Building Appeals Board

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|  | Questions are followed by answer fields. Use the ‘Tab’ key to navigate through. Replace Y/N or Yes/No fields with your answer. |
| *Building Act 1993* |
| **All sections must be completed** |
| Property Details |
| Location code |  | LTO number |  | **Lot number** |  |
| Property Address |  |
| Registered Owner/s |  |
| Applicant Details |
| Name of Applicant |  |
| Postal Address |  |
| Phone Number |  | **Mobile Number** |  |
| **Email** |  |
| Is the applicant a lessee of the building or land, who propose to have, or is having building work carried out on the property? | Yes / No |
| If you are a lessee of the building or land (or agent of the owner), you must be authorised to make this application. Please note that an agent may complete this form, however, the agent must not be the building certifier for the work the subject of this application. A copy of the authorisation from the owner must be attached to this application, or the owner’s signature must be set out below: |
| **Owner’s Signature/s** |  | **Date** |  |
| **Owner’s Name/s** |  |
| **Building Certifier Details** |
| **Full Name**  |  |
| **Business Name** |  |
| **Postal Address** |  |
| Phone Number |  | Mobile Number |  |
| Registration Number |  | Email |  |
| **Relevant Disability Access Provision/s of the NCC** |
| Please insert the National Construction Code (NCC) clause/s relevant to this application, whether they are sought to be modified **(M)** and the relevant edition of the NCC. The detailed submission is to state the reasons why and how the provision was proposed to be modified and the relevant evidence is to be attached. |
|  |
| **Description of Building Work** |
| **Please provide a brief description of the work and intended use** |  |
| **Class(es) of Building** |  |
| **Number of Storey(s)** |  |
| **Building Permit Number** (If applicable) |  | **Cost of Building Work (Labour and Materials)** | **$** |
| **Extent of work carried out** (If commenced) |  |
| **Circumstances Taken into Account** |
| An application may only be made on the ground that compliance with a Disability Access Provision of the National Construction Code *would impose unjustifiable hardship on the applicant*. ***Please note that you must provide details and evidence of the matters that are relevant below as part of a separate detailed submission. The detailed submission is part of the application and should be attached to this form.***If a provision below is applicable (indicated with a yes response), please clearly state that in the detailed submission that is to accompany this application form and tick the relevant box below. In this section: * ***Building developer*** means a person with responsibility for, or control over, the design and construction of a building.
* ***Building manager*** means a person with responsibility for, or control over, the management of a building.
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| Any additional capital, operating or other costs, or loss of revenue, that would be directly incurred by, or reasonably likely to result from, compliance with the disability access provision | Yes/No |
| Any reductions in capital, operating or other costs, or increases in revenue, that would be directly achieved by, or reasonably likely to result from, compliance with the disability access provision | Yes/No |
| The extent to which the construction of the building has been, or will be, financed by government funding | Yes/No |
| The extent to which the building: * is used for public purposes; and
* has a community function;
 | Yes/No |
| The financial position of the applicant | Yes/No |
| Any effect that compliance with the disability access provision is reasonably likely to have on the financial viability of the applicant | Yes/No |
| Any exceptional technical factors (such as the effect of load-bearing elements on the structural integrity of the building), or geographic factors (such as gradient or topography), affecting a person's ability to comply with the disability access provision | Yes/No |
| Financial, staffing, technical, information and other resources reasonably available to the applicant, including any grants, tax concessions, subsidies or other external assistance provided or available | Yes/No |
| Whether the cost of alterations to make any premises accessible is disproportionate to the value of the building, taking into consideration the improved value that would result from the alterations | Yes/No |
| Benefits reasonably likely to accrue from compliance with the disability access provision (including benefits to persons with disabilities, building users and other affected persons) or detriment likely to result from non-compliance | Yes/No |
| If compliance with the provision is required – detriment reasonably likely to be suffered (including in relation to means of access, comfort and convenience) by any of the following: * the applicant or building developer;
* a building manager; and
* person with disabilities and other people using the building.
