New Zealand Historic Places Trust Pouhere Taonga
Sustainable Management of Historic Heritage Guidance Series

Providing for Physical Access to Heritage Places

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Providing for physical access to heritage places

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Status: New guide

This document is a new guide proposed for inclusion within the Sustainable Management of Historic Heritage Guidance Series (the guidance series) published by the New Zealand Historic Places Trust Pouhere Taonga (NZHPT). The series aims to assist local authorities, owners of heritage places, iwi and hapū and other stakeholders in the protection and conservation of historic heritage under the Resource Management Act 1991 (RMA) and other related resource management and planning legislation.

This guide updates references to former legislation and policy within the 2000 NZHPT publication Guidelines for Making Heritage Buildings Accessible (authored by Julia Gatley). This guide differs from the earlier 2000 guide by focusing on providing links to other guidance sources, updating legislative provisions, and providing guidance objectives and policies for the assessment of proposed access-related work involving heritage places. While some of the legislative and building code information in the earlier 2000 guide has been superseded, this previous version remains a valuable source of information about accessibility and heritage buildings.

Comments and feedback can be provided to the NZHPT about this guide. Please send to:

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Cover photos left to right:
Open accessible doorway, Cathedral Church of St Patrick & St Joseph, Auckland. Category I historic place. Photo, NZHPT
Accessible look-out and interpretation at a historic coal mining landscape, Denniston, Westport. Category I historic place. Photo, NZHPT

Designed by Richard Roberts, Touch Design Ltd, Wellington
1. Introduction

Accessibility aims to ensure that people can value, enjoy, visit and experience places. An accessible environment is one that is usable by all people to the greatest extent possible.\(^1\)

Accessibility should be looked at in its wider sense. Rather than just focusing on the perceived needs of people with ‘disabilities’ a range of different needs should be considered, such as parents with buggies, expectant mothers, people with injuries and older people. Accessibility aims to provide for the needs of all people with all their variety, and diversity. It aims to connect people with a place – to match together the intended use of a place and the intended user.\(^2\)

The purpose of this publication is to provide guidance to assist in the creation and improvement of physical access to heritage places, including heritage buildings, places, sites and landscapes. While heritage places should be open to everyone, the reality is that many heritage buildings and environments were not built for people with diverse needs. The challenge is to improve accessibility while respecting the heritage values of the place.

The NZHPT supports creating and improving physical access to ensure heritage places remain useful for present and future generations. If people cannot access a place, then the result will be neglect and decay.

This guide outlines objectives and policies for physical access to heritage places in relation to:

1. Planning for physical access.
2. Achieving physical access.

Maximising accessibility in a historic place will involve the evaluation of a range of options and the selection and design of the most appropriate solution. In this way the greatest accessibility can be achieved with the least impact on heritage values.

This guidance is non-statutory and is not intended to be a substitute for any of the mandatory accessibility legislative or building code requirements. This guidance may, however, assist in setting physical access objectives for heritage places which may also help in demonstrating compliance with building code requirements.

This guidance also aims to provide links to other available sources of information and guidance, especially publications prepared by Standards NZ, the Barrier Free New Zealand Trust and the Australian heritage agencies.

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2. Physical access and heritage issues

2.1. Background

People and cultures have diverse needs and abilities. Sometimes there is not always a good match between the needs of people and their environment. Buildings and open spaces often have a wide range of physical barriers involving steps, fences, walls and floors.

Rather than focusing on 'disabilities', accessibility aims to provide for the needs of all people, including those with impairments. In most instances, considering the requirements of people with impairments (such as mobility, vision, hearing, dexterity and limited strength) will address the physical needs of much of the population. The New Zealand Disability Strategy states:

Disability is not something individuals have. What individuals have are impairments. They may be physical, sensory, neurological, psychiatric, intellectual or other impairments. Disability is the process which happens when one group of people create barriers by designing a world only for their way of living, taking no account of the impairments other people have.

While this guide is focused on improving physical accessibility, there is a growing international emphasis on improving social, cultural and intellectual accessibility, for the benefit of those with learning difficulties, hearing and sight impairments. For example, Jonathan Rix and Ticky Lowe from the UK Access to Heritage Project have developed a number of recommendations for improving access to heritage places for people with learning difficulties. Jonathan Rix also explores how a model of Down Syndrome can help to explore the intellectual accessibility of heritage places. This movement is influencing changes to the management of some heritage properties, especially those managed by the UK National Trust, with the use of access audits as part of standard property management practice.

In addition to wider social accessibility issues, there is also a separate field of research and policy relating to ‘sustainable accessibility’. This tends to focus on new forms of transportation networks which integrate land-use and public transportation in urban areas.
Public expectations and standards regarding accessibility have changed and developed over time. These changes are reflected in disability, human rights and building laws, including the New Zealand Building Code (the building code) and Standards New Zealand NZS 4121.

2.1.1 United Nations Enable


The purpose of the Convention is “to promote and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.” The principles of the Convention are:

- Respect for inherent dignity, individual autonomy (including the freedom to make one’s own choices) and independence of persons.
- Non-discrimination.
- Full and effective participation and inclusion in society.
- Respect for difference and acceptance of persons with disabilities.
- Equality of opportunity.
- Accessibility.
- Equality between men and women.
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

2.1.2 Universal design

In relation to buildings and accessibility, the Convention promotes the concept of ‘universal design’. This means the “design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design. Universal design shall not exclude assistance devices for particular groups of persons with disabilities where this is needed.” Under Article 4, all State Parties have a general obligation to undertake or promote research and development of universally designed goods, services, equipment and facilities, which “would require the minimum possible adaptation and the least cost to meet the specific needs of persons with disabilities.”

