

Our Ref: 11218682

Attn: Proper Officer  
Maxim Builders Pty Ltd ACN 656 436 225  
UNIT 5319 84 BELMORE ST,  
RYDE NSW 2112, AUSTRALIA

Via email: [punitbarasia@gmail.com](mailto:punitbarasia@gmail.com)

1/03/2024

# Stop Work Order

## Section 129 of the *Home Building Act 1989* (NSW)

Maxim Builders Pty Ltd ACN 656 436 225 (**the Developer**) is issued with this Stop Work Order (**this Order**) in relation to residential building work located at 18A Pershing Pl Tanilba Bay NSW 2319 (**the Development**).

The Developer is required to ensure all work at the Development stops by **5pm on 1/03/2024**

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 *Home Building Act 1989* (NSW) (the **Act**).
2. Building work is, or is likely to be, carried out at 18A Pershing Pl Tanilba Bay NSW 2319 and concerns the construction of a class 1 residential building work (the **Building**).
3. Maxim Builders Pty Ltd ACN 656 436 225 is the Developer of the building in accordance with s 129(10) (b) of the *Home Building Act*.
4. The construction has previously been authorised to commence in accordance with a construction certificate(s).
5. Under s 129(1) of the Act, the Secretary of the Department, or an authorised delegate of the Secretary, may order the Developer to ensure that building

work stops at the Building if

- (a) in the Secretary's opinion the building work is, or is likely to be, carried out in a manner that could result in significant harm or loss to the public or to occupiers or potential occupiers of the building to which the work relates or significant damage to property, or
- (b) the following apply:
  - i. in the Secretary's opinion the building work is, or is likely to be, carried out in a way that could prevent the valid issue of an occupation certificate or building compliance declaration for the residential building work.

6. I, Matt Press am a duly authorised delegate of the Secretary for the purposes of the Act.

#### **Inspection of residential building work**

- 7. On 22/02/2024 an inspection was conducted by authorised officers of the Department.
- 8. During the inspection authorised officers observed that the following building works had been undertaken:
  - i. Non-compliant internal waterproofing, which impacts the structural integrity of the building.

#### **Grounds for issuing this Order**

- 9. During the inspection conducted on 22 February 2023, authorised officers observed building work that had been carried out or likely to be carried out.
- 10. Based on those observations outlined in paragraph 8, I am of the opinion the building work is, or is likely to be, carried out in a manner that could result in significant harm or loss to the public or to occupiers or potential occupiers of the building to which the work relates or significant damage to property.

#### **Direction to ensure Building Work stops**

- 11. I, Matt Press Order the Developer to ensure that all building work at the Building stops by **5pm on 1/03/2024**
- 12. I impose the following condition on the Stop Work Order:
  - (a) The Order shall not apply to building work carried out at the Development that is necessary to give effect to the following works:
    - i. to render the site safe.

### **Duration of this order**

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



Matt Press  
**Director Building Compliance**  
**Building Commission NSW**

### **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.

### **Appeals to Tribunal against stop work orders**

- (1) A person given a stop work order under section 129 may appeal to the Tribunal against the order.
- (2) The appeal must be made within 30 days after notice of the order is given, unless the Tribunal grants leave for the appeal to be made after that time.
- (3) The lodging of an appeal does not, except to the extent the Tribunal otherwise directs in relation to the appeal, operate to stay action on the order appealed against