



Determination 2018/042

Regarding the refusal to issue a code compliance certificate for a viewing platform at 6 Lakeside Drive, Lake Tekapo



This determination considers the compliance of a viewing platform and associated parking with Clause D1 Access routes, and whether an access route to the platform for people with disabilities was needed. The determination also considers whether the gravel access track and car parking provide reasonable and adequate access in terms of Clauses D1 and B2 Durability.

1. The matter to be determined

- 1.1 This is a determination under Part 3 Subpart 1 of the Building Act 2004¹ (“the Act”) made under due authorisation by me, Katie Gordon, Manager Determinations, Ministry of Business, Innovation and Employment (“the Ministry”), for and on behalf of the Chief Executive of the Ministry.
- 1.2 The parties to the determination are:
 - Mackenzie District Council, carrying out its duties as a territorial authority or building consent authority (“the authority”); the authority is the applicant in this determination
 - Alpine Springs and Span Tekapo Ltd, trading as Tekapo Springs, which is the company that owns the property and building work (“the owner”).
- 1.3 I have also provided the Office for Disability Issues (ODI) with the determination documentation for comment by way of consultation under section 170 of the Act.
- 1.4 This determination arises from the authority’s decision to refuse to issue a code compliance certificate for the building work. The refusal arose because the authority

¹ The Building Act, Building Code, compliance documents, past determinations and guidance documents issued by the Ministry are all available at www.building.govt.nz or by contacting the Ministry on 0800 242 243.

is not satisfied that the building work complies with certain clauses² of the Building Code (First Schedule, Building Regulations 1992).

- 1.5 The matter to be determined³ is the authority's exercise of its powers of decision in refusing to issue a code compliance certificate. In deciding this matter, I must also consider whether the building work complies with the provisions in the Act and Clause D1 Access routes and B2 Durability of the Building Code relating to access for people with disabilities.
- 1.6 In making my decision, I have considered the submissions of the parties, the report of the independent expert commissioned by the Ministry to advise on this dispute ("the expert") and the other evidence in this matter.

2. The building work

- 2.1 The building work comprises a 8m x 10m viewing platform that has been built on the owner's property ("the viewing platform"). The viewing platform is built to extend out over a bank, which falls away below the platform. It is constructed of steel and concrete, and has steel-framed glass barriers around three of its sides. The fourth side of the platform is open and leads onto the access track or road that leads past the platform. This road is surfaced in uncompacted gravel. The platform has been fitted with steel bollards on its road-side to prevent vehicles driving onto the platform.
- 2.2 The viewing platform is to be used predominantly for stargazing, and forms part of an existing tourist complex on the property. The complex includes a main building (containing, among other things, toilets and changing rooms, a café and public gathering areas), several outbuildings, and various other outdoor facilities, including thermal pools, an ice-skating rink, a waterslide and car parking areas. Among the existing facilities is a level concrete patio, adjacent to the south-east corner of the main building, which is already being used for stargazing activities ("the concrete patio"). The patio is of a similar size to the new viewing platform.
- 2.3 The viewing platform is located approximately 50m from the main building and can be accessed from the main building via a gravel access route or road. The main car park for the tourist complex is situated further down the hill, on the road frontage of Lakeside Drive. Access to the platform from the main car park is via a flight of steps, which leads to a pedestrian walkway, which in turn leads up the hillside to the main building. Pedestrians can proceed from there to the viewing platform along the gravel access road.
- 2.4 There is also a service access road, which leads from Lakeside Drive, next to the main car park, up the hill to the area in front of the main building, where there is a vehicle turning and manoeuvring area. This area is surfaced in compacted AP20 gravel. Accessible car parking is provided in this area, immediately adjacent to the main building. Signs advising the location of the accessible car parks are situated in the lower level car park, at the bottom of the service access road and in front of the car parks themselves.
- 2.5 The main building is surrounded by a concrete apron, which leads to the north towards the front door of the main building and to the south to the concrete patio. People using the accessible car parks will exit their cars onto the compacted gravel parking area, and can move from there straight onto the concrete apron. Although there is some slight variation in the levels between the accessible car park surfaces

² In this determination, references to sections are to sections of the current Act and references to clauses are to clauses of the Building Code.

³ Under sections 177(1)(b) and 177(2)(d) of the current Act.

and the concrete apron, this is nowhere greater than 20mm. The concrete apron is level with, and leads straight onto, the concrete patio.