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10 Article 4, ibid.
11 Article 2, ibid.
Additionally to the general obligation to promote universal design, Article 9 of the Convention requires that State Parties take appropriate measures to ensure that persons with disabilities have access to the physical environment, transportation, information and communications, on an equal basis with others. The measures include the elimination of obstacles and barriers to accessibility to buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces. 12

The Office of the Health and Disability Commissioner recommends the following action to provide accessible equipment and environments for the implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol:

Ensure that ‘universal design’ principles are followed in your organisation - i.e. the design of products, environments, programmes, and services should be such that they require the least amount of adaptation during their lifetime and are easily accessible to people with different types of impairment. For example, all areas of your premises should be accessible to people with mobility impairments; and your programmes and service delivery should cater to the needs of people with intellectual or sensory impairments. Also ensure that any external venue that you use to host any meeting or event is fully accessible.13

As indicated in United Nations Enable, universal design has become an important international accessibility concept. It is a set of principles and guidelines which aims to promote a design approach to ensure the environment and products are accessible for everyone. Universal design was, in part, inspired by the work of the late Ronald Mace and a team of researchers at the North Carolina State University (the Centre for Universal Design) which developed seven principles of universal design in 1997. Ronald Mace defined universal design as the “design of products and environments to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design.”14 The seven principles are:

1. Equitable use.
2. Flexibility in use.
3. Simple and intuitive use.
4. Perceptible information.
5. Tolerance for error.
6. Low physical effort.
7. Size and space for approach and use.

In terms of equitable use, the guidelines aim to “provide the same means of use for all users: identical whenever possible; equivalent when not” and “avoid segregating or
stigmatizing any users.”15 For instance, equitable use would see all building users ideally enter the building by the same entrance, accessible to everyone.

The Centre for Universal Design at North Carolina State University and other design centres (for example the Centre for Excellence in Universal Design in Ireland or CEUD) publish a range of guidelines and information to promote universal design. As an example, the design guide for residential rehabilitation developed by the Centre for Universal Design provides guidance about the design of residential entrances, including that ideally there should be one entrance without steps at the front of the house.16

In New Zealand, universal design is promoted by initiatives such as Smarter Homes.17 The Ministry of Business, Innovation and Employment state that universal design is a way to integrate the needs of all users, regardless of age or ability, into the initial design of residential buildings. This approach is a “fundamental change from the earlier practice of providing separate and stigmatising design solutions for people with disabilities, such as an entry ramp at the back of the building.”18

2.1.3 Accessibility and heritage

There can be a tension between the objectives of universal design and the preservation of heritage buildings. Heritage buildings are, by nature, designed according to a particular historical architectural approach and are often distinctive in terms of a wide range of factors, including setting, doorways, hallways, bathrooms, handles and switches, etc. At an early stage of universal design development, the Centre for Universal Design at North Carolina State University recognised the need to adapt the principles of universal design for heritage buildings. For example, instead of the one access way approach, the Centre recognised that separate routes for people with disabilities may be justified in heritage buildings and “at times there will simply not be a solution to inaccessibility.”19

In a summary of universal design issues, Richard Duncan of the Universal Design Institute states that often the response to universal design takes two extremes:

One path is to mistakenly attempt to make everything “fully usable by everyone” by abandoning creative, interesting and challenging designs. The other path that is sometimes followed is an unfortunate refusal to meaningfully engage the issue by assuming that nothing can be done and that implementing an accessibility or universal design scheme will ruin the integrity of an existing building or proposed design.20

15 ibid.
17 *Smarter Homes* is owned by the Ministry of Business, Innovation and Employment. It was created in a joint initiative by the former Department of Building and Housing, the Ministry for the Environment, Consumer NZ, Beacon Pathway Ltd and URS, with assistance from a number of other organisations interested in helping consumers access good quality, reliable and independent information about smart homes. www.smarterhomes.org.nz/design/making-your-home-adaptable/
Richard Duncan advocates for avoiding both extremes and acknowledging that ‘universal solutions aren’t possible for all situations .... This is why it is promoted as a goal toward which to strive.’

International conservation organisations have also promoted improved access to heritage places. The most prominent is the ICOMOS Charter on the Interpretation and Preservation of Cultural Heritage Sites (known as the Ename Charter). This Charter was ratified at the 2008 General Assembly of ICOMOS. The Charter is a non-binding international declaration that promotes understanding and appreciation of cultural heritage, fosters public awareness, safeguards tangible and intangible values and respect the authenticity of cultural heritage sites. The Charter is designed to provide guidance for heritage places that are open to the public and where interpretation is provided.

The Ename Charter has seven principles to guide and help determine which technical means and methods are appropriate in particular cultural and heritage contexts. The first principle relates to access and understanding. This principle states that:

**Interpretation and presentation activities should also be physically accessible to the public, in all its variety.**

In cases where physical access to a cultural heritage site is restricted due to conservation concerns, cultural sensitivities, adaptive reuse, or safety issues, interpretation and presentation should be provided off-site.

### 2.1.4 The NZHPT’s approach

In promoting universal design, the NZHPT recognises that while the full range of design solutions will not be possible for all heritage environments, there will be some design solutions that are. As detailed in this document, it is important to take a careful design approach to removing barriers to access in order to conserve heritage values. This requires an evaluation of different options as to how the space could be used.

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21 Ibid.
The NZHPT supports improving physical access to ensure heritage places remain useful for present and future generations. Restricted access limits the ability of all persons to fully enjoy and utilise a place.

Built heritage conservation aims to achieve survival of historic heritage for present and future generations. Survival is achieved by a range of strategies to ensure continued repair and maintenance, occupancy and adaptive reuse. Improving physical access to heritage buildings is an important aspect of achieving heritage survival.

