

PART A - 'OFFER OF APPOINTMENT' TO GRAHAM NEALE TO ACT AS (PRIVATE) RELEVANT BUILDING SURVEYOR (RBS)

PART B - 'DETERMINATION' (ACCEPTANCE OF AN OFFER) BY GRAHAM NEALE TO ACT AS RELEVANT BUILDING SURVEYOR (RBS)

Building Act 1993 Section 76 & Section 78 (1 September 2016)

JBSS 2017.

Date received JBSS

To Graham Neale as (Private) Relevant Building Surveyor

Registered Building Practitioner

Building Surveyor-Unlimited (BS-U 1515)

Director Just Building Surveying Solutions Pty Ltd

Property Details

No Street/Road Suburb/Town Postcode
Lot LP/PS/TP/CP

Building Work

Description to match Building Permit Application Form & plans & any contract/warranty insurance & any VBA 'Certificate of Consent'

Dwelling Dwelling Additions Dwelling Alterations Dwelling & Garage 1 2 3 4 5
Garage Carport Shed/Store Bungalow/Sleepout
Verandah Balcony Pergola Deck
Fence Retaining Wall Restump Swimming Pool
Demolition Removal Re-erection

Other (&/or more info)

Approximate \$ value Building Work (if Owner Builder as if to be executed by Registered Building Practitioner Builder) \$

Staged Building Permit Application/Building Permit No Yes

Stage 1 2 3 4 of 2 3 4 Stages

'Commencement-'Lock-Up' 'Lock-up'-Completion

Other (&/or more info)

From Applicant

Owner Architect Draftsperson Builder ('Offer of Appointment' not from 'Domestic' Builder) Other _____

Domestic Builder can lodge Building Permit Application with JBSS

Name

Postal Address

Postcode

Contact person



Email

Owner

Name

Postal Address

Postcode

Contact person



Email

Builder (if known) Owner Builder Builder (Registered VBA) Unknown/TBA

Name

Postal Address

Postcode

Contact person



Email

PART A - 'OFFER OF APPOINTMENT' TO GRAHAM NEALE TO ACT AS (PRIVATE) RELEVANT BUILDING SURVEYOR (RBS)

(Offer of Appointment cannot be from a 'Domestic' Builder of 'Domestic Building Work') Section 78(1A) Building Act 1993 states that; 'A builder who has entered into a major domestic building contract or who acts or proposes to act as a domestic builder in relation to domestic building work must not appoint a Private Building Surveyor (PBS) on behalf of the owner of the land on which the domestic building work is to be carried out'; refer Section 78 Building Act 1993 extract below.

This does not restrict any domestic builder from recommending Graham Neale to act as the RBS; nor does it restrict a domestic builder lodging a Building Permit Application with Graham Neale/JBSS at the same time or later; refer VBA Fact Sheet August 2016.

Applicant Declaration

I the Applicant advise undertake/understand/agree to the best of my knowledge;

