

ITEM 2. CREATIVE SPACES AND THE BUILT ENVIRONMENT DISCUSSION PAPER – PUBLIC EXHIBITION**FILE NO: S125465****SUMMARY**

On 7 April 2014, Council unanimously adopted the Live Music and Performance Action Plan, which included an action committing the City to a public forum, bringing together stakeholders from the creative, urban planning and building sectors, to consider improved regulatory frameworks. This event was held on 12 June 2015, in collaboration with the Live Music Office and the University of Sydney's Faculty of Architecture, Design and Planning. Its focus was specifically on building compliance and approvals, and the application of the Building Code of Australia to the adaptation of existing buildings for use by creative enterprise.

The forum was attended by more than 120 people from the building, planning, creative and small business sectors, who took part in two panels and a workshop session intended to help identify common problems facing the creative sector, as well as potential solutions. The findings of the forum have been collated into the discussion paper, *New Ideas for Old Buildings: Findings of the Creative Spaces and the Built Environment Forum*, at Attachment A.

Following the forum, the City has undertaken independent studies, produced with the Live Music Office and the Sydney Fringe Festival, at Attachments B and C, to improve understanding of the relationship between creative enterprise, the built environment and associated regulation, such as the Building Code of Australia.

In addition to the Live Music and Performance Action Plan, the discussion paper responds to comments raised during consultation for the Creative City Cultural Policy and Action Plan, unanimously adopted by Council on 25 August 2014, which found, "Regulatory processes continue to be cited as deterring cultural initiative, highlighting the City's dual role in helping creative teams navigate difficult regulatory processes and elevating relevant regulatory controls to a policy review agenda." These reflect comments in the City's Economic Development Strategy, "Business, particularly small business, finds it difficult to navigate Government procedures and the approvals needed to operate."

Whilst acknowledging the difficulty of negotiating regulatory processes, the City also has a responsibility to ensure the built environment is safe, accessible and meets appropriate regulatory standards.

The purpose of this report is to endorse the public exhibition of the discussion paper, so as to enable stakeholders within the cultural, building and planning sectors to provide feedback, and allow the City to develop informed approaches to managing the regulatory burden on creative enterprise, without compromising safety, amenity or access requirements.

RECOMMENDATION

It is resolved that:

- (A) Council approve the New Ideas for Old Buildings: Findings of the Creative Spaces and the Built Environment Forum discussion paper, as shown in Attachment A to the subject report, for public exhibition from 1 March to 29 April 2016;
- (B) Council note the Sydney Fringe Festival Findings of the Pop-Up Theatre Pilot Project and the Low Risk Arts and Cultural Venues – A NSW Case Study, as shown in Attachments B and C, respectively, to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the discussion paper detailed in clause (A) in order to correct any minor drafting errors prior to its exhibition.

ATTACHMENTS

Attachment A: New Ideas for Old Buildings: Findings of the Creative Spaces and the Built Environment Forum

Attachment B: Sydney Fringe Festival Findings of the Pop-Up Theatre Pilot Project

Attachment C: Low Risk Arts and Cultural Venues – A NSW Case Study

BACKGROUND

1. On 7 April 2014, Council unanimously adopted the Live Music and Performance Action Plan. The plan focuses heavily on the regulation of the built environment in relation to live music and performance and, in particular, committed the City to the following action:
 - (a) 2.3.3: Co-host a public symposium in partnership with the Live Music Office on the Building Code of Australia and the live music and performance sector. This forum will invite representatives from the Australian Building Codes Board, the City of Sydney, NSW Department of Planning and the creative sector to investigate compliance and affordability for live performance in small to medium-sized venues.
2. On 25 August 2014, Council unanimously adopted the Creative City Cultural Policy and Action Plan. This plan also contains a number of actions related to the regulation of the built environment, including:
 - (a) 3.25: Research and review regulatory impediments to cultural initiatives outside music and performance, including temporary or pop-up restaurants, and cross-disciplinary creative initiatives; and
 - (b) 3.26: Ensure City cultural staff are available to offer support to the creative sector in navigating planning or regulatory matters on private land, including development applications.
3. On 12 June 2015, the City delivered a public forum, entitled Creative Spaces and the Built Environment, bringing together members of the cultural, building, planning, creative and small businesses sectors. The forum included the presentation of case studies by managers of creative spaces, analysis by building and planning experts, and an afternoon workshop, identifying common problems and potential solutions. Speakers included:
 - (a) regulatory experts such as Neil Savery (General Manager, Australian Building Codes Board), Michael Wynn-Jones (University of Technology Centre for Local Government), Dr Kate Shaw (University of Melbourne), and Associate Professor Shane Homan (Monash University); and
 - (b) creative sector venue managers including Penelope Benton (Red Rattler Theatre/National Association of the Visual Arts), Jon Perring (Tote Hotel/Victorian Live Music Roundtable), Greg McTaggart (Sydney Opera House), and Kerri Glasscock (Sydney Fringe Festival).
4. Workshop participants included staff from the City of Sydney, Leichhardt Municipal Council, Marrickville Council, Department of Premier and Cabinet, NSW Department of Planning and Environment, Arts NSW, NSW Small Business Commissioner, State Government of South Australia, University of Sydney, University of Technology Sydney, University of New South Wales, Accessible Arts, Building Professionals Board, Association of Accredited Certifiers, and individual artists, managers of creative space and small business owners.
5. The City worked with the Live Music Office and the University of Sydney's Faculty of Architecture, Design and Planning to deliver the event. Documentation was undertaken by Craig Lyons, researcher at the University of Sydney.

