

RETHINKING THE INFLEXIBLE CITY:

what can Australian planning learn from successful implementation of
'temporary uses' across the world?

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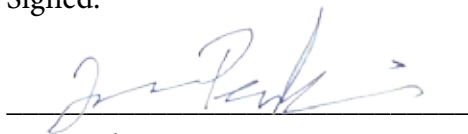
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Student Declaration of sole authorship

The work in this project was undertaken in partial fulfillment of the requirements of the University of Melbourne for the degree of Master of Urban Design. The views expressed are those of the author and might not reflect the views of the University of Melbourne.

This minor thesis represents my own work and due acknowledgement is given whenever information is derived from other sources. No part of this thesis has been or is being concurrently submitted for any other qualification at any other university.

Signed:



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Abstract

Temporary uses have been identified as a low-cost, participatory, and economically beneficial method of managing urban change. As planning practice increasingly deploys temporary use, good outcomes require an understanding of how the two interact. Using the case study methodology, this thesis examines the ways in which formal planning practice can encourage, support, complicate and hinder informal temporary urbanism. The thesis does this by analysing the experiences of four agencies facilitating the implementation of temporary uses worldwide, examining their interaction with the planning system, and identifying common constructive and obstructive policy mechanisms. Temporary use projects can be initiated without high levels of support from formal planning; however, having to comply with the formal planning process is a significant hurdle. Traditional planning does not make provisions for short-term urbanism, imposing costly and time-consuming processes incommensurate with the short duration and low cost of the temporary use. Applications for change of use, requirements for building safety triggered by the planning process, and the perceived arbitrariness of the decision-making process are the biggest hurdles that formal planning imposes on temporary use. Temporary uses are best supported through dedicated processes, staff, and relaxed regulations. The findings confirm that temporary uses are a successful method for finding opportunity in situations of uncertainty and crisis. Formal planning practice can strategically deploy temporary projects to achieve long-term planning objectives. These findings should spark more debate about, research on, and experimentation with temporary uses.

Contents

ACKNOWLEDGEMENTS	II
ABSTRACT	III
INDEX OF FIGURES	VII
INDEX OF TABLES	VIII
CHAPTER 1: INTRODUCTION	1
1.1 User-led Renaissance: The research question	3
1.2 The how, not the why: research aim and objectives.	4
1.3 Plan of the thesis	5
CHAPTER 2: RETHINKING THE INFLEXIBLE CITY	6
2.1 The crisis of planning	6
2.2 The user-led city	8
2.3 Why? Benefits of temporary urbanism.	10
2.3.1 Economic benefits	10
2.3.2 Flow-on benefits	11
2.3.3 Increased democratic participation	12
2.3.4 Facilitating urban change	12
2.3.5 Low cost	13
2.4 But how? Barriers to temporary urbanism	13
CHAPTER 3: METHODOLOGY	16
3.1 Research scope	16
3.2 Research approach	17
3.3 Case study scope	18
3.4 Case study identification	18

3.5	Research design	19
CHAPTER 4: AGENTS OF CHANGE		22
4.1	Renew Newcastle / Renew Australia (Australia)	23
4.1.1	History	24
4.1.2	How it works	25
4.1.3	Problems/solutions/particularities	26
4.2	Gap Filler (Christchurch, New Zealand).	28
4.2.1	History	28
4.2.2	How it works	31
4.2.3	Problems/solutions/particularities	31
4.3	Meanwhile Space (UK)	32
4.3.1	History	32
4.3.2	How it works	34
4.3.3	Problems/solutions/particularities	34
4.4	Zwischennutzungsagentur / Coopolis (Berlin, Germany)	36
4.4.1	History	36
4.4.2	How it works	38
4.4.3	Problems/solutions/particularities	40
CHAPTER 5: DISCUSSION		42
5.1	Temporary use: when, why, how	42
5.2	Summary conclusions	43
5.3	Informal solutions	44
5.4	Regulatory hurdles	45
5.4.1	Discretionary decision-making.	45
5.4.2	Building and safety requirements	46
5.4.3	Planning permits: change of use and building	48
5.5	Targeted processes and guidelines	51
5.6	Strategic support	53

5.7	Implications for further research	54
5.8	Conclusion	55
REFERENCES		56
APPENDIX 1: RESEARCH INTERVIEW QUESTIONS		64
APPENDIX 2: LIST OF INTERVIEWS		65

Index of figures

Figure 1: Holzmarkt / Bar 25 2

Figure 2: Recent publications on temporary use 9

Figure 3: Renew Newcastle 25

Figure 4: Gap Filler. 30

Figure 5: Meanwhile Space 33

Figure 6: ZNA / Coopolis 39

Index of tables

Table 1: Research data sources.	19
Table 2: Research design.	20
Table 3: Case studies by coordination of temporary use activities and the formal planning policy.	22
Table 4: Summary table: Renew Newcastle / Renew Australia.	23
Table 5: Summary table: Gap Filler.	28
Table 6: Summary table: Meanwhile Space.	32
Table 7: Summary table: ZNA / Coopolis.. . . .	36
Table 8: Summary table: Needs of temporary use projects.	44
Table 9: Summary table: Ancillary Issues	47
Table 10: Summary table: Statutory planning issues.	49
Table 11: Summary table: Strategic planning issues.	52

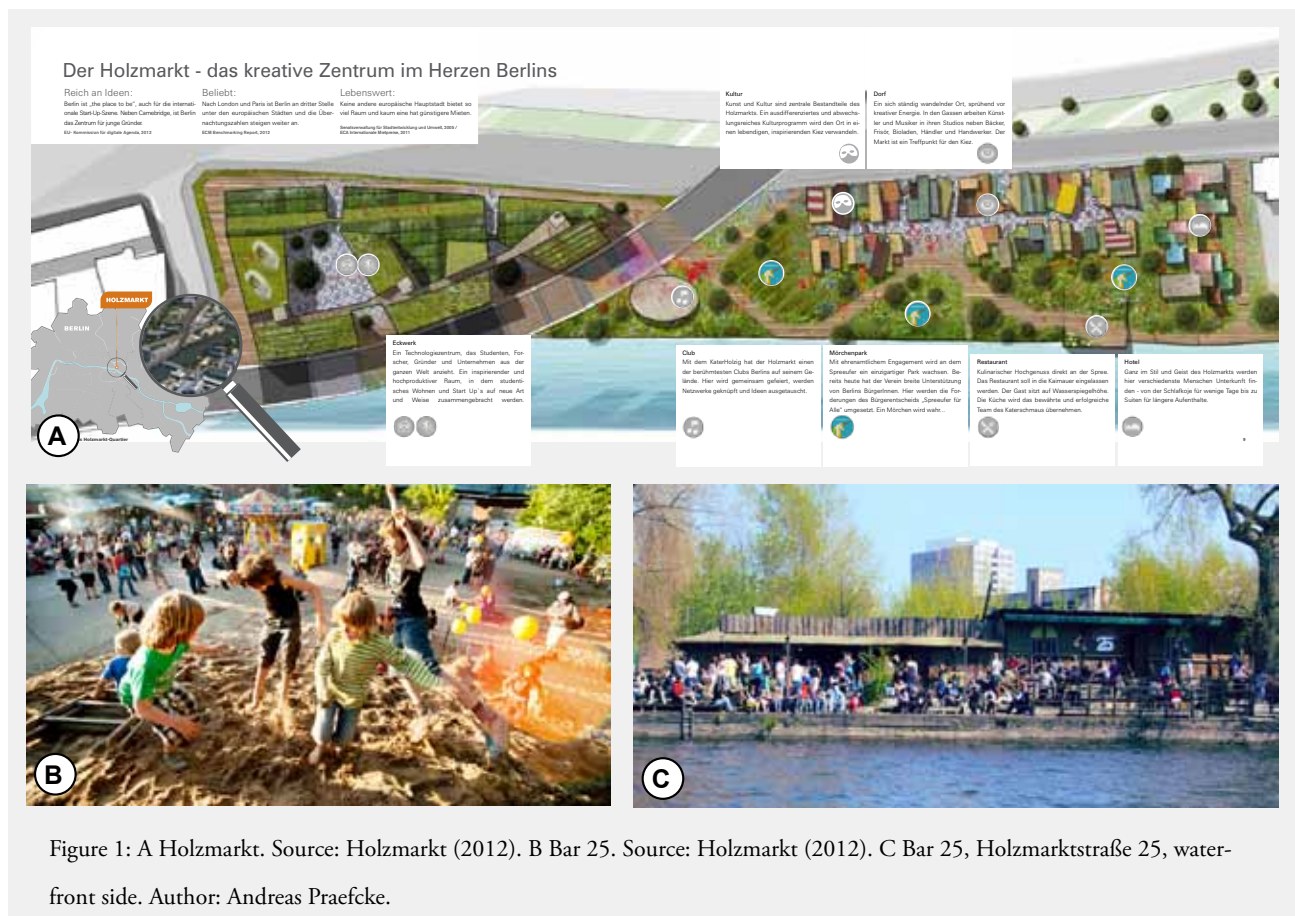
Chapter 1: Introduction

In December 2012, the city of Berlin announced a 50-million-euro redevelopment of a key site on the river Spree, metres away from Alexanderplatz. Holzmarkt (Figure 1) will be a mixed-use ‘urban village’, comprising of

[a nightclub,] a public park, a hotel, a village of artist studios (most of which will have rolling three-month leases to keep things fresh), a restaurant and a 24-hour daycare center with space for 30 kids. (Lynch 2012:unpaginated)

The project, backed a Swiss ethical investment fund, has been hailed as a radically new approach to urban development in Berlin (see Mohr 2013, Diez 2013). Instead of selling off a large site to an anonymous, out-of-town developer, for a standard package of upmarket offices/shops/apartments, the city has struck a business alliance with a wide coalition of local residents, investors and crowd-funders: a mix reflected in the variety of proposed uses (gukeg 2013).

The most interesting aspect of Holzmarkt is the project’s leaders, four former creative workers who ran a temporary project on the same parcel of land from 2004 until 2010, on a series of temporary contracts (Figure 1) (Berliner Zeitung 2012). What gave them credibility as developers, and as innovators, was the huge financial and popular success of Bar 25 – an unusual, spontaneous project, which started off as a drinks’ van, and grew to include a club, sauna, circus tent, swimming pool, and an upmarket restaurant. Bar 25 became a beloved focal point of the thinly built-up neighbourhood around the former Berlin Wall, found its place on the city marketing brochures, and



redefined Berlin as the European capital of music tourism (Leber and Schönball 2012, Waldt 2012).

The transition from the informal, semi-legal Bar 25 to the multi-million-euro community project Holzmarkt points to the increasing legitimacy of temporary uses as a method of managing urban change. Originally an informal and resistance-oriented practice, they are increasingly encouraged and supported by planning systems worldwide. Internationally, strategic employment of temporary uses of land has been identified as a low-cost, low-risk method of urban regeneration. Quick-and-dirty projects can circumvent the often laborious formal planning process, and flexibly experiment with urban space, adapting and changing as necessary.

However, to better accommodate temporary use within the traditional planning process requires an understanding of the requirements for its success, the support it benefits from, and the barriers that traditional planning may pose. This research project examines temporary use in four national contexts, across Australasia and Europe, where temporary use has had a strong transformative impact. It analyses the way temporary use has interacted with the formal planning system,

identifies successes and failures, and makes recommendations to facilitate successful transfers of this innovative practice.

1.1 USER-LED RENAISSANCE: THE RESEARCH QUESTION

Since the early 2000s, the practice of temporary use has been gaining traction in the architectural and planning literature. In contemporary context, the practice has come to mean short-term re-use of an under-utilised, vacant or public space, and may also include temporary buildings. Temporary uses have been successfully implemented around the world: in Christchurch, as a way to preserve downtown activity while the city is being rebuilt after the 2010 earthquake; in New York, to test the pedestrianisation of Broadway and Times Square (Rose 2013); in Newcastle, as an effective method of revitalising the CBD of a de-industrialised regional town. The City of Berlin has spoken of temporary uses as a win-win solution, an inclusive and participatory measure that fosters the economic development of the city at a very low cost ((SfS 2007). The recent Portas Report (2011), a 28-point plan to improve Britain's high streets, convinced the UK government to encourage temporary use with legislative changes. Temporary uses are increasingly being tried in Australia as well: through the Renew Docklands scheme (see Chapter Four) (DS 2013), and through government-led initiatives such as the Pop-Up Park in Dandenong and the Yarraville Pop-Up Park, the latter successful enough to spark a campaign to make it permanent (Byrne 2012).

Utilising the full potential of temporary use requires an understanding of the interaction between temporary projects and the traditional planning systems. Since temporary uses vary in duration, but are not meant to be permanent, there is usually no formal change of ownership, no large investments to the site, no change to the land-use plan, and often minimal interaction with formal planning. Traditional planning rarely anticipates temporariness and does not have appropriate processes in place. Thus, where a temporary use is successfully established, some element of legislative lenience or circumvention is usually in place. As Australia moves to greater tactical deployment of temporary use, the lessons from the established successful models will be crucial for understanding what barriers its planning system may pose, and what support it may offer. Thus, the question that this research attempts to answer is:

What can Australian planning learn from successful implementation of temporary uses across the world?

1.2 THE HOW, NOT THE WHY: RESEARCH AIM AND OBJECTIVES

This project aims to investigate how temporary uses could be better incorporated into the existing planning system in Australia. The goal of the research is to understand the constraints that formal planning can exert on temporary uses, document the existing models of successful implementation, and to indicate changes to areas of planning practice that could facilitate greater deployment of temporary projects in Australia. The research question thus encompasses a range of sub-questions:

1. What regulatory needs does temporary use of land have, and what barriers does traditional planning pose to its deployment?
2. How do temporary projects circumvent these obstacles?
3. What is the best model for implementation of temporary use? What formal and informal solutions work the best?
4. What changes in planning policy and practice would most effectively facilitate temporary land use?

