

Determination 2025/004

Compliance of a step on an access route to a toilet facility

22 Setters Line, Milson, Palmerston North

Summary

This determination considers the compliance with Building Code Clause D1 *Access Routes* of an external step to a toilet facility constructed as part of a new warehouse building. The determination considers whether the step is on an access route and whether it complies with clause D1.3.3(i).



Figure 1: As-built single external step to toilet facility

In this determination, unless otherwise stated, references to “sections” are to sections of the Building Act 2004 (“the Act”) and references to “clauses” are to clauses in Schedule 1 (“the Building Code”) of the Building Regulations 1992.

The Act and the Building Code are available at www.legislation.govt.nz. Information about the legislation, as well as past determinations, compliance documents (eg, Acceptable Solutions) and guidance issued by the Ministry, is available at www.building.govt.nz.

1. The matter to be determined

- 1.1. This is a determination made under due authorisation by me, Andrew Eames, Principal Advisor Determination for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment (“the Ministry”).¹
- 1.2. The parties to the determination are:
 - 1.2.1. Rock Solid Holdings Limited, the owner of the building who applied for this determination (“the owner”)
 - 1.2.2. Palmerston North City Council, carrying out its duties as a territorial authority or building consent authority (“the authority”).
- 1.3. The determination arises from a dispute between the parties regarding whether a single external step serving as access to a toilet facility, located to the rear of a new warehouse building, complies with Clause D1 *Access Routes*, specifically clause D1.3.3(i)². Refer to figure 1.
- 1.4. The toilet facility is intended for use by truck drivers visiting the warehouse building. The owner is of the view the step is not on an ‘access route’³.
- 1.5. The matter to be determined, under section 177(1)(a), is whether the as-built step complies with Clause D1 *Access Routes*.
- 1.6. In deciding this matter, I must consider whether the step is on an ‘access route’, and if so whether it complies with clause D1.3.3(i).⁴
- 1.7. The determination will not consider any decision by the authority regarding the building consent (number BC230491), or compliance of any other building work with the Building Code.

¹ The Building Act 2004, section 185(1)(a) provides the Chief Executive of the Ministry with the power to make determinations.

² D1.3.3 Access routes shall,...(i) not contain isolated steps.

³ As the term is defined in Building Code Clause A2 *Interpretation*.

⁴ The parties have not made submissions on whether the access arrangements for the toilet facility were meant to form part of an ‘accessible route’ (as defined in clause A2) and building consent plan sheet A17 does not indicate the toilet facility was intended to be accessible (eg to comply with clause G1.3.4). I have not considered compliance of the building work with clauses D1.3.2(c), D1.3.4(d) and (f).

2. The building work and background

- 2.1. The owner's property is a flat site in an industrial / commercial area of Palmerston North. A new combined warehouse and office building ("**the warehouse**") has been constructed at the property and incorporates multiple access and egress points for persons and vehicles.
- 2.2. On 6 July 2023, the owner applied for a building consent for construction of the warehouse. The application form⁵ indicated compliance with clause D1 was by virtue of Acceptable Solution D1/AS1.⁶ The building consent was granted and issued by the authority on 10 October 2023.
- 2.3. The building work is substantially complete, and the warehouse is currently in use, including the toilet facility. No code compliance certificate has been issued.
- 2.4. The toilet facility is located part way along the southeast side of the warehouse towards the east corner of the building. Immediately outside the toilet facility is an external concrete hardstanding that serves as part of the one-way access route for trucks entering the property off Setters Line before they emerge at the 'loading / unloading area' to the northeast side of the warehouse.
- 2.5. The toilet facility is denoted "Driver WC" on plan A17⁷ and is intended "for truck drivers to use without having to gain access to the internal spaces of the [warehouse] building". It contains a toilet and wash-hand basin.
- 2.6. The only access into the toilet facility is from the external concrete hardstanding via an as-built 170mm-high step⁸, with a door that opens outwards over the step. However, the building consent plans indicate there was only intended to be a vertical difference of 20mm between the internal floor finish of the toilet facility and the external ground level.

⁵ Form 2 of the Building (Forms) Regulations 2004.