Creating and improving physical access in a heritage environment can be achieved, even in small ways. This often means aiming to overcome challenges such as elevated front steps or narrow doorways which are often an integral feature for traditional Maori buildings, Victorian, Edwardian, Art Deco or Modern Movement buildings. As outlined by Julia Gatley in 2000:

There is potential for conflict between the provision of increased accessibility and the retention of a heritage building’s character and value. The aim should be to provide the greatest level of accessibility without compromising or destroying the parts of the building that make an important contribution to its heritage significance.22

The aim should be to identify the maximum accessibility that can be achieved structurally, identify if any heritage values are adversely affected, evaluate alternative methods and solutions. Retaining heritage values does not mean that making provision for improving accessibility can be ignored or discounted.

3. Legislative framework

There are a number of laws that can influence accessibility in heritage places. This section of the guidance provides a brief summary of the most relevant legislation. While most of the legislation relates to people with disabilities, many of the provisions will also be relevant to people with impairments such as mobility, vision and limited strength.

3.1. New Zealand Public Health and Disability Act 2000/New Zealand Disability Strategy

The *New Zealand Public Health and Disability Act* 2000 aims to achieve, for New Zealanders, the improvement, promotion and protection of their health and the promotion of the inclusion and participation in society and independence of people with disabilities.23

The New Zealand Public Health and Disability Act 2000 provides for the development of the *New Zealand Disability Strategy* (the Strategy) which is a framework for the Government’s overall direction of the disability sector in improving disability support services.24

The Strategy was approved by the Minister for Disability Issues in April 2001. The aim of the Strategy is to eliminate barriers wherever they exist. As an introduction to the Strategy, a number of barriers to accessibility are outlined, including physical accessibility:

- Despite New Zealand having strong standards for physical accessibility, access to public facilities and other buildings such as marae is poor ....
- One in five New Zealanders has a long-term impairment. Many are unable to reach their potential or participate fully in the community because of barriers they face doing things that most New Zealanders take for granted.
- The barriers range from the purely physical, such as access to facilities, to the attitudinal, due to poor awareness of disability issues.25

The Strategy contains a range of relevant objectives and actions relating to accessibility. While it is aimed more at information, services, documentation and transport, there are a number of provisions to promote improved physical access. For example, Action 6.6 states to “ensure the locations and buildings of all government agencies and public services are accessible”, and Action 8.6 states to “encourage the development of accessible routes to connect buildings, public spaces and transport systems.” As indicated above, the Strategy notes that marae often have barriers to physical accessibility. Action 11.5 states that all government-funded or sponsored marae-based initiatives should meet the access requirements of disabled people (and encourages all other marae-based initiatives to also meet those requirements).

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24 Section 8, ibid.

The Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990 provide the legislative framework for the protection of human rights in New Zealand. Under section 18 of the New Zealand Bill of Rights Act 1990, the right to freedom of movement is affirmed. This right includes that “everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand.”

The New Zealand Bill of Rights Act 1990 also affirms the right to freedom from discrimination. The basis of prohibited grounds for discrimination is outlined in section 21 of the Human Rights Act 1993, which includes disability. The Human Rights Act 1993 also provides for access rights to employment work-places, public areas, vehicles and facilities.

Any person may make a complaint to the Human Rights Commission with respect to any right contained in the Human Rights Act 1993. A complaint may also be lodged with the Health and Disability Commissioner with respect to disability.

3.3. Health and Safety in Employment Act 1992

While the Health and Safety in Employment Act 1992 does not deal specifically with access, it does regulate matters relating to the health and safety of places of work and can influence, for example, the provision and design of safety railings and ramps. The legislation applies to all workplaces and places duties on employers, the self-employed, employees, principals and others who are in a position to manage or control hazards. This law is enforced by the Department of Labour.

3.4. Building Act 2004

The Building Act 2004 (the Building Act) regulates all building work in New Zealand. Building work involving alterations for physical access would be classified as ‘building work’ under this Act.

The Building Act contains a number of provisions related to physical access. Importantly, the purpose of the Building Act means that, in exercising functions under the Building Act, building consent authorities need to ensure that buildings are safe and “contribute appropriately to the health, physical independence, and well-being of the people who use them.”

Further, buildings are to be designed, constructed and able to be used in ways that promote sustainable development.

Accessibility and sustainable development are critical principles for the design, maintenance and management of heritage places.

Section 4 of the Building Act also contains a number of principles to be applied in performing functions or duties, or exercising powers, under this Act. These principles,

26 Section 3(b) Building Act 2004.
which must be taken into account, apply to the Minister responsible for the administration of the Building Act, the Chief Executive of the Ministry of Business, Innovation and Employment and territorial and regional authorities. These principles cover matters relating to household units, preventing harmful effects, durability, building costs, standards, innovation, fire mitigation and safety, protection of other property, efficient use of energy and water, and waste reduction. Of particular relevance to accessibility and heritage are:

(k) the need to provide, both to and with buildings to which section 118 applies, facilities that ensure that reasonable and adequate provision is made for people with disabilities to enter and carry out normal activities and processes in a building.

(d) the importance of recognising any special traditional and cultural aspects of the intended use of a building.

(l) the need to facilitate the preservation of buildings of significant cultural, historical, or heritage value.

3.4.1 New Zealand Building Code

All new building work in New Zealand must comply with the Building Code prepared under the Building Act.

The Building Code is a performance-based code, which means it states how a building and its components must perform as opposed to describing how the building must be designed, constructed or altered.