This is an emerging areas of practice, and sources of scientific literature are limited. Therefore, the study is based on four case studies, developed primarily through interviews. It focuses on the work of ‘temporary use agencies’ around the world: not on specific temporary projects, but on the experience of the organisations that facilitate them. These agencies have in many places been instrumental in initiating the practice, and have extensive experience with the technical aspects of implementation of temporary use.

The research first examines how an existing Australian temporary-use agency, Renew Newcastle / Renew Australia, has managed to insert its practice into the existing planning procedures. It then investigates the work of select organisations in those planning systems internationally where tem-

porary use has full(er) institutional support:

- Gap Filler in Christchurch (New Zealand)
- Meanwhile Space in UK (nation-wide), and
- Coopolis (formerly Zwischennutzungsagentur) in Berlin (Germany).

The theoretical focus will be on determining the suitable role of planning in enabling temporary uses in international examples. The opportunities and constraints identified in the Australian cases will be compared to the successful models developed overseas. The result will be an analysis of the ways in which planning legislation, its application and enforcement, can variously promote, support, regulate and hinder temporary uses, and areas in which informal temporary urbanism can self-regulate. This focus will provide models of policies and practices for local councils and state government, and all others interested in encouraging creative uses of space.

1.3 PLAN OF THE THESIS

This thesis has five chapters. The following chapter outlines the historical concerns and theoretical developments underpinning the practice of temporary use, and contextualises the research question. Chapter Three explains the methodology of this research. I present my findings in Chapter Four, where the methods, effects, problems and innovations of each case study are analysed separately. Here, interviews indicate that the quality of links between informal actors and formal planning bodies determines strategic clarity around temporary use, but does not clear the path of statutory and procedural obstacles. In Chapter Five, the common themes are discussed. This chapter argues that procedural uncertainty, with associated high costs and time delays, poses the biggest barrier to the implementation of temporary use. It identifies the most contentious procedures in Australian planning, and proposes a suite of solutions. Finally, it re-situates the research within planning theory, looks at the future of the practice, and draws attention to areas of further research to better employ temporary use within traditional planning.

Chapter 2: Rethinking the inflexible city

Examination of the existing literature reveals a rapidly growing body of writing on temporary uses around the world, both academic and popular. Before I look at how temporary use has been documented and assessed, I will briefly outline the historical questions around the purpose and benefits of formal planning, and delineate how temporary use has come to be seen as a solution to many of the problems of contemporary planning. This will be followed by a summary of the current literature on the barriers to temporary uses.

2.1 THE CRISIS OF PLANNING

The city of the future needs to be thought of differently from how we considered cities in the past. A city that encourages people to work with their imagination goes well beyond the urban engineering paradigm in city-making. (Landry 2000:xxii)

New interest in informal and participatory urbanism has developed in response to the theories of the ‘creative city’, proposed by Richard Florida (2002) and Charles Landry (2000). Florida and Landry influentially argued that solving the urban problems of the future will rely on complex, out-of-the-box and creative thinking, and argued for the need of cities to attract creative professionals. By encouraging creativity and legitimising the use of imagination within all spheres of society, and then testing wide palette of generated options, argues Landry (2000:xxii), we will endow our governance with the “flexibility to respond to changing circumstances and thereby create the necessary

resilience to possible shocks to the system.” In doing so, we will arrive at better solutions to urban problems, and better ways to explore urban opportunities.

Planning theory and practice embraced these ideas in the context of great uncertainty over the role of formal urban planning in shaping cities. The failure of large, top-down, expert-driven and opaquely decided schemes to create cities that were just, functional, liveable and pleasant has been persuasively described since Jane Jacobs (1961). Such models have been critiqued for their inflexibility and inability to steer cities on a path to positive change – particularly as our urban environments have become less homogeneous socially and demographically, characterised by a fragmentation of lifestyles and economies, and exposed to increasingly stronger and less predictable global currents of people and capital (Sassen 1996, Castells 1997, Sandercock 1998).

The late 1980s and the 1990s saw a transition from the centralised regulatory and redistributive state towards a ‘flexible accumulation regime’ (Harvey 1989), and a corresponding shift from urban planning concerned with a top-down provision of services to one that emphasised the strategic role of private enterprise. The latter was perceived as better able to respond to, and exploit, the rapidly shifting urban circumstances. However, the new ‘neo-liberal city’ (Harvey 1989) proves unable to generate a coherent and pleasant urban form, or sustainable urban economies. Emerging critiques emphasised three points:

- dismantling of social infrastructure, growing socio-economic polarisation and disenfranchisement (Smith 2002, Harvey 2006);
- poorly designed neighbourhoods that foster unhealthy lifestyles and the overconsumption of natural resources (Gleeson and Low 2000); and
- the disappearance or inviting and coherent public space, resulting in widely reported decline in the sense of community and civic identity (Sorkin 1992, Sennett 1992, Auge 1995, Hajer 1999, Putnam 2000).

Politically, the new ‘neo-liberal city’ has proved just as inflexible as the old, and no more capable of, nor interested in, widening participation in decision-making. Resistance to development has become entrenched as the size of urban projects has grown (Smith 1996). Additionally, market-driven urban development seemed unable to distribute economic growth equitably, resulting in

many streets, neighbourhoods, cities and regions in long-term economic decline, studiously avoided by free-flowing capital (Harvey 2006).

Emboldened by Florida and Landry, by the end of the 1990s many cities embarked on attracting the 'creative class' through top-down insertion of art projects and infrastructure into struggling areas, sometimes triggering displacement and grassroots resistance, and sometimes embarking on costly failures (see Porter and Shaw 2013). However, in the nexus between retreating centralised planning, resistance to neo-liberalism and new schemes promoting creative endeavours, the 2000s saw an unusual new practice develop.

2.2 THE USER-LED CITY

While informal and temporary use of space predates the 2000s by thousands of years, it is in this decade that the practice saw a sort of renaissance, and a number of key texts appeared, describing, assessing, advocating, and actively promoting the practice. Emerging in locations around the world, temporary use appeared to offer good results in rehabilitating derelict urban areas, fostering local communities and economies, and experimenting with innovative design and services.

In contemporary context, temporary use of land usually refer to short-term projects that bring a creative new use to an under-utilised or vacant space, "for social or economic gain" (Berwyn 2012:169). The German Federal Office for Building and Regional Planning provides a usefully precise definition of *Zwischennutzung* ('interim use'):

[Author's summary and translation] An interim use takes place if a building or site is abandoned or unused, and there is either a desire or a plan to establish another, concrete use for it in the future. Meanwhile, a different, non-compliant use can take place in the interim. The flexibility of both user and use is therefore an essential criterion. Temporary use gains in importance in situations of higher vacancy than can be filled in the short term. Generally there is no change in ownership, and no change in the existing planning permits. Because of the time limit, temporary uses usually result only in low investments to the property. (BMVBS,

BBR 2008:1)

The practice comprises both re-use and re-development, and is variously referred to as temporary projects, use or urbanism (Bishop and Williams 2012), meanwhile projects or meanwhile use (Meanwhile Project 2010), tactical urbanism (Lydon 2012), guerrilla urbanism (Lydon 2012), DIY urbanism (Zeiger 2011), interim use (Arieff 2011), open-source urbanism (Urban Catalyst 2007), emergent urbanism (Hill 2009), bottom-up urbanism (Hill 2009), or pop-up projects (Thompson 2012). The projects comprise, but are not limited to: temporary restaurants, cinemas, art installations and galleries, bike paths, parks and gardens, sports facilities, markets and shops. The spaces re-used range from empty lots, underpasses, warehouses and factories, to roads, empty shops, office buildings, and many other kinds of urban space (Lydon 2012, Haydn and Temel 2006).

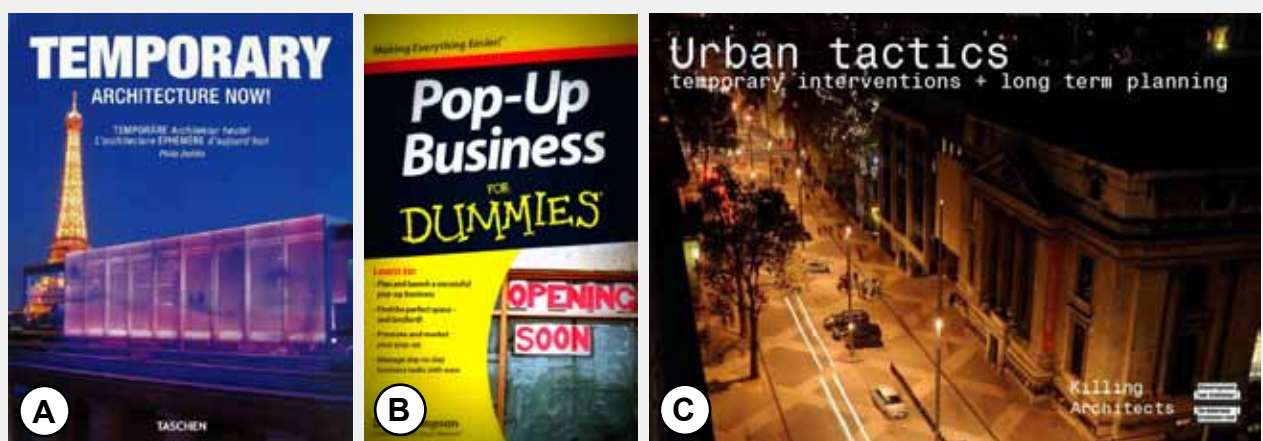


Figure 2: Some recent publications on temporary use. A: architectural (Jodidio 2011). B: practical (Thompson 2012). C: research (Killing Architects 2011).

While there is hardly a mention of temporary use prior to 2004, it has since become a 'hot' topic. Given that temporary use began as an informal practice, rather than a planning idea, the bulk of early literature simply describes and catalogues projects, with minimal theoretical or critical overlay. The early sustained coverage came from the German-speaking countries, first through articles in architectural and design magazines (Oswalt 2002, Haydn and Temel 2006, Urban Catalyst 2007) and design books (see Haydn and Temel 2006), and then with the publication of the seminal research study on temporary use in Berlin, *Urban Pioneers* (SfS 2007). Numerous websites and books have appeared since, often directed to a non-expert audience, documenting the practices and projects, or offering manuals and guidelines (Figure 2).

2.3 WHY? BENEFITS OF TEMPORARY URBANISM

Temporary use has already become a magical term: on the one hand, for those many creative minds who, in a world ruled by the profit maxim, are trying nevertheless to create spaces that reflect and nurture their vision of the future; and, on the other, for urban planners to whom it represents a chance for urban development, albeit one to which they much first grow accustomed - for planners tend not to have to deal with matters of a temporary nature. (Ingeborg Junge-Reyer in SfS 2007:17)

A growing body of evaluative research has generally found high merit in temporary use. Identified benefits can be grouped around five themes:

- economic benefits to the landlords, users and the wider urban context
- social and economic flow-on benefits to the local community
- increased democratic participation in urban development
- adding adaptability and experimentation to the process of urban change, and
- very low costs of implementation.

2.3.1 ECONOMIC BENEFITS

The inaugural study of temporary use in Berlin identified tangible economic benefits to landlords whose property assets may currently hold no market value: ‘Temporary use can raise the value of their property, improve its image, and attract more profitable tenants’ (SfS 2007:37). Temporary tenants will cover the bills, and may undertake repairs to the property. More prosaically, even when no rent is charged, having a tenant saves money on security and insurance, rates and utilities bills, and may, depending on local legislation, eliminate penalty charges for vacancy (SfS 2007:144-149). SQW (2010) confirms these findings in the British context. Meanwhile, Bastian Lange identifies the minimal rent as a part of the ‘start-up cocktail’ of funding and rebates that supports budding entrepreneurs while they experiment with business ideas, including multiple known instances where temporary occupation created incubators for activities that grew from informal to professional and permanent (SfS 2007:131). In the case of many creative activities that remained

unprofitable and unprofessional, what is incubated is alternative or independent culture, with corresponding intangible values (see case studies in Groth and Corijn 2005; Shaw 2005; SfS 2007; Lehtovouri and Havik 2009; Zagami 2011).

2.3.2 FLOW-ON BENEFITS

Urban Pioneers also concluded that temporary use integrates vacant spaces (which have a divisive function and separate neighbourhoods) back into the urban fabric, reconnecting the city. Experimental businesses that grow permanent roots “contribute to a location’s long-term, sustainable development” (SfS 2007:17). Groth and Corijn’s (2005) analysis of temporary projects in Germany, Finland and Belgium demonstrated strong flow-on social benefits to the neighbourhoods, as: provision of non-commercial public space and non-commercial activities, greater involvement in local-political processes, and encouraging participatory city-building. These findings are confirmed by Zagami’s (2009) Berlin study. The aesthetic benefits of temporary use are also regularly brought up, not merely in glossy coffee-table books on temporary architecture, but for the sense of place and community pride they engender. Assessing temporary use of (largely) shops in the UK, SQW (2010) found that the wider public benefited from

more vibrant and attractive streets, attracting visitors and prospective investors and preventing blight or decline where there are lots of vacant premises. The services delivered also benefit the community and in turn strengthen the [non-profit] sector. (SQW Consulting 2010:iii)

For Urban Catalyst, the clustering tendency of temporary uses maximises both attraction as destination and negotiating power, having the beneficial side-effect of place revitalisation:

Once a site has become known, competing temporary use projects can trigger a veritable landslide of activity. Despite competition, clusters of similar projects attract to the site consumers that use the wide product range and hence strengthen the site in the long term. (SfS 2007:43)

Strong economic flow-on benefits have been detected as well. SGS Economics (2010) undertook a financial assessment of Renew Newcastle, in NSW (Australia), and found that each dollar that the organisation received translated into almost \$11 in direct and indirect benefits to local community, in the form of: creating new jobs, skills development, volunteer engagement, creation of intellectual capital, mitigation of blight, improved business and community confidence, improved regional brand values, and avoided maintenance and insurance costs.

