9 October 2019

To the Ministry for the Environment

Please find attached DPA and CCS Disability Actions’ submission on the Ministry for the Environment’s Planning for Successful Cities discussion document for the National Policy Statement on Urban Development.

Contact:

DPA:

CCS Disability Action:
Introducing Disabled Persons Assembly NZ

The Disabled Persons Assembly NZ (DPA) is a pan-disability disabled person’s organisation that works to realise an equitable society, where all disabled people (of all impairment types and including women, Māori, Pasifika, young people) are able to direct their own lives. DPA works to improve social indicators for disabled people and for disabled people be recognised as valued members of society. DPA and its members work with the wider disability community, other DPOs, government agencies, service providers, international disability organisations, and the public by:

- telling our stories and identifying systemic barriers
- developing and advocating for solutions
- celebrating innovation and good practice

Introducing CCS Disability Action:

CCS Disability Action is a community organisation that has been advocating for disabled people to be included in the community since 1935. We provide direct support to approximately 5,000 children, young people and adults through our 18 branches, which operate from Northland to Invercargill. Our support focuses on breaking down barriers to participation. We receive a mixture of government and private funding.

Accessibility and universal design is a major focus for our organisation. CCS Disability Action runs the Mobility Parking Scheme. We have a nationwide network of access coordinators who work with local governments as well as the building and transport industries. We are rolling out a new accessibility app called Access Aware. We are a member of the Access Alliance, which is pushing for a new Access Law.

We established Lifemark®, which certifies and promotes accessible housing.
Planning for Successful Cities

DPA and CCS Disability Action are pleased to see the release of this discussion document. We believe this proposal presents a smart tool which will help to improve the development of our urban landscapes. In particular, we believe that this proposal presents a real possibility to develop high-level impetus for making progress gains in ensuring our cities respond to the needs of our diverse and changing population. Our particular focus is on the diverse populations of people with disabilities and other access needs. This includes people with permanent disabilities, such as vision impairments, learning disabilities and wheelchair users, as well as people with other access needs such as someone who has broken a leg, a heavily pregnant person, and people going through cancer treatment.

Rather than speaking to the specific questions asked in the document, we would like to point your attention towards an area we believe could do with further development. That is, the goal to ensure that cities “respond to the diverse and changing needs of all people, whānau, communities and future generations” (p. 13). As we will highlight in this submission, we believe that the current urban environments, including streetscape designs, the design and development of housing stock, and public transport infrastructure, do not adequately meet the needs of the full diversity of our population.

We know that many councils across the country have work underway to address many of the issues faced by our population. However, our experience tells us that this is a largely ad-hoc approach, where different councils focus on different areas for improvement, with varying degrees of impact. We also have many years of experience being told that our requests for improvement / change in practice are not engaging at the appropriate level, regardless of which level we engage. We believe that in order to ensure our urban landscapes are truly designed for the diverse needs of our population, a systematic approach needs to be taken, supported at the highest
possible level. We believe further that strategy document presents a significant opportunity to ensure work is progressed across the country.

A rights-based approach to urban design

DPA and CCS Disability Action believe that disabled people have equal rights to those of all other people in New Zealand society, including the right to participate in all aspects of economic, social and political life. These rights must be protected in accordance with the United Nations International Convention on the Rights of Persons with Disabilities, the Human Rights Act, and other rights-based laws.

In particular, we would like to draw your attention to the following articles in the United Nations Convention on the Rights of Persons with Disabilities (2008), to which New Zealand is a signatory:

- **Article 4: General Obligations.** “States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability” (4.1)

  This includes “to promote *universal design* [emphasis added] in the development of standards and guidelines” (4.1.f)

  This further includes an obligation for State Parties to “closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations” (4.3)

- **Article 9: Accessibility.** “State Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation…. And to other facilities and services open or provided to the public… These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia… Buildings, roads, transportation and
other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces”. (9.1 & 9.1.a)

State parties shall further take appropriate measures to “develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public”, (9.2.a) and to “ensure that private entities that offer facilities and services which are open to or provided to the public take into account all aspects of accessibility for persons with disabilities” (9.2.b).

- **Article 31: Statistics and data collection.** “States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention” (31.1).

