10 October 2019

Submission on the Ministry for the Environment’s Planning for Successful Cities discussion document for the National Policy Statement on Urban Development

1. Thank you for the opportunity to comment on the Ministry’s Planning for Successful Cities Discussion Document for the National Policy Statement on Urban Development.

2. The Human Rights Commission is an independent Crown Entity. The primary statutory functions of the Commission include advocating and promoting respect for human rights and promoting and protecting the full and equal enjoyment of human rights by disabled people.

3. As Disability Rights Commissioner, I have a specific statutory responsibility to lead the work of the Commission in relation to the priority area of disability rights.

4. I welcome the release of this Discussion Document as an opportunity to address the significant improvement needed to the current urban environment for disabled New Zealanders. Set out below are my specific comments.

5. I endorse the proposals made in the Submission from the Disabled Person’s Assembly (DPA) and CCS Disability Action. The proposals in that submission support the general obligations New Zealand has under the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

6. The foreword in the Discussion Document notes that *Everyone in New Zealand deserves healthy, secure and affordable homes that provide access to jobs, education, amenities and services. When performing well our cities can contribute to the well-being of residents, and raise living standards for all.*

7. Unfortunately, the reality is that many disabled New Zealanders do not enjoy these rights
on an equitable basis to other New Zealanders. If planners designed with disability in mind, many of these inequities would be reduced.

8. The social model of disability recognises that it is not the impairment an individual has which causes disability, rather it is the environment around us (infrastructure, Policy, services etc.) that creates barriers, thereby disabling people. Therefore, it is critical that the National Policy Statement helps reduce these barriers. One way of helping to reduce barriers is to incorporate universal design into the National Policy Statement.

9. In addition to the CRPD articles referenced in the submission from the DPA and CCS Disability Action (4.3, 9 and 31) I also wish to draw to your attention to two further relevant Articles: Article 28 of the CRPD: Adequate standard of living and social protection and Article 30: Access to culture leisure and recreation.

10. Article 28 requires States Parties recognise the right of persons with disabilities to an adequate standard of living for themselves and their families, housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

11. The right to adequate housing is broad and consists of seven standards [https://www.hrc.co.nz/our-work/social-equality/housing](https://www.hrc.co.nz/our-work/social-equality/housing) which could usefully be incorporated into the National Policy Statement on Urban Development:

- **Security of tenure**: People have the right to know they are protected against forced eviction, harassment and other threats.

- **Availability of services, materials, facilities and infrastructure**: People must be able to access services such as safe drinking water and adequate sanitation.

- **Affordability**: The cost of housing must not threaten or negatively affect people’s enjoyment of other rights.

- **Habitability**: Housing must provide physical safety and protection against the elements, and must not negatively affect people’s health.

- **Accessibility**: Disadvantaged and vulnerable groups, including the disabled, must be given full access to housing and their needs taken into account.
• Location: Housing must allow people to access to key facilities such as employment opportunities, healthcare centres and schools, and must not be close to polluted land.

• Cultural Adequacy: People’s cultural identity and beliefs must be respected and taken into account.

12. An adequate standard of living is essential to disabled people’s dignity, to exercising choice and control over decisions, and to securing other rights such as the highest attainable standard of health, and participation in family and community.

13. Many barriers currently exist in accessing housing for disabled people including: wait times for modifications to homes, lack of suitable accessible housing, affordability (exacerbated by the fact disabled people are among the most marginalised populations in terms of income levels).

14. Article 30 requires State Parties to ensure that disabled people can participate in cultural, leisure and recreational activities on an equal basis to others. Disabled people often feel excluded through lack of access, and as a result can become disconnected from the communities of which they might be a part. The National Policy Statement provides an opportunity to create places and spaces where disabled people feel part of the community they live in.

15. Current urban environments in New Zealand (eg streetscape designs, housing public transport infrastructure), do not adequately meet the needs of disabled people. I am aware that work is underway at local government level too address some of the issues faced by disabled people. However, this does not appear to sit within any national framework, is ad-hoc and fails to address issues at the systemic level.
16. One of the benefits offered through the development of a National Policy Statement on Urban Development is the opportunity to create national consistency across New Zealand. I hope this can be better realised.

Thank you again for the opportunity to comment. Please contact me if you have any queries.

Kind regards

Paula Tesoriero MNZM,
Disability Rights Commissioner