7 February 2020

To the Environment Select Committee

Please find attached DPA and CCS Disability Action’s submission on the Urban Development Bill.

DPA and CCS Disability Action wish to appear before the Committee to speak to our submission.

Contact:

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# 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 are major areas of 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

# Urban Development Bill

The Urban Development Bill needs to facilitate the development of inclusive and accessible cities in Aotearoa. The Bill needs to incorporate Universal Design and make this a requirement for Specific Development Projects.

We note the overlapping focus of this bill with the Ministry for the Environment’s recent Successful Cities proposal, on which DPA and CCS Disability Action also submitted. We would like to encourage the teams at the Ministry for the Environment and Kāinga Ora to ensure the points raised in both submissions are seen within the wider remit of work to ensure that our urban landscapes are both inclusive and accessible.

The Specific Development Project’s (SDP’s) need to be designed with inclusion and accessibility from the outset. It is clear that 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. This creates costs for individuals, families, whānau, communities, and the government.

A diverse range of people have 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. 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.

# 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 Aotearoa, 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 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 there were an estimated 1.1 million disabled New Zealanders, almost one in four of the population.[[1]](#footnote-1) By 2018, this has likely increased to around 1.2 million.[[2]](#footnote-2)

In 2013, there were an estimated:

* 632,000 people with a physical impairment (14% of the total population).
* 484,000 people with a sensory impairment (11% of the total population).
* 89,000 people have a learning disability (2% of the total population)
* 122,000 people with a psychological/psychiatric condition (5% of the total population).[[3]](#footnote-3)

Further, 53% of disabled people have more than one impairment type.[[4]](#footnote-4)

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.

We have an ageing population. The number of people over 65 has a 90 percent probability of increasing to 1.28–1.37 million in 2041 and to 1.58–1.81 million in 2068.[[5]](#footnote-5) Disability rates increase with age. In the 2013 Disability Survey people over 65 had an estimated disability rate of 59%, compared to 21% of people aged 15 to 64.[[6]](#footnote-6) The number of people with access needs will steadily grow and with it 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.

# Our recommendation: Incorporate Universal Design principles into this bill

DPA and CCS Disability Action recommend that the bill be modified to include Universal Design as a core principle through which all SDP’s consents much pass. This is in line with the “appropriate safeguards” currently listed in the bill, whereby “key interests are adequately protected and managed through the SDP process”.

Universal design is about producing environments that are accessible to all people of all abilities, at any stage of life[[7]](#footnote-7). The concept can be applied to a wide array of domains covered by Kainga Ora, 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 legislation such as the Urban Development Bill. We believe that in order to ensure the bill adequately works to meet the needs of diverse populations, it is imperative that Kāinga Ora is required to incorporate Universal Design principles into the SDP process.

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 various entities to implement Universal Design (see for instance LifeMark’s three-star rating system on housing development[[8]](#footnote-8))
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. For instance, BRANZ (2019) highlights that for a house of between 150 and 200m2, the cost of incorporating essential UD features costs about $1700 for a new house compared to $14,000 if that same house was to be retrofitted [[9]](#footnote-9).

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, urban environments, transport systems 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.

Incorporating Universal Design into urban landscapes includes:

* ensuring that accessible public transport is readily available (which includes ensuring that busses, trains, bus stops / train stations and curbs are wheelchair accessible). This ensures that people with both permanent and short-term impairments can get to where they need to go, facilitating access to employment, education and community involvement
* ensuring that all homes have level entry and doorways wide-enough for a person in a wide wheelchair or using a walking frame to enter. This ensures that people are able to have friends and relatives with mobility impairments visit, strengthening community inclusion
* ensuring that all buildings and homes have a toilet on the ground floor (unless there is a lift), so that people who have difficulty using stairs (such as elderly people) can safely visit a home and trust that they can use the toilet
* designing streetscapes so that people with vision impairments can safely find their way around. One example highlighting the need for the Universal Design 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[[10]](#footnote-10). 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. Costs such as these will be saved if Universal Design principles are implemented from the initial planning of any new urban development.

# Supporting the United Nations Sustainable Development Goals

As well as supporting Aotearoa’s progress on implementing the United Nations Convention on the Rights of Persons with Disabilities and the New Zealand Disability Strategy, this bill has the potential to advance many elements of the United Nations Sustainable Development goals in Aotearoa.