- 2.6 The concrete apron is also (with some minor variation) level with the threshold to the main entrance door to the main building and an area of rubber matting outside it. There is no accessible route directly from the interior of the main building to the concrete patio. Instead the accessible route for people who are already inside the main building is out through the main entrance door and along the concrete apron to the patio.

3. The background

- 3.1 In August 2017, the owner applied for a building consent to build the new viewing platform on its property. On 13 September 2017 and 4 October 2017, the authority requested further information about the consent application. In particular, the letter of 4 October asked for information about the ‘accessible route from the carpark to the viewing platform’, and the signs for, size and surfacing of the accessible car park spaces, and requested confirmation that ‘these parks are of a permanent hard formed surfaces compliant to D1[AS1] table 2’⁴.
- 3.2 The owner’s agent responded in an email dated 5 October 2017, which enclosed plans showing ‘the route for vehicles for disabled access’ and ‘the location of the disabled carparks’. The email also stated that ‘The carparks are currently gravel however it will be overlain with asphaltic concrete to meet requirements of D1’. The proposed surface of the car parks was not shown on either of the plans.
- 3.3 Following receipt of this information, the authority issued a building consent (BC 17250) for the building work on 18 October 2017. Work on the viewing platform commenced, with the platform constructed off-site and installed on the owner’s property in late November 2017.
- 3.4 The authority carried out a final inspection of the building work on 21 December 2017. The inspection failed, with the reason given for the failure that the access route from the main building to the viewing platform ‘needs to have a surface finish which complies with D1/AS1’.
- 3.5 The owner then applied for a certificate for public use (CPU) for the platform, to enable it to be used while the issues relating to the access route were resolved. The authority issued the CPU on 22 December 2017, and this was subsequently renewed at the end of February 2018.
- 3.6 The parties then entered into discussions about possible solutions to resolve the situation. The authority was of the view that a ‘permanent nonslip surface such as; concrete, asphalt, hot mix or roading chip seal’ was required for the accessible car parks and route to the viewing platform, in order for them to comply with Clauses B2 and D1 of the Building Code.
- 3.7 The owner proposed shifting the location of the accessible car park so that it was adjacent to the viewing platform, but remained unwilling to use an alternative surface for the car park and route between it and the platform other than ‘compacted shingle’.
- 3.8 The parties were unable to reach a solution, and the authority applied for a determination, which was received by the Ministry on 21 March 2018. The Ministry requested further information and this was received on 4 April 2018.

⁴ D1/AS1 is the Acceptable Solution for Clause D1 Access routes

4. The submissions

4.1 The authority made a submission with its application, summarising the events leading up to the application. The summary states that:

In conclusion, the Building Consent is now at a stalemate situation between [the authority] and owner regarding the surface finish of the accessible carpark and route to the viewing platform not complying with D1.1(c) or the approved consented documents. [The authority believes] the decision of this determination will assist BCAs with similar consent applications around D1 compliance.

4.2 The authority also provided copies of:

- the consented plans
- subsequent plans showing the proposed locations of the accessible car parks and accessible route
- photographs of the building work and proposed accessible car parks and route
- its inspection records
- correspondence between the parties.

4.3 The owner made a submission dated 23 March 2018, which also contained a summary of the events leading to the application for a determination. In its submission, the owner clarified that it was reluctant to use either concrete or a 'sealed path' for the access route from the accessible car parks to the viewing platform, because:

... we get a lot of snow over winter and a concrete surface or sealed surface would create a slippery unsafe surface for both able and disabled customers. We also have extensive new plans for this area which would mean pulling any new sealed or concreted area up in the next 18 to 24 months.

4.4 The owner also stated that it was proposing to use 'Dunnite gravel or AP20 gravel mixed with clay to lay down over our existing disabled car parks'. It concluded that:

The exist[ing] accessible parking and access way were approved by [the authority] 10 years ago as it is today and it has been in constant use the way it is today. We believe that the gravel access way with the correct maintenance regime will suffice. [The authority has] made it perfectly clear that [it] will not allow the gravel access way....

The area in question gets very little sunshine over the 5 months of winter. This is very much like a ski field car park where similar type[s] of construction are used.

5. The expert's report

5.1 As mentioned in paragraph 1.6, I engaged an independent expert, who is a registered architect, to assist me. The expert carried out a site visit at the owner's property on 10 May 2018, at which representatives of both the owner and the authority were present. The expert provided a written report dated 24 May 2018, and a copy of the report was sent to the parties on the same day.