Compliance documents contain details of acceptable solutions and verification methods that, if followed, mean that the part of the building that relates to the Compliance Document will comply with the Building Code. With regard to physical access, section 119 of the Building Act specifies that NZ Standard 4121 is the compliance document for requirements of persons with disabilities. Other Building Code clauses for relating to physical access include: D1, Access Routes; D2 Mechanical Installations for Access; F7 Warning Systems; F8 Signs; G1 Personal Hygiene; G3 Laundering; G7 Food Preparation and Prevention of Contamination; G5 Interior Environment; G8 Artificial Light; and G9 Electricity.

What must be remembered is that the Building Code describes the minimum provision that must be made for new building work. When planning the extent of the new building work associated with alterations all conceivable provisions should be considered before deciding on what is appropriate and possible.

As noted above, the NZHPT has published a separate guide to the Building Act as part of the Sustainable Management of Historic Heritage Guidance Series. This guide provides an explanation of matters such as heritage-related terms, project information memoranda and notification, building consents and general guidance for making changes to heritage places.27

3.4.2 Access under the Building Act

Sections 117–120 of the Building Act contain specific provisions for access to buildings by persons with disabilities. Unless the context otherwise requires, these provisions relate to parts of a building (including driveways, access ways, passages within and between complexes and developments and associated landscaping, if any) and any premises or facilities.

As noted, section 119 of the Building Act specifies that NZ Standard 4121 is the compliance document for requirements of persons with disabilities. This is the only NZ Standard that is included in the Building Act.

Section 118 requires that “if provision is being made for the construction or alteration of any building to which members of the public are to be admitted, whether for free or on payment of a charge, reasonable and adequate provision by way of access, parking provisions and sanitary provisions 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.” Where any such provision is made, section 120 requires the display of the international access symbol outside the building to be visible from outside it.

The section 118 requirement of the Building Act applies, but is not limited to, a range of buildings types specified in Schedule 2. This list includes a range of public-type buildings such as public toilets, banks, childcare centres, courthouses, hotels, hospitals, libraries, churches, shops, restaurants, petrol stations, cultural institutions and car parks. Homestays with facilities for up to five guests can normally continue to be treated as a private house.28

3.4.3 Alterations

Building work on existing buildings relating to fire safety will constitute an ‘alteration’ under the Building Act 2004. Under section 112(1) of the Building Act 2004, a building consent authority must not grant a building consent for the alteration of an existing building, or part of an existing building, unless the building consent authority is satisfied that, after the alteration, the building will—

a. comply, as nearly as is reasonably practicable, with the provisions of the building code that relate to—

i. means of escape from fire; and

ii. access and facilities for persons with disabilities (if this is a requirement in terms of section 118); and

b. continue to comply with the other provisions of the building code to at least the same extent as before the alteration even if no other significant building work is being undertaken at the same time. All alterations to existing buildings must comply as nearly is reasonably practicable with specific provisions of the Building Code.

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Despite this requirement, there is some flexibility as a territorial authority may allow the alteration of an existing building, or part of an existing building, without the building complying with provisions of the building code specified by the territorial authority.

The territorial authority, however, must be satisfied that,—(a) if the building were required to comply with the relevant provisions of the building code, the alteration would not take place; and (b) the alteration will result in improvements to attributes of the building that relate to—(i) means of escape from fire; or (ii) access and facilities for persons with disabilities. For this provision to apply, the territorial authority needs to be convinced that the fire escape and access improvements outweigh any detriment that is likely to arise as a result of the building not complying with the relevant provisions of the building code.

### 3.4.4 Change of use

In addition to alterations, the Building Act regulates changes of uses of buildings. Change of use is described in Clause 5 of the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 as meaning:

- means to change the use (determined in accordance with regulation 6) of all or a part of the building from one use (the old use) to another (the new use) and with the result that the requirements for compliance with the building code in relation to the new use are additional to, or more onerous than, the requirements for compliance with the building code in relation to the old use.

Under section 114, in cases of change of use that involves the creation of new 1 or more household units, the territorial authority must be satisfied, on reasonable grounds, that the building, in its new use, will comply, as nearly as is reasonably practicable, with the building code in all respects.

For all other change of use cases, the territorial authority must be satisfied, on reasonable grounds, that the building, in its new use, will—

a. comply, as nearly as is reasonably practicable, with every provision of the building code that relates to either or both of the following matters:

i. means of escape from fire, protection of other property, sanitary facilities, structural performance, and fire-rating performance;

ii. access and facilities for people with disabilities (if this is a requirement under section 118); and

b. continue to comply with the other provisions of the building code to at least the same extent as before the change of use.

It is noted that the provisions of the Building Act for waivers and alterative solutions only apply to new building work and Building Code compliance. For alterations and change of use, waivers and alterative solutions do not apply since the work does not require Building Code compliance. Instead, alterations or change of use must comply to a level that is as nearly as is reasonably practicable.
Nearly as is reasonably practicable and physical access

The Building Act requires an assessment of what is “nearly as is reasonably practicable” in terms of alterations and change of use of existing buildings, including heritage buildings. In 1996, the High Court has commented that a weighting exercise is involved and the “weight of the considerations will vary according to the circumstances and it is generally accepted that where considerations of human safety are involved, factors which impinge upon those considerations must be given an appropriate weight.” Factors such as the time, cost and practicability of access measures are often called the ‘sacrifice’ necessary to eliminate the risk.

It is noted that the 1996 High Court judgement was made under the prior to the Building Act 2004.

Since all existing buildings are unique and constructed at different times and according to historic building requirements, an assessment is required on a ‘case by case’ basis after considering all the relevant matters. To the NZHPT’s knowledge most issues relating to heritage buildings and Building Code compliance are resolved at a local authority level and very few heritage-related issues have been subject to determinations under Part 3 (Subpart 1) of the Building Act.

3.5. Resource Management Act 1991

The RMA governs the use of all land, air and water in New Zealand. The purpose of the RMA is to promote the sustainable management of natural and physical resources. The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under section 6(f) of the RMA.

