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# Planning Report Goodspeed Bicycle Outlet NewActon

## Planning Report – Block 8 & 11 Section 24 City Goodspeed Bicycle Outlet - Removal/Extension of Time Limit

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## 1. Preamble

This Planning Report has been prepared in accordance with the requirements of the *Australian Capital Territory (Planning and Land Management) Act 1988* (the Act). This report supports the lodgement of an application for works approval pursuant to the Act.

## 2. Description of the Proposal

### 2.1 Background

The works approval application seeks permanent approval to the Goodspeed Bicycle Pop Up at NewActon or alternatively an extension of the previous three (3) year works approval granted by the National Capital Authority on 21 October 2015 (WA 19943 refers).

The original works approval application was subject to public notification. There was both considerable support for and opposition to the proposal. The opposition to the proposal was primarily based on concerns that:

- the appearance of the structure, being a repurposed shipping container, would be discordant with the aesthetic of the precinct;
- the ability of the public to continue to use and enjoy the John Avery Gardens would be unduly compromised;
- the use would generate disproportionate levels of vehicular and pedestrian traffic resulting in conflict along Kendall Lane; and
- if approved the use of the structure would change.

Having reviewed the comments both for and against, the National Capital Authority (NCA) took the view that the proposal had sufficient merit to proceed albeit with the approval being conditional upon:

- 1) an initial approval period of three (3) years to allow the situation to be monitored to identify whether any conflicts or adverse impacts arose; and
- 2) no change of use from a bicycle outlet without prior application being made and the express approval of the NCA for any change of use.

As the initial approval was granted in October 2015 the approval period is due to expire in October 2018. This application for extension of the approval is being made now to allow timely consideration of the matter prior to expiration of the initial approval period.

### 2.2 Removal or Extension of Time Limitation

Since its approval in October 2015, the Goodspeed Bicycle outlet has proven to be a well accepted feature of the NewActon Precinct. The bicycle service and repair function has proven particularly popular with cyclists who are resident, work within or visit the Precinct. So well received has it been, it is a reasonable assertion that the loss of this service would be a matter of regret to the NewActon community.

Accordingly, this application seeks the removal of the three year time limitation on the works approval. In making this application it should be noted that we do **not** seek to:

- alter the use of the facility,
- change its appearance, nor
- increase the height, footprint or floor area of the premises.

Should the NCA agree to remove the time restrictions, it should be noted that there would be no objection to the above points being included as conditions/imitations to any such approval. If such conditions were imposed then there would be no risk that the use, form and nature of the premises could be unilaterally altered by the Proponent/Lessee.

The alternative would be for the NCA to simply approve the goodspeed outlet for a further three years or such other time limit as the authority may deem appropriate. However, it is pointed out that provided the above conditions on use, size and form are imposed then a time limit serves little practical purpose. It would serve only to impose an unnecessary administrative burden on all concerned. Further justification for removal of the time limit is provided below.

### 2.3 Justification for Removal of Time Limit

It is relevant to consider that the time limit was originally imposed so that the situation could be monitored over a time period sufficient to allow for any potential adverse impacts to emerge. Over the intervening three years no such impacts have arisen.

In addition to the service it provides, the aesthetic of the outlet has proven to be very well accepted. In conversation with Molonglo Group and Goodspeed representatives, many of those within the resident NewActon community who expressed their initial reservations about the proposal have subsequently expressed their satisfaction and support for the manner in which it has been executed. The Goodspeed proprietors report that visitors to the precinct commonly stop to photograph and enquire about the outlet. When advised that it is a repurposed container the visitors express their delight and interest in the manner in which this was achieved. Similarly, the facility has appeared in ACT Government publications advocating quality place making. Overall, it is a reasonable conclusion that the Goodspeed outlet has been well received.

While the outlet and the services it provides have proven popular the level of daily visitation is very modest in comparison to say a food and beverage based operation. There have been no reported incidents of pedestrian/cyclist/vehicular conflicts arising from the operation of the goodspeed outlet. Nor has there been any noticeable adverse impact on the use and enjoyment of the John Avery Gardens by the wider community. In addition to its day to day use, the gardens have continued to host a range of arts, cultural and community activities as they have since inception of the precinct.

### 2.4 Use, Form and Aesthetics

It is **not** proposed to alter the use nor alter the structure. It remains modest in scale measuring only 2.3m wide x 6 m long and 2.3m high with an area of 13.8m<sup>2</sup>.

During public consultation on the previous application a number of submissions expressed concern about the use of a shipping container and drew comparisons with the “West Side” development on West Basin which was then in existence. As was subsequently shown, there was in fact very little similarity between West Side and the Goodspeed concept. West Side utilised stacked shipping containers with very little modification to the containers themselves, whereas the Goodspeed

proposal retains very little of the original container other than the steel frame. Three sides of the container are completely removed and replaced with full length timber framed glass doors and windows on the main face and sides and half-length timber framed windows on the other side. The steel floor of the container is replaced with a timber decked floor.

