

Consultation Report:

Access to Buildings for People with Disabilities

June 2014



Acknowledgements

Malatest International, the Ministry of Business Innovation and Employment and the Office for Disability Issues would like to thank all of those who took the time to share their information and viewpoints with us as part of the consultation about access into buildings for people with disabilities. We appreciated everyone's enthusiasm and willingness to assist.

We sincerely hope that when those who participated read the consultation report they will feel that we have provided a balanced representation of the range of different viewpoints. We were provided with more information than could be included in this report and have passed that information to MBIE and ODI.

We would also like to acknowledge those individuals and organisations across all stakeholder groups who have committed time and effort to improving access into buildings for people with disabilities.

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Note: The Malatest Report was initially issued in May 2014 after comment on an earlier draft by the Office for Disability Issues and by the Ministry of Business, Innovation and Employment.

At the meeting of the Access Reference Group on 27 May with ODI and MBIE to discuss the Report, several points were raised concerning 'matters of fact' in the Report, such as in references to the Building Act that the Group believed should be amended.

This June version of the Report includes those amendments suggested by the Access Reference Group.



Abbreviations

Blind Citizens NZ	Association of Blind Citizens New Zealand
Building Regulations	Includes the Building Act, the Building Code and its Acceptable Solutions and NZS 4121
Building users	Building users was the term used in this report to encompass all people who use buildings but primarily those who have a disability or impairment
DPA	The Disabled Persons Assembly NZ
MBIE	The Ministry of Business Innovation and Employment
ODI	The Office for Disability Issues
People with disabilities	Different organisations and individuals use different words to describe themselves. For consistency we used the term people with disabilities to refer to people with impairment and disabled people.
Regulators	Those officials authorised to issue building consents
BF	Blind Foundation
TA	Territorial Authority
The Code	The Building Code
Stakeholders	Representatives of organisations included in the consultation

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Executive Summary

The review

This report summarises the information gained as part of the consultation phase of a review of access into buildings for people with disabilities being undertaken jointly between MBIE and ODI.

The purpose of this review is to gain a better understanding of how the requirements contained in the Building Act and the Building Code providing access for people with disabilities are being implemented in new buildings, as well as in buildings being altered, and the extent to which these requirements do in fact provide an accessible built environment for people with disabilities. (The full Terms of Reference for the review are given as Appendix 5.)

The consultation included interviews with 88 people across 58 organisations and analysis of responses from 101 people to an online survey.

Access to buildings

A fully inclusive society recognises and values disabled people as equal participants. Reasonable and practicable access to buildings for people with disabilities is acknowledged in the United Nations Convention on the Rights of Persons with Disabilities (ratified by New Zealand in 2008) and as a right under the New Zealand Human Rights Act (1993). The Building Act section 118 defines 'reasonable' access.

An accessible building is one which people with disabilities can use in the same way as anyone else. An accessible building must be considered in the context of an accessible journey encompassing the route to the building (approachability), the route through the building (accessibility) and the facilities within the building (usability).

The advantages of an accessible building apply to the population as a whole and not just those with disabilities. For example mothers with pushchairs and older people may have the same access requirements as people with a temporary or permanent disability.

Organisations representing people with disabilities were able to provide many examples of accessible buildings. However, they were also able to provide many examples of buildings they could not access. Those interviewed talked about the impact of inconsistent access on the lives of people with disabilities and how inability to access buildings limits their participation in New Zealand society.

New Zealand's regulations and guidance about building access

Government's main tools for providing for accessibility of the built environment are the Building Act 2004, the Building Code and its Acceptable Solutions and the New Zealand Standard NZS 4121, summarised as the Building Regulations.

The basic objective of the Building Act, as stated in section 118, is that people with disabilities must be able to 'carry out normal activities and processes' in the building.

Effectiveness of New Zealand's regulations and guidance

Ensuring access into buildings for people with disabilities is complex. Providing regulations to ensure adequate access is not as simple as specifying the width of a doorway or the dimensions of an accessible toilet. It is about understanding how to integrate access into the design of the building as a whole to ensure the building is approachable, accessible and usable.

Because regulating access is complex, constructing accessible buildings is dependent on the knowledge and attitudes of stakeholders in the building and construction sector, as well as on the regulations. Those in the sector who do not want to provide access and deliberately seek loopholes in regulations will continue to do so, as given the complexity of the regulations, eliminating all loopholes is not possible.

However, others in the construction sector who are not sufficiently aware of the access requirements and the issues relating to access are likely to respond positively to more information about how to construct accessible buildings. Differences in attitudes to access into buildings and knowledge of the regulations influenced stakeholder views about the effectiveness of the regulations.

Compliance

Territorial Authorities are responsible for ensuring compliance with the building regulations. However, other groups have key roles in the process and can influence the effectiveness of the regulations in ensuring buildings are accessible. Building owners hold the budget for the building and their attitudes to access influence the approach taken by designers. Building owners ranged from those who understood access requirements and wanted to build or renovate their buildings to be accessible to all, to those who were seen as lacking a future focussed perspective and being motivated by construction costs.

Building owners noted their dependence on designers to provide them with buildings that complied with the access requirements. While some designers were skilled at providing accessible buildings, others were seen as having only limited understanding about the principles underpinning access.

To be effective in enforcing the building regulations TA officials must be adequately trained and have the necessary tools at their disposal. Opinions about the effectiveness of New Zealand's regulations and guidance varied. While many felt the regulations provided a good foundation others felt there were significant gaps and loopholes, especially in the interpretation of the regulations for alterations to existing buildings.

Comments made by those consulted with about how to strengthen the current regulations and processes can be grouped into the following categories:

- Developing a more aspirational model of access
- Improving information and increasing awareness about how to make buildings accessible
- Improving understanding of the benefits of accessible buildings
- Promoting a universal design approach to facilitate understanding that access is not just for people with disabilities
- Changes to the regulations to update them, remove gaps and inconsistencies between the Building Code and NZS 4121
- Improved guidance for TAs about expectations when buildings are being altered.

Leadership

As the consultation included interviews with organisations representing different stakeholder groups with an interest in access to buildings, it provided an opportunity to look across the different groups and compare and contrast attitudes and activities.

At central government level, there appeared to be a lack of awareness of the complexity of access into buildings for people with disabilities and an acceptance of the minimum standards defined by the regulations.

While MBIE was responsible for communicating changes to the regulations to the relevant stakeholders, there was no clear responsibility for providing knowledge about the wider issues relating to access and how to construct accessible built environments.

Across organisations representing people with disabilities, people had committed time and resources to improving access for members. However, the organisations were not fully coordinated in their approaches and as a result examples were provided of solutions that worked for one group but not for people with another kind of impairment.

Lack of leadership and coordination has contributed to missed opportunities, duplication of efforts and inefficiencies, and gaps in knowledge. Bringing the different stakeholder groups together and enhancing the flow of information between the groups has the potential to improve access into New Zealand’s buildings.

Overview

The building regulations are tools to achieve accessible buildings. Although regulations will not achieve change on their own, they are important in defining standards and providing guidance to building owners, designers and regulators (**Error! Reference source not found.**). However, there has been a lack of progression in updating and developing the regulations governing accessibility.

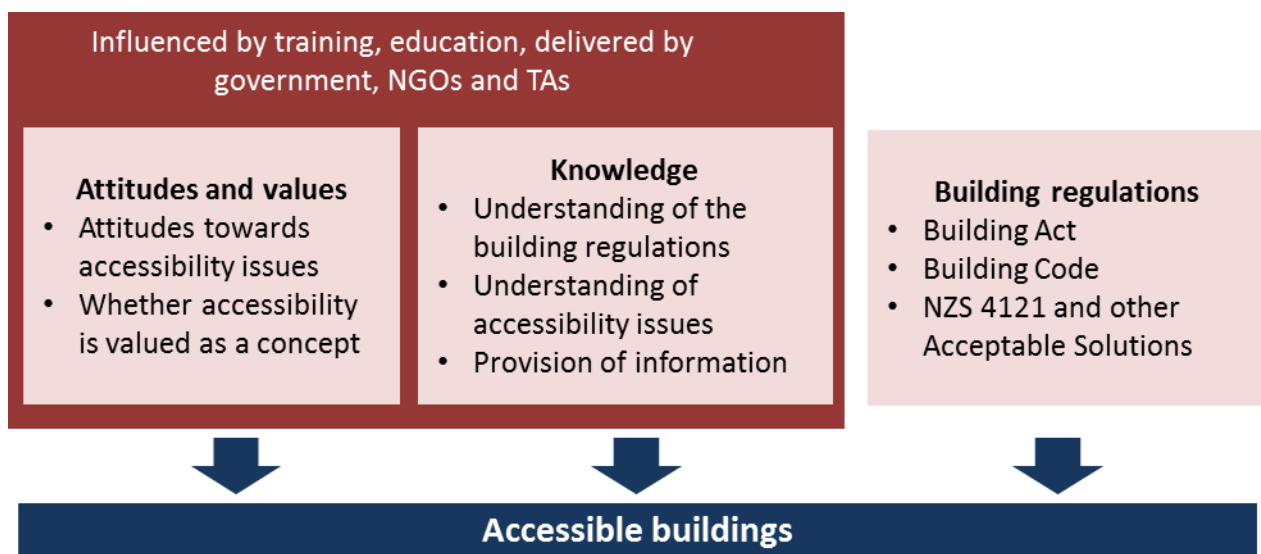


Figure 1: The contribution of attitudes, values, knowledge and the building regulations to accessible buildings

1. Background

A fully inclusive society recognises and values disabled people as equal participants.¹ The built environment has a substantial impact on the quality of life of people with disabilities and the extent to which they are able to live independent lives on an equal basis with others.²

Government's main tools for improving the accessibility of the built environment are the Building Act 2004 and the Building Code. The basic objective of the Building Act, as stated in section 118, is that people with disabilities must be able to 'carry out normal activities and processes' in the building. The Building Act also references the New Zealand Standard NZS 4121: Design for access and mobility – Buildings and Associated Facilities. Acceptable solutions and guidance issued by the Ministry of Business, Innovation and Employment (MBIE) support the Building Code.³

A review of access into buildings for people with disabilities is being undertaken jointly between MBIE and the Office for Disability Issues (ODI). It is a Ministry review, not a Ministerial review.

The review uses the following definition of people with disabilities, taken from the UN Convention on the Rights of Persons with Disabilities:

“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

The purpose of this review is to gain a better understanding of how the requirements for people with disabilities contained in the Building Act and the Building Code are being implemented in new buildings, as well as in buildings being altered, and the extent to which these requirements do in fact provide an accessible built environment for people with disabilities.⁴

Targeted consultation to explore the issues with the sectors involved is a key part of the review. Consultation topics are:

- Stakeholder knowledge and understanding about the regulatory requirements and obligations
- Attitudes of building designers and their clients to complying with the regulatory requirements
- Barriers and facilitators to meeting obligations
- Building users' expectations about access into buildings.

The scope of the review is essentially buildings people use in their day to day life that are not homes, as defined by section 118 of the Building Act. The review excludes small industrial buildings, parks and reserves.

This report summarises the issues identified through stakeholder engagement. The report will be provided to MBIE and ODI who will generate conclusions about next steps and make recommendations to senior officials. MBIE and ODI will ask the Access Reference Group to comment on the analysis of the consultation and the options they identify.⁵

¹ Human Rights Commission. Better design and buildings for everyone: Disabled people's rights and the built environment

² <http://www.odi.govt.nz/what-we-do/built-environment/index.html>

³ <http://www.odi.govt.nz/what-we-do/built-environment/index.html>

⁴ http://www.beehive.govt.nz/sites/all/files/Terms_of_Reference_1.pdf

⁵ <http://www.dbh.govt.nz/disability-access-review-terms-of-reference>

2. Consultation Methods

We explored issues about access into buildings for people with disabilities by engaging with stakeholders from the following groups: regulators and monitoring agencies, building owners, building designers, building users, advocacy and interest groups, and disabled people's organisations. Consultation included representatives of stakeholder groups and was not a public consultation. Participating stakeholder groups were invited to canvass their members through an online consultation form or to participate in interviews as groups. The list of stakeholder groups was developed by MBIE and ODI and is appended (Appendix 1).

2.1 Consultation topics

A consultation framework was developed to guide the interviews. The framework was discussed with MBIE and ODI and with the Disabled Persons Assembly (DPA) and the Association of Blind Citizens New Zealand.⁶ The topics included in the framework were:

- Introduction to the review
- Description of the organisation
- Expectations of the Building Code
- Attitudes to access
- Attitudes to the regulations
- Knowledge about the key requirements of the Building Code
- Organisation's role in communicating information about the regulations
- Access to information
- Barriers to adhering to requirements
- Enforcement
- Ideal world.

Opportunities were also provided for people being interviewed to comment about other relevant issues.

2.2 Interviews

In-depth interviews with stakeholders provided an opportunity for 'free and frank' discussion about their experiences and perspectives. Interviews followed a semi-structured interview guide developed from the consultation topics. The interview guide also allowed informants to raise other topics relevant to their organisation.

Interviews were facilitated by a senior member of the Malatest International team. Interviews were audio-recorded where consent was provided and detailed notes taken from the recordings. The option of face-to-face interviews was available in Christchurch, Wellington and Auckland. Interviews were by telephone in other localities. Some organisations also volunteered written submissions and additional print material.

Interviews were completed with a total of 58 organisations and included 88 individuals (Table 1).

⁶ Organisations representing people with disabilities with a strong interest in accessible buildings

Table 1: Interview participants

Stakeholder group	Number of organisations interviewed	Number of people interviewed	Number of organisations not able to be scheduled
TAs/Regulators	16	22	0
Government and Public Sector Bodies/Policy-makers	5	11	1
Consultants	3	4	0
Building Owners	5	5	1
Building Designers	5	5	1
Access Reference Group	4	13	0
Disabled People's Organisations	7	11	1
Disability Sector Organisations	12	16	4
Other	1	1	0
Total	58	88	8

Note: one of the interviews was by email.

2.3 Online consultation with organisation members

A short online consultation form was developed consisting of a mix of closed questions (yes/no or rating scales) and open questions. Organisations were invited to distribute the form to members to increase the breadth of coverage of experiences and perspectives.

Two slightly different forms were developed. One was for distribution by organisations representing people with disabilities to their members (the building users form), and the other was for distribution by organisations representing other stakeholder groups (the other groups form). Topics included in the online consultation were:

- Attitudes to access
- Barriers to providing access for people with disabilities
- Knowledge about the key requirements of the Building Code
- Examples of buildings with good and poor access
- General comments about access.

The building users online consultation form was completed by 77 people who identified themselves as:

- 73% with physical impairment, 12% hearing, 9% vision, 4% other impairments, 5% who preferred not to answer and 12% who were carers or support people.
- 40% male and 57% female and 4% preferred not to answer.

The online consultation for other groups was completed by 24 people who identified themselves as:

- 46% who were building owners, 25% engineers, 17% building consent authorities, 4% building designers, 4% in construction and 4% policy-makers.
- 83% male and 13% female and 4% preferred not to answer.

2.4 Other sources of information

In addition to interviews, some organisations and individuals invited to take part in the consultation provided other information such as written submissions, copies of relevant documents and papers about access and examples of approaches in other countries. Information from these is incorporated in the report and where appropriate provided in full to MBIE and ODI.

2.5 Analysis

Qualitative data from interviews and comments (in response to open-ended questions in the consultation form) were analysed to:

- Identify key themes: common or similar views, and experiences within and across groups of individuals.
- Describe particular issues: such as the different perceptions of access for different stakeholder groups.

The consultation framework provided a basis for developing an analysis framework. Key themes from the interviews were identified and mapped to the analysis framework and linked to each stakeholder group.

Data from closed questions in the online consultation form were analysed in a statistical programme (SPSS) to provide a description of the proportions of stakeholders encountering experiences and their attitudes.

