

UNDER SECTION 147 OF THE *BUILDING ACT 1993*

On an appeal under Division 1 of Part 10 of the *Building Act 1993* (the Act), any party to an appeal may request the Building Appeals Board (the Board) to begin to hear or otherwise deal with the appeal within 2 business days after the request is made.

1 SITE DETAILS

Address

Street Address:	
Suburb:	
State:	P/Code:

Municipality

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2 APPLICANT

Name

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Company Name and ACN (if applicable)

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Address

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

Building Appeals Board

Who is the applicant in this application?

✓

☐	The applicant is the owner.
☐	The applicant is the purchaser of a lot under a contract of sale, which is of a kind referred to in s 9AA(1) of the <i>Sale of Land Act 1962</i> .
☐	The applicant is a Builder appealing under section 138A of the <i>Building Act 1993</i> ('the Act').

If you are a representative of the applicant, please complete the Authority to Act form on page 4 of this document. Under section 248(1) 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.

3 NATURE OF APPEAL

If this is an existing appeal, you need to identify the proceeding number. If it is not an existing appeal, you need to attach the application for the appeal.

✓	
☐	This is an existing appeal proceeding numbered: _____
☐	The application for the appeal is attached

4 REASON

Please provide submissions and evidence that demonstrate the reasons for requesting a Fast Track Appeal. In determining whether to grant a request for fast track consideration of an appeal, the Board may consider the following:

- **Public Safety** – If the building works were to not commence or temporarily cease due to a pending appeal hearing, would that cause a significant risk to the safety of the public? What measures are currently in place to manage any risks? What is the likelihood of the building work failing?
- **Public Interest** – Is there an imperative in the public interest for the building works to start and/or continue?
- **Local Neighbourhood Amenity** – Will disruptive construction processes be unreasonably prolonged, resulting in significant detriment to neighbourhood amenity?
- **Financial Hardship** – Will a delay in hearing the appeal cause significant financial hardship to the parties associated with the appeal? (This needs to be proven through calculations and evidence, which may include bank statements, project loss calculations, etc.)

Please note: There is **NO** Fast Track provision for:

- disputes under Division 3 of Part 10 of the Act (i.e. applications under sections 150 to 158); or
- modification applications or other proceedings under Division 4 of Part 10 of the Act (i.e. applications under sections 159 to 160B).

Building Appeals Board

In making this application, you are confirming that you understand that the Board may grant or refuse the request and that, if the Board grants the request, it may require you, as the person who made the request, to pay:

- the reasonable costs (as assessed by the Board) of **all** parties to the appeal (including the costs of legal advice and/or representation) for the proceedings after the request is granted (section 147(3)(a)); and
- if the Board hears the appeal, an additional prescribed fee for the time taken for the hearing (including any adjourned hearing) excluding the first 2 hours of the hearing (section 147(3)(b)).

5 NOTIFICATION OF OTHER PARTIES

Outline whether other parties have been notified of the application under section 147 of the Act to fast track the appeal and whether they support or oppose the application.

[illegible]

6 DECLARATION AND SIGNATURE

I understand that, under section 248(1) 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.

I 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 (s 246 of the Act).

SIGNATURE: _____

DATE: _____

Please note if the application is not complete the appeal process may be delayed.

AUTHORITY TO ACT FORM

1 OWNER/S DETAILS

Name of first owner

Company Name and ACN (if applicable)

Address

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

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

Company Name and ACN (if applicable)

Address

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

2 SITE DETAILS

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

Street Address:	
Suburb:	
State:	Post Code:

3 SIGNATURE OF OWNER/S

DECLARATION

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

Name of person or representative: _____

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 *Building Act 1993*).

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	✓
The site details provided are accurate.	☐
2 APPLICANT	
If the applicant has appointed another person to act on their behalf, the 'Authority to Act' Form has been completed and signed by the applicant.	☐
3 NATURE OF APPEAL	
If this is an existing appeal, the Board proceeding number has been identified.	☐
4 REASON	
The reasons for requesting a Fast Track Appeal have been provided in an attached submission.	☐
5 NOTIFICATION OF OTHER PARTIES	
Whether other parties have been notified of this application to fast track the appeal and whether they support or oppose the application.	☐
6 FEES/PAYMENT	
Total fee amount payable for this application is identified.	☐
Payment Details Form has been completed and is attached.	☐
7 DECLARATION AND SIGNATURE	
You have acknowledged that it is an offence under s 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.	☐