6. Using feedback and documentation from the forum, the City prepared the discussion paper, *New Ideas for Old Buildings: Findings of the Creative Spaces and the Built Environment Forum*, at Attachment A. The discussion paper outlines findings from the forum and recommendations through which the City may fulfil the commitments it has made in the *Live Music and Performance Action Plan* and the *Creative City Cultural Policy and Action Plan* in relation to better managing building compliance for creative spaces without lowering safety, access or amenity requirements.
7. In addition to the discussion paper, the City has partnered on the preparation of independent reports on creative spaces and regulation, working with the *Live Music Office* and the *Sydney Fringe Festival*.
8. On 18 May 2015, Council approved a cash grant to the *Sydney Fringe Festival* to conduct a pop-up theatres pilot project. Outcomes of this include the *Sydney Fringe Festival Findings of the Pop-Up Theatre Pilot Project* report at Attachment B, which summarises industry assessment of the barriers to accessing short term space, and includes a secondary report undertaken by independent building and planning experts on the regulatory system governing temporary space, and potential alternative methodologies.
9. In 2015, the City of Sydney and the *Live Music Office* commissioned the *Low Risk Arts and Cultural Venues* at Attachment C. This was prepared by the planning and development consultancy *Design Collaborative* to review town planning controls surrounding the provision of live entertainment in small to medium venues. The report found regulatory barriers discouraged community and grassroots live performance spaces.
10. The *Sydney Fringe Festival Findings of the Pop-Up Theatre Pilot Project*, and *Low Risk Arts and Cultural Venues* reports have, along with the *Creative Spaces* and the *Built Environment Forum*, helped clarify common features of creative spaces, summarized regulatory barriers, and proposed solutions for managing risk and environmental impacts. They provide context to the *New Ideas for Old Buildings* discussion paper and its proposed actions.
11. In January 2016, independent theatre practitioner *Steven Hopley* released an independent study, the *Sydney Theatre Report 2015*. Like the *Sydney Fringe Festival Findings of the Pop-Up Theatre Pilot Project* report, this found “a severe shortage” of accessible, affordable small theatre spaces. It recommended local governments increase support for non-traditional theatre spaces and pop-up venues.
12. In addition to the *Creative City Cultural Policy and Action Plan* and the *Live Music and Performance Action Plan*, the discussion paper and research reports are relevant to a number of other City strategies and action plans. These include:
 - (a) the *Economic Development Strategy*, which found “Business, particularly small business, finds it difficult to navigate Government procedures and the approvals needed to operate. It can be expensive, inefficient and a deterrent to those starting a new venture or making changes to their existing business.”
 - (b) the *Retail Action Plan*, which states “The City recognises that a balance needs to be reached between meeting the needs of business and ensuring appropriate regulation of business activities. We will work to simplify processes and remove barriers where possible.”

- (c) the OPEN Sydney Strategy and Action Plan, which states, “A strong and vibrant night-time economy is one where it is easy to do business, and where processes are clear and less complicated. During our public consultation in 2011, many business operators and festival and event organisers told us there was too much red tape, making it harder to encourage innovation and ideas.”
13. The discussion paper calls for responses to six recommendations, including the need for more research on use of the built environment by creative enterprise, cross-sector engagement, policy development related to model adaptive re-use guidelines, information resources, and advocacy for reform at the NSW and Federal Government level.

PUBLIC CONSULTATION

14. It is proposed that the discussion paper be placed on public exhibition from 1 March to 29 April 2016.
15. The public exhibition process will allow engagement with members of the building, planning and creative sectors, enable forum attendees to review their original comments, and attract submissions from those unable to attend.
16. Responses to the discussion paper will guide the City’s implementation of actions within the Creative City Cultural Policy and Action Plan and the Live Music and Performance Action Plan, and will ensure that any subsequent regulatory reform undertaken with reference to the creative sector has been subject to wider industry and community review.
17. City staff will report back to Council following the closure of the public exhibition period.

KEY IMPLICATIONS

Strategic Alignment - Sustainable Sydney 2030

18. *Sustainable Sydney 2030* is a vision for the sustainable development of the city to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The New Ideas for Old Buildings: Findings of the Creative Spaces and the Built Environment Forum discussion paper is aligned with the following strategic directions and objectives:
- (a) Direction 1 - A Globally Competitive and Innovative City – the discussion paper contributes to Sydney’s capacity to compete in a global economy by providing information on how regulatory barriers could be reduced to allow innovation and increase opportunities for residents, businesses, workers and broader society to take part in creative enterprise.
 - (b) Direction 5 - A Lively and Engaging City Centre – the discussion paper will help inform City staff in reviewing the City’s regulatory framework to facilitate small scale and diverse activity, create a more diverse night-time culture, increase the supply of small scale spaces available for creative activity, and assist small businesses to thrive by enhancing their capacity to engage with the city’s cultural offer.

- (c) Direction 6 - Vibrant Local Communities and Economies – the discussion paper will inform the City’s capacity to provide appropriate, effective and efficient regulation of small and local creative businesses, and enhance opportunities for communities to participate in cultural activity.
- (d) Direction 7 - A Cultural and Creative City – the discussion paper draws from, and aims to support, the city’s artists and creative entrepreneurs through identifying appropriate regulatory systems.

BUDGET IMPLICATIONS

- 19. No additional budget allocation is required for the release of the discussion paper.

KIM WOODBURY

Chief Operating Officer

Ianto Ware, Strategy Advisor - Culture

Hugh Nichols, Strategy Advisor - Live Music and Performance