2.6 Strengths and limitations of the consultation

The consultation included a range of stakeholders and the original consultation list was augmented during the consultation process to include groups suggested by other interviewed stakeholders. At the end of the consultation process we felt that the range of views held across the different organisations had been captured as no new information was forthcoming in the later interviews. However, it is important to note that the people interviewed were selected as representatives of organisations who may be better informed and have different attitudes than individual members of the organisations they represented.

The online consultation was useful in providing examples of buildings with different levels of access and in providing some information about expectations of access and knowledge of entitlements. However, timeframes limited the numbers responding to the online consultation and although numbers are provided these cannot be considered to represent the population as a whole.

3. An Overview of Regulations and Guidance Relating to Access to Buildings

Access to buildings for people with disabilities is acknowledged in the United Nations Convention on the Rights of Persons with Disabilities (ratified by New Zealand in 2008) and as a right under the New Zealand Human Rights Act (1993). The Building Act in section 118 requires 'reasonable and adequate' provision of access both to and within buildings.

The United Nations Convention on the Rights of Persons with Disabilities (the Disability Convention) brings together all the existing rights which affect disabled people and poses a number of obligations in relation to the accessibility of the built environment.

"It's about people being able to live independently and there is a big gap in the understanding of what independence means. It means on an equal basis with others rather than an alternative solution that puts real constraints on someone's independence and dignity and equality." (Agency)

Section 21 of the Human Rights Act 1993 lists disability as a prohibited ground for discrimination.⁷ Section 42(1) states that it is unlawful for any person to prohibit access⁸ into any place or vehicles which members of the public are permitted to enter and use, or refuse a person's right to use facilities in a public place or vehicle by using prohibited grounds for discrimination as a reason.

Access to buildings in New Zealand is currently regulated and guided by the following:

- The Building Act
- The Building Code
- NZS 4121(as an Acceptable Solution)
- Acceptable Solutions published by MBIE.

3.1 The Building Act

The current Building Act was passed into legislation in 2004, and built on the 1991 Building Act. The new piece of legislation placed greater emphasis on better informed and protected consumers and strengthened all stages of the building process. A significant principle is the need to provide for the 'physical independence and well- being' of the people who use buildings. ⁹

Section 118 of the Building Act relates specifically to access and facilities for persons with disabilities and is often considered as the foundation for the various access requirements contained in the Act. It requires that '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 visit or work in that building, and carry out normal activities and processes in that building'. Schedule 2 provides a list of buildings to which the requirements for access apply. The Building Act and Building Code do not require access or facilities for disabled people in residential housing.¹⁰

⁷ Disability means physical disability or impairment, physical illness, psychiatric illness, intellectual or psychological disability or impairment, any other loss or abnormality of psychological, physiological, or anatomical structure or function, reliance on a guide dog, wheelchair or other remedial means, the presence in the body of organisms capable of causing illness.

⁸ See s43 (2) and (3).

⁹ Resource Handbook for Barrier Free Environments.

¹⁰ <http://www.odi.govt.nz/what-we-do/built-environment/index.html>

3.2 The Building Code

The Building Code was established in 1992 and comprises 40 clauses covering all aspects of building construction. It is a performance based Code and prescribes the performance criteria with which buildings must comply in their intended use. The Code consists of minimum performance requirements which a building has to meet.

The clauses of particular relevance to access for people with disabilities are: D1 access routes, D2 mechanical installations for access, F8 signs, G1 personal hygiene, G2 laundering, G3 food preparation and prevention of contamination, G5 interior environment, G9 electricity, G12 water supplies.

3.3 NZS 4121- Design for access and mobility

NZS 4121 was first published in 1971, and incorporated several design features from international access documents. NZS 4121 has remained a separate standard from the Building Act 1991, and is cited as an Acceptable Solution in the Building Act. This was part of a recent amendment to the Act to remove the term 'compliance document'. NZS 4121 covers the same building features as the Building Code although there are differences. NZS 4121, for example, provides advice on provisions for people with vision impairments.

NZS 4121 is viewed as beneficial as it is seen as an easy reference for access. However, because it is an Acceptable Solution it is not a mandatory requirement for buildings in New Zealand. NZS 4121 is administered by Standards New Zealand, and not MBIE (who administer the Building Code Acceptable Solutions). Standards New Zealand take a minimum of two years to update the standard, whereas aspects of the Building Code can be updated more rapidly through an Order in Council. The last version of NZS 4121 was published in 2001.¹¹

3.4 Alternative solutions

MBIE identifies an alternative solution as all or part of building design which demonstrates compliance with the Building Code.¹² The alternative solution can include material, component or construction methods which are different (either partially or completely) from methods described in the Acceptable Solutions under the Building Code.

Alternative solutions allow building owners and designers to suggest alternative measures to building construction. As the Building Code is performance based, alternative solutions aim to allow innovative and unique solutions which provide the best possible outcome for a building project.

To have an alternative solution approved, evidence must be provided to demonstrate that performance criteria will be met by the building owner's alternative solution, and a number of tools are used to prove compliance with the Building Code.

3.5 Building consents

Building legislation is enforced by a territorial local authority (TA) or council acting as a Building Consent Authority.¹³ Buildings are granted consents by a Building Consent Authority. Building consents are required for the construction of new buildings and for alterations to existing buildings. For alterations to existing buildings, consent requires the building to comply with the provisions of the Building Code for access for people with disabilities as they apply to new buildings 'as near as is reasonably practicable'.

¹¹ Alexis Pickering (2013). The history of access legislation in New Zealand – a personal recollection.

¹² <http://www.dhb.govt.nz/blc-alternative-solutions>

¹³ MBIE (2012). Access and facilities for people with disabilities in buildings. The requirements of New Zealand's legislation.

In issuing a consent the building authority confirms it is satisfied that the proposed building work will comply with the Building Code, if properly completed in accordance with the plans and specifications accompanying the application.¹⁴

3.6 Determinations

A determinations process is in place allowing consenting authorities or other parties to apply to MBIE for a determination on:

- Whether a building or building work complies with the Building Code
- A council's decision on a building consent, a notice to fix from the council, a code compliance certificate or a compliance schedule (including time extensions to building consents and code compliance certificates)
- A council's decision to make a waiver to or modify the Building Code
- A council's decision on a certificate of acceptance, a compliance schedule, a notice to fix, or a certificate for public use
- A council's decision on building alterations, a change of building use, subdivision of buildings, and dangerous, earthquake-prone and insanitary buildings

A determination is a binding decision made by the Ministry of Business, Innovation and Employment. It provides a way of solving disputes or questions about the rules that apply to buildings, how buildings are used, building accessibility, health and safety.¹⁵

The Ministry charges a fixed fee for determinations which is paid by the applicant:

- For single houses, attached houses, flats and apartments up to four units, and garages and sheds, the fee is \$287.50 (including GST).
- For all other buildings the fee is \$575.00 (including GST).

¹⁴ MBIE (2012). Access and facilities for people with disabilities in buildings. The requirements of New Zealand's legislation.

¹⁵ <http://www.dbh.govt.nz/determinations>

4. Accessible Buildings

An accessible building was consistently described by interviewed stakeholders as:

“A building people can get through and use independently.” (Building user)

For building users, a building was accessible if they could use it in the same way that other people could.

“It’s really about the knowledge that you can turn up somewhere and not have to worry if it’ll be accessible.” (Building user)

While some stakeholders were clear that an accessible building was not just about physical access, others had a narrower view that access was for those with physical disabilities and in particular wheelchair users. Many commented that the focus on wheelchair users was suggested by the international symbol for access.

“I generally think in terms of physical accessibility. I tend to think more wheelchairs than other disabilities. Obviously more issues for blind, some for deaf people. Intellectual etc is a little harder to cater for inside a code.” (Government Agency)

“We do seem to focus on designing areas with a focus on wheelchairs. And others are semi-lost or forgotten because it is not specifically highlighted in 4121.” (Designer)



Interviewed building users explained that accessibility impacts everyone’s lives, and therefore everyone should have access into the same building facilities and have the same experiences when using a building. Other interviewed stakeholders were also clear that the benefits of an accessible building were not just to people with disabilities but to everyone:

“In the end if a building is accessible for disabled people it will actually benefit the rest of the community whether it’s older people or people with children. I think the concept should not be confined to people with disabilities” (Regulator)

“We have an ageing population who will increasingly require handrails and ramps for easy access into, within and out of a building” (Regulator)

“First thing is that it doesn’t scream disability. A good accessible building is a building with which the ease in which people with disabilities use it is a by-product of a good design and useful for anybody and everybody and it is easy to use.” (Designer)

Interviewed stakeholders also noted that an accessible building was one that was designed for future uses and not just the current use:

“Again the lifetime design is a good thing, a building that is designed and built and truly future proofed for a changing population.” (Designer)

4.1 The accessible journey

Building users emphasised the need for access to include the concept of the accessible journey and to also consider transport to the building and the environment surrounding a building as these could prevent people with disabilities from using the building.

The accessible journey is a term used to describe how a person with a disability can move into a building and undertake activities in the same way as everyone else.¹⁶ The accessible journey considers:

- Approachability – the route into a building, signage, building entry and reception counters
- Accessibility – the accessible route through the building, stairs, lifts, wheelchair spaces and accessible accommodation units
- Usability – the facilities within the building such as showers, toilet, electrical switches and sockets, floor surfaces, visual contrast, doors, kitchens and hearing enhancement.

The attitudes of staff within the building to people with disabilities were also part of the experience of an accessible journey.

“... it is also the attitude of the people in the building, which is a fairly big contributor to whether the building is accessible or not.” (Industry organisation)

4.2 Experiences of building users

Building users knew whether a building was accessible for them or not based on their personal experience of using the building.

In the online survey almost all of the building users who responded were able to provide examples of buildings that provided them with good access into the building, compared to just over one-half of respondents from other groups (Table 2). Of note was that buildings with good access were well known amongst people with disabilities and as a result were well used.

However, many building users also spoke about buildings with poor or partial access for those with disabilities (Table 2).

“I find access into public buildings and perceived requirements differ so much from city to city and region to region even in new more recently constructed buildings that one could be forgiven for thinking there is no code or standards in NZ. It is incredible that in 2014 buildings are being built that have a second level (or more), or a mezzanine floor, and they do not have a lift.” (Building user)

Table 2: Experiences in accessing buildings

	Building users (n=77)				Other Groups (n=24)			
	Yes		No		Yes		No	
Are there any buildings that you go into that provide good access for you to the building?	71	92%	6	8%	13	54%	11	46%
Do you have any examples of buildings you consider some people cannot use because of the access into the building?	60	80%	15	20%	7	29%	17	71%

Note: Small numbers, particularly for those in ‘other groups’ must be taken into account when reading this table.

Some interviewed building users spoke of the frustrations of going to a public building with the intention of using the building, only to find that they could not access it. Some described how they had to extensively plan their trips and research which buildings were accessible. Often, respondents would rely on word-of-mouth on whether a building was accessible for them. Many respondents also stated that some public buildings were not accessible despite having the accessible symbol

¹⁶ MBIE (2014) The accessible journey

because the layout within could be confusing and not provide a good accessible experience. Building users saw this uncertainty as an unacceptable fact of their daily lives.

Buildings that are difficult to access prevent people with disabilities functioning independently and limit their participation within their community. Buildings with poor access also have the potential to prevent people with disabilities engaging in education and prevent employers recruiting people with disabilities.

“Having to go around the back of a building and push a buzzer is unacceptable in this day and age.” (Regulator)

One respondent highlighted the importance of people with disabilities being able to access buildings important to a community (e.g. churches and marae). Having to enter a building from another part could also be offensive for cultural events such as powhiri.

“Maraes are a key aspect of the Maori community, and accessibility is complicated by the fact that they don’t receive sustainable funding.” (Building user)

Inaccessibility of public buildings also affected the wider community, as well as building users with a disability. Building users generally *“got on with it [life]”* when they could not access a relevant building and would avoid using it.

“9/10 people would not go back to the building.” (Building user)

The wider community therefore missed the opportunity to benefit from the *“disability dollar”*, and the economic opportunities from people with disabilities.

“There are massive benefits. Commercially: It means that people with any form of disability feel more included.” (Regulator)

“The cost of inaccessible buildings to the community is tens of millions of dollars per annum; it negatively affects the [New Zealand] economy. A new lift installed in a public building would cost \$1 million for New Zealand, but there’s a loss of \$10 million if it’s not put in ... the disability dollar is lost” (Building user)

4.3 Characteristics of accessible buildings

Figure 1 depicts the characteristics of an accessible building that were noted in the survey. The larger the text the more often the word was mentioned in association with good access. The words most commonly mentioned in discussing accessible buildings (from most common) were: door, lift, parking, toilets, entrance, wide, level, ramp, stairs, space and automatic. Explanations of the aspects of buildings that provide good access are appended (Appendix 2).

4.4 Specific needs

The characteristics of a building that make it easy or difficult to access may vary between individuals. Organisations representing people with disabilities talked about the specific and different needs of their members (Table 3). For example the needs of people in wheelchairs may be different to those of people with visual impairment. Wheelchair users find open spaces easier to use whereas those with visual impairment find it easier to navigate within well-defined spaces.

Table 3: Requirements from an accessible building

Impairment	Needs
Physical/Mobility	Ramps, open spaces, level ground, accessible toilets, doors that are easy to open and get through, lifts, handrails, buttons/door handles at the correct height, automatic doors preferred.
Hearing Impairment/Deaf	Emergency lighting (not just alarms), clear lines of sight, not having confusing wallpaper which takes away the focus of someone signing, hearing loop systems.
Visually Impaired/Blind	Braille and large font signage, clear routes, well-defined spaces, no trip hazards, a well-defined route, reception near the front entrance, tactile differences in surfaces, good contrast, talking lifts. Lighting and contrast are important particularly near steps. Avoidance of visual clutter in public spaces.
Mental	Physical or sensory barriers. Usually variable causes and triggers. Need to ensure there are no locked spaces which a person can't exit without assistance, Signage is important.
Intellectual	Easy to get in and out of, good signage, use of arrows and coloured paths.

5. The Effectiveness of New Zealand’s Regulations and Guidance

The building regulations are a tool to achieve accessible buildings. Ensuring access is provided for a person with disabilities is complex. Providing adequate access is not as simple as specifying the width of a door way or the dimensions of an accessible toilet. It is about integrating access into the design of the building as a whole to ensure the building is approachable, accessible and usable.

We asked stakeholders what they thought was working well, where there were challenges with the current regulations and guidance and why buildings were being built that did not have good access.

Opinions about the effectiveness of New Zealand’s current regulations varied and were not consistent within any stakeholder group. Rather opinions reflected stakeholders’ attitudes to access and knowledge of the regulations. Knowledge and attitudes also underpinned interpretation of the regulations.

5.1 Attitudes and knowledge

Differences in attitudes to access into buildings and knowledge of the regulations influenced stakeholder views about the effectiveness of the regulations.

In responses to the online survey there were differences between the attitudes of building users and of other stakeholder groups (Table 4). However, numbers of responses from ‘other groups’ were small.

Table 4: Attitudes about access

	Building users (n=77)				Other Groups (n=24)			
	Agree	Neutral	Disagree	Don't know	Agree	Neutral	Disagree	Don't know
People with disabilities are entitled to use a building in the same way as other building users	92%	5%	0%	3%	83%	13%	4%	0%
Ensuring a building is accessible for people with disabilities benefits all building users	96%	0%	1%	3%	71%	0%	29%	0%
All buildings in New Zealand must have reasonable and adequate provisions for people with disabilities	83%	10%	4%	3%	63%	13%	25%	0%

Note: Small numbers, particularly for those in ‘other groups’ must be taken into account when reading this table.

