

DOMESTIC BUILDING ASSESSMENT REPORT

Section 480, Domestic Building Contracts Act 1995

Dispute reference number

DBDRV-2017-6-1436

Date of report

3/01/2018

Property

29 Stones Rd DEREEL VIC 3352

Site photograph



Details of Party A – Owner

Name/s	Greg Lehey
Contact person	Greg Lehey
Contact number/s	(03) 5346 1370
Address	29 Stones Rd DEREEL VIC 3352

Details of Party B – Builder

Name/s	JG King Pty Ltd
Contact person	Evan Dower
Contact number/s	03 5330 4444
Address	N/A

Domestic building and contract details

Class of building		Dwelling type	
Class 1a		House	
Domestic building contract			
Date of contract	9 July 2014	Contract sum	\$219,740
Building permit			
Date:	8 August 2014	Permit number:	BS-U1142/20140148/0
Occupancy permit			
Date:	28 April 2015	Permit number:	201401148/0
Builder details			
Full name	John King	Registration number	DB-U36757
Building surveyor details			
Full name	Stan Webb	Registration number	BS-U1142

Assessment details

Name of assessor		Assessor's qualifications	
Llewellyn Pritchard		Refer to Annexure 1	
Date of site assessment	Type of assessment	Date of direction to assessor	
14/12/2017	On-site	11/12/2017	
Start time	Finish time	Start time	
11:00AM	12:00PM	11:00AM	
Name of attendee at assessment		Role	
Greg Lehey		Owner	
Name of attendee at assessment		Role	
Evan Dower		Builder – General Manager Construction	
Ashley Barker		Builder – Maintenance Manager	
Michael Gibess		Builder – Area Manager	

Introduction

This dispute relates to the domestic building work at 29 Stones Rd DEREEL VIC 3352.

Under S.48B of the *Domestic Building Contracts Act 1995*, a request has been made by the Chief Dispute Resolution Officer of Domestic Building Dispute Resolution Victoria to me to act as an assessor.

This report contains my opinion about whether the domestic building work the subject of the dispute is defective.

Unless otherwise stated, the applicable version of a building regulation, code or standard referred to in this report is the one that was current at the date of the building permit. If there is no building permit, the applicable version will be the date of the contract. Where contract details are not available, the assessment will be based on the building regulations in force at the time the work was carried out and good building practice.

Items assessed

Item one: Cook top is mounted incorrectly. The rear edge is only 2 cm from the wall, while the front edge is 6 cm from the edge of the work surface. The distance between the main burner (rear right) and the wall is inadequate. The “low” setting on all flames is far too high



Hotplate Westinghouse model GHR95S as specified

Offset to tile splashback

Standard 600 mm benchtop

Low flame setting burner

Relevant provisions

Clause 6.10.1.2 of the Australian Standard AS/NZS 5601.1:2013 (Standard) States:

“General Installations specifies that the required clearance distance between the periphery of the burner and a vertical combustible surface should be at least 200mm. Where the distance is less than the specified clearance then protection of the combustible surface is required as per AS/NZS 5601.1:2013”

Reasons and observations

1. A visual assessment was carried out of the installation and the flame control of the cook top located in the Kitchen.

Cook top mounted incorrectly

2. The assessment revealed that the size of the Westinghouse model GHR95S cook top base only allows for 20 mm offset to the rear splashback wall in a standard 600 mm benchtop.
3. The standard requires that if a burner is positioned within 200 mm from the wall, the wall must be non-combustible surface. As the wall behind the cook top is a non-combustible tiled surface, the item is not defective.

Flame Control

4. Flame control for the gas burners appeared normal at the time of assessment.
5. Therefore this item is not defective.

Is this item defective?

Cook top mounted incorrectly - No
Flame control - No

Is this item incomplete?

Cook top mounted incorrectly - No
Flame control - No

Is the defective and/or incomplete work attributable to the Builder?

Cook top mounted incorrectly - No
Flame control – No



Does this item contravene the Building Act and/or Building Regulations?
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Cook top mounted incorrectly - No

Flame control - No

Recommended action (if any)

N/A

Item two: The range hood is rated at a net air flow of only 590 m³/h. A home measurement was done by the Owner and the output is approximately 110 m³/h, or about 20% of the advertised rate.



