

Determination

under the

Building Act 1991

No. 92.1103: Facilities and Access for People with Disabilities in a Bank

1. The matter to be determined

- 1.1 The matter before the Authority was a dispute arising from a territorial authority's refusal to issue a building consent in respect of proposed provisions to be made for facilities and access for people with disabilities in the alteration of a bank building.
- 1.2 The Authority takes the view that it is being asked to determine under Part III of the Building Act 1991 whether, after the proposed alteration, the building will comply as nearly as is reasonably practicable with the provisions of the New Zealand Building Code for facilities and access for people with disabilities, and in particular whether a lift is required. In making its determination, the Authority has not considered whether the plans comply with any other provisions of the New Zealand Building Code.
- 1.3 The documents submitted to the Authority show that the building concerned has two stories, each less than 300m² in area. Both floors are to have a classified use of commercial and are to be used to provide banking services. The major public reception area is to be on the ground floor, which is to have toilet facilities for people with disabilities. There is also a public reception area on the upper floor, solely for the purposes of the bank's "lending" services, and the Authority understands that those services, and any other customer services that might come to be provided on the upper floor, can be duplicated on the ground floor. The upper floor also contains staff facilities including a staff room with kitchen facilities and a shower compartment.
- 1.4 The territorial authority considers that it cannot grant a dispensation from clause D1.3.4(c)(iv) of the New Zealand Building Code, which requires a lift to be provided to serve all upper floor public reception areas in banks.
- 1.5 The applicant does not dispute that the building code requires a lift to be provided for new buildings, but contends that the installation of a new lift in the course of this

relatively minor alteration to an existing building "would be more than is reasonably practicable".

- 1.6 Neither of the parties wished to speak or call evidence in support of their submissions.

2. Discussion

- 2.1 The Authority notes that under section 25 of the Disabled Persons Community Welfare Act reasonable and adequate provision is to be made for people with disabilities "who may be expected to visit or work in" the building concerned. The Authority also notes that the objective of the relevant provisions of the New Zealand Building Code is to "Ensure that people with disabilities are able to enter and carry out normal activities and functions within buildings". The Authority considers that objective applies in respect of both customers and staff of the building.
- 2.2 As the upper floor is to be used for the purpose of a public reception area, then under clause D1.3.4(c)(iv) of the New Zealand Building Code a lift would be required if it were a new building. The Authority considers that the objective of that requirement is to make public reception areas accessible to customers in wheelchairs. However, if the upper floor were for the use of staff only, then the Authority considers that the design occupancy would be less than 40 (as calculated from the item "Offices and staffrooms" in Table A2 of Appendix A to Approved Document C4). A lift would not be required for that design occupancy by clause D1.3.4(c)(iv) of the New Zealand Building Code even if it were a new building.
- 2.3 In this case, the "lending" services located on the upper floor can be made available to customers on the ground floor. A lift is therefore not necessary for customers in wheelchairs wishing to make use of those services.
- 2.4 The Authority considers, however, that even if the installation of a lift is not justified, facilities and access are required for ambulant people with disabilities. That means in particular that the stairs and the shower compartment are to have the necessary features to permit use by ambulant people with disabilities. Guidance on those features is to be found in Approved Documents D1 and G1 and in NZS 4121.
- 2.5 The Authority also considers that wheelchair users should be able to carry out normal activities and functions on the ground floor, both as customers and as members of the bank's staff. That means in particular that adequate access, clearances, and turning areas must be provided to fixtures such as teller stations and in the areas to be used by managers and consultants. It also means that staff in wheelchairs should have the use of the ground floor interview room as a staff room at appropriate times. Adequate signs will be necessary to identify the alternative "lending" service provided for customers on the ground floor.

3. The Authority's decision

- 3.1 In accordance with section 20(a) of the Building Act 1991, the Authority hereby reverses the decision of the territorial authority so that a building consent is to be issued in respect of the alteration without a lift but in compliance with the other provisions of the New Zealand Building Code and other conditions in respect of facilities and access for people with disabilities as indicated above.

Signed for and on behalf of the Building Industry Authority on this twenty-third day of December 1992.

J H Hunt
Chief Executive