These goals include:

* 3: Good health and wellbeing
* 8: Decent work and economic growth
* 9: Industry, innovation and infrastructure
* 10: Reduced inequalities
* 11: Sustainable cities and communities

In particular we would like to point your attention towards the following targets:

* 10.2: By 2030, empower and promote the social, economic and political inclusion of all
* 10.3: Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard
* 11.3: By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries

In addition to these main points, we would like to draw your attention to many other targets which would enable Aotearoa to reach it’s goals.

## Improving physical access:

When SDP’s are built with Universal Design principles in mind, physical access to urban landscapes, homes, buildings and places of work will improve for many. As noted earlier, 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

Improved physical access will help to achieve goals:

* Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization
* 9.1: Develop quality, reliable, sustainable and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all
* 11.7: By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities
* 11.B: By 2020, substantially increase the number of cities and human settlements adopting and implementing integrated policies and plans towards inclusion

## Access to healthcare:

* 3.8: Access to universal health coverage… access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines.

Currently, many disabled people are unable to have equitable access to these services due to being physically unable to enter a building

## Accessible and sustainable transport systems for all:

* 11.2: By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons

## Increasing employment and income:

* 8.5: By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities.
* 8.8: Protect labour rights and promote safe and secure working environments for all workers
* 9.2: Promote inclusive and sustainable industrialization and, by 2030, significantly raise industry’s share of employment
* 9.5: … Substantially increasing the number of research and development workers
* 10.1: By 2030, progressively achieve and sustain income growth of the bottom 40 per cent of the population at a rate higher than the national average

As Minister Sepuloni noted, in June 2019 the employment rate for disabled people was 23.4%, compared to 69.9% for non-disabled people. Furthermore, 35.2% of disabled people are working part-time and wanting, and available, to work more hours compared to 17.8% of non-disabled people [[11]](#footnote-11). Many people are unable to achieve full employment due to physical access barriers such as not being able to find accessible and affordable transport to workplaces, not being able to physically enter many places of employment, or not being able to safely access and utilise a workplace environment

## Increasing sustainability:

* 9.4: By 2030, upgrade infrastructure and retrofit industries to make them sustainable…

When universal design is considered from the outset, this significantly reduces the need for retro-fitting, and increases the accessibility of public transport to disabled people. Both of these factors increase the sustainability of a city.

## Decreased injuries and road traffic accidents:

* 3.6: By 2020, halve the number of global deaths and injuries from road traffic accidents

Building urban landscapes to Universal Design principles helps to ensure that the spaces are safe for disabled people, reducing injuries and road traffic accidents. For instance, as noted above, shared spaces are considered unsafe for people with vision impairments, increasing the risk of traffic accidents.

## Improving housing:

* 11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums

# Our recommendations

In conclusion, DPA and CCS Disability Action recommend that this bill be modified to include Universal Design as a core principle through which all SDP’s consents much pass. Incorporating Universal Design principles into this bill will enable the Government and Kāinga Ora to facilitate the development of inclusive and accessible cities, and meet it’s obligations under the United Nations Convention on the Rights of Persons with Disabilities, the New Zealand Disability Strategy, and the United Nations Sustainable Development Goals.

1. <http://archive.stats.govt.nz/browse_for_stats/health/disabilities/DisabilitySurvey_HOTP2013.aspx> [↑](#footnote-ref-1)
2. <https://ccsdisabilityaction.org.nz/assets/resource-files/The-State-of-wellbeing-and-equality-FINAL-ONLINE.pdf> [↑](#footnote-ref-2)
3. <http://archive.stats.govt.nz/browse_for_stats/health/disabilities/DisabilitySurvey_HOTP2013.aspx> [↑](#footnote-ref-3)
4. Ibid [↑](#footnote-ref-4)
5. <http://m.stats.govt.nz/browse_for_stats/population/estimates_and_projections/NationalPopulationProjections_HOTP2014.aspx> [↑](#footnote-ref-5)
6. <http://archive.stats.govt.nz/browse_for_stats/health/disabilities/DisabilitySurvey_HOTP2013.aspx> [↑](#footnote-ref-6)
7. <https://www.branz.co.nz/universal_design> [↑](#footnote-ref-7)
8. <https://www.lifemark.co.nz/official-star-rating/> [↑](#footnote-ref-8)
9. <https://www.branz.co.nz/cms_display.php?sn=215&st=1&pg=16845> [↑](#footnote-ref-9)
10. <https://www.bbc.com/news/uk-england-44971392> [↑](#footnote-ref-10)
11. <https://www.beehive.govt.nz/release/plan-get-disabled-people-employment> [↑](#footnote-ref-11)