



Fair
Trading

Attn. Proper Officer
ABDC Holdings Pty Ltd (ACN 635486494)
MKJ Accounting Consultants Aero Building U GO3
247 Coward St
MASCOT NSW 2020

Service: By registered post and by email

2 June 2022

Stop Work Order

Section 29(4) of the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*

ABDC Holdings Pty Ltd (ACN 635486494) (**the Developer**) is issued with this Stop Work Order (**this Order**) in relation to residential apartment building located at 80 Yorktown Parade Maroubra NSW 2035 (Lot 240, DP 36345) (**the building**).

The Developer is required to ensure all work on the site stops by **5pm on 2 June 2022**.

Please read the Stop Work Order carefully and comply with the conditions.

Failure to comply with this Order is an offence and may result in criminal proceedings.

Background

1. The Department of Customer Service (the **Department**) administers the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* (the **Act**).
2. The building is located at 80 Yorktown Parade Maroubra NSW 2035 (Lot 240, DP 36345) (the **Development**).
3. The Developer is currently carrying out, or organising to be carried out, works on the Development (**Building Work**).
4. The Development is a Class 2 residential apartment building where work has previously been authorised to commence.
5. Under s 29 of the Act, the Secretary of the Department or her authorised delegate may order the Developer to ensure that work stops at the building if the Secretary forms the opinion that the building work is, or is likely to be, carried out in a manner that could result in:
 - a. Significant harm or loss to the public or occupiers or potential occupiers of the building to which the work relates; or

5. I, David Chandler, being the Building Commissioner, am a duly authorised delegate of the Secretary for the purposes of the Act.
6. On 23 May 2022 I conducted an inspection at the Development.
7. During the inspection I observed that the following works had been undertaken:
 - i. Excavation works
 - ii. Installation of pilings
 - iii. Installation of a capping beam
8. On 25 May 2022 a notice of intention to issue the Order and draft copy of the Order was served on the Developer, Local Council and Certifier. The parties were invited to provide submissions to the Department relating to the Order by 31 May 2022. No submissions were received by the 31 May 2022 or as at the date of this Order from the Developer, Local Council or Certifier.

Grounds for issuing this Order

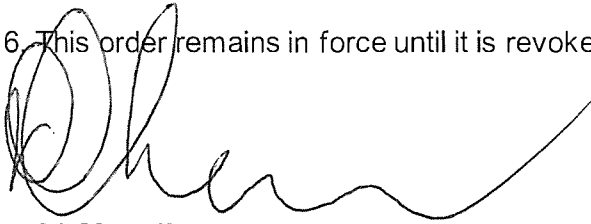
9. During the 23 May 2022 inspection, I observed building work being carried out. I was advised by the builder, Mr MD Narzul Islam of Austral Built Pty Ltd, that the Building Work would continue until the completion of the Building. I am therefore of the opinion that building work is currently being carried out or is likely to be carried out.
10. During the inspection I observed that pilings at two locations were cracked and were not supporting the soil and structures above. There was cracking greater than 10cm in the concrete driveway slab above the Development, at 78 Yorktown Pde Maroubra and soil was collapsing between the pilings.
11. I consider that pilings are a key element of a building. The proper performance of this element is critical to the safety and integrity of the building, as it provides support for the other structures above.
12. In my opinion, continuing with building work to complete the Building in circumstances where the pilings do not support the structure above, could lead to failure of the element and result in significant harm to property and to persons working on the site, as a result of movement.
13. I am satisfied that the building work is, or is likely to be, carried out in a manner that could result in:
 - a. Significant harm or loss to the public or workers of the Building to which the work relates; or
 - b. Significant damage to property.

Direction to ensure Building Work stops

14. I, David Chandler, Order the Developer to ensure that the Building work stops by **5pm on 2 June 2022**
15. I impose the following condition on the Stop Work Order:
 - i. The Order shall not apply to building work carried out at the Development that is necessary to give effect to the following works:
 - a. Structural building work to stabilise the site including backfilling, anchoring/cross bracing of pile walls and shotcreting.
 - b. Works required to comply with directions under SafeWork NSW Prohibition Notice 7-413525

Duration of this order

16. This order remains in force until it is revoked by the Secretary or their authorised delegate.



David Chandler
Building Commissioner
NSW Fair Trading Department of Customer Service

Notes:

- It is an offence to fail to comply with a Stop Work Order. The maximum penalty for a company is 3,000 penalty units and in addition, for every day the offence continues, 300 penalty units. For an individual the maximum penalty is 1,000 penalty units and in addition, for every day the offence continues, 100 penalty units.
- You may appeal to the Land and Environment Court against this order within 30 days of the notice of the order being given. Lodging an appeal does not stop the order taking effect, unless directed by the Court
- Any building work permitted under the Order may require you to obtain a modified construction certificate and building information certificate prior to the work being undertaken.
- Upon issuing this order, the Department has notified the relevant local council and the principal certifier for the building, in accordance with s 29(6) of the Act

