

# PROTECTION WORK NOTICE

Building Act 1993 Building Regulations 2018 Regulation 113 FORM 7

## TO

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Adjoining owner  
Postal address  
Postcode

Relevant building surveyor:  
Postal address:  
Contact person:  
Email:

Telephone

## ADJOINING OWNER'S PROPERTY DETAILS (THE ADJOINING PROPERTY)

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Lot/s:  
Number:  
Street/road:  
City/suburb/town:

Municipal district

## FROM

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\*Owner/\*agent  
Name of owner  
Postal address:  
Email:  
Contact person

Postcode  
Telephone

## OWNER'S PROPERTY DETAILS

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Number:	Street/road:	City/suburb/town:	
Lot/s:	LP/PS:	Volume:	Folio:
Crown allotment	Section	Parish	County
Municipal district:			

\*Name of agent:  
\*ACN/\*ARBN:  
Postal address

Postcode  
Telephone

Contact person

## NOTICE

In accordance with section 84 of the **Building Act 1993**, I give notice of my intention to carry out the following building work on my property and request your agreement to the proposed protection work which affects your adjoining property.

**DETAILS OF PROPOSED BUILDING WORK** *[insert details including details about damage etc. that may be caused to adjoining property]*

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**DETAILS OF PROPOSED PROTECTION WORK** *[insert the nature, location, time and duration of the proposed protection work, including the extent to which access to the adjoining property will be required for the purpose of undertaking the proposed protection work]*

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Office 15.01, Level 15, 401 Docklands Drive, Docklands, VIC, 3008  
t 9687 0333 e permits@arkibuildingsurveyors.com.au w arkibuildingsurveyors.com.au abn 50 654 479 051



BUILDING PERMITS + INSPECTIONS

**Information about protection of an adjoining owner under the Building Act 1993 in relation to proposed protection work**  
In accordance with section 92 of the **Building Act 1993**, at any time after this notice is given to the adjoining owner, the relevant building surveyor must make available to the adjoining owner, on request, for inspection, without charge, any plans, drawings and specifications of the proposed building work in the possession or control of the relevant building surveyor. The relevant building surveyor's name and contact details are on page 1 of this notice.

If the proposed protection work is agreed to by the adjoining owner or determined as being appropriate by the relevant building surveyor under section 87(1) of the **Building Act 1993** or by the Building Appeals Board under section 141 of the **Building Act 1993** (as the case requires), the owner must—

- a) before the commencement of any protection work—
  - i. ensure that a contract of insurance is in force in accordance with section 93 of the **Building Act 1993** against damage by the protection work to the adjoining property and other liabilities described in that section; and
  - ii. make a full and adequate survey of the adjoining property in accordance with section 94 of the **Building Act 1993**; and
- b) pay to an adjoining owner all costs and expenses necessarily incurred by the adjoining owner in assessing proposed protection work and in supervising the carrying out of protection work in relation to an adjoining property in accordance with section 97 of the **Building Act 1993**; and
- c) compensate an adjoining owner or an adjoining occupier for inconvenience, loss or damage suffered by the adjoining owner or adjoining occupier in connection with the carrying out of protection work in accordance with section 98 of the **Building Act 1993** or an order of the Building Appeals Board under section 159 of that Act.

**Signature**

Signature of \*owner/\*owner's agent  
Date

# PROTECTION WORK RESPONSE NOTICE

Building Act 1993 Building Regulations 2018 Regulation 114 FORM 8

Office 15.01, Level 15, 401 Docklands Drive, Docklands, VIC, 3008  
t 9687 0333 e permits@arkibuildingsurveyors.com.au w arkibuildingsurveyors.com.au abn 50 654 479 051

## To

\*Owner/\*owner's agent

Postal address

Postcode

## Address of owner's property on which building work is to be carried out

Number

Street/road

City/suburb/town

## Relevant building surveyor

Postal address

Postcode

## From

\*Adjoining owner/\*adjoining owner's agent

Postal address

Postcode

Contact person

Telephone

## Address of my adjoining property

Number

Street/road

City/suburb/town

## Response from adjoining owner

In accordance with section 85 of the **Building Act 1993**, I am responding to the notice served on me by the owner under section 84 of that Act and—

- (a) agree to the proposed protection work
- (b) disagree with the proposed protection work
- (c) request the following further information



BUILDING PERMITS + INSPECTIONS

## Signature

Signature of \*adjoining owner/\*adjoining owner's agent

Date:

## Advice to owners who are required to serve protection work notices on the adjoining property owners.

Where protection work is required by the Relevant Building Surveyor the following procedure should be followed in order to satisfy your obligations under the Building Act 1993.

1. The notice required to be served by the owner of the subject property to an adjoining owner may be;
  - a. In accordance with Form 7; and
  - b. Be accompanied by 3 copies of the notice required to be given by the adjoining owner to the owner [Form 8] and any determination of the relevant Building Surveyor made under Regulation 111
2. A copy of the Form 7 notice and any related documentation must also be served onto the Relevant Building Surveyor;
3. The notice required to be served onto the adjoining owner [Form 7] must include the following information:
  - a. The prescribed details of the proposed building work as at the date of the notice;
  - b. The prescribed details of the proposed protection work setting out the nature, location, time and duration of the protection work;
4. An owner who is required by the Building Regulations 2018 to carry out protection work in respect to an adjoining property must not carry out any work until:
  - a. The adjoining owner agrees or is deemed to agree to the protection work; or
  - b. The matter is determined by the Relevant Building Surveyor; or
  - c. In the case of an appeal the matter is determined by the Building Appeals Board.
5. Before commencing any protection work in respect to an adjoining owner, an owner must ensure that a contract of insurance is in force, in accordance with section 93 of the Building Act.
6. Before commencing any protection work, the owner or the owner's agent in company with the adjoining owner or the adjoining owner's agent, must:
  - a. make a full and adequate survey of the adjoining property; and
  - b. Record in writing or by any other means and of the parties desires all existing cracks and defects in the adjoining property.

The record [survey of the adjoining property] must be signed or otherwise acknowledged as an agreed record of the condition of the adjoining property before the commencement of any protection works

### Notes:

The owner is to serve all required documentation via one of the methods as set out in section 236 of the Building Act 1993 [an extract of section 236 has been provided below];

#### **Building Act 1993**

##### **Section 236: Service of documents - generally**

- (1) Any document to be served on or given to a person under this Act or the regulations may be served on or given to the person by—
  - (a) Delivering the document to the person; or
  - (b) Leaving the document at the person's usual or last known place of residence or business with a person apparently not less than 16 years of age and apparently residing or employed at that place; or
  - (c) Sending the document by post addressed to the person at the person's usual or last known place of residence or business or in any other prescribed manner.

If the forms are served through registered mail, evidence of the delivery date will be required to allow the 14 day appeals period to be determined;

All owners of both properties are required to sign the relevant forms when an agent is not acting on their behalf;

The information contained above is only a guide and Arki Building Surveyors Pty Ltd will not accept any loss, costs or damages caused as a result of the above.

For any further information please contact the Victorian Building Authority | [www.vba.vic.gov.au](http://www.vba.vic.gov.au) | 1300 815 127