levy Contributions**
That:
(a) in accordance with Section 79(1) and 79 (2) of the *Strata Schemes Management Act 2015* the Owners Corporation estimates that in respect of the budgetary period it will need to credit to its administrative and capital works funds for actual and expected expenditure referred to in those subsections the amounts set out in the budget that was attached to the notice of the meeting at which this resolution was passed; and
(b) in accordance with Section 81 of the Act, the Owners Corporation determines that the following amounts are to be levied to raise the estimated contributions:
Administrative Fund, the sum of \$195,965.00 Including GST
Capital works Fund, the sum of \$95,183.00 Including GST
(c) those amounts are to be paid by regular equal Quarterly instalments on the 01/03/2020, 01/06/2020, 01/09/2020, 01/12/2020; and not being less than 30 days after the levy notice is given.
(d) the Treasurer is authorised to levy those contributions by written notice on each person liable to pay them.
Motion Carried (11 votes cast in favour/ 2 votes cast against/ 1 abstained).
-
- 5 **Capital Works Fund Plan**
Resolved that:
(a) the owners corporation prepare a plan of anticipated major expenditure to be met from the capital works fund for a 10 year period (if required) ("capital works Fund Plan") or
(b) the owners corporation review the current Capital Works Fund Plan and, if necessary, revise or replace that Plan; and
(c) authorise and direct the strata managing agent to obtain a quotation from and appoint a suitably qualified consultant for those purposes.
Motion Carried (11 votes cast in favour/ 2 votes cast against/ 1 abstained).
-

6 Recovery of overdue levies

Resolved that the Owners Corporation authorises the managing agent and/or the Strata Committee to take all necessary steps on its behalf to recover, from any person liable to pay a contribution:

- (a) any contribution that is not paid at the end of one month after it becomes due and payable,
- (b) any interest payable on the contribution, and
- (c) the reasonable expenses of the Owners Corporation incurred in recovering those amounts, including (without limitation) engaging and giving instructions to a debt collector or lawyer and:
 - (i) issuing letters of demand,
 - (ii) initiating and maintaining legal action,
 - (iii) entering judgment in the legal action, and
 - (iv) enforcing any judgment including through:
 - (A) the issue of a writ for the levy of property,
 - (B) a garnishee order, or
 - (C) initiating and maintaining bankruptcy or winding up proceedings.

Motion Carried (13 votes cast in favour/ 1 votes cast against/ 0 abstained).

7 Payment Plans

Resolved that the Owners Corporation decide how to deal with any overdue contributions including if any payment plan will be entered into to permit payment of overdue contributions over a period of up to 12 months in accordance with section 85(5) of the Act.

Motion Carried (13 votes cast in favour/ votes cast against/ 1 abstained).

8 Mandatory Insurance

Resolved that the insurances as listed in the agenda of the meeting be confirmed and further that the Strata Committee be delegated the function of increasing, altering or adding insurances should it be resolved to include further insurances.

Motion Carried (13 votes cast in favour/ 0 votes cast against/ 1 abstained).

9 Insurance Quotations

Resolved that three quotations for all items of insurance required under the Strata Schemes Management Act 2015 be sought and obtained and the function of accepting and executing an appropriate quotation be delegated to the strata managing agent on instruction of the Owners Corporation or Strata Committee.

Motion Carried (13 votes cast in favour/ 0 votes cast against/ 1 abstained).

10 Insurance Valuation

Resolved that the Managing Agent obtain a full insurance valuation for the purposes of section 161 of the Strata Schemes Management Act 2015.

Motion Carried (11 votes cast in favour/ 1 votes cast against/ 2 abstained).

11 Commissions and Training Services

Resolved that the attached report by the Managing Agent as to whether, and what, commissions or training services have been provided or paid to the managing agent in the last 12 months and are likely to be provided to or paid to the managing agent for the following 12 months be adopted.

Motion Carried (10 votes cast in favour/ 2 votes cast against/ 2 abstained).

- 12 Strata Committee**
That the Owners Corporation hereby RESOLVE not to conduct an election for membership of the Strata Committee and RESOLVE that the following members who were elected at the last general meeting remain in office until such time as an election can be held:
Anthony Barboutis
Anthony Costa
Sean Choo
John Sfinas
Sonia Moura
Peter O'Brien
John Zorzetto
Richard Alsweiler.
Motion Carried (13 votes cast in favour/ 0 votes cast against/ 1 abstained).
-
- 13 Restricted matters**
Resolved that in accordance with clause 6(a) and 9(i) of Schedule 1 of the Strata Schemes Management Act 2015 the owners corporation decides that the following additional type of matters must be determined at a general meeting:
Any expenditure by the owners corporation of an amount that exceeds \$20,000.00.
Motion Carried (12 votes cast in favour/ 1 votes cast against/ 1 abstained).
-
- 14 Annual Fire Safety Statement**
Resolved that:
(a) the last annual fire safety statement under the Environmental Planning and Assessment Act 1979 be adopted; and
(b) the Managing Agent make arrangements for obtaining the next annual fire safety statement.
Motion Carried (12 votes cast in favour/ 1 votes cast against/ 1 abstained).
-
- 15 Lift Registration**
Resolved that the Owners Corporation authorises the Managing Agent to:
(a) on an annual basis to engage a competent person to provide a statement as to whether the lift equipment is safe to operate; and
(b) subject to receipt of the statement from the competent person that the equipment is safe to operate, it is instructed to sign on behalf of the scheme and lodge with SafeWork NSW any item registration renewal or application form.
Motion Carried (11 votes cast in favour/ 2 votes cast against/ 1 abstained).
-
- 16 Termination of Clisdells as Strata Managing Agent**
Resolved that the appointment of Clisdells Strata Management as the strata managing agents be terminated in accordance with Item 3 of the Agency Agreement dated 28 February 2018 by giving three months notice in writing. That the Owners Corporation authorise and instruct the Secretary to formally write and advise.
Motion Carried (8 votes cast in favour/ 3 votes cast against/ 3 abstained).
-

- 17 **Appointment of Sydney Strata Specialists as Strata Managing Agent**
Resolved that pursuant to Section 50 of the Strata Schemes Management Act 2015, Sydney Strata Specialist be appointed as strata managing agent of strata scheme 79951 and that the strata scheme delegate to Realise Consulting Pty Ltd t/as Sydney Strata Specialists all functions specified under the Act, and pursuant to its agreement and authority be given for the common seal of the Owners Corporation to be affixed to the Agency Agreement by the Secretary and any other member of the strata committee to finalise the appointment.
Motion Carried (8 votes cast in favour/ 3 votes cast against/ 3 abstained).
-
- 18 **Motion to approve repairs-Unit 18 (Lot 25)**
Resolved the Owners Corporation pursuant to section 106 resolves to carry out repairs as per scope of works outlined in the report dated 29 November prepared by Henry & Hymas (Annexure A) attached to the notice of this meeting and appoint one of the following contractors to carry out the work.
Motion Carried (7 votes cast in favour/ 5 votes cast against/ 2 abstained).
-
- 19 **Motion to approve renovations-Unit 1 (lot 8)**
Resolved that the Owners Corporation resolves pursuant to section 110 of the Strata Schemes Management Act 2015 the owner of lot 8 be authorised to add to and alter the common property by carrying out the works described in the Annexure "D" attached to the notice of this meeting on the conditions that the owner is responsible for the ongoing maintenance, repair, renewal and replacement of the works and the common property occupied by the works.
Motion Carried (12 votes cast in favour/ 2 votes cast against/ 0 abstained).
-
- 20 **Motion to approve cleaning of shutters & painting**
Resolved the Owners Corporation pursuant to section 106 resolves to carry out cleaning of the external shutters and repainting of the exterior of the building.
Explanatory Note: Pursuant to Section 106 of the Strata Schemes Management Act, Owners Corporation must maintain and keep in a state of good and serviceable repair the common property and renew or replace any fixtures or fittings comprised in the common property.
Motion Carried (9 votes cast in favour/ 5 votes cast against/ 0 abstained)
-
- 21 **Motion to approve removal of the existing Foxtel satellite dish**
Resolved the Owners Corporation SPECIALLY RESOLVES pursuant to sections 106(3) 108(1) of the Strata Schemes Management Act 2015 that it is inappropriate for the Owners Corporation to maintain, renew, replace or repair g Foxtel satellite dish and to alter the common property by permanently removing it.
Motion Carried (11 votes cast in favour/ 1 votes cast against/ 2 abstained).
-

There being no further business the meeting closed at 06:30 PM



Clisdell's Strata Management

Approved Levy Posting for

The Owners-Strata Plan 79951

ABN 87102074039

Peter Clisdell Pty Ltd
 ABN 19046 133 899
 Tel: (02) 9556 5222
 Fax: (02) 9556 5223
 623 Princes Highway
 Rockdale NSW 2216
 Locked Bag 30
 Rockdale DC NSW 2216
 DX 25304 Rockdale

First instalment due date: 01/03/2020

Discount: Nil

Instalment frequency: Quarterly

Group: General

Number of instalments: 4

Entitlement set: Levy Entitlement

Description: Quarterly Admin/Capital
Works Levy

Levy determination date: 15/05/2020

Lot No.	Unit No.	Unit Entitlement	Administrative Fund	Capital Works Fund	Total
1	Shop1	409.00	8,019.80	3,895.40	11,915.20
2	ATM	3.00	59.00	28.60	87.60
3	Shop2	409.00	8,019.80	3,895.40	11,915.20
4	Shop3	245.00	4,804.20	2,333.40	7,137.60
5	Shop4	210.00	4,117.80	2,000.20	6,118.00
6	Shop5	213.00	4,176.60	2,028.60	6,205.20
7	Shop6	206.00	4,039.40	1,962.00	6,001.40
8	1	156.00	3,059.00	1,485.80	4,544.80
9	2	191.00	3,745.20	1,819.20	5,564.40
10	3	191.00	3,745.20	1,819.20	5,564.40
11	3A	191.00	3,745.20	1,819.20	5,564.40
12	5	179.00	3,510.00	1,704.80	5,214.80
13	6	191.00	3,745.20	1,819.20	5,564.40
14	7	191.00	3,745.20	1,819.20	5,564.40
15	8	191.00	3,745.20	1,819.20	5,564.40
16	9	191.00	3,745.20	1,819.20	5,564.40
17	10	191.00	3,745.20	1,819.20	5,564.40
18	11	191.00	3,745.20	1,819.20	5,564.40
19	12	143.00	2,804.00	1,362.00	4,166.00
20	12A	143.00	2,804.00	1,362.00	4,166.00
21	12B	172.00	3,372.80	1,638.20	5,011.00
22	15	143.00	2,804.00	1,362.00	4,166.00
23	16	143.00	2,804.00	1,362.00	4,166.00
24	17	186.00	3,647.20	1,771.60	5,418.80
25	18	163.00	3,196.20	1,552.40	4,748.60
26	19	147.00	2,882.40	1,400.20	4,282.60
27	20	147.00	2,882.40	1,400.20	4,282.60
28	21	147.00	2,882.40	1,400.20	4,282.60
29	22	188.00	3,686.40	1,790.60	5,477.00
30	23	200.00	3,921.80	1,904.80	5,826.60
31	23A	200.00	3,921.80	1,904.80	5,826.60
32	25	200.00	3,921.80	1,904.80	5,826.60
33	26	200.00	3,921.80	1,904.80	5,826.60
34	27	200.00	3,921.80	1,904.80	5,826.60
35	28	200.00	3,921.80	1,904.80	5,826.60
36	29	152.00	2,980.60	1,447.80	4,428.40
37	30	152.00	2,980.60	1,447.80	4,428.40
38	31	152.00	2,980.60	1,447.80	4,428.40

Lot No.	Unit No.	Unit Entitlement	Administrative Fund	Capital Works Fund	Total
39	32	152.00	2,980.60	1,447.80	4,428.40
40	33	152.00	2,980.60	1,447.80	4,428.40
41	33A	194.00	3,804.00	1,847.80	5,651.80
42	35	258.00	5,059.00	2,457.20	7,516.20
43	36	259.00	5,078.60	2,466.80	7,545.40
44	37	259.00	5,078.60	2,466.80	7,545.40
45	38	259.00	5,078.60	2,466.80	7,545.40
46	39	259.00	5,078.60	2,466.80	7,545.40
47	40	284.00	5,568.80	2,704.80	8,273.60
48	41	154.00	3,019.80	1,466.80	4,486.60
49	42	154.00	3,019.80	1,466.80	4,486.60
50	43	154.00	3,019.80	1,466.80	4,486.60
51	43A	284.00	5,568.80	2,704.80	8,273.60
52	36S	3.00	59.00	28.60	87.60
53	43S	3.00	59.00	28.60	87.60
55	36G	11.00	215.80	104.80	320.60
56	41S	1.00	19.60	9.60	29.20
57	41S	1.00	19.60	9.60	29.20
58	3A S	2.00	39.20	19.20	58.40
62	9S	1.00	19.60	9.60	29.20
63	3S	1.00	19.60	9.60	29.20
64	21S	1.00	19.60	9.60	29.20
65	33A S	1.00	19.60	9.60	29.20
66	33S	1.00	19.60	9.60	29.20
67	18S	1.00	19.60	9.60	29.20
68	15S	1.00	19.60	9.60	29.20
69	8S	1.00	19.60	9.60	29.20
70	7S	1.00	19.60	9.60	29.20
71	6S	1.00	19.60	9.60	29.20
72	25S	1.00	19.60	9.60	29.20
73	2S	1.00	19.60	9.60	29.20
74	32S	1.00	19.60	9.60	29.20
75	17S	1.00	19.60	9.60	29.20
76	2G	1.00	19.60	9.60	29.20
77	42G	1.00	19.60	9.60	29.20
78	15G	1.00	19.60	9.60	29.20
79	12BG	1.00	19.60	9.60	29.20
80	21G	1.00	19.60	9.60	29.20
81	5G	1.00	19.60	9.60	29.20
82	43G	1.00	19.60	9.60	29.20
83	19G	1.00	19.60	9.60	29.20
84	20G	1.00	19.60	9.60	29.20
85	16G	1.00	19.60	9.60	29.20

Lot No.	Unit No.	Unit Entitlement	Administrative Fund	Capital Works Fund	Total
Totals		9,994.00	\$195,969.00	\$95,189.20	\$291,158.20
GST included in amounts to be raised			\$17,815.72	\$8,653.68	\$26,469.40
Amount to be raised per unit of entitlement			\$19.61	\$9.52	\$29.13

The following advanced instalment settings were used:

Due date	Description	Administrative Fund	Capital Works Fund	Total	Comment
01/07/2020	MARCH-MAY - Quarterly Admin/Capital Works Levy	48,991.25	23,795.75	72,787.00	
01/07/2020	JUNE-AUGUST - Quarterly Admin/Capital Works Levy	48,991.25	23,795.75	72,787.00	
01/09/2020	SEPTEMBER-NOVEMBER - Quarterly Admin/Capital Works Levy	48,991.25	23,795.75	72,787.00	
01/12/2020	DECEMBER-FEBRUARY - Quarterly Admin/Capital Works Levy	48,991.25	23,795.75	72,787.00	
		\$195,965.00	\$95,183.00	\$291,148.00	

Minutes of meeting

MINUTES OF AN ANNUAL GENERAL MEETING THE OWNERS - STRATA PLAN 79951

ADDRESS OF THE STRATA SCHEME:

CODA
CODA, 29-37 Epsom Road, Rosebery NSW 2018

DATE, PLACE & TIME OF MEETING:

An Annual General Meeting of The Owners - Strata Plan 79951 was held on Tuesday, 18 May 2021 commenced at 06:00 PM.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
4 Shop3	Yes	Anna Investments Pty Ltd ACN 622573862	
16	9	Yes	Anthony Barboutis
50	43	Yes	John Sfinas
13	6	Yes	John Zorzetto
20	12A	Yes	Kathryn M Armstrong
3 Shop2	Yes	Korkidas Property Investments Pty Ltd	
43	36	Yes	Lucie Verne
5 Shop4	Yes	Majid Mokhtari Hizaji & Mahsa Ostad Abedi	
27	20	Yes	Odele Schwieters and Adam Nielsen
10	3	Apology	Rex Wilson Turnbull & Justin James McCormick
63	3S	Apology	Rex Wilson Turnbull & Justin James McCormick
42	35	Yes	Richard Jack Alsweiler
30	23	Apology	Shirley Ho
14	7	Yes	Sonia Duarte Moura
45	38	Yes	Susan Alison McFarlane
34	27	Yes	Wei Xiong Sean Choo and Wai Ting Chung
25	18	Yes	Yevgen Shkuratov

CHAIRPERSON (acting): Greg Williamson / Karen Bauer Sydney Strata Specialisits.

The Chairman declared that there was a quorum or declared that the persons present, either personally or by duly appointed proxy, constituted a quorum in accordance with the Schedule 1, 4(b)

Minutes of the meeting:

1 Confirmation of Previous Minutes

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution confirmed the minutes of the previous owners corporation.

2 Audit

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution to appoint an auditor to audit the accounts and financial statements of the owners corporation. Strata Committee to decide on which auditor to engage

3 Strata Committee

The Owners Corporation called for nominations of the strata committee. There were more than 9 nominations, after a vote was held the following members were elected.

Con Korkidas, Majid Mokhtari, Richard Alsweiler, Yevgen Shkuratov, Anthony Barboutis, John Zorzetto, Sonia Moura, Amir Asadpoordarvish, Peter O'Brien.

4 Accounting & Financials

Resolved that the Owners - Strata Plan No.79951 by ORDINARY resolution adopted the financial statements.

5 Admin Levy

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution:

- (a) That the amount of money the owners corporation will need to credit to its administrative fund for actual and expected expenditure are estimated in accordance with section 79(1) of the Strata Schemes Management Act 2015 and contributions to the administrative fund determined in accordance with section 81(1) of the Strata Schemes Management Act 2015 at \$244,200.00 (including GST)
- (b) That the contributions to the administrative fund be paid in equal quarterly instalments, the first such instalment being due on 1/09/21 and subsequent instalments being due Quarterly on a continuing basis until the next Annual General Meeting

6 Capital Levy

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution:

- (a) That the amount of money the owners corporation will need to credit to its capital works fund for actual and expected expenditure are estimated in accordance with section 79(2) of the Strata Schemes Management Act 2015 and contributions to the capital works fund determined in accordance with section 81(1) of the Strata Schemes Management Act 2015 at \$104,720.00 (including GST)
- (b) That the contributions to the capital works fund be paid in equal quarterly instalments, the first such instalment being due on 1/09/21 and subsequent instalments being due Quarterly on a continuing basis until the next Annual General Meeting

7 Special Levy

Motion Deferred

Note:

That the strata manager is to contact CJ Duncan as it was advised at the meeting that owners believed that CJ Duncan had not completed the (painting) works.

That further quotes will be obtained for the variations of Ellis Constructions, and that the strata manager is instructed to notify Ellis that no further works are to be carried out until further notice - In addition that they can remove their scaffolding from the garage.

- The Owners - Strata Plan No. 79951 RESOLVES BY ORDINARY resolution pursuant to s 81(4) of the Strata Schemes Management Act 2015 that as the owners corporation is faced with expenses referred to in the Schedule which it cannot at once meet from its administrative/capital works fund, it determined that:

- 1. a contribution in the amount of money referred to in the Schedule be raised as an additional levy to meet those expenses;
- 2. the proportion of the said contribution payable by the owners of each lot shall be in accordance with the unit entitlement of each lot;
- 3. the contribution in respect of each lot is payable by the instalments being due and payable on or before the dates referred to in the Schedule by being paid to the owners corporation care of the strata managing agent before or at those times; and
- 4. that pursuant to s83 of the Strata Schemes Management Act 2015, the strata managing agent serve one written notice of such contributions due in respect of each lot specifying:

- (a) the amount of each instalment; and
- (b) the date of payment of each instalment.

SCHEDULE

- (a) Expenses for which the contribution is raised:

i) to re-imburse the Owners Corporations Trust Account for the unbudgeted expenses incurred to date in relation to:

- the outstanding CJ Duncan invoices from 2018, unpaid by previous strata managers - (Progress claim 2) \$40,922.64

- reports and investigations into the Fire Order/Combustible cladding -

Proceed group invoices (Project Management) \$10,527.00

Concept 2 reality invoices (Quantity Surveying services) \$4,004.00

Ironbridge invoice (Re-Clad Consultancy services) \$5,500.00

Frazer Access Pty Ltd invoice \$1,232.00

- the increased yearly insurance premium (due to the cladding and recent claims history) - \$71,356.76

- the waterproofing/render works on the Western Side of the building -

Ellis Constructions \$51,739.60

Variation 01 \$21,142.00

Variation 02 \$21,615.00

- (b) Total above expenses: \$228,039.00 (inclusive of GST)
Total that can be serviced by existing Capital Works funds: \$102,000.00
Total to be raised via Special levy: \$126,039.00

- (c) Date by when the contribution is payable: Monday, 21st June 2021

8 10 Year Plan

That the Owners - Strata Plan No. 79951 by ORDINARY resolution reviewed the 10 year capital works but deferred any works discribed in the plan to a later time.

9 Insurance confirmation

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution that the insurances effected on behalf of the owners corporation have been confirmed

10 Insurance quotes

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution to seek to obtain three quotations for all items of insurance required under the Strata Schemes Management Act 2015 and to delegate the function of accepting and executing an appropriate quotation to the strata managing agent on instruction of the owners corporation or strata committee.

11 Insurance Commission

Resolved that the Owners - Strata Plan No. 79951 by accepted the strata managers report.

12 Insurance Valuation

Deferred that the Owners - Strata Plan No. 79951 by ORDINARY resolution to seek a valuer to value the building damage insurance amount for replacement and reinstatement as now required under section 161 of the Strata Schemes Management Act 2015.

13 Annual Fire Statement

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution to engage a duly authorised contractor to assist in the completion for the annual fire safety statement and that a member of the strata

committee or owners corporation sign the annual fire safety statement prior to lodgment with Council.

14 Strata Managers Report

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution that a report was tabled and acknowledged by the Owners Corporation.

15 Interest Waived

Motion Defeated

That the Owners - Strata Plan No. 79951 by ORDINARY resolution in accordance with section 85 (3) determine that Shop 2 Lot 3 is to bear no interest (refunded interest to date).

CLOSURE: There being no further business, the chairperson declared the meeting closed at 08:00 PM.

**STRATA PLAN 79951
MEETING AGENDA 12 AUGUST 2021**

**Meeting start time: 06:00
Meeting held by Zoom**

In attendance:

Yevgeni Shkuratov
Sonia Moura
Jon Zorzetto
Majid Mohktari
Con Korgy
Richard Alsweiler
Karen Bauer
Greg Williamson

Sydney Strata Specialists
Sydney Strata Specialists

1. SSS charges to date

The Strata Committee resolved that they will discuss and agree expected Schedule B costs with Sydney Strata Specialists prior to them being incurred for meetings, project works etc.

2. Combustible Cladding and Project Remediate

The Committee outlined their disappointment as to how the cladding project had been handled with Project Remediate. Once this had been discussed in full it was resolved that the Strata Committee is now in charge of this project and will delegate items to the Strata Manager when required.

3. Proceed Group

Sydney Strata Specialists provided an update, being that Proceed had agreed to walk away on the basis that the last invoice be paid and a deed of termination be signed\.

The deed of termination was sent to the committee and the committee resolved that that Yevgeni would review the deed and provide his review of the deed and how the Strata Committee should proceed.

4. Ellis Constructions' work to the western wall

The Strata Committee are waiting on the report from Henry & Hymas to confirm the remaining works for Ellis Construction to complete in relation to the existing Contract and Variation 1. It was noted by the Committee that a further variation may be required as some of the work form part of Variation 2 that will not be completed by Ellis Construction.

5. Ellis Constructions proposed outstanding variations

The Strata Committee resolved that Ellis Construction will not complete the items in Variation 2 being the:

- Driveway Entry Wall Render
- Café Door Wall Render

The Strata Committee resolved that they will directly engage a renderer who will apply acrylic render. The Strata Committee have obtained one quote from Roy Render for \$7,500 + GST and a second quote is being obtained on the 13/08/21. At this time the SC will have a paper vote on the contractor to be selected to complete these works.

It was resolved by the Strata Committee to obtain quotes from roofing ~~company's~~ companies for the remediation of the roof cowl. Quote requests will be sent out with Richard as the agreed contact point. Yevgeni will also attend as he is well versed in the issue.

- (a) ???Apartment 8 fix leak into lower level - from deck above (repair source of leak with scaffold, replace decking, strip and paint impacted wall) = **\$5,850**. Is this still of a concern? From the photos it appears that the leak occurred because the water run off channel was not cleaner and is blocked.

6. Louvers/blinds

The Committee discussed the Ironbridge report and resolved the following:

- The unit identified in the Ironbridge report will be written to immediately asking them to secure the louver in the manner prescribed in the Ironbridge report. This methodology will be supplied to the resident and agent if required.
- That a letter will be sent to all owners, tenants and agents asking them to advise of issues with their louvers. The apartments requiring attention will be collated so that the committee can consider if it is a safer option to engage a handyman to undertake a temporary repair as per the Ironbridge report.
- The Strata Committee advised that they will supply the contact details of 2 handymen to Sydney Strata Specialists so that quote requests can be arranged to ensure that should a work order be issued they are capable of completing the job and we have an indication of this cost.
- In addition, The Strata Committee will be talking with the Head Contractor for project remediate to ensure that the remediation works for the louvers can be completed at the same time as the cladding.

7. CJ Duncan outstanding invoice

The Committee resolved to accept the outstanding invoices were due and payable to CJ Duncan.

The Committee agreed that Yevgeni would contact CJ Duncan to see whether they would agree to a 12 month payment plan.

8. Concrete cancer in the stairwell of Mentmore Ave

This forms part of the H&H report. This report is expected next week and can be assessed and voted on in a paper vote by the SC.

9. Gardner and Garden

The committee agreed that the current gardener would remain engage

The Committee resolved that the 'muddy trampled areas of the grass' will be taped off to allows regeneration

This motion was voted as 3 yes, 1 no and 1 abstain

10. Cleaner

The Committee resolved to form a subcommittee comprising Jonathon, Don and Majid to create a scope of works for the cleaner. They are to meet with the cleaner to ensure the following:

1. That he is able to complete this scope of works
2. The time required to complete the new scope of works and allocate days
3. That the cleaner adheres to the scope of works and does **not** take any additional instruction from an individual on the premises, that is outside the approved scope of works.

If the cleaner is unable to fulfil the above then the Sub Committee will instruct the strata manager to seek quotes for a new cleaner based on the agreed scope of works.

11. Replanting the front garden in the planter boxes

The Committee resolved that thee works for repairing and installing the new sprinkler and that the news plants be approved.

12. Foxtel

Yevgeni will speak directly with Foxtel to determine if this is Foxtel's responsibility to remove or OC responsibility.

If it is OC responsibility, then a motion will need to be passed by the OC for its removal as it is currently classified as common property.

13. Painting

The Strata Committee will advise the Strata Managers of contractors they would like to have quote requests sent to. This will be approved by the committee by a paper vote. Residents have been painting the common areas that they can reach.

14. Leaking main on the side of garage

Aline plumbing will be contacted by SSS to advise that the repair has failed and that they need to re attend site

The SC and SSS agreed that when any invoice that is received as the result of a work order that this will be passed onto the SC for approval to ensure that the works have been adequately completed.

15. Approved contractors

The Committee resolved to make a subcommittee comprising of Con, Don, Yevgeni and Richard to create a list of approved contractors. This list will be provided to SSS for use when sending out quote requests and work orders

16. Bond

It was resolved that at the present time there is no way forward with this item due to the addition administration burden it places on both the Strata Committee and SSS. It was deemed that it was not commercially practical to be supervised.

17. Insurance

SSS advised that they had gone to Honan (Insurance Broker) for the following:

1. Reduction in commission
2. Information on premium reduction should the excess increase to \$10,000 or \$25,000
3. Obtain a price for a 6-month policy given current cashflow issues
4. Ensure that Honan have updated cladding information regarding Project Remediate and Council

Meeting Closed at

MINUTES OF THE EXTRAORDINARY GENERAL MEETING
THE OWNERS - STRATA PLAN 79951

ADDRESS OF THE STRATA SCHEME:

CODA

CODA, 29-37 Epsom Road, Rosebery NSW 2018

DATE, PLACE & TIME OF MEETING: An Extraordinary General Meeting of The Owners - Strata Plan 79951 was held on 20/10/21 at ZOOM. The meeting commenced at 06:30 PM.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
3	Shop2	Yes	Korkidas Property Investments Pty Ltd
13	6	Yes	John Philip Zorzetto and Caine Anthony Hodder
14	7	Yes	Sonia Duarte Moura
16	9	Yes	Anthony Barboutis
25	18	Yes	Yevgen Shkuratov
30	23	Yes	Shirley Ho
31	23A	Yes	Anthony Justin Costa Richard Alsweiler
34	27	Yes	Claire Vis-Le and Sammy Khanh Le
42	35	Yes	Richard Jack Alsweiler
48	41	Yes	Amy Lea Kozaruk & Simon Paul Donaldson
51	43A	Yes	William Jacob Malos Jana Malos
62	9S	Yes	Anthony Barboutis
75	17S	Yes	Jianguo Zhang
83	19G	Yes	Amir Asadpoordarvish

CHAIRPERSON (acting): Greg Williamson

Minutes of the meeting:

1 MINUTES

Resolved that the minutes of the last general meeting of the owners corporation be confirmed as a true record of the proceedings of that meeting.