The use of any structure, including alterations and removal is regulated under section 9 of the RMA. This means that the use of a building may be regulated by a rule in a regional or district plan.

All district plans contain ‘heritage schedules’ that are lists of significant heritage. If a building is listed in a district plan heritage schedule, then it is likely that certain activities such as demolition, relocation, alterations and additions will be regulated. A building can be individually listed or as part of a wider precinct or historic area.

Works to improve accessibility of a listed heritage building may or may not require resource consent. Generally, consent will not be required if the work is minor and classified as repair and maintenance or the work is limited to a part of the building that is not regulated by the district plan. This is often the case for interior work.

If a resource consent is required, the applicant will need to consult any affected parties, including the NZHPT, if the building is registered under the Historic Places Act 1993.

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The NZHPT considers that the district plan should facilitate the improvement of physical access of heritage buildings in a manner that is compatible with heritage values.

Ideally, the district plan should include explicit rules, including terms and standards, for physical access to heritage buildings. This would mean that there is improved clarity for owners and the public about rules governing physical access to listed heritage buildings.

Further guidance about best practice or ‘model’ rules for listed heritage places is available by contacting the NZHPT.

It is important that at the earliest stages of planning to undertake accessibility-related work, contact is made with the relevant local authority to gain an understanding of the relevant RMA-related rules that may apply to the building.

For further guidance about historic heritage under the RMA, see the NZHPT’s, *Sustainable Management of Historic Heritage Guidance Series* on the NZHPT’s website.

### 3.6. Historic Places Act 1993

The Historic Places Act 1993 promotes the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand. The Act provides for the establishment and maintenance of a Register of historic places, historic areas, wahi tapu and wahi tapu areas. The purposes of the Register are:

a. To inform members of the public about historic places, historic areas, wahi tapu, and wahi tapu areas:

b. To notify owners of historic places, historic areas, wahi tapu and wahi tapu areas where necessary for the purposes of this Act:

c. To assist historic places, historic areas, wahi tapu, and wahi tapu areas to be protected under the Resource Management Act 1991.$^{30}$

The Register is maintained by the NZHPT and is made available to the public from the regional and area offices of the NZHPT. Information about the Register is available from the NZHPT website: www.historic.org.nz

If a building that has been constructed before 1900 it may also be considered an archaeological site under the Historic Places Act 1993. Under section 2 of the Historic Places Act 1993, an archaeological site is defined as any place in New Zealand that either — was associated with human activity that occurred before 1900; or is the site of the wreck of any vessel where that wreck occurred before 1900; and — is, or may be, able through investigation by archaeological methods to provide evidence relating to the history of New Zealand. Under section 9(2) of the Act, the NZHPT may declare any post-1900 site to be covered by the archaeological site definition in section 2 by a notice in the *Gazette*.

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$^{30}$ Section 22(2) Historic Places Act 1993.
Section 10 of the Historic Places Act 1993 directs that an authority (a type of permit) is required from the NZHPT if there is ‘reasonable cause’ to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted.

Prior to carrying out any accessibility work on a pre-1900 site (or a building that is suspected to date from 1900), owners should contact the NZHPT at the early stages of the project in relation to the applicability of the archaeological authority process under the Historic Places Act 1993. Major work, for example, to the foundations of a pre-1900 building or any earthworks may require an archaeological authority from the NZHPT for the work to proceed.
4. Physical access and heritage places – guidance objectives and policies

4.1. Planning for physical access

Careful planning is an important first step to create or improve physical access for heritage places. Planning will involve the preparation of heritage assessments, conservation plans, an access audit and an access plan.

A conservation plan is a document that provides a statement of significance and outlines a number of policies to manage a place in accordance with its significance. Accessibility work involving a heritage building should be informed by a conservation plan. Guidance on preparing a conservation plan is available by contacting the NZHPT.

The conservation plan should provide improved accessibility measures commensurate with the likely public interest in the place. Accessibility to the whole building should be considered. For instance, although NZS 4121 does not require lifts for some two or three-storey buildings, they should be considered where there is likely to be a significant level of public interest.

A heritage assessment often forms part of a conservation plan. A heritage assessment identifies the heritage values associated with the place. This may include an inventory of historic fabric, the preparation of which is an important aspect for the management of heritage. Accurate records of work, including measured drawings involving alterations, carried out on a heritage building, should be prepared, duplicated and safely stored as archives. These records will assist future owners or developers to understand the history of interventions and any works to remedy any adverse effects from historical alterations.

As part of conservation planning for heritage places, an access audit and access plan should be prepared. An access audit is a snapshot of the accessibility of the place as measured against a benchmark standard (generally NZS 4121). It provides an assessment of the approachability, accessibility and usability of the environment and is the first stage in the process of identifying, planning and implementing change. An access audit should not be considered as achieving an end in itself but as a means by which an access plan or strategy can be developed; this will identify a range of likely improvements and priorities for possible change. Access audits and access plans should be prepared by accredited barrier free advisers who are specialists in providing professional advice about improving physical access.

For further information about accredited barrier free advisers contact the Barrier Free Trust: www.barrierfreenz.org.nz/content/our-experts/accredited-bfas
4.1.1 **Objective – planning for physical access**

Undertake sufficient planning to improve physical access and conserve historic heritage values.

4.1.2 **Policies – planning for physical access**

Prepare a conservation plan for the heritage place that includes policies for improving physical access.

Ensure heritage assessments are undertaken that reviews the significance of the place and identifies significant heritage fabric.

Undertake an access audit to determine the existing and potential levels of access.

Evaluate access options within the context of the heritage values of the place and prepare an access options and access plan.

Implement the access plan.

Monitor the implementation of the access plan on a regular basis and review the access plan and any relevant conservation plan as necessary.