2.3.3 INCREASED DEMOCRATIC PARTICIPATION

Academic literature on the political progressiveness of temporary use is the most abundant, but also rather lyrical and without consensus. Blumner (2006:9) argues that temporary uses

offer the possibility for average citizens to take a more active role in the development of their neighbourhood, which may be seen as an opportunity or a risk, depending on the city and its politics.

Temporary use has been praised for its 'place-based and embedded' character (Lehtovouri and Havik 2009), strong element of grassroots involvement (Franck & Stevens, 2007; Groth & Corjin, 2005; Stevens & Ambler, 2010), and 'post-Fordist place making' (Stevens & Ambler 2010:532), that is, its flexible and context-specific mode of production of urban space. Lydon (2012: 1,2) notes that temporary urbanism is open and inviting to potential participants, and can help build trust among interest groups and the community. Other authors have noted the ease with which temporary projects have been incorporated into 'normal' neo-liberal urbanism by the Berlin Senate, and employed to market the city to investors, tourists, and wealthy new residents (Colomb 2012, Krivý 2012).

2.3.4 FACILITATING URBAN CHANGE

Additionally, all researchers generally agree that temporary use is extremely well suited to testing urban ideas in situation characterised by high uncertainty. It allows "hands-on experience on a

trial basis and hints at options once it is no longer in use. (...) With the help of a provisional solution a poorly defined problem can evolve into a clearly defined one” (Havemann and Schild 2007:54). When tackling complex urban problems, action is often delayed by the need to attract and allocate large funds – if a problem grows faster than the investment can be attracted, a long-term urban problem may develop. Here, again, temporary use allows for quick and agile interventions, which can quickly be reversed if they fail (Havemann and Schilf 2007:54). Accordingly, in both greenfield and brownfield redevelopments, temporary use is increasingly employed as a part of an early, ‘experimental’ stage, trialling programs before large investments are made (Colomb 2012).

Graham (2012) draws up an exhaustive list of qualities that temporary use brings to traditional planning. Her conclusion is that temporary use allows planners to explore adaptable and flexible planning methods, to facilitate and promote adaptive reuse, to attract attention to and initiate change in particular urban areas, in filling unmet needs, and in strengthening participation in planning. Other benefits involve highlighting creativity, encouraging entrepreneurship, providing incentives to property owners to maintain their properties, and supporting environmentally sustainable development (Graham 2012:30).

2.3.5 LOW COST

Finally, it should not be omitted that temporary use is an extremely cheap measure to both landowners and the council, as most of the costs (in tools, refurbishment and labour) and risks are borne by the temporary user. This point is carefully underlined in, among others, SfS (2007), SQW (2010), Graham (2012), as well as, less formally, in Renew Australia (RA 2012a).

2.4 BUT HOW? BARRIERS TO TEMPORARY URBANISM

Literature discussed in the previous section has had an introductory function, first identifying and defining temporary use, documenting specific projects, classifying and advocating them, and then, increasingly and convincingly, arguing for the benefits of the approach. As planners are increasingly persuaded of the value of temporary urbanism, and public bodies have begun experimenting with temporary projects (see Lygon 2012), temporary use has steadily progressed

from ‘unsanctioned guerrilla projects’ to ‘sanctioned’ use by governments (Rowe 2013:14). However, the literature discussed in the previous section has rarely focused on the technical aspects of implementing temporary uses. Indeed, while there is plenty of writing on why planning should be interested in temporary urbanism, exceedingly little has been written on how planning processes could productively incorporate the method.

This is unfortunate, because urban planning is powerful. It can promote a valuable practice, but can also do much to hinder temporary use, or limit its benefits, in otherwise clement conditions. With hostile landlords (SfS 2007, Graham 2012), and lack of appropriate sites (SfS 2007), the literature informally, but consistently, identifies the need to interact with the planning process as the most salient barrier to temporary use (see, in no particular order, SfS 2007, SQW Consulting 2010, Bishop and Williams 2012). So Urban Catalyst notes that planning systems often do not differentiate between short-term and long-term projects, subjecting temporary projects to long-winded and costly approval procedures which the temporary user may not be able to afford, nor have time to participate in. Many therefore “either gamble on being tolerated by the authorities or simply seek an alternative location” (SfS 2007:46). In guidelines to aspiring temporary users, Renew Australia warn that a council’s “unsympathetic approach can create cost, complexity and confusion so quickly that it can kill this sort of initiative before it even gets started” (RA 2012b:unpaginated), and explicitly advise to avoid engaging the planning system “unless you REALLY REALLY need to” (RA 2012c:unpaginated). The details of the problems are rarely divulged. However, where temporary use thrives, changes to the planning system appear to have been fundamental. Grounds writes in the UK context:

Until recently, obtaining planning permission for temporary uses proved too onerous for all but the most determined. However, the government is now considering reform to allow such temporary uses to be up and running quickly, and they are likely to become a more regular feature of towns and cities. (2013:unpaginated)

As its long timelines and top-down decision-making comes under sustained attack, traditional urban planning appears to be in a crisis. Temporary use, an independently developed informal practice, is now perceived as a new, exciting tool. Literature unanimously praises temporary use

for its contribution to urban environments, both observed and potential. However, the review of literature has highlighted that traditional planning procedure is not simply an inert recipient of the benefits of temporary use: it plays an active role in tolerating, facilitating, or obstructing the application of temporary practices and uses. The discussion has also highlighted a gap in the research related to practical problems in the interaction between traditional planning and temporary processes. The aim of this research will be to answer the questions that now open up.

Chapter 3: Methodology

This project investigates how temporary uses can successfully interact with formal planning systems, in order to assess in what way they could be incorporated into the Australian planning practice. Specifically, it looks at how successful temporary use ‘agencies’ have managed to overcome implementation barriers, and insert their practices into traditional urban planning processes. This chapter outlines the research approach best able to explore the results of their experience, in order to address the research question.

3.1 RESEARCH SCOPE

The aim of this research is to understand what specific aspects of regulatory planning support and hinder implementation of temporary uses. The scope of the research is in defining generally constructive and obstructive policy mechanisms, rather than looking at the specific implementation process of any individual project. As the broad parameters of the practice have already been established and evaluated, the focus of this research is not on assessing the benefits of temporary use. Ample research (notably SfS 2007, SGS 2010, SQW 2010) has already demonstrated such benefits by analysing individual projects. Rather, this research seeks to understand and elucidate the needs of temporary projects, the barriers that traditional planning may pose, the tactics used in circumventing these obstacles, and the changes to the planning system that might streamline the implementation. It also aims to establish something akin to ‘best international practice’ by analysing the most successful international examples thereof. The research does not aim to stress the individuality of each case study, but rather distil their commonalities.

These research aims are reflected in the primary research question:

What can Australian planning learn from successful implementation of temporary uses across the world?

This question encompasses a range of sub-questions:

1. What regulatory needs does temporary use of land have, and what barriers does traditional planning pose to its deployment?
2. How do temporary projects circumvent these obstacles, and what, if any, changes to the planning system result?
3. What works best? What is the best model for implementation of temporary use?
4. What changes in planning policy and practice would most effectively facilitate temporary land use?

Together, these questions will illuminate the ways in which planning policy and informal temporary use can productively work together. Underpinning this line of inquiry is the assumption that government practitioners are increasingly turning to temporary projects as an innovative tool. The focus is on recommendations to the British ‘family’ of planning; where alternative planning ‘families’ are considered (i.e., Germany), the differences between the two systems will be considered.

3.2 RESEARCH APPROACH

This research aims to explore experiences with a new and innovative practice. Since the goal is to learn from the most successful, mandating a detailed study of a small sample of cases, the research is best served by a qualitative research methodology. The research strategy of choice is case study. There are multiple reasons for this. As this is an emerging area of practice, there is not enough scientific research summarising the experience. Real-life cases provide the primary source of data through direct access to the instrumental people, the process and the context, and the embedded knowledge and expertise. Yin (2003) recommends the case study method when:

- the research is exploratory
- the research question is in the 'how' and 'why' form
- the researcher has limited control of the events studied, and
- the researcher focuses on contemporary events, where the sources of evidence are the people involved.

Cassell and Symon (2004) note that the case study approach is particularly suited to research questions which require detailed understanding of organisational or social processes, because of the rich contextual data. These conditions align with the needs of the study matter.

3.3 CASE STUDY SCOPE

The cases most suitable to answering the research question are those which demonstrate a high level of success in implementing temporary uses – success measured as: the number of projects; financial sustainability and longevity of projects; visibility of the practice; and integration into the planning process. The focus, therefore, is on organisations that have shown consistent and ongoing ability to implement temporary use projects. Additionally, case studies most immediately relevant to the research are agencies which:

- are broad in scope, supporting a variety of temporary uses, with a variety of needs;
- have governmental support (i.e. do not operate in isolation or face governmental hostility);
- are pioneers in their field, and have operated through a variety of planning conditions (i.e. have not appeared only after the planning context has improved).

3.4 CASE STUDY IDENTIFICATION

The case study selection started with the criteria outlined above, through a broad literature search, as well as an informal inquiry through planning networks. Case studies selected were praised as leading examples in planning literature and popular media, and had clearly captured the popular

WHAT data source to use	WHERE it is used	WHAT role it plays
Practitioner Interview (approx. 1 hr)	All case studies	Primary source of data, consistent across all studies
Project documents and materials	All case studies	Immediate data source to understand project design, and interaction with policy
Planning policy analysis	All case studies	Immediate data source to understand policy constraints
Formal literature (e.g., conference papers)	Where available	Supplement data with explanation, discussion, and evaluation

Table 1: Research data sources.

imagination and enthusiasm. Berlin's integration of temporary uses in state-led planning has been discussed worldwide since the early 2000s (SfS 2007). The UK has led the way in the past few years, with some very high-profile policy changes aimed at facilitating temporary use (most recently, Portas 2011). Gap Filler has gained prominence worldwide for their efforts in helping the rebuilding of Christchurch (e.g. BMWGuggenheimLab, 2012). Renew Newcastle, started with the goal of reviving a post-industrial Australian town, has since grown into a country-wide organisation Renew Australia, and become an internationally respected consultant on temporary use (RA 2013a).

3.5 RESEARCH DESIGN

The focus of gathering data was on uncovering practical strategies for inserting temporary uses into the planning system, developed through on-the-ground trial and error. The primary source of information were interviews with professionals working as facilitators for temporary uses, in order to analyse and document the lessons of their practical experience. The interviews were conducted in person and via Skype, and semi-structured: a list of general questions was drawn up (included in Appendix 1), adapted to the geographical, political and planning context of each case study. In order to narrowly examine the friction of practice with policy, the questions focus on the process of setting up temporary uses, the legal documents and the procedures employed, and the interviewees' own appraisal of the challenges encountered and solutions designed.

WHAT (research questions needs to be answered)	WHY (it is significant)	HOW (it is going to happen)	WHAT (information it will produce)
1. what needs temporary uses have	Identifies planning & design objectives	Practitioner interview	List of temporary use characteristics and regulatory needs
2. what barriers exist	Identifies policy areas that should change	Practitioner interview, Policy analysis, Project document and materials analysis	List of problematic regulatory areas
3. how do existing projects happen? What policy changes result?	Identifies successful tactics and regulatory strategies	Practitioner interview, Project document and materials analysis, Policy analysis	Set of possible answers to the research question: pairs up 1) and 2) with solutions
4. what works best	Identifies best practice	Practitioner interview, Policy analysis, Formal literature analysis	Narrowed-down list of tactics and strategies under 3)
5. what changes in policy should be implemented?	Synthesises the research data into an answer to the research question	Synthesis of findings	A set of specific policy recommendations

Table 2: Research design: relationship between data collection and the research questions.

Yin (2003:34) notes that the case study-based research is often criticised for failing to develop a sufficiently operational set of measures for collecting data, and failing to conclusively prove the generalisability of data. In order to develop a robust set of data, interviews were supplemented with additional data sources where possible. Legal documents used in the tendering process, including relevant planning regulations and lease contracts between the parties, have been examined. Additional planning policy analysis was undertaken to broaden the understanding of specific regulatory contexts. In each study, additional informants were found among planners and policy experts to elucidate planning policy details. As the case studies concern young projects in different national contexts, the additional data is not consistent across all case studies. Table 1 summarises the data sources, their roles, and the conditions under which they were used.

The second issue has been addressed by selecting multiple case studies: a generalisation is valid where the findings from two or more case studies support the conclusion. Drawing on a larger set

allows identification of common themes, challenges, and processes. The process of relating the data to the research questions is detailed in Table 2.

These elements are considered in more detail in the following two chapters, where research findings are presented and discussed.

Chapter 4: Agents of change

This chapter presents the findings from the research data based on the four case studies. The similarities between the case studies are strong: all are non-profit, non-governmental organisations, all operate with the broad aim of facilitating temporary use of vacant urban space. However, they differ in the quality of their relationship with planning authorities, in the length and scope of their practice, and in how they define the ultimate purpose of their work. The presentation of the case studies will start with the Australian organisation, which is one of the most influential among them, and one of the least integrated into the formal planning practice. The presentation will then move on to the two international studies that have an ambivalent relationship with planning (New Zealand and the UK), through to Germany, where temporary use has been the best integrated into the planning system (see Table 3).

The development and the impact of their work (1), the operation of each organisation (2), and




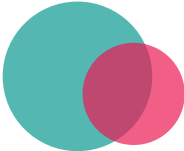
integration of planning policy and temporary use activity			
			
Australia uncoordinated / indifferent	New Zealand parallel / tolerant	United Kingdom subordinated / supported	Germany overlapping / integrated

Table 3: Case studies by coordination between the temporary use activities of the agency and the formal planning policy.

the particular planning problems and innovations encountered in each case (3) will be briefly described. As outlined in the methodology, an interview with a contact within the agency was the primary source of data for each case study, supplemented by a review of technical and other literature. The full list of interviews is provided in Appendix 2.