2 Special Levy

Resolved the Owners - Strata Plan No. 79951 RESOLVES BY ORDINARY resolution pursuant to s 81(4) of the Strata Schemes Management Act 2015 that as the owners corporation is faced with expenses referred to in the Schedule which it cannot at once meet from its administrative fund, it determined that:

1. a contribution in the amount of money referred to in the Schedule be raised as an additional levy to meet those expenses;
2. the proportion of the said contribution payable by the owners of each lot shall be in accordance with the unit entitlement of each lot;
3. the contribution in respect of each lot is payable by the instalments being due and payable on or before the dates referred to in the Schedule by being paid to the owners corporation care of the strata managing agent before or at those times; and
4. that pursuant to s83 of the Strata Schemes Management Act 2015, the strata managing agent serve one written notice of such contributions due in respect of each lot specifying:
 - (a) the amount of each instalment; and

(b) the date of payment of each instalment.

SCHEDULE

(a) Expenses for which the contribution is raised: to pay outstanding invoices, and invoices yet to be recieved.

(b) Total contribution to be raised: \$110,000 (inclusive of GST)

(c) Date by when the contribution is payable in one instalment: 21st November 2021

Note:

A number of the committee members provided more detailed information to the owners corporation regarding the need for the Special Levy. All attending Lot owners voted for the special levy.

On-Line Procedures

CLOSURE: There being no further business, the chairperson declared the meeting closed at 06:45 PM.

MINUTES OF THE **ADJOURNED** EXTRAORDINARY GENERAL MEETING
THE OWNERS - STRATA PLAN 79951

ADDRESS OF THE STRATA SCHEME:

CODA
CODA, 29-37 Epsom Road, Rosebery NSW 2018

DATE, PLACE & TIME OF MEETING: An Extraordinary General Meeting of The Owners - Strata Plan 79951 was held on 02/11/21 using either voting On-Line Meeting or Pre-meeting paper. The meeting commenced at 05:00 PM.

Only three owners voted.

Therefore the strata manager / chairman declared there was NOT A QUORUM present. The strata manager waited 30 minutes and declared that this will now be an Adjourned Meeting.

In accordance with STRATA SCHEMES MANAGEMENT ACT 2015 - SCHEDULE 1 - 17.4(b)

(4) Procedure if no quorum If no quorum is present within the next half-hour after the relevant motion or business arises for consideration at the meeting, the chairperson must--

(b) declare that the persons present either personally who are entitled to vote on the motion constitute a quorum.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
71	6S	Yes	John Philip Zorzetto and Caine Anthony Hodder
67	18S	Yes	Yevgen Shkuratov
42	35	Yes	Richard Jack Alsweiler
25	18	Yes	Yevgen Shkuratov
13	6	Yes	John Philip Zorzetto and Caine Anthony Hodder

CHAIRPERSON (acting): Greg Williamson

Minutes of the meeting:

1 MINUTES

Resolved that the minutes of the last general meeting of the owners corporation be confirmed as a true record of the proceedings of that meeting. No attached as previously issued.

2 PERMISSION TO COMMENCE INVESTIGATION WORK

Resolved THAT, The Owners - Strata Plan No 79551 pursuant to the *Strata Schemes Management Act 2015 (the Act)*, RESOLVE to do the following:

- approve contractors/experts and consultants engaged by Hansen Yuncken Pty Ltd to carry out inspections, investigative testing (both invasive and non-invasive) and inspect any records of the Owners Corporation required to prepare a report on the status of the combustible wall cladding within the building; and
- approve the signing of the 'Owners Consent' which will permit contractors/experts and consultants engaged by Hansen Yuncken Pty Ltd to carry out inspections, investigative testing (both invasive and non-invasive) within the common property of the building.

Explanation: Hansen Yuncken have issued an information pack outlining why this permission is required see attached

3 DELEGATION OF FUNCTION

Resolved that, The Owners - Strata Plan No 79951 delegate to the Strata Manager and/or Strata Committee the function of co-ordinating any access to the building for inspection/investigative purposes and all things necessary to complete the requirements of the preceding motion approval.

Explanation: The Owners Corporation delegates the administrative functions of executing all things necessary to allow the preceding motion to be undertaken.

END OF MEEING

On-Line Procedures

CLOSURE: There being no further business, the chairperson declared the meeting closed at 05:35 PM.

MINUTES OF AN STRATA COMMITTEE MEETING
THE OWNERS - STRATA PLAN 79951

ADDRESS OF THE STRATA SCHEME:

CODA
CODA, 29-37 Epsom Road, Rosebery NSW 2018

DATE, PLACE & TIME OF MEETING: A meeting of the Strata Committee of The Owners - Strata Plan 79951 was held on 25/05/22 immediately following the Annual General Meeting at ZOOM.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
14	7	Yes	Sonia Moura
25	18	Yes	Yevgeni
3	Shop2	Yes	Con Korgy
42	35	Yes	Richard Alsweiler

CHAIRPERSON (acting): Karen Bauer

Minutes of the meeting:

1 MINUTES

Resolved that the minutes of the last strata committee meeting be confirmed as a true record of the proceedings of that meeting.

2 Project Remediate Update

1) The Strata Committee (Yevgeni and Richard) will follow up on the proposals from Project Remediate.

2) Once Project Remediate provides the proposals/plans, relevant information (to be advised by Strata Committee) will be disseminated to the Owners Corporation.

Kiersten to advise Faduma from Project Remediate that there is no feedback as yet.

3 Waterproofing issues

The Strata Manager will contact CJ Duncan and additional appropriate waterproofing contractors to perform the waterproofing inspection on the affected Units and common Property.

Kiersten will draft a notice to all re: update for waterproofing - eg, waterproofing contractor has declined and new contacts are being sought etc.

4 Communications to the Strata Manager

Strata Manager to respond to the relevant parties that all correspondences must be addressed in a professional and polite manner.

5 Security at the Property

Kiersten to include in the notice a security update.

Additional items discussed:

- Strata manager to obtain three quotes for Insurance brokerage management fees - Honan, Intertrade insurance broker, Warrick Edison (Yevgeni to provide details) and a third broker.
- Kiersten to check with Phil from PT Maintenance the cost of painting the recently repaired rendered wall in Unit 36/Lot 43 .
- Strata manager to obtain update re: the renovations in Unit 31/Lot 38 and whether waterproofing has been affected/if a retrospective by law is required.

CLOSURE: There being no further business, the chairperson declared the meeting closed at 07:00 PM.

Minutes of meeting

MINUTES OF AN ANNUAL GENERAL MEETING THE OWNERS - STRATA PLAN 79951

ADDRESS OF THE STRATA SCHEME:

CODA
CODA, 29-37 Epsom Road, Rosebery NSW 2018

DATE, PLACE & TIME OF MEETING:

An Annual General Meeting of The Owners - Strata Plan 79951 was held on Tuesday, 08 November 2022 commenced at 06:00 PM.

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
25	18	Yes	Yevgeni Shkuratov
14	7	Yes	Sonia Duarte Moura
42	35	Yes	Richard Jack Alsweiler
51	43A	Yes	Nicholas Nikas
			By Proxy to Adam Damon
5 Shop4	Yes		Majid Mokhtari Hizaji & Mahsa Ostad Abedi
41	33A	Yes	Madeline Alyce Cornay and Gavin John Kenneth Ragg
3 Shop2	Yes		Korkidas Property Investments Pty Ltd
24	17	Yes	Jianguo Zhang
33	26	Yes	Frank Stanisic
36	29	Yes	Frank Stanisic
49	42	Yes	Carolyn Anne Adams
			By Proxy to Sonia Moura

Invitee:

CHAIRPERSON (acting): Karen Bauer Sydney Strata Specialists.

The Chairman declared that there was a quorum or declared that the persons present, either personally or by duly appointed proxy, on-line voting or pre-meeting papers constituted a quorum.

Minutes of the meeting:

1 Confirmation of Previous Minutes

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution to confirm the minutes of the previous owners corporation.

2 Audit

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution to appoint an auditor to audit the accounts and financial statements of the owners corporation. The SC will choose the auditor and advise the Strata Manager.

3 Strata Committee

The following owners were nominated and elected to the Strata Committee with the following roles:

Majid Mokhtari
Frank Stanisic
Yevgeni Shkuratov - Secretary / Point of Contact
Richard Alsweiler - Treasurer
Anthony Barboutis
Con Korgy

4 HUB Reporting

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution acknowledge it now has an obligation and are required under the Act to provide the NSW Government each Strata Scheme in NSW certain detailed information about the Strata Plan.

5 NSW HUB

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution authorises the strata manager to provide and upload the information in order that the Owners Corporation obligations under the Strata Schemes Management Amendment (Information) Regulation 2021 and met this year and on an ongoing basis and to charge for this new additional service on it hourly administrative rate.

6 Emergency Contact HUB

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution appoint an owner to be the Emergency contact for the Owners Corporation being Anthony Barboutis and Richard Alsweiler

7 Strata Manager Appointment

Resolved a) That the Owners - Strata Plan No. 79951 by ORDINARY resolution, pursuant to section 49 of the Strata Schemes Management Act 2015, the Owners Corporation appoints Precise Property Strata Management Pty Ltd as its strata managing agent, on the terms set out in the Strata Management Agency Agreement (annexed hereto), with such agreement to have a commencement date of 09/11/22

b) THAT, pursuant to section 52 of the Strata Schemes Management Act 2015, the Owners Corporation delegates to Precise Property Strata Management Pty Ltd the functions specified in the strata management agency agreement.

c) THAT, pursuant to section 273 of the Strata Schemes Management Act 2015, two members of the strata committee be authorised to sign and affix the seal to the strata management agency agreement.

d) THAT, pursuant to s 55 of the Property Stock and Business Agency Act 2002, Precise Property Strata Management Pty Ltd provides a copy of the signed strata management agency agreement to the Owners Corporation within 48 hours of the agreement being signed.

Motion put forward

Yevgeni Shkuratov and all of the other members of the committee.

Explanation

Due to high cost of strata management over the past number of years and the level of service provided as well as the feedback that has been received from the owners, as well as the need to reduce any day-to-day operating expenses and overheads we have decided to appoint a strata manager who will charge us on a fixed fee basis.

8 General Meeting Matters

Motion Defeated

That the Owners - Strata Plan No. 79951 by ORDINARY resolution in accordance with clause 6(a) and 9(i) of Schedule 1 of the Strata Schemes Management Act 2016 to decide if any matter or type of matter is to be determined by the owners corporation in general meeting.

9 Spending Limits Large

Motion Defeated

That the Owners - Strata Plan No. 79951 by ORDINARY resolution to remove the limitation imposed by section 102(2) of the Strata Schemes Management Act 2015 generally or in relation to any particular item.

10 Accounting & Financials

Resolved that the Owners - Strata Plan No.79951 by ORDINARY resolution to consider the accounting records

and last financial statements prepared and to adopt the financial statements.

11 Admin Levy

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution:

- (a) That the amount of money the owners corporation will need to credit to its administrative fund for actual and expected expenditure are estimated in accordance with section 79(1) of the Strata Schemes Management Act 2015 and contributions to the administrative fund determined in accordance with section 81(1) of the Strata Schemes Management Act 2015 at \$264,000.00 including GST
- (b) That the contributions to the administrative fund be paid in equal quarterly instalments, the first such instalment being due on 01/09/2022 and subsequent instalments being due Quarterly on a continuing annual basis until the next Annual General Meeting

12 Capital Levy

Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution:

- (a) That the amount of money the owners corporation will need to credit to its capital works fund for actual and expected expenditure are estimated in accordance with section 79(2) of the Strata Schemes Management Act 2015 and contributions to the capital works fund determined in accordance with section 81(1) of the Strata Schemes Management Act 2015 at \$104,720.00 including GST
- (b) That the contributions to the capital works fund be paid in equal quarterly instalments, the first such instalment being due on 01/09/2022 and subsequent instalments being due Quarterly on a continuing annual basis until the next Annual General Meeting

13 Special Levy

Resolved the Owners - Strata Plan No. 79951 by ORDINARY resolution pursuant to s 81(4) of the Strata Schemes Management Act 2015 that as the owners corporation is faced with expenses referred to in the Schedule which it cannot at once meet from its administrative/capital works fund, it determined that:

- 1. a contribution in the amount of money referred to in the Schedule be raised as an additional levy to meet those expenses;
- 2. the proportion of the said contribution payable by the owners of each lot shall be in accordance with the unit entitlement of each lot;
- 3. the contribution in respect of each lot is payable by the instalments being due and payable on or before the dates referred to in the Schedule by being paid to the owners corporation care of the strata managing agent before or at those times; and
- 4. that pursuant to s83 of the Strata Schemes Management Act 2015, the strata managing agent serve one written notice of such contributions due in respect of each lot specifying:
 - (a) the amount of each instalment; and
 - (b) the date of payment of each instalment.

SCHEDULE

- (a) Expenses for which the contribution is raised:
- (b) Total contribution to be raised: \$77,000 (inclusive of GST)
- (c) Date by when the contribution is payable: 01/03/2023
- (d) Number of instalments: 1 or as amended on the night

Due date: 01 March 2023

Note:

In accordance with SSMA 2015 s 76 that the owners corporation can transfer money from one fund to the other, or make a payment from one fund that should have been paid from the other. But the owners corporation must make a levy to repay that fund within three months after the transfer of monies.

- 14 10 Year Plan**
Motion deferred until completion of current capital works
That the Owners - Strata Plan No. 79951 by ORDINARY resolution and in accordance with Schedule 1 (6) that the owners engage a qualified contractor to prepare an up dated 10-year capital works fund plan commencing after the fire order and project remediate works have been completed.
- 15 Insurance confirmation**
Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution that the following insurances effected on behalf of the owners corporation be confirmed
- 16 Insurance quotes**
Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution to seek to obtain three quotations for all items of insurance required under the Strata Schemes Management Act 2015 and to delegate the function of accepting and executing an appropriate quotation to the strata managing agent on instruction of the owners corporation or strata committee.
- 17 Insurance Commission**
Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution acknowledged that the Owners Corporation considered the report on commissions received.
- 18 Annual Fire Statement**
Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution to engage a duly authorised contractor to assist in the completion for the annual fire safety statement and that a member of the strata committee or owners corporation sign the annual fire safety statement prior to lodgment with Council.
- 19 Fire Order Quote**
Resolved that the Owners - Strata Plan No. 79951 by ORDINARY resolution approve the quote from Civil Fire for \$31,306 including GST to complete works as required under the fire order from Sydney City Council. Should an alternate option that is competitive to Civil Fire be found the money approved will be used for the works to be completed under the fire order from Sydney City Council.
- 20 Lift Safety Report**
Resolved that the Owners - Strata Plan No.79951 by ORDINARY resolution instructs the strata manager to arrange for Thomson Elevator Consultancy Services or a similar duly qualified contractor to undertake Lift Safety Report.
- 21 Lift Work Cover**
Resolved the Owners - Strata Plan No. SP 79951 by ORDINARY resolution instructs the strata manager to sign the Work Cover Statement for registration purposes, stating under delegated authority that, based on the lift contractor's maintenance statement, the lift is maintained and safe to operate.

END OF MEETING

CLOSURE: There being no further business, the chairperson declared the meeting closed at .

14 June 2022

THE OWNERS - STRATA PLAN NO 79951
C/- Sydney Strata Specialists
PO BOX 7421
BONDI BEACH NSW 2026

Licence No.: FIRE/2022/35
Trim: 2022/321974

Premises: 29-37 Epsom Road, ROSEBERY NSW 2018 ('Coda' building)

NOTICE OF INTENTION TO GIVE AN FIRE SAFETY ORDER
Schedule 5, clause 6, Environmental Planning and Assessment Act 1979

An inspection of the building by Council Investigation officer, on 8 June 2022 has revealed that the abovementioned premises are deficient in fire safety and egress facilities.

City of Sydney Council intends to give you a Fire Safety Order under Schedule 5, Part 2 of the Environmental Planning and Assessment Act, 1979.

A copy of the proposed order, which includes the period within which it must be complied with and the reasons for the proposed order, is attached.

You may make representations to Council's South Area Manager Steve Bedano as to why the Order should not be given or as to the terms of or period for compliance with the Order.

In this respect written advice of your intention to make representations including specific contact details to assist Council in informing you of the time and date of your representations should be received by Council within 21 days from the date of this notice.

After hearing and considering any such representations Council may determine:

- (a) to give an order in accordance with the proposed order;
- (b) to give an order in accordance with modifications made to the proposed order;
- (c) not to give an order.

In the event that Council serves an Order under the said Act in the abovementioned terms, a person on whom such an Order is served may appeal against the Order to the Land and Environment Court of New South Wales within 28 days after service of the Order.

Compliance Cost Notice

If Council issues you with an Order under Schedule 5, Part 2 following this Notice of Intention it may also issue you with a Compliance Cost Notice under Schedule 5 section 37 of the Act. Where such a notice is issued it will require you to pay a specified amount, being Council's reasonable costs and expenses incurred in monitoring works and ensuring compliance with the Order. This may include the time spent by Council staff, including time spent undertaking inspections, as well as any other expenses incurred in taking steps to ensure the Order is complied with.

For further information regarding this notice please contact Doug McLennan of the Health and Building - South Area on 9265 9741 or dmclennan@cityofsydney.nsw.gov.au

Yours sincerely



Doug McLennan
Building Surveyor - South Area Team

THE OWNERS - STRATA PLAN NO 79951
C/- Sydney Strata Specialists
PO BOX 7421
BONDI BEACH NSW 2026

Licence No: FIRE/2022/35

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
Schedule 5, Part 2, FIRE SAFETY ORDER
Premises: 29-37 Epsom Road, ROSEBERY NSW 2018

You being the owner in respect of the property at the abovementioned premises are ordered by City of Sydney Council to do such things as are specified in the order so as to ensure and promote adequate fire safety and fire safety awareness within the subject premises. The specified works given below shall be completed to the satisfaction of Council within the compliance period detailed below.

Circumstances in which an Order number 1, can be given:

1. When provision for fire safety or fire safety awareness is inadequate to:
 - prevent fire, or
 - suppress fire, or
 - prevent the spread of fire.
2. To ensure or promote the safety of persons in the event of fire.
3. When lack of maintenance of the premises or the use of the premises constitutes a significant fire hazard.

Premises the subject of the Order:

29-37 Epsom Road, ROSEBERY NSW 2018 (Coda Building)
Lot 10 DP 1118272, Lots 1-53 SP 79951, Lots 55-58 SP 79951, Lots 62-85 SP 79951

Compliance Period:

Pursuant to clause Schedule 5, section 27 of the Environmental Planning and Assessment Act 1979, the period for compliance with this order is as follows:

- I. Stage 1 works shall be completed within 90 days (Date T.B.A.) from the date of this order;
- II. Stage 2 works shall be completed within 275 days (Date T.B.A.) from the date of this order;
- III. Stage 3 works shall be completed within 640 days (Date T.B.A.) from the date of this order.

Relevant Authority:

The relevant legislative provisions are Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act, 1979.

Modification of Orders:

The terms of this development control order can only be modified by Council in writing, and only if the person to whom the Order was given agrees to that modification. In no circumstances can the terms of the Order be amended orally.

Any application to Council seeking an amendment of this Order must be in writing clearly setting out:

- the term(s) to be modified,
- the reasons for the modification of the term(s) and
- any substitute term(s) to be added to the Order (if applicable)

Submission of Fire Safety Certificate:

That a person to whom a fire safety order is given, must within the time specified in the order, cause a copy of the final fire safety certificate for the building (being a certificate issued after the requirements of the order have been complied with) to be given to the Council.

Failure to provide a copy of the final fire safety certificate is an offence under the Environmental Planning and Assessment Regulation and can be the subject of an infringement notice.

REASONS FOR GIVING THE FIRE ORDER

Pursuant to Schedule 5, section 5 of the Environmental Planning and Assessment Act 1979, this Order was given for the following reasons:

GENERAL

1. The building is considered to be in an unsafe fire safety condition, lacking among other things proper provision for the detection, controlling and extinguishment of fire and adequate provision for escape in the event of a fire emergency;

CONSTRUCTION

2. Entry doors to the fire isolated exit(s) have fire resisting doorsets that are exposed to weather and show signs of decay. Suitable fire resisting doorsets are required to prevent the spread of fire to the exit and to assist in the safe evacuation of the occupants in the event of a fire emergency
3. Ceiling within fire isolated stairway showed signs of water damage. Accordingly, the building is not constructed of fire-resistant materials that would otherwise maintain structural stability during a fire;

MEANS OF EGRESS

4. The stair treads of the existing fire escape stairs lack a slip resistant finish. This omission presents a risk to occupants slipping and injuring themselves whilst using the stairs;
5. The fire exit stair within the building does not provide acceptable provisions for access and egress to and from the building as the swing of exit doors encroach on minimum egress path of travel width.

FIRE SERVICES AND EQUIPMENT

6. Lift landing doors are not listed on the buildings Fire Safety Schedule, this omission may suggest that the required fire measure is not being maintained to the degree necessary to ensure their reliable performance in the event of a fire;
7. The building is not provided with suitable exit signage or emergency evacuation lighting which assists in occupant safety within a building in a fire emergency situation;
8. The building is not provided with appropriate firefighting equipment to safeguard against the spread of fire and to assist occupants and Fire and Rescue NSW to undertake fire-fighting operations on a fire;
9. Access to fire equipment is obstructed. The obstructions could prevent building occupants from finding and using the equipment in the event of a fire emergency. This may allow the fire to grow unimpeded and place occupants and the building structure at a greater fire risk;

10. There is inadequate signage in the building to alert emergency services to the location of required equipment in the event of a fire which presents a risk to the occupants of the building;
11. Location of the fire hydrant pump room and fire hydrant booster assembly near a high voltage electricity substation does not appropriately facilitate Fire and Rescue NSW fire-fighting operations on a fire. This may allow the fire to grow unimpeded and place occupants and the building structure at a greater fire risk;

PROPOSED

Terms:

The terms of the Order are:

THE SPECIFIED WORKS

1. SAFETY OF PERSONS IN THE EVENT OF FIRE

1.01 Certification of exit signs

That certification is required that exit signs have been designed and installed throughout the building to the requirements expressed in Part E4 of the BCA. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current equipment; **(Work to be completed as part of Stage 2)**

1.02 Certification of emergency lighting

That certification is required that a system of emergency lighting has been installed throughout the building to provide sufficient light in an emergency in accordance with the requirements of Part E4 of the BCA. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current equipment; **(Work to be completed as part of Stage 2)**

1.03 Non-slip finish to stair treads

That all treads and landings of the existing stairways shall be provided with a non-slip finish or an adequate non-skid strip near the edge of the nosings/landing; **(Work to be completed as part of Stage 2)**

1.04 Certification of exit signs

That certification is required that exit signs have been designed and installed throughout the building to the requirements expressed in Part E4 of the BCA. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current equipment; **(Work to be completed as part of Stage 2)**

1.05 Signage on Eastern Fire Stair Exit Doors.

That caution type signage of the opening of exit doors shall be provided on Fire Doors opening onto the eastern fire stair. When in the open position the Fire Doors encroach on the minimum egress path width of 1000mm required within the egress stairway.

(Work to be completed as part of Stage 2)

1.06 Fire Safety Audit/Final Fire Safety Certificate

- (1) The Owner shall carry out an inspection and audit of all required fire safety measures installed within the building and contained within the Fire Safety Schedule attached to this Order; and
- (2) The Owner shall undertake all such remedial works necessary to ensure that those required fire safety measures contained within the attached Fire Safety Schedule are capable of operating/performing to at least the standard for which the measure was originally designed and implemented; and
- (3) A Final Fire Safety Certificate shall be submitted to Council, to the effect that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates;

- (a) has been assessed by a properly qualified person, and
- (b) was found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued;

(Work to be completed as part of Stage 3)

2. PREVENTION OF FIRE

2.01 Good housekeeping

That good housekeeping shall be maintained at all times; **(Work to be completed as part of Stage 1)**

2.02 Egress paths to be kept clear

That egress paths/exits shall be kept free of obstructions/storage at all times; **(Work to be completed as part of Stage 1)**

2.03 Storage in and around fire hydrant pump room.

That all non-essential items in and around the fire hydrant booster pump room shall be removed and re-located to a more suitable position of safety. **(Work to be completed as part of Stage 1)**

2.04 Unapproved storage of items and storage enclosures in basement carpark.

That the unapproved storage of items and unapproved storage enclosures within the basement carpark shall be removed. **(Work to be completed as part of Stage 1)**

2.05 Obstructions in fire hydrant/hose reel cabinets

That unapproved storage of items and non-fire services obstructing access to fire-fighting equipment in fire hydrant/hose reel cabinets shall be removed **(Work to be completed as part of Stage 1)**.

3. DETECTION OF FIRE

3.01 Existing fire alarm upgrade

That the existing automatic fire detection and alarm system shall be upgraded to incorporate smoke type detectors in areas throughout the building, such as common corridors, stair shafts and the like and at least one within each unit (unit protection may be satisfied by the installation of smoke type alarms complying with Clause 3 of Specification E2.2a of the BCA) complying with AS1670.1; **(Work to be completed as part of Stage 2)**

3.02 Building occupant warning system

That a building occupant warning system shall be installed throughout the building. The system is to comply with the requirements of Clause 7 of Specification E2.2a of the BCA; **(Work to be completed as part of Stage 2)**

4. THE PREVENTION OF THE SPREAD OF FIRE

4.01 Fire doors to units and stairways/other areas

That the doors of the following areas shall have a fire resistance level of -/60/30 and be fitted with an approved self-closing device designed to bring the doors to the fully closed and latched position after each manual operation:

- (a) all entrance doors to sole occupancy units;
- (b) all doors to the stairways;

(Work to be completed as part of Stage 2)

4.02 Certification of existing lift landing doors

That appropriate evidence shall be submitted to Council to demonstrate that the existing lifts are provided with -/60/- fire rated lift landing doors in accordance with the requirements of Clause C3.10 of the BCA.

Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 2)**

4.03 Certification of existing ceiling(s) in fire isolated stairways and passageways

That certification shall be required to authenticate the existing ceilings throughout the building as possessing a fire resistance level of 90/90/90. Appropriate documentation shall be provided from a suitably qualified person or company attesting compliance; **(Work to be completed as part of Stage 3)**

5. THE SUPPRESSION OF FIRE

5.01 Certification of existing fire hose reels system

That certification shall be submitted confirming that the existing hose reel system was designed and installed to the appropriate legislative requirements at the time of installation. Further remedial upgrading works may be required to be carried out on the system depending upon the standard of installation and the level of performance offered by the current system; **(Work to be completed as part of Stage 2)**

5.02 Upgrade of existing fire hydrant system

That the existing fire hydrant system shall be upgraded to in accordance with the following:

- a) Provide Storz couplings compatible with FRNSW firefighting hose connections to all fire hydrant vales throughout the premises in accordance with the requirements of Clause 3.1 and 8.5.11.1 of AS2419.1-2005, Clauses 1.2 and 3.4 of AS 2419.2-2009 and 'FRNSW Fire safety guideline, Technical information -FRNSW compatible Storz hose connects – Document no.D15/45534- Version 09 – Issued 10 January 2019'.
- b) That doors to enclosures containing fire hydrant valves (and fire hose reels) along the open balconies on the residential levels shall display the words 'Fire Hydrant' in accordance with the requirements of Clause 3.6.2 of AS2419.1-2005.
- c) That a pressure gauge is provided at the most hydraulically disadvantaged fire hydrant in accordance with the requirements of Clause 9.3.29b) f AS2419.1-2005.

(Work to be completed as part of Stage 2)

5.03 Access to existing fire hydrant pump room.

That the door to the existing fire hydrant pump room be fitted with only locks that are compatible with FRNSW access keys.

(Work to be completed as part of Stage 1)

5.04 Upgrade to Fire hydrant booster,

That a new fire hydrant booster assembly shall be provided accordance with the requirements of Australian Standard, AS2419.1. Design certification and plans of a C4 Accredited Hydraulic Engineer shall be submitted to Council for approval prior to construction works being initiated. Proper certification shall be provided form an appropriately qualified person or company attesting compliance of completed works.

(Works to be completed as part of Stage 3).

5.05 New Pump-set and pump room

That a new fire hydrant pump-set and pumphoom shall be provided in accordance with the requirements of Australian Standards, AS2419.1 and AS2941. Design certification and plans of a C4 Accredited Hydraulic Engineer shall be submitted to Council for approval prior to construction works being initiated. Proper certification shall be provided form an appropriately qualified person or company attesting compliance of completed works. Note: It is recommended contact be made with Fire and Rescue NSW in the design of a pump room for the premises.

(Design documentation to be submitted to the City for approval as part of Stage 2)
(Works to be completed as part of Stage 3).

5.06 Certification of existing portable fire extinguishers

That certification shall be submitted confirming that the existing portable fire extinguishers were selected, located and installed to the appropriate legislative requirements at the time of installation. Further remedial upgrading works may be required to be carried out depending upon the standard of installation and the level of performance offered by the current equipment;

(Work to be completed as part of Stage 2)

IMPORTANT NOTES

You are advised that the provisions of the Environmental Planning and Assessment Act, 1979 and Regulations made under the Act are not being complied with.

The requirements of the paragraph above include items which are classified as essential fire safety measures pursuant to Schedule 2 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

Such items are listed in the attached schedule of this Order together with the minimum standard to which those services are required to be designed, installed and maintained.

