

CHECKLIST FOR SERVING OF PROTECTION WORK

NOTICES FORMS 7 & 8

It is important to serve the protection work notices (Forms 7 and 8) to the adjoining owner(s) correctly and include all the relevant information (plans and reports) so that the adjoining owner can make an informed decision about the proposed protection work.

The list below is provided to help you serve the Forms 7 and 8 correctly.

Checklist

Check that the adjoining owner's mailing address is correct on the Forms 7 & 8. You can ask Watershed to obtain this information from Council. The owners may not live at the adjoining property.

All sections of the Form 7 are completed and enough information is provided on the proposed protection work (eg description, addresses, nature, time, duration etc).

A copy of the working drawings, structural plans and soil report are provided to the adjoining owner with the Notices.

Form 7 Notice has been signed and dated by the person serving the Notices.

Form 8 Response Notice includes the address and phone number of the person who is serving the Notices. This form is to be signed by the adjoining owners or their agent.

The following documents must be served on the adjoining owner with the Forms 7 & 8.

- A. The building surveyor's determination (Form 6) that protection work is required.
- B. The protection work approved statement from the VBA (attached).
- C. Plans and specifications (working drawings, structural plans, soil report, etc)

A copy of all served documents (eg Forms 7 and 8, plans and soil report) are provided to Watershed.

If the Notices are served by mail, serve them by express post and provide the mail receipt to Watershed.

If the Notices are served in person, you must confirm that the person is related to the adjoining owner and get a name and a date and time that the documents were served.

FORM 7

Regulation 113
Building Act 1993
Building Regulations 2018

PROTECTION WORK NOTICE

To: (person that needs to respond to this notice)

Adjoining owner
Postal address Postcode.....
Email

Relevant Building Surveyor: (person that has received an application for a building permit)

Relevant building surveyor: **Matthew Curtain**
Postal address: **Suite 2/75 Robinson Street Dandenong 3175 or
6a Seymour Street Traralgon 3844**
Contact email address: melbourne@watershedbc.com.au Dandenong Office or
gippsland@watershedbc.com.au Traralgon Office
Contact person **Ari or Matt** Telephone **9791 3355 or 5176 5888**

Adjoining owner's property details (the adjoining property)

Number	Street / Road		City / Suburb /Town			Postcode
Lot/s		LP/PS		Volume		Folio
Crown allotment			Section		Parish	County

From: (person that is serving this notice)

Name of Owner/agent
Postal address Postcode
Contact person
Email Telephone

Owner's property details (the construction site)

Number	Street / Road		City / Suburb /Town			Postcode
Lot/s		LP/PS		Volume		Folio
Crown allotment			Section		Parish	County

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)

Description:
.....

The following documents **must be** provided to the adjoining owner with this Protection Work Notice:

The building surveyor's determination (Form 6) which confirms that protection work is required.

The protection work response notice for the adjoining owner to complete (Form 8).

The protection work approved statement from the Victorian Building Authority.

Working drawings that show proposed location and nature of the building work and protection work near the allotment boundary.

Structural plans that show proposed location and nature of the building work and protection work near the allotment boundary.

Structural engineer's certification certificate.

Soil report.

Signature of owner or agent

Print name

Date.....

STATUTORY DECLARATION
SERVICE OF PROTECTION WORK NOTICES

To: **Relevant Building Surveyor of Watershed Building Consultants**

I, (name of owner/agent)of
(address).....

do solemnly and sincerely declare that in accordance with Section 84 of the Building Act 1993 (“the Act”), I served protection work notices (Forms 7 & 8) on all adjoining owner(s) at the following addresses (list addresses below):

.....
.....
.....
.....
.....

These documents were served by (insert how served)

ON (insert date on which served).....

A full copy of all served documents is attached to this declaration.

Signature: _____ **Date:** _____

Print Name: _____

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- may apply to the VBA for a declaration that emergency protection work is required (section 89).
 - receive from the owner, a complete set of plans, drawings and specifications showing the protection work undertaken, no later than 2 months after the protection work is completed (section 101).

Entry on adjoining property

Section 95 of the Act provides the owner or an agent of the owner with the ability to enter the adjoining owner's property to carry out a survey and any required protection work. Before entry, the adjoining owner must be given 24 hours notice, unless another time frame as agreed by the parties. Entry on the adjoining property for this purpose is available between the hours of 8am and 6pm.

The right of entry to carry out protection work does not apply to entry for any other purpose, such as carrying out of building work. Entry for that purpose will require agreement between the builder and adjoining owner.

Part 2: Procedure for the resolution of disputes relating to protection work

A dispute between the owner and the adjoining owner relating to protection work may be referred to the BAB under Part 10 of the Act. The RBS must not act as an arbiter where there is disagreement between the owner and an adjoining owner.

If the owner and an adjoining owner do not agree about—

- how or when emergency protection work required by declaration under section 89(1) of the Act is to be carried out (section 151);
- the nature of cover to be provided under a proposed contract of insurance under section 93 of the Act, or about the amount to be insured under the contract (section 152);
- how or when a survey of the adjoining property is to be carried out under section 94, or about the adequacy of the survey (section 153);
- the costs and expenses necessarily incurred by the adjoining owner in supervising protection work under Part 7 of the Act (section 154);
- any other matter under Part 7 of the Act, and the BAB does not have jurisdiction to deal with the matter under any other provision of Part 7 (section 155),

either of them may refer the matter to the BAB.

An adjoining owner may also apply to the BAB under section 159 of the Act for an order determining the amount of compensation for inconvenience, loss or damage suffered during the carrying out of protection work under Part 7 of the Act.

The application process, application form, fee, hearing procedure and other details relating to referral of a dispute, or an application for a compensation order, to the BAB are set out on the BAB website at www.buildingappeals.vic.gov.au.

Further Information

Further information about the protection work provisions of the Act and Regulations is available on the VBA website, www.vba.vic.gov.au.