Knowledge of the regulations relating to access was explored in the online survey by asking about whether a number of statements about the building regulations were true or false. Generally respondents were more aware of practical aspects of the regulations such as whether accessible car parks were required if a building had designated car parks and the location of accessible toilets. Respondents were less sure about the status of NZS 4121 (Table 5).

Table 5: Knowledge of aspects of the building regulations

	Building users (n=77)			Other Groups (n=24)		
	True	False	Don't know	True	False	Don't know
True statements						
Compliance with the New Zealand Standard NZS 4121 is deemed to provide compliance with the relevant parts of the Building Code	45%	4%	51%	42%	4%	54%
If a building has designated car parks then accessible car parks are required	68%	11%	21%	67%	8%	25%
False statements						
The New Zealand Standard NZS 4121 takes precedence over the Building Code Acceptable Solutions published by the Ministry of Business, Innovation and Employment	26%	16%	58%	8%	38%	54%
All buildings with more than a ground floor must have a lift	29%	49%	21%	0%	92%	8%
All newly installed lifts must be 'talking lifts'	24%	25%	51%	8%	46%	46%
The accessible toilet in a building may be located on the upper floor when there is no lift	12%	59%	29%	17%	63%	21%

Note: Small numbers, particularly for those in 'other groups' must be taken into account when reading this table.

Analysis of interview data suggests that stakeholders can be considered in four broad categories (Figure 3):

- Those who are well informed and recognise the benefits of accessible buildings, understand the regulations and how to design/build an accessible building
- Those who recognise the benefits of accessible buildings but are unclear about the regulations or about how to design/build an accessible building
- Those who have little awareness of access issues or the regulations governing access
- Those who do not consider there is a need for buildings to be accessible for people with disabilities and who are aware of the regulations and potential loopholes in the regulations that they can use to avoid their obligations.

"My attitude is there are 10% of the people out there who just don't care and there's no point in talking to them about it. The rest of the people who get it wrong do so innocently. They thought they had got it right and will get quite defensive and will try and justify what they have done. First of all it's the attitude then it's about front footing it and getting it right at the start and that's around competency as well as understanding." (Designer)

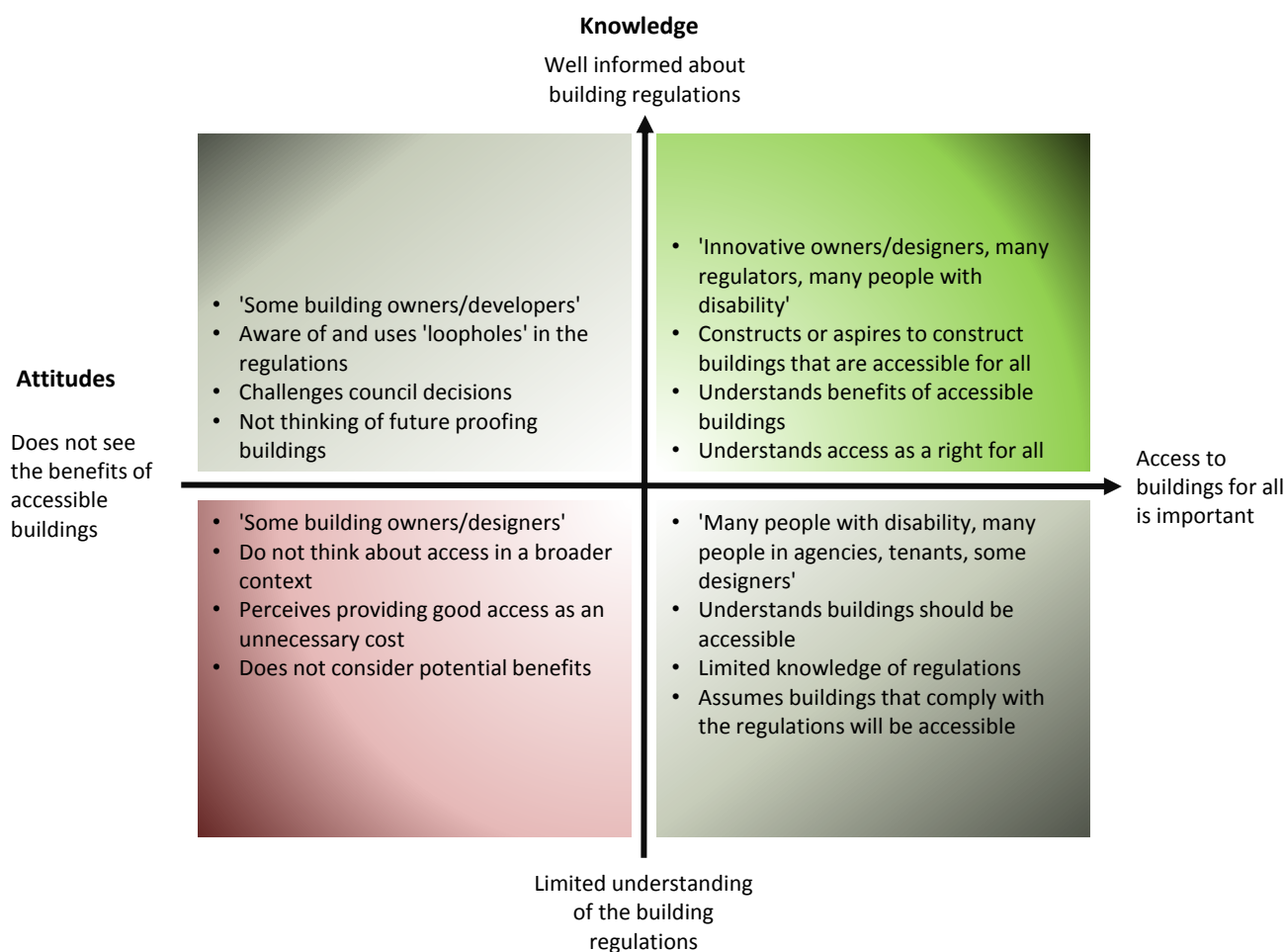


Figure 3: Attitudes and knowledge about access

Considering attitudes and knowledge is helpful when thinking about the effectiveness of the legislation. For example those who do not accept the need to make buildings accessible and have good knowledge of the regulations will look for loopholes regardless of what changes may be made to the regulations. Rigorous enforcement is more likely to be an effective response to this group than education. Whereas education and information about the regulations may be effective in improving access into buildings constructed or rented by those who recognise the value of making buildings accessible but are not aware of what to do. Education may also be effective in increasing understanding about the benefits of accessible buildings as a frequent comment by regulators about building owners was:

“A lot of building owners say they don’t want to do it because they can’t remember the last time a person in a wheelchair came in but they forget that it can be any form of disability. The inconsistency in the construction and the building control industry causes more problems than anything else.” (Regulator)

“They can say ‘we don’t have any people with disabilities’. There is an attitudinal issue.” (Regulator)

Improved understanding about the reasons for design features that influence accessibility would also improve access to buildings:

“Most people wouldn’t know that a door shouldn’t be the same colour as the wall [to improve access for people with visual impairment].” (Regulator)

5.2 The regulations

A number of those consulted, including many regulators, considered the Building Act was adequate and provided a good foundation for the Building Code and NZS 4121, especially for new buildings. However, some felt that the Building Act was the place to provide more information about the characteristics of an accessible building.

“Clarity within the Building Act as to what is important and necessary for an accessible building will prevent loopholes from occurring. Absorbing 4121 into the building Act will provide clarity.” (Building user)

5.2.1. Minimum standards

The regulations set a minimum standard and there is insufficient understanding in the sector of access requirements.

“The minimum standard drags you down and that’s where the claw marks start.... We should start with best practice instead.” (Regulator)

“You can’t demand more than D1.” (Industry organisation)

“Money is the driver. This puts pressure on the architects and builders to implement as little accessibility policies as possible”. (Building user)

As a result of insufficient understanding there is the potential for buildings to be built that comply with the Building Code but that do not provide approachability, accessibility or usability.

Example

Examples of an aspect of the Code that may limit access is:

- Schedule 1 of the Building Regulations 1992, performance clause D1.3.2 which reads ‘At least one access route shall have features to enable people with disabilities to
 - Approach the building from a street boundary or
 - When required to be provided the car park.

The use of the word ‘or’ means that access into the principal entrance of the building may not be available for people who do not arrive by car such as those using public transport.

“If you take a new building, under D1 it only has to have one accessible route, now that accessible route could be a basement from the car park. What if you arrive at the street and you are not coming by vehicle how do you get in there?” (Regulator)

“With some new buildings there are issues outside the building in terms of parks. Some may have accessible doorways but not parking.” (Regulator)

Distances to facilities such as accessible toilets were also cited as an example where compliance with the code did not result in usability:

“I think an area that is not working as well as intended is where the facilities are provided. I don’t think there is any limits or minimum on an acceptable distance to a toilet or to get to a ramp or access into a building” (Regulator)

5.2.2. Lack of flexibility

Lack of flexibility in the interpretation of the regulations was also suggested as a barrier to providing more than the minimum requirements. For example a requirement to have all parts of a camping ground accessible may lead to a minimum standard whereas an alternative could be setting up some parts to represent ‘best practice’ and having other parts less accessible.

“The code is prescriptive and descriptive. It says it’s got objectives and it is performance based but then it has prescriptive parts to it where it says you must have this.” (Regulator)

“Often designs can be interpreted literally by inspectors. That you have to simply comply with the standards. ... If it’s almost impossible to provide, do you not provide a building or does the building get defined differently? I think you need to be more flexible in terms of how buildings can and should respond to the building codes and the disability codes, rather than lumping the two together.” (Industry organisation)

5.2.3. NZS 4121 and the Building Code

Much of the discussion about the regulations was centred on the Building Code and NZS 4121. Stakeholders were mixed in their views about the advantages and disadvantages of the equal status of NZS 4121 and the Building Code and there were differences in opinion about whether both were needed. Some felt one document would be ideal but they also acknowledged it would be difficult to achieve.

“The overlap between the building code and the disability code. While they are covering similar areas we probably shouldn’t have the confusion of having two codes (this can confuse some of our young designers). So one code and one set of standards.” (Designer)

The advantages of having both NZS 4121 and the Building Code were seen as:

- **Flexibility** - Use of both was seen as providing needed flexibility and allowing innovative solutions to be developed and accommodating some of the challenges in improving access for existing buildings.
- **NZS 4121 provided more information to explain access requirements** - Some felt that NZS 4121 was still required to provide the context and best practice examples. The mix of options of using the Building Code or NZS 4121 and other acceptable solutions was seen to have the advantage of providing flexibility and allowing innovative solutions.

“There is a smorgasbord of standards and acceptable solutions, people can mix and match and comply with what they think is the right solution for making buildings more accessible. There is a mix and match of compliances, depending on what builders think is the right solution to accessibility.” (Building user)

The disadvantages were seen as:

- **Differences in the details of the Building Code and NZS 4121** - The status of NZS 4121 and the Building Code Acceptable Solutions was frequently mentioned as being difficult to manage for regulators because the two standards differ in a number of aspects. A list of examples of differences between the building Code and NZS 4121 prepared by Auckland Council has been provided to MBIE and ODI.
- **Driving standards downwards** - Alternative acceptable solutions were being used by some building owners/designers who selected the least onerous criteria from either the Building Code or NZS 4121.

“4121 is a good document but it is quite restrictive and fights with D1. We can’t argue with 4121 as it is an acceptable solution but it is in conflict with the Code.” (Regulator)

“Minimum standards are being undermined by ‘acceptable solutions’.” (Regulator)

5.2.4. Gaps

The building regulations were seen by many as having gaps and needing to be updated. Some gaps related to lack of inclusion of the needs of people with some impairments:

“So the buildings do need to be accessible for everyone. Especially for people who have injured themselves or have hearing, sight or mental disabilities. And we don’t cater that well for a lot of them either unfortunately (or the code doesn’t).” (Regulator)

“The letter of the law is very good for people with physical disabilities, I don’t think it’s so good for people that are blind or partially sighted. I think it is reasonable for people with hearing impairment. But the blind do get the rough end of the stick.” (Regulator)

Examples of gaps

- Guide dogs are mentioned but no other service dogs, suggesting the need to update the regulations to read ‘guide and other assistance dogs’.
- Internal lay-outs are not covered.

“There aren’t regulations regarding to the internal layout of the store ... although there’s some regarding fire evacuation procedures.” (Industry organisation)

5.2.5. The need for updating

Other gaps related to aspects of the building regulations that needed to be updated to take into account technological advances. Not taking these into account limited access into some groups of building users.

“The Building Code hasn’t been reviewed for 22 years. If you think about what has happened in the last 22 years, in electronics alone it has been phenomenal. If you take a wheelchair for example the size has changed considerably, they are motorised, and they need more turning space these motorised wheelchairs and scooters.” (Regulator)

Examples of the need for updating

- Updating to take into account the needs for those with sensory impairments and advances in technology for example for those who are hearing impaired. Hearing aid technology has improved, which means that recent aids became incompatible with loop systems.
- Technological advances – eco-lifts present particular problems for people with visual impairments as the console can be difficult to identify, locate and then determine which lift to proceed to. Sensor taps are also difficult for people with visual impairment as finding the sensor can be challenging.
- Lighting – the need for lighting activated by motion sensors (or dimmers) to respond rapidly to meet the needs of those with visual impairment.
- Wheelchair technology – Some wheelchairs were unable to fit in hallways that were initially designed for smaller chairs.
- Availability of mobile phone applications – to help provide information about building access into people with disabilities.

5.3 Egress

Egress was mentioned as an important gap in the current regulations. Egress from a building was a priority for the Fire Service who considered that the current regulations did not adequately address egress. There have been significant efforts to improve access that have not been matched by efforts to allow disabled people to self-evacuate from buildings. For example, elevators and lifts may be used to access buildings but are effectively discounted from egress.

“People who come in should be able to leave safely – it’s a management responsibility” (NZ Fire Service)

There are egress solutions available, such as vibrating pillows and strobe lighting, or an acknowledgement that building managers may need to knock on doors and wake people up. However the Fire Service considered that the majority of building owners do not recognise and take responsibility for that. Some building owners expect that the Fire Service will rescue disabled people in the building, but the Fire Services believes responsibility should be placed on owners to evacuate everyone they allow into the building. Egress issues overlap with access.

*“As a general rule if the focus was on egress, the actual access issue wouldn’t be an issue.”
(NZ Fire Service)*

The Fire Service also considered that buildings need to be fit for purpose and not just compliant with the code, as buildings that are compliant can still be unsafe. Buildings can comply with D1, and be approved by the TA because they comply, even though evacuation has not been considered.

Requiring evacuation to be addressed in building design would mean not consenting buildings that do not have a demonstrably-workable evacuation scheme that includes consideration of people with long-term, limiting conditions. For example, walking speed is often not considered. People with slow walking speeds may be unable to safely use evacuation routes. This approach could be supported by making owners of buildings responsible for the evacuation of all people they allow into the building.

“The level of safety is diminished by not taking account of the capabilities of 20% of the population who may not be able to reach the 1.2 m/sec walking speed needed. Generally evacuations are based on the time taken of the 99th percentile. In other words there is allowance that someone may not make it, but the vast majority will. That’s perfectly acceptable, that’s how it is all the way around the world, and we cannot guarantee 100% safety. I think that is an acceptable level of risk, but what is not acceptable is the other 19% that the designers are ignoring.” (NZ Fire Service)

5.4 Interpreting the regulations

Where there is flexibility and alternative solutions there is the need for judgement about the extent to which a proposed solution provides adequate access. The interpretation of the Building Code and NZS 4121 was seen as a challenge, particularly in their application to alterations to existing buildings.