Two overall findings ought to be noted. First, albeit young (<10 years), all organisations have had multiple incarnations. They have expanded and contracted to respond to available funding, but have also diversified their activities to capitalise on the skills, contacts and experience obtained through the projects. It appears that managing temporary use engenders useful transferable skills for facilitating community participation, renewal project management, and fostering citizen networks. Second, while it was expected that the temporary agents would not be planners (coming, as they were, from informal urbanism), it was not expected that the majority would have a background in arts management and theatre. One interviewee noted that working on arts projects brings a very particular, and appropriate, set of skills: ability to initiate and complete small projects on a shoestring budget, to recognise opportunity, and to nurture good working relationships with a variety of people, many of whom participate pro bono.

4.1 RENEW NEWCASTLE / RENEW AUSTRALIA (AUSTRALIA)

Renew Newcastle / Renew Australia (AUSTRALIA)	
NAME	Renew Newcastle / Renew Australia
PERIOD	2008 – current (5+ years)
PLACE	vacant shops in Newcastle CBD (NSW); in early 2013 also Docklands, Melbourne (VIC)
ROLE	Brokering agency, support and legal help. Self-described as a "platform for experimentation and risk, designed to make barriers to entry and costs of failure low." Operates independently of local policy. No ambitions for trialling permanent projects or reforming urban governance.
SIZE	Very small core team (Renew Newcastle 1 full-time staff), expanding flexibly depending on project
FUNDING/FINANCE	Non-profit social enterprise, core funding through arts & development government funding
PROJECTS BY NUMBER	over 100 projects in about 50 spaces
PROJECTS BY KIND	SPACE: mix of shops and offices (unused commercial spaces, no industrial space at all); USES: shops for 'makers', galleries, offices for creative businesses. The rule is 'you need to make what you do'. Not a lot of performance, food and beverage.
PROJECTS BY DURATION	30-day roll-over leases, with ultimate aim of redevelopment or commercial self-sufficiency. Range from 30-day project to 12 ongoing successful businesses, transferred to commercial leases.
EFFECTS/RESULTS	Excellent performance in Newcastle (business assessment showed 10:1 return on investment in economic and social benefits). Inspired/nurtured about a dozen agencies (Renew Adelaide, Renew Townsville, Made in Geelong, Pop-up Parramatta). Provides know-how locally and internationally. Developed umbrella organisation Renew Australia. Creating Spaces Conference (2013).

Table 4: Summary table: Renew Newcastle / Renew Australia.

4.1.1 HISTORY

Marcus Westbury, arts festival director, writer and media presenter, set up a scheme in mid-2008 to help revitalise his hometown, the industrial town of Newcastle in New South Wales, Australia. A mid-sized city (~300,000 inhabitants), and the largest coal port in the world, Newcastle had recovered from the effects of the de-industrialisation of the 1990s, but the inhabitants and the business had moved into the suburbs, leaving the historical central business district (CBD) with hundreds of vacant shops, and a series of urban design-based renewal schemes that never eventuated (Hill 2009). Renew Newcastle was set up to “borrow” unused CBD properties from landlords and “lend” them to creative businesses on a temporary basis. 30-day leases and peppercorn rents gave a financial incentive to small businesses and minimised risk, while landlords had an ongoing opportunity to opt out, should a commercial tenant appear. At the start, no public bodies were interested in supported the scheme, and Renew was initiated on credit card debt, and run by six volunteers (Interview, 30 April 2013). They started receiving funding from the Newcastle City Centre Committee and Arts NSW in May 2009, which was used to pay for running costs and one part-time management position.

The project has been successful and widely followed in the media. Renew Newcastle has received hundreds of applications from creative businesses in the five years to date, and has set up over 100 projects, in more than 50 properties (Interview, 30 April 2013). It was audited by SGS Economics in 2010, which found a staggering \$10 return on every \$1 invested, through direct and indirect economic and social benefits (SGS 2010). Renew Newcastle is now funded by NSW government through Arts NSW and Department of Trade & Investment’s Enterprising Regions Program; City of Newcastle, Hunter Development Corporation, and Newcastle Now (RN 2013a).

Based on the experiences and strategies trialled in Newcastle, an umbrella social enterprise with a national focus, Renew Australia, was set up in 2011 (RA 2013a). Renew Australia has become a ‘seeder of seeders’, nurturing about a dozen similar initiatives across Australia (Renew Adelaide, Renew Townsville, Made In Geelong, Pop Up Parramatta, etc), organising a conference for place-makers (RA 2013b), and developing publicly available guidelines, tips and resources, and template documents for other aspiring temporary use brokers (RA 2013c). In 2013, Renew embarked on its first revitalisation project outside of Newcastle, on the failing Docklands waterfront development

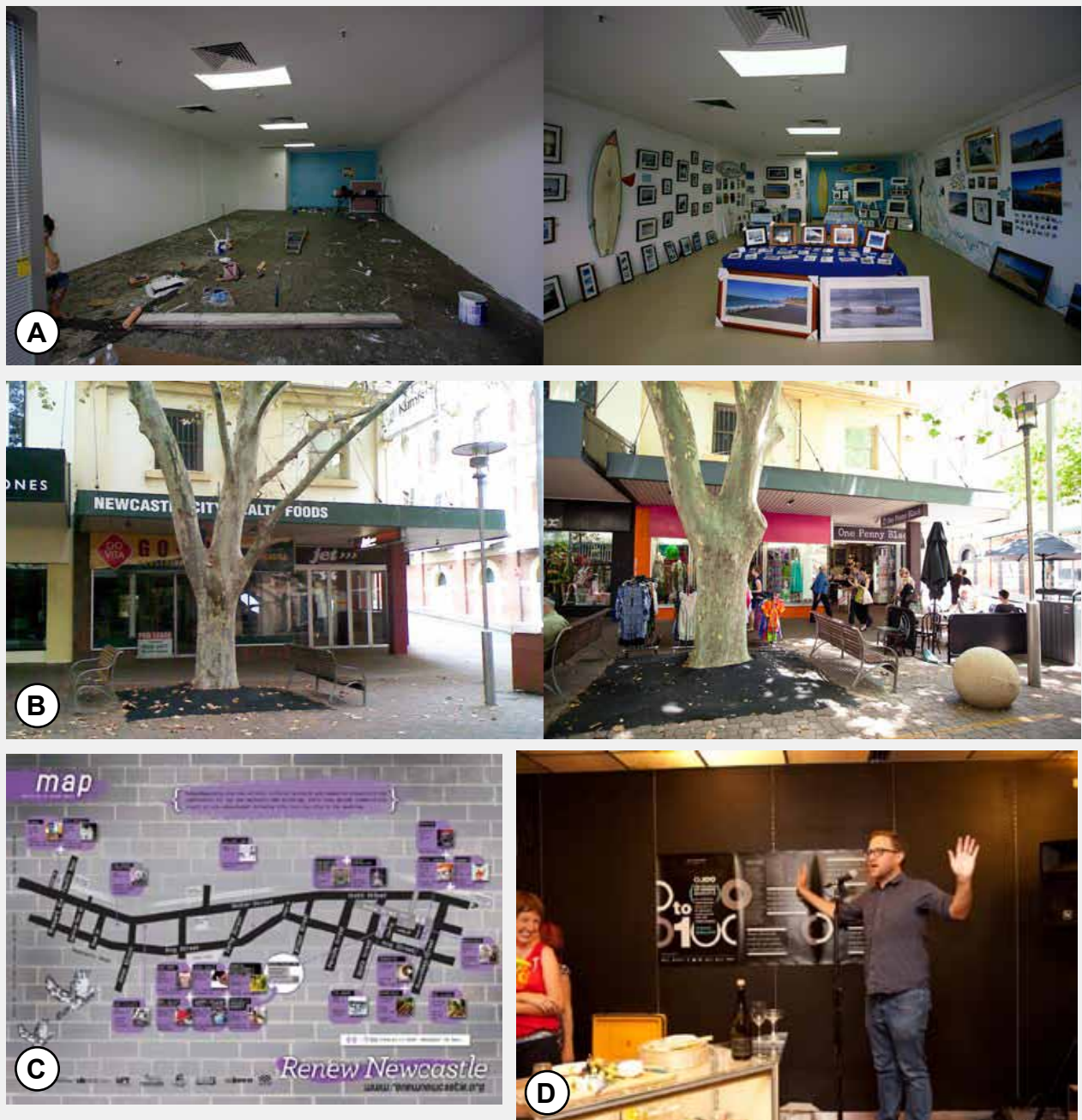


Figure 3: Renew Newcastle. A: Surfhouse Photography (2009) before and after. B: Hunter Street streetscape: 2008 / 2012. C: A map of Newcastle CBD with the Renew projects, May 2011. D: Marcus Westbury at the exhibition celebrating 100 Renew Newcastle projects to date. (Source: Renew Newcastle.)

in Melbourne, Victoria, in partnership with the City of Melbourne, MAB corporation, and Places Victoria (DS 2013).

4.1.2 HOW IT WORKS

Renew contacts landlords to gain access to vacant properties on a no-rent basis, and, as they

acquire a new set of properties, it periodically announces an open call for proposals from creative entrepreneurs. The goal is to “always have a pile of proposals, and a pile of properties” (Interview, 30 April 2013), which can then be matched according to suitability. Access rights are regulated via a rollover 30-day license-to-access (like a billboard, or a mobile phone tower would be), which Renew holds as an intermediary between the licensee and the landlord. The licensee acquires only the right to use the property for 30 days at a time, for a fixed participation fee of about \$20/week, and the responsibility for some utilities’ payments. Should a commercial lease be signed on the property, the 30-day license is not renewed. In the interim, the landlord is guaranteed basic maintenance, minor repairs, and some contribution towards the cost of the utilities. The licensee receives general assistance, free wi-fi, and some insurance coverage (including Public Liability Insurance, building insurance, and glass breakage). The aim is not to compete with the existing businesses, and to support creative start-ups: the crucial criterion for projects is to ‘make what they sell’ (Interview, 30 April 2013).

4.1.3 PROBLEMS/SOLUTIONS/PARTICULARITIES

Of all the case studies, Renew has, paradoxically, been both the most successful, and the most limited in scope. Philosophically and operationally, Renew is very lean: its aim is simply to minimise the economic waste inherent in clustered commercial vacancies, and use them instead to support creative enterprises in their early stages. Westbury sees Renew as a “platform for experimentation and risk, designed to make barriers to entry and costs of failure low” (Interview, 30 April 2013). A ‘successful’ project will be one that eventually grows its business and is able to sign a commercial lease in another location. Unlike the other agencies surveyed, Renew does not aspire to create permanent facilities, ‘create communities’ or steer cities towards a particular future; has not made any attempt to change the function of neighbourhoods; does not make grand statements about the ‘right to the city’; and has neither made submissions to the planning bodies nor proposed changes to the planning system. Docklands Spaces, indeed, is the first time that Renew has actively partnered with a planning body (although some spin-off Renew organisations do work with planning authorities, and some schemes, such as Pop Up Parramatta, have been led by local councils).

It is precisely the narrow focus of Renew that has allowed it to perfect what it does: ‘hack’ the planning process. Instead of trying to reform planning, they have very effectively developed meth-

ods for circumventing it entirely. Westbury was careful to underline that the philosophy of Renew was not to campaign to change the planning system, but to work within loopholes: therefore, no 'problems' as such were detected that had not been successfully circumvented (Interview, 30 April 2013). Renew has pioneered many successful methods of facilitating temporary use: using license-to-access instead of a normal lease agreement, 'umbrella' sub-licensing and insurance policies. To this day, Renew has advised a number of temporary use agencies internationally, including two case studies in this research (Gap Filler and Meanwhile Space).

A consequence of such prudent project design, however, has been a certain limitation to what Renew wants and can do. Some of the best proposals received by Renew were never realised, because they did not fit in what buildings, with what planning rights, were available (Interview, 30 April 2013). Renew strictly tries to maximise effectiveness within what may be done on a site without triggering requirements for planning and building permits. These are problematic because of the length of application time (which, at nominal 60 days, is unrealistically long for a 30-day use), the associated costs, the arbitrariness of the process and requirements, and, crucially, the possibility of the process triggering other compliance requirements (Interview, 30 April 2013). Particularly onerous are: safety and security criteria for service of food and alcohol; noise restriction compliance; and satisfying the criteria for building safety and disability access. These are largely Building Code, rather than planning issues, but compliance requirements are triggered by applications for a planning and development permit, which may be triggered by a wide range of relatively small events:

- street furniture or signs (requires a permit)
- public events, such as music or theatre performance, and sometimes exhibitions (requires a permit, and often a Public Assembly-classed building, which carries very strict safety and disability access requirements)
- almost any attempt to change the use of building, which requires applying for a new Certificate of Use (in some states, a Certificate of Use expires for buildings unused for 2 years or more)
- noise complaints (which may trigger noise restriction compliance)
- applying for a liquor license (which too may require a Certificate of Use for a Public Assembly building).

Renew suggests to temporary use agencies to simply “avoid hitting any triggers as much as possible unless you REALLY REALLY need to” (RA 2013d). In its projects, it works to match the existing designated use of the building to the proposed project: it locates creative retail in shop space, creative offices in office space, etc. It has, thus, worked with a relatively limited palette of uses, and tend to avoid ‘problematic’ projects that require extra licensing, safety or Building Code compliance, or risk noise complaints: restaurants and bars, theatre and music performance, public events, or workshops and production studios (which under Australian planning law often classify as industrial use).