5.2 In his report, the expert recorded his observations from the site visit and from his discussions during the visit with the owner's and authority's representatives. He noted that the new viewing platform had been built to meet increasing demand for a stargazing package that the owner had been offering for approximately 14 months. The new platform would provide a second area, in addition to the concrete patio, where stargazing could take place. He also confirmed that the surface of the existing

accessible car parks was compacted gravel, and noted that due to the property's location, it did not receive direct sunlight for five months of the year, causing temperatures to remain below zero and snow to lie on the ground for long periods.

- 5.3 The expert then went on to consider whether the new viewing platform was required to be accessible to people with disabilities under section 118 of the Act. The expert also considered the compliance of the surface of the existing accessible car parks and accessible route to the concrete patio, and concluded that these complied with Clause D1 of the Building Code. He concurred with the owner's assertion that, due to the particular environment of the owner's property, an asphalt surface would not be sufficiently durable for the car parks and adjacent circulation area, and noted that "Ongoing maintenance will be required to maintain the surface levels, falls and hardness to provide an adequate surface." He also noted that although the consented plans show two accessible spaces outside the main building, the spaces were not marked, and there was room for at least three.

6. The draft determination

- 6.1 A draft of this determination was issued to the parties and the ODI on 12 July 2018.
- 6.2 The draft concluded that the authority had incorrectly exercised its power of decision in refusing to issue a code compliance certificate (and reversed this decision), as the building work complied with the provisions in the Act and Clause D1 Access routes and B2 Durability of the Building Code relating to access and parking facilities for people with disabilities.
- 6.3 On 13 July 2018, the owner accepted the draft determination without further comment.
- 6.4 The ODI also accepted the draft determination on 25 July 2018 and noted that it complied with existing legislation. The ODI also commented, as an aside, that:
- While we appreciate the Building Act does not compel any building owner to do more than what is prescribed by the Building Code, the Office for Disability Issues encourages both public and private building owners to choose commissioning building designs that enable equity of access to all areas by disabled people from the beginning. Bearing in mind that a substantial number of New Zealanders (the 2013 Disability Survey quotes 24%) have some kind of impairment, they could be restricted or prevented from using a building or public space as a result of access barriers.
- 6.5 The ODI noted that such an approach was consistent with both the New Zealand Disability Strategy and the United Nations Convention on the Rights of Persons with Disabilities.
- 6.6 The authority did not accept the draft determination, and in a submission dated 16 July 2018, made the following additional points:
- the authority disagrees that the concrete patio is easily accessible from the accessible car parks for 'an unaided wheelchair user'
 - verification is required for how the accessible parking spaces will comply with the acceptable solutions relating to signage, durability and accessible car parking, including testing on the car park surface for acceptable wet resistance and slip resistance as specified in D1/AS1
 - verification is required as to how the shingle surface of the car park will perform 'under excessive rain'; the authority believes that 'maintaining a

shingle surface suitable as access route would be impractical and onerous for the owner and over time would be neglected'

- the authority is concerned that the draft determination will 'allow future accessible routes (nation-wide) subject to sub-zero climates being accepted as having compacted AP20 as a suitable non-slip accessible surface'. While the authority accepts that such surfaces are acceptable for use on ski fields, they are not acceptable in townships or 'any other accessible route in New Zealand that could be subject to sub-zero climates'.

7. Discussion

7.1 The legislation

7.1.1 The authority has applied for a determination about its decision to refuse to issue a code compliance certificate for the new viewing platform built on the owner's property. The authority has declined to issue the certificate on the basis that it cannot be satisfied that the provisions in the Act and Building Code relating to access and parking for people with disabilities are being met.

7.1.2 The new viewing platform comes within the definition of a building in section 8 of the Act, as a permanent immovable structure:

8 Building: what it means and includes

(1) In this Act, unless the context otherwise requires, **building**—

(a) means a temporary or permanent movable or immovable structure (including a structure intended for occupation by people, animals, machinery, or chattels); and...

7.1.3 Section 117 of the Act clarifies that for the purposes of sections 118 to 120 of the Act, which relate to 'Access to buildings by person with disabilities', "building" includes:

(a) parts of a building (including driveways, access ways, passages within and between complexes and developments, and associated landscaping (if any)); and

(b) any premises or facilities.