APPEAL

THAT THE PERSON TO WHO THE ORDER IS ADDRESS MAY APPEAL AGAINST THE ORDER.

AN APPEAL MAY BE MADE TO THE LAND AND ENVIRONMENT COURT, LEVEL 4, 225 MACQUARIE STREET, SYDNEY WITHIN 28 DAYS OF THE SERVICE OF THIS ORDER UPON YOU.

BUILDING USE AND CLASSIFICATION

The building the subject of this order has been classified as a class 2, 5 and 7a determined in accordance with A6 of the BCA.

The building is used primarily as a residential apartment building with ground floor retail and offices and basement carpark having a rise in storeys of pursuant to C1.2 of Volume One of the BCA and an effective height of less than 25m.

FIRE AND RESCUE NSW NOTIFICATION

A copy of this Order has been sent to the Commissioner of Fire and Rescue NSW pursuant to the requirements of schedule 5, section 10 of the Environmental Planning and Assessment Act 1979.

PENALTY

PENALTY (corporation)

Tier 1 offences under the Environmental Planning and Assessment Act 1979 that are intentional and give rise to significant harm to the environment or cause the death or serious injury or illness to a person can give rise to fines of a maximum of \$5,000,000 in the case of a corporation and daily fines of \$50,000. Tier 2 offences, if applicable, can give rise to fines of \$2,000,000 in the case of a corporation and daily fines of \$20,000.

It is important to note that Council has given this Order with 3 (three) separate and distinct compliance periods. Failure to comply with anyone constitutes an offence under the Environmental Planning and Assessment Act 1979.

Failing to comply with the terms of a fire safety order can also be the subject of an infringement notice.

Also if the Order is not complied with, Council may give effect to the Order and recover the costs of doing so from you.

COMPLIANCE COST NOTICE

As a result of the issue of this Order, Council may also issue you with a Compliance Cost Notice under Schedule 5, section 37 of the Act. Where such a notice is issued it will require you to pay a specified amount, being Council's reasonable costs and expenses incurred in monitoring works and ensuring compliance with the Order. This may include the time spent by Council staff, including time spent undertaking inspections, as well as any other expenses incurred in taking steps to ensure that the Order is complied with. Where Council issues you with a Compliance Cost Notice you will have a right of appeal to the Land and Environment Court in accordance with section 8.24 of the Act.

MAINTENANCE OF EXISTING FIRE SAFETY MEASURES

That all existing fire safety measures installed within the building are to be maintained to the degree necessary whilst upgrading works are carried out under the requirements of the fire safety order. Failure to maintain existing fire safety measures to the degree necessary may incur a penalty infringement notice

WORK HOURS AND MISCELLANEOUS APPROVALS

Work associated with this Order must only be carried out between the hours of 7:30am and 5:30pm on Mondays to Fridays, inclusive and 7:30am and 3:30pm on Saturdays and no work must be carried out on Sundays or public holidays;

Any and all works on or over the public way shall require prior temporary approval from the Council under section 68 of the Local Government Act 1993. An application for a temporary permit may be made through Council's Construction Regulation team. They may be contacted by telephone on 9265 9333.

CONTACT DETAILS

For further information regarding this Order please contact Doug McLennan of Council's Health and Building Unit on telephone number 9265 0741 or email dmclennan@cityofsydney.nsw.gov.au

Yours sincerely

Doug McLennan
Building Surveyor (South Area Team)

FIRE SAFETY SCHEDULE

SECTION(S) 78 & 79 ENVIRONMENTAL PLANNING & ASSESSMENT (DEVELOPMENT CERTIFICATION and FIRE SAFETY) REGULATION 2021.

FIRE SAFETY MEASURES CURRENTLY OR PROPOSED TO BE IMPLEMENTED IN THE BUILDING MINIMUM STANDARD OF PERFORMANCE

Premises: 29-37 Epsom Road, ROSEBERY NSW 2018
Date of Order: To Be Advised
Our Ref: FIRE/2022/35

FIRE SAFETY MEASURES		Current	Proposed	Minimum Standard or Standard of Installation
1.	Automatic smoke detection and alarm system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Specification E2.2a (3) or (4) of the BCA / AS 1670.1- 2004 & AS3786 - 1999
2.	Building occupant warning system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Clause 6 of Specification E2.2a of the BCA
3.	Emergency lighting	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Part E4 of the BCA
4.	Exit signs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Part E4 of the BCA
5.	Fire alarm communication link	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Specification E2.2a (7) of the BCA / AS 1670.3
6.	Fire collars	<input checked="" type="checkbox"/>	<input type="checkbox"/>	C3.15 of the BCA / AS 1530.4 / AS 4072.1
7.	Fire doors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Spec C3.4, C2.12, C2.13 & C3.8 of the BCA / AS 1905.1 - 2005
8.	Fire seals protecting openings to fire resisting components of the building	<input checked="" type="checkbox"/>	<input type="checkbox"/>	C3.15 of the BCA / AS 4072.1, AS 1530.4
9.	Fire hydrant system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	E1.3 of the BCA / AS 2419.1 -2005
10.	Fire seals protecting openings to fire resisting components of the building	<input checked="" type="checkbox"/>	<input type="checkbox"/>	C3.15 of the BCA / AS 4072.1, AS 1530.4
11.	Hose reel system	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	E1.4 of the BCA / AS 1221, AS 2441

12.	Lift landing doors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	C3.10 of the BCA / AS 1735.11
13.	Lightweight fire resisting construction (to ceilings and light weight shafts within fire stairs)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	C1.8 of the BCA / AS1530.4 / 3 layers of 13mm Fyrchek (tested system)
14.	Mechanical air handling system (throughout carpark)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	E2.2 of the BCA / AS/NZS 1668.1 - 1998
15.	Portable fire extinguishers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	E1.6 of the BCA / AS 2444
16.	Stretcher lift facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	E3.2 of the BCA/AS1735.2
17.	Wall wetting sprinkler and drencher systems	<input checked="" type="checkbox"/>	<input type="checkbox"/>	C3.4 of the BCA / AS 2118 – 2
18.	Warning and operational signs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	D2.23, E3.3, C3.6 of the BCA, Environmental Planning & Assessment Regulation 2000

On completion of the work, the owner of the building shall cause the Council to be furnished with a "Final Fire Safety Certificate" in relation to each essential fire or other safety measure included in this schedule. The certificate shall meet with the requirements of Part 9 Division 4 of the Environmental Planning and Assessment Regulation 2000.

A copy of the fire safety certificate and subsequent statements are to be prominently displayed in the building.

You are also advised that a copy of the fire safety certificate and subsequent statements are to be forwarded to the "**Commissioner of Fire and Rescue NSW**" located at "*Amarina Avenue, Private Locked Bag 12, Greenacre 2190*".

In addition to the above, it will be necessary at least once in each period of 12 months from the date of the above "Final Fire Safety Certificate" for the owner of the building to furnish the Council with respect to each essential fire or other safety measure implemented in the building, an "Annual Fire Safety Statement" pursuant to the requirements of Part 9 Division 5 of the Environmental Planning and Assessment Regulation 2000 the details of which will be available on application.

Glossary

Term	Definition
Appropriately Qualified Person	A professional person/organisation having the specific knowledge and expertise that relates to the field the subject of the submitted report/certification/investigation and that that person or organisation possesses the relevant academic qualifications within that particular discipline and is recognised by the appropriate authority (where accreditation is applicable in that field)
NCC (BCA)	<p>The National Construction Code (NCC) is an initiative of the Council of Australian Governments developed to incorporate all on-site construction requirements into a single code.</p> <p>The NCC is produced and maintained by the Australian Building Codes Board (ABCB) on behalf of the Australian Government and each State and Territory government.</p> <p>The NCC is a uniform set of technical provisions for the design and construction of buildings and other structures, and plumbing and drainage systems throughout Australia. It allows for variations in climate and geological or geographic conditions.</p> <p>The edition (year) of the NCC used in compliance with the order will be the edition current at the time of the Order being issued.</p>
Certification	Means a certificate or other approved form of written correspondence issued by an appropriately qualified person stating that the properties and or performance of a material, product or system, method of construction or design meet with the specific requirements of the order.
AS - AS/NZS	Means an Australian Standard, (New Zealand) which sets out specifications (design/installation/maintenance) for certain fire safety protection equipment/services.
FRL	<p>Fire-resistance level (FRL). Means the fire resistance [in minutes] of a building element determined in accordance with Specification A2.3 of the BCA, for the following criteria:</p> <p><input type="checkbox"/> Structural adequacy; and <input type="checkbox"/> Integrity; and <input type="checkbox"/> Insulation, expressed in that order</p>
Details (to be submitted)	Means architectural building plans, drawn to industry standards, having an appropriate scale(s), elevations, sections and accompanied with suitable specification dealing with materials methods of construction and design.
Smoke Resistive Construction	A form of non-combustible construction which has subdividing walls, floors or other smoke barriers in it required to contain/minimise smoke movement throughout a building during a fire.
Penetration	An aperture in a fire separating element of construction, which could, in the event of a fire, allow the passage of fire to another fire compartment or other structurally separated area of a building.
Final Fire Safety Certificate	<p>A final fire safety certificate is a certificate issued by or on behalf of the owner of a building to the effect that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:</p> <p>(a) has been assessed by a properly qualified person, and</p> <p>(b) was found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.</p> <p>NOTE: A person to whom a fire safety order is given in relation to any building must, within the time specified in the order, cause copies of a final fire safety certificate for the building (being a certificate issued after the requirements of the order have been complied with) to be given to the person by whom the order was given (and, if that person was not the council, to the council).</p>



HANSEN YUNCKEN

Managing Contractor for Project Remediate

PROJECT REMEDIATE

Thirty Percent Design

29-37 Epsom Road - Rosebery
(Project 058)

30 September 2022

We are
listening
to you



Our
response
to your
feedback

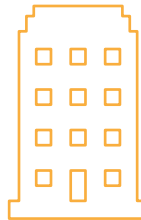
- We're moving forward with the remediation of your building as quickly as possible.
- We've progressed your preference to maintain 'like for like' – Solid Aluminium.
- We've taken on board your request to include the louvres in the remediation works.
- Discussion to be had on insurance renewal.

Let's start
at the
beginning

Project Remediate is an opt-in program

- Over 200 strata committees have registered interest so far
- We accept that owners of buildings with high-risk flammable cladding are not happy that they have this problem or that they should pay for remediation of their building
- Our challenge is to deliver a consistent program-wide service
 - program cost is carried by the NSW Government
 - building owners only fund the direct cost of their work at a market price
- Balancing these imperatives will always be a challenge and we want to work with you
- The Project Remediate team is committed to delivering high quality remediation for best value for money for each building

**Over 200
buildings
registered**



**Scheduled into
tranches
for remediation
over 3-4 years**



How does Project Remediate work for all

Managing risks

- Fire safety
- Best practice
- Complete remediation (not superficial)

Safety is paramount

- Safety of your building's residents
- Safety of staff working on remediation

Insurable outcome

- Confidence that design and delivery will result in an insurable product

Selection of specialists

- Carefully selected contractors with specific capability and experience
- Competitive tendering managed on your behalf
- Managing performance and completion risks

Our Investigation

- Specific locations where there's flammable cladding
- How many panels need to be replaced, including size, how they're fixed to your building, how they relate with other elements, e.g. windows
- What's behind the cladding - confirm framing system, waterproofing layers and insulation types



- Take samples of cladding and other materials as required to confirm combustible material
- What are the 'as built' building conditions and other architectural details that to inform remediation design



- How do the observations and samples compare against Fire Order, building code and legislation requirements
- Concurrent inspections to check if other potential adjacent works are required to facilitate remediation



Investigations highlight some façade elements that need to be assessed or remediated

- Combustible materials - plastic packers, timber and ACP offcuts
- Corrosion to subframe
- Curvature of the facade
- Moisture within façade cavity
- No drainage
- Installation of louvres on top of aluminium cladding

What we
found at
your
building



What's included

Item	Option 1 Solid Aluminium Cladding
Subtotal forecast (incl. contingency) (30% concept design stage)	\$1,454,924 (ex. GST)
GST	\$145,492
Total forecast (incl. contingency)	\$1,600,416 (incl. GST)

Solid Aluminium Cladding

Per m² estimate (474sqm)[^]
\$ 3,376 (incl GST)

\$34,051 (incl GST)
Average cost per lot*

[^]Includes all specialist fees for investigation, design, remediation, the Superintendent and Independent Assurer to meet your building's unique requirements

* Based on 47 Lots. ***Does not consider Lot Entitlement.***

Your
feedback

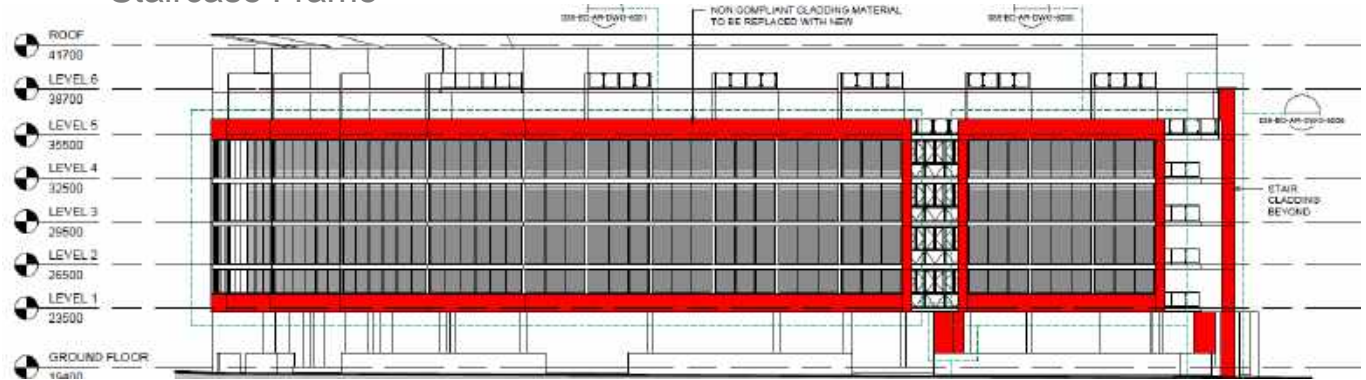
Have we missed anything?

Do you have questions
on what we've found?

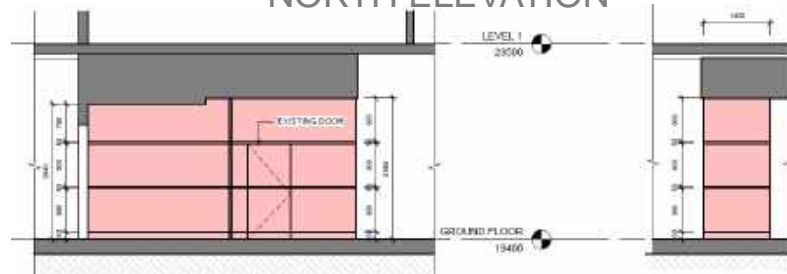
Façade cladding non-compliant in some sections

- Portal Frames – North Elevation
- Entry Lobby
- Staircase Frame

Over to
Dany



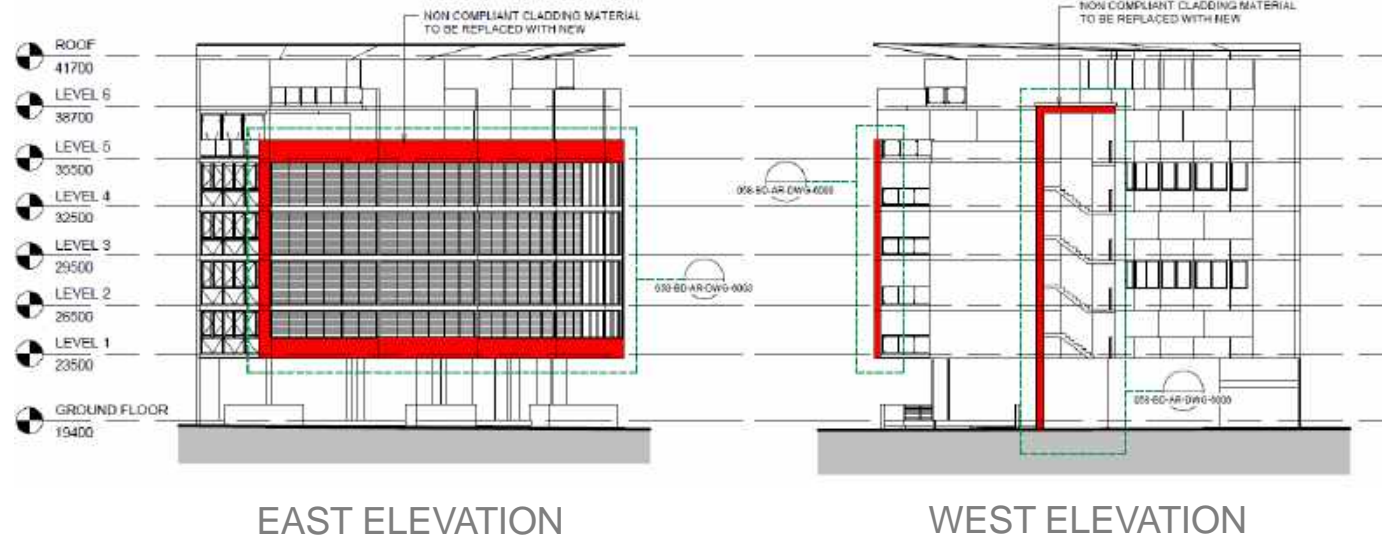
NORTH ELEVATION



MAIN LOBBY

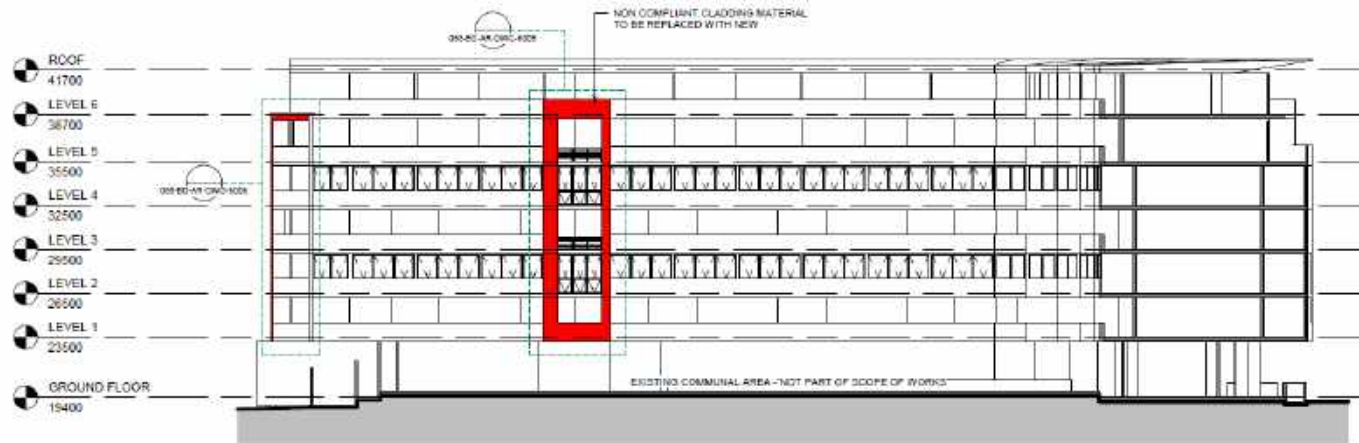
Façade cladding non-compliant in some sections

- Curved Portal Frame from North Elevation to East Elevation
- Staircase Frame



Façade cladding non-compliant in some sections

- South Elevation Lobby – Portal Frame



SOUTH ELEVATION

Development Control Order Requirements

The terms of your Building Product Rectification Order are:

- Submit details of the proposed replacement cladding material (and any related materials between the external wall cladding and primary wall structure) and the way it is to be replaced;
- Sample board of replacement cladding material(s);
- A statement from a Certifier- fire safety (previously Category C10 Fire Safety Engineer) or Building Surveyor stating that the new cladding material (and any related materials incorporated therein including the facade covering, framing and insulation) used to re-clad the building is suitable and complies with the relevant requirements of the NCC;
- Architectural plans including a site plan and elevations showing the location of cladding to be removed and replaced;
- Material product specification (fire testing reports/install requirements/any product limitations);
- Site management procedures; and
- Certification of Non-Combustible External Cladding in a form approved by Council and from a Certifier - fire safety (previously Category C10 Fire Safety Engineer) or Building Surveyor confirming that the replacement material (including all components incorporated therein including the facade covering, framing and insulation) is deemed suitable and complies with the relevant requirements of the NCC

Your solution
meets
mandatory
design
requirements

Option 1: Solid Aluminium Cladding

- Solid aluminium cassette cladding fixed to building in full accordance with BCA, Australian Standards, Fire Order and Project Remediate.
- 'Like for Like' to protect the original design intent.
- New sarking membrane and new cavity fire barriers
- New sealant for waterproofing of all junctions with existing windows, adjacent structures and cladding systems
- Fold joints like existing
- Powder coat finish
- Solid Aluminium is less rigid which requires more frequent supports



Existing cladding



Similar look Powder Coated Aluminium is the closest match to existing colour, texture, finish & appearance.

Design Elements

Element	Solid Aluminum
Availability	Readily Available
Appearance	Closest to existing “like for like in appearance”
Limitation	Manufacturers shop drawing process required.
Reuse-Recycling	Fully recyclable including frame and fixing
Maintenance	Low maintenance
Warranty	15 years
Finishes	Generally powder coated in standard colours, special orders can be supplied but more expensive

Proposal Comparison

Project Remediate

- 10-year interest-free loan
- Hardship support available
- Insurable end product
- Complies with your Fire Order and will close it out
- Contractor solvency risk managed
- Building-specific designs
- Council permits and statutory certifications included
- Waste and recycling contract

Other proposals

- Risk that all services may not be included
- May not benefit from 'As Built' drawings to commence project, solution may not be suitable, or extra costs may apply
- Council permits for site works included
- May exclude certification and assurance
- Works may be complete faster
- General rubbish disposal

Your project will not be burdened with any overall global program management expense

All projects are subsidised (higher level of support to smaller buildings where there are disproportionate costs)

WHAT YOUR REMEDIATION JOURNEY LOOKS LIKE

Your program

Oct 2022 – Dec 2022



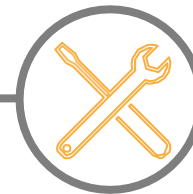
- Design consultation
- Loan briefings
- Technical clarification
- Fire Order resolution

Dec 2022



- 100% Design Complete
- Tenders called

Feb – May 2023



- 100% Decision Milestone
- Contract awarded
- Remediation starts
- Loan signed

Sept 2023



- Remediation complete

Loan specialists to help you



Lannock appointed as Loan Originator & Servicer (LOS)
Lannock will schedule a briefing shortly to discuss your loan



Hardship Provisions available if you need support

Questions?

What happens next?

Opt In

- **By 14th October 2022:** Advise us of your preferred design option
- Meet with your loan service originator
- **By February 2023:** We will finalise the design and present a 100% design and costs to you
- **May 2023:** Remediation contractors and consultants engaged and ready to commence work

Pause

- **By 14th October 2022:** Advise us that you wish to pause, or are not ready to make a decision
- We will provide you with documents to help you continue your journey
- We will temporarily release your current place in the program schedule and place your building on a temporary hold until you come back to us. The door will still be open.
- We will need to notify Council of your updated status within Project Remediate
- Note: there may be a delay to re-introduce your building into our program at a later date

Your team

Your Hansen Yuncken Program Manager is:

Courtney Bell

Email: cbell@hansenyuncken.com.au

Contact Project Remediate:

Email: remediateOC@hansenyuncken.com.au

Thank you

EXTERNAL FAÇADE ASSESSMENT REPORT

BUILDING CODE OF AUSTRALIA 2019

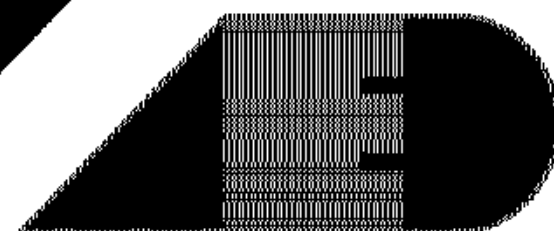
29-37 Epsom Road, Rosebery

DATE ► 26/05/2020

REPORT NO. ► 10000.1

PREPARED FOR ► The owners of SP 79551

PREPARED BY ► AE&D



AEDGROUP

Innovation & expertise in building regulations



CONTENTS

1.0	EXECUTIVE SUMMARY AND RECOMMENDATIONS	3
2.0	INTRODUCTION	5
2.1	EXPLANATORY INFORMATION	5
2.2	BASIS OF REPORT	9
2.3	PURPOSE OF THE REPORT	9
2.4	LIMITATIONS OF THE REPORT	9
3.0	BUILDING COMPRISING COMBUSTIBLE CLADDING	10
4.0	CONCLUSION	15
5.0	ATTACHMENT A -DETAILS ON THE ALUMINIUM COMPOSITE PANEL BAN	17
6.0	ATTACHMENT B - SAMPLE TEST RESULTS	25

REVISION STATUS				
REVISION	DATE	STATUS	PREPARED BY	APPROVED BY
10000 Rev 0	12/05/2020	Final	DK	AW/NH

COMMERCIAL IN CONFIDENCE

This document contains confidential material that is intended solely for the client commissioning AE&D to prepare this report. The client, project team and all regulatory authorities shall exercise precautionary measures to ensure that the information contained herein is not to be accessed by any third party. AE&D will take no responsibility for the use of any information contained within this report by any third party unless AE&D's permission is requested and provided in writing.





1.0 EXECUTIVE SUMMARY AND RECOMMENDATIONS

This report provides a Building Code of Australia (BCA) 2019 assessment of the building located at 29-37 Epsom Road, Rosebery.

The primary purpose of this report is to identify if there is a non-compliance with BCA C1.9 and C1.14, specifically the non-combustibility of external walls and ancillary elements as requested under a fire safety order issued to the Owner of SP 79551 by City of Sydney Council dated 5 December 2019.

AED has identified combustible cladding installed on the building façade.

AED has been provided with the report based on the sample testing by Cetec (Ref CN190308) regarding the cladding installed to the building (see Attachment B for excerpt).

Building Products (Safety) Act 2017

The report confirms the presence of Aluminium Composite Panels with a core percentage of greater than 30% Polyethylene on the building (Approx 99.9% Polyethylene).

This form of cladding (with a Polyethylene Core percentage of greater than 30%), are considered to be a banned product under the **Building Products (Safety) Act 2017** which came into force on 15 August 2018.

Building Code of Australia

The location of the subject panels to the shown elevations is as such that it forms a non-compliance with the provisions of C1.9 of the BCA which requires all external walls and their components to be non-combustible.

C1.9 Non-combustible building materials

- (a) **In a building required to be of Type A or B construction, the following building elements and their components must be non-combustible:**
 - (i) **External walls and common walls, including all components incorporated in them including the façade covering, framing, and insulation.**
 - (ii) **The flooring and floor framing of lift pits.**
 - (iii) **Non-load-bearing internal walls where they are required to be fire-resisting.**
- (b) **A shaft, being a lift, ventilating, pipe, garbage, or similar shaft that is not for the discharge of hot products of combustion, that is non-loadbearing, must be of non-combustible construction in –**
 - (i) **A building required to be of Type A construction; and**
 - (ii) **A building required to be of Type B construction, subject to C2.10, in**
 - (A) **A Class 2, 3, or 9 building; and**
 - (B) **A Class 5, 6, 7 or 8 building if the shaft connects more than 2 storeys.**
- (c) **A load-bearing internal wall and a loadbearing fire wall, including those that are part of a loadbearing shaft, must comply with specification C1.1.**
- (d) **The requirements of (a) and (b) do not apply to gaskets, caulking, sealants and damp-proof courses.**
- (e) **The following materials may be used wherever a non-combustible material is required:**
 - (i) **Plasterboard.**
 - (ii) **Perforated gypsum lath with a normal paper finish.**
 - (iii) **Fibrous-plaster sheet.**
 - (iv) **Fibre-reinforced cement sheeting.**
 - (v) **Pre-finished metal sheeting having a combustible surface finish not exceeding 1mm thickness and where the spread of flame index of the product is not greater than 0.**
 - (vi) **Sarking-type materials that do not exceed 1 mm in thickness and have a Flammability Index not greater than 5.**
 - (vii) **Bonded laminated materials where –**
 - (A) **Each lamina, including any core, is non-combustible; and**
 - (B) **Each adhesive layer does not exceed 1mm in thickness and the total thickness of the adhesive layers does not exceed 2mm; and**
 - (C) **The spread of flame index and the smoke developed index of the bonded laminated material as a whole do not exceed 0 and 3 respectively.**

C1.14 Ancillary Elements

An ancillary element must not be fixed, installed or attached to the internal or external face of an external wall that is required to be non-combustible unless it is one of the following:

- (a) **An ancillary element that is non-combustible.**
- (b) **A gutter, downpipe or other plumbing fixture or fitting.**





- (c) A flashing.
- (d) A grate or grille not more than 2m² in area associated with a building service.
- (e) An electrical switch, socket outlet, cover plate or the like.
- (f) A light fitting.
- (g) A required sign.
- (h) A sign other than one provided under (a) or (g) that –
 - (i) achieves a group number of 1 or 2; and
 - (ii) and does not extend beyond one storey, and
 - (iii) Does not extend beyond one fire compartment; and
 - (iv) Is separated vertically from other signs permitted under (h) by at least 2 storeys.
- (i) An awning, sunshade, canopy, blind or shading hood other than one provided under (a) that –
 - (i) meets the requirements of Table 4 of specification C1.10 as for a normal element; and
 - (ii) serves a storey –
 - (A) At ground level; or
 - (B) Immediately above a storey at ground level ; and
 - (iv) Does not serve an exit, where it would render the exit unusable in a fire.
- (j) A part of a security, intercom or announcement system.
- (k) Wiring.
- (l) A paint, lacquer or a similar finish.
- (m) A gasket, caulking, sealant or adhesive directly associated with (a) to (k).

