

Media Release

24 October 2017

Good neighbours and protection of property when building

With a strong residential building market, the Victorian Building Authority (VBA) reminds those proposing building work that they have obligations under the *Building Act 1993* to protect adjoining property from potential damage from their building work.

If building work is close, or adjacent, to adjoining property boundaries, protection work may be required in respect of the adjoining property. This is to ensure it is not affected or damaged by the building work.

According to the *Building Act 1993*, ‘adjoining property’ means anything from a street or lane to a highway ‘situated in relation to the site of the proposed building work as to be a risk of significant damage from the building work’.

As the name suggests, “protection work” provides protection to adjoining property from damage due to building work, and includes underpinning of adjoining property footings, shoring up of the adjoining property, and overhead protection for adjoining property.

When applying for a building permit, the building owner or their agent must provide detailed information about the building work to the relevant building surveyor (RBS), who will determine if protection work is required. There is a series of steps that must be followed:

- Owners required to carry out protection work must serve a notice on the adjoining owner and provide details of the proposed protection work.
- Building work must not start until the adjoining owner agrees to the protection work or the RBS makes a determination on it.
- The adjoining owner has 14 days from being served the notice to respond. If they don’t respond in that time, they are deemed to have agreed to the proposed protection work.

VBA Acting Director of Technical and Regulation Jeffrey Gilmore said that if the adjoining owner disagrees with the proposed protection work or requests further information, the RBS must decide whether the building work is appropriate.

“They must give the owner and adjoining owner written notice of the determination,” Mr Gilmore said.

Either owner has 14 days in which to appeal to the Building Appeals Board (BAB) against the determination.

“The owner proposing the building work must ensure a contract of insurance is in force against potential damage from the proposed protection work to the adjoining property, occupiers and the public during the work and for 12 months after completion. The amount must be agreed between the two owners. A standard construction and public liability policy will not normally provide the minimum cover required.”

A full survey of the adjoining property must be prepared and agreed upon by the owner with the adjoining owner, recording all existing cracks and defects. Disputes about insurance cover or the adequacy of the survey can be referred to the BAB.

For more information on protection work and other requirements relating to building in Victoria, visit the VBA website at www.vba.vic.gov.au or the BAB website at www.buildingappeals.vic.gov.au

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