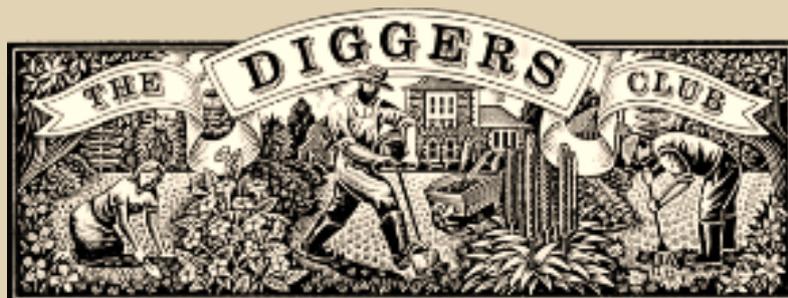


MANAGEMENT PLAN FOR ACCESS FOR PEOPLE WITH DISABILITY

June 2016



HERONSWOOD ESTATE
105 Latrobe Parade, Dromana, Victoria



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Introduction

The objectives of this management plan are to document specific access arrangements that have been developed as part of the building approval for the redevelopment of Heronswood Estate, home of The Diggers Club at 105 Latrobe Parade, Dromana, Victoria.

References

This management plan references the following documents:

- *Disability Discrimination Act 1992 (Cth) (DDA)*
- *Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards)*
- *Building Code of Australia 2014 (BCA)*

Background & Approach to Compliance

The subject building was approved under a building permit issued by the Relevant Building Surveyor shortly after the date of this management plan.

The scope of works under the building permit included consist of a change of use of a heritage-listed dwelling building – i.e. the Heronswood House, to a restaurant. At the time, new building works to the Heronswood House triggered consideration for an alternative entry point for restaurant access via the existing gateway at the allotment boundary, given the path of travel across the site existing main entry point has topographical constraints for people using a wheelchair or other mobility aids.

However, due to operational requirements in maintaining secured access to the site, the subject alternative entry gateway at the allotment boundary is required to be secured from general public access; hence the level of independent access is reduced.

Additionally, the scope of works to the Heronswood House was strictly limited given the heritage overlay to the site. Therefore existing doorways to the principal pedestrian entrance and the Verandah could not be upgraded – other than the provision of removable a 1:10 timber step ramp at the each subject doorway to negotiate the threshold step – to meet the ‘Deemed-to-Satisfy’ doorway access provisions of the BCA.

To compensate for non-compliances, this management plan was proposed to deal with the access short-falls to the entry gateway at the allotment boundary, and the two subject doorways of the Heronswood House, and to ensure that the needs of all occupants can be catered to access the building and the premises required to be accessible.

These arrangements have now been developed into this plan and the controls outlined below ensure that appropriate actions and reasonable adjustments to services can be made on an ‘as needed’ basis to facilitate access to premises.



To formalise the approach adopted by the design team, Equal Access Pty Ltd, accredited disability access consultants, was commissioned prior to the approval of the building works to develop 'Alternative Solutions', documented within the Disability Access Assessments report (dated 17 June 2015).

The 'Alternative Solution' accepted a variation to the general access arrangements to access the site and Heronswood House, in conjunction with a management plan that must be implemented by the operators of the Heronswood Estate – The Diggers Club.

The 'Alternative Solution' was developed using the accepted principals under the BCA and the Premises Standards, as well as ensuring that the intent of the DDA is met.

This management plan is designed to ensure that the occupants can implement the required access arrangements at the allotment boundary entry gateway and subject doorways of the Heronswood House in an appropriate manner when the need arises.



Disability Discrimination Act 1992 (DDA) 1992

DDA Objectives

The objectives of the Disability Discrimination Act 1992 (the 'DDA') are 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 the majority of existing commercial and public building occupiers.

The DDA provides protection for 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 key 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
- Disability (Access to Premises-Buildings) Standards 2010 (**Premises Standards**)

The Premises Standards are applicable to this building.



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 social, economic, cultural and political life of the community. 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 regulation 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 AS1428.1-2009 to describe how to design and build in an accessible way.



Management Plan Provisions

The following procedures need to be implemented when the need to provide access for club members, their family member / carer or other visitors who have a disability arises to enter the premises from the allotment boundary, and the Heronswood House.