It is recommended that the combustible panels installed to the building, as indicated within section 3.0 of this report, be removed and replaced with a product deemed non-combustible in accordance with AS 1530.1-1994.

Action Plan and Timeframes for Compliance

Description of issue	Recommended Fire Safety Upgrade Work	Timeframe
Combustible external cladding has been installed to parts of the external wall as an architectural feature to the building on all four (4) elevations.	Remove the existing combustible Polyethylene Panels on all elevations; and Replace the combustible panels with a product deemed non-combustible in accordance with Australian Standard 1530.1- 1994.	1. Six (6) months to provide details on the proposed cladding replacement product for Council concurrence; and 2. Fifteen (15) months to complete works.





2.0 INTRODUCTION

This report provides a Building Code of Australia (BCA) 2019 assessment of the building located at 29-37 Epsom Road, Rosebery.

The primary purpose of this report is to identify if there is a non-compliance with BCA C1.9 and C1.14, specifically the non-combustibility of external walls and ancillary elements.

AED have been engaged to identify the building and confirm if the external walls are treated with a cladding that would require compliance with BCA C1.9 and C1.14. Section 3.0 of this report has identified the affected elevations on the building.

AED has identified combustible cladding installed on the building façade.

2.1 Explanatory Information

BCA C1.9 and C1.14 requires that the external walls of buildings required to be of either Type A or B construction as determined by BCA clause C1.1 are non-combustible. The below table details the required type of construction for different building classifications dependent upon the buildings rise in storeys. As such buildings identified as being of type C construction, class 1a (dwellings), 10a (garage, shed or the like) are not required to comprise non-combustible external walls under the Building Code of Australia 2019.

Table C1.1 TYPE OF CONSTRUCTION REQUIRED

Rise in storeys	Class of building	
	2, 3, 9	5, 6, 7, 8
4 OR MORE	A	A
3	A	B
2	B	C
1	C	C

Part A1.1 of the Building Code provides definitions for non-combustible and external walls:

▪ **Non-combustible** means—

(a) applied to a material — not deemed combustible as determined by AS 1530.1 — Combustibility Tests for Materials; and

(b) applied to construction or part of a building — constructed wholly of materials that are not deemed combustible.

The Building Code of Australia 2019

Building Code of Australia 2019 was issued in April 2019 and clarifies those parts that relate to external walls and potentially combustible cladding.

As this is the current Building Code of Australia version, this assessment report is based on this version.

This report will identify noncompliance matters in relation to the following BCA clauses:

- BCA C1.9; and
- BCA C1.14.

'C1.9 Non-combustible building materials

(f) **In a building required to of Type A or B construction, the following building elements and their components must be non-combustible:**

(v) **External walls and common walls, including all components incorporated in them including the façade covering, framing, and insulation.**

(vi) **The flooring and floor framing of lift pits.**

(vii) **Non-load-bearing internal walls where they are required to be fire-resisting.**

(g) **A shaft, being a lift, ventilating, pipe, garbage, or similar shaft that is not for the discharge of hot products of combustion, that is non-loadbearing, must be of non-combustible construction in –**





- (v) A building required to be of Type A construction; and
- (vi) A building required to be of Type B construction, subject to C2.10, in
 - (C) A Class 2, 3, or 9 building; and
 - (D) A Class 5, 6, 7 or 8 building if the shaft connects more than 2 storeys.
- (h) A load-bearing internal wall and a loadbearing fire wall, including those that are part of a loadbearing shaft, must comply with specification C1.1.
- (i) The requirements of (a) and (b) do not apply to gaskets, caulking, sealants and damp-proof courses.
- (j) **The following materials may be used wherever a non-combustible material is required:**
 - (viii) Plasterboard.
 - (ix) Perforated gypsum lath with a normal paper finish.
 - (x) Fibrous-plaster sheet.
 - (xi) Fibre-reinforced cement sheeting.
 - (xii) **Pre-finished metal sheeting having a combustible surface finish not exceeding 1mm thickness and where the spread of flame index of the product is not greater than 0.**
 - (xiii) **Bonded laminated materials where –**
 - (D) **Each lamina, including any core, is non-combustible; and**
 - (E) **Each adhesive layer does not exceed 1mm in thickness and the total thickness of the adhesive layers does not exceed 2mm; and**
 - (F) **The spread of flame index and the smoke developed index of the bonded laminated material as a whole do not exceed 0 and 3 respectively.**

'C1.14 Ancillary Elements

An ancillary element must not be fixed, installed or attached to the internal or external face of an external wall that is required to be non-combustible unless it is one of the following:

- (n) **An ancillary element that is non-combustible.**
- (o) A gutter, downpipe or other plumbing fixture or fitting.
- (p) A flashing.
- (q) A grate or grille not more than 2m² in area associated with a building service.
- (r) An electrical switch, socket outlet, cover plate or the like.
- (s) A light fitting.
- (t) A required sign.
- (u) A sign other than one provided under (a) or (g) that –
 - (i) achieves a group number of 1 or 2; and
 - (ii) and does not extend beyond one storey; and
 - (vii) Does not extend beyond one fire compartment; and
 - (viii) Is separated vertically from other signs permitted under (h) by at least 2 storeys.
- (v) **An awning, sunshade, canopy, blind or shading hood other than one provided under (a) that –**
 - (i) meets the requirements of Table 4 of specification C1.10 as for a normal element; and
 - (ii) **serves a storey –**
 - (C) **At ground level; or**
 - (D) **Immediately above a storey at ground level ; and**
 - (viii) **Does not serve an exit, where it would render the exit unusable in a fire.**
- (w) A part of a security, intercom or announcement system.
- (x) Wiring.
- (y) A paint, lacquer or a similar finish.
- (z) A gasket, caulking, sealant or adhesive directly associated with (a) to (k)'.

Method of Attachment

Specification C1.1 nominates that any elements must not impair the Fire Resistance Level of the building elements through the means of attachment.

'Specification C1.1, Clause 2.4 - Method of attachment not to reduce the fire-resistance of building elements

The method of attaching or installing a finish, lining, ancillary element or service installation to a building element must not reduce the fire-resistance of that element to below that required'.

Discussion on External Walls

Prior to Amendment 1 of the Building Code of Australia cladding to external walls was assessed as either part of the external wall or an attachment.





While Amendment 1 has clarified that the concept of combustible attachments can no longer be considered. The following discussion explains the reasoning behind the previous interpretation that may have been applied to this building and the cladding system.

The Building Code of Australia (BCA) 2016 – Amendment 1 and BCA 2019 differentiates between an element being an attachment to an external wall and an element being part of an external wall.

An attachment is permitted to be combustible, subject to a number of qualifications which will be discussed shortly, whereas an element that is part of an external wall is not permitted to be combustible.

The distinction between attachment and part of an external wall is not clearly defined in the Building Code of Australia. The CSIRO have recently issued a document that discusses the assessment and characterisation of this issue.

The CSIRO document, *Fire safety guideline for external walls. A guide for high-rise construction in Australia*. Authors: A. Webb and N. White, Version 2, 18 April 2016, states that, in relation to the difference between an external wall and an attachment;

'The term "external wall" is defined in the BCA as "... an outer wall of a building which is not a common wall".

The term "attachment" or the difference between an attachment and an external wall is not defined in the BCA.

When a term is not specifically defined in the code, the common usage governs. The following definitions are from Macquarie's dictionary:

- *Wall - An upright work or structure of stone, brick, or similar material, serving for enclosure, division, support, protection, etc., as one of the upright enclosing sides of a building; Or, Anything which resembles or suggests a wall*
- *Attachment - An adjunct or supplementary device*

While not intended as a general approach to building code interpretation, CSIRO has applied the following reasoning to determine when a building element should be assessed as an external wall (or integral part of external wall) or an attachment:

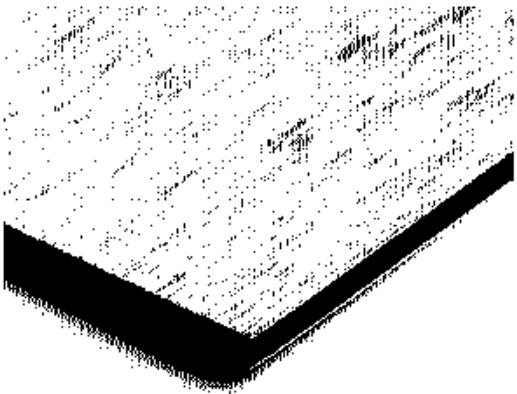
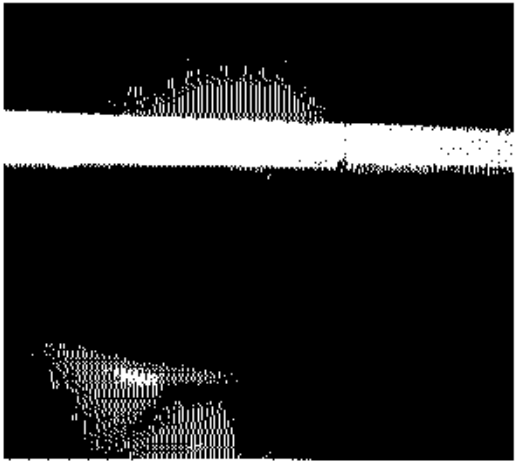
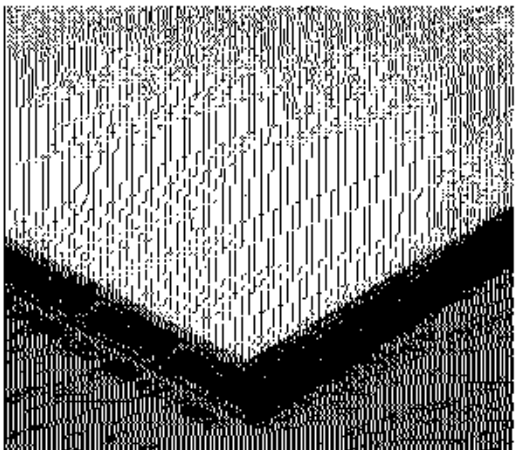

- *If the cladding/lining/other item is removed and the remaining structure no longer functions suitably as an external wall (for example, the remaining structure has no fire resistance level, is unable to prevent the penetration of water, is unable to resist wind loads, or in certain applications cannot meet acoustic requirements), then it is considered an integral part of the external wall, and BCA Specification C1.1, Sections 3.1(b) & 4.1 (b) applies.*
- *If the cladding/lining/other item is removed and the remaining wall system still functions as an external wall then Spec C1.1 Clause 2.4 applies.'*

Where this report identifies a material that potentially maybe non-combustible or requires clarification of the certain material a test report must be provided in accordance with AS1530.1-1994.

Aluminium Composite Panels (ACPs) are typically made up of three classes of core being 100% Polyethylene (PE), Mineral fibre, and extruded Aluminium core. Of the three types, it is the 100% PE that is the most combustible and non-compliant with the Building Code of Australia where the building is required to be constructed of Type A or B construction.

Mineral fibre and aluminium core ACPs generally have CodeMark® Certificates, which is a certificate of conformity as defined by Part A1 of the BCA, and therefore can be relied upon as evidence of suitability as outlined in Part A2.2 of the BCA.



Core Type	Typical example
<p>Polyethylene</p> <p>Generally identified by a solid black colour between two sheets of aluminium.</p>	
<p>Mineral Fibre</p> <p>A mixture of non-combustible mineral fibre and PE, varying between 50% to 93% mineral fibre.</p> <p>It is difficult to determine the exact extent of fibre on site, however the more whitish colour, the more fibre is present.</p>	
<p>Extruded Aluminium Core</p> <p>Easily identifiable on site due to the extruded layer of aluminium on the core with significant air gaps visible.</p> <p>This form of panel is generally considered to be non-combustible as determined by AS1530.1-1994 where testing has been undertaken by the manufacturer.</p>	
<p>Expanded Polystyrene (EPS) Panel</p> <p>Expanded Polystyrene (EPS) panels are difficult to identify post-construction where provided with a rendered finish due to the product looking visually identical to rendered masonry.</p> <p>The panels generally perform poorly when fire tested and are considered to be a combustible material. Sample testing is recommended where this form of panelling is identified to external walls.</p>	



2.2 Basis of Report

The key basis of this report is to address compliance with the Building Code of Australia (BCA) 2019 . The scope of services is limited to BCA C1.9 and C1.14.

This report is based on a desktop assessment and inspection, with specific reference to the following:

- A visual, non-destructive external building inspection undertaken by Daniel Keato of AED Group, dated 05/05/2020.
- The Building Code of Australia 2019 prepared by the Australian Building Codes Board.
- The Guide to the BCA 2019 , prepared by the Australian Building Codes Board
- AED have not been provided a copy of the construction drawings that provide details of the external wall type including sarking and insulation details. If this type of assessment is required further destructive investigations will be required.

2.3 Purpose of the Report

The purpose of this report is to assess the following:

- Assessment under the current Building Code of Australia 2019 . C1.9 and C1.14, and list any departures from the BCA.
- Provide recommendations to address identified non-compliances, and/or identify potential alternative solutions

2.4 Limitations of the Report

This report should not be construed to infer that an assessment for compliance with the following has been undertaken:

- Any part of the BCA other than BCA C1.9 and C1.14
- Destructive investigation. Visual inspection only;
- Assessment of any structural elements or existing fire resistance levels of the building;
- Assessment of any insulation or sarking material located within external walls of any building;
- Reference to a type of construction under BCA table C1.1 is based on a visual inspection only and should be construed as absolute;
- Requirements of statutory authorities;
- Requirements of any standards not directly identified in this report
- Heritage significance
- Consideration of Council's local planning policies
- Environmental or planning issues
- Requirements of statutory authorities
- Provision of any construction approvals or certification under Part 4A or Part 5 of the Environmental Planning & Assessment Act 1979.
- This assessment has been made against the contemporary version of the BCA 2019 and does not make assessment of the BCA in force at the time of construction.
- This assessment is visual only, without the benefit of plans and as built construction drawings. and as such, assessment cannot be made utilising the "Guide for the assessment of buildings with combustible cladding" prepared by the NSW Department of Planning, Industry and Environment dated September 2019
- This report is not to be used for the purposes of litigation or court proceedings.

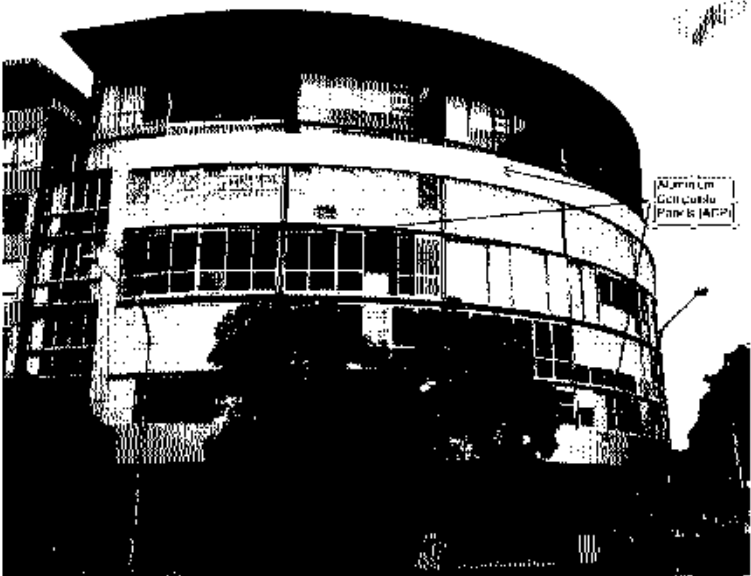



3.0 BUILDING COMPRISING COMBUSTIBLE CLADDING

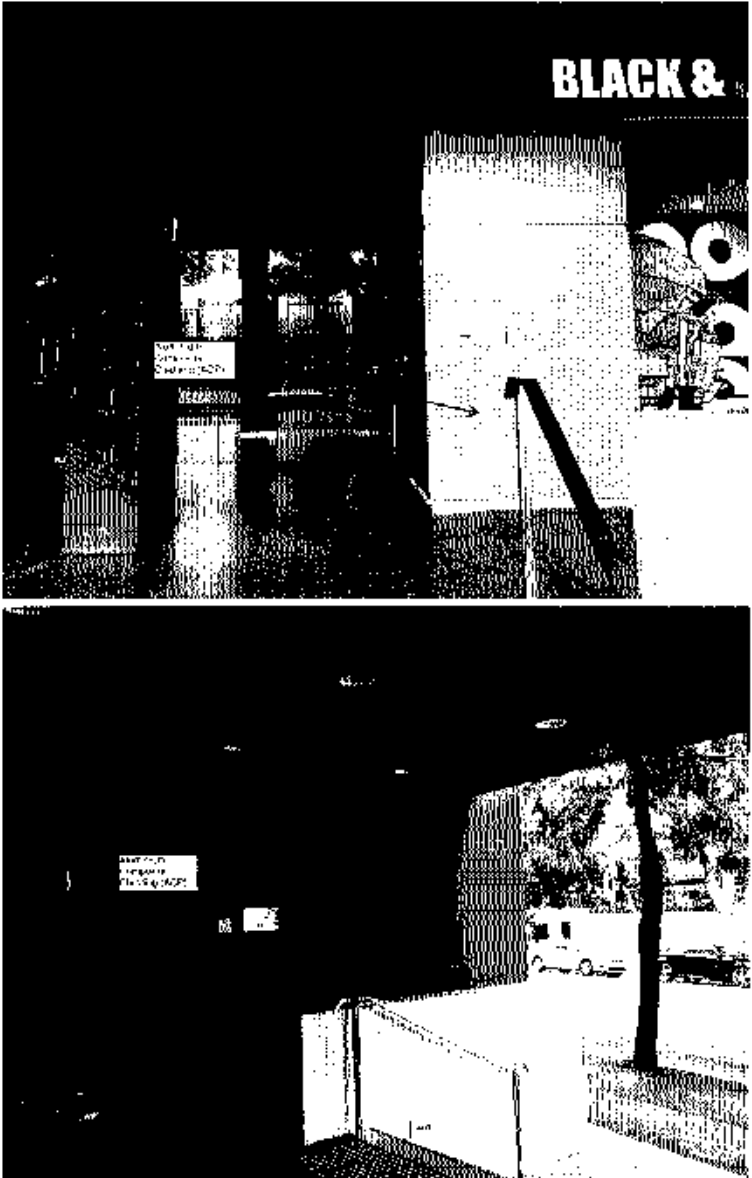
This report provides a Building Code of Australia (BCA) 2019 assessment of the building located at 29-37 Epsom Road, Rosebery.

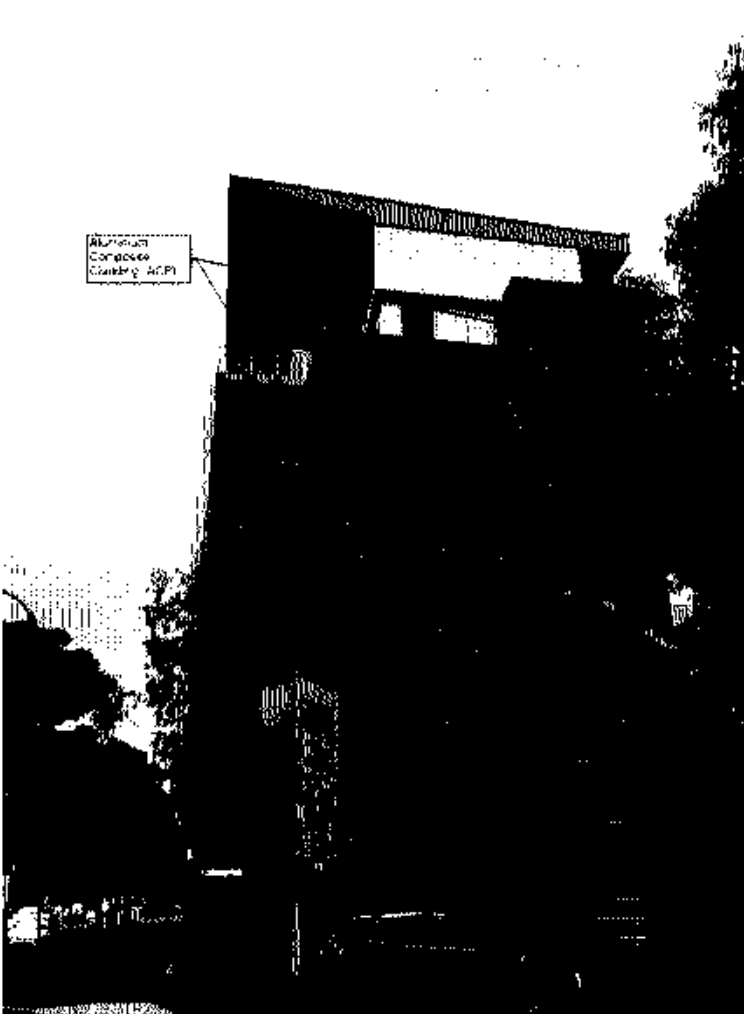
The primary purpose of this report is to identify if there is a non-compliance with C1.9 and C1.14 specifically the non-combustibility of external walls and ancillary elements.


AED has identified combustible PE cladding installed on the building façade. See below for details on the locations identified.

Location of Panels	Photographs of Panels
<p>AED has identified combustible cladding installed on this building façade.</p> <p><u>Rothschild Avenue Elevation (Eastern Elevation)</u></p> <p>This elevation has been provided with Polyethylene (PE) Aluminium Composite Panels installed on parts of the external wall as an architectural feature to the outside of unit balconies.</p> <p>The PE panels are considered to be combustible and represent a non-compliance with C1.9 of the BCA.</p> <p>The remainder of the elevation is non-combustible rendered masonry, glazing, or otherwise considered compliant with the provisions of the BCA.</p>	

Location of Panels	Photographs of Panels
<p>AED has identified combustible cladding installed on this building façade.</p> <p><u>Epsom Road Elevation (Northern Elevation)</u></p> <p>This elevation has been provided with Polyethylene (PE) Aluminium Composite Panels installed on parts of the external wall including the external balconies as a vertical and horizontal feature.</p> <p>The PE panels are considered to be combustible and represent a non-compliance with C1.9 of the BCA.</p> <p>The remainder of the elevation is non-combustible rendered masonry, glazing, or otherwise considered compliant with the provisions of the BCA.</p>	

Location of Panels	Photographs of Panels
<p>AED has identified combustible cladding installed on this building façade.</p> <p><u>Street Level - Epsom Road Elevation (Northern Elevation)</u></p> <p>This elevation has been provided with Polyethylene (PE) Aluminium Composite Panels installed on parts of the external wall at the front of the retail shop, main lift lobby and adjacent to the western exit.</p> <p>The PE panels are considered to be combustible and represent a non-compliance with C1.9 of the BCA.</p>	

Location of Panels	Photographs of Panels
<p>AED has identified combustible cladding installed on this building façade.</p> <p><u>Mentmore Avenue Elevation (Western Elevation).</u></p> <p>This elevation has been provided with Polyethylene (PE) Aluminium Composite Panels installed on parts of the external walls as an architectural feature adjacent to the fire isolated stairway.</p> <p>The PE panels are considered to be combustible and represent a non-compliance with C1.9 of the BCA.</p> <p>The remainder of the elevation is non-combustible rendered masonry, glazing, or otherwise considered compliant with the provisions of the BCA.</p>	

Location of Panels	Photographs of Panels
<p>AED has identified combustible cladding installed on this building façade.</p> <p><u>Rear Southern Elevation</u></p> <p>This elevation has been provided with Polyethylene (PE) Aluminium Composite Panels installed on parts of the external wall as an architectural feature around the lift lobby area adjoining window openings to residential units near the lift core.</p> <p>The PE panels are considered to be combustible and represent a non-compliance with C1.9 of the BCA.</p> <p>The remainder of the elevation is non-combustible rendered masonry, glazing, or otherwise considered compliant with the provisions of the BCA.</p>	



CONCLUSION

This report provides a Building Code of Australia (BCA) 2019 assessment of the building located at 29-37 Epsom Road, Rosebery.

The primary purpose of this report is to identify if there is a non-compliance with BCA C1.9 and C1.14, specifically the non-combustibility of external walls and ancillary elements.

AED has identified combustible cladding installed on the building façade.

AED has been provided with the report based on the sample testing by Cetec regarding the cladding installed to the building (see Attachment B for excerpt).

Building Products (Safety) Act 2017

The report confirms the presence of Aluminium Composite Panels with a core percentage of **greater than 30% Polyethylene** on the building (Approx 95% Polyethylene).

This form of cladding (with a Polyethylene Core percentage of greater than 30%), are considered to be a banned product under the Building Products (Safety) Act 2017 which came into force on 15 August 2018.

Building Code of Australia

The location of the subject panels to the shown elevations is as such that it forms a non-compliance with the provisions of C1.9 of the BCA which requires all external walls and their components to be non-combustible.

C1.9 Non-combustible building materials

- (k) **In a building required to be of Type A or B construction, the following building elements and their components must be non-combustible:**
 - (ix) **External walls and common walls, including all components incorporated in them including the façade covering, framing, and insulation.**
 - (x) **The flooring and floor framing of lift pits.**
 - (xi) **Non-load-bearing internal walls where they are required to be fire-resisting.**
- (l) **A shaft, being a lift, ventilating, pipe, garbage, or similar shaft that is not for the discharge of hot products of combustion, that is non-loadbearing, must be of non-combustible construction in –**
 - (ix) **A building required to be of Type A construction; and**
 - (x) **A building required to be of Type B construction, subject to C2.10, in**
 - (E) **A Class 2, 3, or 9 building; and**
 - (F) **A Class 5, 6, 7 or 8 building if the shaft connects more than 2 storeys.**
- (m) **A load-bearing internal wall and a loadbearing fire wall, including those that are part of a loadbearing shaft, must comply with specification C1.1.**
- (n) **The requirements of (a) and (b) do not apply to gaskets, caulking, sealants and damp-proof courses.**
- (o) **The following materials may be used wherever a non-combustible material is required:**
 - (xiv) **Plasterboard.**
 - (xv) **Perforated gypsum lath with a normal paper finish.**
 - (xvi) **Fibrous-plaster sheet.**
 - (xvii) **Fibre-reinforced cement sheeting.**
 - (xviii) **Pre-finished metal sheeting having a combustible surface finish not exceeding 1mm thickness and where the spread of flame index of the product is not greater than 0.**
 - (xix) **Sarking-type materials that do not exceed 1 mm in thickness and have a Flammability Index not greater than 5.**
 - (xx) **Bonded laminated materials where –**
 - (G) **Each lamina, including any core, is non-combustible; and**
 - (H) **Each adhesive layer does not exceed 1mm in thickness and the total thickness of the adhesive layers does not exceed 2mm; and**
 - (I) **The spread of flame index and the smoke developed index of the bonded laminated material as a whole do not exceed 0 and 3 respectively.**

C1.14 Ancillary Elements

An ancillary element must not be fixed, installed or attached to the internal or external face of an external wall that is required to be non-combustible unless it is one of the following:

- (aa) An ancillary element that is non-combustible.**
- (bb) A gutter, downpipe or other plumbing fixture or fitting.**
- (cc) A flashing.**
- (dd) A grate or grille not more than 2m² in area associated with a building service.**



**4.0 Attachment A -Details on the Aluminium Composite Panel Ban****NOTICE UNDER SECTION 9(1) OF THE *BUILDING PRODUCTS (SAFETY) ACT 2017***

I, Rosemary Ann Webb, Commissioner for Fair Trading, Department of Finance, Services and Innovation:

PROHIBIT the use of aluminium composite panels (ACP) with a core comprised of greater than 30 per cent polyethylene (PE) by mass ('the building product') in any external cladding, external wall, external insulation, façade or rendered finish in:

- Class 2, 3 and 9 buildings with a rise in storeys of three or more and Class 5, 6, 7 and 8 buildings with a rise in storeys of four or more (Type A construction as defined in the Building Code of Australia); and
- Class 2, 3 and 9 buildings with a rise in storeys of two or more and Class 5, 6, 7 and 8 buildings with a rise in storeys of three or more (Type B construction as defined in the Building Code of Australia),

subject to the following exceptions:

- a) the building product is not deemed combustible by successfully passing a test in accordance with Australian Standard 1530.1-1994 'Methods for fire tests on building materials, components and structures' (AS 1530.1);

or

- b) the building product and proposed external wall assembly has successfully passed a test for both the EW (external wall fire spread) and BB (building-to-building fire spread) classifications in accordance with Australian Standard 5113 'Fire Propagation testing and classification of external walls of buildings' (AS 5113) and the proponent of the use of the building product tested to AS 5113 documents by statutory declaration that the building product will be installed in a manner identical to the tested prototype wall assembly or façade,

and

- c) the AS 1530.1 or AS 5113 test results to be relied upon to except a building product from the ban are produced by an Accredited Testing Laboratory, and describe the methods and conditions of the test and the form of construction of the tested building product or prototype wall assembly or façade, and are dated on or after 1 July 2017.

