

This form is made for the use and purpose of section 38 and 39 of the *Building Act 1975*, whereby a person can apply to the chief executive to vary how a provision applies to building work.

Explanatory information about how to complete this form is in the Appendix at the end of this form.

<p>1. Applicant's details</p> <p>If the applicant is a company, a contact person must be shown.</p> <p>All correspondence will be mailed to this address.</p>	<p>Name <i>(in full)</i></p> <p>.....</p> <p>Company name <i>(if applicable)</i> Contact person</p> <p>.....</p> <p>Business phone number Mobile number</p> <p>.....</p> <p>Email address</p> <p>.....</p> <p>Postal address</p> <p>.....</p> <p>..... State Postcode</p>
<p>2. Property description</p> <p>The description must identify all land the subject of the application.</p> <p>The lot and plan details (e.g. SP/RP) are shown on title documents or a rates notice.</p> <p>If the plan is not registered by title, provide previous lot and plan details.</p>	<p>Street address <i>(include number, street, suburb/locality and postcode)</i></p> <p>.....</p> <p>..... State Postcode</p> <p>Lot and plan details <i>(attach list if necessary)</i></p> <p>.....</p> <p>Local government area the land is situated in</p> <p>.....</p>
<p>3. Assessment manager/ private certifier</p>	<p>Name <i>(in full)</i></p> <p>.....</p> <p>Company name <i>(if applicable)</i> Contact person</p> <p>.....</p> <p>Business phone number Mobile number</p> <p>.....</p> <p>Email address</p> <p>.....</p> <p>Postal address</p> <p>.....</p> <p>..... State Postcode</p> <p>Licence number <i>(if applicable)</i></p> <p>.....</p>

<p>4. Variation</p> <p>Attach any supporting documentation.</p> <p>A separate application is required for each clause to be varied.</p>	<p>Clause number</p> <p>.....</p> <p>Proposed variation</p> <p>.....</p> <p>.....</p>
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<p>5. Fee and hearing options</p> <p>Refer to schedule 9 of the Building Regulation 2021.</p>	<p>Inspection required</p> <p>Yes No</p>	<p>Fast track decision</p> <p>Yes No</p>	<p>Floor area</p> <p style="text-align: right;">m²</p>	<p>Fee</p> <p><i>(refer to fee schedule)</i></p>
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<p>6. Applicant's signature</p>	<p>Do you wish to present a verbal submission before application is decided?</p> <p>Yes No</p> <p>Signature Date</p> <p>.....</p>
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OFFICE USE ONLY

Fee payable \$		Date received		Receiving Officer's Signature	
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APPENDIX

When variations may be warranted

Where the *Building Act 1975* does not permit an assessment manager or private certifier to exercise discretion about a matter, a person may apply to the Chief Executive to vary how the building assessment provisions apply to the building work. For example, the Chief Executive would have the power to decide an application to vary the performance criteria of a particular section of the Building Code of Australia (BCA).

20 business days to decide application

An application may be made at any time, by any person. Applications will be decided within 20 business days unless a fast-track application is requested.

Applying for a fast-track decision

Under the *Building Act 1975*, section 39, an applicant may apply to the Chief Executive to fast-track an application and decide it within 2 business days. The Chief Executive may grant or refuse the request. A request for a fast-track decision must be accompanied by the fee prescribed under a regulation.

Deciding on an application (sections 41, 42 and 43 of the *Building Act 1975*)

If building work is being or is to be carried out by or for someone other than the State, the Chief Executive must consult with the assessment manager and may consult with any other person before making a decision. The Chief Executive must decide to vary or refuse to vary how the provision applies to the building work.

Relevant matters for the Chief Executive to consider include – whether the building work substantially complies with other building assessment provisions; whether compliance with the provision is unnecessary in the particular circumstance; whether the proposed variation is as effective as, or more effective than compliance with the provision, and whether the variation would put the general safety and structural standards of the relevant building or structure at risk.

The Chief Executive must, within five business days of deciding the variation application, give notice of the decision to the applicant and the assessment manager. If an application is refused, applicants are given information about the reason for the decision and the rights of appeal against the decision under the *Building Act 1975* or the *Planning Act 2016*, and how an appeal can be lodged.

Appeals by applicants

An appeal must be commenced within 20 business days, by lodging Form 10 –Development Tribunals Appeal Notice, with the Registrar of the Tribunal.

Special facilities

Any discussions regarding the application will be held in buildings accessible by people with mobility disabilities.

If special services are required, such as an interpreter, please notify the Registrar in sufficient time for this to be arranged.

Lodgement of an Application to vary the *Building Act 1975*

The original together with accompanying information and the prescribed application fee should be lodged with Chief Executive Officer, Department of Energy and Public Works, GPO Box 2457, Brisbane Qld 4001.

Fees

Fees for applications are listed in the Schedule 9 in the Building Regulation 2021. The application fee is non-refundable.

Lodgement of an appeal against an information notice of decision

A completed Form 10 should be lodged with the Registrar at the Development Tribunals.

Post to: The Registrar
Development Tribunals
Department of Energy and Public Works
GPO Box 2457 BRISBANE QLD 4001

Telephone: 1800 804 833
Fax to: (07) 3237 1248
Deliver to: The Registrar
53 Albert St
BRISBANE QLD 4000

Email to: registrar@qld.gov.au

PRIVACY NOTICE

The Department of Energy and Public Works is collecting personal information as required under the *Building Act 1975*. This information may be stored by the Department, and will be used for administration, compliance, statistical research and evaluation of building laws. Your personal information will be disclosed to other government agencies, local government authorities and third parties for purposes relating to administering and monitoring compliance with the *Building Act 1975*. Personal information will otherwise only be disclosed to third parties with your consent or unless authorised or required by law.