7.1.4 Section 118 then stipulates what is required in terms of access and facilities for people with disabilities within this building:

118 Access and facilities for persons with disabilities to and within buildings

(1) If provision is being made for the construction or alteration of any building to which members of the public are to be admitted, whether for free or on payment of a charge, reasonable and adequate provision by way of access, parking provisions, and sanitary facilities must be made for persons with disabilities who may be expected to—

(a) visit or work in that building; and

(b) carry out normal activities and processes in that building.

(2) This section applies, but is not limited, to buildings that are intended to be used for, or associated with, 1 or more of the purposes specified in Schedule 2.

7.1.5 Schedule 2 sets out those buildings that the requirement to provide access and facilities for persons with disabilities in section 118 applies to. These include places of assembly, including recreation centres, and swimming baths (p), and 'other buildings, premises, or facilities to which the public are to be admitted, whether for free or on payment of a charge' (z). Clearly, the new viewing platform comes within both of these types of buildings. The platform is intended as a place where groups

can assemble to take part in stargazing as part of a recreational package. The public pay to take part in the activity.

- 7.1.6 Clause D1.3.2 of the Building Code contains a specific requirement for an access route for people with disabilities from the building car park to the building and provides:

At least one access route shall have features to enable people with disabilities to:

- (a) approach the building from the street boundary or, where required to be provided, the building car park,

- 7.1.7 The other relevant performance clause is Clause D1.3.4 which lists the requirements for accessible routes additional to the requirements of Clause D1.3.3.

7.2 Clause D1 Access

- 7.2.1 Previous determinations that have considered the provision of access and facilities for people with disabilities under Clauses D1.3.2 and D1.3.4 of the Building Code have taken the approach that, where a building is part of a complex of buildings, then the other buildings can be taken into account when one contains facilities that are not present in another. In other words, when considering compliance with Clauses D1.3.2 and D1.3.4 of the Building Code, I can also look at the spaces and activities and processes that are provided in other buildings in the complex.
- 7.2.2 This was the approach established in Determination 94/004⁵ (which concerned access for people with disabilities to a two-storey building in a tertiary education institution), Determination 96/003⁶ (which concerned access for people with disabilities to a two-storey building within a school complex) and Determination 2009/27⁷ (which concerned access for people with disabilities to two new classrooms within a school complex). In each of those determinations it was decided that the other buildings in the school complex could be taken into account when considering the compliance of the access required to the new buildings. The determinations decided, in essence, that because other buildings in the complexes provided equivalent facilities and activities, an accessible route was not required to part or all of the new buildings.
- 7.2.3 I agree with the approach taken in these previous determinations and consider it appropriate to apply it in the current case. The viewing platform constitutes a new building that is being added to an existing complex of buildings on the owner's property. The complex operates as a recreational facility, with all the buildings and structures within the complex, providing different activities that people visiting the complex can enjoy.
- 7.2.4 The activity that will be offered from the new viewing platform is stargazing. I consider it material that the new viewing platform is not the only location on the property where this activity will take place. The other location where the stargazing activity will take place is on the concrete patio, and this patio is fully accessible to people with disabilities, both from the accessible car parks and from the main building. No additional activities will be available or offered from the viewing platform that are not already able to be accessed from the concrete patio.
- 7.2.5 Therefore, applying the approach taken in Determinations 94/004, 96/003 and 2009/027 in respect of Clauses D1.3.2(b) and (c) and Clause D1.3.4, and extending it

⁵ Determination 94/004: Access for people with disabilities by way of a lift in an adjacent building (24 August 1994)

⁶ Determination 96/003: Installation of a lift in a new classroom block in a primary school complex (19 August 1996)

⁷ Determination 2009/27: Access for people with disabilities to a relocatable classroom (20 April 2009)

to Clause D1.3.2(a), I consider that there are sufficient alternative locations where persons with disabilities can undertake stargazing without the need to require an accessible route for persons with disabilities to the new viewing platform.

7.3 Section 118

- 7.3.1 I must also consider whether under section 118 “reasonable and adequate” access has been provided in the current case to enable people with disabilities who may be expected to visit or work in the building to “carry out normal activities and processes in that building”.
- 7.3.2 The access track or road from the car park to the new viewing platform is surfaced in uncompacted gravel and is about 50m in length. As noted above, there is already an existing location where stargazing activity will take place on the concrete patio, and this patio is fully accessible to people with disabilities, both from the accessible car parks and from the main building. The gravel access track to the new viewing platform will not prevent ambulant people with disabilities from accessing the new viewing platform but may restrict access for some non-ambulant people with disabilities.
- 7.3.3 Taking into account the existing concrete patio that is used for stargazing activities that is fully accessible to people with disabilities I consider that in these circumstances the gravel access track provides reasonable and adequate access in accordance with section 118 of the Act.
- 7.3.4 I acknowledge the ODI’s comments made in its submission on the draft determination, that in many situations it will be desirable for building owners to strive to provide maximum access of people with disabilities, even when this is not a requirement of the Act or Code.