4.2 GAP FILLER (CHRISTCHURCH, NEW ZEALAND)

Gap Filler (NEW ZEALAND)	
NAME	Gap Filler
PERIOD	September 2010 – current (2+ years)
PLACE	Christchurch CBD. One project in Lyttelton, NZ.
ROLE	Place activation. Grew into research & legal help; offers some brokerage for third-party projects. Operates independently of local policy.
SIZE	Currently employs 5 people (3 FTE)
FUNDING/FINANCE	Charitable Trust (non-profit initiative), now funded through Christchurch City Council, various arts & community programs, earthquake relief and donations
PROJECTS BY NUMBER	About 30 self-realised projects, plus 25 supported
PROJECTS BY KIND	Split 50:50 between non-profit events and non-profit installations/places; strong art & participation bent
PROJECTS BY DURATION	Events 1-20 days; installations range from 3 months – 21 months, many ongoing
EFFECTS/RESULTS	Many projects have become ongoing due to popularity (Book Exchange). Temporary plaza in Lyttelton will become permanent due to popular support. Grew into advocates of temporary use in NZ; submitted research report on temporary use to Christchurch City Council, which informed the Reconstruction Masterplan; instrumental in establishing Life in Vacant Spaces brokering agency; inclusion of 5-year 'transitional city' period in new Christchurch Masterplan, with some enabling legislation for 'uses not planned to continue past' planned end of reconstruction.

Table 5: Summary table: Gap Filler

4.2.1 HISTORY

Gap Filler started as a volunteer initiative in response to the September 4, 2010 Canterbury earthquake that devastated Christchurch (GF 2013a), with the aim of temporarily activating vacant sites within the city with creative projects for community benefit. According to co-founder Coralie Winn (BMWGuggenheimLab 2012):

After September 4 there were all these gaps appearing [in the urban fabric]. And there wasn't anything that normal people, people that weren't architects or builders or planners, could do to help their city recover. As a result of a few things happening - I'd lost my job in the September quake - and of people coming together, we decided that we wanted to experiment and to try something on a vacant site, to demonstrate that temporary activity and creative people could actually help recovery and bring life to the city to help its regeneration, while we were waiting, as a city, for this rebuild to happen.

The projects were consciously designed to vary in size and type, in order to demonstrate a range of possibilities, and awaken people's imagination (Interview, 2 May, 2013): exhibitions, installations, a coin-operated 'dance-o-mat', a book-filled fridge. The works were popular, and helped create a momentum for temporary re-use of Christchurch: Gap Filler started receiving inquiries from other people who had ideas, but did not know how to realise them. The group, which became increasingly knowledgeable about the planning regulations surrounding temporary use, started offering assistance to other groups, effectively assuming a brokering role between the citizens on one side, and landlords and planners on the other.

Today, Christchurch Tourism website prominently advertises the 'pop-up city' (C&CT 2013). Gap Filler has its own app and tourist map (GF 2013e), has won both art and civic awards (GF 2013f), and is name-checked prominently even in the recovery plan for the city. While nominally temporary, many of its projects remain ongoing: the 'book exchange' at 21 months, community chess board at 16 months, public pizza oven at 3 months. There is great public support to make others officially permanent, such as Pallet Pavilion (GF 2013b), while some have secured permanence – the site of the Lyttelton Petanque Club has been bought by the council to become the neighbourhood civic centre, after much community pressure (GF 2013c). Gap Filler currently receives funding from Christchurch City Council and additional private support (GF 2013d), and employs five people.

While preparing the earthquake recovery plan, Christchurch City Council engaged Gap Filler

to prepare a report on successful use of temporary projects worldwide (CCC 2013). The organisation proposed the formation of an independent, council-supported brokering agency, that would provide planning and project-management support to all temporary use initiatives throughout Christchurch. The agency, called Life in Vacant Spaces, was launched in late 2012 (LiVS 2012), with Ryan Reynolds of Gap Filler as its strategic advisor (Interview, 2 May 2013). The recently released Christchurch Central Recovery Plan, while setting out a fixed vision for the future of the city, predicts 'A Transitional City', a five-year interim phase, which "provides opportunities to test new ideas, explore new concepts and look at new ways to bring people, business and investment back to the central city" (CERA 2012:14). Through 'Transitional City', funding is made available for temporary use projects, administered through LiVS (CCC 2013). The plan, however, has been criticised by Gap Filler, in a number of submissions, for not meaningfully incorporating temporary use in recovery strategies (GF 2013g).



Figure 4: Gap Filler. A: the first 'gap filler', turning a former restaurant site and auto electrician into a garden. (Source: Gap Filler.)

B: Gap Filler founders Coralie Winn and Ryan Reynolds (left) with Marcus Westbury (centre right) at Creating Places Conference in Australia in 2013. (Source: Renew Australia.) C: 'The Book Exchange', the longest-running 'gap filler' at 21 months. (Source:

Gap Filler.)

4.2.2 HOW IT WORKS

Gap Filler's website provides a repository of template legal documents (GF 2013g), and encourages ongoing semi-formal proposals for ideas. Currently, the organisation offers four levels of project support, from full realisation (estimated 200 hours of work) to support in legal and planning help (5-20 hours), to simply listing projects on their website, where they might attract partners. So far, Gap Filler has realised 30 projects fully, and supported an additional 25, evenly split between short-term, high-intensity events (film screenings, live music) and longer-term, lesser-intensity installations or amenities (temporary architecture, book exchange, golf course) (Interview, 2 May 2013). With the exception of third-party licensed events within the Pallet Pavilion, all supported projects have been non-commercial and free to access (Interview, 2 May 2013). LiVS – which also offers planning and building advice and guidelines on their website – is open to supporting commercial projects, as long as they are owner-operated (LiVS 2013).

4.2.3 PROBLEMS/SOLUTIONS/PARTICULARITIES

While small and young, Gap Filler is the most ambitious of all the agencies in this study. Similarities between the New Zealand and Australian planning law are great, and many of the procedural grievances are shared: the arbitrary and lengthy approval procedure, triggered by building or change of use, and onerous requirements around public events, safety, noise and traffic. However, the exceptional circumstances in Christchurch after the earthquake, and the wide popular support for temporary use, appear to have created an overall more flexible and supportive planning environment. While continuously working with the Christchurch City Council to simplify the regulations at a tactical level, Gap Filler has also pushed for a much more ambitious role of temporary projects in the reconstruction of Christchurch, advocating for a proactive strategic framework, and a supportive procedural environment.

Since setting up LiVS, Gap Filler has been pushing for more funding for temporary projects (currently only a small part of the recovery budget, despite being the most prominent and successful), simplified and standardised planning and building regulations for temporary use, and have argued for a mechanism to recognise and reward particularly successful and accomplished temporary projects by incorporating them in the 'permanent' plan. The authorities, meanwhile, have

significantly broadened the legal definition of an ‘event’ to accommodate a wider range of temporary projects, and have removed the need for a planning permit for any development not meant to last past the reconstruction of the city (Interview, 2 May 2013). At the time of our interview, Gap Filler was mostly concerned with how to ensure meaningful inclusion of temporary projects into the strategic planning of the city, until and beyond the reconstruction period.

4.3 MEANWHILE SPACE (UK)

Meanwhile Space (UK)	
NAME	Meanwhile Space (started under 'Meanwhile Project')
PERIOD	July 2009 – current (4+ years)
PLACE	23 different local authorities, 13 of which in London
ROLE	brokering agency; research & intelligence; delivers projects for government
SIZE	Currently employs ~10 people
FUNDING/FINANCE	Community Interest Company (form of non-profit), funded through government programs
PROJECTS BY NUMBER	Over 250 occupants in about 30 spaces crossing 23 councils, estimated 1100 people involved
PROJECTS BY KIND	Short-term events, while long-term programs tend to be creative combinations (sisters that make and sell soap, run workshops and exhibitions; free haircuts) or training programs, performances, etc. Most are projects, rather than businesses, and most are not-yet-for-profit. Main requirement is 'giving something back to the community' - must be more than just a business
PROJECTS BY DURATION	a day, a week, up to 14 months
EFFECTS/RESULTS	100 jobs created, estimated 1100 people gained employment and skills training. Meanwhile Project + report delivered for the government in 2009. Meanwhile Space develops resources and connects 'meanwhilers' nationally. Some legal changes resulted (charging rates for empty properties, temporary use definition broadened in length).

Table 6: Summary table: Meanwhile Space.

4.3.1 HISTORY

Meanwhile Space formed in 2009, stimulated by a grant by the central government to deliver a nation-wide, year-long Meanwhile Project, in partnership with the Development Trusts Association, with the aim of testing temporary use of empty commercial properties. The impetus came as some 25,000 shops across Britain closed in the 2008 recession, including high-profile bankruptcies of retail chains such as Woolworths (CRR 2013a), Barratts and Blacks (CRR 2013b), adding to the ongoing problem of vacancies in high-profile commercial strips (Berwyn 2012).

Meanwhile Project researched, trialled, incubated and experimented with re-activation of empty shops, building a library of ideas and resources, both for the temporary user and the government. The Project counted many successes: building a large network of participants, launching Mean-



Figure 5: Meanwhile Space. A: A page from an instructions book for aspiring temporary use agents. B: 'No Time To Waste', the original Meanwhile Project report to the UK government. C: New Windows on Willesden Green, in Brent, winner of the 2012 Regen & Renewal award for boosting high street vitality. (Source: Meanwhile Space.)

while Centres, delivering an award-winning project in Luton, and getting a very positive business assessment by SQW Consulting (2010). After the conclusion of Meanwhile Project, Meanwhile Space continued to work as a national non-profit organisation, undertaking strategic partnerships with asset-holders and local authorities, acting as the intermediary lease holder, connecting temporary users with landlords, and fostering a community via their Meanwhile Forum (MS 2013a). It produced a series of template documents, including the widely used Meanwhile Lease, now avail-

able on the central government website (GOV.UK 2012), and has, in collaboration with government agencies, promoted changes to planning regulations, and to local planning processes, in order to facilitate 'meanwhile use'. In its four years of existence, Meanwhile Space has worked in about 30 different spaces with 23 local authorities (of which 13 are in London), hosted about 250 temporary users, created estimated 100 jobs, and provided employment or skills training for an estimated 1100 people (Interview, 3 May 2013).

4.3.2 HOW IT WORKS

Meanwhile Space is significantly larger in scale and scope than Renew or Gap Filler, and supports temporary use across the UK with a suite of services: legal advice, match-making, brokering projects, research, and through ongoing championship of 'meanwhile use' with landlords and local authorities, as well as the national government.

As a facilitator, Meanwhile Space directly convenes partnerships with a local authority or landlord interested in regenerating an area. Either Meanwhile Space, or an executive group formed in partnership with local residents, becomes an intermediary between the 'promoter' and the local community: they take on the bulk lease on the area, release and administer a call for entries, sub-lease single properties, publicise, manage and document the project (MS 2013b). A formal contract with the council is often in place, with social and economic milestones (Interview, 3 May 2013). Tenants sign a rent-free Meanwhile Lease, and take on the financial responsibility for paying the business rates, insurance and utilities (MS 2013c). Most of the users are not-yet-profitable creative projects that may combine a range of activities, from commercial to social: one of the requirements of the MS selection process is social gain for the surrounding communities (Interview, 3 May 2013). The usual length of contract is six months, with a minimum of three months' stay, and one month notice of eviction. Unlike Renew or Gap Filler, Meanwhile does not cover the insurance for the projects, only for the building.

4.3.3 PROBLEMS/SOLUTIONS/PARTICULARITIES

The sheer scope of the vacancy problem in the UK appears to have provided an impetus for solving the strategic planning issues with some expedience. Crucial structural problems have been

addressed from the national level, in a few significant legislative changes:

- eliminating the exemption of empty commercial properties from paying business rates in 2010; followed by dropping the rateable value threshold of empty properties from £18,000 to £2,600. With this measure, the percentage of vacant properties paying business rates rose from 0% to 30%, then to 95% (MS 2013a), and directly incentivised owners to put them to use.
- Portas Review (2011), a 28-point plan to 'improve Britain's high streets', recommended a series of measures to facilitate informal reuse, changes of use, and community access to high-street properties. In May 2013, changes to the planning regulations were announced, introducing new possibilities of as-of-right change of use between particular categories (e.g., office to residential). Additionally, temporary (up to 2 years) changes between a range of commercial uses will be allowed in a range of commercial buildings, explicitly to promote 'pop-up shops' (LGL 2013).

It is also indisputable that high-level support for temporary use has given weight to the agency's work. However, strategic support has not unequivocally translated into statutory incentives, and temporary use in the UK is still hampered by legal complications. Meanwhile Space has encountered the expected range of procedural problems: the lengthy and easily triggered planning process; perverse incentives to keep buildings vacant; and onerous but discretionary safety requirements, incommensurate with the length of individual projects (Interview, 3 May 2013). Founder Emily Berwyn noted that a youth arts project, on the first floor of a building, was held up for weeks by the requirement to submit a flood risk assessment (Interview, 3 May 2013). A major trigger for planning complications is the permit for change of use, required in the UK for use lasting beyond 28 days. There are other complications. While Empty Property Rates encouraged temporary use, Business Rates for occupied properties can reach £25,000 a year, and the onus of paying them has slipped onto the temporary user (Interview, 3 May 2013). Non-profit status allows exemption from business rates, but the council may take months to assess this (Interview, 3 May 2013). Additionally, Meanwhile Leases must preclude accumulation of squatters' rights for temporary tenants.

Berwyn noted that many of these complicating requirements are discretionary, and could best

be resolved on the local level, where planning permission is given. Meanwhile Space has worked with councils strategically interested in temporary projects, that have simplified the process by designing coordinated ‘meanwhile’ programs on council properties, with council funding, and standardised their treatment of temporary use through internally published guideline documents.

4.4 ZWISCHENNUTZUNGSAGENTUR / COOPOLIS (BERLIN, GERMANY)

Zwischennutzungsagentur / Coopolis (Germany)	
NAME	Zwischennutzungsagentur / Coopolis
PERIOD	2005 – current (8+ years)
PLACE	Berlin (mainly Nord-Neukölln)
ROLE	Brokering agency. Delivers government projects, undertakes research & provides legal help. Coopolis is more broadly defined, and also works as incubator for creative networks and community development.
SIZE	Up to 7-8 full-time staff
FUNDING/FINANCE	Program funding via government social programs
PROJECTS BY NUMBER	5 large projects in 5 areas; about 300 tenants so far, with up to 300 landlords
PROJECTS BY KIND	All kinds. Artists' studios and living (60-70%); the rest divided evenly between small industry; bars; social projects; daycare (Kindertagesstätte / KITAs), and a few research spaces.
PROJECTS BY DURATION	1-5 years, with 1-3 years being the usual duration
EFFECTS/RESULTS	Credited with kick-starting the regeneration of Nord Neukölln

Table 7: Summary table: ZNA / Coopolis.

