APPLICATION TO THE BUILDING APPEALS BOARD FOR A DETERMINATION FOR CLASS 2 TO 9 BUILDINGS

Building Appeals Board

Postal address: P.O. Box 536E
Melbourne 3001

Phone: (03) 9285 6407 **Fax:** (03) 9285 6410
Website: www.buildingcommission.com.au

To the Registrar, Building Appeals Board,

I hereby make an application to the Building Appeals Board for a determination under the ***Building Act 1993*** pursuant to:

Section 160 (Modification application) [1] ☐ **or** **Section 160A (Compliance assessment)** [2] ☐ (Tick applicable box)

1. Site details

Address 84 High Road, Mt Pleasant

Postcode 3676

Municipality City of Mt Pleasant

2. Applicant

Note: If the applicant is acting on the owners behalf nominate the name of the owner(s).

Name Mr Robert Wilson

Address 62 Shuttle Crescent, Somerton

Postcode 3686

Telephone 8799 4575 Fax 8997 6575 Mobile 0488 765 821

Email address Rwilson@optunet.com.au

3. Relevant building surveyor

Name Mr David Newton

Address 38 Hill Road, Mt Pleasant

Postcode 3786

Telephone 9543 4353 Fax 9843 4354 Mobile 0312 159 729

Email address Dnewton@optunet.com.au

4. Relevant building details if relevant as applicable Use of building Residential & Car Park

BCA classification(s) 2 & 7b Type of construction: A ☐ B ☐ C ☐ Rise in storeys 3

No. of storeys contained 3 Floor area of existing building - Floor area of new building 1600 m^2

Effective height 9m Area and volume of fire compartment(s) **(a)** _____ m^2 _____ m^3 **(b)** _____ m^2 _____ m^3

a) Has the work that forms part of this application commenced? **Yes/No** If yes, what percentage is completed (_____%)

b) Has any fire engineering/fire safety assessment report or other expert reports been undertaken as part of this development, that may in any way relate directly or indirectly to the matters raised in the application? **Yes/No** If yes, provide details and any conditions imposed.

c) Has any alternative building solution(s) or dispensation(s) been approved as part of this development, that may in any way relate directly or indirectly to the matters raised in the application? **Yes/No** If yes, provide details and any conditions imposed.

d) Is the application subject to any building notices, building orders, other reports or consents, that may in any way relate directly or indirectly to the matters raised in the application? **Yes/No** If yes, provide details and any conditions imposed.

e) Is there a relevant planning permit or other prescribed approval? **Yes/No** If yes, provide details and any conditions imposed.

f) Is the building on a register under the Heritage Act 1995? **Yes/No**

g) Has any aspect of this matter been considered by the Building Commission? **Yes/No**

5. Provide three (3) copies of this application and three (3) copies of all relevant documents and drawings marked up to highlight determination(s) sought. Applications relating to bush fire matters require an additional copy. A cheque for $ 400..... must be made payable to the Building Commission.

Applicant's signature: *Robert Wilson* **Date:** December 2004

This person signing acts on behalf of the owner and confirms that the owner is aware of this application. [3]

INFORMATION TO ACCOMPANY THE APPLICATION FOR MODIFICATION

A. General Requirements

1) Background of the proposal

It is proposed to construct four new apartments over a common car park containing 8 vehicles.

2) Nature of the modification(s)

1. To permit the window openings facing the western allotment boundary as shown on the plans, to be within 1.5metres of a fire source feature.
2. To permit unprotected window openings facing the western allotment boundary as shown on the plans, to be located within 3metres of the fire source feature without the required protection.

3) Applicable Deemed to Satisfy Provision(s)

C3.2 *Protection of openings in external walls*
C3.4 *Acceptable methods of protection*

Relevant primary Performance Requirement

CP2 *A Building must have elements, which will to the degree necessary avoid the spread of fire*

4) Indicate why the Regulation is inappropriate?

