



Building Order for Minor Works

MW-145/21

I/S

597 Point Nepean Road
MCCRAE VIC 3938

Agent of Owner
Mabi Constructions P/L
P.O. Box 1275
SOMERVILLE VIC 3192

Dear Sir/Madam

RE: 597 Point Nepean Road MCCRAE VIC 3938

As you may be aware, I conducted an inspection of the above property on the 12 August 2021. The inspection highlighted non-complying 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

Irrelevant & Sensitive

David Kotsiakos
Authorised Person

Statutory Building Team
Mornington Peninsula Shire Council



FORM 14
Building Act 1993
Building Regulations 2018
 Regulation 182(3)

BUILDING ORDER
FOR MINOR WORKS

MW-145/21

DUE DATE:
4/10/2021

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

TO:

Irrelevant & Sensitive

Agent of Owner Mabi Constructions P/L

Of 597 Point Nepean Road
 MCCRAE VIC 3938

P.O. Box 1275
 PEARCEDALE VIC 3192

FROM:

I am the municipal building surveyor for the Mornington Peninsula Shire Council.

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

LOCATION OF THE BUILDING/LAND TO WHICH THIS ORDER APPLIES:

597 Point Nepean Road MCCRAE VIC 3938 Lot 14 LP 11038 Vol 6301 Fol 173

ORDER:

I, as the relevant building surveyor, order that:

1. By 5.00pm on 4th October 2021, the owner of the building/land at **597 Point Nepean Road MCCRAE VIC 3938**, MUST carry out the following building work:

- 1.1 Install retaining walls in accordance with the attached Architectural drawings and sheet 12 of 12 of the attached Engineering drawings (job no. 18-108, Rev A, S12 prepared by MAURICE FARRUGIA AND ASSOCIATES PTY. LTD.).

The Design Engineer will inspect and provide the following Certificates of Compliance – Inspection for the following stages of the building work,

- (a) post holes,
- (b) drainage, both surface and subsurface,
- (c) final, or completion of works.

INSPECTION DETAILS:

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

Time of inspection: 4.20pm

Date of inspection: 12/08/2021

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 required to install retaining walls due to instability of cliff face across properties known as 599 Point Nepean Road, McCrae and 597 Point Nepean Road, McCrae.

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

Name: David Kotsiakos

Qualification: DipBldgSur

Address: 2 Queen Street, Mornington, Victoria 3931

Email: kotsda@mornpen.vic.gov.au

Building practitioner registration no: BS-U 1397

Municipal district : Mornington Peninsula Shire

Building order no: MW-145/21

Date of making: 18/08/2021

Signature:

Irrelevant & Sensitive

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 David Kotsiakos of the
Statutory Building Unit on (03) 5950 1060 or 1300 850 600.**

FILE NOTE OF SERVICE BUILDING ORDER MINOR WORKS

Subject Property: 597 Point Nepean Road MCCRAE VIC 3938

Addressee Name:

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

The Building Order (MW-145/21) dated 18/08/2021 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