

# ACCESS TO HERITAGE PLACES GUIDELINES

## VIC



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## ACCESS TO HERITAGE PLACES

This guideline document provides some useful information to assist owners, authorities, heritage consultants and anyone who may be involved with providing Disability Access to Heritage Places. It sets out the statutory requirements, a process to solve issues and provides illustrations to show how some situations have been resolved to assist in providing access to Heritage Places.

## INTRODUCTION

Dignified access for people with disabilities should be provided to, and within heritage places. However, many heritage buildings offer specific challenges that need to be overcome when providing access for all. Any proposal for change to a heritage place should be informed by, and tested against, a thorough understanding of the impact on significance. In many cases heritage, planning and building permits will be required when undertaking changes to a heritage place to provide access for all.

All buildings, including heritage places, are subject to the requirements of the Federal *Disability Discrimination Act* 1992 (DDA) and complementary state based legislation such as the *Equal Opportunity Act* 2011 in Victoria. The DDA applies whether buildings are in public or private ownership (excluding private residences). This Act requires that people with disabilities be given an equal opportunity to access premises without discrimination unless a case of unjustifiable hardship exists.

Should heritage buildings undergo change then the requirements of the National Construction Code (NCC) Volumes 1 and 2 Building Code of Australia (BCA) (herein referred to as the BCA), will apply to the new work and this includes a number of specific provisions for people with disabilities. There is also a requirement under the Premises Standards (see below) for the affected part (the access way from the new work to the main pedestrian entry) to also comply with the BCA requirements for access for people with disabilities. Any change to a heritage building needs to consider the impact on the heritage values.

Providing access for all to heritage buildings has broader equity issues including improved access that benefits a range of users including parents with children in strollers, couriers and furniture movers as well as people with disabilities. Inclusive design, Universal design, or access for all, is an overriding objective that should always be aimed for when upgrading a heritage place.

This Guideline provides information on disabled access, inclusive design or universal access to heritage places. This may include buildings and their setting such as gardens. Its aim is to show that it is possible to modify a range of heritage buildings so that they are accessible to people with a disability while maintaining the heritage values of the place. There are more detailed guides to overcoming the practical problems associated with providing access for people with disabilities, some of which are included in the resources section of this Guideline.

## BACKGROUND

### ***Disability Discrimination Act***

The definition of disability, as outlined in the DDA, can be summarised as anything that results in a total or partial loss of a person's bodily or mental functions. This includes physical, visual, hearing, intellectual and psychiatric impairments. Current Australian statistics indicate that some 20% of Australians have a disability. This rises to 50% for people over 60. The DDA is Commonwealth legislation requiring that people with a disability be given equal opportunity to participate in, and contribute to, a full range of economic, social, political and cultural activities. The goal of the DDA is not fulfilled by limited access. Instead it promotes and protects equality of full access: physical, informational and attitudinal.

Under Section 23 of the DDA it is unlawful to discriminate against a person on the basis of a disability.

The DDA is a complaints based Act. It requires people who consider themselves discriminated against to lodge a complaint with the Australian Human Rights Commission (AHRC). The right to access is not absolute in law and the DDA includes provision in Section 11 whereby a person can argue that to implement the provisions of the DDA would cause them unjustifiable hardship. The grounds for unjustifiable hardship can include impacts on heritage buildings. The Federal Courts would decide on whether a defendant would suffer unjustifiable hardship if required to provide access.





Complaints about the lack of provision of access for people with disabilities should in the first instance be made to the person who manages or owns the heritage place. Where no resolution can be achieved a complaint may be lodged with the Federal Human Rights and Equal Opportunity Commission under the DDA. Complaints can also be made through the Victorian Equal Opportunity Commission, where there has been a breach of the *Equal Opportunity Act*.

### **Premises Standards**

The Disability (Access to Premises – Buildings) Standard 2010 (referred to on the Premises Standards) provides details of the design and construction required for building work to meet the obligations of the DDA and parallels the BCA for the areas covered by the BCA.

The Premises Standards also includes details of what could constitute unjustifiable hardship and Clause 4.1 includes as one of the possible reasons for unjustifiable hardship as “if detriment involves loss of heritage significance – the extent to which the heritage features of the building are essential, or merely incidental, to the heritage significance of the building.”

There is also a requirement under the Premises Standards that in existing buildings the affected part (the access way from the new work to and including the main pedestrian entry) also comply with the requirements of the BCA for access for people with a disability.