4.2. **Achieving physical access**

While heritage places should be open to all people, the reality is that many heritage buildings were not built for diverse needs, including people with wheelchairs, prams, walking aids or with impaired vision or other needs. The challenge is to improve accessibility while respecting the heritage values of the place.

A fundamental principle of universal design is to provide equitable use – that environments can be used by all people without the need for adaptation or specialised design. Equitable use aims towards providing the same means of use for all users and avoiding segregating or stigmatising any users.

Making the main or principal public entrance to a building accessible is an important way of addressing requirements of the building code and the principles of universal design. A compromise alternative separate entrance should only be considered to preserve heritage significance. Any alternative or separate entrances should consider the impact on an independent and dignified access to the building.

4.2.1 **Objective – achieving physical access**

Create or improve physical access by promoting, wherever possible, barrier free access to heritage places.
4.2.2 Policies – achieving physical access

Ensure that all accessible work is adequate and to NZS 4121 standard that allows all people access to historic heritage.

Provide suitable accessible car parking spaces with appropriate signage. Vehicles should be able to safety unload via rear access doors in this location. Landscaping may be required to ensure that parking areas are compatible with the setting of the place.

Designate a drop-off point where passengers can safely alight.

Keep the distance from the parking area or drop-off point to the principal entry as short as possible, while maintaining the integrity of the site.

Provide accessible paths of travel to and between all areas and facilities (both internally and externally). Ideally, the aim should be for everyone to have equal access everywhere.

Ensure that the principal entry or supplementary accessible entry, where necessary, is clearly defined and accessible to all.

Make the main or principal public entrance accessible where possible. Separate entrances should be avoided and only be considered where there are no other options that maintain heritage significance.

Where toilets and facilities are provided, ensure that at least one is accessible for use by people with disabilities. A unisex accessible toilet is preferred to single sex facilities as visitors are often assisted by members of the opposite sex. While such toilets can be of use to parents with young children, baby changing facilities must not restrict the minimum space requirements needed for wheelchair movement.

Where toilets and facilities are not provided, ensure that the visitor information area identifies an alternative location.

When planning means of escape, ensure that all user groups are considered. Where necessary, designate safe areas for people to take refuge until appropriate help is available.

Where physical access to a historic place or area is restricted (due to heritage values, adverse terrain or safety issues), provide interpretation and presentation at alternative locations. Ensure that such restrictions are advised to visitors in advance of arrival.

4.3. Conservation of historic places

The principles governing the conservation of heritage places are provided by the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (2010). In relation to making changes to heritage places, these principles promote understanding the cultural heritage values of connected communities. These communities are diverse and recognising this diversity, and the various community needs and abilities, is the first step in carrying out a heritage accessibility assessment. As part of this assessment,
there is a need to identify the barriers that are obstacles to communities enjoying and experiencing the place.

Following the identification of community diversity and barriers, the heritage accessibility assessment needs to consider a range of principles, including indigenous cultural heritage, planning for conservation, respect for surviving evidence and knowledge, use and respect for fixtures, fittings, contents, curtilage and setting. These principles are adopted internationally to guide works involving heritage buildings. As indicated above, they should be detailed in a heritage assessment and conservation plan.

For places of significance to Māori, Māori heritage values will be an important consideration. For these places, the assessment will need to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga following the spirit and intent of the Treaty of Waitangi (Te Tiriti o Waitangi).

The NZHPT supports improved physical access to ensure heritage remains useful for present and future generations. Maintaining continuity of use or adapting places for new uses ensures heritage retains liveability and utility. The process of change is called adaptation which means to modify a place to suit it to a compatible use, involving the least possible loss of cultural heritage value.31

Making heritage buildings accessible often requires alterations. The careful design of alterations is of paramount importance. Ensuring the least possible loss of cultural heritage value will involve retaining surviving heritage fabric, respecting the historic design of the building, avoiding work that compromises or obscures heritage fabric, and appropriately recording new work.

The compatibility of design of new accessibility work is an important consideration. A compatible ramp or other accessible work is one that is not visually obtrusive and has well-matched materials and proportions with regards to the existing historic building. Achieving compatibility requires a carefully designed concept plan specific to the heritage values and requirements of the building and early consultation with the NZHPT.

4.3.1 Objective – conservation of heritage places
Conserve historic heritage by promoting appropriate alterations and other changes to improve physical access to heritage places.

4.3.2 Policies – conservation of heritage places
Ensure that all access-related work is appropriate with regards to the principles and policies of the NZ ICOMOS Charter 2010. In particular, that work should involve the least possible loss of heritage significance, including the least loss of fabric or evidence of cultural heritage value.

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Recognise and provide for indigenous cultural heritage of tangata whenua relating to Māori communities, especially whānau, hapū and iwi.

Ensure all significant heritage fabric and fixtures are not altered, obscured or removed. Permanent damage to significant fabric and settings must be avoided.

Ensure that any new ramp or other addition is compatible (able to co-exist) with the heritage values of the building in terms of materials, scale, size, proportion, location and surface configuration.

Where necessary, design and have available temporary ramps suitable to allow wheelchair access. If such temporary ramps are portable, ensure owners or staff are trained in their use.

Ensure all significant interior volumes are not significantly altered by raising floor level(s).

Ensure that all historic patterns of access and movement (i.e. entrances, hallways, stairways and passage ways) are retained.

Retain all historic door thresholds and sills, especially when the thresholds are integral to the heritage values of the building.

Try to avoid the installation of new openings (such as doors) in principal facades and elevations. Any new door opening should be sympathetically designed but clearly distinguishable as a new alteration.

