



Access Management Plan for People with Disability: Accessible Accommodation

The Botanic Apartments
14 King Street, Warrnambool, Victoria
April 2021





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Revision Table

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Introduction

The Botanic Apartments is committed to providing access for people with a disability on an equal basis.

About The Botanic Apartments



The Botanic Apartments are located at 14 King Street, Warrnambool.

We offer well priced, affordable accommodation in fully self-contained apartments.

All our rooms are on the ground floor.

We are situated in the centre of Warrnambool, halfway down Kings St, a quiet residential street linking Raglan Parade (the main tree-lined street which is a continuation of the A1 Princes Highway) to the Botanic Gardens.

Objectives

This Access Management Plan aims to document the specific access arrangements that were developed and accepted as part of the building approval for recently completed building works at The Botanic Apartments at 14 King Street, Warrnambool Victoria.

The works included the construction of new apartments and an upgrade of existing apartments. In total, twelve apartments were made available during the planned works. The works also include new ramping to the reception area, a new fully accessible room for wheelchair users and a new accessible car parking space.

References

This Access Management Plan references the following documents:

- Disability Discrimination Act 1992 (Cth) (the '**DDA**')
- Disability (Access to Premises – Buildings) Standards 2010 (the '**Premises Standards**')
- National Construction Code 2019, Building Code of Australia, Volume One (the '**BCA**')
- AS 1428.1 (2009) Design for access and mobility, Part 1: General requirements for access – New building work (**AS 1428.1**)



Background

The Performance Solution

As part of the building approval for the new accommodation, a Performance Solution Report was developed and accepted by the Building Surveyor.

The Performance Solution Report accepted a departure from the prescriptive Deemed-to-Satisfy provisions of the BCA, which required two accessible rooms, each with an accessible bathroom, and an accessible car parking space for each room.

At that time, the approach considered the use of the building, the existing site constraints, the expected occupants and accepted that one fully accessible room with accessible parking would be provided during the works.

The approach also considered that while only one fully accessible room was provided for wheelchair users, efforts were made to provide functional rooms for all people, which considered 'universal design'. As a result, the internal fit-out of each apartment aims to provide for the needs of all people, including older people and those with sensory disabilities or limited dexterity.

Accepted Compliance Approach

The Performance Solution was developed using the accepted principles under the BCA and the Premises Standards and proposed variations to the required access provisions in conjunction with implementing this Access Management Plan.

Reliance on this Plan

This Access Management Plan is designed to ensure that:

1. Our employees are aware of the access limitations in our accommodation; and
2. So that in the future, we can quickly implement the required actions to accommodate people who have a disability.

The Access Management Plan is referenced and incorporated into our policies and procedures.

An extract of several key sections of the DDA is included in Appendix A.



Disability Discrimination Act 1992

DDA Objectives

The Disability Discrimination Act 1992 (the 'DDA') aims to make it unlawful to discriminate against persons with a disability in connection with employment, the provision of goods, facilities and services or the management of premises. The legal requirements of the Act affect most existing commercial and public building occupiers.

The DDA protects all people with disabilities across Australia and ensures everyone is treated equally and fairly, including any carers, friends, co-workers, or relatives of people with disabilities.

A copy of some critical sections of the DDA is provided in Appendix A.

DDA Areas

Areas covered within the DDA include:

- Education
- Access to premises
- Provision of goods, services, and access to facilities
- Accommodation
- Purchasing land
- Club & Association activities
- Sporting activities
- Government programs
- Disability Standards

The Attorney-General has the power to make Disability Standards under the DDA to specify the rights and responsibilities of people with a disability, and these Standards provide further details on how DDA compliance can be achieved, providing certainty for everyone.

There are three Standards under the DDA:

- Disability Standards for Education 2005 (**Education Standards**)
- Disability Standards for Accessible Public Transport 2002 (**Transport Standards**)
- Disability (Access to Premises-Buildings) Standards 2010 (**Premises Standards**)

The Premises Standards applies to The Botanic Apartments.



