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2011/114: The safety of perimeter barriers to the roof and floors within a carpark building

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Abbreviation

2011/114

Valid from

22/12/2011

Information provider

Ministry of Business, Innovation and Employment

Information type

Determination

Format

PDF

Description

This is a Determination made on the initiative of the Chief Executive in the absence of an application for a Determination having been made, as permitted under section 181 of the Act. The decision of the Chief Executive to initiate this Determination arises from a recommendation included in the Coroners Findings dated 20 March 2009 prepared by the Wellington Regional Coroner. The Coroners inquiry related to the death of an individual who had fallen from the roof of the Reading Carpark Building (the carpark). (It is noted that the Coroners Findings state the building is located in Victoria Street Wellington. The Coroners findings recommended that the Chief Executive make a Determination in respect of the barriers both on the top floor and intermediary floors of the carpark specifically in relation to the possibility that persons leaning against the barrier may, by their centre of gravity, topple over the rails due to the height of the barrier. The matter to be determined, under section 177(3)(f) of the Act, is whether the authority was correct in the exercise of its powers under section 124 in coming to the conclusion that the building is not dangerous, notwithstanding that the

existing barrier is lower than the current Building Code requirement. In deciding this the following must be considered: whether the barriers are required to comply with the Building Code; the application of section 112; the safety of the barriers in relation to the risk of toppling, and whether the building can be classified as dangerous in terms of section 121.

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