1. I seek to engage Graham Neale being Registered Building Practitioner Building Surveyor-Unlimited 1515 (BS-U 1515) as the RBS for the above described building work & to carry out all of the functions set out in Section 76 Building Act 1993; refer extract below; & further advise that no other RBS or Council has been offered or will be offered an appointment in respect of this or similar building work
2. that I am the owner; or if one of the owners, but not the sole owner, I have written authority of all owners to offer the appointment to Graham Neale to act as RBS & to make this Applicant Declaration & act on their behalf in all related matters & if sought by JBSS I will furnish copy of such owners written authority to JBSS or that (if not the owner or one of the owners) I have the written authority of all owners to offer the appointment to Graham Neale to act as RBS & to make this declaration & act on their behalf in all related matters & if sought by JBSS I will furnish a copy of such owners written authority to JBSS
3. I am not (re domestic building work) to be the Domestic Builder (other than 'Owner Builder')
4. that this Offer of Appointment is not a Building Permit Application & a separate Building Permit Application including plans & other & fees/disbursements will be required to be lodged with JBSS/Graham Neale; notwithstanding this does restrict both this 'Offer of Appointment' & Building Permit Application being submitted at the same time; that this offer also authorises any Builder; named above or not; to submit a Building Permit Application to JBSS
5. that JBSS may require further information before fully considering an offer to act as RBS
6. that no building work i.e 'site works'; site excavations/filling; site preparation including foundations or other has commenced & none shall commence until Building Permit issued & advise nil building work has been executed without a Building Permit
7. that if/when Graham Neale accepts an offer to act as the RBS (& notwithstanding that a Building Permit Application may not yet have been lodged), only the VBA can terminate the appointment & if/when Graham Neale accepts an offer to act as RBS & notwithstanding a (full) Building Permit Application may or may not yet have been lodged; JBSS will advise the relevant Council within 7 days of any such acceptance; refer Section 80 Building Act 1993
8. that it may be difficult for JBSS to advise clearly what Building Permit Application documents/requirements &/or fees & disbursements may apply until all Building Permit Application documents lodged & assessed & that JBSS will advise specific requirements to each individual project upon full Building Permit Application submission
9. that architectural plans (even if preliminary) are attached or will be forwarded to assist JBSS understanding the nature & scope of the proposed building work & as part of any consideration to act as RBS
10. that the initial/full/formal Building Permit Application to JBSS including documentation/plans/specifications will be full & complete with all required documents (plans/information & other) lodged together & providing 'sufficient information' as to clearly & adequately evidence compliance with the Building Act 1993 &/or Building Regulations &/or BCA with all Building Permit Application documents prepared by VBA/ARBV suitably qualified & experienced designer/draftsperson/engineer/architect; refer Regulation 301 & VBA 'Practice Note 62 Documentation Required for Applications for Building Permit'
11. that if all Building Permit Application documents not lodged in one submission delays may apply (& additional requirements may apply) in assessment & any re-assessment; & additional fees may apply
12. JBSS Building Permit Fees & Disbursements (& any additional fees & disbursements) are payable by Owner at either acceptance of Graham Neale to act as RBS or at Building Permit Application or at Building Permit issue; as determined by JBSS; Tax Invoice for fees & disbursements to be fwd'd to Owner unless otherwise advised
13. Acceptance of an Offer to act as RBS or Building Permit Application Fees (unless already advised by JBSS) are to be assessed on having regard to; nature/scope of building work, \$ value, design complexity, complexity of Building Act 1993/Building Regulations/BCA compliance matters; if 'protection work' req; if Owner Builder or not; if all Building Permit Application documents not lodged together, any changes in docs/information/details in application (or issued Building Permit), site location, assumed number 'mandatory notification stage' or other inspections; if plans >A3 or not single sided for ease of assessing, copying; downloading (including emailed/web/'drop box') plans/engineering/specifications & other; additional JBSS fees to apply re any DTFBW/Building Notice/Building Order;
14. As the Applicant (including if the Owner); in respect if this 'Offer of Appointment' & any acceptance by Graham Neale to act as Relevant Building Surveyor; I consent to a range of 'information' being 'served' or 'given' by JBSS/Graham Neale as RBS to the 'email addresses'; advised hereon &/or on a Building Permit Application Form including that of the Owner &/or Builder; on or to the Owner &/or any other person/entity under the Building Act 1993 &/or Building Interim Regulations 2017; such 'information' may include but not be limited to; any 'served' or 'given' Section 37F(1) Direction to Fix Building Work (DTFBW), Building Notice, Building Order for Minor Work, Building Order Stop Work, Building Order & other; notwithstanding the provisions of 'Section 236 Service of Documents-Generally' Building Act 1993 refer extract below; 'Electronic Transactions (Victoria) Act 2000 Section 8 Writing' refer extract below

Applicant

Signature

Date

PART B - 'DETERMINATION' (ACCEPTANCE OF AN OFFER) BY GRAHAM NEALE TO ACT AS RELEVANT BUILDING SURVEYOR (RBS)
(JBSS/Graham Neale Office Use Only)

I Graham Neale advise that I have had regard to & acted in good faith in respect of the information provided by the Applicant in the above advice &/or undertakings &/or understandings &/or agreements & have determined to;

Accept the Offer of Appointment to act as the Relevant Building Surveyor for (& only for) the above described building work

Not Accept the Offer of Appointment to act as the Relevant Building Surveyor for the above described building work

Graham Neale

Signature

Date

Graham Neale
(Relevant Building Surveyor)
Registered Building Practitioner
Building Surveyor-Unlimited (BS-U 1515)
Director Just Building Surveying Solutions Pty Ltd

