

PROTECTION OF ADJOINING PROPERTY

1. The attached Form 3 & 4 need to be served on the adjoining owners and the relevant Building Surveyor.
2. Included with these forms you must also serve:
 - (a) details of the proposed building work as at the date of the notice; and
 - (b) details of the proposed protection work setting out the nature, location, time and duration of the protection work.
3. Before commencing the protection works the owner (or agent) in company with the adjoining owner (or agent) must:
 - (a) make a full and adequate survey of the adjoining property; and
 - (b) record in writing or by any other means any of the parties desires all existing cracks and defects in the adjoining property.

This record must be signed or otherwise acknowledged as an agreed record of the condition of the adjoining property before the commencement of any protection work.

4. Before commencing any protection work in respect of an adjoining property, the owner must enter into a contract of insurance against damage by the proposed protection work to the adjoining property and against any liabilities likely to be incurred to adjoining occupiers and member of the public during the carrying out of the building work and for a period of 12 months after that building work is completed.

The contract of insurance must be entered into with an insurer and for an amount agreed to by the owner and the adjoining owner.

The owner must lodge the contract of insurance with the adjoining owner before the commencement of the protection work.

The contract of insurance must be renewed or extended as often as may be necessary during the carrying out of the building work and for 12 months after that work is completed.

Form 3
Building Act 1993
Building Regulations 2006
Regulation 602(2), 602(3)

PROTECTION WORK NOTICE

To

Adjoining Owner:

Postal Address:

.....P/Code:

Relevant building surveyor: McKenzie Group Consulting (Vic) Pty Ltd

Postal Address: Level 11, 99 William Street, Melbourne VIC 3000

Contact Person: Telephone: 9247 0400

From

Owner/Agent:

Postal Address:

.....P/Code:

Contact Person: Telephone:

Email:

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 land and request your agreement to the proposed protection work.

Details of proposed building work

Property Details

Address: **(Insert Address here)**
Lots/s: LP/PS: Volume: Folio:
Crown Allotment: Section: Parish:
County:
Municipal District:

Adjoining property details

Address: **(Insert Address here)**
Lots/s: LP/PS: Volume: Folio:
Crown Allotment: Section: Parish:
County:
Municipal District:

Details of proposed protection work and program

Nature, location, time and duration of protection works:

Signature

Signature of owner or agent:..... Print Name.....

Date:.....

NOTE: Under section 85 of the **Building Act 1993**, the adjoining owner must respond to a notice under section 84 of that Act by giving to the owner within 14 days a notice under section 85 of that Act –

- a) agreeing to the proposed protection work; or
- b) disagreeing with the proposed protection work; or
- c) requiring more information.

Failure to respond will be taken as agreement to the proposed work.

In the case of (b) and (c) above, a copy of the notice under section 85 of that Act must also be given to the relevant building surveyor. (See Form 4).

Form 4
Building Act 1993
Building Regulations 2006
Regulations 602(4), 602(5)

PROTECTION WORK RESPONSE NOTICE

To

Owner or agent:.....
Postal Address:.....
.....P/code:.....

Relevant building surveyor: McKenzie Group Consulting (Vic) Pty Ltd
Postal address: Level 11, 99 William Street, Melbourne VIC 3000

From

Adjoining Owner:.....
Postal Address:.....
.....P/code:.....
Contact Person:.....Telephone:.....

Address of property where building work is to be carried out
(from Form 3)

Address: **(Insert Address here)**

Address of my adjoining property

Address: **(Insert Address here)**

Response

In accordance with section 85 of the Building Act 1993, I hereby respond to the notice served on me by the owner under that section and –

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

Signature

Signature of adjoining owner or agent:

Date:

NOTE : The notice under section 85 of the **Building Act 1993** must be given to the owner or agent within 14 days of being served with a notice under section 84 of the Act and in the case of (b) or (c) must also be given to the relevant building surveyor who must determine the matter under section 87 of the **Building Act 1993**.