4.4.1 HISTORY

Germany is a stand-out case, for two reasons. First, temporary use is best established, particularly in Berlin, and has been supported by planning authorities for decades. Thus, the case study agency has played an important, but not a pioneering role. Second, while Australia, New Zealand and the UK all form part of the same planning ‘family’, based on the British legal system (Thompson and Margin 2012:100), German planning system has developed independently. As a result, many of the problems common to the other three cases do not feature in the German context.

The practice of temporary use of land in Berlin developed gradually, in a grassroots fashion, since the 1990s. Significant contributing factors have been the lack of formal employment opportunities post-unification, a particularly large amount of vacant industrial, commercial, residential and open space with no immediate development pressures (SfS 2007), and a relaxed legislative

attitude. The 1980s squatting movement in West Berlin set a precedent for local authorities mediating between absentee landlords and informal users, to allow time-limited use of abandoned properties. Historical legacy of the movement was an institutional culture prone to negotiation with informal actors, and a civic culture for which informal occupation was relatively normalised (see Alovjanovic 2012). By the time the first formal study of temporary use in Berlin was published (SfS 2007), it could detail over 100 success stories.

The report, which identified temporary uses as strong contributors to Berlin's economy, provided the impetus for legislative changes, and sparked interest from the city authorities. Existing urban policy, oriented towards sustainability and supportive of brownfield reuse, and programs for regeneration of disadvantaged neighbourhoods (Soziale Stadt, 'Social City'), were well suited to support temporary projects (Blumner 2006). In particular, the people-centred Soziale Stadt, a program which seeks to improve disadvantaged neighbourhoods by funding community initiatives, rather building projects, has funded the work of Zwischennutzungsagentur since inception.

Zwischennutzungsagentur (ZNA or 'Temporary Use Agency'), founded in 2005, was one of the gradually 'professionalising' urbanist projects that grew out of Berlin's counter-cultural initiatives of the 1990s. ZNA was the first match-making agency in Germany, facilitating projects rather than organising their own. The majority of temporary projects at the time were either on public land, or on large industrial sites. As the city started selling off public land, ZNA decided to explore a new avenue, and take on small shop vacancies (Kek 2013). Their operation was tailored to the funding made available through Soziale Stadt-sponsored Quartiersmanagements ('QMs') - small 'neighbourhood management units' offering economic support and social integration for particularly troubled urban pockets (~5,000 residents) (Interview, 9 May 2013). QMs dispense grants ranging from 500-10,000 euros for local, socially beneficial projects, and ZNA received funding to implement temporary uses in a number of districts within the Berlin neighbourhood of Neukölln, one of the most socially disadvantaged in Germany (Interview, 9 May 2013).

ZNA is credited with genuinely shaping the character of the Neukölln districts of Richardkiez, Körnerkiez, Flughafenkiez and (particularly) Reuterkiez, and, by re-creating commercial streets, effectively turning the fortunes of Neukölln from an economically depressed neighbourhood into a more desirable, economically better-functioning, 'trendy' place (Brake 2007, Loeprick 2010). The

form of work they pioneered has since become a fixed term, and a host of other agencies around Germany have sprung up calling themselves ‘Zwischennutzungsagentur’. Meanwhile, after almost nine years of operation, ZNA has increasingly diversified its activity, and now works with local authorities in Berlin to provide place analysis, research, community mediation and workshops, and with temporary users to create networks, foster collaboration, and offer support. The latter has been a natural progression for the agency, because ZNA has built an extensive network of contacts with hundreds of creative enterprises around Neukölln (Interview, 9 May 2013).

However, as temporary use is increasingly accused of facilitating gentrification (Loeprick 2010), ZNA has felt the need to distance itself from temporary use, and emphasise its role as facilitator of community participation and cooperation: hence, it has recently changed its name to Coopolis (Kek 2013).

4.4.2 HOW IT WORKS

ZNA chooses locations based on available QM funding, and undertakes preliminary studies of the area, followed by contacting landlords and potential users, and negotiating temporary contracts. The goal of the agency was never strictly limited to facilitating temporary use, but was seen more broadly as helping to regenerate a neighbourhood in a participatory, long-term and sustainable way. Thus, ZNA's process is significantly slower and long-term oriented than that of the previous three agencies. Temporary users are chosen in an ongoing and informal fashion, and ZNA works with them over a long time to help them prepare a realistic business model (in one case, for three years – see Kek 2013). Then, groups of users with similar activities are taken on a tour of suitable properties, as a way of fostering networks within the field, and to encourage collaborative and/or joint proposals (Brake 2007). Finally, ZNA mediates between the landlord and the prospective tenant, weighing in on the side of the tenant, and using available data on neighbourhood rents and vacancies to persuade the landlords to significantly lower the rents (up to 80% - see Solfrian 2013). Neukölln landlords tend to be local residents, not professional developers, and were initially extremely suspicious of the concept. ZNA's persuading argument has been, not short-term cost recovery as in other case studies, but guaranteeing a sustainable, long-term, coordinated commercial re-population of the entire district, with ‘respectable’ (non-criminal) tenants (Solfrian 2013).

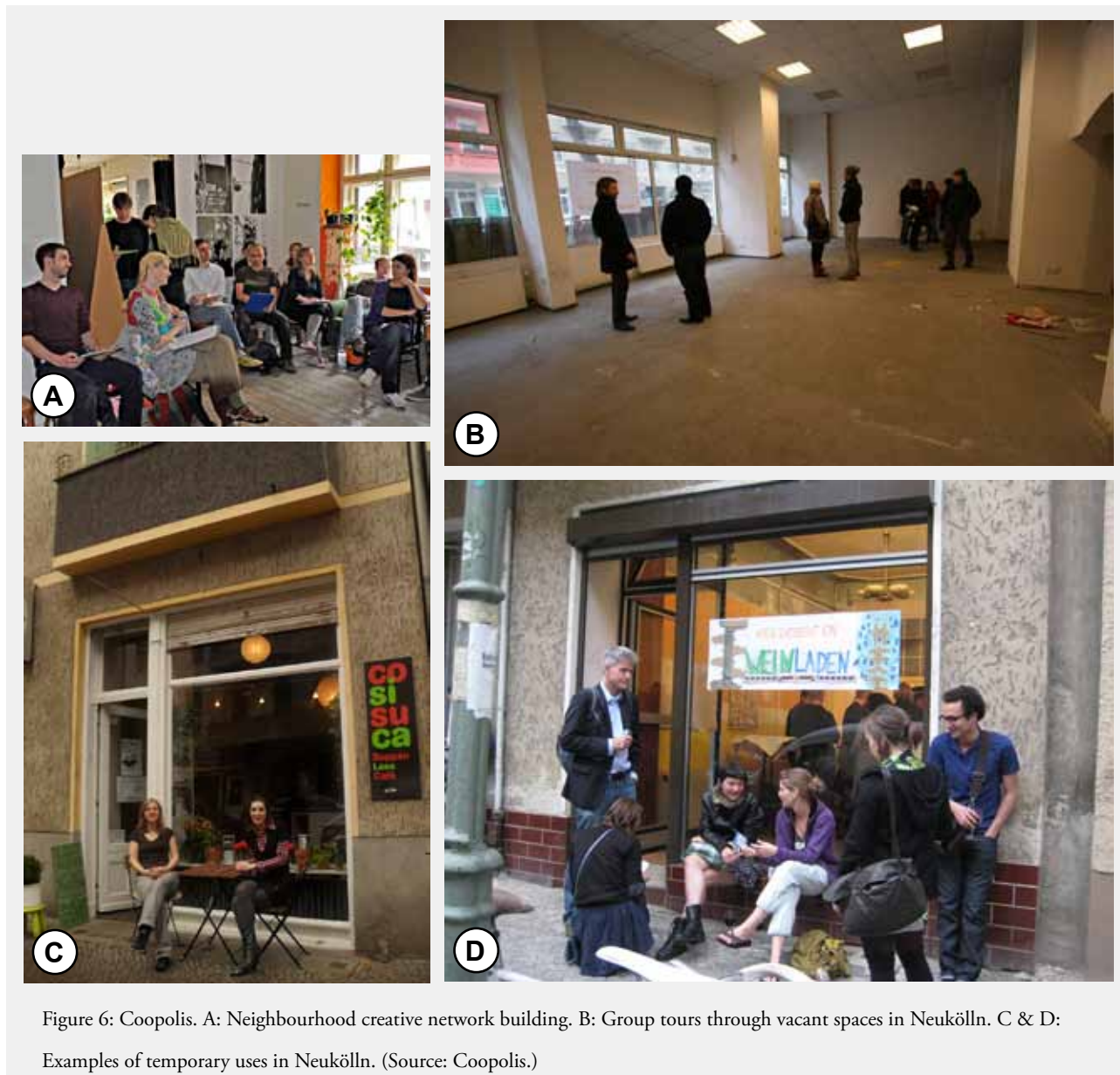


Figure 6: Coopolis. A: Neighbourhood creative network building. B: Group tours through vacant spaces in Neukölln. C & D: Examples of temporary uses in Neukölln. (Source: Coopolis.)

The two parties then sign relatively normal, ongoing leases of two kinds: a long-term, low-rent lease where the tenant is obliged to undertake the renovation of the (often extremely derelict) property; or the *Staffelmietvertrag* ('staggered rent contract'), a multi-year contract which stipulates a low initial rent with yearly increases (Interview, 9 May 2013). The average length of use in Berlin is significantly longer than the average: 1-3 years, and depends chiefly on the ability of the user to continue paying rent.

ZNA, thus, uses its detailed knowledge of the area to persuade landlords to lower rents en masse to more closely match the market reality; supports creative entrepreneurs in building a sustainable business model (because they DO pay rent); brings the two groups together; and coordinates their work to create mutually supportive clusters of activity, bringing commercial momentum to an area.

4.4.3 PROBLEMS/SOLUTIONS/PARTICULARITIES

The chief problem associated with the work of ZNA/Coopolis has been the ongoing debate about whether it has inadvertently contributed to gentrification. Coopolis has stressed that the users are local residents, that they work to lower commercial rents, and that the rent increases in Neukölln have predominantly affected residential properties (Solfrian 2013). This is, however, an extremely complex question, outside of the scope of this research.

Notably, however, temporary use in Berlin does NOT share the problems of the other case studies. This is partially due to significantly longer leases, which have given the users more time to deal with obtaining the necessary permits (e.g., for liquor service). However, the other reason is noticeably clearer and simpler planning regulations in Germany, compared to the British ‘family’. German zoning is much simpler and more inclusive, and groups land uses into broad categories that are either permitted or prohibited, with only a very small discretionary component. A common inner-city residential area (allgemeines Wohngebiet) will allow, as-of-right, a range of small non-residential uses defined as

retail and restaurants which serve the daily needs of the residents; workshops; and religious, cultural, social, public, health, and sports facilities (Hirt 2010:440)

where ‘serving the daily use’ is largely defined by the size of the operation (Hirt 2010). This allows great flexibility: ZNA has hosted projects ranging from combined artists’ studios and residences, small workshops, bars and cafes, kindergartens, community projects, to offices and research spaces (Interview, 9 May 2013). Finally, while German building requirements are relatively strict, they are regulated independently of use (Cable 2009), and change of use and simple renovation would not trigger additional bureaucratic procedures. In any case, once the lease is signed, ZNA is no longer involved in obtaining permits (Interview, 9 May 2013).

As noted before, the work of ZNA/Coopolis is less representative of Germany as a whole than

the other case studies. There are more players and a greater variety of models for temporary use, and German planning supports temporary use in many different ways – of which four are particularly significant. First, the introduction of Baurecht auf Zeit ('temporary building right') (BMVBS, BBR 2008), which simplifies regulations for temporary buildings while protecting the long-term use of the site. It is, however, not a measure geared explicitly to small interventions that characterise 'Zwischennutzung' in Germany (Blumner 2006). Second, the established practice of public authorities leasing land in their ownership to a temporary basis and for peppercorn rents, with an openness to incorporating successful temporary projects into the area's detailed long-term plans (Interview, 9 May 2013). Third, with the increasing systematic integration of temporary uses into large-scale redevelopment projects on public land, most prominently on the former Tempelhof airport, which has a formal 'temporary' phase planned from 2010-2016 (Tempelhofer Freiheit 2013). Fourth, with support from local authorities, in the shape of funding, model documents, and dedicated staff, all of which provide an interface between formal planning and informal use (Blumner 2006). While they are not all relevant to the work of ZNA/Coopolis, all of these measures make a strong statement that temporary uses are safe, legitimate, and beneficial for urban development.

Chapter 5: Discussion

Implementation of informal projects into the formal planning process requires a realistic understanding of benefits and possible pitfalls. The findings indicate a number of learning points for Australian planning. Certain problems are specific to a single legislative system, as are some tailor-made, local solutions. However, the commonality of experience across the four case studies allows for a clear conclusion that planning regulations can hinder temporary use, but can also learn to support it, on a strategic, but above all on a practical, statutory level. Following a general reflection, this chapter will present the implications of the research findings for the research question. Some concluding comments about areas of further research will then be made.

5.1 TEMPORARY USE: WHEN, WHY, HOW

The work of each of the four agencies shows various benefits of temporary use indicated by the literature (Chapter Two), brought to the fore to different extents in different contexts. Renew Newcastle demonstrated the economic benefits to landlords, users and the wider commercial and creative communities. In the UK context, the social and economic flow-on benefits to the local community is the most recognised aspect of ‘meanwhile uses’. In Germany, Coopolis has fostered a participatory and dialogical approach to urban development in an area characterised by weak social capital. In New Zealand, Gap Filler demonstrates the role of temporary projects in experimentally and creatively articulating solutions in situations characterised by great uncertainty. In all case studies, the low cost of implementation has been an indisputable factor of success.

