



Lorenzini Group

Protection Work Notices

General information:

Please find attached the Protection Work Notices: *Form 3* and *Form 4* that you (as the owner or agent of the owner) are required to serve on your adjoining neighbour/s affected by building work being carried out on your property, as required by the *Building Act 1993 (Act), Part 7*.

The Act requires you to serve these Notices, prior to works commencing, as you propose to build along, or very close to the Title Boundary. The Act recognises that there is the potential that the proposed building works may affect the adjoining property, therefore the adjoining property must be adequately protected.

- The Form 3: 'PROTECTION WORK NOTICE' will need to outline your proposed works and your proposed associated protection works (i.e nature, location, commencement and duration of works – you must address each of these points).
In most cases it is appropriate to include drawings of the proposed works and associated protections works to accompany this Notice.
- The Form 4: 'PROTECTION WORK RESPONSE NOTICE' is the form used by the affected adjoining neighbour to respond to the Form 3.

All parties involved, being: affected adjoining neighbours, Relevant Building Surveyor (Alan Lorenzini) and yourself (owner/agent) should have one copy each of both the Form 3 and Form 4 and any relevant documentation/drawings, etc. You are to ensure that our office is provided with copies of the documentation submitted, once they have been served on the affected neighbour/s and a response has been received.

In serving these Notices (both Forms 3 and Form 4) we recommend that you use Registered Mail. This ensures that the date of service is accurately and reliably recorded.

The image shows a template for a Registered Post envelope. At the top, it says "Registered Post" and "AUSTRALIA POST" with the kangaroo logo. Below that, it specifies "500g Max weight" and "20mm Max thickness" and "Delivery within Australia". There is a section for "Prepaid envelope" with a barcode and a "POSTAGE PAID" label. The form includes fields for "To: Company name", "Attention", "Mobile no.*", "PO Box number or street address", "Postcode", "Suburb", and "State". There are also three boxes for postage payment. A small note at the bottom states: "The 500g max weight is the maximum weight for this article to qualify for collection at an Australia Post retail outlet."

This process does not entitle your neighbour/s to comment on the building design, appearance or siting/location of the building. Protection Work Notices address the structural matters relating to protection of the adjoining property only.

In addition to serving these Notices, I advise that the pursuant to the Act, the property owner is required to obtain insurance relating to these protection works and to serve this insurance on the affected adjoining neighbour/s *prior to commencing building work*. This insurance is separate from the Builders' Warranty Insurance.

You are also required to carry out an *existing conditions survey*, which the affected neighbour/s and yourself are to agree on. This is a survey of the existing buildings on the adjoining properties which lists/shows all existing damage, faults and defects. You may prefer to take photos to have an accurate depiction of existing damage.

Your neighbour/s are entitled to engage appropriately qualified consultants as necessary to assist them with their consideration of your proposed protection works or to supervise the protection works. Any costs incurred by the adjoining owner/s are to be borne by you as prescribed by *Section 97 of the Building Act*.

Please be aware that the specified time period associated with the serving of these Notices (14 days) may delay the issuing of your Building Permit.

The obtaining of the insurance relating to the Protection Works and the Survey of existing conditions will not prevent us from issuing a Building Permit and is not required to be provided to our office.

Please contact our office with any further queries you may have.