

Barrier Free Newsletter - August 2008

Welcome to the August Newsletter for the Barrier Free NZ Trust. We have a range of topics to discuss in this issue and we encourage you to take the discussion further by emailing the office.

This month we will cover:

- Barrier Free NZ Trust Modules of Learning Update
- Hon Ruth Dyson's Support for our Approach to the Proposed Changes to the Building Code for Backcountry Huts
- Accessible Car Parking Spaces Booklet
- The DBH Response to our Legal Opinion on Compliance Schedules and Accessibility
- Updated Barrier Free NZ Trust Website

A big thank you to those who gave feedback on our July Newsletter. The purpose of our newsletters is not only to keep our readers in the "access" loop, but also for us to hear from you what is happening out there.

Barrier Free NZ Trust Modules of Learning Update

Module 5 – Becoming a Barrier Free Advisor

This month was the launch of the new training Module 5: Advising and Auditing the Accessible Journey for people who would like to become a Barrier Free Advisor. The day was a success and proved to be a valuable step in preparing participants with the tools necessary in order to continue their training. The feedback we had was really positive and was a great step towards working more closely with our training BFAs.

The next seminar will be held in Auckland at the beginning of 2009. Once dates have been confirmed, it will be posted on our website and newsletter.

Upcoming 2-day Barrier Free Seminars for 2008

Hamilton: 9-10 September 2008 (fully booked)
Christchurch: 14-15 October 2008
Wellington: 30-31 October 2008
Auckland: 18-19 November 2008

Places fill in quickly, so make sure you register soon!

<http://www.barrierfreenz.org.nz/index.php/training-and-education/registration>

Proposed Changes to the Building Code for Backcountry Huts

Recently the Barrier Free NZ Trust submitted comments on the proposed changes to change the NZ Building Code to simplify consenting for Department of Conservation backcountry huts.

The Trust considers the starting point of building design for public buildings to be universal accessibility. This means that all areas of public buildings should be accessible to all people.

The statement on page 6 of the Consultation Document “people with disabilities who are unable to walk (e.g. people who use wheelchairs) are not expected to visit or use these huts,” is an example of where a group of people create barriers “by designing a world only for their way of living, taking no account of the impairments other people have” (NZ Disability Strategy, 2001, p.3). Attitude is still the biggest barrier faced by people with disabilities and NZ legislation should not determine what is expected of people with disabilities.

This approach to accessibility also fails to appreciate that most members of society have accessibility needs whether that be because they use pushchairs or wheelchairs, which utilise ever improving light-weight, mountain-bike type technologies, on backcountry walkways.

If NZ building legislation and guidelines are based on the premise of setting minimum requirements to enable access for people with disabilities, NZ risks setting a precedent for other buildings to meet that lesser standard, and will therefore not meet the accessibility needs for society as a whole.

The Trust identifies that the main problem with the Compliance Documents is defining what could be considered as reasonable access to backcountry huts.

Hon Ruth Dyson agrees with the Trust in a response to a letter we addressed to the Minister for Disability Issues, expressing our concern at the proposed changes. The Minister assures us that she “intends to continue to advocate for retaining the ‘no exceptions’ principle in relation to access and facilities for disabled people in buildings for public use and will advance this view further when the issue arises for decision.”

The Trust’s mission is to encourage, promote, and facilitate the creation of built environments that are accessible and usable by everyone in the community, including people with disabilities. We look forward receiving an update on this matter.

Accessible Car Parking Spaces Booklet

The Department of Building and Housing and the Trust recently published a guidance document entitled “Accessible Car Parking spaces.” It is about providing car parking spaces that are suitable for use by people with disabilities.

The provision of accessible car parks is important because it gives users the possibility to independently carry out their normal daily activities, without the added stress of where to find a car park. Users of these car parks not only include wheelchair users, but also people with other mobility impairments, such as people with reduced strength and stamina, or people using walking aid devices. Sometimes it may not be glaringly obvious to why a person is entitled to use the accessible car park, as also people recovering from operations, older people, or amputees are entitled to a Mobility Permit.

Key features of an off-street accessible car park include the size of the park (standard 3.5m x 5m); the flat surface (not steeper than 1:50); the surfacing material (hard and slip

resistant); the location; and the access route to the building. This document outlines what is required in the NZ Building Code and what is recommended in the NZS 4121:2001 "Design for Access and Mobility – Buildings and Associated Facilities." It also provides a method of calculating the number of accessible parking spaces needed, as a proportion of the total number of parks.

You can download a copy of the booklet at the Department of Building and Housing website <http://www.dbh.govt.nz/publications-about-the-building-act-2004#car-parking> or you can obtain a free copy by calling 0800 232 243.

Compliance Schedules and Accessibility

In July, the Department of Building and Housing responded to the legal opinion the Trust obtained from Auckland law firm Simpson Grierson. The effect of the 2005 Building Amendment Act is that since 31 March 2008, any building that is not used wholly as a single household unit, has to have a compliance schedule, if it has a specified system or a cable car.

In the view of Simpson Grierson it is arguable that the correct interpretation of the Act is: "If a compliance schedule is required for a building, then in addition to the 'specified systems' in the building, the compliance schedule must also list the building's components that are relevant to the matters listed in s103(1)(d) of the Act. That includes any 'means of access, and facilities for use, by persons with disabilities that meet the requirements of s118'.

Just to refresh, apart from a cable car a 'specified system' is a system or feature in a building that contributes to the proper functioning of the building. These systems are listed in the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005.

The DBH has responded to the Simpson Grierson advice by stating that there are insufficient grounds to justify a departure from the definition of the term 'specified system' as set out in the Building Act 2004.

According to the DBH:

- The natural and ordinary meaning of the words in s103 (1)(d) is clear and there is no basis for departing from the meaning of 'specified system'.
- The purpose of s103 (1)(d) is to highlight the specified systems that relate to the features listed in this section.
- The purpose is achieved by requiring those specified systems on the compliance schedule that relate to access and facilities for use by persons with disabilities, to be repeated as a further list in addition to the list of specified systems required by the Act.

The DBH also said that a compliance schedule must highlight the specified systems which relate to each of those features listed in s103 (1)(d) (i) to (v), but those features are not required to be included on the compliance schedule in their own right. Items listed in this section are not specified systems and are not subject to inspection, maintenance and reporting procedures under a compliance schedule.

Even if an item listed in s103 (1)(d) is not included in a compliance schedule and is not subject to building warrant of fitness reporting procedures, it must be code compliant when installed or built, and must be maintained by the building owner to ensure that the building does not become unsafe, dangerous and/or insanitary.

Needless to say, the Trust is disappointed in their approach as ongoing compliance in relation to accessibility is an issue that the Act does not adequately address. The DBH are considering options for improving guidance to the sector on these matters, which will include updating the Compliance Schedule Handbook and better informing the sector through other Department publications and communication activities. We look forward to being involved in this process.

If you are new to our newsletter list, you can find articles on this matter in our May and June 2008 Barrier Free Newsletters

<http://www.barrierfreenz.org.nz/index.php/publications/newsletters>.

Updated Barrier Free Website!

Some readers may remember that the Trust only upgraded its website last October, but in order to accommodate the needs of the Trust, it was necessary to upgrade the website again. This fresh new look is easier to navigate and provides more information to users on Access.

To check out the website yourself head to <http://www.barrierfreenz.org.nz>