General Requirements

1. Operators of The Diggers Club must be provided with a copy of this management plan.
2. This management plan forms part of the operating procedures of The Diggers Club.
3. The Diggers Club management must allocate a person working within the Heronswood House to be responsible for implementing this management plan.
4. The Diggers Club management must allocate a person working within the Heronswood Retail Shop to be responsible for implementing this management plan.
5. The provisions of this management plan need to be implemented immediately if any club member, their family member / carer or other visitor who has a disability that limits or prohibits them from negotiating any of the following areas:
 - (i) the secured entry gateway to enter the premises from the allotment boundary;
 - (ii) the principal pedestrian entrance doorway to the Heronswood House, given the reduced level of access presented by the reduced door and step ramp landings and reduced clear opening through the existing double-leaf doorway; and/or
 - (iii) the Verandah doorway on continuous accessible path of travel to the Heronswood House from the new Toilets block, given the reduced level of access presented by the reduced door landing and reduced clear opening through the existing double-leaf doorway.

The Diggers Club Management

6. The Diggers Club will make all staff aware of the need to avoid discrimination. All staff will be familiar with the access arrangements outlined within this plan.
7. The Diggers Club takes reasonable measures to ensure that staff has sufficient information and expertise concerning non-discriminatory methods of service delivery.
8. All staff will be provided with a copy of this management plan to ensure that they are aware of the site's access limitations and can effectively implement this management plan.
9. The Diggers Club has established, are using and promote complaint procedures in relation to discrimination.



10. The Diggers Club ensures that complaints are properly and effectively dealt with.
11. The Diggers Club has implemented other monitoring strategies, additional to complaint mechanisms, including internal monitoring through supervisory and management responsibilities and external monitoring through customer reference groups.

Operating Procedures for Site Access at Allotment Boundary

For the benefit of the following operating procedures:

- *'the visitor'* = the club member, their family member / carer or casual visitor who has a disability; and
 - *'the staff person'* = the employee working within the Heronswood House allocated by management to implement the provisions of this management plan – i.e. to provide assisted access for *'the visitor'*.
12. The visitor is to arrive at the entry gateway (at the allotment boundary) and alert the staff person inside the Heronswood House of their arrival by using the intercom system or doorbell arrangement provided at the gateway.
 13. The staff person must then go to the entry gateway and unlock the gate immediately.
 14. The visitor will then be able to enter the premises through the unlocked gateway

Operating Procedures to Access Heronswood House at the Principal Pedestrian Entrance

15. The visitor is to approach the principal pedestrian entrance to the building and alert the staff person inside the Heronswood House of their arrival by using the intercom system or doorbell arrangement provided at the bottom of the step ramp preceding the entrance doorway.
16. The staff person must attend to the subject entrance doorway, open both door leafs and engage hold-open devices to keep doors open.
17. The visitor will then be able to travel up the step ramp and through the entrance without having to operating the entrance door.



Operating Procedures to Access Heronswood House from the New Toilets Block

18. Should a visitor within the external Verandah area of the Heronswood House wish to return back into the building, the visitor is alert the staff person inside the Heronswood House by using the intercom system or doorbell arrangement provided external to the existing Verandah doorway.
19. The staff person must attend to the subject Verandah doorway, open both door leafs and engage hold-open devices to keep doors open.
20. The visitor will then be able to travel through the doorway without having to operating the door.

Maintenance Procedures by The Diggers Club Management

21. Management of The Diggers Club will ensure the following maintenance checks are carried out by staff prior to opening the Club for operation:
 - (i) Ensuring a continuous accessible path of travel from the entry gateway at the allotment boundary to the Heronswood House's principal pedestrian entrance is maintained – clear of obstructions by misplaced furniture, equipment, etc.
 - (ii) Check intercom systems or doorbell arrangements and signage at the entry gateway, principal pedestrian entrance and Verandah have not been damaged or vandalised.

The Diggers Club Staff

22. If a staff member has a disability or acquires a disability (either permanent or temporary), management of The Diggers Club must implement the provisions of this plan, in line with local risk assessments.
23. If a staff member is identified, The Diggers Club must ensure that their needs are assessed by an appropriate professional to determine the appropriate measures that need to be implemented, including any workplace modifications. This may also include minor adjustments to their workplace or relocation of their duties to accessible areas of the buildings.
24. All reasonable needs associated with this matter must be addressed to the satisfaction of the staff member in question, but in general terms, all activities will be conducted in accessible areas of the buildings.