Premises Standards

Adoption of Standards

The Disability (Access to Premises – Buildings) Standards 2010 (the ‘Premises Standards’) are adopted under the DDA.

Objectives

The Premises Standards aim to ensure that dignified, equitable, cost-effective, and reasonably achievable access to buildings, facilities, and services within buildings, is provided for people with a disability. The trigger for consideration of the Premises Standards is when a building approval is required by State or Territory legislation, and in Victoria, this is when a building permit is required.

The Premises Standards also provides a level of certainty to property developers, building owners and practitioners that if access is provided in accordance with the Access Code during building works being the subject of a building approval, it will not be unlawful under the DDA.

The overall aim of the Premises Standards is twofold.

First, it is to provide the building and design industry with detailed information about how they can design and construct their buildings in a way that meets their responsibilities under the DDA.

Secondly, it is to improve access to buildings for people with a disability to ensure the greatest possible participation in the community's social, economic, cultural, and political life. This is the primary document that will eventually form the Premises Standards. It consists of two major parts. The first part deals with all the regulatory requirements for the Premises Standards, who they apply to, scope, definitions, concessions, and a review timetable.

Schedule 1 Access Code for Buildings

The second part is ‘Schedule 1 Access Code for Buildings’. This is the part that contains all the requirements for access to buildings. It is written in the style of the access provisions of the BCA and includes all the detail of where and in what buildings access is required.

In general, this Access Code tells those responsible for buildings when and where access is required and then refers to technical specification documents such as Australian Standard AS 1428.1 (2009) to describe how to design and build in an accessible way.



Management Plan Provisions

The following provisions have been and will continue to be implemented as part of this Access Management Plan (**AMP**), to ensure that reasonable access is provided.

General Requirements

1. The Botanic Apartments is responsible for implementing the AMP, and it forms part of our operational procedures.
2. The AMP implementation is required to support the accessible room arrangements in The Botanic Apartments' accommodation.
3. The Botanic Apartments will ensure that our employees are made aware of the access arrangements, including implementing this AMP.
4. The Botanic Apartments will make all employees aware of the need to avoid discrimination.
5. All employees will be familiar with the access arrangements outlined in this AMP.
6. The Botanic Apartments takes reasonable measures to ensure that employees have sufficient information and expertise concerning non-discriminatory methods of service delivery.
7. The Botanic Apartments has established, are using and promote complaint procedures in relation to discrimination.
8. The Botanic Apartments ensures that complaints are effectively dealt with.
9. The Botanic Apartments has implemented other monitoring strategies, additional to complaint mechanisms, including internal monitoring through supervisory and management responsibilities.
10. For this AMP, the term 'staff member' or 'employee' includes temporary or relief staff or contractors.

Awareness and Training

11. The Botanic Apartments employees are educated on the requirement for ensuring dignified and equitable access throughout the premises.
12. The AMP includes the following key aspects accepted as part of the design:
 - One fully accessible apartment for wheelchair users is available (Apartment 6);
 - One accessible car parking space is provided (outside Apartment 6);
 - If there is an increased demand for accessible accommodation, we have relationships with other accommodation providers in the area and can refer guests;
 - All apartments have some level of enhanced accessible features, and while not accessible to people with significant mobility disabilities, the rooms will meet the needs of most people; and
 - The Botanic Apartments will provide critical information to guests on how each room is accessed and available accessible features on the property.
13. All employees will receive training on:
 - The content of the AMP.
 - Their duty of care in ensuring that the procedures are met.
 - Managing each situation and any carers that are employed to assist any person with a disability.
 - Communicating with people with disability with respect and courtesy the same as any other guest or visitor.
 - Accepting people with assistance animals (i.e., guide dogs).