Retain and appropriately repair significant doors, original or early hardware (doork nobs, locks etc) and doors. Lever action door handles (which assist those who cannot grasp a door knob) can be made to replicate the historic style of the door.
Check list for achieving a step-free environment

Changes of level can present a major design problem for heritage places. While ramps can provide a step-free approach to buildings or other places, they are not the only option. Other alternatives that should be considered include changing external ground levels and avoiding level changes by redirecting visitor routes.

☐ Ramps should be built for the main or principal public entrance (where possible) only if heritage values are not adversely affected.

☐ Ramps for separate entrances should be avoided and should only be considered where there are no other options that maintain heritage significance.

☐ Ramps on means of escape routes will allow independent egress and be considered.

☐ Prior to design and construction decisions being made, all accessibility options that have less impact on the place should be explored.

☐ The ramp should not obscure significant elements and elevations of the place. Elements such as handrails and balustrades that pass in front of important features such as windows and verandas should be avoided.

☐ Construction materials should be sympathetic in scale, nature and texture to the existing place.

☐ Construction materials should be the same quality as the existing material of the place.

☐ The scale, character and proportion of the ramp must be in keeping with the place.

☐ The connection between the ramp and the place should not damage or require removal of significant fabric.

☐ While gradients of 1:20 should be used, the ramp should not be too long, making it visually dominating and inconvenient for some users. Where 1:20 is not practical, 1:15 should be considered. Gradients of 1:12 (recommended by NZS 4121) should only be used for short distances of a few metres.

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Marae

Marae are special buildings of cultural heritage value and are unique to New Zealand Aotearoa. Marae may be both historic and contemporary and provide an important cultural institution for tribal communities. A marae complex can comprise a range of traditional Māori buildings that include not only wharenui (meeting house), but also wharekai (dining hall), pātaka (storehouse) and pouhaki (flagpole). Wharenui and wharekai are often located in a marae setting. Marae may also be associated with wharekarakia (church), urupā and papakāinga (residential village).

The paepae (threshold) is fundamental to the tangible and intangible values of the marae and control the cultural realms of noa and tapu particularly within powhiri ceremonies. In physical terms, the paepae is the threshold between the exterior marae ground, often referred to as the realm of Tumatauenga (Atua of challenge), and the interior of the wharenui the realm of Rongo (Atua of peace).

The cultural role of the paepae is further enhanced within ceremonial contexts as the kuia of the marae sit on paepae to affirm the mana of the marae to the manuhuri (visitors).

These physical thresholds can present barriers for physical access. However within the context of marae, physical barriers like paepae can be overcome by the use of temporary ramps. Other methods will include exploring alternative means of entry, ramp access and changes to floor/ground levels.

Careful design and holistic approaches to accessibility issues require proper discussion to ensure there is a balance between tikanga values of the marae and the ability of the marae to manaaki (host and assist) visitors of all physical abilities. It is often helpful to visit marae which have achieved this. Tamatekapua Marae at Ohinemutu, for example, has a prominent access ramp as part of a new designed front entrance.

The NZHPT Māori Heritage Advisers should be contacted for advice in relation to any proposed work involving Māori built heritage and accessibilities. The NZHPT Māori Heritage Advisers can also provide information about marae that have adopted improved accessibility provisions.

Other organisations also provide advice for marae and access issues such as CCS Disability Action. CCS Disability Action, the Waikato District Health Board, Te Puni Kokiri and other groups have published a Marae Accessibility Toolkit - Te Whakaaheitanga Marae Kua Watea te Huarahi which provides guidance to improving physical access to marae:

www.waikatodhb.govt.nz/page/pageid/2145871479/Marae_accessibility_toolkit
5. Methods to achieve physical access to heritage places

5.1. Guidance for access to heritage places

The NZHPT published *Making Heritage Buildings Accessible* in 2000. This publication remains a relevant guide for improving access to heritage places (except for references to outdated legislation and standards and where superseded by guidance in this document). The accessibility solutions section contains a range of options and methods to improve physical access. As indicated in the guide, the selection of the most relevant access solution needs to be specific to the heritage building:

> there are a variety of disabilities to consider when increasing the accessibility of a place. There are also a variety of solutions to any one design problem. It is difficult to make generalisations about the level of accessibility that will be required in a particular building and about which solutions will be the most appropriate in a given situation. Thus the heritage values and the accessibility requirements of individual buildings should be considered on a case by case basis.

The range of accessibility solutions in the *Making Heritage Buildings Accessible* guide should be read alongside this guide. In particular, the guide contains ideas, solutions and examples for a range of issues including:

- Car parking.
- Accessible routes.
- Entrances – ramps, lifts, new entrances and doors.
- Historic interiors – ramps, lifts, stairs and doors.
- Building facilities – restrooms and interpretative material.

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34 Ibid, p 5.

- The need for access.
- Developing an access strategy.
- Transport and parking.
- Access to principal entry.
- Circulation throughout main level.
- Internal access to other floors.
- External circulation to other items within a site.
- Means of escape.
- Toilets.
- Other facilities.
- Information presentation and interpretation.

The Department of Environment and Resource Management, *Ramps, Lifts and Access, A Guideline*, Queensland Government, provides guidance for owners, managers and designers for improving access and mobility to heritage places. The document adopts the general approach outlined in the earlier Australian Heritage Commission 1999 guidance outlined above. Chapter 5 of the Queensland guideline outlines commonly occurring access issues for heritage places. This section includes detailed principles and recommended methods for dealing with issues such as access routes, access to principal entry, separating entrances, options for level changes, stairs and other matters.

