

# Building Appeals Board

## Protection Of Adjoining Property

Building Act 1993

## NOTICE OF APPEAL OR REFERRAL OF MATTER TO THE BUILDING APPEALS BOARD

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

To the Registrar, Building Appeals Board,  
I hereby make application to appeal or refer a matter pursuant to Part 7 of the Building Act 1993 (the Act) - Protection of Adjoining Property, details of which are listed below:

### 1) ADDRESS WHERE BUILDING WORKS ARE TO BE CARRIED OUT

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Municipality: \_\_\_\_\_

### 2) ADDRESS OF PROPERTY TO BE PROTECTED

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Municipality: \_\_\_\_\_

Use of Building: \_\_\_\_\_ Class(es): \_\_\_\_\_

#### \* Delete as applicable (mandatory field)

Is the Commission involved in the matter?

Yes/No\*

Is the Building Practitioners Board involved in the matter?

Yes/No\*

Is the building on a register under the Historic Buildings Act?

Yes/No\*

Is the applicant acting on behalf of an owner?

Yes/No\*

Is the owner aware of this application?

Yes/No\*

### 3) APPLICANT

**\*PLEASE NOTE: 'ADJOINING OWNER' IS THE OWNER OF THE PROPERTY TO BE PROTECTED.**

(circle as applicable) (a) owner/agent of owner or (b) \*adjoining owner/agent of adjoining owner

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Mob: \_\_\_\_\_ Email: \_\_\_\_\_

### 4) OTHER PARTIES (LIST ALL)

(circle as applicable) (a) owner/agent of owner or (b) \*adjoining owner/agent of adjoining owner

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Mob: \_\_\_\_\_ Email: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Mob: \_\_\_\_\_ Email: \_\_\_\_\_

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## OTHER PARTIES (LIST ALL) - CONTINUED

(c) Relevant Building Surveyor

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Postcode: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Mob: \_\_\_\_\_ Email: \_\_\_\_\_

## 5) SERVICE OF DOCUMENTS (MANDATORY)

(\*Delete as applicable) A copy of this document **has been/will be\*** served on all parties to this matter.

The Building Act 1993 requires that a copy of this document **MUST** be lodged with the other parties in this matter. It is the applicant's responsibility to ensure this is done prior to the matter proceeding.

## 6) GENERAL REQUIREMENTS (MANDATORY)

You **MUST** provide details of the Nature, Grounds and Relief Sought of your appeal or dispute.

1. Nature - What you are appealing?
2. Grounds - What are your reasons for the appeal?
3. Relief Sought - What do you want the outcome to be?

Five (5) copies of this Notice and 5 copies of all relevant documentation including protection notices, plans, drawings and photos **MUST** be enclosed with a cheque for \$ \_\_\_\_\_ made payable to the **Building Commission**.

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

**\*\*Signed Applicant** \_\_\_\_\_ Date / / **\*\*Refer notes overleaf**

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

## 7) APPEAL PERIODS

Section of Act	Type	Matter	Appeal Period
141	Appeal	Protection Work	(14 days for s87) (30 days for s89)
151	Dispute	Emergency Protection Work	N/A
152	Dispute	Insurance	N/A
153	Dispute	Surveys of Adjoining Properties	N/A
154	Dispute	Cost of Supervising Protection Work	N/A
155	Dispute	Other Disputes between Owners & Adjoining Owners under Part 7	N/A
159	Application	Compensation - Protection Work	N/A
147	Request	Fast track Appeal <b>(Section 141 Appeals only)</b>	N/A

## 8) FEES

Please refer to the Building Commission Website: [www.buildingcommission.com.au](http://www.buildingcommission.com.au) or contact the BAB support staff to obtain the current schedule of prescribed fees for appeal and dispute applications.

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/Dispute 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"

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## 9) 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:    /    /

## 10) NOTES

**\*\*Under Section 248 of the Building Act 1993 (the Act), 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.**

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.

## 11) 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 Building Commission website) outlining 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.