Smeg model K181X9-90



Flue through roof was correct

Relevant provisions

Section 18.02 of the *Guide to Standards and Tolerances 2007 (Guide)* states:

“During the documented maintenance period after completion, fittings are defective if they do not operate as intended by the manufacturer. If the maintenance period is not documented it is to be taken as three months. After the end of the maintenance period failure is not a defect unless it is caused by the builder’s workmanship.”

Reasons and observations

1. A visual assessment was carried out of the rangehood located in the kitchen.
2. The assessment revealed that the rangehood was operating as intended by the manufacturer.
3. In accordance with the *Guide* fittings are defective if they do not operate as intended by the manufacturer during the maintenance period of three months after hand over.
4. The assessment was carried out in December 2017 and the hand over date was April 2015, therefore the range hood is also outside the maintenance period.
5. As the range hood is operating as intended by the manufacture and is outside the maintenance period the item is not defective.

Is this item defective?

No, it is not defective.

Is this item incomplete?

No, it is not incomplete.

Can the defective and/or incomplete work be attributed to the Builder?

N/A.

Does this item contravene the Building Act and/or Building Regulations?

No.

Recommended action (if any)

N/A

Item three: The floor levels are different between the bathrooms and laundry, where the floors are tiled with ceramic tiles, and the rest of the house, which is covered with vinyl tiles. There is a difference in the floor level of 9 mm (the vinyl floors are lower).



Vinyl to tile level



Level difference 9 mm

Relevant provisions

Clause 3.9.1.6 of the *Building Code of Australia (Code)* states:

“Where the threshold of a doorway is more than 230 mm above the adjoining surface it must incorporate steps having riser (R) and going (G) dimensions in accordance with 3.9.1.2.”

Reasons and observations

1. A visual assessment was carried out of the doorways to wet areas.
2. The assessment revealed that the difference between the vinyl and tiles was measured as 9 mm.
3. This is within the normal range for different floor finishes and less than the maximum step allowed at a door threshold to the *Code*.

Is this item defective?

No, it is not defective.

Is this item incomplete?

No, it is not incomplete.

Can the defective and/or incomplete work be attributed to the Builder?

N/A.

Does this item contravene the Building Act and/or Building Regulations?

No.

Recommended action (if any)

N/A

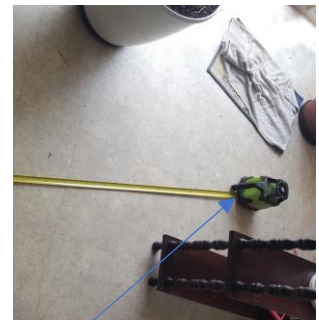
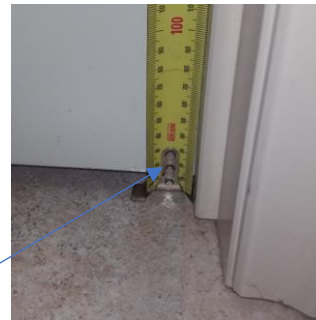
Item four: *The floor is uneven, with differences of up to 5 mm. The gap under the door of the main bedroom is several millimetres higher on the right than on the left.*



Gap under doors



Approx. 4 mm difference across doors measured



Laser level Dining floor

Relevant provisions

Clause 14.08 of the *Guide to Standards and Tolerances 2007 (Guide)* states:

“Floor levels within a room or area are defective if they differ by more than 10 mm in any room or area or more than 4 mm in any 2 m length.”

Reasons and observations

1. A visual assessment was carried out of the floor levels to bedroom door, Dining & Living floors.
2. The assessment revealed that when an automatic levelling laser level was applied to the Dining Living floor and the levels were within 4 mm of each other in any 2000 mm direction. Within the whole area there was a difference of up to 5 mm.
3. Under doors a difference was noted of up to 4 mm side to side.
4. In accordance with the *Guide*, floors must not differ by more than 10 mm in any room or area. Therefore the item is not defective.

Is this item defective?

No, it is not defective.

Is this item incomplete?

