

Northern Territory of Australia  
*Building Act***ACCESS MODIFICATION DECISION APPLICATION****SECTION 1 PROPERTY DETAILS**

<b>LOT/PORION NUMBER</b>	<input type="text"/>	<b>LOCATION</b> eg Town of Darwin	<input type="text"/>
<b>PROPERTY ADDRESS</b>	<input type="text"/>		
	<input type="text"/>		
<b>REGISTERED OWNER/S</b>	<input type="text"/>		

**SECTION 2 APPLICANT**

<b>NAME of APPLICANT</b>	<input type="text"/>		
<b>POSTAL ADDRESS</b>	<input type="text"/>		
	<input type="text"/>		
<b>PHONE NUMBER</b>	<input type="text"/>	<b>FAX NUMBER</b>	<input type="text"/>
<b>MOBILE NUMBER</b>	<input type="text"/>	<b>EMAIL</b>	<input type="text"/>

Is the applicant a lessee of the building or land, who proposes 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 \_\_\_\_\_

Owner's name \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 3 BUILDING CERTIFIER DETAILS**

<b>NAME</b>	<input type="text"/>		
<b>POSTAL ADDRESS</b>	<input type="text"/>		
<b>PHONE NUMBER</b>	<input type="text"/>	<b>REGISTRATION NO.:</b>	<input type="text"/>
<b>MOBILE NUMBER</b>	<input type="text"/>	<b>EMAIL</b>	<input type="text"/>

**SECTION 4 RELEVANT DISABILITY ACCESS PROVISION/S OF THE BCA**

Please insert the Disability Access Provision clause/s relevant to this application, whether they are sought to be modified (**M**) or not apply (**NA**) and the relevant edition of the Building Code of Australia.

**For example, (EP3.4 M 2013)** would mean that the application was seeking EP3.4 of the 2013 edition of the Building Code of Australia to be modified on the ground of unjustifiable hardship. The detailed submission would state the reasons why and how the provision was proposed to be modified and the relevant evidence would be attached.

**SECTION 5 DESCRIPTION OF BUILDING WORK****TYPE OF CONSTRUCTION ACTIVITY**

New

Conversion

Additions/Alterations

Please provide a brief description of the work and intended use:

**BUILDING CLASSIFICATION**

**Class of Building** (BCA Part A3)

1b

3

6

7b

9a

10a

2

5

7a

8

9b

10b

No. of storeys:

Building Permit Number /  
Reserved Permit Number (if  
applicable):

Cost of building  
work (labour and  
materials):

\$

Extent of work carried out (if  
commenced):

**SECTION 6 CIRCUMSTANCES TAKEN INTO ACCOUNT**

An application may only be made on the ground that compliance with a Disability Access Provision of the Building Code of Australia *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 not applicable 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.

- 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;

**Applicable (details in written application)**

**Not applicable**

2. 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;
- Applicable (details in written application)**                       **Not applicable**
3. The extent to which the construction of the building has been, or will be, financed by government funding;
- Applicable (details in written application)**                       **Not applicable**
4. The extent to which the building:
- o is used for public purposes; and
  - o has a community function;
- Applicable (details in written application)**                       **Not applicable**
5. The financial position of the applicant;
- Applicable (details in written application)**                       **Not applicable**
6. Any effect that compliance with the disability access provision is reasonably likely to have on the financial viability of the applicant;
- Applicable (details in written application)**                       **Not applicable**
7. 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;
- Applicable (details in written application)**                       **Not applicable**
8. 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;
- Applicable (details in written application)**                       **Not applicable**
9. 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;
- Applicable (details in written application)**                       **Not applicable**
10. 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;
- Applicable (details in written application)**                       **Not applicable**
11. 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:
- o the applicant or building developer;
  - o a building manager;
  - o persons with disabilities and other people using the building;
- Applicable (details in written application)**                       **Not applicable**
12. 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;
- Applicable (details in written application)**                       **Not applicable**

13. 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);

**Applicable (details in written application)**                       **Not applicable**

14. 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;

**Applicable (details in written application)**                       **Not applicable**

15. 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;

**Applicable (details in written application)**                       **Not applicable**

16. 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;
- 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.

**Applicable (details in written application)**                       **Not applicable**

#### **SECTION 7 SUPPORTING DOCUMENTATION REQUIRED / CHECKLIST**

This appeal must be accompanied by (where applicable) the following:

- All documentation to support the submission including drawings, photographs, reports, statements, financial records etc (three copies).
- The detailed submission addressing the matters in Section 6 of this Application form (three copies).
- Payment of the relevant fee.

#### **SECTION 8 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 for 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 the effect of the decision by the Building Appeals Board is to enable building work to proceed under the Northern Territory *Building Act* and Regulations (subject to the issue of a Building Permit by a building certifier). 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 apply in writing to the Chairperson of the Appeals Board for approval to inspect an Access Modification Decision (including any attachments and extracts from the application) and it is a matter for the Chairperson to decide whether that person can inspect the decision.

Signed Applicant \_\_\_\_\_ Date / /

Print name \_\_\_\_\_

**PRIVACY**

The Building Appeals Board of the Northern Territory (NT) is collecting the information on this form to determine the application, in accordance with the provisions of the *Building Act*. The Building Appeals Board collects personal information in accordance with the Northern Territory Government's privacy statement available at [www.nt.gov.au/ntg/disclaimer.shtml](http://www.nt.gov.au/ntg/disclaimer.shtml) and adheres to the privacy legislation contained within the *Information Act* (NT). Personal information provided on this form can be accessed by you. For more information please contact the Building Appeals Board on 08 8936 4083.

**SECTION 8 PAYMENT OF FEES**

For current fees and charges information, please refer to the relevant schedule of fees. The fee is payable either by cheque made payable to the "Receiver of Territory Monies" (RTM), by credit card or cash (cash by lodging in person only- DO NOT SEND CASH VIA MAIL).

**Payment Details**

A cheque for \$\_\_\_\_\_ is enclosed OR

Please debit my  VISA  MasterCard For \$\_\_\_\_\_

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Credit Card Number				Expiry Date			

Card holder name \_\_\_\_\_

Card holder signature \_\_\_\_\_ Date \_\_\_/\_\_\_/\_\_\_

**FOR OFFICE USE ONLY**

Receipt	<input type="text"/>	Date	<input type="text"/>
Amount	<input type="text"/>	Received By	<input type="text"/>

**SUBMITTING**

The completed form, attachments and fee should be addressed to The Registrar, Building Appeals Board and

**POSTED TO** OR **LODGED IN PERSON** Monday to Friday 8:00AM to 4:00PM

The Registrar  
Building Appeals Board  
GPO Box 1680  
DARWIN NT 0801

Ground Floor, Arnhemica House  
16 Parap Road  
PARAP  
Phone 8936 4083

First Floor, Alice Springs Plaza  
36 Todd St (Cnr Todd Mall & Parsons St)  
ALICE SPRINGS  
Phone 8951 9218

First Floor, Government Centre  
5 First St  
KATHERINE  
Phone 8973 8926

33 Leichhardt St  
TENNANT CREEK  
Phone 8951 9218 (Alice Springs)

**Note: Applications may not be accepted by facsimile**