



1051

# Building Order for Minor Works

MW-127/23

Gerrard Raymond Borghesi &amp; Bronwyn Lesley Borghesi

Irrelevant &amp; Sensitive

Dear Sir/Madam

**RE: 10-12 View Point Road MCCRAE VIC 3938**

As you may be aware, I conducted an inspection of the above property on the 28 March 2023. The inspection highlighted building related matters which require your attention and action.

Pursuant to the Section 113 of the Building Act 1993, the Municipal Building Surveyor is required to detail these matters in the form of a Building Order Minor Works as attached.

It is imperative that you address the items in the Order immediately, non compliance with the Order can carry a penalty of 500 penalty units for a natural person or 2500 penalty units for a body corporate (one penalty unit equates to in excess of \$165.00).

I draw your attention to your appeal rights as noted at the rear of the Order.

Once the directions in the Order have been completed please contact me to confirm such and arrange any required inspections.

Should you require any clarification, please do not hesitate to contact me on (03) 5950 1060.

Yours faithfully

Personal Information

---

Contact the Mornington Peninsula Shire

1300 850 800  
 mormpen  
 customerservice@mormpen.vic.gov.au

**Authorised Person**

Statutory Building Team

Mornington Peninsula Shire Council

By post: Private Bag 1000,  
 90 Besgrove Street, Rosebud VIC 3939  
 ABN: 53 159 890 143



**FORM 14**  
**Building Act 1993**  
**Building Regulations 2018**  
 Regulation 182(3)  
**BUILDING ORDER**  
**FOR MINOR WORKS**

MW-127/23

**DUE DATE:**  
**27 May 2023**

This Building Order is made under Section 113 of the **Building Act 1993**.

**TO:**

The owner Gerrard R Borghesi & Bronwyn L Borghesi

**Irrelevant & Sensitive**

**FROM:**

I am a delegated building surveyor under Section 216B of the Building Act 1993 ("Act") for the Mornington Peninsula Shire Council.

I am authorised by Section 113 of the Act to make this building order.

**LOCATION OF THE LAND TO WHICH THIS ORDER APPLIES:**

**10-12 View Point Road MCCRAE VIC 3938 CP 109563 Vol 9438 Fol 254**

**ORDER:**

I, as the relevant building surveyor, order that:

1. By 5.00pm on 27 May 2023, the owner of the land MUST carry out the following building work as required by the Building Regulations 2018 in relation to the land slip affected land and in accordance with Regulation 119.
  - 1.1 Engage a suitably qualified and insured professional to construct suitable retaining walls or other site stabilisation walls in accordance with an approved design and work methodology and remove the landslip debris from Penny Lane McCrae.

Prior to the undertaking of any work, the following documentation will be required to be submitted for peer review and approval.

- 1.1.1 A site plan indicating the location of the retaining/gabion/stone walls and the setbacks from the property boundaries. All walls must all be contained within the property boundaries and the ongoing maintenance of these structures are the sole responsibility of the property owner.
- 1.1.2 A methodology of work prepared by a suitably qualified Geotechnical Engineer.
- 1.1.3 Recommendations from a geotechnical engineer regarding the ongoing use of garden watering systems on or near the escarpment.

- 1051
- 1.1.4 Design of all proposed retention walls. All retaining walls, whether gabion, sleeper, large rock or other type of construction, are to be designed by a Registered Civil or Structural Engineer, and the structural design Certified (R126 certificates) by an independent Registered Civil or Structural Engineer other than the design engineer. Copies of the engineers drawings and the Structural Certification must be lodged with Council.
  - 1.1.5 A Form B 'Structural/Civil/Geotechnical Engineering Declaration' in accordance with the AGS 'Practice Note Guidelines for Landslide Risk Management 2007' should be completed by a Structural Engineer Registered as a Civil or Structural Endorsed Building Engineer with the Victorian Business Licencing Authority and also a Specialist Geotechnical Engineer or a Specialist Engineering Geologist as defined in the AGS 'Practice Note Guidelines for Landslide Risk Management 2007', and a copy lodged with Council.
  - 1.1.6 A copy of insurance certificate from your nominated contractor must be submitted prior to commencing works.
  - 1.1.7 Written confirmation from a geotechnical engineer confirming they are engaged to supervise the work.
  - 1.1.8 A copy of the road opening permit obtained from Council.
  - 1.1.9 Provide any other information or documentation required following the review of the submitted information and documentation.
  - 1.2 Soon after (28 days) of the completion of the works, a Form G 'Final Geotechnical Certificate' in accordance with the AGS 'Practice Note Guidelines for Landslide Risk Management 2007' should be completed by a Specialist Geotechnical Engineer or Specialist Engineering Geologist as defined in the AGS 'Practice Note Guidelines for Landslide Risk Management 2007', and a copy submitted to with Council.
  - 1.3 Upon completion of the retaining/gabion/stone walls, a Building Regulation 126 certificate of compliance for the inspection of the walls must be submitted to Council. The certificate must cover the inspection of footings and the completion of work