Heritage Victoria of Victoria published *Access for all to Heritage Places* in December 2008. The guide provides guiding principles for access to heritage places, recommended processes and discusses a range of solutions and examples for car parking, entrances, ramps, vertical access, stairs, signage, accessible toilets and cultural heritage landscapes.[^36]

In October 2004, English Heritage published *Easy Access to Historic Buildings*.[^37] This publication is used internationally as a best practice guide for managing access to heritage buildings. In addition to the statutory of heritage provisions specific to England, it provides a range of practical advice and examples in terms of horizontal movement; vertical movement; emergency egress; lighting, signage and information; landscapes and settings; and street furniture.

An additional source of overseas guidance is the US National Parks Service publication *Making Historic Properties Accessible*.[^38]

5.2. Funding assistance

Accessibility work on heritage places can involve significant costs for an owner or developer. There are a range of sources of funding assistance available with the main ones being:

- Disability-related funding sources such as Enable NZ.
- Local authority heritage or community grant schemes.
- NZ Lotteries Board.
- National Heritage Preservation Incentive Fund (NZHPT).

The NZHPT has developed an incentives toolkit for heritage places.\(^{39}\) This identifies potential sources of regulatory and non-regulatory incentives. The toolkit, for example, provides guidance on funding assistance, especially the NZHPT’s National Heritage Preservation Incentive Fund and heritage funds provided by local authorities. For further information, contact the NZHPT or visit the NZHPT’s website.\(^{40}\)

Additional information about incentives and funding sources generally can be obtained by contacting the Enable NZ (Ministry of Health), Funding Information Service\(^{41}\) or the Ministry for Culture and Heritage, *Cultural Funding Guide*.\(^{42}\)

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40 www.historic.org.nz/ProtectingOurHeritage/FundingProtection.aspx
41 www.fis.org.nz/
6. Sources of information and guidance

6.1. Ministry of Business, Innovation and Employment

The Ministry of Business, Innovation and Employment has a major role in terms of the Building Act and the New Zealand Building Code. In addition to regulatory and code issues, the Ministry of Business, Innovation and Employment (in association with the Barrier Free New Zealand Trust) has published some guidance in relation to accessibility issues. The guidance, available on the Ministry’s website, includes:

- Accessible car parking spaces.
- The international symbol of access.
- Accessible reception and service counters.

6.2. Office for Disabilities Issues

The Office for Disability Issues was established in 2001 to provide dedicated policy support to the Minister for Disability Issues. It is the focal point for government on disability issues. The Office for Disability Issues prepares and maintains the New Zealand Disability Strategy. The Office also publishes a range of information, research and guidance about disability on their website. As an example, it undertook a major research project in 2007 with the Centre for Housing Research Aotearoa New Zealand. This research examined ways that New Zealand’s housing stock could be future-proofed for an inclusive society.

6.3. Human Rights Commission

The Human Rights Commission advocates and promotes respect for human rights in New Zealand. In addition to making investigations under the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990, the Commission provides public information about disabled rights. For example, the Commission’s website includes information about the Convention on the Rights of Persons with Disabilities and the Optional Protocol, disabled children’s right to education, accessible public transport and mental illness.

6.4. New Zealand Standards

The building control guidance framework includes non-mandatory standards. Standards (NZS), established by Standards New Zealand, are often referred to in building code compliance documents as acceptable solutions or verification methods.

The most relevant NZS for accessibility is NZS 4121. This is the primary national standard for the design for access and mobility in terms of buildings and associated facilities. NZS

45 www.hrc.co.nz/home/hrc/home.php
4121 has unique legal status under section 119 of the Building Act 2004, being the only NZS cited in the legislation. It sets the benchmark for ‘best practice’ in providing access. Another relevant standard is the joint Australian/New Zealand standard AS/NZS 1657 which relates to fixed platforms, walkways, stairways and ladders.

6.5. Barrier Free New Zealand Trust

The Barrier Free New Zealand Trust is a non-government organisation that aims to encourage, promote and facilitate the ‘creation of environments that are accessible and usable by everyone in the community, including people with disabilities.’ It provides advice, education and information in relation to universal accessibility issues. The Trust educates, assesses and accredits a number of Barrier Free Advisors who can provide the assessment and audit of buildings and make recommendations on ways to create universally accessible heritage buildings.

The primary source of guidance, published by the Trust, is the Resource Handbook for Barrier Free Environments. The handbook includes guidance for promoting a barrier free environment for everyone, including:

- Legal requirements for access.
- Alternative means for complying with legal requirements.
- Guidance for checking and reporting on building compliance and accessibility.
- Guidance for the display of the International Symbol of Access (ISA).

The Barrier Free New Zealand Trust also holds seminars that provide training to promote barrier free environments and explanation of the handbook. Information can be obtained from the Barrier Free New Zealand Trust website: www.barrierfreenz.org.nz

6.6. CCS Disability Action

CCS Disability Action was established during the 1930s to help children who had been afflicted by polio. The non-government organisation now has a broader role to work with, and support, all disabled people to have the same right to relationships, learning, recreation, work and community as everyone else.

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46 www.barrierfreenz.org.nz/
Select bibliography

The following select bibliography has been prepared with the assistance of the CCS Disability Action Information Service: info@ccsdisabilityaction.org.nz


Barrier Free New Zealand Trust, Resource Handbook for Barrier Free Environments, 2005

CCS Disability Action, the Waikato District Health Board, Te Puni Kokiri, Marae Accessibility Toolkit Te Whakaahetanga Marae Kua Watea te Huarahi, 2011.

Centre for Accessible Environments, UK: www.cae.org.uk.


*Smarter Homes* www.smarterhomes.org.nz/design/making-your-home-adaptable/.


US Access Board – Standards for Accessible Buildings

*The Access Guide to the Tower of London* includes a caterpillar chair used to enable access to some parts of the Tower: www.hrp.org.uk/TowerOfLondon/accessguide.aspx

*Photo, www.public-domain-image.com*