

Hon Phil Twyford, Minister for Housing and Urban Development and Transport

Hon Carmel Sepuloni, Minister for Disability Issues

Hon Jenny Salesa, Minister for Building and Construction

*Delivered by email*

3 December 2018

Dear Ministers

### **National accessibility legislation**

In September 2013, Auckland Council included requirements in the then Proposed Auckland Unitary Plan relating to universal access for residential developments. After considering submissions and evidence from the council and others, the Government-appointed Auckland Unitary Plan Independent Hearings Panel recommended the removal of those requirements.

In the Panel's view, the provisions overlapped those contained in the Building Code. While the evidence and legal submissions presented by the council reached a very different conclusion, in August 2016, the council accepted the Panel's recommendations. You may be aware that the council was provided with only four weeks (eight if approved by the then Minister for the Environment) to consider the Panel's recommendations.

It is now two years since the Auckland Unitary Plan became substantially operative and the issues raised by the council during the Auckland Unitary Plan hearings remain unresolved. The Building Code does not require private residential developments to be designed to provide access to those with a disability. The consequence of this is that disabled people are discriminated against and there are an increasing number of people living in homes that are unsuitable for them.

A recent example of accessibility deficiencies in a large scale housing development is 438 Queen St - Queen Square Residences. While these residences comprise of 226 units, none are designated nor designed as accessible, with the following notations made:

- Of the 14 car parks, none are accessible.
- The main entrance from Queen St does not meet the requirements of an accessible route, with significant crossfall in several directions simultaneously, making the route treacherous for those with mobility impairment, balance issues or visual impairment.
- The main entrance doors are very heavy and have no accessibility features such as push button entry.
- While there is a bank of three compliant lifts, they would not accommodate a stretcher.

- There are doors and hallways throughout the residences that would not accommodate a variety of assistance devices including large self-propelling wheelchairs.
- The bathrooms are generally small and do not accommodate assistive equipment.

Given the scale of urban development occurring in Auckland and elsewhere in New Zealand, this is a major omission that disadvantages the entire community. At some point in our lives, mobility will be an issue for all of us, either affecting us personally, or via friends and family who cannot visit us or actively participate in community life because of the way places are designed.

Our Disability Advisory Panel has been advocating for Universal Design standards for many years. Recently, the panel requested that council advocate to Government for these provisions to be included in the appropriate legislation. As Auckland's population increases, so does the number of those living with a disability who need accessible housing. In addition, the future need for accessible accommodation will be high as our population of senior citizens continues to increase.

We are currently investigating the possibility of reintroducing provisions to the Auckland Unitary Plan via a plan change under the Resource Management Act. However, universal access is a national, not just a regional or local issue, and we believe the Government can and should address the failure in current legislation through national accessibility legislation and changes to the Building Code.

Increasing the supply of housing in Auckland is a goal we share. However, excluding those living in our community with a disability is a legacy we must avoid. The time to act is now.

We would appreciate the opportunity to meet with you to discuss our pressing concerns and the likelihood of the Government addressing these issues through legislation.

Yours Sincerely,



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