“The current regulations are working pretty well, as well as it can be. It’s okay, there are a few anomaly’s there between the Building Code regulation and the New Zealand Standard 4121. The 4121 should have been updated years ago. But basically as a guideline it’s pretty good, but like anything it is open to interpretation whichever way you’re prepared to take it and sometimes you have architects wanting to take it one way and builders taking it the other, and we are left in the middle...” (Regulators)

Many regulators commented about the difficulty they and their teams have in interpreting the access requirements for existing buildings being upgraded to be ‘as near as practicable’ to a new building.

“With new buildings we just point out to designers that you need to take this into account because that what the building code requires. With existing buildings it gets very difficult because of section 112 of the Building Act. Because this requires existing buildings to be upgraded as near as reasonably practical.” (Regulator)

Interpreting the requirement for ‘as near as reasonably practicable’ was especially challenging for buildings with historical significance. The historical significance of a building may be used as an excuse and in other cases genuine challenges were faced in upgrading historical buildings. Historical buildings owned by agencies were more likely to have a design team familiar with the access requirements and able to suggest innovative solutions. Improving access was difficult however, for buildings owned by community groups where any upgrading was funded by communities or through charitable grants.

“So it is the ability to take a pragmatic approach to each heritage place and work out what the best thing is for that place. The councils want items they can tick so they can say it complies in this way and we are looking at it more broadly as a whole.” (Building owner)

Regulators talked about challenges in maintaining consistent approaches within their teams and between different TAs. An additional challenge for regulators was when developers who had had an opinion from one TA attempted to use that as a lever when seeking consent from another TA.

5.5 Challenges in compliance and enforcement

Enforcing the regulations for new buildings was clearer than enforcing the regulations for alterations to existing buildings. Enforcement challenges were reported by regulators as arising from different attitudes and knowledge of stakeholders, ranging from a lack of understanding to deliberate non-compliance.

5.5.1. Perceptions of the cost

Perception of the cost of providing access was seen as a barrier to complying with the building regulations for building owners.

“I think [designers] understand [the regulations] very well but they like everybody else are under pressure from clients requirements... A client doesn't want to put in a wider door because it'll cost them 10 bucks more. A client doesn't want to have to put in a wider corridor because then he loses a bit of storage space or office space. A client doesn't want to have to put in a stair with accessible dimensions because it extends slightly longer and slightly wider and is slightly more expensive. I think it's a case of what can we get away with. Not what can we do or what should we do but what can we get away with.” (Regulator)

“People push against building access because of cost mainly. This is a short sighted attitude. It should cost less to integrate (accessibility) in new buildings if the design is right but it's when you have got an old building the cost comes into it.” (Regulator)

Perceptions of cost as a barrier related to what many saw as the focus of designers and developers on building low cost buildings with little thought about the life-time use of the buildings.

Cost is a driving factor [in complying with access] or the perceived cost. It is always the initial cost with designers never the long-term cost. They are designing for profit.

TA representatives explained that they needed more guidance about the extent to which they should be enforcing access requirements as part of upgrading. Some suggested strategies such as the cost of upgrading access should be relative to the total cost of upgrading the building and set as a percentage. Regulators also acknowledged that there was little cost-benefit analysis information available about access and in many cases cost may be a perceived barrier, rather than an actual barrier, particularly for new buildings. Obtaining and communicating information about the costs and benefits of accessible buildings to owners and designers was suggested as a strategy to increase the accessibility of buildings.

5.5.2. Deliberate non-compliance

Deliberate non-compliance was most frequently cited by regulators in larger cities.

“The indications are that there are certainly in Auckland's case quite a number of examples that are not readily accessible. These are post 2004 and one has to ask 'how has that happened?' I don't think it is a lack of understanding, it is clear that the balance of the way people consent these things is how can we work around the regulations, if we just do this will it make it alright? Sometimes it does but often it doesn't.” (Regulator)

Loopholes linked with attitudes represented one of the major barriers to compliance. A frequently mentioned example of a loophole was apartment buildings.

Example

Apartment buildings were reported as being built as private accommodation and therefore outside of the regulations. However, after consent was obtained and the building constructed the private accommodation could be changed into rental units. Similarly where an apartment block was built with an accessible unit, the accessible unit could later be converted. This anomaly was seen as creating an unfair situation for motel owners.

“There are no strong regulations for apartments. Developers have found loophole that they don’t need to be accessible.” (Industry organisation).

Examples of how loopholes were used to avoid compliance included:

- Breaking projects up
“They will break up a project into a number of small consents, so they can say for us to do this it is too expensive for us to do this so the project wouldn’t go ahead. The reality is they intend to break it down to a number of \$50,000 projects so that a \$15,000 disable access would be unreasonable. But when you combine the whole thing they are just playing semantics and circumventing the whole legislation. So that is allowing a lot of buildings to be altered and not being made to comply.” (Regulator)
- Changing the intended use after consent was provided
“Another gap is dine-in or takeaway restaurants because if it was takeaway to get the code of compliance and then changed to have four or five tables we couldn’t get back in there because no further work was required.” (Regulator)
- Designing buildings to avoid meeting access requirements
“My take on it is that they tried to not put a lift in it but it has got two floors. So then they made the second floor into a mezzanine floor, to make the footprint smaller.” (Regulator)
“There is a bunch of stuff you don’t have to do if you have less than X number of staff. That is a little frustrating, for the minor amount of work involved to make those buildings that are presently excluded from having disability access, for the minor costs involved they should have disability access.” (Regulator)
- Removing accessible options after consent is received such as by using the accessible toilet for storage.
“They can be pretty bad sometimes. For example we enforced an accessible toilet be built in a restaurant, which was done, then went back and it had staff only on the accessible toilet.” (Regulator)

5.5.3. The building warrant of fitness

A building owner must provide the TA with a building warrant of fitness, accompanied by certificates from an independently qualified person confirming that the inspection, maintenance and reporting procedures of the compliance schedule have been complied with during the previous twelve months.¹⁷ The Building warrant of fitness provided a mechanism for consent authorities to ensure that access provisions were maintained.

Changes to the Building Warrant of Fitness to exclude access have removed a vital tool for TAs in checking compliance. Building occupiers who wished to do so could after final consents had been signed off change or modify aspects of access that they had been required to put in place. Frequent

¹⁷ MBIE (2012). Access and facilities for people with disabilities in buildings. The requirements of New Zealand’s legislation.

examples provided were the use of accessible toilet facilities as store rooms. TAs had no mechanism to enforce compliance in such situations.

5.5.4. The determinations process

The determinations process was a mechanism for TAs and building owners to 'test' the regulations. Most interviewed regulators were reluctant to use the process because of the cost to rate payers and the time taken by the determinations process. Some also felt that the process had not worked well for them when they had applied for a determination:

"This is where the councils say: look we don't agree with you and they have asked for a determination and MBIE have gone against the council." (Regulator)

Others felt that there was inadequate representation of people with disabilities in the determinations process:

"I don't think the people judging those determinations have upskilled themselves and have engaged themselves enough in the convention and how we should interpret our legislation against the conventions rights for people with disabilities and how they should engage with the voice of disabled people." (Building user)

Some interviewed building users saw the determinations process as ineffective, prohibitively expensive and a means of justifying a building's non-compliance with the standards.

5.6 Exemptions

The first response of many, particularly building users, was that:

"No building that the public can go to should be exempt. Every member of the public has a right to choose where they work and have access into where they choose or where they need to do their business." (Regulator)

After further thought and discussion there was frequently acknowledgement that there may be buildings that could be exempt from the regulations such as nightclubs where low lighting was seen as necessary for the intended use of the building but acknowledged as causing problems for those with visual impairment.

Organisations representing people with disabilities emphasised that decisions about exemptions should involve people with disabilities. Building users identified that the ODI was a link between the disability sector and building regulators in determining exemptions. However, building users suggested that the ODI was hindered by a lack of staff and specialist knowledge relating to the building code, which affected their involvement in determining appropriate exemptions.

Some old and historic buildings were seen as potentially eligible for exemption but decisions need to be based on a real understanding of costs and options:

"We have old building stock...we have to accept that some can't [be made accessible]." (Regulator)

"We're stuck with a lot of buildings that to retrospectively refit would be costly, and sometimes not viable." (Designer)

"There are some buildings which are upgraded where it's not practical to make it accessible and provide accessibility requirements. Some buildings which are being upgraded are over 100 years old, and could involve huge construction or engineering in order to create accessible pathways." (Regulator)

Cultural spaces such as marae were given as examples of historic buildings where access may not be able to be upgraded for cultural reasons. While new marae are compliant with the access requirements older marae may be unable to be altered without affecting the cultural significance of

aspects such as the height of carvings and the location of pillars that have the potential to limit access into cultural events.

Some TAs asked for more guidance about exemptions. One example provided was for a building where the nature of the work *“would make it impossible”* for someone with a physical disability to work there. One suggested guidelines defining various levels of public use.

Example of an exemption

A more controversial example of exemption was the back country huts. Access requirements had been interpreted differently by different TAs. DOC had sought and received an exemption. The exemption was seen as an example of the gradual erosion of the regulations. Although many felt that the exemption was reasonable, others noted that it was based on an assumption about what disabled people could do and therefore limited options for wheelchair users who for example might want to access remote localities by helicopter.

“Mostly back country so you have to walk or kayak to them. There is a physical requirement to get to them and access them. Department sought out a change in the code in 2008 to define a backcountry hut. There is no requirement for access for wheelchairs there. We There were problems with local councils (not the disabled community who were quite realistic about the challenges and that they couldn’t get to most of these places.)” (Agency)

“I got an email from someone in Texas from a guy wanting to know if there was an accessible hut in Fiordland for him to stay in.” (Building user)

6. The Different Stakeholder Groups

We explored stakeholders' perspectives, attitudes and knowledge to understand their perceptions of access and the responsibility and obligations of the different stakeholder groups in making buildings accessible. Within each stakeholder group those interviewed varied in their attitudes and knowledge about access into buildings for people with disabilities. Commonalities and differences in viewpoints were related more to an individual's awareness and knowledge than to the stakeholder group they represented.

Successful examples of accessible buildings were often examples where effective partnerships had been in place between the owner/designer/building users and the TA. Each stakeholder group had a role in bringing their knowledge and experiences to the construction of well-designed accessible buildings.

So the ... council bent over backwards to get the access into the ... building, they changed the footpath layout to do it. (Building owner)

6.1 Building owners

Interviewed organisations representing owners/developers said they:	Others said about owners:
<ul style="list-style-type: none"> • Understand their legal obligations. • Rely on designers to work within the regulations. • Rely on TAs to ensure compliance. • Have challenges dealing with inflexible local authorities. • Are under pressure to comply with upgrading egress and access at the same time as earthquake strengthening. 	<ul style="list-style-type: none"> • Owners have mixed attitudes – some lack knowledge about the regulations and others deliberately use loopholes to avoid complying. • TAs commonly described building owners seeking exemptions as explaining: <i>“we don't employ anyone in a wheelchair”</i>. • Developers were seen as looking for loopholes, especially large organisations who were seen to be wanting to maximise profits and lacked a future focus. • Cost was a priority and the benefits of accessible buildings were little understood.

Building owners are the first link in constructing accessible buildings. Building owners range from owner occupiers who may have one small building through to developers who are constructing multiple buildings for resale. The resources available for owners vary as do their attitudes to access and the extent to which they have an interest and investment in future-proofing their buildings.

The consultation focused on organisations representing building owners. The interviewed representatives thought that their members had a good understanding of their obligations.

“The majority of our accommodation providers do their best and understand their legal obligations to provide access for all.” (Industry organisation)

However, comments to the online survey suggested that individual members may have different opinions:

“Government and Local Authorities can do what they like to accommodate the tiny proportion of disabled people vs able people but they shouldn't force the same.” (Survey response)

“Some buildings clearly are not likely to be visited by people with disabilities very often at all or it is just not sensible to provide fully compliant accessibility, in particular with regard to providing ramps which are often unsightly, expensive and not appealing!!” (Survey response)

Owners perceived cost as a significant barrier to upgrading access but had little information about the potential benefits of upgrading access. Currently there were issues for building owners who were being asked to upgrade egress as well as accessibility at the same time as earthquake strengthening:

“... they were just saying that that is going to make it too expensive we are not going to do the upgrades. So there was a bit of a challenge with that, especially the ones that were not earthquake prone so it was a bit more optional.” (Industry organisation)

Building owners reported different experiences of the consents process. Some relied on designers and distanced themselves totally from the process. Others who had worked with TAs across the country commented on the variation they had experienced. Some felt that there were *“unreasonable people in the local council”* who made the consent process difficult for them by interpreting the regulations too literally.

“Often designs can be interpreted literally by inspectors. ... I think you need to be more flexible in terms of how buildings can and should respond to the building codes and the disability codes, rather than lumping the two together.” (Industry organisation)

Others spoke highly about their experiences and noted that TAs often had senior and experienced staff working on the access provisions of the consenting process.

Other stakeholder groups commented about some owners seeking to avoid their obligations through the use of loopholes. Developers in particular were seen as focussed on profit and not on producing quality buildings.

6.2 Building designers

Interviewed designers and organisations representing designers said:	Others said about building designers:
<ul style="list-style-type: none"> • Decisions are made by owners. • Owners apply pressure to minimise the costs of buildings. • Buildings that comply with the code will be accessible. • Exemptions should be allowed. 	<ul style="list-style-type: none"> • Designers lack understanding and knowledge of access requirements. • The Building Code is not adequately covered in training (if at all). • Building plans do not provide the level of detail required for regulators to understand access plans.

The next step in the building process is the building designer (architects, landscapers and engineers). Some interviewed designers specialised in designing accessible buildings, whereas others had more limited knowledge and awareness. Those who were knowledgeable about access commented about the importance of the built environment rather than just the building:

“I think it’s more the built environment, it needs to cater for disability rather than just buildings. E.g. in Auckland there are places that you can’t get around in a wheelchair. There are no ramps over the curbs.” (Designer)

The main issues raised by stakeholders representing designers were that:

- Building owners are the clients and designers need to meet the needs of their clients.
“Once you appreciate that designers are driven by the requirement for lowest cost and repeat business that becomes the motive, which is understandable.” (Industry organisation)

“Some clients struggle to understand why we should make a building comply with the disability requirements when they are only a small number of the population and there is a significant cost to them. By and large people don’t complain and don’t mind.” (Industry organisation)

- Comments by some designers indicated they shared their client’s opinions that access was for a small group within the population.

“It appears to me that the current rules are adequate and they do help ensure that designers and building owners provide some provision. I also understand that might not go quite as far as what is considered excellent design for people with access issues. For the small amount of people who use those facilities compared to the general populous that it probably seems OK.” (Designer)

- Perceptions that design can be compromised by the need to meet access requirements.
It is normally when there is a design solution where you are really compromising what a client is trying to achieve to meet the disability requirements that they struggle with it, so it is meeting the aesthetic design versus the fundamental building requirements.” (Industry organisation)
- A lack of understanding about access requirements in the Building Code was reported by some designers and by other stakeholder groups. Lack of inclusion of the Building Code in undergraduate and professional training was also noted as a major reason for lack of understanding. Lack of understanding could result in access being considered an “add-on” to the building design and not an integral part of the design.

“Disability access really needs to be included in the concept design.” (Designer)

“So young designers are exposed to an industry that regards disability access as a separate entity and therefore different. We try and get our designers on board with a wider view. Which is you don’t just comply with the minimum standards, you comply with what you think is appropriate for the industry.” (Designer)

6.2.1. The regulations and consent process

As for building owners and TAs, designers also commented on the challenges of improving access in existing buildings.

