

# FORM 3

Building Act 1993 | Building Regulations 2006 | Regulations 602[2], 602[3]

## PROTECTION WORK NOTICE

**TO:**

Adjoining owner: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_  
Postcode: \_\_\_\_\_

**RELEVANT BUILDING SURVEYOR:**

Mr Duro Vranjes or Mr Romeo Georgiev

Postal address: Arki Building Surveyors Pty Ltd | PO Box 120, Williamstown, VIC, 3016

Contact person: \_\_\_\_\_ Telephone: 9687 0333

**FROM:**

Owner/Agent: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_  
Postcode: \_\_\_\_\_

Contact person: \_\_\_\_\_ Telephone: \_\_\_\_\_

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:**

Number: \_\_\_\_\_ Street/road: \_\_\_\_\_ City/suburb/town: \_\_\_\_\_

Lot/s: \_\_\_\_\_ LP/PS: \_\_\_\_\_ Volume: \_\_\_\_\_ Folio: \_\_\_\_\_

Municipal district: \_\_\_\_\_

**ADJOINING PROPERTY DETAILS:**

Number: \_\_\_\_\_ Street/road: \_\_\_\_\_ City/suburb/town: \_\_\_\_\_

Lot/s: \_\_\_\_\_ LP/PS: \_\_\_\_\_ Volume: \_\_\_\_\_ Folio: \_\_\_\_\_

Municipal district: \_\_\_\_\_

**DETAILS OF PROPOSED PROTECTION WORK AND PROGRAM:**

Nature of Works: \_\_\_\_\_

Location of Works: \_\_\_\_\_

Time | Duration of Works: \_\_\_\_\_

Further Information: \_\_\_\_\_

**Signature of Owner or Agent:** \_\_\_\_\_ **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 protection 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/Agent: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

**RELEVANT BUILDING SURVEYOR:**

Mr Duro Vranjes or Mr Romeo Georgiev

Postal address: Arki Building Surveyors Pty Ltd | PO Box 120, Williamstown, VIC, 3016

Contact person: \_\_\_\_\_ Telephone: 9687 0333

**FROM:**

Adjoining owner: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Contact person: \_\_\_\_\_ Telephone: \_\_\_\_\_

**ADDRESS OF PROPERTY WHERE BUILDING WORK IS TO BE CARRIED OUT [from Form 3]:**

Number: \_\_\_\_\_ Street/road \_\_\_\_\_ City/suburb/town: \_\_\_\_\_

**ADDRESS OF MY ADJOINING PROPERTY:**

Number: \_\_\_\_\_ Street/road \_\_\_\_\_ City/suburb/town: \_\_\_\_\_

**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 to the proposed protection 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 that 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**.

## 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 3; and
  - b. Be accompanied by 3 copies of the notice required to be given by the adjoining owner to the owner [Form 4]
2. A copy of the Form 3 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 3] 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 2006 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