7.4 The car parks’ compliance with Clauses D1 Access and B2 Durability

- 7.4.1 I must now consider whether reasonable and adequate parking provisions have been provided for people with disabilities. The existing car parks were incorporated within the building consent as the parking facilities for the new platform, and their compliance was later queried by the authority.
- 7.4.2 Clause D1 of the Building Code sets out the functional and performance requirements for access routes within and between buildings, including provision for car parking.
- 7.4.3 Turning first to the number of car parking spaces required, Clause D1.3.6 (a) specifies that vehicle spaces for use by people with disabilities, shall, be “provided in sufficient numbers”. What constitutes sufficient numbers is not specified in Clause D1. However, the Acceptable Solution for Clause D1, D1/AS1, comments (in paragraph 10) that New Zealand Standard NZS 4121⁸ covers the provision of accessible car parks, including the number of parks to be provided. Section 5 of NZS 4121 states that no less than two accessible parking spaces shall be provided, in car parks providing up to 50 spaces, with no less than one additional accessible space provided for every 50 spaces thereafter.
- 7.4.4 Using this formula in relation to the owner’s property, where 60 general car parking spaces are provided in the main car park, means that three accessible spaces are required. I note that the expert has assessed that there is ample room for three

⁸ New Zealand Standard NZS 4121: 2001 Design for access and mobility – Buildings and associated facilities

accessible car parking spaces in the current accessible car park, and that while these spaces are not currently marked out on the ground, it should be a straightforward matter to devise a means of marking them that will remain visible during the winter months when there is snow on the ground.

- 7.4.5 Accordingly, I concur with the expert's assessment that with respect to the number of spaces provided, the existing accessible car parks comply with the requirements of Clause D1. I also note that the car parks are well provided with signs showing their location, both from the road entrance and main car park, and at the parking spaces themselves. In its submission on the draft determination, the authority has raised concerns about how the individual car parks will be marked on a gravel surface. In my opinion, ground marking of the car parks will not be critical for the location or environment, especially during the winter months. Any need to indicate the boundaries of the individual carpark spaces could be easily dealt with by the use of signs, if required.
- 7.4.6 Another aspect of compliance that I must look at is the current accessible route leading from the accessible car parks to the concrete patio and main building. Again, I concur with the expert's assessment in relation to this route. The route is direct and, other than the car park itself, is formed from a hard and durable material (concrete), and contains "no thresholds or upstands forming a barrier to an unaided wheelchair user" or other person with disabilities. In my opinion, this route will continue to comply with the provisions of Clause D1 relating to accessible routes.
- 7.4.7 This leaves the remaining issue of the surfacing of the accessible car parks. The authority has expressed the opinion that the current surfacing of compacted gravel is not sufficiently hard or durable to achieve compliance with Clauses D1 and B2, and that a more 'permanent non-slip surface' is required. The owner has expressed the view that any more permanent surface, such as concrete or asphalt, would become too slippery and be insufficiently durable in the harsh weather conditions experienced on the property.
- 7.4.8 There is no direct reference in either Clause D1 or D1/AS1 as to what the surface of a car park should be. Provisions in Clause D1 that could be read as relating to a car park surface include:
- D1.2.2 – parking spaces shall be constructed to permit safe and easy unloading and movement of vehicles
 - D1.3.1 – access routes shall enable people to safely and easily approach the main entrance of buildings
 - D1.3.3(d) – access routes shall have adequate slip-resistant walking surfaces under all conditions of normal use.

Together these clauses provide that car parks and access routes shall be safe and easy to use under normal conditions of use, and should have adequate slip-resistant surfaces.

