



# Form 9—Application to vary the *Building Act 1975*

## 1. Applicant's details

If the applicant is a company, a contact person must be shown. All correspondence will be mailed to this address.

Name (in full)

Company name (if applicable)

Contact person

Phone no. (business hours)

Mobile no.

Email address

Postal address

  
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Postcode

## 2. Property description

The description must identify all land the subject of the application.

The lot and plan details (e.g. SP/RP) are shown on title documents or a rates notice.

If the plan is not registered by title, provide previous lot and plan details.

Street address (include no., street, suburb/locality and postcode)

  
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Postcode

Lot and plan details (attach list if necessary)

In which local government area is the land situated?

## 3. Assessment Manager/Private Certifier

Name (in full)

Company name (if applicable)

Contact person

Phone no. (business hours)

Mobile no.

Email address

Postal address

  
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Postcode

Licence number (if applicable)

## 4. Variation

Attach any supporting documentation

A separate application is required for each clause to be varied

Clause no.

Proposed variation

  

## 5. Fee and hearing options

Refer schedule 3 of the *Building Regulation 2006*

Inspection required

Yes  No

Fast track decision

Yes  No

Floor area

  
m<sup>2</sup>

Fee (refer fee schedule)

## 6. Applicant's signature

Do you wish to present a verbal submission before application is decided?

Yes  No

Signature

Date

<input type="text"/>	<input type="text"/>	<input type="text"/>
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## Important information

**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 National Construction Code (NCC).

**20 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 days. The Chief Executive may grant or refuse the request. The Chief Executive may require the applicant for a fast-track decision to pay any reasonable additional costs for fast-tracking

**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, other than IDAS; 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 Development Tribunals.

**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 Housing and Public Works.

**Fees:** Fees for applications are listed in the Schedule 3 in the *Building Regulation 2006*. 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, Development Tribunal.

**Post to:** The Registrar  
Development Tribunals  
c/- Building Industry and Policy  
Department of Housing and Public Works  
GPO Box 2457 BRISBANE QLD 4001

**Telephone:** 1800 804 833  
**Email to:** [registrar@qld.gov.au](mailto:registrar@qld.gov.au)  
**Deliver to:** The Registrar  
Level 16  
41 George Street  
BRISBANE QLD 4000

**PRIVACY NOTICE:** The Department of Housing 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.

The *Building Act 1975* is administered by the Department of Housing and Public Works