#### **INSPECTION DETAILS:**

The date and time of the inspection of the land carried out by myself as the relevant building surveyor are —

Time of inspection: 2:20pm

Date of inspection: 18 November 2022

Time of inspection: 2:40pm

Date of inspection: 28 March 2023

**REASON(S) WHY THIS ORDER WAS MADE:**

In accordance with Section 113 of the Act, I am of the opinion that—

**The work required by this order is of a minor nature.**

**Building work of a minor nature is required to be carried out**

The building work required by this order is the construction of suitable retaining walls or other site stabilisation walls and removal of landslip debris from Penny Lane McCrae due to the landslip that has occurred at 10-12 View Point Road, McCrae.

**BUILDING ORDER MADE BY:****Relevant building surveyor**

Name: Claudio Flores

Qualification: BTechBS

Address: 2 Queen Street, Mornington, Victoria 3931

Email: florescl@mornpen.vic.gov.au

Building practitioner registration no: BS-U 64209

Municipal district : Mornington Peninsula Shire

Building order no: MW-127/23

Date of making: 28/03/2023

Signature:

Personal Information

# Notes

## 1. Duration of a Building Order.

A building order remains in force, and if amended remains in force as amended, until it is complied with or cancelled by the municipal building surveyor or the Building Appeals Board pursuant to Section 117 of the Act.

## 2. Amendment or Cancellation of a Building Order.

If there is a change in circumstances after the service of a building order, the owner may request in writing the relevant building surveyor to amend or cancel the order pursuant to Section 116 of the Act.

## 3. Contravention of building order

(1) A person to whom a building order is directed must comply with that order. Penalty 500 penalty units in the case of a natural person. Or 2500 penalty units in the case of a body corporate.

(2) A person must not occupy a building, land or place in contravention of a building order. Penalty 500 penalty units in the case of a natural person. Or 2500 penalty units in the case of a body corporate.

## 4. Appeals to the Building Appeals Board.

Under Section 142(2) of the Act, an owner of a building or land may appeal to the Building Appeals Board against a decision to serve a building order, a failure within a reasonable time, or refusal to cancel a building order to stop work. In accordance with Section 146 of the Act and Regulation 271 of the Regulations the prescribed appeal period is 30 days from the date of the building order.

## 5. Due date calculation

The due date is calculated by adding 5 days postage time to the 30 day works period.

**If you require any further information, please contact Claudio Flores of the  
Statutory Building Unit on (03) 5950 1060 or 1300 850 600.**

**FILE NOTE OF SERVICE BUILDING ORDER MINOR WORKS**

Subject Property: 10-12 View Point Road MCCRAE VIC 3938

Addressee Name:

Relationship to subject property (circle): **private owner/s // company owner // director owner // occupier // builder**

The Building Order (MW-127/23) dated 28/03/2023 was viewed by me prior to posting. I certify that the covering letter, signed Building Order and attached notes including explanatory notes were served by me by:

☐ Delivering the document to (the person).....  
at (address).....  
on (date)..... at (time) ..... pursuant to **s236(1)(a)**.

☐ Leaving the document for the person at (address).....  
on (date)..... at (time) ..... with (name of person document left with)  
..... pursuant to **s236(1)(b)**.

*Being the persons last known or usual place of residence or business with a person apparently not less than 16 years of age who is apparently residing at that address*

☐ Delivering the document to the Australia Post post box outside 15 Main Street, Mornington and sending the document by standard post addressed to the person at the person's last known or usual place or residence or business as indicated on the document on (date)..... at (time) ..... pursuant to **s236(1)(c)**. *Note : Not being a PO Box*

**Additional copies of documentation sent (not considered service pursuant to s236):**

- ☐ PO Box ..... on (date) ..... at (time) .....
- ☐ Email address ..... on (date) ..... at (time) .....
- ☐ Placed onsite ..... on (date) ..... at (time) .....

**In relation to LAND where name and address of owner unknown and there is no occupier**

- ☐ Putting the Building Order up in a conspicuous position on the land (description of where document put up/placed).....  
on (date)..... at (time) ..... pursuant to **s236(4)**.
- ☐ Other .....  
on (date)..... at (time) .....

**Officer Signature:**..... **Authorised Person:**

**Statutory Building Team Mornington Peninsula Shire Council**