



Blind Citizens NZ

Issue 11: Access to the Built Environment

Lost in the Urban Jungle

Supplement to “The Great Barrier Brief”

Blind People Speaking for Ourselves
Association of Blind Citizens of New Zealand Inc

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Founded in 1945, the Association of Blind Citizens of New Zealand Inc (Blind Citizens NZ) is New Zealand’s leading blindness consumer organisation and one of the country’s largest organisations of disabled consumers. Our aim is to heighten awareness of the rights of blind and vision impaired people and to remove the barriers that impact upon our ability to live in an accessible, equitable and inclusive society.

In the context of this document, the word “blind” encompasses all those with a vision impairment who can identify with some or all of the issues described below.

Introduction

There is almost nothing we can do in modern life without at some stage walking into a public building. If you ever go into a shop like a dairy or grocery store, or an airport, hotel, doctor, bank, gymnasium, library or museum, or you go to school or a tertiary education facility, then you are walking into a public building. Public buildings can range in size from something like a simple stand-alone corner shop or a small block of shops on your local street corner to a huge office building in the centre of a big city.

Most people take public buildings so much for granted that they never stop to think that such facilities can be difficult for some people to use. If not properly designed, features such as steps, staircases, escalators, lifts, doors and furniture can be hazards to blind people and other people with disabilities.

This statement is directed primarily at everyone who plays a part in how public buildings are created, including architects, builders, and local authorities.

Background Information

The primary legislation governing public buildings is the Building Act 2004. The fundamental requirement of the Act is that all building work must comply with the Building Code to the extent required by the Act. Section 118 of the Act, with the backing of the Human Rights Act 1993, requires specific outcomes when provision is being made for the construction or alteration of a public building. The Act identifies 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.

New Zealand Standard 4121:2001 Design for Access and Mobility – Buildings and Associated Facilities (NZS 4121), is cited by the Building Act as an acceptable solution for establishing compliance with the Building Code for requirements of persons with disabilities. Last revised in 2001, this standard was developed by the building industry working directly with representatives of disabled people and organisations working in the disability field. Now in 2014 it is felt by many to be out of date with respect to recent building practices. However in the opinion of Blind Citizens NZ it is still arguably the most definitive statement of how public buildings and facilities in New Zealand must meet the needs of disabled people.

Despite that this standard exists and is cited by the Act for this purpose, the Building Code itself has its own provisions for people with disabilities. It is felt in the disability community that the accessibility requirements in the Building Code are less stringent than NZS 4121.

There are also areas in which the Building Code and NZS 4121 appear to contradict each other which makes it technically impossible to comply with both.

These and other factors have undermined the status of NZS4121 as the source of authority on how public buildings should be designed to meet the needs of people with disabilities. In order to comply with the Act, an owner may choose whether to comply with NZS 4121 or with the Building Code. It is necessary to comply with one or the other, but in effect this means compliance with NZS 4121 is optional.

What We Need

1. We as people with disabilities must be able to enter, navigate through and carry out our everyday transactions in the full range of public buildings and facilities, as defined in the Building Act 2004, while maintaining our full independence, autonomy and dignity in the same way as anyone else. For blind people, this requires attention in areas such as:
 - suitable lighting, use of colours and colour contrast;
 - lifts where the buttons are identified by braille and raised letters, and with a talking facility that announces the floor number on arrival;
 - braille and raised letter signs indicating important information such as floor numbers, toilets etc
 - access routes to be clearly defined, where necessary by visual and tactile cues, and to be clear of hazards.
2. There must be one clear and authoritative standard or source of law that sets out the legal obligations on building owners to ensure their buildings can be used effectively by everyone, including people with disabilities. The current confusion regarding the status of NZS 4121 must be resolved.

- 3.** Public buildings are for everyone to use. It follows that the design of public buildings should be based on the principles of accessibility and universal design.
- 4.** The laws and standards that regulate accessibility of public buildings must be periodically reviewed and updated to reflect changing building practices. People with disabilities through the organisations that represent us must be involved as well as experts from knowledgeable disability organisations, the building industry, local authorities and other interested parties.
- 5.** These accessibility laws and standards must be supported by a strong compliance and enforcement regime that clearly sets out the roles and responsibilities of Government departments, territorial authorities, the building industry and other parties involved. Appropriate mechanisms must exist to ensure people with disabilities and other interested parties can challenge enforcement decisions and have meaningful input into determinations.

Resources

The following resources may provide additional information:

- Building Act 2004 <http://www.legislation.govt.nz/act/public/2004/0072/latest/DLM306036.html>
- Human Rights Act 1993 <http://www.legislation.govt.nz/act/public/1993/0082/latest/DLM304212.html>
- New Zealand Standard 4121:2001, Design for Access and Mobility – Buildings and Associated Facilities <http://www.standards.co.nz/assets/Publication-files/NZS4121-2001.pdf>
- Barrier Free Requirements for Quality Accessible Built Environments, Barrier Free New Zealand.
- Article 9 Accessibility, United Nations Convention on the Rights of Persons with Disabilities <http://www.un.org/disabilities/convention/conventionfull.shtml>
- Consultation Report: Access to Buildings for People with Disabilities, June 2014 (Malatest International).
- New Zealand Disability Action Plan 2014-2018.

Other publications in this series

- Register of Issues: The Great Barrier Brief.
- Issue 1: Nationally Consistent Total Mobility Scheme / Are we being taken for a ride?
- Issue 2: Accessible Public Transport / Is this the right bus?
- Issue 4: Accessible Banking / Money talks, where does it stop?
- Issue 5: Accessible Telecommunication Services / Are you walking the talk?
- Issue 6: Sharing the Benefits of Technology / Is your website reaching everyone?
- Issue 6: Sharing the Benefits of Technology / Does your website shut the door in our face?
- Issue 7: Audio Description / A sentence paints a thousand pictures, so what's it sound like?
- Issue 9: Accessible Independent Voting / How secret is your vote?

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