

To the Registrar, Building Appeals Board

NOTICE OF APPEAL TO THE BUILDING APPEALS BOARD UNDER PART 10 - DIVISION 1 - OF THE BUILDING ACT 1993 - APPEALS

I hereby make application to appeal a matter to the Building Appeals Board, details of which are listed below:

1) SITE DETAILS

Address: _____

Postcode: _____

Municipality: _____

Use of building: _____ Class/s: _____

2) APPLICANT

Name: _____ Company Name: _____

Address: _____ Postcode: _____

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

Is the applicant the Owner? Yes No If No provide details –

Name: _____ Company Name: _____

Address: _____ Postcode: _____

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

*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.

Owners consent letter attached: Yes No If no, obtain owners signature below:

Owner's Signature: _____ Date: _____

Provide a copy of the current Certificate of Title for the allotment:

Provided?: Yes No
If no, go to www.land.vic.gov.au

3) OTHER PARTIES (LIST ALL)*

Other parties involved in this matter:*

Name: _____ Company Name: _____

Address: _____ Postcode: _____

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

Name: _____ Company Name: _____

Address: _____ Postcode: _____

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

4) SERVICE OF DOCUMENTS (MANDATORY)

The Building Act 1993 requires that a copy of this document **MUST** be lodged with the other parties to this matter. Has a copy of this document been served on all parties to this matter? Yes No

* A party to the matter is the decision maker, any other person with a right to refer the matter to the Board, any other party concerned.

5) GENERAL REQUIREMENTS (MANDATORY) –

Please tick appropriate box

Is the Victorian Building Authority involved in the matter? Yes No
 Is the Building Practitioners Board involved in the matter? Yes No

In order for your matter to proceed you **MUST** specify:

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

Three (3) copies of this Notice and Three (3) copies of all relevant documentation, copy of current Certificate of Title, plans, photos, drawings, a copy of the notice/order/letter/refusal as applicable **MUST** be enclosed with a cheque for \$_____ made payable to the **Victorian Building Authority**.

PLEASE NOTE: If the application is not complete the appeal process will be delayed.

Signed applicant: _____ Date: _____

If an applicant cannot be present at a hearing your application may be heard via a paper submission.

Please indicate below if you prefer to have your application heard via a paper submission.

Paper hearing preferred

Please note: The Registrar must receive written material no later than 7 days before the hearing. The Board may still request your attendance should the written submission be in adequate.

6) APPEAL PERIODS – BUILDING ACT 1993 –PART 10- DIVISION 1- REGULATION 1601 BUILDING REGULATIONS 2006

Tick app. box	Section of Building Act	Matter	Appeal period	Fee
<input type="checkbox"/>	138	Building and Occupancy Permits	30 days/14 days	\$ _____
<input type="checkbox"/>	139	Temporary occupation of buildings	30 days	\$ _____
<input type="checkbox"/>	140	Private building surveyors	30 days	\$ _____
<input type="checkbox"/>	142	Building Notices and Orders	30 days	\$ _____
<input type="checkbox"/>	144	Building Regulations	30 days	\$ _____
<input type="checkbox"/>	144A	Building & Construction Industry Security of Payment Act 2002	30 days	\$ _____

7) FEES

Please refer to the website or contact the Building Appeals Board support staff to obtain the current schedule of prescribed fees for appeal applications. A separate fee is to be paid for **each matter** under appeal.

An additional fee may also be required by the Board where, in consideration of any matter, an inspection of a site has been made by a member or members of the Board hearing that matter.

Note: Appeal 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"

8) PAYMENT DETAILS

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

OR Please debit my:

  for \$ _____

Cardholder's name: _____ Card No: _____ / _____ / _____

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

Date: ____ / ____ / _____ CCV # _____ (mandatory)

9) NOTES

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.

10) FAST TRACK APPEALS

In the case of an application made seeking a fast track appeal hearing, you **MUST** complete the Fast Track Application Form (available on the website) outlining the reasons for the request under Section 147 of the Act and include the additional prescribed fee for a fast track appeal.

If a request for a fast track appeal is granted, the Board may require the person making the request to pay the reasonable costs of all parties to the appeal for the proceedings after the request is granted.

The Board may require that an additional prescribed fee for the purposes of Section 147(3)(b) be charged at a hourly rate for the time taken for the hearing (including any adjourned hearing) excluding the first two hours of hearing.

11) TRANSLATING AND INTERPRETER SERVICE

Please contact the Registrar should you require the services of an interpreter.