Please note, that the term 'staff member' includes temporary or relief staff, contractors or any volunteers.



Training

25. All staff of The Diggers Club will receive training on:

- (i) The content of this management plan and policies and procedures associated with the management plan.
- (ii) The importance of identifying if any club member, staff member or other visitor will be affected by a lack of accessible features to approach and enter the premises and Heronswood House.
- (iii) Relaying information to the relevant people with a disability or their carer and treating people with a disability with dignity and respect.
- (iv) Duty of care in ensuring that the management plan procedures are met.
- (v) Managing each situation and/or any carers that are employed to assist a club member, staff member or other visitor.

Club Members and other Visitors

26. The Diggers Club will make any decisions about admission or participation on the basis that reasonable adjustments will be made where necessary so that a club member with disability is treated on the same basis as a club member without disability.
27. Contact with all potential club members, carers, assistants and other visitors must be made at the earliest possible time. During this first contact any additional needs will be identified and if a person presents with or identifies a disability (either permanent or temporary), The Diggers Club staff will then ascertain their mobility needs and advise of access arrangements.
28. All club members of The Diggers Club are to undergo a site familiarisation as part of their initial orientation.
29. The availability of accessible areas and services for people with a disability is considered paramount, such as accessible carparking facilities and accessing club facilities within the site. The Diggers Club is to ensure the availability of accessible carparking facilities and uninterrupted continuous accessible path of travel from the entry gateway and accessible carparking facility at the allotment boundary to the Heronswood House for club members, their family members /carers or other visitors with additional requirements.
30. All reasonable needs associated with this matter must be addressed to the satisfaction of the relevant person or their carer, but in general terms, those identified people who are unable to negotiate the secured entry gateway, step ramp and doorways at the principal pedestrian entrance and Verandah of the Heronswood House will be accommodated with staff assistance upon request; subsequently an accessible path of travel from the entry gateway and accessible carparking facility to the Heronswood House and within the Heronswood House.



31. As part of the implementation of this management plan, an appropriate staff member must be given the responsibility to assist each person and/or to co-ordinate with their assistant or carer (if applicable). This includes the ability to direct visitors from the allotment boundary to the principal pedestrian entrance of the Heronswood House building, and/or escort visitors from the allotment boundary to the subject building.

Please note that if the management plan is not to the satisfaction of the relevant club member, parent or carer of a club member, or other visitor with a disability, The Diggers Club may need to consider the need to make further evaluation assessments and for potential changes, based on the efficiency and equity of the services currently supported by the 'Alternative Solution'.

Responsibilities

The Diggers Club management and employees must:

32. Be familiar with the content of this management plan and responsible for all procedures being met.
33. Acknowledge the identified non-compliances.
34. Understand the reasons why the access arrangements to the entry gateway allotment boundary, principal pedestrian entrance and Verandah doorways of the Heronswood House may represent a physical access barrier for a person with a disability.
35. Understand the importance of identifying if any person will be affected by the access arrangements to the entry gateway allotment boundary, principal pedestrian entrance and Verandah doorways of the Heronswood House.
36. Allocate appropriate staff members to manage each situation and/or any carers/assistants that are employed to assist a person with a disability.

Communication

37. The Diggers Club has a clear communications strategy to disseminate information to make people aware of the site access limitations and that an access management plan has been devised to address these shortfalls, as well as any other relevant information. This can be done via websites, telephone enquiries and on any written material.
38. A copy of this management plan should be made available to any potential club member, carer of a club member, or other visitor with a disability who wishes to use The Diggers Club facilities and services.



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 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.





Confirmation Of Understanding

I,....., have read and understood the contents of the Diggers Club Disability Management plan. I also confirm that I have received training by the company which includes the practical demonstration of undertaking the disability management plan.

I understand that the disability management procedure discussed in this document is a part of my responsibilities of being a staff person of The Diggers Club at Heronswood and therefore it is my responsibility to comply with this procedure at all times.

I also understand and am aware that my failure to comply with this procedure can have the potential to result in The Diggers Club being liable for a breach of the Disability Discrimination Act 1992 (Cth).

Signed:

Date: