



Maddocks

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Email Letter

From Melanie Olynyk Daniel Vaughan	Date 27 November 2025	
Direct 03 9258 3691 03 9258 3200	Email melanie.olynyk@maddocks.com.au daniel.vaughan@maddocks.com.au	
To Peter Jolly President	Organisation Victorian Municipal Building Surveyors Group	Email jollypeter@hotmail.com

Our Ref MSB:628721

Dear Peter

Building Act 1993 delegations where Council is land owner

1. The Victorian Municipal Building Surveyors Group (**VMBSG**) has asked Maddocks to advise how certain powers, functions and duties of a council, in its capacity as a land owner under the *Building Act 1993 (Act)*, should be delegated by the council.
2. We understand that some municipal building surveyors (**MBSs**) have sought clarity as to whether certain actions or approvals should be undertaken by them, or by other staff at the council.
3. In order to keep clear lines of delegation, and to avoid potential conflicts of interest, it is preferable that the following functions are *not* delegated to the MBS, where the council is the land owner or adjoining owner:
 - 3.1 applying for a building permit (s 17);
 - 3.2 issuing protection work notices (s 84);
 - 3.3 responding to protection work notices (s 85);
 - 3.4 agreeing the amount of insurance for protection works (s 93);
 - 3.5 attending and signing a property survey (s 94);
 - 3.6 appealing protection work matters to the Building Appeals Board (s 141);
 - 3.7 referring a dispute between owner and building surveyor to Building Appeals Board (s 150);

Interstate offices
Canberra Sydney

- Yours sincerely

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Melanie Olynyk
Partner

Attachment 1

BUILDING ACT 1993 – Council as Land owner			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17	Applying for a building permit		Where Council is land owner Recommend not be delegated to MBS
s 84	Issuing protection work notices		Where Council is land owner Recommend not be delegated to MBS
s 85	Responding to protection work notices		Where Council is adjoining owner Recommend not be delegated to MBS
s 93	Agreeing to the amount of insurance		Where Council is adjoining owner Recommend not be delegated to MBS
s 94	Attending and signing a property survey		Where Council is land owner or adjoining owner Recommend not be delegated to MBS
s 141	Appealing protection work matters to Building Appeals Board		Where Council is land owner or adjoining owner Recommend not be delegated to MBS
s 150	Referring a dispute between owner and building surveyor to Building Appeals Board		Where Council is land owner or adjoining owner Recommend not be delegated to MBS



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BUILDING ACT 1993 – Council as Land owner			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 153	Referring matter to Building Appeals Board where owner and adjoining owner cannot agree about a survey		Where Council is land owner or adjoining owner Recommend not be delegated to MBS
s 154	Referring matter to Building Appeals Board where owner and adjoining owner cannot agree about necessary expenses for supervising protection work		Where Council is land owner or adjoining owner Recommend not be delegated to MBS
s 155	Referring matter to Building Appeals Board where owner and adjoining owner cannot agree about other Part 7 matters		Where Council is land owner or adjoining owner Recommend not be delegated to MBS