“There are buildings out there that have very little or no access currently and when we do alterations on them we may not be able to achieve 100% compliance with the current rules but if we can get it to 70-80% of that then it is still a significant improvement.” (Designer)

“When you are working around the restraints of an existing structure often there is limitations on what you can do within a practical cost limitation. Often we are trying to find ways to implement the rules in a practical manner. We always tend to achieve the core basics of accessible design.” (Designer)

6.2.2. Experiences with the consent process

As would be expected designers’ experiences with the consents process varied depending on the individual designers and TA officers. Interviewed designers talked about their experiences with the regulations and consent process and noted that:

- Inconsistencies between regulations posed problems for designers

“Sometime things like access can fall by the wayside when there are topical issues like NZ propensity for leaky buildings. With E2 (which covers moisture ingress) some of the standards are in total conflict with the accessibility regulations. We are constantly fighting these sorts of things and the client will say you haven’t complied with this etc.” (Designer)

“So can the building code be more universal and integrated...[an example] is present with door strength, some doors need a certain force to close safely but this is in conflict with accessibility.” (Designer)

- Minimum standards were a barrier to creating accessible spaces:

“One of our developers had this problem where all the kitchens in an office needed to comply with disability access.¹⁸ Because accessible kitchens are so prescriptive and so different from what a normal kitchen design this significantly hurt the marketability of the building. So does the developer take a risk of making only 1-2 of the kitchens compliant? If we could bring the code closer to specific circumstances that would help.” (Designer)

“The architect is limited in their ability. They can only advise the clients. A lot of it is perception. The cost benefit analysis always points against accessibility. The architects need to talk in the client’s language and say the cost savings in the long term of accessibility.” (Designer)

Many interviewed stakeholders from other groups commented about a lack of awareness on the part of designers about access for people with disabilities. They felt that:

- There is a lack of understanding about the access requirements in the Building Code

“When I worked for ... we moved offices at one point and the architects walked us through their designs. When one of the managers asked how they were catering for access. The architect had the gall to ask “What’s that?” That’s a perfect example.”(Regulator)

“It’s the details; it’s the intricacies that all the designers miss. ... They are just ticking the boxes should know by now and the new guys are learning from the old guys so it’s all repeating itself.” (Regulators)

- Designers consider that design was more important than access

“The designers are more interested in the design of the building. They are really not that interested in compliance, compliance is the add-on. So the whole building code is an add-on and hindrance for them. So they will design the building hoping that it is close enough.” (Regulator)

- Designers did not accept responsibility for designing accessible buildings

“The attitudes of the designers and their value system are your biggest problem. So the designers go to their clients and say “those evil council people didn’t let us do that, we tried our best” so they stay the good guys.” (Regulator)

- There is a lack of understanding of the benefits of access into a broader group

“I think the key problem is the owners and designers look around and they don’t see a lot of people with disabilities. They don’t understand that there are many conditions which can cause someone to be disabled. Also old people don’t think of themselves as people with a disability” (Regulator)

6.3 Regulators

Interviewed regulators said:	Others said about regulators:
<ul style="list-style-type: none"> • Accessible buildings are those that all people can use the same way. • Although some felt the current regulations were adequate others felt there were problems both with the regulations and the 	<ul style="list-style-type: none"> • TAs were commonly held up as responsible for allowing there to be buildings with poor access. • Comments that lack of understanding and knowledge in TA officials leads to variation,

¹⁸ Note: this is not a requirement of the Building Code

interpretation of them.

- Problems with the regulations included: that they defined minimum standards, there were loopholes, interpretation of what was reasonable for alterations to existing buildings and the tools to enforce the regulations.
- Many felt unsupported by MBIE with respect to regulations, information, determinations.
- Variation between TAs causes problems especially from national developers and those looking for 'loopholes'.
- Many developed their own checklists and have an education role (opinions varied).

especially in interpreting what is reasonable and practicable.

- Some seen as effective and others seen as obstructive and taking too rigid an approach to the regulations.

It is important to note that the interviewed regulators were senior officers in TAs and almost all were passionate about access and well informed about the issues. They were experienced in their roles and able to provide a perspective based on that experience. Those interviewed considered they had a good knowledge of the regulations but as one said:

"I wouldn't want to say very well and if I'm not sure I would pick up a book with the regulation in it and go through it again." (Regulator)

TAs saw their major challenges as relating to the building regulations, interpretation of the regulations and enforcing compliance with stakeholders who were deliberately non-compliant.

The larger TAs seemed to face different problems than the smaller ones. In the smaller areas the regulators were able to develop a relationship with their building owners and work with them to develop shared understandings.

"...We are lucky that we have a small community so we have been able to educate the small number of designers over the years. They can submit reasonably early in the project to find out if we will tick off their design if it is reasonably practicable. But we can also have discussions with them to understand why certain things are how they are." (Regulator)

In larger areas, TAs faced problems working with multinational companies who may have no invested interest in New Zealand and a focus on profit rather than quality. Working with owners/designers for whom English was a second language was also given as a potential barrier to good communication.

6.3.1. The building regulations

Opinions about the regulations varied between interviewed regulators with some feeling few changes were required and others wanting major changes. The aspects of the regulations where most requested changes were to the inconsistencies between the Building Code and NZS 4121 and to interpretation of the regulations for building alterations.

Across all TAs difficulty was reported in interpreting, or consistently interpreting 'alterations to existing buildings must comply with the Building Code as near as is reasonably practicable'. Challenges in interpreting the regulations for building alterations were reported as maintaining consistency both within and between different TAs. Strategies to do so included the use of:

- Refresher courses
- Training

- Barrier Free NZ Trust Training – the training was highly regarded but also presented challenges to TAs as the Courses were focussed on NZS 4121 rather than the Building Code requirements.
- Internal training was becoming more frequently used in TAs where training budgets were constrained
- Shared training opportunities between TAs located in the same regions
- Team meetings to discuss consent issues
- Development of checklists
- External audits of consents and competency assessments.

While many TAs requested more guidance from Government and increased specification of the standards required for alterations, others appreciated the flexibility to make locally relevant decisions.

Variation between TAs was noted both by TAs and also by other stakeholders who had experience in working with different TAs.

“I must say they are a little bit different in how they deal with things. There isn’t 100% consistency out there. That’s purely from my experience. Some are a lot more diligent than others perhaps on it, but we have no issue complying too the requirements.” (Building leaser)

Alterations to heritage buildings and earthquake strengthening were a particular challenge for TAs. Building owners/designers argued that improving access at the same time as earthquake strengthening was too costly. Some argued that improving access into heritage buildings had the potential to spoil the look of the building. Some examples of innovative designs to improve access were provided that TAs had problems with because although the design provided good access it didn’t comply with the Code.

Some TAs were asking building owners to develop a plan for improving access into their building as part of alterations with a timeline for making the changes. A common suggestion was a ‘rule of thumb’ approach where improvements to access were considered to be reasonable if the cost was below a set proportion of the total cost of the alterations.

6.3.2. Engagement with organisations representing people with disabilities

TAs varied in the extent to which they engaged with organisations representing people with disabilities. Many had disability advisors or advisory groups that they worked with closely. Others engaged with disability advisors. Some had not engaged with organisations although felt there was the potential to do so. Some worked with staff members who had disabilities.

“If there were any requirements to engage with organisations working with people with disabilities, the council would reach out to them. The current status quo of not working with organisations is fine at the moment.” (Regulator)

Some noted challenges in working with organisations representing those with disabilities:

“I’m quite passionate about it. I find that engaging with these groups can cause meetings to get hijacked by certain groups.” (Regulator)

“Our experience is that they are not grounded in reality e.g. code, act, standards. We will listen to them.. Sometime changes views but not often.” (Regulator).

One TA described their process:

“It is set up in a way that it is not a bitch and moan thing, we don’t want people to bother turning up if that is the case. We are open to people with constructive criticism and if they haven’t turned up with this mind-set it is often changed within one or two meetings. ...If

someone has an issue it is not just pushed to one side, it is logged and recorded and a reply I normally given within a couple of meetings. It works well.” (Regulator)

6.3.3. Other stakeholders views of TAs

Other stakeholder groups' views of TAs were linked to their experiences of the consent process. The TAs were seen by many as the gatekeepers and therefore held responsible for buildings being built with inadequate access:

“The key organisation in this whole outfit is the building consent authority. They are the gatekeeper. Because if they don't give you a building consent you can't build. It doesn't matter about the building owner, the architect. You can't do anything about consent. So if you get consent then it should be right. The primary point for getting this right is the building consent authority as they are the gatekeepers.” (Designer)

And in some cases as failing to enforce compliance:

“Even when a building is completed and it doesn't comply there doesn't seem to be any redress or change if it's something fundamental or structural it stays as is, there's no comeback. I would like to see at least one high profile building to be told to start from scratch. That would have a kind of ripple effect that we do need to get this right.” (Building user)

Variation between TAs with the consents process was mentioned by all stakeholder groups. Some variation was attributed to a lack of standardisation across the country:

“Every territorial authority is different and deals with them in slightly different ways, I don't think there is any standardisation right across the whole of local government.” (Industry organisation)

Some to individual variation or lack of engagement with the process:

“I think unfortunately it depends who you are dealing with. If someone got out of bed on the wrong side. All the councils are different. ... So it comes down to the people you are dealing with rather than the risk or the rules. So if I'm dealing with an officer whose family member is in a wheelchair they may be more sensitive to these issues. In the end of the day it's going to come down to interpretation. In some respects that is good because it's about trying to comply with the building code as practically as possible.” (Designer)

“If the team leader isn't that interested and he has API's to beat and has to get 10 consents out a day. And somebody wants to have an argument with an architect about the level of disability and the boss doesn't care and will say just tick it off.” (Designer)

And some to TAs not doing their jobs well enough:

“Reasonably practicable: There needs to be a lot more on trying to get people understand what that involves and the judgement calls that need to be made. ... It staggers me that council officers sit at their desk and do it all on their desktop and wonder why when it gets built why it is not right. They need to get out of their chairs and down the road and look at the building. The fact that the council didn't do their job properly in the first place just makes it much worse down the track. Because the building is half built and the owner wants to open and everybody is half committed to it and it's all paid for. Under the act they should be paid reasonable fees to confirm the consent. So if the documentation is lousy they should find the time to go down and look at the building.” (Designer)

6.4 Building Renters

Interviewed organisations representing building renters said they:	Others said about building renters:
<ul style="list-style-type: none"> Relied on the building owner, property manager to check the access provisions of a building. 	<ul style="list-style-type: none"> Building renters may have limited awareness of their obligations and of the potential benefits of making their businesses accessible.

The interviewed building renters and representatives of renters also varied in their views. Generally many had not thought about access and assumed that if they were renting a building it would comply with the regulations.

“This is also negotiated at the signing of the lease if accessibility is needed to be upgraded.” (Industry organisation)

Property managers had an important role in this regard but were not generally regarded as concerned with or knowledgeable about access:

“The big property managers who are managing 100 commercial properties downtown don’t know a thing about accessibility. The first problem is their attitude and you can’t train that. The building owners also need to have an attitude change. They require their consultants, building manager and others to demonstrate that they have some knowledge of the building code. And it would be great to see some of them taken to the cleaners through the courts for wilfully ignoring the code.” (Designer)

“A large number of retailers have property managers. They’re quite confused with requirements and obligations. Greater awareness needed. Often when a retailer books a floor space, they will have very little awareness of accessibility issues. Accessibility requirements are being placed upon car parks, and consequently building owners.” (Industry organisation)

Some businesses recognised the value of making their business accessible and thought about access from a wider perspective to include older people and other population groups.

Example of the benefits of an accessible business

A café restaurant that had improved the acoustics of the building to make it easier for older people to hear. This had been successful in attracting a wider market to the business.

A cafe in Wellington that was known as providing good access was widely used by the disabled community.

Others did not consider that making their business accessible represented value for money.

“At great expense he had to put in disability access which he argued and argued about as he didn’t have any disabled clients.” (Industry organisation)

The challenges for renters differed between large and small businesses. Understanding their obligations could be a problem for renters:

“...employers struggle with about what the legal requirements are as a potential employer and secondly, I think there is a genuine sense from employer that they want to do something in the space but are not quite sure what the risks are and how difficult it would be and I think

the building is just tied up in that. I think the other issue in New Zealand is that there are so many small employers that don't actually have as much say over their buildings because they are just renting.” (Government agency)

Whereas larger business organisations such as shopping malls would have a strong property team to make sure that their malls and shops are accessible to all, the smaller businesses depend on the building owner to comply with the regulations.

6.4.1. Central Government and Public Service Agencies

Government and other public sector Agencies were organisations that tended to rent their premises. As with other renters those we spoke to relied on the building owner to provide an accessible building that ‘complied’ with the regulations. Many relied on others to design the ‘fit-outs’.

“We would just make sure that any part of our internal fit-out would meet council requirements and we do that through an external firm. So we have a standard specification that we set out includes that we must meet all disability requirements.... We essentially just meet the minimum, but at times we do try to go that little step further where we can and that is often on a site by site basis, that can be anything from signage to car parking. It is up to the landlord to meet the council requirements but we can go above and beyond that.” (Government Agency)

The goal tended to be to meet the minimum requirements of the regulations and there was little understanding of the “accessible journey”. Exceptions were often provided by local area managers who wanted to provide improved access into their premises.

Access is not at the forefront of considerations. There was a notable absence of national policies about access commonly as a result of a lack of awareness. Comments made after interviews were typically that the interview had provided ‘*something to think about*’.

6.5 Organisations representing people with disabilities

Organisations representing people with disabilities said:	Others said about representative organisations:
<ul style="list-style-type: none"> • Current regulations do not provide consistent access into buildings for people with disabilities. • Access to buildings does not allow people with disabilities to use buildings in the same way as others. • Restricting access restricts the contribution people with disabilities can make to New Zealand’s economy. • Exemptions have led to feelings of not being wanted or valued. • Many do not understand their entitlements or what to do if they cannot access a building. • Some variations between people with different impairments in access requirements. 	<ul style="list-style-type: none"> • Inclusion of advice from building users is valuable and is underutilised. • Seeking advice can be challenged by lack of constructive input and sector fragmentation. • Some organisations provide training about access.

Many people in the disabled community have worked hard to put the regulations relating to access in place. A common theme amongst organisations representing people with disabilities was acknowledgement that New Zealand had once had access requirements that were as good as

anywhere in the world, and of the work and leadership of those who had led that process. Many felt that there had been effectively an erosion of access because the Building Code and NZS 4121 had not moved with the times and that New Zealand's requirements now fall behind those of many other countries. Representatives of organisations for people with disabilities reported deep personal disappointment with changes to the regulations governing access into buildings.

"People [with disabilities] have a sense that the current situation doesn't work for them and when you get the decisions made about Canterbury, it's like the progress that has been made over time can suddenly be wiped away." (Building user)

Some respondents suggested that overseas accessibility legislations, such as the USA, the UK and Scandinavia, could act as exemplars for New Zealand. Others also noted that processes such as the US Independent Access Board¹⁹ provided an effective process that New Zealand could follow.

"Overseas people ask 'how can we do this?' Not 'how can we get out of this?' [...] they don't talk about the minimum [standard]. The architects love being able to use their creative skills to create solutions". (Building user)

"In the US anything that the government does or owns has much better accessibility." (Building user)

6.5.1. Awareness of entitlements

Awareness of their entitlements under the Building Code, and access into relevant information varied across building users and related organisations. Fewer than one-half (45%) of the building users group who responded to the online consultation felt they knew what access into buildings they were entitled to under the New Zealand regulations.

Many building users and those from other groups did not know what to do when they could not access a public building. Only 44% of building users who responded to the online survey said they knew who to contact if they had not been able to access a public building.

Building users reported that little information was available publicly. The Code was also difficult to find online. Information could be improved by simplifying documentation to make information about the Building Code more accessible to building users.

