

Building Regulations 2018

S.R. No 38/2018

Form 7

Building Act 1993

Building Regulations 2018

Regulation 113

PROTECTION WORK NOTICE

TO :

Adjoining Owner

Postal Address

Relevant Building Surveyor: **Tim McMahon**

Bayway Building Surveying Pty Ltd

1/37 Advantage Road Highett

Ph (03) 9555 6518

FROM :

Owner/Agent

Postal Address

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
Crown Allotment	Section	Parish	County
Municipal District			

Adjoining Property Details

Number	Street/Road		City/Suburb/Town
Lot/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:

Date:

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

- (i) agreeing to the proposed protection work: or
- (ii) disagreeing with the proposed protection work; or
- (iii) requiring further information

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

In the case of (ii) and (iii) above a copy of the notice under section 85 of that Act must also be given to the relevant building surveyor (See Regulation 113 and Form 7)

Note 2: Owners are advised to familiarise themselves with the provisions of Part 7 of the Building Act 1993 and/or obtain legal advice.

Under section 93 of the Building Act 1993 before commencing any protection works in respect of an adjoining property, the Owner must enter into a contract of insurance, in accordance with Section, against damage by the proposed protection works to the adjoining property and against any liabilities likely to be incurred to the adjoining occupiers and members of the public during the carrying out of the building work and for the period of 12 months after that building work is completed.

Penalty – 100 penalty units, in the case of the natural person, 500 penalty units in the case of body corporate

PROTECTION WORK

Site Address:

Adjoining Property:

1. Protection Works Insurance

Prior to the commencement of building works, the owner shall arrange for protection works insurance in accordance with section 93 of the Building Act 1993. The protection works insurance shall be for an amount agreed to with the adjoining owner and against any possible damage to the adjoining property and any liabilities likely to be incurred by the adjoining occupiers. The contract of insurance shall be extended for a minimum of 12 months after the completion of the building work

2. Adjoining Property Survey

The owner shall in conjunction with the adjoining owner (or his/her representative) undertake a survey of the adjoining property and record in writing and by any other means (i.e. photographs) any existing cracks or other defects in the adjoining property.

The survey shall be kept as evidence of the condition of the adjoining property prior to the commencement of works.

3. Method of Protection (Tick applicable boxes)

CONSTRUCTION OF FOOTINGS ON OR NEAR BOUNDARY

The builder will excavate, cause an inspection with reinforcement in place, pour the footing or the slab as soon as practicable and in a continuous work schedule. The builder will ensure all excavations are adequately guarded to demonstrate compliance with Reg 113 of the Building (2018) Regulation (Protection to the public). Should any damage be agreed to have occurred in the adjoining property that can be attributed to the works, the damaged area will be reinstated to the satisfaction of the adjoining owner and the builder. The proposed footings under no circumstances are to undermine adjoining existing footings.

CONSTRUCTION OF WALLS ON OR NEAR BOUNDARY

Construction above ground level will be undertaken from scaffolding or like which will have adequate measures to safe guard debris and building materials from falling off. The builder will ensure that any building material that falls into the adjoining property will be retrieved. The builder will also ensure that the area will be cleaned to the original condition and any damage that is agreed and deemed to have occurred as a result of the works will be repaired/reinstated to the satisfaction of the adjoining owner.

CONSTRUCTION OF WALLS ON BOUNDARY NEAR ROOFS

The roof of the adjacent structure will be protected by solid planking or other suitable protective material for the duration of the works. The builder will ensure that any building material that falls into the adjoining property will be retrieve. The builder will ensure that the roof surface and surrounding areas will be cleaned to the original condition and any damage that is agreed and deemed to have occurred as a result of the works will be repaired/reinstated to the satisfaction of the adjoining owner.

1 FENCES

Where an existing fence has to be removed to execute the construction of building(s) on or near the boundary, the builder will maintain the same level of security as the existing fence by providing a temporary fence at a location agreed to by the builder and the adjoining property owner.

1 SITE EXCAVATIONS ADJACENT TO BOUNDARY

A suitable retaining wall approved by the Building Surveyor will be provided to protect the adjoining property immediately after the excavation of the site. Location and details will be as shown on approved Building Permit documentation.

Signature of adjoining owner

Signature of owner / builder