

Building Appeals Board

Application To The Building Appeals Board For A Determination For Class 1 And 10 Buildings

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Postal Address: PO Box 536 Melbourne 3001 Direct Fax: (03) 9285 6410



To the Registrar, Building Appeals Board,

I hereby make an application to the Building Appeals Board for a determination under *the Building Act 1993* pursuant to:

Section 160 (Modification application)¹ or Section 160A (Compliance assessment)² (Tick applicable box)

1) SITE DETAILS

Address: _____ Postcode: _____

Municipality: _____

2) APPLICANT

Name: _____

Address: _____ Postcode: _____

Tel: _____ Fax: _____ Mob: _____ Email: _____

3) RELEVANT BUILDING SURVEYOR

Name: _____

Address: _____ Postcode: _____

Tel: _____ Fax: _____ Mob: _____ Email: _____

4) PERFORMANCE REQUIREMENT(S)/REGULATIONS TO BE MODIFIED

Nominate the performance requirement(s) together with the deemed to satisfy provision(s) of the relevant BCA.

5) RELEVANT BUILDING DETAILS AS APPLICABLE

Use of building: _____ BCA classification(s): _____

No of storeys: _____ Floor area of existing building: _____ Floor area of new building: _____

- a) Is the development affected by Res Code (Part 4 Siting)? **Yes / No** Council Consent? **Yes / No** If yes, provide details and any conditions.
- b) Has the work that forms part of this application commenced or has a building permit been issued? **Yes / No** If yes, what percentage is completed (_____ %)
- c) Has any fire engineering/fire safety assessment report or other expert reports been undertaken as part of this development, that may in any way relate directly or indirectly to the matters raised in the application? **Yes / No** If yes, provide details and any conditions imposed.
- d) Has any alternative building solution(s) or dispensation(s) been approved as part of this development, that may in any way relate directly or indirectly to the matters raised in the application? **Yes / No** If yes, provide details and any conditions imposed.
- e) Is the application subject to any building notices, building orders, other reports or consents, that may in any way relate directly or indirectly to the matters raised in the application? **Yes / No** If yes, provide details and any conditions imposed.
- f) Is there a relevant planning permit or other prescribed approval? **Yes / No** If yes, provide details and any conditions imposed.
- g) Is the building on a register under the Heritage Act 1995? **Yes / No** (Refer to <http://www.heritage.vic.gov.au> to check such properties)
- h) Has any aspect of this matter been considered by the Building Commission? **Yes / No**

6) INFORMATION REQUIRED (MANDATORY)

*Provide three (3) copies of this application and three (3) copies of all relevant documentation including plans, drawings and photos which **must be marked up to highlight determination(s) sought**. An additional copy is required for applications relating to bush fire matters as comments will be sought from the CFA.*

*A cheque for \$ _____ **must be enclosed and made payable to the Building Commission.***

Applicant's signature: _____ Date: _____

This person signing acts on behalf of the owner and confirms that the owner is aware of this application.³

Notes 1-3: Refer to Page 3

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This information must be incorporated in the written submission that will form part of the application⁴

A) GENERAL REQUIREMENTS (MANDATORY)

- 1) Provide the background of the proposal.
- 2) Provide comments from the Relevant Building Surveyor where applications relate to a building permit.
- 3) Provide the nature of the modification(s) or compliance assessment(s).
- 4) Where the application relates to the Building Code of Australia (BCA) nominate the relevant primary Performance Requirement(s) together with the applicable Deemed to Satisfy Provision(s). Also nominate which edition of the BCA is to be referred to.
- 5) Indicate why the regulation is inappropriate?
- 6) Indicate why it is reasonable to vary the regulation?
- 7) Where the application relates to a BCA Performance Requirement(s), the applicant must provide commentary on the implications for each of the individual clauses of the Performance Requirement.
- 8) Provide commentary on the issues relevant to the regulation to be modified, including but not limited to the following: -
 - class of building
 - rise in storeys
 - structural stability
 - exposure to allotment boundary
 - protection from spread of fire
 - potential ignition sources
 - active fire detection and early warning systems
 - occupant life safety
 - bushfire protection
 - special characteristics of fuel load
 - internal or external suppression systems
 - performance of lining materials
 - fire brigade intervention
 - the extent of the deviation from the Deemed to Satisfy Provision
 - health and amenity of occupants
 - safe movement and access to and within the building.
- 9) Nominate the documentation accompanying this application, i.e. drawing numbers, photographs and any other supportive information submitted which must be marked up to highlight determination(s) sought.

B) ADDITIONAL INFORMATION FOR S160A APPLICATION(S) ONLY

- 1) Building Solution(s)
Nominate the BCA 1.0.9 assessment method(s) adopted for the application as listed below: -
 - (a) Evidence as listed under 1.2.2 of the BCA
 - (b) Verification methods
 - (c) Comparison with Deemed to Satisfy Provisions of the BCA
 - (d) Expert judgement including details of the qualifications and experience of the person carrying out the assessment.
- 2) Nominate any reference materials, standards, codes of practice, specifications or any other research that has been relied upon in this application.
- 3) Provide conclusion(s) and recommendation(s) in the application satisfying Parts 1.0.5, 1.0.8 and 1.0.10 of the BCA.

C) ESSENTIAL SAFETY MEASURES

Applicable to Class 1b buildings such as boarding houses, guest houses, hostels or the like with an area less than 300m² and not more than 12 people.

- 1) If an application relevant to the request affects an essential safety measure(s), please formulate a similar table as detailed below.

Essential safety measures	Description (design & installation standards)	Maintenance requirements

Note 4: Refer to Page 3

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FEES

Please refer to the Building Commission Website: www.buildingcommission.com.au or contact the BAB support staff to obtain the current schedule of prescribed fees for modification and compliance applications. A separate fee is to be paid for each non-complying matter being determined.


Note: Modification/Compliance application fees are GST-exempt, under Division 81 of the GST Legislation. Please keep a copy for your records. Upon payment, this becomes a "TAX INVOICE"

NOTES

1. 160 (modification) - An application may be made to the Building Appeals Board for a determination that a provision of the Regulations does not apply, or applies with the modifications or variations specified in the application.
2. 160A (compliance) - An application may be made to the Building Appeals Board for a determination that a particular design of a building or element of a building complies with the Act and Regulations.
3. Under section 248 of the Building Act 1993, it is an offence for a person to act on behalf of an owner of a building or land for the purpose of making an application unless the person is authorised in writing to do so.
4. Please refer to the Building Commission Website: www.buildingcommission.com.au, in particular Practice Note 2006-39, that contains past determinations of modification and compliance applications that can be used as a guide to assist in preparing your submission.
5. Please note that the Board may, in making a determination, make reference to any plans or drawings you have submitted. The Board may also annex any document or extract of a document to its final determination. Any documents annexed to a determination will become public records and liable to disclosure on request.

PAYMENT DETAILS

A cheque for \$ _____ is enclosed *made payable to the Building Commission.*

OR Please debit my:   for \$ _____ Expiry Date: ____ / ____ / ____

Cardholder's name: _____ Card No

Cardholder's signature: _____ Date: ____ / ____ / ____