### **Building Code of Australia and Premises Standard**

Whenever new work is undertaken it must meet requirements of the BCA and this includes several specific provisions for people with disabilities. In particular, the following clauses to disabled access:

- D3 General Requirements and Access
- E3.6 Lifts
- F2.4 Toilet Provisions

As the BCA is not retrospective, there is no requirement to upgrade a building to current with regard to access for people with disabilities new work is proposed. In Victoria the BCA is applied through the Building Act.



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### **Application of the Premises Standards/BCA to heritage buildings**

Both the Premises Standards and the BCA are applicable to new buildings and new building work in heritage and other existing buildings. In addition, the Premises Standards also include requirements for the ‘affected part’ of existing buildings, as mentioned above.

Application of the ‘affected part’ requirements often form the basis of consideration of the unjustifiable hardship provisions of the Premises Standards.

Victoria has Section 28 of the Building Act 1993 which permits a Relevant Building Surveyor (RBS) to use discretion in application of the BCA in respect to Buildings on the Heritage Register. However this discretion cannot be applied when considering access provisions.

There is also a provision under Clause 5 of the Building Amendment Act 2011 to make application to the Building Appeals Board for determining access provisions of the building regulations and this can include Heritage Buildings.





There is also the possibility of performance solutions under NCC.

## **Heritage**

Heritage legislation at Commonwealth, State and Territory or local level seeks to conserve and protect the heritage significance or heritage values of a place. Significance is expressed in a Statement of Significance which describes the value of the place to the community and includes a range of criteria embodying aesthetic, historic, scientific and social values. These are defined in the Burra Charter Guidelines as detailed below.

### **Aesthetic value**

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric including original parts and features such as stairs, verandahs and balustrades. It can also include the smells and sounds associated with the place and its use.

### **Historic value**

Historic value encompasses the history of aesthetics, science and society, and therefore to a large extent underlies all of the terms set out in this section.

A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive.

However, some events or associations may be so important that the place retains significance regardless of subsequent treatment.

### **Scientific value**

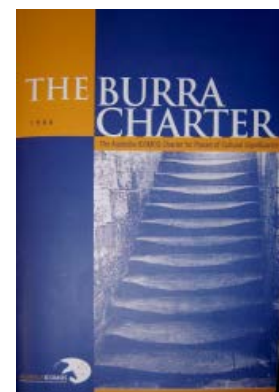
The scientific or research value of a place will depend on the importance of the data involved, on its rarity, quality or representativeness, and on the degree to which the place may contribute further substantial information.

### **Social value**

Social value embraces the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment to a majority or minority group.

Heritage legislation aims to protect significant heritage for past, present and future generations. All works to places on the Victorian Heritage Register, including those made to improve access, will require a permit under the *Heritage Act* 1995. Many alterations, especially the provision of external ramps etc. will require planning permission where a heritage place is included in the Local Environment Plan (LEP) or attached schedules of a local planning scheme under Local Government control.

The guiding document for conservation practice is the Australia ICOMOS *for Places of Cultural Significance* (The Burra Charter). The Burra Charter conservation as including all the processes of looking after a place: maintenance, preservation, restoration, reconstruction and adaptation. One of the guiding principles of the Burra Charter is a cautious approach of changing as much as necessary but as little as possible (Article 3). This approach should guide any work to provide access for people with disabilities.



Charter defines

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The heritage values can be found in a range of possible documents such as:

- a Conservation (or Heritage) management plan
- a heritage assessment report
- a State or Federal Heritage inventory sheet
- a Local Government Heritage report or register
- a non-government heritage inventory such as those with the National Trust or Australian Institute of Architects.





Alternatively a statement as to why a place matters and why it has been included on heritage list can be obtained from a Local Council office or Heritage Advisor.

Most statements of significance will define what is most important about a place and this will enable an understanding of what elements are important to conserve, to retain significance and other areas where change is possible.

## GUIDING PRINCIPLES

In providing disabled access to heritage places, aim to meet the obligations of the various acts and regulations while providing the same opportunities for all including people with disabilities to use, appreciate and enjoy heritage places. This includes ensuring access for all through providing:

- (a) car parking as close as is reasonable
- (b) access to the buildings on a common or similar route
- (c) access into the building at the same entry used by all where possible. This is usually referred to as the principle public entrance, and may or may not be the original or historic entry
- (d) access through each level of a building
- (e) access to, and between all levels of the building
- (f) use of toilets and other facilities
- (g) information in all formats written, visual and audio
- (h) services such as telephones, vending machines, counters and retail outlets
- (i) access throughout the site including open space, landscapes, gardens and garden structures.

