

Building Appeals Board

Application To The Building Appeals Board For A Determination For Class 2 – 9 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): _____

Type of construction: _____ Effective height: _____ Volume: _____ No of storeys: _____

Max. size of fire compartment: _____ Floor area of existing building: _____ Floor area of new building: _____

- a) 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 (_____ %)
- b) 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.
- c) 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.
- d) 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.
- e) Is there a relevant planning permit or other prescribed approval? **Yes / No** If yes, provide details and any conditions imposed.
- f) 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)
- g) 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. Additional copies are required for applications where comments will be sought from the referral authorities/bodies such as the MFB, CFA, Municipal Building Surveyor, Dept of Human Services or Heritage Victoria (refer to Practice Note 2006-39).

*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 and effective height
 - type of construction
 - fire compartment size and volume
 - fire-source features
 - special characteristics of occupants
 - special characteristics of fuel load
 - the extent of the deviation; from the Deemed to Satisfy Provision
 - number and width of escape routes
 - clear lines of sight to an exit
 - length of dead-end paths
 - smoke hazard management systems
 - performance of lining materials
 - early detection or alarm system
 - egress signage and emergency lighting
 - potential ignition sources
 - evacuation procedures
 - fire load in escape routes
 - internal fire suppression system
 - first aid, fire fighting and training staff.
- 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 A0.9 assessment method(s) adopted for the application as listed below: -
 - (a) Evidence as listed under A2.2 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 AO.5, AO.8 and A0.10 of the BCA.

C) ESSENTIAL SAFETY MEASURES

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: ____ / ____ / ____