Guests and other Visitors

14. The availability of accessible accommodation for people with a disability is considered paramount. As such, the following approach was taken during the recent works:
- One fully accessible room (Apartment 6) has accessible features and is a larger room for wheelchair users. This room is advertised and promoted as our fully accessible room and is available to people with disabilities at the same rates as other rooms.
 - All other apartments offer enhancements to the design for some users groups with low vision or limited dexterity or mobility, including:
 - A high level of luminance-contrast between:
 - Floor coverings (carpet and tiles) and walls.
 - Kitchenette cabinets/joinery and wall and floors.
 - Bed linen to floor coverings.
 - Door handles and doors.
 - Tapware and counters/benches/walls.
 - Toilet pans and toilet floors.
 - Apartment entry doors to external walls.
 - Light switches and power points (GPOs) are located away from internal corners.
 - Lever action door handles.
 - Large circulation spaces in bathrooms.
 - There is a clearance between the toilet pan and joinery/showers.
 - Showers are step-free in some bathrooms, while others have a small step onto the formed shower base.
 - Photos of each type of room are available online and by email (on request).
15. As part of the implementation of this AMP, an appropriate employee will be given the responsibility to assist each person and/or to coordinate with the person, assistant, or carer (if applicable).

Communication

16. A copy of this AMP will be made available to any guest or visitor with a disability who wishes to access The Botanic Apartments.
17. All employees will be familiar with the access arrangements outlined in this AMP and provided with a copy to ensure that they are aware of the new accommodation buildings limitations and so they can effectively implement this AMP.
18. During the initial contact with guests, The Botanic Apartments will provide critical information on how each room is accessed and available accessible features on the property. At this time, any accessibility barriers (such as existing steps into the original rooms) will be disclosed.



Commitment to Implement the Access Management Plan

Signed:

Name:

Title:

Date:

Appendix A – Extracts from the Disability Discrimination Act 1992 (DDA)

The following are some key sections of the *Disability Discrimination Act 1992* (DDA) that relate to the building. For a full copy of the DDA please visit

<http://www.comlaw.gov.au/Details/C2014C00013/Download>

Section 3: Objects

The objects of this Act are:

- (a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of:
 - i. work, accommodation, education, access to premises, clubs, and sport; and
 - ii. the provision of goods, facilities, services, and land; and
 - iii. existing laws; and
 - iv. the administration of Commonwealth laws and programs; and
- (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and
- (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community.

Section 4: Interpretation

(1) In this Act, unless the contrary intention appears:

Disability, in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation, or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions, or judgment or that results in disturbed behaviour;

and includes a disability that:

- (a) presently exists; or
- (b) previously existed but no longer exists; or



- (c) may exist in the future (including because of a genetic predisposition to that disability); or
- (d) is imputed to a person.

To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.

Associate, in relation to a person, includes:

- (a) a spouse of the person; and
- (b) another person who is living with the person on a genuine domestic basis; and
- (c) a relative of the person; and
- (d) a carer of the person; and
- (e) another person who is in a business, sporting, or recreational relationship with the person.

Premises, includes:

- (a) a structure, building, aircraft, vehicle, or vessel; and
- (b) a place (whether enclosed or built on or not); and
- (c) a part of premises (including premises of a kind referred to in paragraph (a) or (b)).

Section 7: Discrimination in Relation to Associates

- (1) This Act applies in relation to a person who has an associate with a disability in the same way as it applies in relation to a person with the disability.
- (2) For the purposes of subsection (1), but without limiting that subsection, this Act has effect in relation to a person who has an associate with a disability as if:
 - (a) each reference to something being done or needed because of a disability were a reference to the thing being done or needed because of the fact that the person has an associate with the disability; and
 - (b) each other reference to a disability were a reference to the disability of the associate.
- (3) This section does not apply to section 53 or 54 (combat duties and peacekeeping services) or subsection 54A (2) or (3) (assistance animals).

Section 8: Discrimination in Relation to Carers, Assistants, Assistance Animals and Disability Aids

- (1) This Act applies in relation to having a carer, assistant, assistance animal or disability aid in the same way as it applies in relation to having a disability.
- (2) For the purposes of subsection (1), but without limiting that subsection, this Act has effect in relation to a person with a disability who has a carer, assistant, assistance animal or disability aid as if:

- (a) each reference to something being done or needed because of a disability were a reference to the thing being done or needed because of the fact that the person has the carer, assistant, animal, or aid; and
 - (b) each other reference to a disability were a reference to the carer, assistant, animal or aid.
- (3) This section does not apply to section 48 (infectious diseases) or section 54A (exemptions in relation to assistance animals).