6.5.2. Ensuring buildings are accessibility

Common issues in accessing buildings from the perspectives of organisations representing people with disabilities were:

- **Different requirements** - Several building users noted that it was difficult to have total accessibility for all users with disabilities in all buildings, as what was accessible for some groups was inaccessible for others.
"There needs to be hard thinking about the one-size-fits-all approach." (Building user)
- **A focus on physical disabilities** - Respondents reported that the Code focuses on wheelchair access though buildings need to be accessible to people with a wide range of disabilities including those that are less visible.
- **Lack of understanding** – Some building users interviewed expressed concern that new buildings were not adhering to obligations in the Building Code. They considered there was a

¹⁹ The US Access Board is an independent Federal agency that provides leadership in accessible design under the ADA and other laws. Its governing Board is structured to function as a coordinating body among Federal agencies and to directly represent the public, particularly people with disabilities. The Board is comprised of 13 members from the public appointed by the President and representatives from 12 Federal departments.

lack of understanding among building owners and designers about the reasoning for an accessible journey. While acknowledging that there had been attitudinal changes over past decades, the majority of interviewed building users felt that building owners and designers had little knowledge about the disability community and the consequences of inaccessibility, particularly in public buildings.

TAs were seen by building users as responsible for ensuring buildings were accessible. Some of the interviewed building users felt that if the consent process was not correctly adhered to by building owners and designers, it would be picked up by the TA. A viewpoint enforced by other stakeholders responding when questioned about access that the building was:

“Signed off by the authorities [the TA].” (Building user)

Building users noted that TAs had improved in their understanding of the building design process over time, which improved accessibility.

Suggestions to improve accessibility included:

- **Regulatory focus** - The legislation should focus on what should be required for an accessible building, instead of focusing on what should not be required.
- **Enforcing minimum standards** - Statement of the minimum accessible standard required in buildings should be present in the legislation and enforced.
- **Regular updating** - Building standards should be updated more regularly when new technology and approaches to accessibility arise, to prevent the legislation from becoming outdated.
- **Monitoring systems** - Central government could monitor the legislation introduced by local government for consistency with national regulation.
- **Consultation and engagement** - Consultation would be required in order to determine when it was possible for building owners and designers to step outside the lines of the building standards.
- **Future proofing buildings** - Most building users expressed the idea of ‘future proofing’ buildings, and ensuring that every building was made accessible in preparation for New Zealand’s increasing ageing population.

7. Access to Information

Knowledge was one of the key themes underpinning the effectiveness of the regulations. Improving knowledge is linked to access to information.

“Education is the key to improve things to a world standard.” (Regulator)

7.1 Information for people with disabilities

Representatives of building users unanimously agreed that there was a lack of education surrounding the current building regulations, which affected public perceptions of accessibility.

The need for improved information about access entitlements for people with disabilities was noted by organisations representing people with disabilities. Organisations mentioned that they communicated with other organisations to provide information on the current building standards and the rights of people with disabilities to their organisation’s members and the public. However, a lack of coordination was identified across the wider disability sector, which at times led to missed opportunities and misinformation regarding the rights of access into public buildings.

Organisations also noted that available information may not be in a format suitable for members. For example information for those with learning difficulties is required in ‘easy read’ format. NZS 4121 is not available for people with visual impairments and ease of access with electronic readers would require descriptions of the diagrams to be made available.

Example of information dissemination by organisations representing people with disabilities

In interviews, examples were provided about the ways organisations assist their members with information and training. For example, Blind Citizens NZ and the RFB currently offer training for people about what to expect from public buildings. Blind Citizens NZ also published ‘The Great Barrier Brief’ in 2008; a document which looks at the issues facing blind and vision impaired members in New Zealand society. One of the issues discussed is access into the built environment for the blind and vision impaired. The Great Barrier Brief aimed to bridge the information gap regarding the needs of blind and visually impaired New Zealand citizens.

7.2 Information for professional groups and society in general

Representatives from all stakeholder groups acknowledged the need for improved information about access into buildings. The majority of building users and other stakeholder groups agreed that there is the potential to educate more people about the building standards required in New Zealand, which would help to improve compliance.

“There needs to be more information on daily life for people with disabilities. An example is when a new motel was opened up, all the building code was great but the appliances were on the top shelf and unreachable. The owners were just gobsmacked, as it never even crossed their minds.” (Regulators)

Information to promote accessible buildings was also seen as important both as a way of disseminating information about access but also to recognise the efforts made by building owners who constructed buildings with good access.

“We need to showcase the success of buildings which are already accessible [...] The lack of education shows society’s narrow view on disability and accessibility”. (Building user)

TAs also noted the need for training for themselves and of the difficulties in keeping up to date with changes. Some organisations such as the Barrier Free NZ Trust run access workshops to train

public sector staff. These workshops have improved awareness regarding access issues in public sector staff, but increasing pressure on budgets is limiting access to training in some TAs. Building users interviewed also mentioned that information services about accessibility were difficult to make consistent throughout New Zealand, as some regions were better staffed than others.

*“Industry as a whole has not been good at training consent authorities and designers.”
(Regulators)*

Representatives from professional groups commonly noted that improved access to information is required because professional training about access is inadequate:

“... if you have a look at what architect students learn whilst they are studying, they don't even get into the building act or the building code, it's all about the aesthetics and what it looks like.” (Regulator)

Some of the industry organisations interviewed provided training for their members. For example the Building Officials Institute aims to ensure that members (building surveyors) have a good understanding of the code in relation to access and disability to ensure that they are familiar with the Building Code as well as having a good understanding of NZS 4121. Training courses are run through the training academy and complement the national diploma in for the various code disciplines. Training may also be provided in partnership with other stakeholders such as Barrier Free NZ Trust.

TAs noted the difficulty in providing information to owners and designers and different TAs had different attitudes to providing information. Most interviewed felt that educating owners/designers was part of their role.

“We give out advice because it makes our job easier in the long run. We send out a newsletter with a quiz which gets quite good feedback.” (Regulator)

“We have had the building code for 22 years and they still act as though it was made up yesterday. There has been no training on “The Building Code”. It is very difficult getting this out to architects and designers.” (Regulator)

Some TAs provided advice more informally during the design process. Others felt that education was not their responsibility in a climate where target volumes of consents had to be achieved.

Examples of good sources of information

“Codewords has probably been the best. Maybe they need to take the e-access magazine and make an e-codewords to focus on that.” (Regulator)

Some were critical of the information flow from MBIE about changes.

“There is the wider issue that there are so many parts of the Building Code which keep getting changed. I don't know how the smaller practices keep up to date.” (Designer)

There was a call for Government to take a more prominent role in providing information and training

*“Government needs to be proactive in training and it needs to be free of charge. If you have to pay designers won't go. Especially one man bands which is a big issue we face.”
(Regulators)*

“The government has changed the act with good intentions with consumer protection. They have changed the act so many times that it has confused a lot of people. It now is triple the size it used to be. They are extremely bad at making sure the people who do the work are being trained. It's quite appalling really that they make all these changes and they don't even tell us.” (Regulator)

7.3 Training opportunities

Providing information and training about access was acknowledged as difficult as there was the need for frequent updating of training material to include decisions made through determinations and to provide information about the context:

*“It takes some deep understanding of what constitutes various barriers and working with those and having regulations that ensure designers are designing for that purpose.”
(Regulator)*

“..it may be that there is some accompanying document that is specifically for building owners that could guide them through that without the confusion. There has been confusion for 20 years so maybe just directing the right information to the right people would be enough.” (Regulator)

Training opportunities for TAs and professional groups was provided by experienced senior people within the organisations, through training sessions or through working with advisors. Experienced senior people within organisations provided training and mentorship to their own teams and in some cases organised shared training sessions across neighbouring TAs which was seen as bringing the advantage of promoting consistency in a locality.

Training workshops provided by the Barrier Free NZ Trust were frequently mentioned as a source of information for TAs and for professional groups. While many positive comments were made about the Barrier Free NZ Trust training challenges mentioned included the duration and cost of training and that training was not aligned to the building regulations but rather on a more aspirational model of access. While providing a more aspirational view was needed, the lack of alignment limited the value of the workshops as training for newly appointed TA officials.

Another organisation providing information about access and promoting opportunities for people with disability in a wider context is Be. Accessible which works with businesses to increase their knowledge about accessibility and to provide education about why they should become accessible. Some building users identified that although the Be. Institute had had a positive impact on increasing the knowledge of accessibility in New Zealand, it was an economically driven and commercial initiative that marketed ‘access’.

There were differences in opinion between organisations representing people with disabilities about the adequacy of current training and about the extent to which the groups represented the disability sector.

“... The technical do not always represent everyone. People are reluctant to take a leadership role in the accessibility field – this is a big issue. The disability sector needs to grow more of a backbone.” (Building user)

Many interviews TAs worked with advisors or advisory groups of people with disabilities. Working with advisors provided TA officials with information about access issues from the perspective of the advisors. The extent to which training and support was made available for people with disabilities who were in advisory roles was not clear from the interviews.

8. Views on the Way Forward

Access to buildings for people with disabilities is acknowledged in the United Nations Convention on the Rights of Persons with Disabilities (ratified by New Zealand in 2008) and as a right under the New Zealand Human Rights Act (1993). The Building Act s118 requires 'reasonable and adequate' provision of access both to and within buildings for people with disabilities. However, buildings are being constructed and altered in ways that do not provide adequate access.

The means of ensuring access are provided is complex. Providing regulations to ensure adequate access is not as simple as specifying the width of a door way or the dimensions of an accessible toilet. It is about integrating access into the design of the building as a whole to ensure the building is approachable, accessible and usable.

Some interviewed stakeholders asked for increased prescription and tightening of the regulations:

"I think there is a greater need for prescription in the area of disability access than other areas of the Building Act." (Building user)

Others recognised the complexity of regulating every aspect of access, especially given New Zealand's old building stock, and instead advocated for improved education and regulations that aimed to provide a 'best practice' approach and flexibility to allow innovation.

The inclusion of NZS 4121 as an option with equal standing to the Building Code was an approach to provide 'best practice' guidance to designers. However, NZS 4121 is now out of date and differences between it and the Building Code provide a loophole for those who do not want to make their buildings accessible.

Despite these challenges the regulations are easier for TAs to apply to new buildings than they are to alterations. NZS 4121 and the Building Code aim to provide TAs with flexibility to work with designers on alterations to come up with a solution that is reasonable and as near as practicable to the access requirements for new buildings. However, flexibility requires interpretation. Achieving consistency in interpretation within and between TAs was described as a problem, especially in the face of pressure from owners and designers who did not want to upgrade access requirements primarily because of perceived additional costs and a lack of benefits.

Interviewed stakeholders were asked what they thought was needed to achieve improved access into New Zealand's buildings. Their responses included:

- Developing an aspirational model of access by:
 - Integrating access into the design of a building which would require improvements in understanding of access requirements by designers and better communication of access plans to TAs.
 - Setting aspirational standards rather than minimum standards or communicating when the minimum standard was not sufficient to provide an accessible building Promoting 'best practice' examples
 - Maintaining flexibility
 - Exploring the use of awards such as QualMark that would relate to access
- Improving information and increasing awareness about how to make buildings accessible and the advantages of an accessible building. To be effective, legislation must be backed up with information about the reasons for the legislation and what it is setting out to achieve. Ensuring accessibility to the built environment requires building owners and designers to be aware of the legislation and of their responsibilities and to comply with these.

“We have not got it together; disability awareness in terms of construction is poor. That worries me, as it affects the standard of buildings and the likelihood of buildings being user friendly. Some people have no idea why they’re making buildings accessible. It’s a tragedy that we’re not grasping the accessibility problem fully, and educating people on how to improve it. It’s pretty simple stuff, but it makes a huge difference for people with disabilities. Education is the key to improving standards. Need to change the culture surrounding disability to improve regulations. Promotion of disability also required.” (Industry organisations)

“But education will move much more significantly if they know that these are the regulations that have to be complied with and they understand the reason behind the regulations.” (Regulator)

“I feel if you raise awareness you will actually integrate all these issues into normal design rather than proscribing a solution. An example; I was designing a museum and a person representing a disability organisation showed me around some other examples and showed me that some designers just don’t think about their designs.” (Industry organisation)

- Improving understanding of the benefits of accessible buildings

“More education around the costs and benefits of accessibility. Cost-benefit structure is really important, and a good marketing tool for MBIE. The cost can be minimal, especially if they’re added to the building at the start.” (Building users)

- Changes to the regulations to provide TAs with improved tools to regulate access
 - Some suggested strengthening of the access provisions in the Code whereas others suggested integration of the access provisions throughout the Building Code rather than just in the current clauses so that tradesmen working on other aspects of a building such as the lighting would be more aware of the access requirements. Integration of accessibility requirements was seen as a way to change perceptions that access was relevant only to a small segment of the population.

“I would probably promote access into be its own code clause. Rather than having it spread out throughout the code.” (Regulator)

“I think it should be far more integrated to the point of being invisible. One of the problems we have got is that we just define a lot by saying we are doing this for them. For example putting in a lift isn’t just for ‘them’ it’s a sensible thing to do at a business level and that’s what the codes about.” (Designer)

- Removing inconsistencies between NZS 4121 and the Building Code (and other regulations such as the fire regulations)
- Updating the regulations to take into account technological advances
- Addressing gaps.

Changes to the regulations were seen as a lever to make changes to processes and to provide education across the different stakeholder groups.

- Stricter enforcement of the regulations which is needed for those deliberately non-complying and would require:
 - Providing TAs with a mechanism to enforce changes to the access in a building after consenting – such as reintroducing access requirements to building warrant of fitness
 - Improving the flow of information about the regulations to TA staff
 - Development of national guidelines and standards for buildings being altered

“They should bring out a guideline. Which would be a system of tests based along the guidelines they have come up with the means of escape from fire [guidelines] i.e. what is the age of the building, what is the construction of the building, how is it practically cost wise. He thinks that the historical significance is often used as excuse to not upgrade accessibility.”
(Regulator)

- Possible use of experts to assess buildings for accessibility

“We have our own checklist for how a building can comply but each council would have created their own checklist..... It should be a national thing.” (Regulator)

There was also considerable support from TAs and organisations representing people with disabilities for a universal design approach to setting access standards.

8.1 Universal Design

The principles of universal design in New Zealand include:

- Equitable use – the design is useful and marketable to people with diverse abilities
- Flexibility in use – the design accommodates a wide range of individual preference and abilities
- Simple and intuitive use – use of the design is easy to understand regardless of the user’s experience, knowledge, language skills or education level
- Perceptible information – the design communicates necessary information effectively to the user, regardless of the ambient conditions or the user’s sensory abilities
- Tolerance for error – the design minimises hazards and the adverse consequences of accidental or unintended actions
- Low physical effort – the design can be used efficiently and comfortably with a minimum of fatigue
- Size and space for approach and use – appropriate size and space is provided for approach, reach and manipulation and use regardless of body size, posture or mobility.²⁰

The concept underpinning universal design is that:

“What’s good for the disabled community is good for the whole community” (Building user)

Provisions made in buildings for people with disabilities generally make a building more easily used by everyone.

“I think universal access is a good idea because sometimes there is a bit of negative connotation when you say you have to do something for a group rather than for everyone.”
(Industry organisation)

Almost all of the organisations representing people with disabilities who were interviewed felt that ‘access for people with disabilities’ should be amended to ‘universal design and access’. A few were concerned that changing the terminology to universal design would result in a loss of focus and disadvantage people with disabilities. A change to the use of ‘universal’ design was also supported by many of the TA representatives.

A focus on universal design has the potential to broaden the classification of those people who benefit to include other citizens with the advantages of:

- Avoiding the negative stigma associated with disability
- Including people who may exclude themselves from the definition of disability even though they have an impairment and experience of disability.

²⁰ The Principles of Universal Design – Appendix 4

“The ‘disability term’ is outdated. I would endorse universal design. Mostly people focus on wheelchairs and forget other disabilities and they are sometimes overlooked. Regulations do cater for other disabilities but those parts are often neglected as consent authorities and public may focus on lifts and ramps.” (Regulator)

- Including all disability and impairments
- Accommodating age-related disability - An ageing population means that there will be an increase in age-related impairments, such as hearing or vision loss. A safe and usable built environment will enable the majority of older New Zealanders to maintain active links with the community.