Inclusive design and Universal access is about ensuring independence and dignity for all users entering and using places. Some details in (g), (h) and (i) above may not be included in the BCA but are factors that are within the DDA.

The objective is to achieve maximum access with minimal impact on the heritage values while complying with relevant heritage, planning and building legislation and adopting the sound conservation philosophy contained in the Burra Charter.

## PROCESS

The recommended process for resolving and implementing a scheme for improving access to a heritage place is to:

- (a) Determine the significance of the heritage building or place and identify the elements of significance. This will usually be set down within the heritage list or register and may be a very simple or a more expansive statement. There may be a need to seek advice from a Council's Heritage Adviser or a suitably qualified heritage consultant to clarify or expand the statement. If a Conservation Management Plan (CMP) on Heritage Assessment Report exists, this will be useful in understanding significance. CMPs should provide policies that allow design solutions that meet the legislative requirements while retaining heritage significance.
- (b) Undertake an access audit, using an access consultant if necessary, to determine the place's existing and required level of accessibility to: the principle public entry, all parts of the building, to services provided and to information.
- (c) Develop accessibility options which may include using an architect with experience of working with heritage places and testing these against the significance or CMP's conservation policies. The options that maximises access but has the minimum impact on heritage significance should generally be selected.
- (d) Establish a preferred solution and prepare an action or implementation plan. The final strategy to overcoming access issues in heritage places may involve performance based responses (or Alternative Solutions) rather than standard BCA Deemed to Satisfy solutions and can include management responses such as providing awareness training.
- (e) Obtain appropriate heritage, planning and building permits prior to implementing the action required.





## SOLUTIONS

There is no one solution to a problem. Different heritage buildings will have varying levels of significance, different settings, and there may be a range of possible solutions to optimising access for all.. Each case needs to be assessed on its own merits and the best set of solutions found.

### CAR PARKING AND ACCESS



#### Hotel Kurrajong, Canberra (EMA)

Accessible car parking spaces are provided next to ramp access without blocking access to the ramp for other users.

### VERTICAL ACCESS OFF STREET - OVERCOMING A SMALL CHANGE IN LEVEL



#### 271 Collins St, Melbourne (DPCD)

The entry has been modified as part of a retail redevelopment to remove the threshold step through the introduction of an internal ramp.



#### Former Metropolitan Meat Market, North Melbourne (DPCD)

The bluestone paving has been re-laid to overcome the threshold at the kerb stone and provide ramped access for wheelchair users.



## VERTICAL ACCESS OFF STREET – OVERCOMING STEPS AT THE FRONT

**Bendigo Court House, Bendigo (DPCD)**

The main entrance is accessed by a ceremonial flight of steps that would be difficult to provide ramp access to. Access to an alternative entrance to the basement level is provided by a new ramp located in the void between the building and the pavement.

**Former Collingwood Town Hall, Collingwood (DPCD)**

A new ramp constructed in bluestone has been crated within the portico to overcome a threshold at the main entrance.

**Bendigo Information Centre (former Post Office), Bendigo (EMA).**

A reversible ramp and landing added to overcome step to entry without damaging historic tiles.

**University House, University of Melbourne (DPCD)**

A sensitively designed external ramp and landing has been provided to the main entrance.







#### State Library of Victoria, Melbourne (DPCD)

An external ramp adjacent to one side of the portico has been incorporated on the front façade to accommodate a modest change in level without significantly diminishing the symmetry of the building.



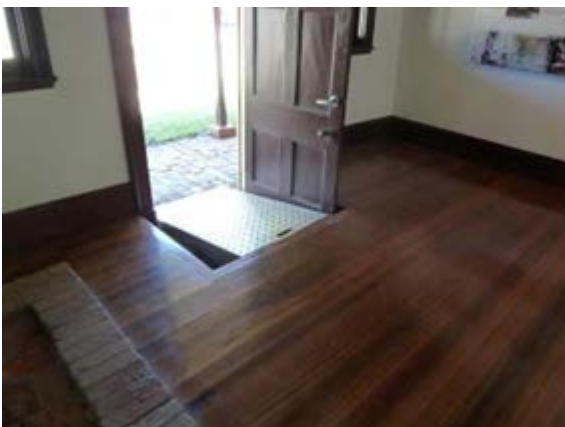
#### Former St Kilda Town Hall, St Kilda (DPCD)

By keeping the gradient of the shared pedestrian/vehicle access to less than 1 in 20 it does not have to be treated as a ramp in terms of the building Regulations.



#### Former Prahan Town Hall, Prahan (DPCD)

A natural change in level across the length of the building helps reduce the length of ramp required.