Section 15: Discrimination in employment

- (1) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against a person on the ground of the other person's disability:
 - (a) in the arrangements made for the purpose of determining who should be offered employment; or
 - (b) in determining who should be offered employment; or
 - (c) in the terms or conditions on which employment is offered.
- (2) It is unlawful for an employer or a person acting or purporting to act on behalf of an employer to discriminate against an employee on the ground of the employee's disability:
 - (a) in the terms or conditions of employment that the employer affords the employee; or
 - (b) by denying the employee access, or limiting the employee's access, to opportunities for promotion, transfer, or training, or to any other benefits associated with employment; or
 - (c) by dismissing the employee; or
 - (d) by subjecting the employee to any other detriment.
- (3) Neither paragraph (1)(a) nor (b) renders it unlawful for a person to discriminate against another person, on the ground of the other person's disability, in connection with employment to perform domestic duties on the premises on which the first-mentioned person resides.

Section 23: Access to premises

It is unlawful for a person to discriminate against another person on the ground of the other person's disability:

- (a) by refusing to allow the other person access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not); or
- (b) in the terms or conditions on which the first mentioned person is prepared to allow the other person access to, or the use of, any such premises; or
- (c) in relation to the provision of means of access to such premises; or
- (d) by refusing to allow the other person the use of any facilities in such premises that the public or a section of the public is entitled or allowed to use (whether for payment or not); or



- (e) in the terms or conditions on which the first mentioned person is prepared to allow the other person the use of any such facilities; or
- (f) by requiring the other person to leave such premises or cease to use such facilities.

Section 24: Goods, services, and facilities

It is unlawful for a person who, whether for payment or not, provides goods or services, or makes facilities available, to discriminate against another person on the ground of the other person's disability:

- (a) by refusing to provide the other person with those goods or services or to make those facilities available to the other person; or
- (b) in the terms or conditions on which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person; or
- (c) in the manner in which the first-mentioned person provides the other person with those goods or services or makes those facilities available to the other person.

Section: 25 Accommodation

- (1) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the other person's disability:
 - (a) by refusing the other person's application for accommodation; or
 - (b) in the terms or conditions on which the accommodation is offered to the other person; or
 - (c) by deferring the other person's application for accommodation or according to the other person a lower order of precedence in any list of applicants for that accommodation.
- (2) It is unlawful for a person, whether as principal or agent, to discriminate against another person on the ground of the other person's disability:
 - (a) by denying the other person access, or limiting the other person's access, to any benefit associated with accommodation occupied by the other person; or
 - (b) by evicting the other person from accommodation occupied by the other person; or
 - (c) by subjecting the other person to any other detriment in relation to accommodation occupied by the other person; or
 - (d) by refusing to permit the other person to make reasonable alterations to accommodation occupied by that person if:
 - i. that person has undertaken to restore the accommodation to its condition before alteration on leaving the accommodation; and
 - ii. in all the circumstances it is likely that the person will perform the undertaking; and



- iii. in all the circumstances, the action required to restore the accommodation to its condition before alteration is reasonably practicable; and
 - iv. the alteration does not involve alteration of the premises of any other occupier; and
 - v. the alteration is at that other person's own expense.
- (3) This section does not apply to or in respect of:
- (a) the provision of accommodation in premises if:
 - i. the person who provides or proposes to provide the accommodation or a near relative of that person resides, and intends to continue to reside on those premises; and
 - ii. the accommodation provided in those premises is for no more than 3 persons other than a person referred to in subparagraph (a)(i) or near relatives of such a person; or
 - (b) the provision of accommodation if:
 - i. the accommodation is provided by a registered charity, or by a voluntary body that is not a charity; and
 - ia. the accommodation is provided solely for persons who have a particular disability; and
 - ii. the person discriminated against does not have that particular disability.