 | Yes/No |
| If detriment to the applicant, building developer, or persons with disabilities and others using the building involves loss of heritage significance – the extent to which the heritage features of the building are essential, or merely incidental, to the heritage significance of the building | Yes/No |
| Any evidence about efforts made in good faith by the applicant or a person required to comply with the disability access provision (including the relevant building certifier and any consulting access consultants) | Yes/No |
| If the applicant has given an action plan to the Australian Human Right Commission under section 64 of the *Disability Discrimination Act 1992* (Cth) – the terms of the action plan and any evidence of its implementation | Yes/No |
| The nature and results of any processes of consultation, including at local, regional, State, national, international, industry and other levels, involving, or on behalf of, the applicant, a building developer, a building manager, the relevant building certifier or persons with disabilities, about means of achieving compliance with the disability access provision, including in relation to the factors listed in this subsection | Yes/No |
| If a substantial issue of unjustifiable hardship is raised having regard to a factor mentioned above, the Appeals Board must consider the following additional factors: * the extent to which substantially equal access to public premises is or may be provided otherwise than by compliance with the disability access provision; and
* any measures undertaken (or to be undertaken) by, on behalf of, or in association with, a person or organisation in order to ensure substantially equal access.
 | Yes/No |
| **Supporting Documentation Required / Checklist** |
| All documentation to support the submission including drawings, photographs, reports, statements, financial records etc | Yes/No |
| The detailed submission addressing the matters of this application  | Yes/No |
| Payment of the relevant fee. | Yes/No |
| **Declaration** |
| * I hereby make the above application for an Access Modification Decision, details of which are listed above and annexed to this form.
* I understand that I may be asked to provide additional information and if this application is not complete, a fee of half the amount of the original application of amendments applies.
* I understand that an Access Modification Decision must provide for compliance with the Disability Access Provisions to the maximum extent not involving unjustifiable hardship.
* I understand that decisions of the Appeals Board cannot override the requirements of Commonwealth legislation. Consequently, the making of a disability access decision does not prevent a person from making a claim under the *Disability Discrimination Act 1992* (Cth) in relation to a contravention of a Disability Access Provision.
* I understand that a person may inspect an Appeals Board Decision (including any attachments and extracts from the application).
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| **Signed Applicant** |  | **Date** |  |
| **Print Name** |  |
| **Privacy** |
| The Building Appeals Board respects and is committed to safeguarding the confidentiality and privacy of the information that it collects and handles, in accordance with the [*Northern Territory Information Act 2002*](https://legislation.nt.gov.au/en/Legislation/INFORMATION-ACT-2002).The information you provide will be accessible to the Building Appeals Board and will only be used to determine an application in accordance with the *Building Act 1993*.You may request access to the personal information we hold about you.For more information please contact the Registrar, Building Appeals Board on 08 8999 8945. |
| **Payment of Fees** |
| For current fees and charges information, please refer to the relevant schedule of fees online at https://bab.nt.gov.au |
| A fee is payable on lodgement of this application form. Payment can be made by:* Cash or EFTPOS (in person only) or
* Request for an invoice at bas.files@nt.gov.au
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| How to submitThe completed form, any attachments and evidence of fee payment should be addressed to the Registrar, Building Appeals Board via email at **bas.policy@nt.gov.au** Or**POSTED TO**The RegistrarBuilding Appeals BoardGPO Box 1680Darwin NT 0801Or **LODGED IN PERSON** (Monday to Friday 8:00AM – 4:00PM)DARWINLevel 1, Energy House18-20 Cavenagh Street, Darwin, NT 0800KATHERINEFirst Floor, Government Centre5 First Street, Katherine, NT 0850TENNANT CREEK33 Leichhardt Street, Tennant Creek, NT 0860ALICE SPRINGSGreenwell Building50 Bath Street, Alice Springs, NT 0870 |
| End of form |