This building product use ban commences Wednesday 15 August 2018 and remains in force until it is revoked.

DATED the 10th day of August 2018.

ROSEMARY ANN WEBB

COMMISSIONER FOR FAIR TRADING

DEPARTMENT OF FINANCE, SERVICES AND INNOVATION





Notations

For the purposes of this Notice:

Accredited Testing Laboratory means:

- i. an organisation accredited by the National Association of Testing Authorities (NATA) to undertake the relevant tests; or
- ii. an organisation outside Australia accredited to undertake the relevant tests by an authority, recognised by NATA through a mutual recognition agreement; or
- iii. an organisation recognised as being an *Accredited Testing Laboratory* under legislation at the time the test was undertaken.

Proponent is taken to be one of the following persons:

- i. the person recommending or specifying the use of the building product;
- ii. the person who uses the building product; or
- iii. the Owner within the meaning of the *Building Products (Safety) Act 2017* ('the Act').

Rise in storeys has the meaning given to it in Clause C1.2 of the BCA.

Under the Act, it is an offence for a person to cause a building product to be used in a building in contravention of a building product use ban.¹

It is also an offence under the Act for a person to, in trade or commerce, represent that a building product is suitable for use in a building if that use would contravene a building product use ban.²

Part 4 of the Act makes provision for the identification and rectification of buildings where a building product the subject of a building product use ban has been used in the building for a use that is prohibited by the building product use ban. For the purposes of that Part of the Act, it does not matter if the building product was used in the building before the building product use ban is in force.³

Reasons for Decision

On 23 March 2018, I published a Notice under section 13 of the Act (the Notice) calling for submissions by 23 April 2018 on whether a building product use ban was warranted for the use of ACPs, particularly panels containing a polyethylene core, and/or polystyrene products, and/or other similar substances in any external cladding, external wall, external insulation, façade or rendered finish on a building of 2 or more storeys (use in external cladding)

I received 28 public submissions in response to the Notice. The submissions were provided by a range of stakeholders including developers, builders, industry associations, fire safety consultants, composite panel suppliers and individuals.

In deciding whether to impose a building product use ban, I have had regard to all public submissions that were received in response to the Notice.

¹ Section 15(1), *Building Products (Safety) Act 2017*

² Section 15(3), *Building Products (Safety) Act 2017*.

³ Section 17(2), *Building Products (Safety) Act 2017*



I have also considered:

- (a) advice from NSW Fire and Rescue;
- (b) independent expert advice specifically sought by the Department of Finance, Services and Innovation from building safety professionals with relevant technical knowledge and professional expertise;
- (c) the post incident analysis report of the Lacrosse Building fire by The Metropolitan Fire and Emergency Services Board dated 25 November 2014;
- (d) the Economic References Committee, *Non-conforming building products – Interim report: Aluminium composite cladding* dated 6 September 2017;
- (e) the Australian Government response to the *Interim report: Aluminium Composite Cladding* dated 26 February 2018;
- (f) the Phase 1 expert report of Professor Luke Bisby dated 2 April 2018 submitted to the Grenfell Tower Inquiry;
- (g) the approaches which have been adopted by other Australian Regulators, namely Victoria, Tasmania and South Australia on the use of certain types of composite panelling; and
- (h) publications of the NSW Cladding Taskforce.

In reaching a decision, I have had regard to:

- the likely contribution of specific types of ACPs to building fire safety
- whether certain types of ACPs are unsafe within the meaning of the Act and should be banned from use in certain classes of building, and
- whether any compliance tests exist to sufficiently manage the safety risks posed by certain products.

Having considered all of this information, I am satisfied that the building product is unsafe for use in any external cladding, external wall, external insulation, façade or rendered finish in buildings of Type A and Type B construction, as defined in the Building Code of Australia, subject to specified exceptions. I therefore decided to prohibit the use of the building product in the terms of the building product use ban set out above. My reasons for making this decision are as follows:

1) Fires which are associated with ACP with a PE core on Type A and Type B construction pose a safety risk

Recent public events have demonstrated the safety risk associated with the use of ACP with a PE core in multi storey buildings, including Type A and Type B construction. Events such as the Lacrosse building fire in Melbourne on 25 November 2014 and the Grenfell Tower fire in London on 14 June 2017 demonstrated that there are likely to be public safety risks associated with the use of certain types of cladding, including ACP with a PE core. Similar fire events in China, France and the United Arab Emirates have also been linked to the use of combustible cladding.

Fires on multi storey buildings have a range of inherent complexities resulting from the height of the building and may require more specialised equipment. Fires which are associated with external cladding consisting of ACP with a PE core, such as the Lacrosse Building fire and the Grenfell Tower fire, introduce additional risk owing to the rapid vertical spread of fire associated with these building products. Such fires must be carefully managed to respond to the potentially higher incidence of fatalities which are more likely to be caused by such a fire.

The Lacrosse Building fire was managed by an internal sprinkler system that was found to have operated well above specification in the majority of the units impacted by the fire to stop its spread. It therefore cannot be presumed that a sprinkler system would operate to mitigate the spread of fire in similar circumstances.

NSW Fire and Rescue identify building products including ACP with a PE core as a safety risk capable of causing rapid fire spread. The use of such building products may put fire fighters and occupants in unsafe situations including exposure to falling debris in the instance of fire.

2) ACP with a core comprised of greater than 30 per cent PE by mass used in contravention of the National Construction Code (NCC) poses a safety risk within the meaning of the Act

The various types of ACP are distinguished by the composition of their core. The composition of the core is important as it is considered to significantly influence the fire properties of the panel. The majority of ACPs have a core material that is a mixture of PE, mineral fillers and/or fire retardants. The CSIRO, who were asked to provide advice by the Australian Government on the various types of ACPs currently manufactured, described three 'classes' of core composition:

- 1) Less than three per cent PE – such composition produces a product classified as 'A2' ACP under European fire certification;
- 2) Approximately 30 per cent PE – such composition produces a product classified as 'FR' (fire retardant) under European fire certification; and
- 3) Approximately 100 per cent PE.

Unlike European fire certification, the NCC does not consider or make distinctions based on the composition of panels, including the core, as it requires ACP to be non-combustible as defined by AS 1530.1. However, some Australian suppliers identify their ACP products as complying with A2 or FR European standards to represent that the ACP product is non-combustible.

PE is a thermoplastic substance which has poor fire performance and is quickly prone to melting and dripping when exposed to high temperatures, such as in the event of a fire. The heat from a fire can quickly conduct through the outer ACP, noting the width of these panels is no greater than 6mm, and ignite the highly flammable core. These materials combust in a manner that makes fire response extremely challenging for emergency services.

Cladding, including ACP with a PE core of some proportion, is often used for the purposes of aesthetics to act as a cover for part or all of the external walls of a building. In the event of a fire, the use of ACP with a PE core on a multi storey building can significantly increase the amount of energy that is released by the cladding and contribute to the rapid spread of fire.

A ban directed only to ACP with a core comprised of greater than 30 per cent PE targets the impact of the product ban and focuses regulatory intervention on the types of ACP panels that are most likely to pose a safety risk. This threshold aligns with the FR European standard which is considered the benchmark for an ACP product to be of low flammability.

Given that the Victorian Building Authority also enforces a restriction on ACP with a core specifically comprised of 30 per cent or more PE by mass, it is considered appropriate to align NSW's building product use ban with the requirements of the second largest state in which construction work is performed. It is noted however that the Victorian approach differs from the NSW approach. Under the Victorian approach products are required to be submitted to the Victorian Building Appeals Board to be determined whether the proposed use of the product complies with the relevant Act and Regulations. In this regard, the Victorian approach equates to an 'approval' under the Victorian planning and building regime. The NSW approach under the proposed ban creates a specific gateway which affected products must navigate, but still requires that the product and the related construction use is separately and additionally subject to all the normal planning assessment and approvals, including compliance with the NCC, under NSW laws.

3) At present, the NCC is not sufficient to regulate building products and cannot be relied on in isolation to address the safety risks associated with the use of ACP with a core comprised of greater than 30 per cent PE by mass



The NCC is a national performance-based code which outlines mandatory performance requirements for the building and construction industry. Under the NCC, ACP with a PE core is permitted for use if the product satisfies the performance requirements of the NCC.

However, misapplication of or non-compliance with the performance requirements of the NCC raises a significant risk and concern for the safety of buildings and the community.

The operation of the NCC presents challenges to entities in the building industry and regulators. Concerns with the combustibility of external cladding (specifically ACP with a PE core) and the role of the NCC have been noted in reports by domestic and international bodies. There is evidence that NSW is directly affected as the NSW Cladding Taskforce identified over 400 buildings as "having cladding in a quantity, location and/or arrangement which potentially increases fire risks" despite the requirements of the NCC.

Victoria, South Australia and Tasmania have determined it appropriate to implement new measures in addition to existing requirements under the NCC to respond to the challenge of non-compliant cladding.

Based on the sources considered, a genuine concern exists that the NCC cannot be relied on in isolation to address the safety risks associated with the use of ACP with a core comprised of greater than 30 per cent PE by mass.

4) A building product use ban can be imposed subject to exceptions that will enable the use of the building product if a nominated test is satisfied

Expert advice and other sources which I considered identified recognised testing that applies to the building product as determined by Australian Standards and/or in certain circumstances called upon by the NCC, including AS 1530.1 and/or AS 5113. I have formed the view that the safety risk posed by ACP with a core comprised of greater than 30 per cent PE by mass can be managed if the product meets the testing requirements of AS 1530.1 and/or AS 5113. For this reason, the building product use ban is subject to exceptions that permit the use of the building product in Type A and Type B construction if the building product is tested in accordance with either AS 1530.1 or AS 5113.

AS 1530.1 is an individual product test which determines the combustibility of a building material within the criteria given in Clause 3.4 of the Standard. Separately AS 5113 sets out the procedures for the fire propagation testing and classification of external walls of buildings according to their tendency to limit the spread of fire via the external wall and between adjacent buildings. AS 5113 is more appropriate for testing entire wall assemblies or façades consisting of external cladding, rather than an individual product. This Standard is applicable to fire propagation via all external vertical or near vertical surfaces and covers all types of external wall systems, including façades, outer skins, core materials, cavities and attachments. The application of AS 5113 as part of a building product use ban is considered appropriate to ensure that building products that pose a safety risk, including to the lives of occupants, fire fighters and the community, are not used in NSW.

In order to meet the requirements of the proposed exception it is considered appropriate that tests be supported with a report from an Accredited Testing Laboratory which describes the methods and conditions of the test, the form of construction of the tested prototype. Where AS 5113 is relied upon, a statutory declaration will be required by the proponent of the use of the building product to declare that the building product will be installed in a manner identical to the tested prototype wall assembly or façade. This additional step is required to ensure that proponents understand and verify that the prototype wall assembly tested is in fact the wall assembly subsequently used and installed.

To ensure that testing takes account of the understanding of the fire performance of ACP products since the Grenfell Tower Fire, test reports against AS 1530.1 and/or AS 5113 are required to have been undertaken no earlier than 1 July 2017.





Building Products (Safety) Act 2017

Part 4 Identification and rectification of affected buildings

16 Definitions

In this Part

affected building—see section 17.

affected building notice means a notice under section 18.

general building safety notice means a notice under section 19.

made safe—see section 26.

relevant enforcement authority in relation to a building means:

(a) a relevant enforcement authority for an order under Part 1 of Schedule 5 to the Environmental Planning and Assessment Act 1979 in respect of the building, or

(b) in the case of a building that is not a building within the meaning of the Environmental Planning and Assessment Act 1979, the council for the area in which the building is located

17 Affected building

(1) For the purposes of this Part, a building is an affected building if a building product the subject of a building product use ban has been used in the building for a use that is prohibited by the building product use ban.

(2) It does not matter that the building product was used in the building before the building product use ban was in force

18 Identification and notification of particular affected buildings

(1) If the Secretary is satisfied, on reasonable grounds, that a particular building is or may be an affected building, the Secretary may issue a notice under this section (an affected building notice)

(2) An affected building notice is to include the following information

(a) the location of the building that is or may be an affected building.

(b) particulars of the relevant building product use ban,

(c) particulars of the safety risk posed by the use of the building product to which the building product use ban applies.

(3) The Secretary is to give a copy of an affected building notice to the following.

(a) the owner or owners of the building.

(b) the occupier or occupiers of the building.

(c) the council for the area in which the building is located.

(d) a relevant enforcement authority for the building (if the council is not a relevant enforcement authority for the building).

(e) the Commissioner of Fire and Rescue NSW, if the safety risk posed by the use of the building product relates to a risk of fire.

(4) If the building is the subject of a strata scheme under the Strata Schemes Management Act 2015, a requirement to give notice to the owner or owners of the building is satisfied if notice is given to the owners corporation constituted under that Act

(5) The Secretary may publish an affected building notice on the internet, but only if the Secretary considers that it is in the public interest to do so.

19 General warning about class of buildings that may be affected buildings

(1) The Secretary may issue a notice under this section (a general building safety notice) if the Secretary is satisfied, on reasonable grounds, that a class of buildings may be affected buildings

(2) A general building safety notice is a notice that identifies the safety risk posed by the use of a building product that is the subject of a building product use ban in the class of buildings concerned

(3) A general building safety notice is to include the following information

(a) particulars of the class of buildings that may be affected buildings, to the extent known to the Secretary.

(b) particulars of the relevant building product use ban,

(c) particulars of the safety risk posed by the use of the building product to which the building product use ban applies.





- (4) A general building safety notice may be given.
- (a) to all councils or to any councils that the Secretary considers appropriate, and
 - (b) to the Commissioner of Fire and Rescue NSW, if the safety risk posed by the use of the building product relates to a risk of fire.
- (5) The Secretary may publish a general building safety notice on the internet, but only if the Secretary considers that it is in the public interest to do so.

20 Power of relevant enforcement authority to order rectification

- (1) A relevant enforcement authority may make an order under this section (a building product rectification order) in respect of a building.
- (2) A building product rectification order is an order that requires the owner of a building to do such things as are necessary for either or both of the following purposes:
- (a) to eliminate or ~~minimise~~ a safety risk posed by the use in the building of a building product to which a building product use ban applies,
 - (b) to remediate or restore the building following the elimination or ~~minimisation~~ of the safety risk.
- (3) A building product rectification order may be made only if the relevant enforcement authority is satisfied, on reasonable grounds, that the building is an affected building.
- (4) For the purposes of any proceedings relating to a building product rectification order or proposed building product rectification order, an affected building notice or a general building safety notice is evidence that the use in a building of the building product specified in the notice poses a safety risk of a kind specified by the Secretary in that notice.
- (5) However, a relevant enforcement authority may make a building product rectification order in respect of a building whether or not the relevant enforcement authority has received an affected building notice or general building safety notice in respect of the building.
- Note. For example, a council may make a building product rectification order if, as a result of its own investigations, it identifies an affected building.*

21 Statutory provisions applicable to building product rectification order

- (1) The Environmental Planning and Assessment Act 1979, and any regulations under that Act, apply to a building product rectification order as if the order were a development control order, except as provided by subsection (3).
- (2) ~~(Repealed)~~
- (3) If a building is not a building within the meaning of the Environmental Planning and Assessment Act 1979, the Local Government Act 1993, and any regulations under that Act, apply to a building product rectification order in respect of the building as if the order were an order made under section 124 of the Local Government Act 1993.
- (4) The regulations may modify the application of any of the statutory provisions referred to in subsection (1) or (3) to or in respect of a building product rectification order.
- (5) The Minister is not to recommend the making of a regulation that modifies the operation of any of those statutory provisions in respect of a building product rectification order except with the concurrence of the Minister administering the relevant statutory provisions concerned.

22 Appeals concerning orders

- (1) A council must give notice to the Secretary of an appeal against a building product rectification order made by the council.
- (2) The Secretary is entitled to appear and be heard on an appeal against a building product rectification order.
- (3) The Land and Environment Court may, on hearing an appeal against a building product rectification order, order the Secretary to amend or revoke an affected building notice or a general building safety notice (without limiting any other powers the Court has on an appeal).

23 Council to report to Secretary on response

- (1) The Secretary may, by notice in writing served on a council that has been given an affected building notice, require the council to provide a report to the Secretary about the steps it has taken in relation to the affected building notice.
- (2) The report is to indicate or include the following:
- (a) whether the council has made a building product rectification order in respect of the building the subject of the affected building notice,
 - (b) whether the order has been complied with or the progress that has been made towards compliance with the order.





- (c) any other steps that are being taken by the council to ensure that the building the subject of the affected building notice is made safe,
 - (d) such other matters as may be prescribed by the regulations
- (3) If the council has not made a building product rectification order in respect of the building the subject of the affected building notice, the report is to set out the council's reasons for not making the order.
- (4) The report is to be provided to the Secretary within the period specified by the Secretary in the notice (being a period of not less than 30 days after the notice is served)
- (5) The Secretary may require more than one report to be provided under this section in respect of a building.
- (6) The Secretary may publish a report provided by the council under this section on the internet.
- (7) The Secretary may withhold from publication any information in the report that identifies the particular building that is the subject of the affected building notice

24 Amendment or revocation of notices

(1) The Secretary may amend or revoke an affected building notice or a general building safety notice by issuing a further notice

(2) The Secretary is to give notice of the amendment or revocation of an affected building notice to each of the following:

- (a) the owner or owners of the building,
- (b) the occupier or occupiers of the building,
- (c) the council for the area in which the building is located,
- (d) any relevant enforcement authority for the building to whom the affected building notice was given,
- (e) the Commissioner of Fire and Rescue NSW, if the affected building notice was given to the Commissioner.

(3) The Secretary is to give notice of the amendment or revocation of a general building safety notice to each of the following:

- (a) any council that was given the general building safety notice,
- (b) the Commissioner of Fire and Rescue NSW, if the general building safety notice was given to the Commissioner.

(4) An affected building notice or general building safety notice ceases to be in force if it is revoked

25 Revocation of affected building notice

(1) The Secretary must revoke an affected building notice if the Secretary is satisfied that:

- (a) the building concerned has been made safe, or
- (b) the building is not an affected building

(2) The Secretary may revoke an affected building notice on the application of an owner of the building or on the Secretary's own initiative

26 When a building is "made safe"

For the purposes of this Part, a building is made safe if the safety risk that is posed by the use of a building product to which a building product use ban applies, as identified by the Secretary in an affected building notice, is eliminated or, if it is not reasonably practicable to eliminate the safety risk, is minimised as far as practicable.





5.0 Attachment B - Sample Test Results

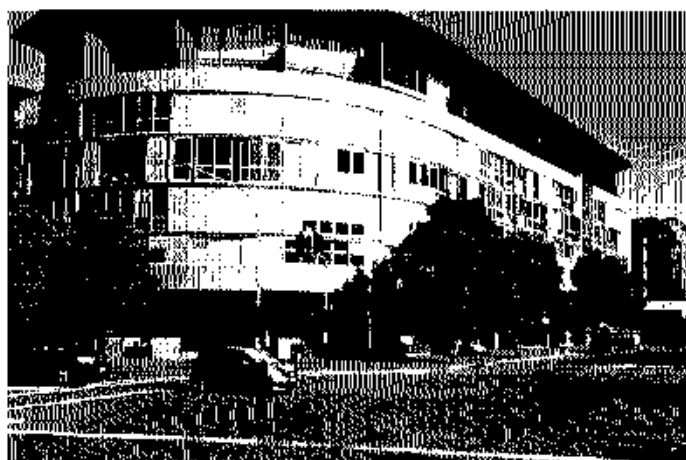
**CETEC**

Professional Scientific Solutions

Clisdells Strata – Building Façade Material Investigation Report

Indicative Flammability Potential, Composition and Preliminary Toxicity

Screening of Exterior Cladding Systems



Project Reference: CN190308
Engaged By: Andrew Gavin
Company: Clisdells Strata
Company Address: 623 Princes Highway, Rockdale NSW 2216
Site Address: 29-37 Epsom Road ROSEBERRY NSW 2018
Sampled/Collected By: Luke Meadows
Date Sampled: 7/03/2019
Version: 1.0

Prepared By:

**CETEC**

Professional Scientific Solutions

CETEC Pty Ltd
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Prepared For:



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**CEtec**

Professional Scientific Solutions

PROJECT: Building Façade Material System Investigation Report		REPORT COMMISSIONED BY:		
CEtec Pty Ltd		Andrew Gavin from		
3/210 Willoughby Rd, St Leonards NSW 2065		Clisdells Strata, 623 Princes Highway, Rockdale NSW 2216		
CETEC REF: CN190308		CLIENT Ref:		VERSION: 1.0
AMD	DESCRIPTION	INT	REVIEWED	DATE
1.0	Final report with building façade testing results for 29-3/ Epsom Road ROSEBERRY NSW 2018.	LM	PDS / VG	26-03-2019

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CONTENTS	
1. INTRODUCTION	4
1.1. BACKGROUND	4
1.2. SCOPE OF WORK	5
2. SAMPLING AND TESTING METHODOLOGY	5
2.1. SAMPLE COLLECTION	5
2.2. SAMPLE PREPARATION	5
2.3. CHEMICAL COMPOSITION BY ATR-FTIR	6
2.4. FUEL LOAD AND FILLER CONTENT BY DRY OXIDATIVE ASHING	6
2.5. VISUAL THERMAL STABILITY	7
2.6. MICRO FLAMMABILITY	8
2.7. THERMAL ANALYSIS BY TGA-DSC	8
2.8. X-RAY DIFFRACTION TEST	8
3. LABORATORY RESULTS	9
3.1. SPECTRAL ANALYSIS BY ATR-FTIR	9
3.2. DRY OXIDATIVE ASHING TEST	9
3.3. THERMAL STABILITY	10
3.4. MICRO-FLAMMABILITY	10
3.5. THERMAL ANALYSIS BY TGA-DSC	10
3.6. X-RAY DIFFRACTION TEST	10
4. DISCUSSION OF RESULTS	11
4.1. ATR-FTIR	11
4.2. OXIDATIVE DRY-ASHING	12
4.3. VISUAL THERMAL STABILITY	12
4.4. MICRO-FLAMMABILITY	12
4.5. DESKTOP REVIEW OF EXPECTED TOXIC GASES TO BE RELEASED IF EXPOSED TO FIRE	13
5. SUMMARY OF SITE OBSERVATIONS AND TESTING RESULTS	14
6. CONCLUSION	15
DISCLAIMER	17
COPYRIGHT	17





1. INTRODUCTION

1.1. BACKGROUND

Recent multi level building fires in Australia and overseas have resulted in the Federal and State governments inquiring into non-conforming and non-compliant building products, especially building façades comprising of Aluminium Composite Panels (ACP). However, any other material which has been used to form the building's façade should also be assessed in a similar manner to determine if the material is flammable and if so, determine its composition as per the requirements detailed by the Insurance Council of Australia.

Insurers have invested in the expertise necessary to measure residual risk. Using this, the industry has considered the challenges posed by non-conforming building façade systems, which will include Aluminium Composite Panels (ACPs) or any other panel type material, beginning with the most fundamental of issues: its *identification*. Critically, the evaluation of exposure for each building that has combustible façades presents the need to conduct a case-by-case investigation by competent fire protection professionals, including fire safety engineers, to evaluate the most critical exposures, safety to life and code compliance.

The approach adopted by the Insurance Council of Australia¹ (ICA) includes both the identification of the material used and the installation methodology, which also includes the whole wall assembly. This will enable assessment of the risks posed by use of materials, which may then trigger consideration of remedial actions to lower a building's residual risk to acceptable levels.

Reports commissioned by a building's owner should address 10 critical questions through three steps, these steps are;

- Step 1 – Identification of materials.
- Step 2 – Evaluating the exposure.
- Step 3 – Remedial actions for consideration.

Therefore, this report addresses the one of the requirements within Step 1, which is the identification of the material used within the building's façade system. Following from that, an appropriately trained fire engineer, building surveyor or fire protection professional should utilise the data within this report to address the remaining items within Step 1, Step 2 and Step 3 as detailed within the ICA's website.

1 <http://www.insurancecouncil.com.au/issues-submissions/issues/insurance-industry-aluminium-composite-panels-residual-hazard-identification-reporting-protocol>





1.2. SCOPE OF WORK

CEtec Pty Ltd was engaged by Andrew Gavin from Clisdells Strata to conduct laboratory analysis of sample building façade system from 29-37 Epsom Road ROSEBERRY NSW 2018 to determine the cladding's composition and flammability potential, and in turn determine its preliminary toxicity risk due to gaseous emission in the event of a fire. The building façade system material was sampled by Luke Meadows from CEtec on the 7/03/2019 and subjected to laboratory analysis by Foray Laboratories, a company wholly owned by CEtec Pty Ltd. As a summary the collected samples are recorded below in Table 1.

Laboratory results and discussions as detailed within this document should not be used in isolation and are to be used only to assist fire engineers and other stakeholders, such as building owners, building managers and building insurers to provide advice relating to the building's façade system flammability potential, composition and toxicity. This document is not to be used as a substitute to regulatory testing requirements or the AS 1530 series of standards as well as full-scale evaluation to the new AS 5113 test for external wall as the methodology adopted by CEtec is only to conduct a preliminary assessment in order to identify the material's composition.

2. SAMPLING AND TESTING METHODOLOGY

2.1. SAMPLE COLLECTION

Each sample was analysed by Foray Laboratories, a company wholly owned by CEtec Pty Ltd, incorporating product descriptions as detailed below in Table 1. Once received, each sample was registered into the Foray Laboratory sample registration system to conform to NATA ISO 17025 requirements. The Foray Laboratory sample number and description of each sample are given in Table 1.

Table 1: Collected Sample Register.

Sample ID	Sample Type	Location Description of Where Sample Was Taken	Appendix A
120578	ACP	29-37 Epsom Rd – Street front awning (facia) & wrapping to underside of awning.	Photo 3

2.2. SAMPLE PREPARATION

The building façade material was cut into portions and each portion was subjected to scientific analysis via the following laboratory methods;

- Attenuated Total Reflection Fourier Transform Infrared Spectroscopy (ATR-FTIR).
- Dry Ashing Testing.





- Thermal Stability.
- Micro-Flammability Tests.
- Thermal Analysis by TGA-DSC (where required).
- X-Ray Diffraction Test (where required).

2.3. CHEMICAL COMPOSITION BY ATR-FTIR

Attenuated Total Reflection (ATR) is a sampling technique used in conjunction with Infrared Spectroscopy which enables samples to be examined directly in the solid or liquid state without further sample preparation. The technique is used to obtain an infrared spectrum of absorption or emission of a solid or liquid and the spectral data which is generated can easily identify functional groups within the sample which makes it possible to infer composition of both polymer and inorganic or mineral filler. That is, analysis of the Functional Group Region of the spectra (i.e. 4000 cm^{-1} to 1450 cm^{-1}) makes it possible to observe functional groups that are present within the material which aids in the identification of the polymer and filler present.

Further to this, comparison to known samples aids in the identification and confirmation of the type of building façade material.

2.4. FUEL LOAD AND FILLER CONTENT BY DRY OXIDATIVE ASHING

A weighed sample was heated within a muffle furnace under an oxidative atmosphere to convert all common oxidisable organic material, such as polymers and plasticisers, to carbon dioxide and other gaseous products, e.g. carbon monoxide. All common inorganic non-combustible fillers are generally dehydrated and converted to their common oxides which forms the non-combustible ash residue. When this method is coupled with FTIR spectral identification and calculation, the quantitative proportion of filler and organic materials (including polymer, plasticisers, etc.) can be assessed based on the amount of collected ash. The calculated inert filler is based on the assumption that the identified filler within the ATR-FTIR is present with no to little impurities which may be below the detection limit of the ATR-FTIR method.

Thermal Gravimetric Analysis Differential Scanning Calorimetry (TGA-DSC) in conjunction with Dry Ashing can be used with quantitative assessment of combustible to non-combustible material to ascertain polymer content to non-polymer content and following the recommendations as detailed within the Insurance Council of Australia¹ web page, the category of the material can be assigned, i.e. Category A-D, refer to Table 2. While Table 3 further expands the relationship between the Categories based on the information as shown in the Insurance Council of Australia¹ web page.



Table 2: Table taken from the ICA's¹ web site.

Category	Polymer Percentage ²	Polymer %	Inert Filler % ³
A	30-100% Polymer and 0-70% inert materials	30-100%	0-70%
B	8-29% Polymer and 71-92% inert materials	8-29%	71-92%
C	1-7% Polymer and 93-99% inert materials	1-7%	93-99%
D	0% Polymer and 100% inert materials or deemed non-combustible by the NCC.	0%	100%

Table 3: Summarised Data from the ICA's¹ web site

Category	Polymer Percentage ²	Description
Similar to Category 3 in the BRE appendix		
A	30-100%	ACP's in this category typically have close to 100% organic polymer in their core and were identified by most manufacturers as PE (Polyethylene) core. Some core binders are polymers other than PE.
Similar to Category 2 in the BRE appendix		
B	8-29%	Typically identified by ACP manufacturers as FR, FR, Plus or rated Class B per EN 13501 and typically have around 30% organic polymer in the core however some State Regulations limit the PE content to less than 30% for this category.
Similar to Category 1 in the BRE appendix		
C	1-7%	Typically identified by ACP manufacturers as A2, rated as Class A2 per EN 13501. These are considered as having very limited combustibility. Testing to EN 13501 and obtaining class A2 is a valid alternative.
Similar to Category 1 in the BRE appendix		
D	0%	Typically, panels tested or deemed non combustibile by the building code (NCC). These could be aluminium skins with low adhesive aluminium honeycomb cores, or with a compressed phenolic core, compressed fibre cement core or even compressed fibre cement panel. Steel panels with calcium silicate or similar core.