The New Zealand Disability Strategy (2016) further provides impetus for the rights-based approach to urban design. The vision for the strategy is that “New Zealand is a non-disabling society – a place where disabled people have an equal opportunity to achieve their goals and aspirations, and all of New Zealand works together to make this happen”. This strategy includes a number of priorities, including:

- to increase the accessibility for disabled people of the built environment and transport services
- implementing the Accessibility Plan: Public Buildings
- understanding the impact of disability on housing needs and influencing the social housing reform programme to meet the needs of disabled people.

The New Zealand Human Rights Commission has also encouraged the Government to develop a rights-based housing strategy, recognising that the right to habitable and accessible housing is a fundamental human right (Human Rights Commission, 2019).
A diverse population with diverse needs

In 2013, Statistics New Zealand (2013b) found there were an estimated 1.1 million disabled New Zealanders, almost one in four of the population. There are an estimated 632,000 people with a physical impairment (14% of the total population). There are an estimated 484,000 people with a sensory impairment (11% of the total population). An estimated 89,000 people have a learning disability (2% of the total population) and 122,000 people have a psychological/psychiatric condition (5% of the total population). Further, 53% of disabled people have more than one impairment type (Statistics New Zealand, 2013b).

All these types of impairments can create access needs, from physical access needs to communication and signage access needs. Disabled people are also not a static group. The line between being ‘able-bodied’ and having an impairment is thin. All people can gain impairments, including temporary ones, which in turn give them access needs. Access needs are no problem if the built environment and transport is accessible. If not, people can be forced out of the workforce, their community and even their home.

With an ageing population, the number of people who need accessible homes, accessible buildings, accessible public transport and accessible urban environments is rapidly growing. It is imperative that we ensure any work done on any of these areas considers the needs of our diverse population.

Proposal 1: Incorporate Universal Design into this strategy

Universal design is about producing environments that are accessible to all people of all abilities, at any stage of life (Branz, 2019). The concept can be applied to a wide array of domains covered by the Ministry for the Environment and the Resource Management Act, including housing, public transport, and streetscapes.

Universal design is a broad-reaching concept, fit for purpose in a high-level strategy document such as the National Policy Statement on Urban Development. We believe
that in order to ensure the strategy adequately works to meet the needs of diverse populations, it is imperative that both MFE and councils be mandated to:

- Work towards the development and implementation of Universal Design across all relevant domains
- Collect data and measure their progress on implementing Universal Design Principles across all relevant domains

Alongside the potential for having a real impact in the lives of disabled people, mandating Universal Design has two added benefits:

1. There are many pre-developed tools already available to support councils, organisations and private individuals to implement Universal Design (see for instance LifeMark’s three-star rating system on housing development\(^1\))

2. Research has shown that it is considerably cheaper and less disruptive to build Universal Design features into an environment, than it is retrofit the same environment later (Branz 2019). For instance, BRANZ (2019) highlights that, on average, the extra cost of equipping a new home with universal design features is around $1,720. In contrast, retrofitting houses costs an average of $16,990 (using 2011 figures).

When someone has an accident and requires adaptations to their home or work environment, it is often costly for ACC or the Ministry of Health to retrofit the spaces so the person can continue to use them. If houses and workplaces were designed with universal design features from the outset (which can include full accessibility, or spaces designed to be easily modifiable to be accessible), the cost is either non-existent or significantly reduced.

\(^1\) [https://www.lifemark.co.nz/official-star-rating/](https://www.lifemark.co.nz/official-star-rating/)
Proposal 2: Mandate MFE and councils to collect data on the accessibility of the housing stock

There is a lack of published research relating to the quantity and quality of accessible housing in Aotearoa New Zealand. However, what research is available paints a bleak picture for anyone who has need of an accessible house. The Donald Beasley Institute has provided access to a draft of the Housing in New Zealand – My Experiences, My Rights Monitoring Report (2019), conducted as part of the disabled-person led monitoring of the UNCRPD. In this report, the majority of people they interviewed (all with disabilities) had overwhelmingly negative experiences of housing, and participants faced significant human rights violations across multiple fronts. This included people being unable to find houses they could physically enter and live in, living in houses which were a danger to their health, and being unable to afford basics such as food and heating because the only houses they could live in were expensive.