- 7.4.9 As stated in paragraph 7.4.3, NZS 4121 is noted in D1/AS1 as applying to accessible car parks, and paragraph 5.6 of that standard requires that the surface of a car park should be 'a stable, firm, slip resistant flat surface with a slope not exceeding 1:50'. In his report, the expert has noted that the surface of the current accessible car parks is level and solid to walk on, with no noticeable settlement when walked or driven on, and with good slip resistance. He concludes that the surface complies with Clause

- D1, through paragraph 5.6 of NZS 4121, and will continue to comply if properly maintained.
- 7.4.10 I agree with this assessment. The Building Code is performance-based and whether compliance with the performance requirements of the Code will be met must be assessed in the particular circumstances of each case. While a more permanent hard-formed surface, such as concrete or asphalt, may be the more usual surface used for car parks, it is not the only possible surface that will achieve compliance, and will not always be the best.
- 7.4.11 With respect to Clause B2 Durability, Clause B2.3.1 requires that building elements must, with only normal maintenance, continue to satisfy the performance requirements of the Code for various periods of time. These durability periods vary depending on the contribution that the elements make to the building and the ease of accessing and replacing them. For an AP20 compacted carpark area, normal maintenance would include regular inspections, localised regrading and/or filling and re-compaction. I note that the owner has already been doing this for the 10 years that the carpark has been in existence, and has a compactor on site.
- 7.4.12 I therefore agree with the owner's opinion that in the context of the harsh climate to which his property is subjected for much of the year, a compacted gravel surface presents a better and more durable option. This climate combines sub-zero temperatures and a lack of direct sunlight for a large portion of the year, combined with sustained cycles of frost thaw and heave that will create a significant risk of weakening in a more rigid surface, such as asphalt. Such surfaces are likely to provide less resistance to damage and require more maintenance in the climate the owner's property experiences.
- 7.4.13 In its submission on the draft determination, the authority has expressed concerns that allowing the owner to use AP20 compacted gravel in this situation will enable it to be used on any accessible route that is subject to sub-zero temperatures nationwide. This is not correct. As I have stated above, the Building Code is performance-based and whether a particular accessible route in a given situation achieves compliance must be assessed in the circumstances of each case. Here the climatic conditions that the accessible route is subject to go beyond just sub-zero temperatures, and it is this combination of conditions that make the compacted gravel an appropriate solution.
- 7.4.14 Accordingly, I conclude that the existing accessible car parks on the owner's property comply with Clause D1 of the Building Code to the extent required by the Act. I repeat here the advice given by the expert in his report that ongoing maintenance will be required to ensure that the surface of the car park continues to comply, and remains safe and easy to use for people with disabilities. I acknowledge the authority's concerns in this regard, as expressed in its submission on the draft determination. However, the reality is that any surface that is used on the owner's property will require regular maintenance in order to continue to comply due to the climatic stresses that it will be subject to. The authority can draw comfort from the fact that it will be in the owner's best interests to ensure that a usable and compliant surface is maintained. I note that the accessible carparks have been in use in this location for the past 10 years and there is no evidence to suggest that the owner has failed to maintain them.

7.5 Other matters

- 7.5.1 The authority in its submissions and correspondence has requested that the owner should demonstrate compliance with the Acceptable Solutions relating to both durability and accessible routes.
- 7.5.2 It is important to appreciate that the Building Code is performance-based and what is required is compliance with the performance requirements set out in the code (to the extent required by the Building Act, including section 118 and 112) and not the acceptable solutions that relate to them.
- 7.5.3 The means of achieving compliance set out in the acceptable solutions present one way, but not the only way, of achieving compliance. Where an alternative means of achieving compliance is presented, the authority must assess it to determine whether it meets the performance criteria in the code. It cannot refuse to consider it on the basis that it does not follow the non-mandatory approach described in the acceptable solution.
- 7.5.4 I note here also that in its submission on the draft determination, the authority raised concerns about the compliance of the signage used on the existing accessible car parks with Clause F8 Signs of the Building Code. I have not considered Clause F8 in this determination, as it did not come with the scope of the matter to be determined. There are existing signs on the accessible carparks and these may well already be compliant. If they are not, then I consider it will be a relatively simple matter for the parties to resolve.

8. The decision

- 8.1 In accordance with section 188 of the Building Act 2004 and in respect of the Building Code that was current at the time the building consent was issued I hereby:
- determine that the building work complies with the provisions in the Act and Clause D1 Access routes and B2 Durability of the Building Code relating to access and parking facilities for people with disabilities
 - reverse the authority's decision to refuse to issue a code compliance certificate for the building work and require the authority to make a new decision taking into account the discussion in this determination.

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 31 August 2018.

Katie Gordon
Manager Determinations