2.5. VISUAL THERMAL STABILITY

A small section of intact building façade system sample was subjected to heating within a heat bath and as the temperature is progressively increased, it is measured *via* a thermocouple. During the test, the material is visually observed for physical changes (i.e. sample 'watering', melting/softening, generation of volatiles or smoke, charring) and those changes are recorded.

² Polymer including all types of flammable polymers

³ Inert materials are considered those that do not contribute to combustion.





2.6. MICRO FLAMMABILITY

A small section of building façade system sample was subjected to a stoichiometric *natural gas* flame to determine whether the material is flammable via the observation of sustained burning. The extent of flammability is then determined via the observation of a sustained burning flame when the external flame source is removed, and the duration of such burning is recorded.

2.7. THERMAL ANALYSIS BY TGA-DSC

Thermal Gravimetric Analysis (TGA) is a method of thermal analysis in which changes in physical and chemical properties of materials are measured as a function of increasing temperature (with constant heating rate), or as a function of time (with constant temperature and/or constant mass). Differential Scanning Calorimetry (DSC) is a thermoanalytical technique in which the difference in the amount of heat required to increase the temperature of a sample and reference material is measured as a function of temperature.

This technique heats the sample and a reference sample at a given rate in a nitrogen environment, where the calorific heat flux is mapped as a function of time and temperature, while the residual mass of sample is measured over time as the temperature changes (TGA). When the sample undergoes a phase change (e.g. crystallisation or melting), energy is absorbed or emitted by and/or from the sample and the temperature difference between the sample and reference material is measured.

The results obtained are analysed using specialised software which determine the temperature of on-set, end-set and peaks of any phase changes and the weight loss of the materials by thermal degradation. Changes in heat flux occur as a result of phase changes and weight loss.

This method is used to determine the polymeric and filler material present via the thermal transition of the material or mass loss and is used to compare the way different materials change to increasing temperatures.

2.8. X-RAY DIFFRACTION TEST

The X-ray diffractometer is comprised of an X-ray source, which is focussed on the sample at a particular angle of incidence through horizontal and vertical divergence slits.

X-ray diffraction is sometimes used to semi-quantitatively determine the weight fraction of constituents within the material. By comparing the integrated intensities of the diffraction peaks from each of the known constituents, their w/w percent can be approximated. However, it is highly dependent on particle size effect and interferences from the matrix.





3. LABORATORY RESULTS

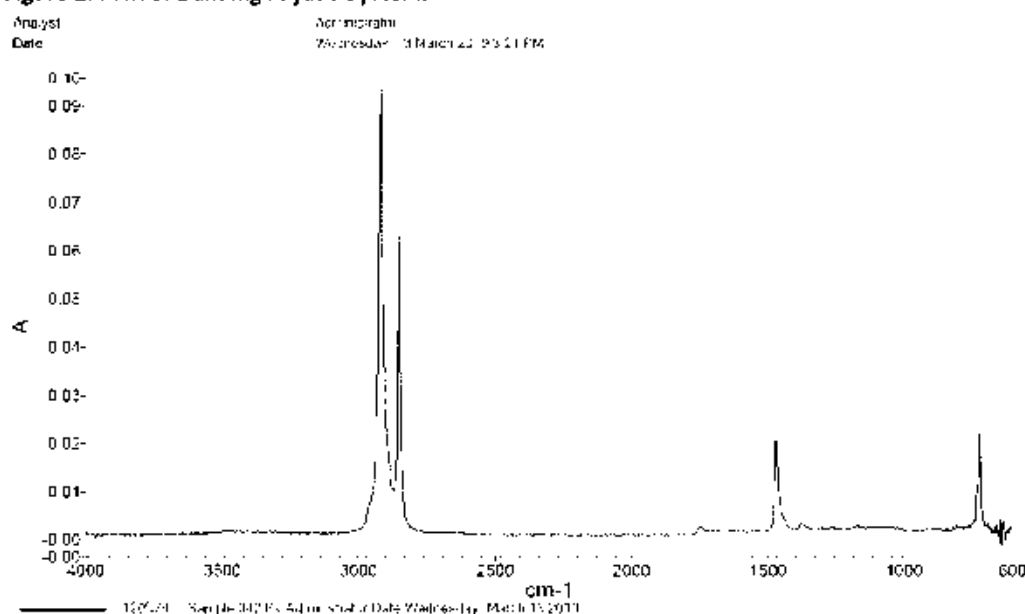
3.1. SPECTRAL ANALYSIS BY ATR-FTIR

A summary of building façade system samples subjected to ATR-FTIR are shown in Table 4 with reference to subsequent figures.

Table 4: Building façade system sample subjected to FTIR Analysis.

Sample ID	Sample Type	Colour of Combustible Core	ATR-FTIR Spectra
120578	ACP	Black	Figure 1

Figure 1: FTIR of Building Façade System.



3.2. DRY OXIDATIVE ASHING TEST

A summary of building façade system samples subjected to Dry-Ashing with results are summarised in Table 5.





Table 5: Building façade system sample dry oxidative ashing results.

Sample ID	Sample Type	Mass of Combustible Core ⁴ (g)	Ash ⁵ (g)	Ash ⁶ (w/w%)	Appearance of Ash
120578	ACP	0.2262	0.0003	0.1%	No Ash

3.3. THERMAL STABILITY

A summary of building façade system samples subjected to Thermal stability analysis are summarised below also showing laboratory results in Table 6 below.

Table 6: Building façade system sample thermal stability observations.

Sample ID	Sample Type	Core Colour	Temperature (°C)	Observation
120578	ACP	Black	RT	Start of experiment
			132	Filling starts to melt
			215	Filling melted
			354	smoke starts
			400	End of Experiment

3.4. MICRO-FLAMMABILITY

A summary of building façade system samples subjected to Micro flammability analysis are summarised below also showing laboratory results in Table 7

Table 7: Building façade system sample micro-flammability results.

Sample ID	Sample Type	Flammable	Period Flame Sustained	Observation
120578	ACP	Yes	40 sec - Self-Sustained	Started melting under constant exposure to source flame and then continued to burn once flame removed

3.5. THERMAL ANALYSIS BY TGA-DSC

In this instance TGA-DSC laboratory analysis was not required as the core sample was identified by ATR-FTIR.

3.6. X-RAY DIFFRACTION TEST

In this instance X Ray Diffraction laboratory analysis was not required as the core sample was identified by ATR-FTIR.

⁴ Mass of polymer core sample subjected to ashing.

⁵ Mass of ash remaining after ashing experiment.

⁶ Non-combustible at 1000°C



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4. DISCUSSION OF RESULTS

4.1. ATR-FTIR

Analysis of the FTIR spectra *via* a library search of known polymer blends identified the following possible polymer blend corresponding to the analysed samples in Table 4. This information is further summarised in Table 8 with their corresponding library match and figure.

Table 8: Building façade system sample composition identification.

Sample ID	Sample Type	Core Colour	Identified Composition of Core	Figure
120578	ACP	Black	Polyethylene with possibly No Filler Identified	Figure 2

Figure 2: FTIR Spectral Comparisons of Known Material with Sample.

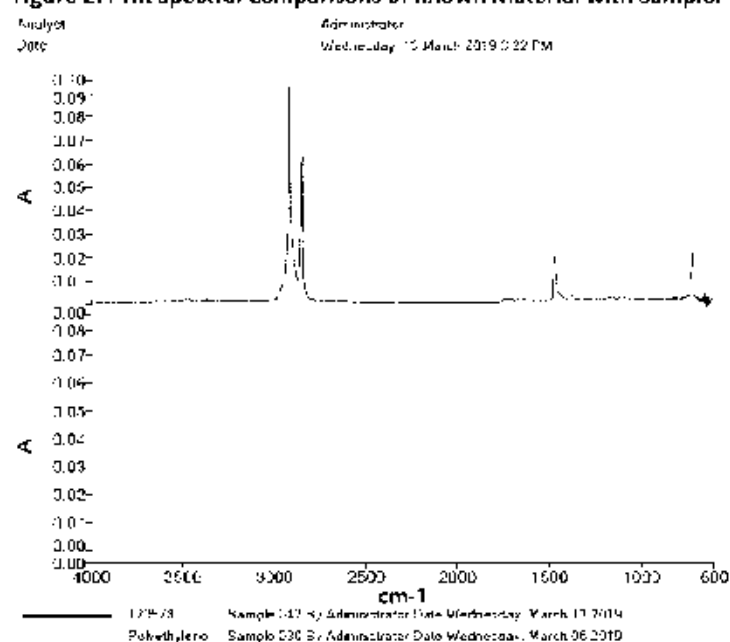




Table 9: Building facade system sample dry-ashing results.

4.3. VISUAL THERMAL STABILITY

Table 10: Building façade system sample thermal stability results.

4.4. MICRO-FLAMMABILITY

Table 11: Building façade system sample micro-flammability results.

8 Calculated mass of polymer based on calculated weight of filler and starting mass of sample.





4.5. DESKTOP REVIEW OF EXPECTED TOXIC GASES TO BE RELEASED IF EXPOSED TO FIRE

In conducting this assessment, CETEC has identified the main components forming the composition of these ACP samples. For the ACP samples which have been identified as being flammable, the expected emissions to be released in the event of a fire are highlighted below;

- Carbon dioxide.
- Carbon monoxide.
- Particulate matter, i.e. black smoke.
- Oxides of Nitrogen (NOx) (dependent on temperature of fire).

However, if a detailed analysis of toxicity is required, a full and detailed analysis of the emissions would be required.





5. SUMMARY OF SITE OBSERVATIONS AND TESTING RESULTS

Table 12: Summary of Site Observations and Composition of Identified Polymer.

Sample ID	Sample Type	Location Sample Was Taken	Identified Polymer and Additive (Filler)	Fuel Contributor	Dripping Risk	Smoke Generated	Estimated Combustible Material Content (w/w%)	Corrected Filler Content (w/w%)	Insurance Council of Australia Category
120578	ACP	25-37 Epsom Rd – Street front awning (facia) & wrapping to underside of awning.	Polyethylene with No Filler Identified	Yes	Dripping	Yes	99.9%	0.0%	A



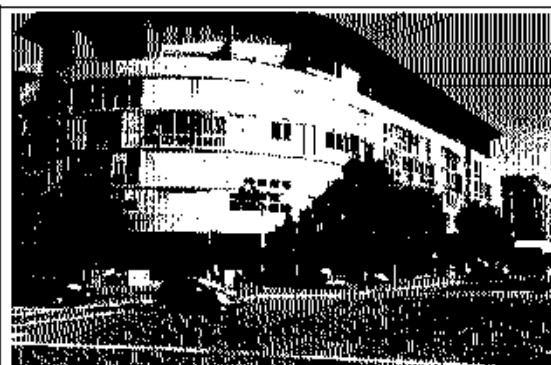


6. CONCLUSION

On behalf of Andrew Gavin from Clisdells Strata, CETEC staff, Luke Meadows on the 7/03/2019 attended site, 29-37 Epsom Road ROSEBERRY NSW 2018 to conduct a site inspection to collect cladding samples for scientific analysis to determine its composition as per the requirements of the Insurance Council of Australia recommendations. The collected samples were sent to Foray Laboratories, a NATA registered company wholly owned by CETEC, for scientific analysis.

Testing following methodology developed by CETEC Pty Ltd to determine composition and flammability potential was conducted in order to assign the material to a Category as instructed by the Insurance Council of Australia¹. A summary of site observations and results are detailed within Table 12 of Section 5 with reference to photographic material, refer to Appendix A for referenced photos.



**APPENDIX A: PHOTOGRAPHIC RECORD OF BUILDING FAÇADE SYSTEM SAMPLES**

**Photo 1: Photo of the site attended, 29-37
Epsom Road ROSEBERRY NSW 2018.**



Photo 2: Front of building

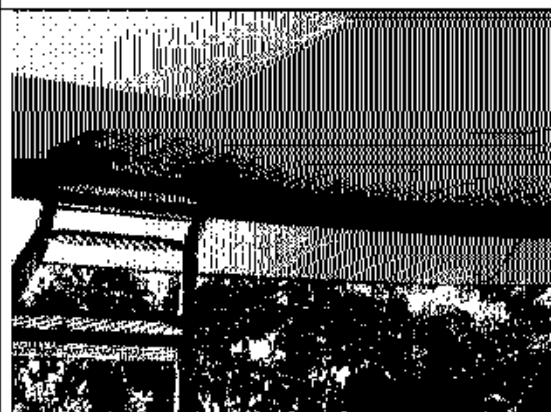


Photo 3: Location samples were taken.

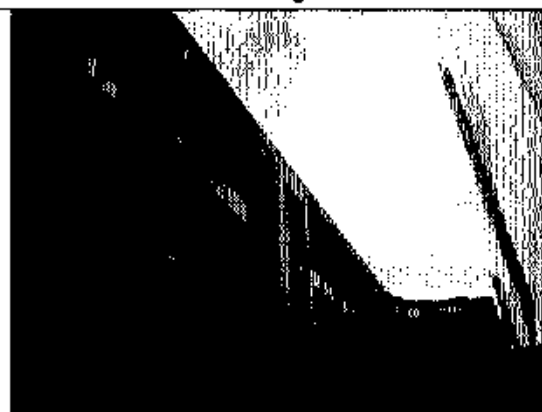


Photo 4: Rear of building.





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EXTERNAL FAÇADE ASSESSMENT REPORT

BUILDING CODE OF AUSTRALIA 2019

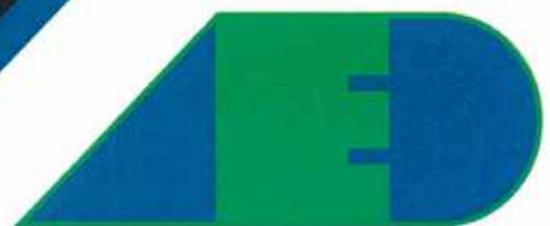
29-37 Epsom Road, Rosebery

DATE ► 18/08/2020

REPORT NO. ► 10000.1

PREPARED FOR ► The owners of SP 79551

PREPARED BY ► AE&D



AEDGROUP

Innovation & expertise in building regulations

CONTENTS

1.0	EXECUTIVE SUMMARY AND RECOMMENDATIONS	3
2.0	INTRODUCTION	5
2.1	EXPLANATORY INFORMATION	5
2.2	BASIS OF REPORT	9
2.3	PURPOSE OF THE REPORT.....	9
2.4	LIMITATIONS OF THE REPORT	9
3.0	BUILDING COMPRISING COMBUSTIBLE CLADDING	10
4.0	CONCLUSION	15
5.0	ATTACHMENT A -DETAILS ON THE ALUMINIUM COMPOSITE PANEL BAN.....	17
6.0	ATTACHMENT B - SAMPLE TEST RESULTS.....	25

REVISION STATUS				
REVISION	DATE	STATUS	PREPARED BY	APPROVED BY
10000 Rev 00	12/05/2020	Final	DK	AW/NH
10000 Rev 01	18/08/2020	Minor amendment to photo page 11	DK	AW/NH

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1.0 EXECUTIVE SUMMARY AND RECOMMENDATIONS

This report provides a Building Code of Australia (BCA) 2019 assessment of the building located at 29-37 Epsom Road, Rosebery.

The primary purpose of this report is to identify if there is a non-compliance with BCA C1.9 and C1.14, specifically the non-combustibility of external walls and ancillary elements as requested under a fire safety order issued to the Owner of SP 79551 by City of Sydney Council dated 5 December 2019.

AED has identified combustible cladding installed on the building façade.

AED has been provided with the report based on the sample testing by Cetec (Ref CN190308) regarding the cladding installed to the building (see Attachment B for excerpt).

Building Products (Safety) Act 2017

The report confirms the presence of Aluminium Composite Panels with a core percentage of **greater than 30% Polyethylene** on the building (Approx 99.9% Polyethylene).

This form of cladding (with a Polyethylene Core percentage of greater than 30%), are considered to be a banned product under the *Building Products (Safety) Act 2017* which came into force on 15 August 2018.

Building Code of Australia

The location of the subject panels to the shown elevations is as such that it forms a non-compliance with the provisions of C1.9 of the BCA which requires all external walls and their components to be non-combustible.

C1.9 Non-combustible building materials

- (a) *In a building required to be of Type A or B construction, the following building elements and their components must be non-combustible:*
 - (i) **External walls and common walls, including all components incorporated in them including the façade covering, framing, and insulation.**
 - (ii) *The flooring and floor framing of lift pits.*
 - (iii) *Non-load-bearing internal walls where they are required to be fire-resisting.*
- (b) *A shaft, being a lift, ventilating, pipe, garbage, or similar shaft that is not for the discharge of hot products of combustion, that is non-loadbearing, must be of non-combustible construction in –*
 - (i) *A building required to be of Type A construction; and*
 - (ii) *A building required to be of Type B construction, subject to C2.10, in*
 - (A) *A Class 2, 3, or 9 building; and*
 - (B) *A Class 5, 6, 7 or 8 building if the shaft connects more than 2 storeys.*
- (c) *A load-bearing internal wall and a loadbearing fire wall, including those that are part of a loadbearing shaft, must comply with specification C1.1.*
- (d) *The requirements of (a) and (b) do not apply to gaskets, caulking, sealants and damp-proof courses.*
- (e) *The following materials may be used wherever a non-combustible material is required:*
 - (i) *Plasterboard.*
 - (ii) *Perforated gypsum lath with a normal paper finish.*
 - (iii) *Fibrous-plaster sheet.*
 - (iv) *Fibre-reinforced cement sheeting.*
 - (v) *Pre-finished metal sheeting having a combustible surface finish not exceeding 1mm thickness and where the spread of flame index of the product is not greater than 0.*
 - (vi) *Sarking-type materials that do not exceed 1 mm in thickness and have a Flammability Index not greater than 5.*
 - (vii) *Bonded laminated materials where –*
 - (A) *Each lamina, including any core, is non-combustible; and*
 - (B) *Each adhesive layer does not exceed 1mm in thickness and the total thickness of the adhesive layers does not exceed 2mm; and*
 - (C) *The spread of flame index and the smoke developed index of the bonded laminated material as a whole do not exceed 0 and 3 respectively.*

'C1.14 Ancillary Elements

An ancillary element must not be fixed, installed or attached to the internal or external face of an external wall that is required to be non-combustible unless it is one of the following:

- (a) **An ancillary element that is non-combustible.**
- (b) *A gutter, downpipe or other plumbing fixture or fitting.*

- (c) A flashing.
- (d) A grate or grille not more than 2m² in area associated with a building service.
- (e) An electrical switch, socket outlet, cover plate or the like.
- (f) A light fitting.
- (g) A required sign.
- (h) A sign other than one provided under (a) or (g) that –
 - (i) achieves a group number of 1 or 2; and
 - (ii) and does not extend beyond one storey; and
 - (iii) Does not extend beyond one fire compartment; and
 - (iv) Is separated vertically from other signs permitted under (h) by at least 2 storeys.
- (i) An awning, sunshade, canopy, blind or shading hood other than one provided under (a) that –
 - (i) meets the requirements of Table 4 of specification C1.10 as for a normal element; and
 - (ii) serves a storey –
 - (A) At ground level; or
 - (B) Immediately above a storey at ground level ; and
 - (iv) Does not serve an exit, where it would render the exit unusable in a fire.
- (j) A part of a security, intercom or announcement system.
- (k) Wiring.
- (l) A paint, lacquer or a similar finish.
- (m) A gasket, caulking, sealant or adhesive directly associated with (a) to (k)'.

It is recommended that the combustible panels installed to the building, as indicated within section 3.0 of this report, be removed and replaced with a product deemed non-combustible in accordance with AS 1530.1-1994.

Action Plan and Timeframes for Compliance

Description of issue	Recommended Fire Safety Upgrade Work	Timeframe
Combustible external cladding has been installed to parts of the external wall as an architectural feature to the building on all four (4) elevations.	Remove the existing combustible Polyethylene Panels on all elevations; and Replace the combustible panels with a product deemed non-combustible in accordance with Australian Standard 1530.1- 1994.	1. Six (6) months to provide details on the proposed cladding replacement product for Council concurrence; and 2. Fifteen (15) months to complete works.

2.0 INTRODUCTION

This report provides a Building Code of Australia (BCA) 2019 assessment of the building located at 29-37 Epsom Road, Rosebery.

The primary purpose of this report is to identify if there is a non-compliance with BCA C1.9 and C1.14, specifically the non-combustibility of external walls and ancillary elements.

AED have been engaged to identify the building and confirm if the external walls are treated with a cladding that would require compliance with BCA C1.9 and C1.14. Section 3.0 of this report has identified the affected elevations on the building.

AED has identified combustible cladding installed on the building façade.

2.1 Explanatory Information

BCA C1.9 and C1.14 requires that the external walls of buildings required to be of either Type A or B construction as determined by BCA clause C1.1 are non-combustible. The below table details the required type of construction for different building classifications dependent upon the buildings rise in storeys. As such buildings identified as being of type C construction, class 1a (dwellings), 10a (garage, shed or the like) are not required to comprise non-combustible external walls under the Building Code of Australia 2019.

Table C1.1 TYPE OF CONSTRUCTION REQUIRED		
Rise in storeys	Class of building	
	2, 3, 9	5, 6, 7, 8
4 OR MORE	A	A
3	A	B
2	B	C
1	C	C

Part A1.1 of the Building Code provides definitions for non-combustible and external walls:

▪ **Non-combustible** means—

(a) applied to a material — not deemed combustible as determined by AS 1530.1 — Combustibility Tests for Materials; and

(b) applied to construction or part of a building — constructed wholly of materials that are not deemed combustible.

The Building Code of Australia 2019

Building Code of Australia 2019 was issued in April 2019 and clarifies those parts that relate to external walls and potentially combustible cladding.

As this is the current Building Code of Australia version, this assessment report is based on this version.

This report will identify noncompliance matters in relation to the following BCA clauses:

- BCA C1.9; and
- BCA C1.14.

'C1.9 Non-combustible building materials

- (f) **In a building required to be of Type A or B construction, the following building elements and their components must be non-combustible:**
- (v) **External walls and common walls, including all components incorporated in them including the façade covering, framing, and insulation.**
 - (vi) **The flooring and floor framing of lift pits.**
 - (vii) **Non-load-bearing internal walls where they are required to be fire-resisting.**
- (g) **A shaft, being a lift, ventilating, pipe, garbage, or similar shaft that is not for the discharge of hot products of combustion, that is non-loadbearing, must be of non-combustible construction in —**

- (v) A building required to be of Type A construction; and
- (vi) A building required to be of Type B construction, subject to C2.10, in
 - (C) A Class 2, 3, or 9 building; and
 - (D) A Class 5, 6, 7 or 8 building if the shaft connects more than 2 storeys.
- (h) A load-bearing internal wall and a loadbearing fire wall, including those that are part of a loadbearing shaft, must comply with specification C1.1.
- (i) The requirements of (a) and (b) do not apply to gaskets, caulking, sealants and damp-proof courses.
- (j) **The following materials may be used wherever a non-combustible material is required:**
 - (viii) Plasterboard.
 - (ix) Perforated gypsum lath with a normal paper finish.
 - (x) Fibrous-plaster sheet.
 - (xi) Fibre-reinforced cement sheeting.
 - (xii) **Pre-finished metal sheeting having a combustible surface finish not exceeding 1mm thickness and where the spread of flame index of the product is not greater than 0.**
 - (xiii) **Bonded laminated materials where –**
 - (D) **Each lamina, including any core, is non-combustible; and**
 - (E) **Each adhesive layer does not exceed 1mm in thickness and the total thickness of the adhesive layers does not exceed 2mm; and**
 - (F) **The spread of flame index and the smoke developed index of the bonded laminated material as a whole do not exceed 0 and 3 respectively'.**

'C1.14 Ancillary Elements

An ancillary element must not be fixed, installed or attached to the internal or external face of an external wall that is required to be non-combustible unless it is one of the following:

- (n) **An ancillary element that is non-combustible.**
 - (o) A gutter, downpipe or other plumbing fixture or fitting.
 - (p) A flashing.
 - (q) A grate or grille not more than 2m² in area associated with a building service.
 - (r) An electrical switch, socket outlet, cover plate or the like.
 - (s) A light fitting.
 - (t) A required sign.
 - (u) A sign other than one provided under (a) or (g) that –
 - (i) achieves a group number of 1 or 2; and
 - (ii) and does not extend beyond one storey; and
 - (vii) Does not extend beyond one fire compartment; and
 - (viii) Is separated vertically from other signs permitted under (h) by at least 2 storeys.
- (v) **An awning, sunshade, canopy, blind or shading hood other than one provided under (a) that –**
 - (i) meets the requirements of Table 4 of specification C1.10 as for a normal element; and
 - (ii) **serves a storey –**
 - (C) **At ground level; or**
 - (D) **Immediately above a storey at ground level ; and**
 - (viii) **Does not serve an exit, where it would render the exit unusable in a fire.**
- (w) A part of a security, intercom or announcement system.
- (x) Wiring.
- (y) A paint, lacquer or a similar finish.
- (z) A gasket, caulking, sealant or adhesive directly associated with (a) to (k)'.

Method of Attachment

Specification C1.1 nominates that any elements must not impair the Fire Resistance Level of the building elements through the means of attachment.

'Specification C1.1, Clause 2.4 - Method of attachment not to reduce the fire-resistance of building elements

The method of attaching or installing a finish, lining, ancillary element or service installation to a building element must not reduce the fire-resistance of that element to below that required'.

Discussion on External Walls

Prior to Amendment 1 of the Building Code of Australia, cladding to external walls was assessed as either part of the external wall or an attachment.

While Amendment 1 has clarified that the concept of combustible attachments can no longer be considered. The following discussion explains the reasoning behind the previous interpretation that may have been applied to this building and the cladding system.

The Building Code of Australia (BCA) 2016 – Amendment 1 and BCA 2019 differentiates between an element being an attachment to an external wall and an element being part of an external wall.

An attachment is permitted to be combustible, subject to a number of qualifications which will be discussed shortly, whereas an element that is part of an external wall is not permitted to be combustible.

The distinction between attachment and part of an external wall is not clearly defined in the Building Code of Australia. The CSIRO have recently issued a document that discusses the assessment and characterisation of this issue.

The CSIRO document, *Fire safety guideline for external walls. A guide for high-rise construction in Australia*, Authors: A. Webb and N. White, Version 2, 18 April 2016, states that, in relation to the difference between an external wall and an attachment;

'The term "external wall" is defined in the BCA as "... an outer wall of a building which is not a common wall".

The term "attachment" or the difference between an attachment and an external wall is not defined in the BCA.

When a term is not specifically defined in the code, the common usage governs. The following definitions are from Macquarie's dictionary:

- *Wall - An upright work or structure of stone, brick, or similar material, serving for enclosure, division, support, protection, etc., as one of the upright enclosing sides of a building; Or, Anything which resembles or suggests a wall*
- *Attachment - An adjunct or supplementary device*

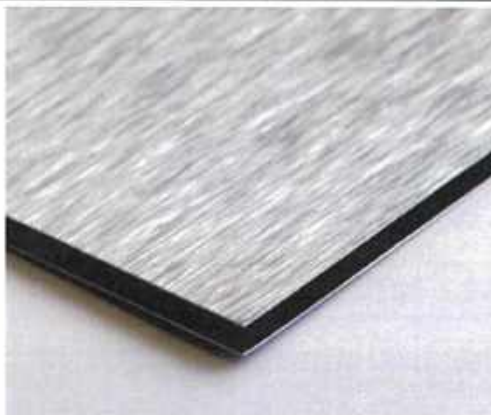



While not intended as a general approach to building code interpretation, CSIRO has applied the following reasoning to determine when a building element should be assessed as an external wall (or integral part of external wall) or an attachment:

- *If the cladding/lining/other item is removed and the remaining structure no longer functions suitably as an external wall (for example, the remaining structure has no fire resistance level, is unable to prevent the penetration of water, is unable to resist wind loads, or in certain applications cannot meet acoustic requirements), then it is considered an integral part of the external wall, and BCA Specification C1.1, Sections 3.1(b) & 4.1 (b) applies.*
- *If the cladding/lining/other item is removed and the remaining wall system still functions as an external wall then Spec C1.1 Clause 2.4 applies.'*

Where this report identifies a material that potentially maybe non-combustible or requires clarification of the certain material a test report must be provided in accordance with AS1530.1-1994.

Aluminium Composite Panels (ACPs) are typically made up of three classes of core being 100% Polyethylene (PE), Mineral fibre, and extruded Aluminium core. Of the three types, it is the 100% PE that is the most combustible and non-compliant with the Building Code of Australia where the building is required to be constructed of Type A or B construction.

Mineral fibre and aluminium core ACPs generally have CodeMark® Certificates, which is a certificate of conformity as defined by Part A1 of the BCA, and therefore can be relied upon as evidence of suitability as outlined in Part A2.2 of the BCA.

