15 June 2015

Premises Standards Review Team
Sectoral Growth Policy Division
Department of Industry and Science
GPO Box 9839
Canberra ACT 2601
By email: PremisesStandardsReview@industry.gov.au

Dear Sir/Madam,


Thank you for the opportunity to comment on this review. I provide this letter as a submission on behalf of Australia ICOMOS.

ICOMOS – the International Council for Monuments and Sites – is a non-government professional organisation that promotes expertise in the conservation of cultural heritage, and Australia ICOMOS, formed in 1976, is one of over 100 national committees throughout the world. Australia ICOMOS has over 600 members in a range of heritage professions, and our members sit on a large number of expert committees and boards across the country.

The review is thus of interest to us in that the standards have obvious implications for the conservation of buildings of cultural heritage significance.

The Access all Areas report (June 2009 Recommendation 8 Clause 4.58) recommended that further consideration was required on the question of whether places of heritage significance could be justified in not complying with the access to places under unjustifiable hardship (refer Premises Standards Part 4 Clause 4.1 (3)(l)). However this discussion has not occurred and confusion remains.

Unjustifiable hardship in respect to heritage values has not been adequately defined, and the matter has not been adequately taken up by any State or Territory, so confusion about it and its application continues. A national and consistent approach is required with a simple process to determine if hardship applies in respect to heritage places.

Alternative solutions within the National Construction Code (NCC) provide a method of assisting in the conservation of places, but these have not been consistently applied owing to a lack of understanding of the provisions and appropriate guidelines. There is an urgent need for adequate and comprehensive understanding and application of the Premises Standards and their potential role in conserving heritage significance while achieving the appropriate level of accessibility.

Members report that the problem lies in the technical definition of "new work", as follows:

If a heritage listed house is being converted into… professional offices then its building classification changes from Class 1 to Class 5. Under the definitions of the NCC the building is considered “new” and all areas are requested to be made accessible.

To avoid ruining significant [heritage] fabric there has been a need to engage an access consultant who provides an Alternative Access [AA] report demonstrating that every effort has been made to provide equitable access whilst avoiding a negative impact on cultural heritage significance, and
Thus the existing Access to Premises Standard already has the potential to affect heritage buildings that are changing classification. But other heritage buildings that require works but are not changing building classification may also face important considerations such as the need for front entries and major egress paths to be changed to achieve compliance.

In our reading of the Premises Standards Review it does not appear to clarify the confusing relationship between the goals of the Premises Standards and that of conserving heritage significance, or the definition of unjustifiable hardship in respect to heritage values. In relation to the latter it should be recognised that the current situation raises significant cost implications as additional specialist trades people are often required to ensure that alterations minimise potentially major negative impacts on important fabric.

A sensible and consistent approach needs to be developed in any update to the Access to Premises Standard that prioritises heritage buildings and allows some recognition of State or Local heritage registers in its application.

Australia ICOMOS would be willing to work with the Premises Standards Review to achieve mutually acceptable legislation in respect of heritage places and equal access. We would highlight the value of the Australia ICOMOS Burra Charter (recently reviewed in 2013) which is held in very high regard within Australia and internationally for the guidance that it provides in relation to heritage conservation.

Thank you again for your consideration of the views of Australia ICOMOS in this important issue.

Yours faithfully

MS ELIZABETH VINES OAM, FRAIA, MICOMOS
President, Australia ICOMOS