

APPLICATION TO THE BUILDING APPEALS BOARD FOR A DETERMINATION FOR CLASS 1 AND 10 BUILDINGS



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 85 Port Road, Portland Postcode 3857
Municipality Shire of Portland

2. Applicant Name Mr Adam Whales
Note: If the applicant is acting on the owners behalf nominate the name of the owner(s).
Address 85 Port Road, Portland Postcode 3857
Telephone 8997 8587 Fax 5959 8859 Mobile 0405 089 150
Email address Awhales@teltro.com.au

3. Relevant building surveyor Name Ms Antonella Dewar
Address 27 Daniels Street, Portland Postcode 3957
Telephone 5878 6896 Fax 5989 6741 Mobile 0125 566 896
Email address Adewar@teltro.com.au

4. Relevant building details as applicable
Use of building Single Dwelling BCA classification(s) 1a
No of storeys 2 Floor area of existing building _____ Floor area of new building 200m²
a) Is the development affected by Res Code (Part 4 Siting)? **Yes/No** Council Consent? **Yes/No** If yes, provide details and any conditions.
b) Has the work that forms part of this application commenced? **Yes/No** If yes, what percentage is completed (100 %)
c) 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.
d) 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.
e) 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.
f) Is there a relevant planning permit or other prescribed approval? **Yes/No** If yes, provide details and any conditions imposed.
g) Is the building on a register under the Heritage Act 1995? **Yes/No**
h) 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 \$... 90..... must be made payable to the Building Commission.

Applicant's signature: Adam Whales 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

A new two-storey dwelling has been recently constructed. On final inspection it has been identified that the staircase has inconsistent riser dimensions.

2) Nature of the modification

To permit the first riser of the stair as shown on the plans, to have a height of 175mm in lieu of a consistent height of 185mm.

3) Applicable Deemed to Satisfy Provision

3.9.1.3 *Stair construction*

Relevant primary Performance Requirement

P2.5.1 *Stairways and ramps*

4) Indicate why the Regulation is inappropriate?

The regulation is inappropriate, as it does not consider standard construction tolerances such as variations in finished floor levels and section dimensions of solid timber treads.

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

- The riser inconsistency only occurs at the first tread of the flight and is of a minor nature.
- The stair construction consists of a main central steel stringer with welded cleats to support the solid timber treads. The manufacturer of the steel stringer has a standard construction tolerance of plus or minus 3mm.
- The stair manufacture has produced a compliant pre fabricated stair but has failed to allow for the slate floor covering to the ground floor slab, this is why the first riser is inconsistent with the others in the flight.
- The staircase has a non-required handrail fixed on both sides of the stair and extends past the first tread.
- The stair is located in a domestic dwelling where the major users of the staircase are the occupants that are familiar with their surroundings.
- The inconsistent riser height is to the first tread only and persons using the staircase are generally cautious of the first step.
- The goings on the staircase have a slip resistant surface close to the edge of the nosing line to ensure that the steps are less likely to cause a slip and fall.

6) Relevant primary BCA Performance Requirement

P2.5.1

So that people can move safely to and within a building –

- (a) *walking surfaces must have safe gradients; and*
- (b) *any stair way must-*
 - (i) *have suitable landings to avoid undue fatigue of users; and*
 - (ii) *be suitable for safe passage in relation to the nature, volume and frequency of likely usage; and*
 - (iii) *have slip resistant walking surfaces on ramps, and on stairway treads or near the edge of the nosing.*

Comments on individual clauses of the Performance Requirement

- The stair is for domestic purposes only and will not have a high volume of use.
- The steps will have a slip resistant surface close to the edge of the nosing line to ensure that the steps are less likely to cause a slip and fall situation.
- The stair has handrails to both sides of the staircase to provide stability and safe passage to occupants using the stair.

7) Issues relevant to the Regulation to be modified

Class of building

The building is of domestic use only not for public use.

Rise in storeys

The building contains two storeys and the stair consists of a single flight with sixteen risers.

Occupant life safety

The inconsistent riser occurs only to the first tread where the falling hazard would only present a small risk if any.

Extent of the deviation from the Deemed to Satisfy Provisions

The deviation is only of a minor nature, as the difference in riser height dimension is only 10mm.

Safe movement and access to and within a building

Handrails have been provided to both sides of the staircase, which also extends past the non-compliant tread.

The handrail provides for occupant stability and safe movement while using the staircase.

The goings on the staircase have a slip resistant surface placed to the edge of the nosing line to ensure that the steps are less likely to cause a slip and fall.

8) Supporting documentation

Project No. 26894

Drawings: AO1/a floor plan & AC01/a as built stair elevation.

