



PROCEDURE FOR SERVING PROTECTION WORK NOTICES

Building work can sometimes adversely affect adjoining properties. An owner who is proposing building work has obligations under the Building Act 1993 (the Act) to protect adjoining properties from potential damage from their work.

If building work is close to or adjacent to adjoining property boundaries, then an owner may be required to carry out protection work in respect of that adjoining property. This is to ensure that the adjoining property is not affected or damaged by the proposed building work. The Relevant Building Surveyor will determine if protection work is required.

Protection work provides protection to adjoining properties from damage due to building work. It includes but is not limited to:

- Underpinning of adjoining property footings, including vertical support, lateral support, protection against variation in earth pressures, ground anchors, and other means of support for the adjoining property.
- Shoring up of the adjoining property.
- Overhead protection for adjoining property.
- Other work designed to maintain the stability of adjoining property from damage from building work.

Owners who are required to carry out protection work in respect of an adjoining property must serve a notice on the adjoining owner and provide details about the proposed protection work. Note: To obtain the adjoining owner's name and address, you will need to contact the Council.

The following is a summary on how the Form 7 and 8 Notices (enclosed) are to be served upon the adjoining owner(s):-

- (i) The applicant serves one Form 7 Notice on the adjoining property owner(s) and one Form 7 Notice on the Building Surveyor.

Attached to both Form 7 Notices should be the Engineers design (if required), one set of architectural plans and specific details on the nature, location, time involved (etc.) of the proposed protection works.

Three (3) copies of the Form 8 Notice should be sent with the Form 7 Notice to the adjoining owner(s).

Service of the Form 7 and 8 Notices to the adjoining owner(s) must be by **Registered Mail** with **Delivery Confirmation Return Receipt** (see over for example) so that evidence of the service is obtained. Alternatively, obtain written confirmation from the adjoining owner(s) that they have received the Form 7 Notice. **The evidence of the service must be provided to the Building Surveyor.**

- (ii) Within fourteen (14) days of the service of the notice, the adjoining owner(s) must:-
- (a) Agree to the protection works by giving to the applicant an appropriately completed Form 8; or
 - (b) Give the applicant and the Building Surveyor notice on Form 8 disagreeing with the proposed works, or requiring more information to properly assess the proposal.
- (iii) If at the end of fourteen (14) days the adjoining owner has not given Form 8 notice, he/she **is deemed to agree** to the protection works.
- (iv) If the adjoining owner disagrees with the proposed protection works, the Building Surveyor must form a view of the appropriateness or otherwise of the works and advise both parties of his/her determination.
- (v) If the adjoining owner requests additional information, the Building Surveyor must form a view on whether the request is reasonable and if so, ask the applicant to provide the additional information.
- (vi) Where the applicant or adjoining owner is aggrieved by the relevant Building Surveyors determination, he/she may appeal that determination (within 14 days) to the Building Appeals Board.

NOTE: The above is a summary only and full details can be obtained from the Building Act 1993 (Sections 84 to 101) and the Building Regulations 2018 (Regulation 111 and Form 7 and 8's). Please See Over for examples of Reg Mail & Delivery Confirmation →

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Registered Post



250g
Max weight

5mm
Max thickness

Delivery within Australia

Prepaid envelope



AR

Optional service

Person to Person
Affix label here

To: Company name _____

Attention **Adjoining Owners Name** Mobile no. * _____

PO Box number or street address **Adjoining Owners Address** Postcode _____

Suburb or town _____ State _____

Registered Post

Sender's name: **Your Name**

Address: **Your Address**

Postcode _____

Please complete, tear off and lodge over the counter with your article.
Enquiries: please call 13 POST (13 7678).

Optional services:
(Sender to selected services)

Extra Cover (Over \$100 up to \$5,000)

Delivery Confirmation

Person to Person

Additional fee is payable for each service.

Registered Post – Lodgement Receipt

New addressed to:
Company name _____

For the attention of **Adjoining Owners Name**

PO Box number or street address **Adjoining Owners Address** Postcode _____

Suburb or town _____ State _____

I have read and agree to the information on the reverse side of this receipt.

Sender's name **Your Name** Sender's signature _____ Your signature _____ Date _____

WARNING: This envelope is not suitable for sending jewellery or precious stones. Small rigid items such as keys or nails should be securely packed to avoid loss or damage.



Registered Post

Delivery Confirmation – Advice Receipt

Registered Post No. Number from Registered Post Envelope	Sender's Reference Your Reference
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Receipt is acknowledged of the Registered Post item, the number of which appears above.

Signature of Addressee* or Agent _____

*Registered Post articles sent **Person to Person** must be signed by the **addressee only**.

Signature of Delivery Officer _____	Date delivered / / _____
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Office Post Mark



OFFICIAL MAIL



Return to: **Your Name**
Your Address