Core Type	Typical example
<p>Polyethylene</p> <p>Generally identified by a solid black colour between two sheets of aluminium.</p>	
<p>Mineral Fibre</p> <p>A mixture of non-combustible mineral fibre and PE, varying between 50% to 93% mineral fibre.</p> <p>It is difficult to determine the exact extent of fibre on site, however the more whitish colour, the more fibre is present.</p>	
<p>Extruded Aluminium Core</p> <p>Easily identifiable on site due to the extruded layer of aluminium on the core with significant air gaps visible.</p> <p>This form of panel is generally considered to be non-combustible as determined by AS1530.1-1994 where testing has been undertaken by the manufacturer.</p>	
<p>Expanded Polystyrene (EPS) Panel</p> <p>Expanded Polystyrene (EPS) panels are difficult to identify post-construction where provided with a rendered finish due to the product looking visually identical to rendered masonry.</p> <p>The panels generally perform poorly when fire tested and are considered to be a combustible material. Sample testing is recommended where this form of panelling is identified to external walls.</p>	

2.2 Basis of Report

The key basis of this report is to address compliance with the Building Code of Australia (BCA) 2019 . The scope of services is limited to BCA C1.9 and C1.14.

This report is based on a desktop assessment and inspection, with specific reference to the following:

- A visual, non-destructive external building inspection undertaken by Daniel Keato of AED Group, dated 05/05/2020.
- The Building Code of Australia 2019 prepared by the Australian Building Codes Board.
- The Guide to the BCA 2019 , prepared by the Australian Building Codes Board.
- AED have not been provided a copy of the construction drawings that provide details of the external wall type including sarking and insulation details. If this type of assessment is required further destructive investigations will be required.

2.3 Purpose of the Report

The purpose of this report is to assess the following:

- Assessment under the current Building Code of Australia 2019 , C1.9 and C1.14, and list any departures from the BCA.
- Provide recommendations to address identified non-compliances, and/or identify potential alternative solutions

2.4 Limitations of the Report

This report should not be construed to infer that an assessment for compliance with the following has been undertaken:


- Any part of the BCA other than BCA C1.9 and C1.14
- Destructive investigation. Visual inspection only;
- Assessment of any structural elements or existing fire resistance levels of the building;
- Assessment of any insulation or sarking material located within external walls of any building;
- Reference to a type of construction under BCA table C1.1 is based on a visual inspection only and should be construed as absolute;
- Requirements of statutory authorities;
- Requirements of any standards not directly identified in this report.
- Heritage significance
- Consideration of Council's local planning policies
- Environmental or planning issues
- Requirements of statutory authorities
- Provision of any construction approvals or certification under Part 4A or Part 5 of the Environmental Planning & Assessment Act 1979.
- This assessment has been made against the contemporary version of the BCA 2019 and does not make assessment of the BCA in force at the time of construction.
- This assessment is visual only, without the benefit of plans and as built construction drawings, and as such, assessment cannot be made utilising the "Guide for the assessment of buildings with combustible cladding" prepared by the NSW Department of Planning, Industry and Environment dated September 2019.
- This report is not to be used for the purposes of litigation or court proceedings.

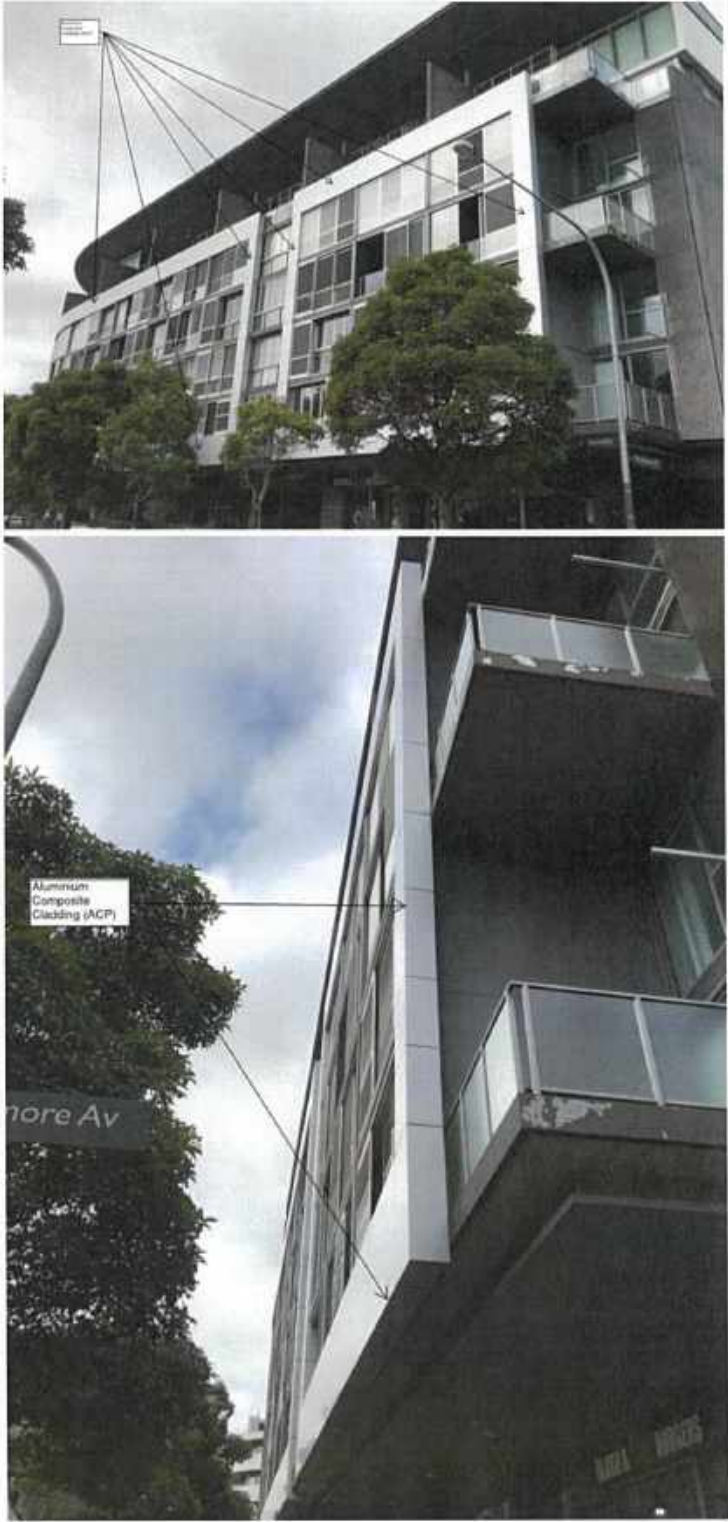
3.0 BUILDING COMPRISING COMBUSTIBLE CLADDING


This report provides a Building Code of Australia (BCA) 2019 assessment of the building located at 29-37 Epsom Road, Rosebery.

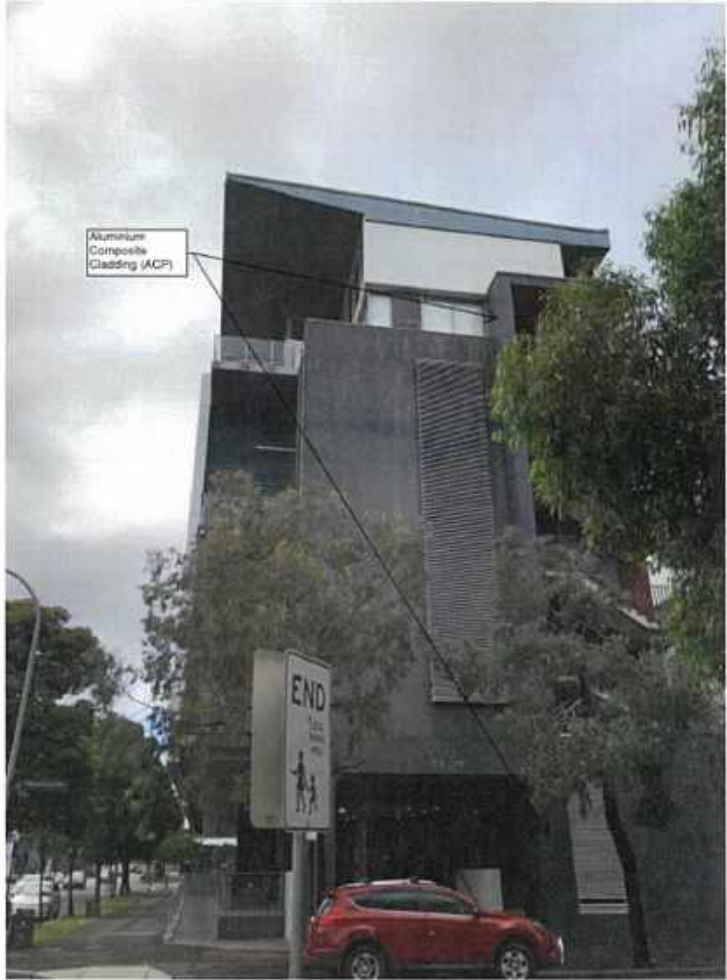
The primary purpose of this report is to identify if there is a non-compliance with C1.9 and C1.14 specifically the non-combustibility of external walls and ancillary elements.


AED has identified combustible PE cladding installed on the building façade. See below for details on the locations identified.

Location of Panels	Photographs of Panels
<p>AED has identified combustible cladding installed on this building façade.</p> <p><u>Rothschild Avenue Elevation (Eastern Elevation)</u></p> <p>This elevation has been provided with Polyethylene (PE) Aluminium Composite Panels installed on parts of the external wall as an architectural feature to the outside of unit balconies.</p> <p>The PE panels are considered to be combustible and represent a non-compliance with C1.9 of the BCA.</p> <p>The remainder of the elevation is non-combustible rendered masonry, glazing, or otherwise considered compliant with the provisions of the BCA.</p>	

Location of Panels	Photographs of Panels
<p>AED has identified combustible cladding installed on this building façade.</p> <p><u>Epsom Road Elevation (Northern Elevation)</u></p> <p>This elevation has been provided with Polyethylene (PE) Aluminium Composite Panels installed on parts of the external wall including the external balconies as a vertical and horizontal feature.</p> <p>The PE panels are considered to be combustible and represent a non-compliance with C1.9 of the BCA.</p> <p>The remainder of the elevation is non-combustible rendered masonry, glazing, or otherwise considered compliant with the provisions of the BCA.</p>	

Location of Panels	Photographs of Panels
<p>AED has identified combustible cladding installed on this building façade.</p> <p><u>Street Level - Epsom Road Elevation (Northern Elevation)</u></p> <p>This elevation has been provided with Polyethylene (PE) Aluminium Composite Panels installed on parts of the external wall at the front of the retail shop, main lift lobby and adjacent to the western exit.</p> <p>The PE panels are considered to be combustible and represent a non-compliance with C1.9 of the BCA.</p>	

Location of Panels	Photographs of Panels
<p>AED has identified combustible cladding installed on this building façade.</p> <p><u>Mentmore Avenue Elevation (Western Elevation).</u></p> <p>This elevation has been provided with Polyethylene (PE) Aluminium Composite Panels installed on parts of the external walls as an architectural feature adjacent to the fire isolated stairway.</p> <p>The PE panels are considered to be combustible and represent a non-compliance with C1.9 of the BCA.</p> <p>The remainder of the elevation is non-combustible rendered masonry, glazing, or otherwise considered compliant with the provisions of the BCA.</p>	

Location of Panels	Photographs of Panels
<p>AED has identified combustible cladding installed on this building façade.</p> <p><u>Rear Southern Elevation</u></p> <p>This elevation has been provided with Polyethylene (PE) Aluminium Composite Panels installed on parts of the external wall as an architectural feature around the lift lobby area, adjoining window openings to residential units near the lift core.</p> <p>The PE panels are considered to be combustible and represent a non-compliance with C1.9 of the BCA.</p> <p>The remainder of the elevation is non-combustible rendered masonry, glazing, or otherwise considered compliant with the provisions of the BCA.</p>	

CONCLUSION

This report provides a Building Code of Australia (BCA) 2019 assessment of the building located at 29-37 Epsom Road, Rosebery.

The primary purpose of this report is to identify if there is a non-compliance with BCA C1.9 and C1.14, specifically the non-combustibility of external walls and ancillary elements.

AED has identified combustible cladding installed on the building façade.

AED has been provided with the report based on the sample testing by Cetec regarding the cladding installed to the building (see Attachment B for excerpt).

Building Products (Safety) Act 2017

The report confirms the presence of Aluminium Composite Panels with a core percentage of **greater than 30% Polyethylene** on the building (Approx 95% Polyethylene).

This form of cladding (with a Polyethylene Core percentage of greater than 30%), are considered to be a banned product under the Building Products (Safety) Act 2017 which came into force on 15 August 2018.

Building Code of Australia

The location of the subject panels to the shown elevations is as such that it forms a non-compliance with the provisions of C1.9 of the BCA which requires all external walls and their components to be non-combustible.

C1.9 Non-combustible building materials

- (k) **In a building required to be of Type A or B construction, the following building elements and their components must be non-combustible:**
 - (ix) **External walls and common walls, including all components incorporated in them including the façade covering, framing, and insulation.**
 - (x) **The flooring and floor framing of lift pits.**
 - (xi) **Non-load-bearing internal walls where they are required to be fire-resisting.**
- (l) **A shaft, being a lift, ventilating, pipe, garbage, or similar shaft that is not for the discharge of hot products of combustion, that is non-loadbearing, must be of non-combustible construction in –**
 - (ix) **A building required to be of Type A construction; and**
 - (x) **A building required to be of Type B construction, subject to C2.10, in**
 - (E) **A Class 2, 3, or 9 building; and**
 - (F) **A Class 5, 6, 7 or 8 building if the shaft connects more than 2 storeys.**
- (m) **A load-bearing internal wall and a loadbearing fire wall, including those that are part of a loadbearing shaft, must comply with specification C1.1.**
- (n) **The requirements of (a) and (b) do not apply to gaskets, caulking, sealants and damp-proof courses.**
- (o) **The following materials may be used wherever a non-combustible material is required:**
 - (xiv) **Plasterboard.**
 - (xv) **Perforated gypsum lath with a normal paper finish.**
 - (xvi) **Fibrous-plaster sheet.**
 - (xvii) **Fibre-reinforced cement sheeting.**
 - (xviii) **Pre-finished metal sheeting having a combustible surface finish not exceeding 1mm thickness and where the spread of flame index of the product is not greater than 0.**
 - (xix) **Sarking-type materials that do not exceed 1 mm in thickness and have a Flammability Index not greater than 5.**
 - (xx) **Bonded laminated materials where –**
 - (G) **Each lamina, including any core, is non-combustible; and**
 - (H) **Each adhesive layer does not exceed 1mm in thickness and the total thickness of the adhesive layers does not exceed 2mm; and**
 - (I) **The spread of flame index and the smoke developed index of the bonded laminated material as a whole do not exceed 0 and 3 respectively.**

C1.14 Ancillary Elements

An ancillary element must not be fixed, installed or attached to the internal or external face of an external wall that is required to be non-combustible unless it is one of the following:

- (aa) **An ancillary element that is non-combustible.**
- (bb) **A gutter, downpipe or other plumbing fixture or fitting.**
- (cc) **A flashing.**
- (dd) **A grate or grille not more than 2m² in area associated with a building service.**

(ee) An electrical switch, socket outlet, cover plate or the like.

(ff) A light fitting.

(gg) A required sign.

(hh) A sign other than one provided under (a) or (g) that –

(i) achieves a group number of 1 or 2; and

(ii) and does not extend beyond one storey; and

(xi) Does not extend beyond one fire compartment; and

(xii) Is separated vertically from other signs permitted under (h) by at least 2 storeys.

(ij) An awning, sunshade, canopy, blind or shading hood other than one provided under (a) that –

(i) meets the requirements of Table 4 of specification C1.10 as for a normal element; and

(ii) serves a storey –

(E) At ground level; or

(F) Immediately above a storey at ground level; and

(xii) Does not serve an exit, where it would render the exit unusable in a fire.

(jj) A part of a security, intercom or announcement system.

(kk) Wiring.

(ll) A paint, lacquer or a similar finish.

(mm) A gasket, caulking, sealant or adhesive directly associated with (a) to (k)'.

It is recommended that the combustible panels installed to the building, as indicated within section 3.0 of this report, be removed and replaced with a product deemed non-combustible in accordance with AS 1530.1-1994.

Action Plan and Timeframes for Compliance

Description of issue	Recommended Fire Safety Upgrade Work	Timeframe
Combustible external cladding has been installed to parts of the external wall as an architectural feature to the building on all four (4) elevations.	Remove the existing combustible Polyethylene Panels on all elevations; and Replace the combustible panels with a product deemed non-combustible in accordance with Australian Standard 1530.1- 1994.	1. Six (6) months to provide details on the proposed cladding replacement product for Council concurrence; and 2. Fifteen (15) months to complete works.



Daniel Keato

Senior Associate.

Accredited Certifier (Building)

Grad.Dip.Bld. Surv. (WSU)



Reviewed and Approved by:

Nathan Halstead

Managing Director

A1 (Unrestricted) – Accredited Certifier – Building Surveying
C10 Accredited Fire Engineer No: BPB0161

for AE&D



4.0 Attachment A -Details on the Aluminium Composite Panel Ban

NOTICE UNDER SECTION 9(1) OF THE BUILDING PRODUCTS (SAFETY) ACT 2017

I, Rosemary Ann Webb, Commissioner for Fair Trading, Department of Finance, Services and Innovation:

PROHIBIT the use of aluminium composite panels (ACP) with a core comprised of greater than 30 per cent polyethylene (PE) by mass ('the building product') in any external cladding, external wall, external insulation, façade or rendered finish in:

- Class 2, 3 and 9 buildings with a rise in storeys of three or more and Class 5, 6, 7 and 8 buildings with a rise in storeys of four or more (Type A construction as defined in the Building Code of Australia); and
- Class 2, 3 and 9 buildings with a rise in storeys of two or more and Class 5, 6, 7 and 8 buildings with a rise in storeys of three or more (Type B construction as defined in the Building Code of Australia),

subject to the following exceptions:

- a) the building product is not deemed combustible by successfully passing a test in accordance with Australian Standard 1530.1-1994 'Methods for fire tests on building materials, components and structures' (AS 1530.1);

or

- b) the building product and proposed external wall assembly has successfully passed a test for both the EW (external wall fire spread) and BB (building-to-building fire spread) classifications in accordance with Australian Standard 5113 'Fire Propagation testing and classification of external walls of buildings' (AS 5113) and the proponent of the use of the building product tested to AS 5113 documents by statutory declaration that the building product will be installed in a manner identical to the tested prototype wall assembly or façade,

and

- c) the AS 1530.1 or AS 5113 test results to be relied upon to except a building product from the ban are produced by an Accredited Testing Laboratory, and describe the methods and conditions of the test and the form of construction of the tested building product or prototype wall assembly or façade, and are dated on or after 1 July 2017.

This building product use ban commences Wednesday 15 August 2018 and remains in force until it is revoked.

DATED the 10th day of August 2018.

ROSEMARY ANN WEBB

COMMISSIONER FOR FAIR TRADING

DEPARTMENT OF FINANCE, SERVICES AND INNOVATION



Notations

For the purposes of this Notice:

Accredited Testing Laboratory means:

- i. an organisation accredited by the National Association of Testing Authorities (NATA) to undertake the relevant tests; or
- ii. an organisation outside Australia accredited to undertake the relevant tests by an authority, recognised by NATA through a mutual recognition agreement; or
- iii. an organisation recognised as being an *Accredited Testing Laboratory* under legislation at the time the test was undertaken.

Proponent is taken to be one of the following persons:

- i. the person recommending or specifying the use of the building product;
- ii. the person who uses the building product; or
- iii. the Owner within the meaning of the *Building Products (Safety) Act 2017* ('the Act').

Rise in storeys has the meaning given to it in Clause C1.2 of the BCA.

Under the Act, it is an offence for a person to cause a building product to be used in a building in contravention of a building product use ban.¹

It is also an offence under the Act for a person to, in trade or commerce, represent that a building product is suitable for use in a building if that use would contravene a building product use ban.²

Part 4 of the Act makes provision for the identification and rectification of buildings where a building product the subject of a building product use ban has been used in the building for a use that is prohibited by the building product use ban. For the purposes of that Part of the Act, it does not matter if the building product was used in the building before the building product use ban is in force.³

Reasons for Decision

On 23 March 2018, I published a Notice under section 13 of the Act (the Notice) calling for submissions by 23 April 2018 on whether a building product use ban was warranted for the use of ACPs, particularly panels containing a polyethylene core, and/or polystyrene products, and/or other similar substances in any external cladding, external wall, external insulation, façade or rendered finish on a building of 2 or more storeys (use in external cladding).

I received 28 public submissions in response to the Notice. The submissions were provided by a range of stakeholders including developers, builders, industry associations, fire safety consultants, composite panel suppliers and individuals.

In deciding whether to impose a building product use ban, I have had regard to all public submissions that were received in response to the Notice.

¹ Section 15(1), *Building Products (Safety) Act 2017*.

² Section 15(3), *Building Products (Safety) Act 2017*.

³ Section 17(2), *Building Products (Safety) Act 2017*.

I have also considered:

- (a) advice from NSW Fire and Rescue;
- (b) independent expert advice specifically sought by the Department of Finance, Services and Innovation from building safety professionals with relevant technical knowledge and professional expertise;
- (c) the post incident analysis report of the Lacrosse Building fire by The Metropolitan Fire and Emergency Services Board dated 25 November 2014;
- (d) the Economic References Committee, *Non-conforming building products – Interim report: Aluminium composite cladding* dated 6 September 2017;
- (e) the *Australian Government response to the Interim report: Aluminium Composite Cladding* dated 26 February 2018;
- (f) the Phase 1 expert report of Professor Luke Bisby dated 2 April 2018 submitted to the Grenfell Tower Inquiry;
- (g) the approaches which have been adopted by other Australian Regulators, namely Victoria, Tasmania and South Australia on the use of certain types of composite panelling; and
- (h) publications of the NSW Cladding Taskforce.

In reaching a decision, I have had regard to:

- the likely contribution of specific types of ACPs to building fire safety
- whether certain types of ACPs are unsafe within the meaning of the Act and should be banned from use in certain classes of building, and
- whether any compliance tests exist to sufficiently manage the safety risks posed by certain products.

Having considered all of this information, I am satisfied that the building product is unsafe for use in any external cladding, external wall, external insulation, façade or rendered finish in buildings of Type A and Type B construction, as defined in the Building Code of Australia, subject to specified exceptions. I therefore decided to prohibit the use of the building product in the terms of the building product use ban set out above. My reasons for making this decision are as follows:

1) Fires which are associated with ACP with a PE core on Type A and Type B construction pose a safety risk

Recent public events have demonstrated the safety risk associated with the use of ACP with a PE core in multi storey buildings, including Type A and Type B construction. Events such as the Lacrosse building fire in Melbourne on 25 November 2014 and the Grenfell Tower fire in London on 14 June 2017 demonstrated that there are likely to be public safety risks associated with the use of certain types of cladding, including ACP with a PE core. Similar fire events in China, France and the United Arab Emirates have also been linked to the use of combustible cladding.

Fires on multi storey buildings have a range of inherent complexities resulting from the height of the building and may require more specialised equipment. Fires which are associated with external cladding consisting of ACP with a PE core, such as the Lacrosse Building fire and the Grenfell Tower fire, introduce additional risk owing to the rapid vertical spread of fire associated with these building products. Such fires must be carefully managed to respond to the potentially higher incidence of fatalities which are more likely to be caused by such a fire.

The Lacrosse Building fire was managed by an internal sprinkler system that was found to have operated well above specification in the majority of the units impacted by the fire to stop its spread. It therefore cannot be presumed that a sprinkler system would operate to mitigate the spread of fire in similar circumstances.

NSW Fire and Rescue identify building products including ACP with a PE core as a safety risk capable of causing rapid fire spread. The use of such building products may put fire fighters and occupants in unsafe situations including exposure to falling debris in the instance of fire.

2) ACP with a core comprised of greater than 30 per cent PE by mass used in contravention of the National Construction Code (NCC) poses a safety risk within the meaning of the Act

The various types of ACP are distinguished by the composition of their core. The composition of the core is important as it is considered to significantly influence the fire properties of the panel. The majority of ACPs have a core material that is a mixture of PE, mineral fillers and/or fire retardants. The CSIRO, who were asked to provide advice by the Australian Government on the various types of ACPs currently manufactured, described three 'classes' of core composition:

- 1) Less than three per cent PE – such composition produces a product classified as 'A2' ACP under European fire certification;
- 2) Approximately 30 per cent PE – such composition produces a product classified as 'FR' (fire retardant) under European fire certification; and
- 3) Approximately 100 per cent PE.

Unlike European fire certification, the NCC does not consider or make distinctions based on the composition of panels, including the core, as it requires ACP to be non-combustible as defined by AS 1530.1. However, some Australian suppliers identify their ACP products as complying with A2 or FR European standards to represent that the ACP product is non-combustible.

PE is a thermoplastic substance which has poor fire performance and is quickly prone to melting and dripping when exposed to high temperatures, such as in the event of a fire. The heat from a fire can quickly conduct through the outer ACP, noting the width of these panels is no greater than 6mm, and ignite the highly flammable core. These materials combust in a manner that makes fire response extremely challenging for emergency services.

Cladding, including ACP with a PE core of some proportion, is often used for the purposes of aesthetics to act as a cover for part or all of the external walls of a building. In the event of a fire, the use of ACP with a PE core on a multi storey building can significantly increase the amount of energy that is released by the cladding and contribute to the rapid spread of fire.

A ban directed only to ACP with a core comprised of greater than 30 per cent PE targets the impact of the product ban and focuses regulatory intervention on the types of ACP panels that are most likely to pose a safety risk. This threshold aligns with the FR European standard which is considered the benchmark for an ACP product to be of low flammability.

Given that the Victorian Building Authority also enforces a restriction on ACP with a core specifically comprised of 30 per cent or more PE by mass, it is considered appropriate to align NSW's building product use ban with the requirements of the second largest state in which construction work is performed. It is noted however that the Victorian approach differs from the NSW approach. Under the Victorian approach products are required to be submitted to the Victorian Building Appeals Board to be determined whether the proposed use of the product complies with the relevant Act and Regulations. In this regard, the Victorian approach equates to an 'approval' under the Victorian planning and building regime. The NSW approach under the proposed ban creates a specific gateway which affected products must navigate, but still requires that the product and the related construction use is separately and additionally subject to all the normal planning assessment and approvals, including compliance with the NCC, under NSW laws.

3) At present, the NCC is not sufficient to regulate building products and cannot be relied on in isolation to address the safety risks associated with the use of ACP with a core comprised of greater than 30 per cent PE by mass

The NCC is a national performance-based code which outlines mandatory performance requirements for the building and construction industry. Under the NCC, ACP with a PE core is permitted for use if the product satisfies the performance requirements of the NCC.

However, misapplication of or non-compliance with the performance requirements of the NCC raises a significant risk and concern for the safety of buildings and the community.

The operation of the NCC presents challenges to entities in the building industry and regulators. Concerns with the combustibility of external cladding (specifically ACP with a PE core) and the role of the NCC have been noted in reports by domestic and international bodies. There is evidence that NSW is directly affected as the NSW Cladding Taskforce identified over 400 buildings as "having cladding in a quantity, location and/or arrangement which potentially increases fire risks" despite the requirements of the NCC.

Victoria, South Australia and Tasmania have determined it appropriate to implement new measures in addition to existing requirements under the NCC to respond to the challenge of non-compliant cladding.

Based on the sources considered, a genuine concern exists that the NCC cannot be relied on in isolation to address the safety risks associated with the use of ACP with a core comprised of greater than 30 per cent PE by mass.

4) A building product use ban can be imposed subject to exceptions that will enable the use of the building product if a nominated test is satisfied

Expert advice and other sources which I considered identified recognised testing that applies to the building product as determined by Australian Standards and/or in certain circumstances called upon by the NCC, including AS 1530.1 and/or AS 5113. I have formed the view that the safety risk posed by ACP with a core comprised of greater than 30 per cent PE by mass can be managed if the product meets the testing requirements of AS 1530.1 and/or AS 5113. For this reason, the building product use ban is subject to exceptions that permit the use of the building product in Type A and Type B construction if the building product is tested in accordance with either AS 1530.1 or AS 5113.

AS 1530.1 is an individual product test which determines the combustibility of a building material within the criteria given in Clause 3.4 of the Standard. Separately AS 5113 sets out the procedures for the fire propagation testing and classification of external walls of buildings according to their tendency to limit the spread of fire via the external wall and between adjacent buildings. AS 5113 is more appropriate for testing entire wall assemblies or façades consisting of external cladding, rather than an individual product. This Standard is applicable to fire propagation via all external vertical or near vertical surfaces and covers all types of external wall systems, including façades, outer skins, core materials, cavities and attachments. The application of AS 5113 as part of a building product use ban is considered appropriate to ensure that building products that pose a safety risk, including to the lives of occupants, fire fighters and the community, are not used in NSW.

In order to meet the requirements of the proposed exception it is considered appropriate that tests be supported with a report from an Accredited Testing Laboratory which describes the methods and conditions of the test, the form of construction of the tested prototype. Where AS 5113 is relied upon, a statutory declaration will be required by the proponent of the use of the building product to declare that the building product will be installed in a manner identical to the tested prototype wall assembly or façade. This additional step is required to ensure that proponents understand and verify that the prototype wall assembly tested is in fact the wall assembly subsequently used and installed.

To ensure that testing takes account of the understanding of the fire performance of ACP products since the Grenfell Tower Fire, test reports against AS 1530.1 and/or AS 5113 are required to have been undertaken no earlier than 1 July 2017.

Building Products (Safety) Act 2017

Part 4 Identification and rectification of affected buildings

16 Definitions

In this Part:

affected building—see section 17.

affected building notice means a notice under section 18.

general building safety notice means a notice under section 19.

made safe—see section 26.

relevant enforcement authority in relation to a building means:

(a) a relevant enforcement authority for an order under Part 1 of Schedule 5 to the [Environmental Planning and Assessment Act 1979](#) in respect of the building, or

(b) in the case of a building that is not a building within the meaning of the [Environmental Planning and Assessment Act 1979](#), the council for the area in which the building is located.

