



Building Surveyors
Celebrating 30 Years

Building Act 1993
Building Regulation 2018

APPL. FOR SEC. 10(2) DETERMINATION

To: Relevant Building Surveyor
From: Applicant as shown below

PROPERTY DETAILS

| | | | |
|-----|-----------|--------|----------|
| No. | Street/Rd | Suburb | Postcode |
|-----|-----------|--------|----------|

APPLICANT (owner or agent of owner)

OWNER (if applicant is agent of owner)

| | |
|----------------|----------------|
| Name | Name |
| Address | Address |
| Contact person | Contact person |
| Ph/Mob | Ph/Mob |
| Email | Email |

Description of proposed building work

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We hereby apply to the Relevant Building Surveyor to consider the application for building permit under the following building regulations and codes; -

Version of Building Regulation: 2006 / 2017(i) / 2018 OR.....

Version of BCA used: 2016 / 2016A1 / 2019 / 2019A1 OR.....

Provide below what evidence you have that shows substantial progress was made on the design prior to the current building regulations and codes (as amended) came into force.

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Supportive documents for items above are attached to this application

| | | |
|--------------------------------------------|-------------|--|
| Signature Signature of applicant | Date | |
|--------------------------------------------|-------------|--|

APPLICANT'S DECLARATION (if Applicant is not the Owner)

I hereby declare that I act as an agent of the owner and that I have made the owner aware of this application.

| | | |
|--------------------------------------------|-------------|--|
| Signature Signature of applicant | Date | |
|--------------------------------------------|-------------|--|

The applicant is aware that the request for Section 10 may not be approved by the Relevant Building Surveyor. Refer overleaf for a guideline on how certain requests are assessed.

APPLICATION FOR SECTION 10(2)

GUIDELINES

Application to demolished buildings

Section 10(2) is not intended to apply to a design for a building on an allotment which was previously built but has since been demolished or otherwise destroyed. In the case of a design which has been the subject of a building permit or other prior building approval, and where the building subject of that design was built, section 10(2) does not apply to any proposal to reuse the original design. Where the original design is reproduced for reuse in a new building permit application, there is no new design which has been substantially progressed for the purpose that application. Therefore, section 10(2) of the Act will not apply.

Application to stock designs

In the case of 'stock' or 'standard' designs commonly offered by volume builders, the relevant building surveyor will not certify that substantial progress has been made on the design unless —

- (a) the 'stock' or 'standard' design relates to the particular allotment on which the building is proposed to be constructed; and
- (b) is evidenced by—
 - (i) a contract having been signed to have the building of that design constructed on the allotment, or
 - (ii) by a deposit having been paid for the construction of a building of that design on the relevant allotment prior to the commencement of the regulation or amendment.

In circumstances where the relevant allotment is broadly assigned, but the subdivision has not been finalised or as otherwise outlined under section 8(a) of the Sale of Land Act 1962, the relevant building surveyor may take the relevant allotment to be the particular allotment.

Application to one-off designs

In the case of an individual 'one off' design, the relevant building surveyor may be satisfied that the design relates to the proposed building to be constructed on the relevant allotment and that substantial progress was made on the design prior to the coming into operation of the new regulation or amendment to the regulations.

- (a) This may be evidenced by –
 - (i) the dating mechanism used by architects and draftspersons on their drawings, or
 - (ii) by a payment for a completed stage of design development.

Design changes

If a minor design change is made after the building permit is issued that does not materially impact on the relevant building surveyor's determination previously given under section 10(2), that minor design change can be accepted without further consideration.

Where a substantial design change is proposed that would facilitate the issue of a new building permit, the relevant building surveyor will need to reconsider if it is appropriate to apply section 10(2) to the building permit.