A universal design concept may also allow a building to be functional over its life and remove some of the challenges in alterations:

“With universal design a building can be multifunctional for its life. This allows a change of use in a building it can be relatively easy (in terms of cost and time).” (Regulator)

In contrast to other groups, designers generally felt a universal design approach was unrealistic. Designers’ concerns highlight the need for further discussion with them about how to put a ‘universal design’ approach in place.

“Well I think it (universal access) is quite a difficult thing to do and I think it depends on how many people are going to use it. Universal access I think is not really realistic.” (Designer)

“I wouldn’t see that as appropriate because if you wanted to do that design you would want to cater for the trickiest of situations which would mean you would need a ramp in every building for example. And in some situations that simply would not be appropriate. I think that would incur a lot of compliance costs for people that wouldn’t achieve the brief of the owner/landlord/occupant and they would have to pay those compliance cost for something that is simply not appropriate. Where’s it’s appropriate they absolutely should. One set of rules that covers everything (universal design) would be possibly too simplistic.” (Designer)

“I don’t really care what it is called. What I would like to see is changes in the legislation in terms of what’s required and how we go about doing things.” (Designer)

8.2 Responsibility and leadership

Interviews with stakeholders across the different groups identified considerable variation in opinion within the different stakeholder groups. Within each group there were people who were committed to providing accessible buildings and advocated to achieve these. However, what was noticeable was the lack of leadership bringing the different stakeholder groups together.

In government agencies, examples of access that went beyond the minimum standards seemed to be the result of the efforts of local managers. Central government agencies appeared to take a passive approach to access in assuming that the designers they used would provide access that complied with minimum standards. There is an opportunity for policy development about access to provide aspirational standards.

Similarly, while we interviewed extremely knowledgeable and committed people in TAs there seemed to also be gaps in the wider organisations in terms of providing leadership. We were provided with examples of TA buildings that did not provide good access for people with disabilities. We also saw on display in one office a brochure describing how to future proof a building that did not include any mention of access.

Across organisations representing people with disabilities, people had committed time and resources to improving access for members. However, the organisations were not joined in their approaches and as a result examples were provided of solutions that worked for one group but not for people with another kind of impairment.

The potential for learning from people with disabilities was acknowledged by the different stakeholder groups and many already worked with disabled people as advisors. However, some also talked of negative experiences when they had attempted to consult.

We gained the impression there is the need to bring together the champions across the different sectors with those with knowledge and experiences of applying the regulations and to develop clear goals about how to work with the wider sector to improve access into buildings.

The building regulations are tools to achieve accessible buildings. They will not achieve fully accessible buildings on their own. Application of the regulations requires an environment where there is greater understanding of what is required to make buildings accessible for people with disabilities.

8.3 Overview

The diagram below provides an overview of the facilitators and barriers to achieving fully accessible buildings.

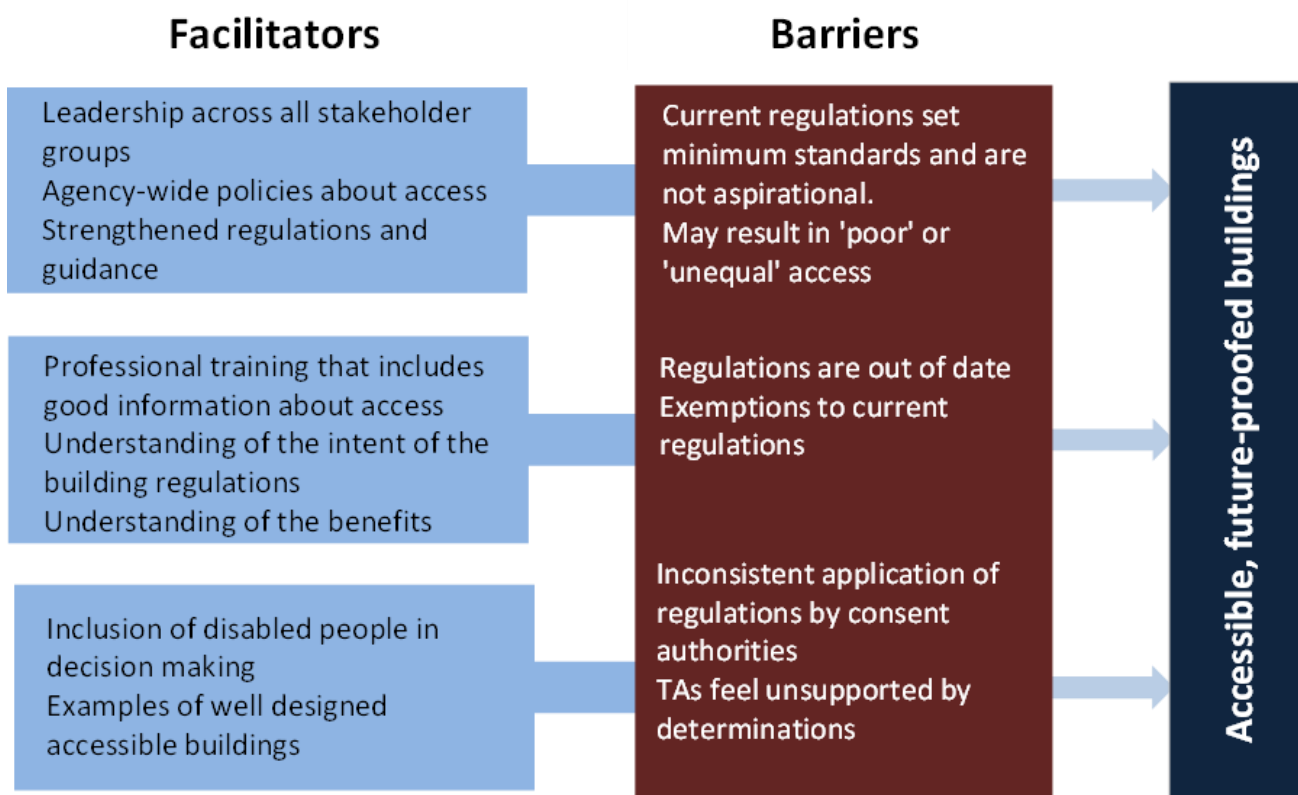


Figure 4: The facilitators and barriers to achieving fully accessible buildings



Appendix 1: Organisations that participated in interviews

Disabled Peoples Organisations

Association of Blind Citizens of NZ, Balance New Zealand, Deaf Aotearoa, Deafblind (NZ), Disabled Persons' Assembly, Ngati Kapo O Aotearoa Inc, People First.,

Disability Sector Organisations

Acoustics Society of New Zealand, Barrier Free NZ Trust, Be. Accessible, CCS Disability Action, Earthquake Disability Leadership Group, Hearing Association, NZ Platform (mental health issues), Hearing Instruments Manufacturers and Distributors Association, IHC New Zealand, The National Foundation for the Deaf, New Zealand Disability Support Network, Blind Foundation, Wellington Pasifika Disability Network Trust.

Regulators

Auckland Council, Central Hawkes Bay District Council, Christchurch City Council, Dunedin City Council, Gisborne District Council, Hamilton City Council, Invercargill City Council, Queenstown-Lakes District Council, Rotorua District Council, Thames-Coromandel District Council, Wanganui District Council, Wellington City Council, Whangarei District Council

Industry Organisations

Building Officials Institute of NZ, IPENZ, NZIA, New Zealand Retailers Association

Public Sector Agencies

Human Rights Commission, Ministry of Social Development, NZ Fire Service NZ Historic Places Trust, Office for Senior Citizens, Tourism NZ

Other Consultants and Individuals

A number of individuals including Accessible Options, Wrightson and Associates, Calcott Design, Pynenburg and Collins Architects, and Richard Cullingworth.

Appendix 2: Examples of accessible buildings

Comments by people with hearing impairment

No stairs, good assistive listening system.

Open space, options of stairs/lifts, double sliding doors, and good visual of exits in emergency.

Wide electric doors low counter and two ramped entrances space to manoeuvre and also an accessible toilet.

Comments by people with vision impairment

Good level entrance. Plenty of room between tables, wide doorways. Accessible toilet well designed.

No steps and audible lift that announces the level on arrival. Other examples: where the lifts were not audible, they did have raised print letters on the button presses. They didn't have raised numbers on hotel room doors though so far as I remember.

Audible lift access, wheelchair accessible, good corridor with, no steps.

Comments by people with physical impairment

I'm a wheelchair user so the fact that the building has no steps and has large and automatic doors makes it easy to access for me.

It has electronic opening doors, wide doors, a reasonably elevated ramp, and accessible toilets with good turning space.

There is not building that can be singled out.

No stairs to enter the mall. Travelators and elevators provided to allow access into other floors.

It is built for people with disabilities.

It provides wide ramps and self-opening doors and wide isles for scooter access.

Level access at every entry, and plenty of lifts to get to other floors. There was excellent communication between TA and users, including those with disabilities at the planning stages.

As a power w/chair user I find this shopping complex easy to get around. I like the space as I find I can enter exit easily. I find the parking spaces to get into as well. I like the fact that should I get into trouble, there is a security guard or personnel.

Automatic doors at entrance; decent width in aisles; lift to higher than ground floors; an accessible bathroom, (Most accessible bathrooms are inaccessible for me). Great staff attitude.

It fully complies with NZS 4121 great ramp access self-opening doors on approach. Great indicative signage. Good complying accessible toilets.

Ramp and automatic doors.

Step free access, adequate toilets.

There is a mobility car parking space outside the building which has easy access into a flat access entrance way.

Flat surface entrance, self-opening doors, easy accessible lift buttons, no lip in/out of lift.

Ground level, no stairs.

Level car parking immediately outside the building, access ramp, automatic doors and lifts.

Public transport is not far away and mobility parking is provided just outside the entrance and again in the underground car park, ideal for when it is raining. The Museum has embarked on a process of transformational change and since conducting an Accessibility Review of the building, they have been making significant improvements.

This is an excellent linkage building which gets me from Queen St, Elliott St, up the lift in Atrium on Elliott (Crowne Plaza Hotel) to Albert Street. Cross Albert St and use SkyCity Convention Centre to reach Hobson Street and the Sky Tower. This route helps overcome Auckland's topography. But one snag, the lifts are accessed from Elliott Street via the Food Court and that entrance is closed at 5.30pm, whilst the stepped route to the lifts is open all night. I recommend the Crowne Plaza Hotel to visitors to Auckland as it is in the middle of the CBD with good access into Queen Street, but with the proviso that the linkage is broken after 5.30pm if you cannot climb stairs.

Flat access in, with automatic doors.

The reason is that it is all on one level

Self-opening doors, flat surfaces.

There are ample accessible car parks which are the correct width. All kerb crossings by car parks and pedestrian crossings are accessible. The mall is on a slope but there are plenty of level landings. Good accessible toilets at either end on the mall (although one set are down a ramp which must close to 1:12 and can be hard to push up after washing hands and having them slightly wet). The inside is well illuminated with both natural and mechanical light.

Despite this being a piecemeal development over the past ten years or more, the focus on having an accessible Rugby World Cup allowed for the concept of 'accessibility' to be more fully considered as a fundamental minimum requirement and an expectation by those attending, and even though there are areas within that some people will still struggle with the overall layout allows for a more fully inclusive experience for patrons of all abilities. There are several accessible public transport options to the stadium itself and has ample accessible parking immediately outside of several accessible entrances, with accessible routes within & throughout that lead to all public amenities and there are plenty of accessible options for use (entry turnstiles, signage lifts, toilets, food counters and seating areas etc), and there are information boards everywhere (with symbols and text) and the accessible seating has caregiver seating within so that people are not separated which builds on the inclusive environment and is supported by big replay screens and TV's located everywhere so your vision and enjoyment is not compromised by the volume of foot traffic. Essentially the facility welcomes everyone and is usable by everyone, even if you require some assistance from a person of a different gender to you.

It is where my local GP is. Parking is good, toilets are accessible. I only use the ground floor so I am not sure if there is a lift. You can see the receptionist when you go in as the bench is not too high. The Dr's even have up and down beds.

Good connection to public transport and Mobility parking spaces, automatic door opening, wide doors with level access, accessible toilets, roomy public spaces.

Disabled car parks nearby; electric front doors; lift access; wheelchair accessible toilet facilities; spacious accessible meeting areas.

Parking and access all on one level, minimal thresh holds, wide doors.

There's a two-level ramp i.e. a ramp that doubles back on itself while continuing to rise. Say 12 metres turn a corner and up another 12.

No lips all flat entry.

Lifts to different floors

Everything is flat from the entrance to the toilets to the cafe.

Accessible parking is available; there is a simple connection from car parking to the building entrance(s), there very good entrances and generous internal circulation spaces with good accessible toilet provision.

A lift, ramps and great handrails on stairs. Easy access into toilet.

Entry automatic doors from accessible outside foot path and accessible parking outside -wide obstacle free walkway to tell and information desk, accessible counters.

Back and front entrance not requiring stairwell.

No steps to entrance. Automatic doors.

Disabled parking and good accessible routes, easy incline from the car park to the foot path. General accessible routes.

Flat parking, no need for ramps, not hard to push.

A good ramp into the building and doors wide enough for wheelchair.

[Historic] building with directional signage indicating there is an alternative entrance. This is a good example of signage in terms of size and location. Note the chrome handrail which is not in keeping with the historic features. Visible to the access customer

Comments by people with mental health issues

Wide doorways, lots of car parking, tactile routes to the doors, wheelchair access to stage, moveable furniture, accessible toilet. Although the negatives are that the kitchen is small with high benches, and the parking is a bit far away from the entrance, the hearing loop is not available, and the sound can be difficult if it's windy or there's lots of traffic on the motorway outside.

Comments by carers/ support people

Self-opening doors all the way, no need to try and pull doors open whilst managing toddlers and children in chairs.

Ramps.

Level access, open plan, good space in car park.

Access is easy because the levels from the pavement, through the doors and onto the bank's carpeted floor are all the same. Also the doors open automatically.

It has a good lift access and the toilet facilities are good.

Level access. Electric doors. Wide entrance.

Comments by those responding to the survey distributed to professional groups

Good design.

Just constructed and level access site.

Level access from the street. Lifts to all floors. It is an older building that has had accessible toilets retrofitted.

All necessary facilities are available on the GF, however extended facilities are available upstairs but without any lifts etc. i.e. the disabled can still make use of the building but putting a lift in every building over 1 floor high is a cost too far (unfortunately) .

All new buildings that are designed to code.

No steps, gentle ramps, wide access.

Ground level, wide doorways.

All options seemed to be covered including car parking, lifts, easy ground floor access and provision for wheelchairs inside.

Generally the options at the main entry.

Wheelchair access, lifts, ramps, accessible toilets.

Accessible seating located at various places in the stadium. Flat accesses to one stand and lift access into the other. Handrails have a domed button fixed 150mm at each end of each stair hand rail. Accessible toilets comply with NZS 4121.

Appendix 3: Examples of buildings that are difficult to access

Comments by people with hearing impairment

Very steep staircase with note on door to go down to another building if you cannot get up the stairs. The other building is located way down the other end of the street. It is a Government department - how bad is that.

Comments by people with vision impairment

It is upstairs. There is no ramp or lift. No way to call for help. You are supposed to go to another office which is over a block away.

Wheelchair access is round the back of the building to a lift that only sometimes works well. Took the Mayor of Auckland on a walk about there and he was suitably unimpressed with the obvious lack of dignified access. Similarly, [...] building Quay Street where mitigation efforts to facilitate access are dysfunctional. Entry through heavy revolving door is cumbersome. Since a Mayoral visit a side door is said to remain unlocked. Access to lifts is via a harp to locate button press station quite some distance from the lift doors. Hard to know which lift is arriving and the time to get to the lift is short. Such mitigations demonstrate the consenting officers don't understand the intricacies of various forms of disability and what constitutes "reasonable accommodation."