17 Affected building

(1) For the purposes of this Part, a building is an affected building if a building product the subject of a building product use ban has been used in the building for a use that is prohibited by the building product use ban.

(2) It does not matter that the building product was used in the building before the building product use ban was in force.

18 Identification and notification of particular affected buildings

(1) If the Secretary is satisfied, on reasonable grounds, that a particular building is or may be an affected building, the Secretary may issue a notice under this section (an affected building notice).

(2) An affected building notice is to include the following information:

(a) the location of the building that is or may be an affected building,

(b) particulars of the relevant building product use ban,

(c) particulars of the safety risk posed by the use of the building product to which the building product use ban applies.

(3) The Secretary is to give a copy of an affected building notice to the following:

(a) the owner or owners of the building,

(b) the occupier or occupiers of the building,

(c) the council for the area in which the building is located,

(d) a relevant enforcement authority for the building (if the council is not a relevant enforcement authority for the building),

(e) the Commissioner of Fire and Rescue NSW, if the safety risk posed by the use of the building product relates to a risk of fire.

(4) If the building is the subject of a strata scheme under the [Strata Schemes Management Act 2015](#), a requirement to give notice to the owner or owners of the building is satisfied if notice is given to the owners corporation constituted under that Act.

(5) The Secretary may publish an affected building notice on the internet, but only if the Secretary considers that it is in the public interest to do so.

19 General warning about class of buildings that may be affected buildings

(1) The Secretary may issue a notice under this section (a general building safety notice) if the Secretary is satisfied, on reasonable grounds, that a class of buildings may be affected buildings.

(2) A general building safety notice is a notice that identifies the safety risk posed by the use of a building product that is the subject of a building product use ban in the class of buildings concerned.

(3) A general building safety notice is to include the following information:

(a) particulars of the class of buildings that may be affected buildings, to the extent known to the Secretary,

(b) particulars of the relevant building product use ban,

(c) particulars of the safety risk posed by the use of the building product to which the building product use ban applies.

- (4) A general building safety notice may be given:
- (a) to all councils or to any councils that the Secretary considers appropriate, and
 - (b) to the Commissioner of Fire and Rescue NSW, if the safety risk posed by the use of the building product relates to a risk of fire.
- (5) The Secretary may publish a general building safety notice on the internet, but only if the Secretary considers that it is in the public interest to do so.

20 Power of relevant enforcement authority to order rectification

- (1) A relevant enforcement authority may make an order under this section (a building product rectification order) in respect of a building.
- (2) A building product rectification order is an order that requires the owner of a building to do such things as are necessary for either or both of the following purposes:
- (a) to eliminate or ~~minimise~~ a safety risk posed by the use in the building of a building product to which a building product use ban applies,
 - (b) to remediate or restore the building following the elimination or ~~minimisation~~ of the safety risk.
- (3) A building product rectification order may be made only if the relevant enforcement authority is satisfied, on reasonable grounds, that the building is an affected building.
- (4) For the purposes of any proceedings relating to a building product rectification order or proposed building product rectification order, an affected building notice or a general building safety notice is evidence that the use in a building of the building product specified in the notice poses a safety risk of a kind specified by the Secretary in that notice.
- (5) However, a relevant enforcement authority may make a building product rectification order in respect of a building ~~whether or not~~ the relevant enforcement authority has received an affected building notice or general building safety notice in respect of the building.
- Note. For example, a council may make a building product rectification order if, as a result of its own investigations, it identifies an affected building.*

21 Statutory provisions applicable to building product rectification order

- (1) The [Environmental Planning and Assessment Act 1979](#), and any regulations under that Act, apply to a building product rectification order as if the order were a development control order, except as provided by subsection (3).
- ~~(2) (Repealed)~~
- (3) If a building is not a building within the meaning of the [Environmental Planning and Assessment Act 1979](#), the [Local Government Act 1993](#), and any regulations under that Act, apply to a building product rectification order in respect of the building as if the order were an order made under section 124 of the [Local Government Act 1993](#).
- (4) The regulations may modify the application of any of the statutory provisions referred to in subsection (1) or (3) to or in respect of a building product rectification order.
- (5) The Minister is not to recommend the making of a regulation that modifies the operation of any of those statutory provisions in respect of a building product rectification order except with the concurrence of the Minister administering the relevant statutory provisions concerned.

22 Appeals concerning orders

- (1) A council must give notice to the Secretary of an appeal against a building product rectification order made by the council.
- (2) The Secretary is entitled to appear and be heard on an appeal against a building product rectification order.
- (3) The Land and Environment Court may, on hearing an appeal against a building product rectification order, order the Secretary to amend or revoke an affected building notice or a general building safety notice (without limiting any other powers the Court has on an appeal).

23 Council to report to Secretary on response

- (1) The Secretary may, by notice in writing served on a council that has been given an affected building notice, require the council to provide a report to the Secretary about the steps it has taken in relation to the affected building notice.
- (2) The report is to indicate or include the following:
- (a) whether the council has made a building product rectification order in respect of the building the subject of the affected building notice,
 - (b) whether the order has been complied with or the progress that has been made towards compliance with the order,

- (c) any other steps that are being taken by the council to ensure that the building the subject of the affected building notice is made safe,
 - (d) such other matters as may be prescribed by the regulations.
- (3) If the council has not made a building product rectification order in respect of the building the subject of the affected building notice, the report is to set out the council's reasons for not making the order.
- (4) The report is to be provided to the Secretary within the period specified by the Secretary in the notice (being a period of not less than 30 days after the notice is served).
- (5) The Secretary may require more than one report to be provided under this section in respect of a building.
- (6) The Secretary may publish a report provided by the council under this section on the internet.
- (7) The Secretary may withhold from publication any information in the report that identifies the particular building that is the subject of the affected building notice.

24 Amendment or revocation of notices

- (1) The Secretary may amend or revoke an affected building notice or a general building safety notice by issuing a further notice.
- (2) The Secretary is to give notice of the amendment or revocation of an affected building notice to each of the following:
- (a) the owner or owners of the building,
 - (b) the occupier or occupiers of the building,
 - (c) the council for the area in which the building is located,
 - (d) any relevant enforcement authority for the building to whom the affected building notice was given,
 - (e) the Commissioner of Fire and Rescue NSW, if the affected building notice was given to the Commissioner.
- (3) The Secretary is to give notice of the amendment or revocation of a general building safety notice to each of the following:
- (a) any council that was given the general building safety notice,
 - (b) the Commissioner of Fire and Rescue NSW, if the general building safety notice was given to the Commissioner.
- (4) An affected building notice or general building safety notice ceases to be in force if it is revoked.

25 Revocation of affected building notice

- (1) The Secretary must revoke an affected building notice if the Secretary is satisfied that:
- (a) the building concerned has been made safe, or
 - (b) the building is not an affected building.
- (2) The Secretary may revoke an affected building notice on the application of an owner of the building or on the Secretary's own initiative.

26 When a building is "made safe"

For the purposes of this Part, a building is made safe if the safety risk that is posed by the use of a building product to which a building product use ban applies, as identified by the Secretary in an affected building notice, is eliminated or, if it is not reasonably practicable to eliminate the safety risk, is ~~minimised~~ as far as practicable.

5.0 Attachment B - Sample Test Results

OHS & Environmental Care

Sustainability

Advanced Laboratory/Analytical Services

Technology & Innovation



Clisdells Strata – Building Façade Material Investigation Report

Indicative Flammability Potential, Composition and Preliminary Toxicity Screening of Exterior Cladding Systems



Project Reference: CN190308
Engaged By: Andrew Gavin
Company: Clisdells Strata
Company Address: 623 Princes Highway, Rockdale NSW 2216
Site Address: 29-37 Epsom Road ROSEBERRY NSW 2018
Sampled Collected By: Luke Meadows
Date Sampled: 7/03/2019
Version: 1.0

Prepared By:



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PROJECT: Building Façade Material System Investigation Report CETEC Pty Ltd 3/216 Willoughby Rd, St Leonards NSW 2065		REPORT COMMISSIONED BY: Andrew Gavin from Clisdells Strata, 623 Princes Highway, Rockdale NSW 2216		
CETEC REF: CN190308		CLIENT Ref:		VERSION: 1.0
AMD	DESCRIPTION	INT	REVIEWED	DATE
1.0	Final report with building façade testing results for 29-37 Epsom Road ROSEBERRY NSW 2018.	LM	PDS / VG	26-03-2019

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CONTENTS

1. INTRODUCTION	4
1.1. BACKGROUND	4
1.2. SCOPE OF WORK	5
2. SAMPLING AND TESTING METHODOLOGY	5
2.1. SAMPLE COLLECTION	5
2.2. SAMPLE PREPARATION	5
2.3. CHEMICAL COMPOSITION BY ATR-FTIR	6
2.4. FUEL LOAD AND FILLER CONTENT BY DRY OXIDATIVE ASHING	6
2.5. VISUAL THERMAL STABILITY	7
2.6. MICRO FLAMMABILITY	8
2.7. THERMAL ANALYSIS BY TGA-DSC	8
2.8. X-RAY DIFFRACTION TEST	8
3. LABORATORY RESULTS	9
3.1. SPECTRAL ANALYSIS BY ATR-FTIR	9
3.2. DRY OXIDATIVE ASHING TEST	9
3.3. THERMAL STABILITY	10
3.4. MICRO-FLAMMABILITY	10
3.5. THERMAL ANALYSIS BY TGA-DSC	10
3.6. X-RAY DIFFRACTION TEST	10
4. DISCUSSION OF RESULTS	11
4.1. ATR-FTIR	11
4.2. OXIDATIVE DRY-ASHING	12
4.3. VISUAL THERMAL STABILITY	12
4.4. MICRO-FLAMMABILITY	12
4.5. DESKTOP REVIEW OF EXPECTED TOXIC GASES TO BE RELEASED IF EXPOSED TO FIRE	13
5. SUMMARY OF SITE OBSERVATIONS AND TESTING RESULTS	14
6. CONCLUSION	15
DISCLAIMER	17
COPYRIGHT	17

1. INTRODUCTION

1.1. BACKGROUND

Recent multi-level building fires in Australia and overseas have resulted in the Federal and State governments inquiring into non-conforming and non-compliant building products, especially building façades comprising of Aluminium Composite Panels (ACP). However, any other material which has been used to form the building's façade should also be assessed in a similar manner to determine if the material is flammable and if so, determine its composition as per the requirements detailed by the Insurance Council of Australia.

Insurers have invested in the expertise necessary to measure residual risk. Using this, the industry has considered the challenges posed by non-conforming building façade systems, which will include Aluminium Composite Panels (ACPs) or any other panel type material, beginning with the most fundamental of issues: *its identification*. Critically, the evaluation of exposure for each building that has combustible façades presents the need to conduct a case-by-case investigation by competent fire protection professionals, including fire safety engineers, to evaluate the most critical exposures, safety to life and code compliance.

The approach adopted by the Insurance Council of Australia¹ (ICA) includes both the identification of the material used and the installation methodology, which also includes the whole wall assembly. This will enable assessment of the risks posed by use of materials, which may then trigger consideration of remedial actions to lower a building's residual risk to acceptable levels.

Reports commissioned by a building's owner should address 10 critical questions through three steps, these steps are;

- Step 1 – Identification of materials.
- Step 2 – Evaluating the exposure.
- Step 3 – Remedial actions for consideration.

Therefore, this report addresses the one of the requirements within *Step 1*, which is the identification of the material used within the building's façade system. Following from that, an appropriately trained fire engineer, building surveyor or fire protection professional should utilise the data within this report to address the remaining items within Step 1, Step 2 and Step 3 as detailed within the ICA's website.

¹ <http://www.insurancecouncil.com.au/issues-submissions/issues/insurance-industry-aluminium-composite-panels-residual-hazard-identification-reporting-protocol>

1.2. SCOPE OF WORK

CETEC Pty Ltd was engaged by Andrew Gavin from Clisdells Strata to conduct laboratory analysis of sample building façade system from 29-37 Epsom Road ROSEBERRY NSW 2018 to determine the cladding's composition and flammability potential, and in turn determine its preliminary toxicity risk due to gaseous emission in the event of a fire. The building façade system material was sampled by Luke Meadows from CETEC on the 7/03/2019 and subjected to laboratory analysis by Foray Laboratories, a company wholly owned by CETEC Pty Ltd. As a summary the collected samples are recorded below in Table 1.

Laboratory results and discussions as detailed within this document should not be used in isolation and are to be used only to assist fire engineers and other stakeholders, such as building owners, building managers and building insurers to provide advice relating to the building's façade system flammability potential, composition and toxicity. This document is not to be used as a substitute to regulatory testing requirements or the AS 1530 series of standards as well as full-scale evaluation to the new AS 5113 test for external wall as the methodology adopted by CETEC is only to conduct a preliminary assessment in order to identify the material's composition.

2. SAMPLING AND TESTING METHODOLOGY

2.1. SAMPLE COLLECTION

Each sample was analysed by Foray Laboratories, a company wholly owned by CETEC Pty Ltd, incorporating product descriptions as detailed below in Table 1. Once received, each sample was registered into the Foray Laboratory sample registration system to conform to NATA ISO 17025 requirements. The Foray Laboratory sample number and description of each sample are given in Table 1.

Table 1: Collected Sample Register.

Sample ID	Sample Type	Location Description of Where Sample Was Taken	Appendix A
120578	ACP	29-37 Epsom Rd – Street front awning (facia) & wrapping to underside of awning.	Photo 3

2.2. SAMPLE PREPARATION

The building façade material was cut into portions and each portion was subjected to scientific analysis via the following laboratory methods;

- Attenuated Total Reflection Fourier Transform Infrared Spectroscopy (ATR-FTIR).
- Dry Ashing Testing.

- Thermal Stability.
- Micro-Flammability Tests.
- Thermal Analysis by TGA-DSC (where required).
- X-Ray Diffraction Test (where required).

2.3. CHEMICAL COMPOSITION BY ATR-FTIR

Attenuated Total Reflection (ATR) is a sampling technique used in conjunction with Infrared Spectroscopy which enables samples to be examined directly in the solid or liquid state without further sample preparation. The technique is used to obtain an infrared spectrum of absorption or emission of a solid or liquid and the spectral data which is generated can easily identify functional groups within the sample which makes it possible to infer composition of both polymer and inorganic or mineral filler. That is, analysis of the Functional Group Region of the spectra (i.e. 4000 cm^{-1} to 1450 cm^{-1}) makes it possible to observe functional groups that are present within the material which aids in the identification of the polymer and filler present.

Further to this, comparison to known samples aids in the identification and confirmation of the type of building façade material.

2.4. FUEL LOAD AND FILLER CONTENT BY DRY OXIDATIVE ASHING

A weighed sample was heated within a muffle furnace under an oxidative atmosphere to convert all common oxidisable organic material, such as polymers and plasticisers, to carbon dioxide and other gaseous products, e.g. carbon monoxide. All common inorganic non-combustible fillers are generally dehydrated and converted to their common oxides which forms the non-combustible ash residue. When this method is coupled with FTIR spectral identification and calculation, the quantitative proportion of filler and organic materials (including polymer, plasticisers, etc.) can be assessed based on the amount of collected ash. The calculated inert filler is based on the assumption that the identified filler within the ATR-FTIR is present with no to little impurities which may be below the detection limit of the ATR-FTIR method.

Thermal Gravimetric Analysis Differential Scanning Calorimetry (TGA-DSC) in conjunction with Dry Ashing can be used with quantitative assessment of combustible to non-combustible material to ascertain polymer content to non-polymer content and following the recommendations as detailed within the Insurance Council of Australia¹ web page, the category of the material can be assigned, i.e. Category A-D, refer to Table 2. While Table 3 further expands the relationship between the Categories based on the information as shown in the Insurance Council of Australia¹ web page.

Table 2: Table taken from the ICA's¹ web site.

Category	Polymer Percentage ²	Polymer %	Inert Filler % ³
A	30-100% Polymer and 0-70% inert materials	30-100%	0-70%
B	8-29% Polymer and 71-92% inert materials	8-29%	71-92%
C	1-7% Polymer and 93-99% inert materials	1-7%	93-99%
D	0% Polymer and 100% inert materials or deemed non-combustible by the NCC	0%	100%

Table 3: Summarised Data from the ICA's¹ web site

Category	Polymer Percentage ²	Description
A	30-100%	<p>Similar to Category 3 in the BRE appendix</p> <p>ACP's in this category typically have close to 100% organic polymer in their core and were identified by most manufacturers as PE (Polyethylene) core. Some core binders are polymers other than PE.</p>
B	8-29%	<p>Similar to Category 2 in the BRE appendix</p> <p>Typically identified by ACP manufacturers as FR, FR, Plus or rated Class B per EN 13501 and typically have around 30% organic polymer in the core however some State Regulations limit the PE content to less than 30% for this category.</p>
C	1-7%	<p>Similar to Category 1 in the BRE appendix</p> <p>Typically identified by ACP manufacturers as A2, rated as Class A2 per EN 13501. These are considered as having very limited combustibility. Testing to EN 13501 and obtaining class A2 is a valid alternative.</p>
D	0%	<p>Similar to Category 1 in the BRE appendix</p> <p>Typically, panels tested or deemed non-combustible by the building code (NCC). These could be aluminium skins with low adhesive aluminium honeycomb cores, or with a compressed phenolic core, compressed fibre cement core or even compressed fibre cement panel. Steel panels with calcium silicate or similar core.</p>

2.5. VISUAL THERMAL STABILITY

A small section of intact building façade system sample was subjected to heating within a heat bath and as the temperature is progressively increased, it is measured *via* a thermocouple. During the test, the material is visually observed for physical changes (i.e. sample 'watering', melting/softening, generation of volatiles or smoke, charring) and those changes are recorded.

² Polymer including all types of flammable polymers

³ Inert materials are considered those that do not contribute to combustion.

2.6. MICRO FLAMMABILITY

A small section of building façade system sample was subjected to a stoichiometric *natural gas* flame to determine whether the material is flammable *via* the observation of sustained burning. The extent of flammability is then determined *via* the observation of a sustained burning flame when the external flame source is removed, and the duration of such burning is recorded.

2.7. THERMAL ANALYSIS BY TGA-DSC

Thermal Gravimetric Analysis (TGA) is a method of thermal analysis in which changes in physical and chemical properties of materials are measured as a function of increasing temperature (with constant heating rate), or as a function of time (with constant temperature and/or constant mass). Differential Scanning Calorimetry (DSC) is a thermoanalytical technique in which the difference in the amount of heat required to increase the temperature of a sample and reference material is measured as a function of temperature.

This technique heats the sample and a reference sample at a given rate in a nitrogen environment, where the caloric heat flux is mapped as a function of time and temperature, while the residual mass of sample is measured over time as the temperature changes (TGA). When the sample undergoes a phase change (e.g. crystallisation or melting), energy is absorbed or emitted by and/or from the sample and the temperature difference between the sample and reference material is measured.

The results obtained are analysed using specialised software which determine the temperature of *on-set*, *end-set* and *peaks* of any phase changes and the weight loss of the materials by thermal degradation. Changes in heat flux occur as a result of phase changes and weight loss.

This method is used to determine the polymeric and filler material present *via* the thermal transition of the material or mass loss and is used to compare the way different materials change to increasing temperatures.

2.8. X-RAY DIFFRACTION TEST

The X-ray diffractometer is comprised of an X-ray source, which is focussed on the sample at a particular angle of incidence through horizontal and vertical divergence slits.

X-ray diffraction is sometimes used to semi-quantitatively determine the weight fraction of constituents within the material. By comparing the integrated intensities of the diffraction peaks from each of the known constituents, their w/w percent can be approximated. However, it is highly dependent on particle size effect and interferences from the matrix.

3. LABORATORY RESULTS

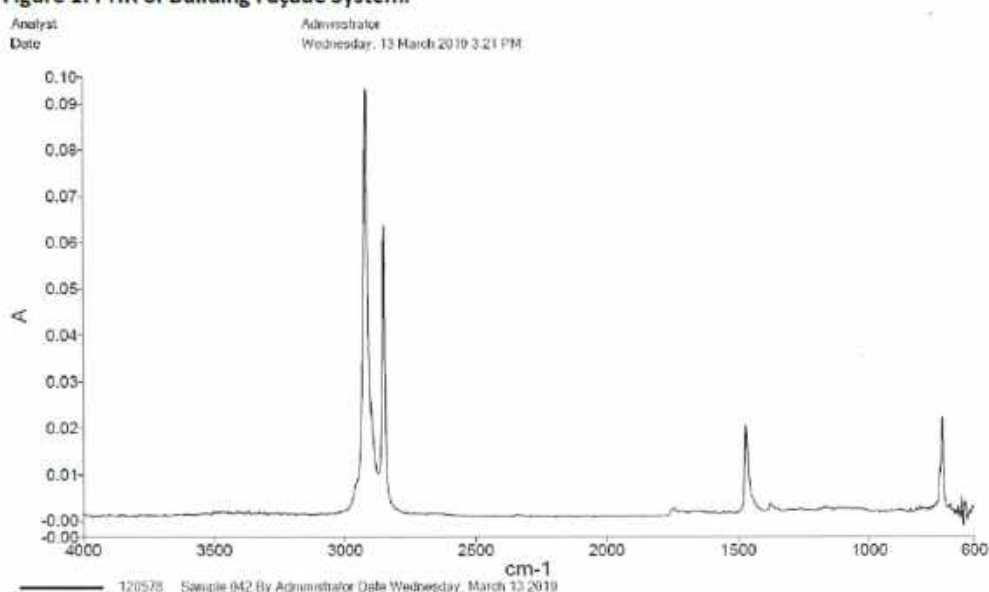
3.1. SPECTRAL ANALYSIS BY ATR-FTIR

A summary of building façade system samples subjected to ATR-FTIR are shown in Table 4 with reference to subsequent figures.

Table 4: Building façade system sample subjected to FTIR Analysis.

Sample ID	Sample Type	Colour of Combustible Core	ATR-FTIR Spectra
120578	ACP	Black	Figure 1

Figure 1: FTIR of Building Façade System.



3.2. DRY OXIDATIVE ASHING TEST

A summary of building façade system samples subjected to Dry-Ashing with results are summarised in Table 5.

Table 5: Building façade system sample dry oxidative ashing results.

Sample ID	Sample Type	Mass of Combustible Core ⁴ (g)	Ash ⁵ (g)	Ash ⁶ (w/w%)	Appearance of Ash
120578	ACP	0.2262	0.0003	0.1%	No Ash

3.3. THERMAL STABILITY

A summary of building façade system samples subjected to Thermal stability analysis are summarised below also showing laboratory results in Table 6 below.

Table 6: Building façade system sample thermal stability observations.

Sample ID	Sample Type	Core Colour	Temperature (°C)	Observation
120578	ACP	Black	RT	Start of experiment
			132	Filling starts to melt
			215	Filling melted
			354	smoke starts
			400	End of Experiment0

3.4. MICRO-FLAMMABILITY

A summary of building façade system samples subjected to Micro-flammability analysis are summarised below also showing laboratory results in Table 7.

Table 7: Building façade system sample micro-flammability results.

Sample ID	Sample Type	Flammable	Period Flame Sustained	Observation
120578	ACP	Yes	40 sec - Self-Sustained	Started melting under constant exposure to source flame and then continued to burn once flame removed

3.5. THERMAL ANALYSIS BY TGA-DSC

In this instance TGA-DSC laboratory analysis was not required as the core sample was identified by ATR-FTIR.

3.6. X-RAY DIFFRACTION TEST

In this instance X-Ray Diffraction laboratory analysis was not required as the core sample was identified by ATR-FTIR.

⁴ Mass of polymer core sample subjected to ashing.

⁵ Mass of ash remaining after ashing experiment.

⁶ Non-combustible at 1000°C

4. DISCUSSION OF RESULTS

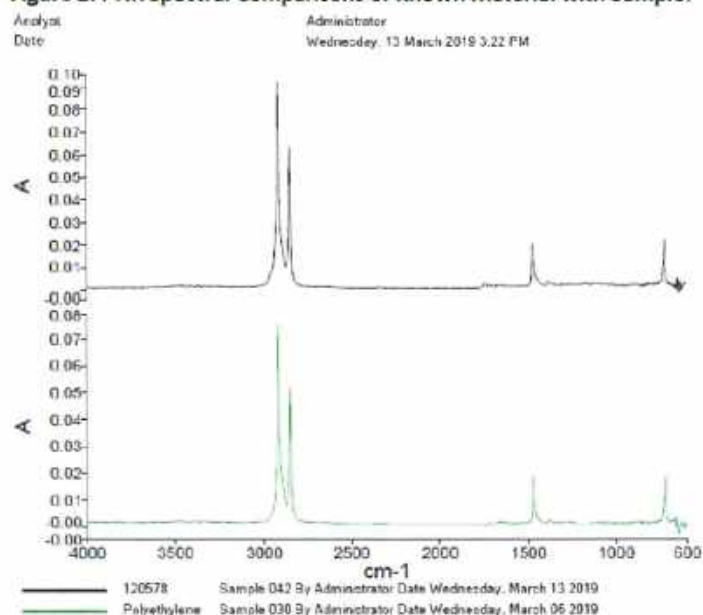
4.1. ATR-FTIR

Analysis of the FTIR spectra via a library search of known polymer blends identified the following possible polymer blend corresponding to the analysed samples in Table 4. This information is further summarised in Table 8 with their corresponding library match and figure.

Table 8: Building façade system sample composition identification.

Sample ID	Sample Type	Core Colour	Identified Composition of Core	Figure
120578	ACP	Black	Polyethylene with possibly No Filler Identified	Figure 2

Figure 2: FTIR Spectral Comparisons of Known Material with Sample.



4.2. OXIDATIVE DRY-ASHING

The oxidative dry-ashing results of the building façade samples are summarised in Table 9 for the samples analysed.

Table 9: Building façade system sample dry-ashing results.

Sample ID	Core Colour	Identified Composition by ATR-FTIR	Ash ⁶ (w/w%)	Filler ⁷ (w/w%)	Estimated Polymer ⁸ Content (w/w%)	Insurance Council of Australia Category
120578	ACP	Polyethylene with No Filler Identified	0.1%	0.1%	99.9%	A

4.3. VISUAL THERMAL STABILITY

The visual Thermal Stability results of the building façade samples are summarised in Table 10 below.

Table 10: Building façade system sample thermal stability results.

Sample ID	Sample Type	Limit of Stability (°C)	Smoke Onset (°C)	Loss of Structure (°C)
120578	ACP	132	354	132

4.4. MICRO-FLAMMABILITY

The micro-flammability results of the building façade samples are summarised in Table 11 below.

Table 11: Building façade system sample micro-flammability results.

Sample ID	Sample Type	Flammable	Duration of Flaming	Self-Sustained	Dripping or Oozing	Smoke Generated During Combustion
120578	ACP	Yes	40 sec	Yes	Dripping	Yes

7 Calculated percentage of filler based on identified filler within the FTIR and mass of ash remaining.

8 Calculated mass of polymer based on calculated weight of filler and starting mass of sample.

4.5. DESKTOP REVIEW OF EXPECTED TOXIC GASES TO BE RELEASED IF EXPOSED TO FIRE

In conducting this assessment, CETEC has identified the main components forming the composition of these ACP samples. For the ACP samples which have been identified as being flammable, the expected emissions to be released in the event of a fire are highlighted below;

- Carbon dioxide.
- Carbon monoxide.
- Particulate matter, i.e. black smoke.
- Oxides of Nitrogen (NO_x) (dependent on temperature of fire).

However, if a detailed analysis of toxicity is required, a full and detailed analysis of the emissions would be required.



5. SUMMARY OF SITE OBSERVATIONS AND TESTING RESULTS

Table 12: Summary of Site Observations and Composition of Identified Polymer.

Sample ID	Sample Type	Location Sample Was Taken	Identified Polymer and Additive (Filler)	Fuel Contributor	Dripping Risk	Smoke Generated	Estimated Combustible Material Content (w/w%)	Corrected Filler Content (w/w%)	Insurance Council of Australia Category
120578	ACP	29-37 Epsom Rd – Street front awning (facia) & wrapping to underside of awning.	Polyethylene with No Filler Identified	Yes	Dripping	Yes	99.9%	0.1%	A





6. CONCLUSION

On behalf of Andrew Gavin from Clisdells Strata, CETEC staff, Luke Meadows on the 7/03/2019 attended site, 29-37 Epsom Road ROSEBERRY NSW 2018 to conduct a site inspection to collect cladding samples for scientific analysis to determine its composition as per the requirements of the Insurance Council of Australia recommendations. The collected samples were sent to Foray Laboratories, a NATA registered company wholly owned by CETEC, for scientific analysis.

Testing following methodology developed by CETEC Pty Ltd to determine composition and flammability potential was conducted in order to assign the material to a Category as instructed by the Insurance Council of Australia¹. A summary of site observations and results are detailed within Table 12 of Section 5 with reference to photographic material, refer to Appendix A for referenced photos.



APPENDIX A: PHOTOGRAPHIC RECORD OF BUILDING FAÇADE SYSTEM SAMPLES



Photo 1: Photo of the site attended, 29-37 Epsom Road ROSEBERRY NSW 2018.



Photo 2: Front of building



Photo 3: Location samples were taken.



Photo 4: Rear of building.



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