No, it is not incomplete.

Is the defective and/or incomplete work attributable to the Builder?

N/A.

Does this item contravene the Building Act and/or Building Regulations?

No.

Recommended action (if any)

N/A

Item five: The contract provides for double glazing throughout, but the windows with sliding doors are all single-glazed, a total of 4 window panels and 3 glass sliding doors.



Dining sliding door unit



Single Low E safety glazing

Relevant provisions

Section 8 (a) of the *Domestic Building Contracts Act 1995 (Act)* states:

“(a) the builder warrants that the work will be carried out in a proper and workmanlike manner and in accordance with the plans and specifications set out in the contract;”

The contract document drawings show windows with double glazing (DG) and sliding units with Low E (Low E) in accordance with the energy report as part of the building permit.

Reasons and observations

1. A visual assessment was carried out of the sliding door located in the Dining Living.
2. The assessment revealed that the glazing to the sliding doors was single glazed Low E glass as required on the contract document drawings and energy report.
3. Therefore this item is not defective.

Is this item defective?

No, it is not defective.

Is this item incomplete?

No, it is not incomplete.

Is the defective and/or incomplete work attributable to the Builder?

No.

Does this item contravene the Building Act and/or Building Regulations?

No.

Recommended action (if any)

N/A

Estimated time to complete the works

Lead time	Time allowed to complete/rectify works
No works to be completed – N/A	No works to be completed – N/A

Lead time refers to the time which may be required to procure labour and materials, obtain approvals and arrange access.

Where required by the relevant legislation, the rectification work shall be carried out by a licensed person or registered building practitioner.


Admissibility

This report is admissible in the Victorian Civil and Administrative Tribunal.

Declarations

To the best of my knowledge and belief, there are no actual, potential or perceived conflicts of interest between me and the individuals involved in the domestic building dispute. I also confirm that I have had no past or present, personal or professional, involvement or interest(s) in the domestic building work or the Property the subject matter of the dispute.

I declare that I have made all the enquiries that I believe are desirable and appropriate and that no matters of significance that I regard as relevant have, to my knowledge, been withheld.

Signed	
Assessor's name	Llewellyn Pritchard
Dated	3/01/2017

Annexure 1

Assessor's qualifications

ASSESSOR'S NAME: Llewellyn William Pritchard



EDUCATION / QUALIFICATIONS:

Bachelor of Architecture (Distinction) RMIT

Architect (ARBV registration)

Fellow of the Australian Institute of Architects

Architect – University of the State of New York (Licensed New York State USA)

Domestic Builder Unlimited

Commercial Builder Unlimited

Certificate 4 in Security Risk Management

REGISTRATIONS:

ARBV 14198

New York State License Number 037049

DB-U4456

CB-U5581

HIA 516503

EMPLOYMENT HISTORY:

1981-1987 – Public Works Department

1987-1988 – Contract Architect to various private firms

1988- Present Architect and Builder self-employed – Conscious Homes

MD Conscious Homes Australia Pty Ltd

Over 30 years Llewellyn Pritchard has run a design and construction business as an Architect and Builder completing many houses, small commercial and educational projects including high end renovations and extensions and new homes with an environmentally sustainable design focus. Pritchard has won several awards for building including HIA Greensmart Awards, Nillumbik Sustainable Building Award and the HIA Commercial Building Award. Pritchard continues to run the design and construction business established April 1988.

Annexure 2

List of relevant documents

Item	Description	Source	Date
DBDRV documents			
1.	Direction to assessor and list of items for inspection	DBDRV	11.12.17
Party documents			
2.	Building Contract	Owner	11.12.17
3.	Contract Drawings	Owner	11.12.17
4.	Occupation Permit	Owner	11.12.17
5.	Building Permit	Owner	22.12.17
Reference documents			
6.	Domestic Building Contracts Act 1995	Dept. Premier & Cabinet	1995
7.	National Construction Code 2014 Volume Two	The Australian Building Codes Board	2014
8.	AS/NZS 5601.1:2013 Gas Installations Part 1	The Australian Building Codes Board	2013
9.	The Guide to Standards and Tolerances	Victorian Building Authority	2013