#### Belgenny Farm, NSW.

A light-weight portable ramp is used to overcome a step at the entrance, which is installed daily as the Museum opens. This solution requires management with staff and volunteers to install it daily.



#### Orica (former ICI) House, Melbourne (DPCD)

A sensitively designed platform lift has been integrated into foyer of this modernist office block at the side of the main entrance stairs.



## VERTICAL ACCESS OFF STREET – LARGE LEVEL CHANGE

**Princes' Bridge Walk, Federation Square, Melbourne (DPCD)**

A contemporary steel and glass external lift has been provided to deal with a large change of level adjacent to a historic bridge and provide access to a hospitality and tourism precinct.



## VERTICAL ACCESS WITHIN BUILDING – SMALL CHANGES OF LEVEL

**Prahan Town Hall, Prahan (DPCD)**

A high-quality reversible glazed ramp has been provided in the foyer to overcome a change in level.

**Parliament House, Melbourne (DPCD)**

An inconspicuous platform lift provides access to the public gallery.





## VERTICAL ACCESS WITHIN BUILDING – LARGE CHANGES OF LEVEL



**Former Fitzroy Town Hall, Fitzroy (DPCD)**

A new external lift adjacent to the accessible entrance from the car park provides access to all floors.



**Former Magistrates Court (RMIT University) (DPCD)**

A new internal lift has been incorporated into the historic interior.



**Forum Theatre, Melbourne (DPCD)**

A stair climbing platform is provided for wheelchair users to access the upper levels of the theatre where a lift would not be practical to install. It has been painted to minimise its impact on the historic interior.





**UPGRADING EXISTING STAIRS****Old Parliament House, Canberra, ACT**

An addition bar clamped on existing balustrade to increase height and meet safety from falling requirements.

**SIGNAGE****GPO Building, Melbourne (DPCD)**

Signage is used to inform wheelchair users and parents with pushchairs of the accessible entrance.

**ACCESSIBLE WC FACILITIES****Immigration Museum, Melbourne (DPCD)**

New accessible WC facilities can be integrated into existing spaces within an historic building.





**EXISTING RAMPS****Harold Holt Swim Centre, Glen Iris (DPCD)**

Existing (non-compliant) ramp is retained in use as part of the architectural significance of the building and a new accessible entry provided.

**EXISTING LIFTS****Athenaeum Library, Melbourne (DPCD)**

The existing historically significant lift still provides access within the Athenaeum, Collins Street, Melbourne. Management systems are in place to provide staff assistance to wheelchair users who otherwise would find the manual doors and non-compliant controls difficult to use.

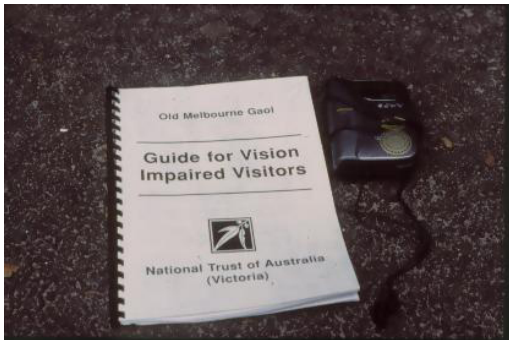
**CULTURAL HERITAGE LANDSCAPES****Freycinet National Park, Tasmania (Pam Enting)**

An accessible pathway, which does not detract from the landscape, provides access for all to the Tourville Lighthouse.





- **INTERPRETATION**

**OLD MELBOURNE GAOL**

Interpretation considers people with vision impairment with:

- Raised tactile model of layout
- Large print and braille information
- Audio guide including details of how to circulate around the site
- Objects that can be touched and handled.



## RESOURCES

### General References

*Disability Discrimination Act 1992* (Commonwealth)  
*Disability (Access to Premises – Buildings) Standards 2010*  
*Equal Opportunity Act 2011* (Victoria)  
*Building Act (Victoria) 1993*  
*Building Amendment Act (Victoria) 2011*

### References

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Martin, E., 1999, *Improving Access to Heritage buildings: A practical guide to meeting the needs of people with disabilities*, Australian Heritage Commission, Canberra  
<http://www.environment.gov.au/heritage/ahc/publications/commission/books/pubs/improving-access-heritage-buildings.pdf>

### Websites

Heritage Victoria, [www.heritage.vic.gov.au](http://www.heritage.vic.gov.au)

Association of Consultants in Access, Australia Inc. [www.access.acn.au](http://www.access.acn.au)

Eric Martin & Associates, [www.emaa.com.au](http://www.emaa.com.au)

