

## Determination 2017/084 – Summary

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Posted: 29 March 2018

Determination 2017/084 considers whether a two-storey building without a lift to the upper level would comply with Clause D1 Access routes.



### Background

A building consent was submitted for a two-storey building located alongside a laneway. The building's ground level contains three food kiosks, each with access to the laneway. The upper level has a covered terrace that leads to a bar/restaurant, with occupancy limited to 50 people.

During the consenting process, the building consent authority (BCA) stated a lift to the upper level would be required to comply with Clause D1 of the Building Code. The architect disagreed, stating a lift to the upper level was not required as the design satisfied the criteria within NZS 4121.

In order to resolve the matter an inclined platform lift to the upper storey was proposed and the BCA issued the building consent. During construction, a determination was sought to see if the building without a lift would comply with Clause D1.

### Discussion

The Building Act requires reasonable and adequate access for disabled persons who may be expected to visit or work in the building.

Clause D1 sets out the performance requirements for access and accessible routes. The determination discussed the relationship between NZS 4121:2001 Design for Access and Mobility – Buildings and Associated Facilities and Clause D1 Access routes. Because Section 119 of the Act refers to NZS 4121 as being an Acceptable Solution, a BCA must accept a solution that satisfies NZS 4121 as complying with the performance requirements of Clause D1.

Clause D1 and NZS 4121 contain different criteria for when a lift to upper floors is required:

- Clause D1.3.4(c)(iii) requires a lift in a two-storey building when the occupancy on the upper floor will be 40 or more people
- NZS 4121 requires a lift in a two-storey building if the upper floor size is 400m<sup>2</sup> or more.

When NZS 4121 is used as the means of compliance, a lift is required when both the occupancy numbers and floor size area of the upper floor will be exceeded.

In this instance, the occupancy numbers were exceeded, but at 132m<sup>2</sup> the floor size area was below the limit stated in NZS 4121. The access route without a lift would satisfy NZS 4121 and comply with Clause D1.3.4(c).

### The decision

The determination stated the building without a lift to the upper level satisfied NZS 4121 and would be deemed to comply with Clause D1 in regard to access to the upper level.

[Determination 2017/084 \(https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/2017084-](https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/2017084-)

[compliance-of-new-building-without-a-lift-with-regard-to-disability-access/](#)) in full.

Previous determinations (<https://www.building.govt.nz/resolving-problems/resolution-options/determinations/determinations-issued/>) is a register of all previous determinations.



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