Comments by people with physical impairment

Two flights of stairs and no alternative access.

Inside the pub there's a pool table but it is in a different level and to get there you have to climb stairs.

Any building older than about 30 years tends to be like this.

Multiple, steep, stairs to enter the shop.

It's run by ...and has too much stuff in it that you have to walk sideways down the aisles.

It is not accessible with a mobility scooter. There is a ramp but is a sharp turn at top of ramp to doors. Even for a person in a wheelchair it would be difficult.

Unless using the mobility parks, only one of which suits use by my vehicle with a side entry wheelchair ramp I must use the traffic lane to access the main entry as a footpath has been compromised by what appears to be change in fence alignment. It is actually 1.18 m wide but is compromised by cars parking with bonnets over the path reducing its usable width considerably. Apart from the width limiting its use by persons with disabilities, it compromises the ability of persons with strollers, pushchairs and pushing trolleys of goods from avoiding use of the traffic lane for safety reasons.

I find the lift inaccessible as the operating switch is too high to reach. This building is undergoing refurbishment and it has health services on floor that needs to be accessed by lift.

Clothing racks so close to each other wheelchair users cannot get into or around shop; Staff/owner attitudes. Wheelchairs not allowed into shop.

There are no supportive hand rails up steps approaching the reception area for those who walk but need support to go upstairs. I had to ask a lad to give me his hand to get up the stairs.

Lots of stairs and the hallway to the lift is very long and as I walk (limited) and am not in a wheelchair, the stairs especially are difficult. Additionally, the nearest Civic car park right next door locks the door at 10pm before the ballet/musicals or plays finish so that makes access even more difficult - but [...] Council doesn't seem to care to fix this problem!

Doors to building and toilet not easy to open and other buildings with good ramps but doors difficult i.e. heavy or where pushing is needed.

While access into the main building is accessible, the special exhibitions are all up a steep flight of stairs with no facilities at all to accommodate people like me who have mobility issues.

Steps to main door, steps to their main step up rooms (upstairs), a big lip to the back entrance and a 'spare' dress room area.

Street access into building is on an incline; at this point car park access is not available.

This could provide a good linkage to Lorne Street from Queen St, but after it was modified in the late 1990s, access from Queen Street is via escalators only, when previously a lift was available at that entrance, and those who cannot use escalators are required to go round the block up Wellesley Street and into Lorne Street, a steep and exterior route. Then through a heavy fire stop door into the rear of the building and lift to relevant floors and another fire stop door. Not salubrious by comparison with the route via the escalators. It is quite unnerving being in the back corridors, devoid of people. It feels unsafe. The building houses the Department of Labour, including refugee and Migrant Services, and Lab tests.

Prior to redevelopment of the site in the early 2000s, access into the restaurant was via a ramp into the main entrance. Following redevelopment, the ramp was removed and access was provided at the rear entrance via a platform hoist. Not only is access worse than what it was pre-redevelopment, but it does not provide independent entry, as required by the Act; the hoist opens onto a small veranda, with outward opening fire exit doors that cannot be opened from the outside. It requires someone to enter via the front door and inform staff that entry is needed at the rear. Due to very confined space, access into the toilet is now blocked. Space exists alongside the building to provide a ramp to the front deck and hence into the front entrance. During re-development, a ramp would have fitted in along the side wall to the front entrance. Hoist at rear corner onto small deck and outward opening fire exit doors.

This community facility is on a steep site with the library upstairs and community centre downstairs. There is stair access only between the floors, although convenient space exists for the inclusion of a lift. For those who cannot manage the external gradient between the floors, they need to get into their vehicles and drive to and park at the other level. The suburb not only has a significant population of older people, but the Centre is used a lot for meetings for older people and those with disabilities. It was significantly renovated a couple of years ago. The accessible toilet had a number of design flaws, most of which were remedied after bringing to Council's attention. However, the very necessary back support is still not provided. The architect obviously considered the installation of a shelf above the pan would meet the purpose, which clearly it does not. When the Centre was reopened, items that needed to be remedied included these ridiculously positioned toilet rolls, toilet seat to bring the pan up to the required height and door lock. The lack of back support is a real impediment to people with reduced upper

body strength and balance.

They have a three hour parking limit.

There are stairs to most of these buildings receptions, either one flight to get into the building then additional internal stairs.

Upstairs building. No lifts. Toilets not assessable. This have been brought to our local advisory committee of ccs disability action attention. We are looking at addressing these issues with people with disabilities who go night clubbing often.

The main entrance to the bar has a single step down into it, and the alternative entrance is not well sign posted and takes you through a room full of tables and chairs which is usually blocked!

Just about every building in this country has access issues regardless of its age and design, primarily because access has been a dirty word within the industry as it implies 'cost' and 'ugly' to most developers and architects, and yet everyone wants to use the access parks, toilets and lifts due to size and ease of access for all. Mostly where access is attempted it is done strictly to compliance need and therefore only delivers at a basic minimal level instead of the 'works for all' intent of the NZS 4121:2001, which teases the community into thinking that the community they live in is willing to share its resources with all people regardless of ability and not discriminate because of impairment issues (which can and do happen to a majority of people throughout their lives). Accessing a building is one thing, if you can get to the building in the first place, but using the building and the facilities & services within is another issue and is often the biggest downfall of any building whereby the dollar ruled over the need of the user. Hardly designed for future community use I would doubt!!!

Pedestrian access is terrible. The internal ramp is very steep. The internal lift goes to a ramp.

It is situated up a hill and there is no lift access into the second level

Step access slope into the store.

Can access ground floor but not the function room upstairs.

The steps prevent me getting in as I'm in a wheelchair.

Steps.

I am not a disability parking card holder so I cannot use the disability park. All other parking is down under the building with a difficult walk up uneven steps and a steep path. They have a lift, but you have to go to the front reception to ask them to open the downstairs door which defeats the purpose. Since my injury I no longer use this library.

Parking is problematic, connection between the Beehive and the Parliament Building requires a separate circuitous route, usually outside, and the Parliament Building itself has many poor doorways, many poor floor surface finishes and poor accessible toilet provision. The Beehive has inadequate lifts and the Parliament Chamber itself is completely inadequate for wheelchair users and others with mobility impairment to 'sit' as an MP.

Stairs into the building makes in inaccessible for me.

Lifts not working and probably no intention of fixing because the homeless have urinated in the lifts and rusted them.

Ramp too steep.

Ramp up to doorway okay, but barely room on landing to manoeuvre power chair to move into doorway. Dangerous for anyone because of narrowness of landing and steep steps as alternative access.

Each of three entrances has to heavy doors. Two story buildings no easy way to access as there is only steps up. No accessible toilets. And they house a number of community services that are important to access.

People with mental health issues

This is an example of the built environment, rather than an actual building. It is a space that is really inaccessible for blind people because there are no tactile markings to enable people to navigate safely around the square, there is lots of furniture placed in different areas, there are stairs without hand rails. There is also an area on the Queen Street side where a handrail leads to a dangerous drop off which is not railed and has been identified as a significant hazard to blind and vision impaired people.

Comments by carers/ support people

Two sets of heavy doors to get in and no lift access into first floor except through service lifts which are often filled with stuff and you have to ask staff to be able to use them.

Lips into shops too big for wheelchairs, accessible toilets have large difficult door to open and you then need to turn into cubicle in front of access door (get hit if someone else comes in), bollards in middle of access ways, has car park for disability but if you park in it you block access ramp.

Heavy swing doors, followed by steep long ramp to reception area.

Comments by those responding to the survey distributed to professional groups

Not designed for disabled person's usage at the time of construction.

Many of the buildings in the older parts of Dunedin. Some of them have a ground floor 4 steps up from the foot path.

Steps to entrance and ramp to lower level is extremely steep.

Most low rise office buildings don't have lifts, nor does anyone have the funds to make this happen. I believe that unless it is a vital community service, then alternative arrangements can be made to suit the disabled

Handrails down ramp do not comply with NZS 4121. Conversation Pit, designed so that people could view the original walkway does not have wheelchair access, nor are the hand rails compliant. Stair to the first and second floor is not colour contrasted and hand rails do not comply. No 'Lift coming' or call accepted indicator. No Lift arrival and lift direction indicators. No audible signal gongs to indicate downward travel and one gong upward travel.

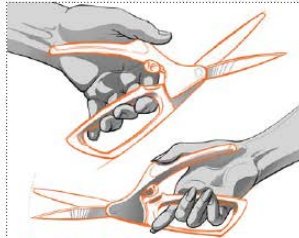
Appendix 4: Universal Design

The Principles of Universal Design



Equitable Use
The design is useful and marketable to people with diverse abilities.

- 1a. Provide the same means of use for all users: identical whenever possible; equivalent when not.
- 1b. Avoid segregating or stigmatizing any users.
- 1c. Provisions for privacy, security, and safety should be equally available to all users.
- 1d. Make the design appealing to all users.



Flexibility in Use
The design accommodates a wide range of individual preferences and abilities.

- 2a. Provide choice in methods of use.
- 2b. Accommodate right- or left-handed access and use.
- 2c. Facilitate the user's accuracy and precision.
- 2d. Provide adaptability to the user's pace.



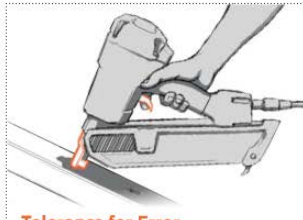
Simple and Intuitive Use
Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or education level.

- 3a. Eliminate unnecessary complexity.
- 3b. Be consistent with user expectations and intuition.
- 3c. Accommodate a wide range of literacy and language skills.
- 3d. Arrange information consistent with its importance.
- 3e. Provide effective prompting and feedback during and after task completion.



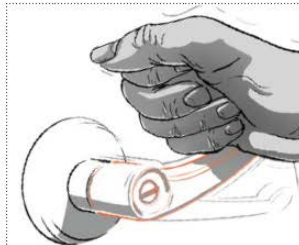
Perceptible Information
The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

- 4a. Use different modes (pictorial, verbal, tactile) for redundant presentation of essential information.
- 4b. Provide adequate contrast between essential information and its surroundings.
- 4c. Maximize "legibility" of essential information.
- 4d. Differentiate elements in ways that can be described (i.e., make it easy to give instructions or directions).
- 4e. Provide compatibility with a variety of techniques or devices used by people with sensory limitations.



Tolerance for Error
The design minimizes hazards and the adverse consequences of accidental or unintended actions.

- 5a. Arrange elements to minimize hazards and errors: most used elements, most accessible; hazardous elements eliminated, isolated, or shielded.
- 5b. Provide warnings of hazards and errors.
- 5c. Provide fail safe features.
- 5d. Discourage unconscious action in tasks that require vigilance.



Low Physical Effort
The design can be used efficiently and comfortably and with a minimum of fatigue.

- 6a. Allow user to maintain a neutral body position.
- 6b. Use reasonable operating forces.
- 6c. Minimize repetitive actions.
- 6d. Minimize sustained physical effort.



Size and Space for Approach and Use
Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

- 7a. Provide a clear line of sight to important elements for any seated or standing user.
- 7b. Make reach to all components comfortable for any seated or standing user.
- 7c. Accommodate variations in hand and grip size.
- 7d. Provide adequate space for the use of assistive devices or personal assistance.

Appendix 5: Terms of Reference

Joint review of access for people with disabilities under the Building Code Terms of Reference

The review is to be undertaken jointly between the Ministry of Business, Innovation and Employment (MBIE) and the Office for Disability Issues (ODI). It will consist of the following steps:

- a. Summarise the current situation
- b. Targeted consultation with sectors involved - consultation will not be held with the wider public
- c. Compile findings of the consultation

This review uses the following definition of people with disabilities, taken from the UN Convention on the Rights of Persons with Disabilities:

“Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

1. Purpose of the review

The purpose of this review is to gain a better understanding of how the requirements for people with disabilities contained in the Building Act and the Building Code are being implemented in new buildings, as well as buildings being altered, and the extent to which these requirements do in fact provide an accessible built environment for people with disabilities. If not, to identify whether this is due to:

- The regulatory requirements being unknown
- The regulatory requirements being known but misunderstood
- The regulatory requirements being known but not complied with (and if so, why not), or
- The regulatory requirements are being complied with but are too low or not fit-for-purpose.

The review will also ask stakeholders about their understanding of the availability, content and adequacy of documents, such as:

- New Zealand Standard 4121:2001 “Design for access and mobility – buildings and associated facilities”
- Acceptable Solutions and guidance issued by MBIE, and
- Other documents and resources relevant to achieving compliance with the New Zealand Building Code.

The review should be an exploration of ‘issues’ but it could also record any ideas for practical changes. MBIE/ODI will not be bound by any views of any stakeholders.

2. Roles and responsibilities

The review is a joint review between MBIE and ODI – it is a Ministry review, not a Ministerial review. This means officials from MBIE and ODI will make recommendations to:

- Andrew Crisp, Deputy Chief Executive, Infrastructure and Resources Markets, MBIE; and
- Sacha O’Dea, General Manager Older People and International Policy, Ministry of Social Development (MSD) who will in turn provide advice to the Chief Executives Group on Disability Issues.

A consultant will be employed to undertake the consultation with stakeholders selected by officials (and any other stakeholder who expresses an interest). The consultant will report back on the findings from the consultation but will not make recommendations.

Stakeholders to be engaged with will be from the following groups: regulators and monitoring agencies, building owners, building designers, building users, advocacy and interest groups, and disabled people’s organisations.

An Access Reference Group has been established to comment on these terms of reference, and will advise on the more technical aspects that may come out of the consultation. They will not make recommendations. Membership of the Access Reference Group is in the Appendix.

3. Steps in the review

a. Summarise the current situation:

List relevant sections of the Building Act and clauses of building code and acceptable solutions, explain how they are implemented. This work will be undertaken by MBIE officials.

b. Consult with sectors involved:

Engage a contractor/consultant to conduct a series of meetings with selected stakeholders (with the purpose of identifying key issues/themes), then to hold one or two forums to discuss these in more detail.

c. Compile findings of the review and consultation:

The consultant will be asked to report back on views expressed, but the consultant will not make recommendations.

The Access Reference Group will be asked to comment on the analysis by MBIE and ODI of the consultation and the options they identify.

MBIE and ODI will generate conclusions about next steps, make recommendations to senior officials, and will brief the Ministers on these.

4. Timeframe

27 November – meeting with ODI and Access Reference Group to finalise these terms of reference

29 November – meeting of Chief Executives Group on Disability Issues

20 December – appoint consultant to undertake the consultation

End of April 2014 – consultation complete

End of May 2014 – Analysis of consultation and options discussed with Access Reference Group. The meeting will be chaired by Duncan Joiner, Chief Architect, MBIE

End of June 2014 – MBIE and ODI staff make recommendations to senior officials

APPENDIX: Membership of the Access Reference Group

The members of the Access Reference Group are:

- **Alexia Pickering, Director, Accessible Options,**
- **Vivian Naylor, CCS Disability Action,**
- **Ron Pynenburg, Pynenburg and Collins Architects,**
- **Bill Wrightson, Director, Wrightson and Associates, Current Chair of Barrier Free New Zealand Trust**
- **Jason Strawbridge, Technical Manager, Barrier Free New Zealand Trust**
- **Simon Tonkin, Chief of Building Controls, Invercargill City Council**
- **Neil Jarvis, Royal New Zealand Foundation of the Blind**
- **Carina Duke, Blind Foundation**
- **Stuart Keene, Hearing Association of New Zealand**
- **Rose Wilkinson, Association of Blind Citizens of New Zealand**