The building consists of multiple dwellings with domestic type fire loads over a common car park. The construction of the building closely resembles a 3-storey town house development.

5) Indicate why is it reasonable to vary the Regulation(s)?

- The adjoining property to the western allotment boundary contains three two-storey units that are setback 3.5metres from the boundary. The setback of 3.5 metres is being used as a driveway access to all three units.
- The adjoining driveway is common property and the likelihood of a building being constructed to the allotment boundary is unlikely, but if constructed it would be of a domestic nature.
- The fire load contained within each proposed unit would be no more or similar to a class 1 dwelling.
- The ground floor common car park of the proposed development is fire separated from the apartments via a suspended reinforced concrete slab achieving an FRL of 120/120/120.
- All other aspects of the proposed building will comply with the minimum requirements of the Building Code of Australia.
- Council's town planning department have endorsed the windows for the proposed construction with a 1.3metre setback from the western allotment boundary in contravention of the Building Regulations and Section 63(4)b) of the Planning and Environment Act 1987.

6) Relevant primary BCA Performance Requirement

CP2

(a) A building must have elements which will, to the degree necessary, avoid the spread of fire -

(i) to exits; and
(ii) to sole-occupancy units and public corridors; and
(iii) between buildings; and
(iv) in a building

(b) Avoidance of the spread of fire referred to in (a) must be appropriate to –

(i) the function or use of the building; and
(ii) the fire load; and
(iii) the potential fire intensity; and
(iv) the fire hazard; and
(v) the number of storeys in the building; and
(vi) its proximity of other property; and
(vii) any active fire safety systems installed in the building; and
(viii) the size of any fire compartment; and
(ix) fire brigade intervention; and
(x) other elements they support; and
(xi) the evacuation time.

Comments on individual clauses of the Performance Requirement

a) (iii) Between buildings

The western window openings for the proposed building are perpendicular to the fire source feature and are setback 1.3metres. With a 3.5metre setback from the adjoining property units and a 1.3metre setback achieved on the subject site it can be considered that sufficient fire separation will be achieved between buildings.

b) (i) Function or use of the building

The proposed building will be used for domestic purposes and only the car park area to the ground floor will accommodate 8 vehicles.

c) (ii) Fire load

A domestic type fire load will be contained within the building.

d) (iii) Potential fire intensity

The proposed building is capable of containing a fire within the sole occupancy units for 90 minutes. Predominantly materials will be non-combustible including, concrete floor slabs, concrete panel walls and metal deck roof.

e) (ix) Fire brigade intervention

The local Metropolitan Fire Brigade has a very acceptable response time, as they are located within 10km of the subject site.

7) Issues relevant to the Regulation to be modified

- **Class of building –**

  This development is very similar to a class 1, three-storey terrace.

- **Fire-source feature –**

  The fire source feature is the western allotment boundary. The adjoining unit development is setback 3.5metres from the common allotment boundary. The area between the building and the boundary is used as a driveway to provide access to the units therefore it can be considered that sufficient fire separation will be achieved.