As Table 3 (Chapter Four) suggests, the four organisations operate in diverse planning contexts, spanning the continuum from indifferent (Australia), via tolerant (New Zealand) and supportive (UK), to integrated (Germany). The findings show that the level of coordination between formal planning and informal temporary uses changes the nature of barriers encountered: more formal support resulted in fewer practical problems, but shifted the concerns towards the long-term, strategic role of temporary uses in urban development. The extent of the support also depends on the flexibility present in the existing planning regulations. In Australia, the scope of the work that Renew accomplishes is rigorously delimited by the extensive reach of complicated planning requirements. In Christchurch, an exceptional post-crisis situation facilitated informal action, but revealed the need for better articulated support on the strategic level. In the UK, top-down support for temporary use has not eliminated the complications resulting from interactions with discretionary planning regulations, but support from the local authorities has significantly facilitated their implementation in specific council areas. Germany demonstrates that appropriate funding and strategic planning models can direct temporary projects towards urban areas of strategic interest.

5.2 SUMMARY CONCLUSIONS

Returning to the research question, the findings demonstrate that the Australian planning, if and when attempting to integrate temporary use, can learn the following from the successful implementation internationally:

1. many intrinsic needs of temporary uses, related to funding, organisation, negotiation with private bodies and insurance, can be solved informally
2. statutory planning (obtaining permits, complying with regulations) can impose complicated, costly, time-consuming and unpredictable processes, incommensurate with the short duration and low cost of temporary projects. Particularly problematic are: change of use, complying with safety and building regulations, and the length and unpredictability of the application process.
3. targeted processes for temporary use should recognise their particular nature: a broad but clear definition of temporary use, simplified rules, a dedicated fast-tracked procedure, and dedicated staff.

4. dedicated space, time and funding can direct the benefits of temporary uses towards strategically important areas.

Each of these conclusions will be discussed in further detail.

5.3 INFORMAL SOLUTIONS

All interviewees agreed that, other than the existence of vacant land, temporary uses could be set up with almost no extrinsic support (see Table 8). The agencies' work demonstrated the existence of latent demand for temporarily available sites. All organisations surveyed, while working in different economic and legal contexts, have managed to design appropriate processes and agreements for contacting landlords, finding sources of funding, interacting with regulatory bodies, and each has become a sort of consultant, publishing ready-made guidelines and advice for semi-formal initiators of temporary uses. Umbrella insurance schemes (Renew Australia), template temporary leases (in all four cases), taking on bulk leases and sub-leasing individual lots (Renew, Meanwhile Space), match-making websites and databases (all four), and informal negotiation on rent and conditions

BASIC NEEDS

Needs:	Australia	NZ	UK	Germany
vacant space	dead CBD	Post-earthquake	oversupply of commercial properties	economic downturn, shrinking population
Identifying landlord; access to landlord	informal	informal Many council properties (compulsory acquisition post-earthquake)	Match-making forum council properties	informal database
appropriate legal contract	30-day Licence-to-access	Licence-to-access	6-month Meanwhile Lease	staggered-rent lease Low-rent, long-term lease
identifying user; access to user	open call	apply via website	open call	informal database
funding for operations	Arts + development	Post-earthquake recovery	development	community development
funding for projects	Own business model	Post-earthquake recovery	Arts funding Own business model	Own business model
insurance (PLI, material damage, use)	umbrella	umbrella	umbrella Users' own	Users' own

Table 8: Summary table: Needs of temporary use projects.

of entry, are all imaginative and simple circumventions of formal process. They can readily be copied from the material made available by the organisations themselves, and remove the need for a time-consuming reform of the formal process.

5.4 REGULATORY HURDLES

The formal planning process was identified as a significant hurdle, one that many agencies were intent on avoiding at all costs (see Tables 9 and 10). It was commonly pointed out that the length of time required for formal approval often far exceeded the length of the project itself. There are three aspects to this problem, which will be discussed separately.

5.4.1 DISCRETIONARY DECISION-MAKING

Much more aggravating than the length of process was the perceived arbitrariness of decisions. The common complaint among the organisations operating in systems belonging to the British ‘family’ of planning law was that the planning requirements may vary extremely widely depending on ‘which planner you get’ (see Table 9). Another consequence of the unpredictability of the process is that it has been impossible for these agencies to create best-practice guidelines for single users, and has been a major contributor to the need for having an intermediary agency to coordinate the actions of local authorities and temporary users (with all the associated costs). The problem was not encountered in Germany, where the planning system is prescriptive and detailed. The British ‘family’ of planning law, on the other hand, is largely discretionary, and often relies on the assessment of an individual planner on whether certain objectives are met.

There is no simple way to eliminate this problem. Temporary use agencies have limited ability to creatively respond to difficulties associated with the planning application process. The extensive rights of appeal often available are not suitable for temporary projects, due to the length and cost of the appeal process. The range of options thus stretches narrowly between advocating for change on one end of the spectrum (Meanwhile Space and Gap Filler), and designing ‘sub-permit’ projects (Renew and Gap Filler) specifically to fit through legislative loopholes. Additionally, discretionary planning systems, while not mandating desirable outcomes, tend to assume, and have standard

processes (both formal and informal) for a range of 'typical' proposals. When a new situation arises, there are fewer guidelines and precedents to guide the planners' decision-making, and unpredictability increases in respect to more rule-based planning systems. Temporary uses, being an innovation, are often forced into a similar 'known' category of use or development, which may open up possibilities, or create unexpected problems. (For example, Gap Filler was able to construct a row of six-metre timber arches without a permit by calling it a 'pergola', while a simple open-air construction from timber pallets was deemed a building, requiring full compliance with building regulations (Interview, 2 May 2013).)

5.4.2 BUILDING AND SAFETY REQUIREMENTS

The greatest consistently reported problem was that, while many regulatory hurdles are not native to the planning system, the need to comply is often triggered by the planning application (See Table 10). In particular, the linked requirements for building standards, liquor licensing, noise and crowding regulations, and public events, often created a chain of frustration.

In the British 'family' of planning law, a liquor license, costly and onerous to obtain, is frequently linked to various forms of building safety compliance, and may demand security personnel. These requirements significantly raise costs of operation, directly incentivising temporary events to sell more alcohol (GF 2013h). In Victoria, live music performance in combination with alcohol service automatically classifies a venue as 'high risk' and demands additional security (Interview, 30 April 2013). Additionally, service of alcohol in Australia requires a planning permit (on top of the liquor license), which in some locations requires a building of Class 9B (Public Assembly). This class includes pubs, theatres, opera houses, etc, and sometimes even galleries, without distinguishing them by size, and has stringent safety requirements (Dr Ianto Ware, pers.comm).

Complying with building regulations is generally problematic, because building regulations often do not differentiate temporary from permanent structures, and may not distinguish old from new building stock, thus applying state-of-the-art standards indiscriminately to buildings built for the standards of another age (Timothy Horton, pers.comm). Attempting to bring a building back to use may trigger an avalanche of compliance requirements, particularly if the building is meant for public events. These range from meaningful to seemingly absurd. In Australia, Building Class

ANCILLARY REGULATORY ISSUES

Problem encountered:		Australia	NZ	UK	Germany
landlords	Disincentives to renting out vacant space / Incentives for 'dumber' use	tax breaks, negative gearing	Used for minimally commercial use (parking)	rates rebates for empty properties	small landlords landlords suspicious tax breaks
	Afraid of squatters' rights			6 weeks'	informally: protests
	Absentee landlords hard to find / access				
building regulations	high requirements for building code compliance	Building Code of Australia makes no distinction between new and old building	safety regulations for putting vacant sites to use	(flood, fire, crowd) regulations	safety (flood, fire) regulations for bars
		building surveyor required for change of use permit or renewal of use			Generally not triggered by change of use
		Class 9B building (restricted public assembly) has strenuous safety + disability requirements			
other regulation	liquor licensing	cannot happen without planning permit	professional security staff required at all exits	liquor permit takes 6-9 months	
		sometimes Class 9B building is pre-requisite for liquor license			
		stringent for live music + liquor			
	Arbitrary noise regulations	Complaints-based	Complaints-based		

Circumvention & legal changes:		Australia	NZ	UK	Germany
landlords	Disincentives to renting out vacant space / Incentives for 'dumber' use	stays 'vacant' throughout use		Empty Property Rates dropping the rateable value threshold of empty properties	negotiation and communication good gov-promoted reputation of temporary use for raising site value
	Afraid of squatters' rights			explicitly waived in contract	
	Absentee landlords hard to find	design projects around available properties			informal database
building regulations	high requirements for building code compliance	design projects so as not to require building compliance	design sub-permit and 'non-building' buildings	relaxed regulations for temporary building (up to 2 years)	Baurecht auf Zeit relaxes regulations for temporary building (if outcome is known) break the rules and hope for the best
other regulation	liquor licensing	eliminate licensed events entirely			many illegal bars

Proposed solutions:		Australia	NZ	UK	Germany
landlords	Increase incentive to put vacant sites to use		rates rebates if temporary use		
	formal registry of landlords			national registry of landlords	
				directory of empty properties organised by council	
relax building regulations to recognise the high relative cost (of time and money) to temporary users	reduce need to comply with building safety for temporary building	recognise risk associated with vacancy and dereliction	recognise temporary nature of projects		
	facilitate reuse of buildings	create guidelines and standards for adaptive reuse			
other regulation	remove penalisation of live art events	relax safety regulations around liquor service	relax safety regulations around liquor service		
		De-link music performance and safety regulations			

LEGEND

	Non-policy issues
	planning policy issues
	not applicable / not relevant

Table 9: Summary table: Ancillary Issues

9B demands safety standards tailored to large entertainment venues from any building used for live performance (Dr Ianto Ware, pers.comm). Meanwhile Space had a first-floor project stalled until they had a Flood Risk Assessment completed (Interview, 3 May 2013). Gap Filler had to hire a qualified specialist to manage a lightweight safety fence (Interview, 2 May 2013). Organising an exhibition in a shop may be prohibited until a wheelchair ramp is installed, to comply with the Disability Access Standards (Dr Ianto Ware, pers.comm).

The crux of the problem is in insufficiently nuanced building regulations, which could be solved on the policy level in many ways. UK planning and building distinguishes between smaller drinking establishments (class A4) and large places of assembly (D2) (PP 2013). Timothy Horton (pers. comm) proposed a model of graduated compliance, which would allow buildings to be gradually upgraded. However, it is essential to recognise that temporary structures pose inherently less risk than permanent buildings, that buildings in use pose less risk than vacant buildings, and that stringent safety requirements pose a barrier to adaptive reuse, which in the long term may create larger risks. The role of planning should be to recognise the exceptional nature of these cases, and apply meaningful and standardised rules. This could include exempting a defined temporary building from a host of permits and requirements, such as in the UK and in the German ‘Baurecht auf Zeit’. This is similar to existing exemptions related to small buildings and constructions (<10m buildings, pergolas, verandas), and for showgrounds and circuses, in Australia and New Zealand. Another model includes developing a manual for adaptive reuse, with construction suggestions and dedicated council staff, such as City of Melbourne provided during its ‘Postcode 3000’ program (Interview, 30 April 2013).

5.4.3 PLANNING PERMITS: CHANGE OF USE AND BUILDING

A major trigger for building and safety compliance was the application for planning permit to change the use of a building (Table 10). In some planning systems, notably in the UK and Germany, it was possible for landlords to argue that temporary use does not amount to a change of use, by virtue of no significant material changes to the property, no intention of permanent change, and ongoing advertisement of the property for its primary use. This reasoning has most often been applied to small temporary uses on large industrial or commercial sites (see Bloom 2007). Likewise, some provisions for as-of-right short temporary uses (e.g., for events) exist in all planning systems.

PLANNING ISSUES

Problem encountered:		Australia	NZ	UK	Germany
overcomplicated 'standard' planning process	Unpredictable and arbitrary planning application process	discretionary process	discretionary process	discretionary process	n/a (different planning system)
	long turnaround time for a planning application approval	no specific provisions for temporary use	no specific provisions for temporary use	no specific provisions for temporary use	
specific complicating procedures (trigger compliance requirements: traffic, building regulations, flood...)	change of use requires planning permit	60-day wait time, may stretch	20-75 days, depending on whether publicly advertised	taking minimum 6 weeks, costing approx £150 – 2-3 months normal	no change of use permit required (4 broad use classes) unless non-compliant with detailed land use plan
	liquor license requires planning permit	174 use classes expiry of certificate of use if 2 years unused Temporary Change of Use exists but application is discretionary	Resource Consent (planning permit) significantly slows process down	18 use classes – having mixed use complicates planning, because use classes are exclusionary (single-use)	
	development requires planning permit	liquor license permits are hard to obtain			not required if complies with detailed land-use plan
	Public event requires permit + risk assessments	temporary use may be Exempt Development, but application is discretionary	Resource Consent (development permit) sometimes requires detailed drawings, impossible for informal projects		
		change of use may trigger need for building compliance	Must demonstrate environmental effects: e.g., traffic engineer required to do a Traffic Management Plans	change of use may trigger need for building compliance	
		Risk plan is requirement for event permit		temporary use too long to come under event definition	temporary use too long to come under event definition
Circumvention / Implemented so far:		Australia	NZ	UK	Germany
overcomplicated 'standard' planning process	informal solutions	negotiate with council	negotiate with council	negotiate with council	council help
		avoid triggering permit needs	avoid triggering permit needs	use shorter than 28 days does not require a permit	
	exemptions from standard process for temporary use	avoid triggering permit needs	independent mediating agency	designated council team internal council guidelines to streamline temporary processes	
		Council-specific arrangements to allow 'Exempt Development' or 'Temporary Change of Use', but discretionary	defined as 'not lasting after reconstruction of Christchurch' and exempt from Resource Consent (land use permit)	informal internal streamlined guidelines	
specific complicating procedures (triggers unnecessary/onerous/costly and time-consuming compliance requirements: traffic, building regulations, flood...)	development requires planning permit on top of building permit	avoid triggering permit needs	Sub-permit developments broadened definition of event to 3 months, + 1 month for construction (simplified rules apply)	wait	Baurecht auf Zeit (right to build for temporary buildings)
	change of use requires planning permit	avoid changing use	negotiate with council on ad-hoc basis	planning law changed to facilitate as-of-right change of use (up to 2 years)	
	event requires permit + risk assessments	avoid events	negotiate with council on ad-hoc basis		
Proposed solutions:		Australia	NZ	UK	Germany
introduce procedural clarity and simplify rules for temporary use to match its short duration	Recognise temporary uses as separate category (if exists, broader than now)		extend definition of event from 4 to 12 weeks, and include art works and installation explicitly		
	relax regulations for 'temporary use'	remove assumption of time, money and permanence and allow experimentation	weigh permit time against project time realistically	'any simplification would be welcome'	
	remove specific offending legislation for temporary use:		release from planning permit requirements if building permit obtained		
	Apply standardised process to 'temporary use'			define categories of use better	
	Speed up process for temporary use		positive feedback, not just negative prioritize temporary projects with short timelines	Allow use while waiting for permit	
	designate special council team to deal with temporary use		dedicated officer of council body	Dedicated stream of officers	

LEGEND

	Non-policy measures
	planning policy measure
	not applicable / not relevant

Table 10: Summary table: Statutory planning issues.