One example of a disabled person’s experience of finding an accessible house is highlighted in this news article https://www.newshub.co.nz/home/new-zealand/2019/02/i-was-breaking-down-disabled-mother-s-gruelling-search-for-an-accessible-auckland-house.html?fbclid=IwAR10cK9CPIlSokTMcK-VuFbyqhUL-tUKVIM9DiwxD3mbjweUlhrfxooRvk

We have also been able to find reports from Statistics NZ which highlight housing issues faced by disabled people (see for instance Statistics New Zealand 2013a). Disabled people are more likely than non-disabled people to live in rental accommodation. This is in part because disabled people earn just over half the average income of non-disabled people; in 2017 the average weekly income of disabled people was $458, just over half of the $833 being earned by non-disabled people (Statistics New Zealand, 2017). When someone is unable to afford to buy and modify their own home, they are at the mercy of the local housing market.

The Statistics NZ report Disability and Housing Conditions: 2013 (2013a) also found significant issues faced by disabled people. This included:
- "25 percent of disabled people reported having difficulty keeping their home warm, compared with 18 percent of non-disabled people" (p 1).

- "18 percent of disabled people said their home was damp, compared with 13 percent of nondisabled people" (p 1).

- "32 percent of disabled people with a physical impairment used building modifications (such as ramps and handrails) to improve accessibility to, or within, their home" (p 1).

- "17 percent people with a physical impairment had a need for modifications to their home to improve accessibility" (p 1).

In 2013, CCS Disability Action conducted some research which found that only 5% of New Zealand houses meet a basic level of universal design standard, and only 2% meet the highest standard of universal design (CCS Disability Action, 2017, p. 13). The 2013 Disability Survey (Statistics New Zealand, 2013b) found that 107,440 people with a physical impairment had an unmet need for a house modification, and 26,880 people with a vision impairment had an unmet need for a housing modification.

New Zealand is significantly behind other jurisdictions that have embraced universal design and incorporated universal design features into either their building code or made it a requirement for any public housing. New Zealand currently does neither.

We advise that one essential step in addressing this significant issue is to include mandatory reporting of the Universal Design rating of local housing stock.

We also advise developing a strategy regarding ensuring all new houses meet basic standards of Universal Design (such as having a toilet on the entry level and having level access into the house), and that a certain percentage of housing stock meets the full standard of Universal Design.
Proposal 3: Mandate MFE and councils to run all urban environment changes through a Universal Design lens

In order to ensure that changes to urban environments meet the needs of diverse populations, MFE and councils must be mandated to ensure all changes are run through a Universal Design lens.

One example highlighting the need for this lens is the development of shared spaces, where pedestrians, bikes and motor vehicles all share a space. In July 2018 the United Kingdom announced a pause on the development of all shared spaces as the spaces are found to be dangerous for people with vision impairments (see https://www.bbc.com/news/uk-england-44971392). No doubt the councils in various municipalities spent significant time and money designing and developing these shared spaces, and now need to spend more time and money redesigning these spaces. This significant cost could have been saved had there been a national strategy to ensure Universal Design was considered from the initial planning of any new urban development.

Proposal 4: Consult with disabled people through our respective organisations

In order for Aotearoa New Zealand to meet our obligations under the United Nations Convention on the Rights of Persons with Disabilities, The Ministry for the Environment needs to “closely consult with and actively involve persons with disabilities…through their representative organizations” (4.3) in all areas of life which impact disabled people. The domains outlined in the National Policy Statement on Urban Development have a clear impact on the lives of disabled people.

We advise MFE to consult with the DPO Coalition (Disabled Person’s Organisation) coalition, as well as Minister for Disability Issues, Carmel Sepuloni, the Office for Disability Issues, and the Disability Rights Commissioner, Paula Tesoriero, on the
development of a strategy or other process in order to work towards the aims outlined in this submission.

Our recommendations:

1. Incorporate Universal Design into the strategy
2. Mandate MFE and councils to work towards the development and implementation of Universal Design across all relevant domains
3. Mandate MFE and councils to collect data and measure their progress on implementing Universal Design Principles across all relevant domains
4. Mandate MFE and councils to collect data on the accessibility of the housing stock
5. Mandate MFE and councils to run all urban environment changes through a Universal Design lens
6. Consult with disabled people through our respective organisations for the further development of this strategy and more detailed policy documents.
References:


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