

UNDER SECTION 141 OF THE *BUILDING ACT 1993*

1 SITE DETAILS

Address where building works are to be carried out

Address

Street Address:

Suburb:

State:

P/Code:

Municipality

Use of Building

Class/s

2 ADJOINING PROPERTY

Address of property to be protected

Address

Street Address:

Suburb:

State:

P/Code:

Municipality

Use of Building

Class/s

3 APPELLANT

Owner Adjoining Owner

Name

Company name

Address

Street Address:	
Suburb:	
State:	P/Code:
Phone Business hours:	Mobile
Email:	

Is the copy of current Certificate of Title for the allotment attached?

Yes		
No		Need to attach a copy of current Certificate of Title for the allotment. Go to www.landata.vic.gov.au

Is the appellant the owner of the property?

Yes		Go to question 4
No		Complete and sign the 'Authority to Act' form

4 MANDATORY SERVICE OF DOCUMENTS

The Act requires that a copy of this application and the attached documents must be served on other parties, namely:

- the decision maker; and
- any other 'party concerned' (this would generally include any other people with a direct interest in the outcome of the application)

Please specify which parties have been served with a copy of this application.

No	Name	Company/Position Title	How served: Email/post
1			
2			
3			

If some parties have not been served with a copy of this appeal – please outline why they have not been served.

Name	Company/PositionTitle	Reason for not serving a copy of the appeal on the person
.....
.....
.....

5 RESPONDENT

In relation to protection work the respondent is the Relevant Building Surveyor or, in the case of section 89 of the Act, the Victorian Building Authority.



	Relevant Building Surveyor
	Victorian Building Authority

Name

Company name

Address

Street Address:		
Suburb:	State:	P/Code:
Phone Business hours:	Mobile:	
Email:		

6 OTHER PARTIES

List any other parties in this section

Name

Company name

Address

Street Address:		
Postal Address:		
Phone Business hours:	Mobile:	
Email:		

Note: you need to list all of the parties outlined in section 4 above (Mandatory Service of Documents). If there are additional parties, please specify them in your written submission.

7 MANDATORY REQUIREMENTS

7A GENERAL REQUIREMENTS

You must supply a written submission which addresses the following:



	The Nature of the proceeding What you are appealing?
	The Grounds for commencing the proceeding What are your reasons for the appeal?
	The Relief Sought What do you want the outcome to be?

Please tick to identify if the information required is included in an attachment and supplied with this appeal application.

7B DOCUMENTS

Attach a copy of the Relevant Building Surveyors determination for protection works (section 87) or the declaration of the Victorian Building Authority (section 89), that is the subject of appeal and list details below:

Date	
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Three copies of the plans if A3 in size will need to be submitted

8 APPEAL PERIODS

Tick appropriate appeal period for your application:

✓	Section of the Act	Matter	Appeal Period days
	141	Protection Work	Within 14 days
	141	Protection Work (Emergency procedures)	Within 30 days

9 FEES / PAYMENT

A separate fee is to be paid for each matter under appeal.

The fees are outlined at www.buildingappeals.vic.gov.au/how-to-apply/forms-and-fees.

- Always refer to the current prescribed fee schedule for appeal application costs prior to submitting your application
- Complete the payment details form.

Please indicate your total fee amount payable for this application

Total Amount

\$

10 HEARING

Please indicate below if you prefer to have your application heard via a written submission or a hearing conducted by the Board.

✓	
	I would prefer the Board to make its determination based on written submissions
	I would prefer the Board to make its determination following a hearing

The Board will determine whether it is appropriate to:

- refrain from having a hearing and make its determination based on written submissions of parties.

If there is a hearing, you will be given a minimum of seven (7) days notice of your appeal hearing date. It is expected that you will be ready to proceed on that day. Parties to the appeal may attend and/or be represented at the hearing.

If a person provides information or documentation to the Board, the person must also provide the same information or documentation to all of the other parties to the proceeding.

11 FAST TRACK

If you are seeking a fast track appeal hearing, you must complete the fast track application form, which is at www.buildingappeals.vic.gov.au/how-to-apply/appeal-applications and pay the prescribed fee. A person to a proceeding can only apply.

12 DECLARATION AND SIGNATURE

I understand that, under section 248(1) 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.

I also acknowledge that it is an offence to knowingly make any false or misleading statement or provide any false or misleading information to the Building Appeals Board in relation to this appeal (section 246 of the Act).

SIGNATURE: _____

DATE: _____

AUTHORITY TO ACT FORM

1 OWNER/S DETAILS

Name

Company Name

Address

Street Address:	
Suburb:	
State:	P/Code:
Phone Business hours:	Mobile:
Email:	

Name of second owner (if the appeal is also made on behalf of that person)

Company Name

Address

Street Address:	
Suburb:	
State:	Post Code:
Phone Business hours:	Mobile:
Email:	

2 SITE DETAILS

Address (please note a copy of title /contract of sale is required to confirm ownership of the land/building)

Street Address:	
Suburb:	
State:	P/Code:

3 SIGNATURE OF OWNER/S

DECLARATION

I confirm I am the owner of the above site and I authorise the following person to act on my behalf:

Name of agent or legal firm: _____

I also acknowledge that it is an offence to knowingly make any false or misleading statement or provide any false or misleading information to the Building Appeals Board in relation to an application (section 246 of the Act).

SIGNATURE OF FIRST OWNER: _____

PRINT NAME: _____

DATE: _____

SIGNATURE OF SECOND OWNER _____

(If the appeal is also made on behalf of a second person)

PRINT NAME: _____

DATE: _____

APPLICATION CHECKLIST

Use this checklist to ensure all your required documents are submitted. If all the required information is not provided at the time of submission your application may not proceed.

1 SITE DETAILS	Please tick
A copy of the current Certificate of Title for the allotment is attached	<input type="checkbox"/>
2 ADJOINING PROPERTY	
Address of property to be protected is accurately recorded	<input type="checkbox"/>
3 APPELLANT	
If the appellant is not the owner, the 'Authority to Act' Form has been completed and signed	<input type="checkbox"/>
4 MANDATORY SERVICE OF DOCUMENTS	
A copy of this application document has been served on other parties	<input type="checkbox"/>
5 RESPONDENT	
The details of the respondent (i.e. the decision maker) are accurate	<input type="checkbox"/>
6 OTHER PARTIES	
The details of the other parties are accurate	<input type="checkbox"/>
7 MANDATORY REQUIREMENTS	
A written submission has been supplied addressing the Nature, Grounds and Relief sought	<input type="checkbox"/>
A copy of the decision under appeal has been provided	<input type="checkbox"/>
The appropriate section of the <i>Building Act 1993</i> that your appeal relates to has been identified	<input type="checkbox"/>
Evidence in support of your application has been provided (e.g. drawings, photographs, plans or expert reports)	<input type="checkbox"/>
8 APPEAL PERIODS	
The appropriate appeal period for your application is provided	<input type="checkbox"/>
9 FEES/PAYMENT	
Total fee amount payable for this application is identified	<input type="checkbox"/>
Payment details form have been completed and is attached	<input type="checkbox"/>

10 HEARING	
Preference to have your application determined via a written submission or that a hearing is conducted by the Board has been identified	<input type="checkbox"/>
11 FAST TRACK	
If you are seeking a fast track appeal hearing, the fast track application form is completed	<input type="checkbox"/>
12 DECLARATION AND SIGNATURE	
You have acknowledged that it is an offence under section 246 of the Act to knowingly make any false or misleading statement or provide any false or misleading information to the Board in relation to this appeal	<input type="checkbox"/>