

**FORM 7**  
Regulation 113  
**Building Act 1993**  
Building Regulations 2018

**PROTECTION WORK NOTICE**

<b>Issued to: Adjoining Owner</b>	
Name _____	
Postal address _____	
Telephone _____	Email _____

<b>Relevant Building Surveyor</b>	Michael Shaw – Registration BSU 1165 Red Textas Consulting Building Surveyors 428a New Street, Brighton, VIC, 3186 Telephone: 9530 6685 Email: admin@redtextas.com.au
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<b>Adjoining owner's property details (the <i>adjoining property</i>):</b>	
Number _____ Street/road _____	
City/suburb _____	Postcode _____
Municipal district _____	

<b>Owner's property details:</b>	
Number _____ Street/road _____	
City/suburb _____	Postcode _____
Lot/s _____ LP/PS _____	Volume _____ Folio _____
Municipal district _____	

<b>From (owner/agent of owner):</b>	
Served by _____	
Postal address _____	
Telephone _____	Email _____

**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.

<b>Details of proposed building work</b> <i>(insert details including details about damage etc. that may be caused to adjoining property). If more space is required, attach separate addendum/letter.</i>
_____
_____
_____
_____

**Details of proposed protection work**

*(insert the nature, location, time and duration of the proposed protection work, including the extent to which access to the adjoining property will be required for the purpose of undertaking the proposed protection work). If more space is required, attach separate addendum/letter.*

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**Information included in accordance with Regulation 113:**

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|--|---|
| <input type="checkbox"/> Form 6 determination from RBS | <input type="checkbox"/> VBA approved protection work statement |
| <input type="checkbox"/> Architectural / design plans  | <input type="checkbox"/> Engineering plans, certification       |
| <input type="checkbox"/> Soil report                   | <input type="checkbox"/> Engineering reports                    |
| <input type="checkbox"/> Survey plans                  | <input type="checkbox"/> Other (specify)                        |

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**Method of serving protection work notices, in accordance with section 236 of the Building Act**

(Please indicate by completing the following sections a keep copy of all mail receipts or acceptance advice)

- By hand                       Registered mail                       Ordinary mail
- Other method \_\_\_\_\_

**Information about protection of an adjoining owner under the Building Act 1993 in relation to proposed protection work.**

In accordance with section 92 of the **Building Act 1993**, at any time after this notice is given to the adjoining owner, the relevant building surveyor must make available to the adjoining owner, on request, for inspection, without charge, any plans, drawings and specifications of the proposed building work in the possession or control of the relevant building surveyor. The relevant building surveyor's name and contact details are on page 1 of this notice.

If the proposed protection work is agreed to by the adjoining owner or determined as being appropriate by the relevant building surveyor under section 87(1) of the **Building Act 1993** or by the Building Appeals Board

under section 141 of the **Building Act 1993** (as the case requires), the owner must—

- (a) before the commencement of any protection work—
  - (i) ensure that a contract of insurance is in force in accordance with section 93 of the **Building Act 1993** against damage by the protection work to the adjoining property and other liabilities described in that section; and
  - (ii) make a full and adequate survey of the adjoining property in accordance with section 94 of the **Building Act 1993**; and
- (b) pay to an adjoining owner all costs and expenses necessarily incurred by the adjoining owner in assessing proposed protection work and in supervising the carrying out of protection work in relation to an adjoining property in accordance with section 97 of the **Building Act 1993**; and
- (c) compensate an adjoining owner or an adjoining occupier for inconvenience, loss or damage suffered by the adjoining owner or adjoining occupier in connection with the carrying out of protection work in accordance with section 98 of the **Building Act 1993** or an order of the Building Appeals Board under section 159 of that Act.

<b>Name</b> ( <i>Owner/owner's agent</i> )	_____
<b>Signature of person serving protection work notices</b>	_____
<b>Date of serving protection work notices</b>	_____

- Note:**
1. 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 of notice under section 85 of that Act:-
    - (i) agreeing to the proposed protection work; or
    - (ii) disagreeing with the proposed protection work; or
    - (iii) requiring more information.
  2. Failure to respond will be taken as agreement to the proposed protection works.
  3. In 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 Form 8).
  4. Advisory notes for protection of adjoining property and procedure for serving notices are available at [www.redtextas.com.au](http://www.redtextas.com.au)
  5. Pursuant to Section 93 & 94 of the Building Act, the building owner must obtain protection work insurance and carry out appropriate survey of the adjoining property prior to commencement of work.