

## **RELEVANT INFORMATION FOR COUNCIL**

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**FILE:** S122196 **DATE:** 26 February 2016  
**TO:** Lord Mayor and Councillors  
**FROM:** Kim Woodbury, Chief Operating Officer  
**THROUGH:** Monica Barone, Chief Executive Officer  
**SUBJECT:** Information Relevant To Item 8.2 – Creative Spaces and the Built Environment Discussion Paper - Public Exhibition – At Council - 29 February 2016

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### **Recommendation**

That the Lord Mayor and Councillors note the information contained in this memo.

### **Background**

At the meeting of the Cultural and Community Committee on 22 February 2016, further information was sought regarding the recommendations contained within the City's New Ideas for Old Buildings discussion paper and its relationship to recommendations contained within the 2015 Sydney Fringe Festival Findings of the Pop-Up Theatre Pilot Project and Low Risk Arts and Cultural Venues reports.

Further information was also sought regarding progress of the City's commitment to address access to loading zones for musicians.

### **New Ideas for Old Buildings Discussion Paper**

The recommendations contained within the New Ideas for Old Buildings discussion paper relate to the City's interpretation of the Building Code of Australia with reference to the use of existing buildings, and provide for broader advocacy to state and federal governments across planning, building and associated regulatory frameworks, such as the Australian Standards and the Disability (Access to Premises) Standards. Responding to the variety of different creative enterprises present at the Creative Spaces and the Built Environment Forum, the City aims to pursue best practice regulatory frameworks applicable for a diverse array of activities.

The 2015 Sydney Fringe Festival Findings of the Pop-Up Theatre Pilot Project and Low Risk Arts and Cultural Venues reports, provide information relevant to specific types of activity, namely small scale temporary performance spaces, and small performance venues. They do not address issues related to mixed use spaces, studio and gallery spaces, co-working hubs, or ongoing primary purpose theatre spaces. Further research is required to ensure the recommendations can support these enterprises as well. The recommendations have been worded in such a way that Council can address the needs of the wider cultural sector as well as the types of use addressed in the two attached reports.

The recommendations contained within the Low Risk Arts and Cultural Venues report were prepared by Design Collaborative, a private planning consultancy firm. They draw from two case studies, including a small music venue and a multipurpose creative space. The recommendations relate to categories within the NSW Government's *State Environmental Planning Policy Exempt and Complying Development Codes*, the definition of 'Entertainment Facility' within the state planning system, and their ramifications for the interpretation of the Building Code of Australia. These recommendations relate to planning regulation, not building regulation.

The recommendations contained within the Sydney Fringe Festival Findings of the Pop-Up Theatre Pilot Project report were prepared by Design Collaborative, with reference to planning systems, and Michael Wynn-Jones, with reference to building compliance. They draw from case studies specific to the temporary use of small retail spaces for performance, providing a summary of building safety issues and alternative planning approvals specific to short term projects.

Whilst the two reports draw attention to common problems, the case studies relate to different types of spaces, used in different ways, over different time frames. The proposed planning solutions relate to state policy, whilst the summary of building safety issues relates to interpretation undertaken at the local government level.

Further information is required to understand how these issues relate to the broad array of creative enterprises represented at the Creative Spaces and the Built Environment Forum. Accordingly, prior to adopting recommendations related to interpretation of building and planning regulation, or advocacy for changes to state policies, the City aims to undertake further case studies, and review related policy areas, such as *the Disability Discrimination Act* and its associated Disability (Access to Premises Standards).

The recommendations within the discussion paper relate to an Adaptive Re-Use Guideline, relevant to local government interpretation of the Building Code of Australia, and broader advocacy to the NSW Government. This will allow us to scope, develop and propose policy reforms beyond the limited number of creative enterprises reviewed in the 2015 Sydney Fringe Festival Findings of the Pop-Up Theatre Pilot Project and Low Risk Arts and Cultural Venues reports.

### **Access to loading zones for musicians**

City staff have thoroughly investigated available options for the delivery of the City's commitment to address access to loading zones for musicians

Currently, NSW Government regulations allow the use of loading zones for:

- a public bus that is dropping off, or picking up, passengers, or
- a truck that is dropping off, or picking up, goods, or
- any of the following vehicles:
  - a vehicle that a person is getting into or out of or getting on or off,
  - a station wagon or a motor bike that has 3 wheels and is constructed principally for the conveyance of goods,
  - a motor vehicle constructed principally for the conveyance of goods.

This is the principal barrier to providing access to loading zones for musicians, who often do not own trucks, station wagons or other vehicles designed principally for the conveyance of goods. The City of Sydney has committed to undertaking advocacy on behalf of other local councils including Leichhardt, Marrickville and Wollongong. As such, attention has been focused on advocating to the NSW Government to address the issue across NSW.

The City of Sydney's advocacy on this issue is being done in conjunction with a range of other NSW Government focused regulatory reform actions included in the Live Music and Performance Action Plan. These actions are currently being investigated by the NSW Government's 'Better Regulation' program, delivered through the Department of Finance, Service and Innovation under the supervision of Victor Dominello MP, Minister for Innovation and Better Regulation.

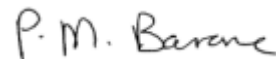
**Kim Woodbury, Chief Operating Officer**

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approved



**Monica Barone, Chief Executive Officer**