⁶ Acceptable Solution D1/AS1, second edition, amendment 6 (effective 1 January 2017). I note D1/AS1 paragraph 1.3.1 does not permit 'a single isolated step' except in 'household units' or at 'threshold weather stops projecting no more than 20mm above the threshold finished surface' (ie paragraph 1.3.2).

⁷ Plan A17, revision B, dated 19 June 2024. I note the authority refers to an earlier version, dated 6 July 2023, as being part of the building consent.

⁸ The step incorporates a 105mm vertical rise from the external concrete hardstanding, a 5mm crossfall rebate with the frame of the door fitted at the sides, and a further shallow 60mm vertical rise between the crossfall rebate and the floor of the toilet facility. The step is made from concrete.

- 2.7. In a letter dated 6 September 2024, the authority advised the owner the final building consent inspection had failed for several reasons, including due to an issue with the toilet facility. The authority noted in its letter:

D1: Access Routes – Commercial

...

3. The isolated step at the rear toilet door to be rectified as discussed ... on site.

...

3. Submissions

The owner

- 3.1. The owner submits (in summary):
- 3.1.1. The toilet facility “will be infrequently used” and is “for truck drivers who by default are climbing either into or out of their vehicle with anything from a 200mm up to 1.0m difference in level with an outward opening door which also provides a hand hold for support during the transition.” The truck drivers will be “fully mobile as they are required to manually load and unload trucks and vans”.
- 3.1.2. They “do not believe [the step and toilet facility] falls within the definition of an access route as defined in NZBC D1/AS1” as it “clearly [goes] nowhere”.
- 3.1.3. To allay the authority’s concerns and hopefully resolve the matter, the door will now be kept locked, and the toilet will not be used.

The authority

- 3.2. The authority submits (in summary):
- 3.2.1. “The definition...for access route is a continuous route that permits people to move between the apron or construction edge of the building to spaces within a building” and clause D1.3.3(i) “shall...not contain isolated steps”.
- 3.2.2. The owner’s suggestion of “locking the toilet door does not rectify the isolated step” issue.

4. Discussion

- 4.1. This determination considers whether a single as-built external step serving as access to a toilet facility at a new warehouse building complies with Clause D1 *Access Routes* (specifically clause D1.3.3(i)). The toilet facility is intended for use by truck drivers visiting the warehouse.

Legislation

- 4.2. Section 17 provides that all building work must comply with the Building Code to the extent required by the Act.
- 4.3. Clause D1 *Access Routes* provides a general set of requirements to safeguard people from injury, for example during movement into, within and out of buildings.⁹ The functional requirement is buildings shall be provided with reasonable and adequate access to enable safe and easy movement of people.¹⁰
- 4.4. Clause D1.3.3 provides that 'Access routes shall...(i) Not contain isolated steps'.
- 4.5. Clause A2 Interpretation defines 'access route' as:

... a continuous route that permits people and goods to move between the apron or construction edge of the building to spaces within a building, and between spaces within a building.

Access route

- 4.6. The toilet facility is only able to be accessed through a single external door leading from the concrete hardstanding constructed adjacent to the southeast side of the warehouse. This permits people to move from the construction edge of the building into a space within the building. Therefore, I am of the view the toilet facility is on an access route.

Compliance with clause D1.3.3(i)

- 4.7. Having established the toilet facility is on an access route, I need to consider whether the as-built step complies with clause D1.3.3(i).
- 4.8. The overall difference in levels between the external concrete hardstanding and the finished floor level of the toilet facility is a single step approximately 170mm high.¹¹ This represents an isolated step and does not comply with clause D1.3.3(i).

⁹ Clause D1.1(a).

¹⁰ Clause D1.2.1.

¹¹ I have taken into consideration the as-built dimensions and configuration of the step (refer to paragraph 2.6).

5. Decision

- 5.1. In accordance with section 188 of the Building Act 2004, I determine the isolated step serving as access to the toilet facility does not comply with clause D1.3.3(i).

Signed for and on behalf of the Chief Executive of the Ministry of Business, Innovation and Employment on 31 January 2025.

Andrew Eames

Principal Advisor Determinations