- **The extent of the deviation from the Deemed to Satisfy Provisions –**

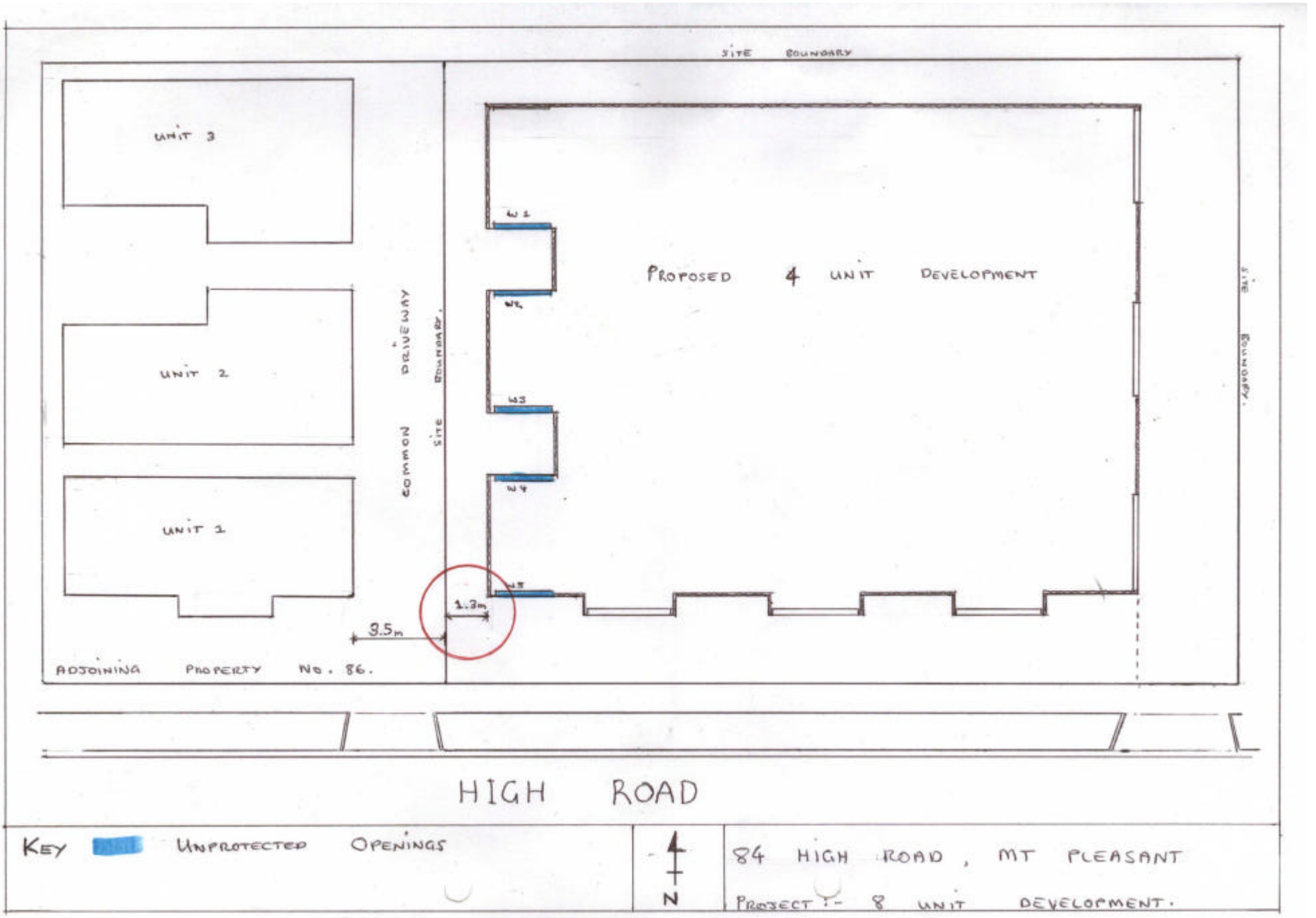
  The deviation is only of a minor nature as the proposed building windows are only encroaching 200mm into the required setback of 1.5metres.

- **Early detection or alarm system –**

  The proposed building will contain thermal detectors in the car park and a smoke detection system within the sole occupancy units to provide early warning to the occupants.

8) Supporting documentation

Project No. 38754
Drawings: A01/a site plan


SITE BOUNDARY
UNIT 3
UNIT 2
UNIT 1
COMMON DRIVEWAY
SITE BOUNDARY
PROPOSED 4 UNIT DEVELOPMENT
W1
W2
W3
W4
W5
1.3m
3.5m
ADJOINING PROPERTY No. 86.
SITE BOUNDARY
HIGH ROAD
KEY UNPROTECTED OPENINGS
N
84 HIGH ROAD, MT PLEASANT
PROJECT :- 8 UNIT DEVELOPMENT.