However, where temporary use cannot fit into these categories, normal regulations apply, and the flexibility of the planning system comes to the fore.

German zoning is highly inclusive. Also, it decouples use from building regulations, thus one does not trigger the other (see Chapter Four). The British ‘family’ of planning, however, is primarily based on detailed use-based land zoning.

Use control is important for protecting amenity. However, there are extensive variations between the planning systems within the British ‘family’ in what constitutes control of land use. The main factors that determine the level of complication are: the number of as-of-right (not requiring approval) uses within a zone; as-of-right changes between uses; and the number of distinct recognised categories and sub-categories of use. British planning recognises 18 use classes, and has recently been amended to allow as-of-right transition between similar categories of use: between different kinds of commercial use, offices to residences, and similar (PP 2013). New Zealand, which has an unusual land management system, groups activities by similarity of environmental effect, and requires no permit if the environmental impact does not change with the change of use (Jay 1999). Australian zoning, in contrast, is extraordinarily complicated: it recognises 174 discrete uses, and very few as-of-right uses in all zones (Mixed Use Zone, for example, does not allow shops, offices, nor food premises as-of-right). Each application for change of use is time-consuming (minimum 42 days in the UK, 20-70 days in New Zealand, 60 days in Australia) and costly, and may trigger assessments of building compliance, safety, traffic effects, environmental effects, etc. Additionally, in some Australian states (Victoria, South Australia), a permit of use expires if a building is unused for over two years. This process makes it exceptionally hard to bring a vacant building back into use through a temporary project, and may explain why Renew Newcastle designed its entire process around complying with the existing building use.

Long administrative procedures to change the use of a building, where the uses are likely to have very similar environmental, social, noise, and other effects, and especially where the change is reversible, is a likely drain on planning resources, and prevents flexible responses to changing economic and demographic circumstances. A narrower range of uses, a wider range of as-of-right uses and as-of-right changes of use, recognising the lower risks associated with temporary change of use, as well as decoupling of land use from building, environmental and traffic considerations,

would significantly simplify temporary use, but also adaptive reuse more generally.

Similar reasoning can be applied to building permits, where proposed new buildings are temporary and carry limited risk. The UK and Germany have implemented exemptions for temporary buildings (usually defined as intended to last for two years or less) from building permit requirements, while still stipulating basic building requirements. Similar exceptions already exist in most planning systems for temporary structures, but are often either too specifically defined (e.g., Australian planning makes an exception for a ‘temporary portable land sales office’), or too vaguely defined, thus not clearly applicable to temporary uses.

5.5 TARGETED PROCESSES AND GUIDELINES

On the local level, one overall solution to the interlinked regulatory issues, advocated by interviewees, is to agree on a desirable definition of a temporary use, create internal guidelines for dealing with temporary use applications, standardise the requirements across departments, and appoint a dedicated responsible person. Targeted guidelines for a specific, outlying use or development, appear commonly in planning systems. The state of Victoria, for example, has state-wide codes of practice for circuses and carnivals, bee-keeping, and private tennis courts. The purpose of such discrete documents is to clarify the safety, noise and amenity requirements around an uncommon, but not detrimental practice, and guide both their design, and their approval.

This approach has been adopted by the British local authorities in Hackney and Brent (Interview, 3 May 2013). Christchurch, which created a government-linked, but independent agency, provides another model. While fast-tracking the permit should also form part of the solution, it was noted that clear rules alone would result in large savings in time and money.

A holistic solution would involve the following steps:

1. recognise temporary uses as a separate category, involving both use and development, and define it clearly
2. standardise regulations for temporary use, including across departments

STRATEGIC PLANNING ISSUES

Problem encountered:		Australia	NZ	UK	Germany
inadequate strategic support	strategic incorporation OR government involvement creates statutory problems	government involvement lengthens process	increased layers of bureaucracy in areas earmarked for redevelopment	overbearing regulation persists	
		more complicated regulations in partnership projects	more stringent regulations	significantly longer processes and more complex contracts	
	danger of eviction and gentrification as affordable space disappears	not perceived as a problem	Perceived as possible after reconstruction of Christchurch	unlikely in the short term	Mediaspree, Neukölln
	no way of strategically contributing to the city future	no link to strategic policy	'transient city' very vague		
Problem circumvention:		Australia	NZ	UK	Germany
Active short- and medium-term strategic engagement	dedicated funding OR	Docklands Spaces, Pop-Up Parramatta...	'transient city'		
	dedicated funding tied to strategic goals			Council-specific programs with outcomes and milestones	Soziale Stadt + QM
	support and legitimisation from high-level government			'localism agenda'	
	allow on public land	dedicated council programs, with support and funding (Pop-Up Parramatta, etc)		dedicated council programs, with funding (Art in Public Spaces in Hackney)	no dedicated program, but easily negotiable
medium- and long-term strategic support	protection against eviction				longer contracts, including Staffelmietvertrag
					allowed to stay longer on public land if good outcome (Gleisdreick, Badeschiff)
	Temporal insertion: 'temporary phase' in redevelopment plans		'transient city'		Frequently has period of temporary experimentation in redevelopment (Tempelhofer Feld)
Solution: Actively support temporary uses		Australia	NZ	UK	Germany
Active short- and medium-term support	dedicated funding OR	Project-based and flexible			
	dedicated funding tied to strategic goals			national funding for projects, and funded programs	
	dedicated legal changes	review of Building Code in regards to noise and safety	clearer link to strategic plans	simplified statutory processes	
	Allow on public land OR				
medium- and long-term strategic support	Temporal insertion: 'temporary phase' in redevelopment plans		publicly advocates	publicly advocates	
	Spatial insertion: permanently 'free zones'		'permanent temporary zones'	Hopes for LDOs or 'enterprise zones'	
	protection against eviction	specifically didn't want	allow permanence based on merit extend duration of 'event' to allow longer projects	not possible with 'Meanwhile Lease'	

LEGEND

	Non-policy measures
	planning policy measure
	not applicable / not relevant

Table 11: Summary table: Strategic planning issues.

3. exempt temporary projects from change of use and building permit requirements
4. to the extent possible, relax building, safety and environmental requirements for temporary projects, and advise temporary users of required standards and modes of compliance
5. create a standardised, fast-tracked, process for approval
6. designate a 'temporary use' team or officer.

5.6 STRATEGIC SUPPORT

The literature, experience of the interviewees and the research findings all indicate that temporary use offers a good avenue for managing ongoing urban development. However, the rhetoric of support has not always been accompanied by practical incorporation of temporary use in development strategies (Table 11). While the desire was not to see top-down planning imposed on a bottom-up practice, respondents indicated that formal planning could assign dedicated space, and a dedicated phase in strategic development projects, to temporary use. This model would make room for experimentation and participatory engagement while the strategic road map is being developed, and would preserve a space for testing ideas at a low cost, with low risk of failure.

While this may seem like a counter-intuitive proposal, it is already practised across the world. In Christchurch, a five-year 'transient city' has been established as a phrase in the recovery period, during which time all temporary projects are exempt from various permit requirements, and dedicated funding is available to support them. In the UK, local authorities have funded and promoted temporary use programs on council-owned land, linked to social objectives. In Germany, targeted urban regeneration with open funding programs has directed temporary use to strategic locations (see Chapter Four). While temporary use does not require funding – and, indeed, fostering commercial self-reliance of temporary users is seen as an important part of the design – coordinating and clustering temporary uses improves outcomes for the area, and for individual users, by fostering networks and 'creating a buzz': it is the coordinating activity that requires funding.

5.7 IMPLICATIONS FOR FURTHER RESEARCH

This study builds on the existing positive assessment of temporary uses in planning literature by investigating the technical aspects of the practice. It provides evidence of common barriers and possible solutions to its implementation, identifying areas of planning policy that ought to be considered for their supportive, and detrimental, effect on temporary uses. As temporary practices continue to be tested worldwide, this research could be further extended in some obvious ways.

Planning for temporary use warrants more detailed examination. The type of temporary use studied in this research did not include government-led projects, independent projects, large-scale commercial temporary projects, road closures, market, events and festivals, or temporary architecture. Post-occupancy evaluation could provide detailed assessment of the effects of specific types of temporary intervention, and extend our knowledge.

A detailed taxonomy of planning measures, distinguishing between different ‘families’ of planning law, would be a valuable resource. Another direction for further research would be a closer scrutiny of the effects of the planning legislation identified as hindering temporary use. The scope of the research did not permit an in-depth engagement with the rationale behind specific safety and permit requirements, nor a balanced assessment of their overall merit. These regulations are likely to be affecting other uses as well; in particular, live arts performances, and public events. Specific recommendations for legislative changes would likely be of interest to a wide range of users. An even more valuable area of study would be the effect of non-planning legislation on planning outcomes: in particular, liquor licensing and safety regulations.

A fairly positive review of temporary use practices has been provided, reflecting the choice of case studies, and the overall positive assessment in the literature. Negative aspects were not sought out, nor could they be meaningfully assessed, given the short history of temporary use. As temporary uses continue to be strategically implemented, further research will shed more light on their long-term effect on urban change.

5.8 CONCLUSION

The projects in this study did not begin as formal planning tools. Each appeared in a time of crisis - long-term economic downturn in Berlin, localised urban decay in the UK and Newcastle, the earthquake in Christchurch - and each was facilitated less by planning, than by the disruption to the normal planning processes in the wake of these crises. Even though the organisers have gradually become experts in temporary urbanism, all started off as 'ordinary citizens', motivated by a personal desire to improve their city. Their innovation and success was largely credited to their lack of initial familiarity with the planning process. According to respondents, blissful ignorance of the regulatory problems they would encounter allowed them to think large, solving obstacles one by one, until their successes gave them some leverage with the planning authorities. Only in Germany, where planning system had long accommodated temporary use, was the agency founded by planners.

In her book *Designing to Heal* (2013), Jenny Donovan proposes that crises may have unintended positive effects: by interrupting the normal patterns of life, they may bring a community together in solidarity; they destroy existing structures, and with them long-standing problems; and they disrupt long-held paradigms, making change seem not only possible, but viable. This research demonstrates how temporary projects can unlock the creative potential in cities and their citizens, and open up a field of productive, imaginative experimentation, turning a crisis into an opportunity. Urban planning ought to learn how to harvest the benefits of temporary projects. It should not have to take a disaster on the scale of the Christchurch earthquake to enable this to happen.

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Appendix 1: Research interview questions

Note: These interviews will had an open-ended question format. If, in responding to one of these questions the participant raised an issue that was not addressed in this list of questions, the researcher asked the participant to provide further detail/comment, allowing for greater flexibility to pursue issues and modify the research design if necessary. Likewise, if the respondent's answer was not clear, a follow-up question was asked.

- What kinds of temporary uses does your organization facilitate? How long have you been doing this?
- What is the legal framework within which you operate? How do you make temporary uses happen? What kind of permits, contracts, licenses, negotiations with public and private bodies do you need to undertake? What are the costs?
- What planning legislation supports your work? Have you seen planning changes since you have started working on facilitating temporary uses? What has worked the best, and why?
- What barriers have you encountered that hindered temporary uses in your city? What do you think causes them?
- What kind of planning support would help you in your work as a temporary use agency? (E.g., changes in planning regulation, application process, or relaxation of regulations?)
- Is there any further information that you would like to add, that you believe to be relevant to this topic?
- Are there any other people I should to speak to, in order to understand the issue better?

Appendix 2: List of interviews

Renew Newcastle / Renew Australia				
name	role	date of interview	format	duration (hr : min : sec)
Marcus Westbury	Founder and CEO	April 30, 2013	Conversation	01:09:49

additional personal communication	role	date	format	duration (if applicable)
Dr Ianto Ware	former CEO of Renew Adelaide, member of Live Music Taskforce Australia, National Live Music Coordinator of Sounds Australia	May 10, 2013	Conversation	01:14:24

Gap Filler				
name	role	date of interview	format	duration (hr : min : sec)
Ryan Reynolds	Co-founder	May 02, 2013	Skype conversation	01:06:26

additional personal communication	role	date	format	duration (if applicable)
Timothy Horton	Former Commissioner for Integrated Design with the Integrated Design Commission SA	May 12, 2013	Conversation	~1 hr

Meanwhile Space				
name	role	date of interview	format	duration (hr : min : sec)
Emly Berwyn	Founder and director	03 May, 2013	Skype conversation	00:54:31

Coopolis / Zwischennutzungsagentur				
name	role	date of interview	format	duration (hr : min : sec)
Georg Hubmann	employee	May 9, 2013	Skype conversation	01:12:29