Extracts

Section 76 Building Act 1993 Functions of Private Building Surveyor (Extract)

A Private Building Surveyor may be appointed to carry out all or any of the following functions under this Act;

- (a) the issuing of Building Permits;
- (b) the carrying out of inspections of buildings and building work under Part 4
- (c) the issuing of Occupancy Permits and temporary approvals under Part 5

Section 78 Building Act 1993 When may a private building surveyor be appointed? (Extract)

When a private building surveyor may be appointed (1) Subject to this Part, a person who is entitled to apply for a building permit, occupancy permit or temporary approval under this Act in respect of a building or building work, may appoint a private building surveyor to carry out the functions set out in section 76 in respect of that building or building work. (1A) A builder who has entered into a major domestic building contract or who acts or proposes to act as a domestic builder in relation to domestic building work must not appoint a private building surveyor on behalf of the owner of the land on which the domestic building work is to be carried out. (1B) A building surveyor must not accept an appointment referred to in subsection (1A). (1C) Nothing in subsection (1A) or (1B) affects the validity of any action taken by a building surveyor who is appointed in contravention of those subsections. (2) Except as provided in this Part, a person must not appoint a private building surveyor to complete any functions set out in section 76 in respect of a building or building work if another private building surveyor or a municipal building surveyor has already commenced to carry out functions set out in that section in respect of that building or building work. Penalty 240 penalty units, in the case of a natural person. 1500 penalty units, in the case of a body corporate. (3) Subject to this Part, on and from the acceptance of an appointment under this Part in respect of a building or building work, a private building surveyor is responsible for carrying out the function set out in section 76 in respect of that building or building work. (4) Despite the terms of an appointment under this section, a private building surveyor, in carrying out any functions set out in section 76, must comply with this Act and the regulations.

Electronic Transactions (Victoria) Act 2000 Section 8 Writing (Extract)

(1) If, by or under a law of this jurisdiction, a person is required to give information in writing, that requirement is taken to have been met if the person gives the information by means of an electronic communication, where (a) at the time the information was given, it was reasonable to expect that the information would be readily accessible so as to be useable for subsequent reference; and (b) the person to whom the information is required to be given consents to the information being given by means of an electronic communication. (2) If, by or under a law of this jurisdiction, a person is permitted to give information in writing, the person may give the information by means of an electronic communication, where, (a) at the time the information was given, it was reasonable to expect that the information would be readily accessible so as to be useable for subsequent reference; and (b) the person to whom the information is permitted to be given consents to the information being given by means of an electronic communication. (3) This section does not affect the operation of any other law of this jurisdiction that makes provision for or in relation to requiring or permitting information to be given, in accordance with particular information technology requirements (a) on a particular kind of data storage device; or (b) by means of a particular kind of electronic communication. (4) This section applies to a requirement or permission to give information, whether the expression "give", "send" or "serve", or any other expression, is used. (5) For the purposes of this section, giving information includes, but is not limited to, the following (a) making an application; (b) making or lodging a claim; (c) giving, sending or serving a notification; (d) lodging a return; (e) making a request; (f) making a declaration; (g) lodging or issuing a certificate; (h) making, varying or cancelling an election; (i) lodging an objection; (j) giving a statement of reasons.

Section 236 Building Act 1993 Service of Documents-Generally (Extract)

(1) Any document to be served on or given to a person under this Act or the regulations may be served on or given to the person by (a) delivering the document to the person; or (b) leaving the document at the person's usual or last known place of residence or business with a person apparently not less than 16 years of age and apparently residing or employed at that place; or (c) sending the document by post addressed to the person at the person's usual or last known place of residence or business or in any other prescribed manner. (2) A building order made under section 112 may be served on any person apparently in charge of the site on which building work is carried out. (3) If a document is to be served on or given to the owner or occupier of any land and the name of that person is not known the document may be addressed to "the owner" or "the occupier". (4) If a document is to be served on or given to the owner or occupier of any land, the document may be put up in a conspicuous position on the land if the name and address of the owner are not known and there is no occupier of the land. (5) If the owner has authorised a person to act on behalf of the owner under this Act or the regulations, any document served on or given to that person under this Act or the regulations is deemed to have been served on or given to the owner. (6) If a document to be served on or given to an owner or occupier of any land is properly served on or given to the owner or occupier of the land the document is binding on every subsequent owner or occupier of the land.