The Goodspeed outlet has proven well integrated with the landscape. This integration is achieved through:

- Dense planting within the rooftop garden to present a green roof when viewed from above;
- Use of quick growing climbers over the rear frame and shadow screen to present a green wall to adjacent development;
- Use of mature stock planting (5m) for the seven (7) Callery pear trees planted between the interface with NewActon South; and
- Use of a mature stock (4.5m) replacement Chinese elm tree.

The extensive planting and use of mature stock has achieved a well resolved landscape setting. This outcome as it is in August 2018 is shown in the photographs below.



**Photograph 1.** View from John Avery Gardens



**Photograph 2.** View from podium, NewActon South

## 2.5 Schedule of Drawings

We understand that the works approval application process requires the submission of drawings. It is further understood that in this instance, where a simple removal of the time limitations is sought with no change to the previously approved structure is required, that original drawings are to be submitted. The details of the relevant drawings, including subsequently approved amendments) are shown on the following plan drawings which form part of this development application:

<b>Sheet Title</b>	<b>Drawing ID</b>
Location Plan	180814 Locality Plan (Source ACTMapI)
Plan and Elevations	180813 East Elev Rev1 GA001 (source Goodspeed)

Plan View Planter Frame	180814 Plan view planeter frame (Goodspeed)
Signage Plan	180814 Signage Plan
Plan View	180813 DC3 Top View GS002 A
Perspective	180813 DC3 Full View GS001
Perspective (Close Up)	180813 DC3 Close Up View

### 3. Current land use and site analysis

Acton Developments (ACT) Pty Ltd are the Lessees of Blocks 8 and 11 Section 24 City (the Site). The land is subject to a crown lease issued on 28 June 2013 for a term of 99 years shown on Land Titles Register Volume 2098 Folio 30. The Site address is 15 Edinburgh Avenue City. It is bounded to the west by Phillip Law Street, to the north by Edinburgh Avenue, to the south by Parkes Way and NewActon South Apartments and to the east by NewActon East Apartments.



**Photograph 3.** Site Location. Area of works highlighted in blue. (Source ACTMapI ACT Government 2018)

The Site has an area of 10,762m<sup>2</sup> as shown on Deposited Plan 11128. It sits within the area known as NewActon and accommodates the heritage listed former Hotel Acton.

The buildings have been refurbished to accommodate mixed use development. The existing uses comprise an 80-room hotel trading as Peppers Gallery Hotel and Bicletta restaurant, Parlour Wine Bar, (the former) A. Baker restaurant tenancy, La Bimbi Salon, Soma Day Spa, Nishi Gallery, offices and landscaped courtyards. The Site's primary frontages are to Edinburgh Avenue Service Road and Phillip Law Street. As the former Hotel Acton is a 1926 era heritage listed building there is no on-site basement parking.

On-site parking comprises parallel parking adjoining the southern side of the Edinburgh Avenue service road and 90<sup>0</sup> car parking adjoining the eastern side of Phillip Law Street. These parking

spaces are within leased land owned and operated by Acton Developments (ACT) Pty Ltd. In addition Acton Developments (ACT) Pty Ltd holds part of the Parkes ways and Marcus Clarke Street road reservations under licence for the purpose of providing 148 car parking spaces.

#### 4. Existing crown lease

Clause 3 of the crown lease as varied permits the land to be used for one or more of the following purposes and any purpose ancillary thereto:

- i. Bank;
- ii. Bar;
- iii. Café;
- iv. Co-operative society;
- v. Cultural facility;
- vi. Educational establishment
- vii. Health centre;
- viii. Hotel;
- ix. Office
- x. Personal service establishment
- xi. Restaurant
- xii. Social/community facility; and
- xiii. Tourist facility.

The proposed tenancy is defined as “Tourist Facility” meaning *“the use of the parcel of land for the purpose of providing entertainment, recreation, cultural or similar facilities for use mainly by the general touring or holidaying public. This may include a restaurant, café, bar, service station, tourist accommodation (including motel) and the retail sale of crafts, souvenirs, antiques and the like”*. The service it provides is reasonably ancillary to and supportive of the other primary uses permitted under the crown lease. Consequently, The Goodspeed outlet complies with the existing provisions and the works approval application does not seek vary provisions of the existing crown lease.

#### 5. National Capital Plan - West Basin Precinct Code

The site is identified as being within a Designated Area and subject to the provisions of the National Capital Plan (the Plan). The Part 4.7 of the Plan identifies the sites are being subject to the provisions of the West Basin Precinct Code (the Code).





**Figure 1.** West Basin Precinct Code Map. Source National Capital Plan

The National Capital Plan states that “*West Basin will be a vibrant cultural and entertainment precinct on a waterfront promenade. The area will create a new city neighbourhood, extending the city to the lake with a cosmopolitan mixture of shops, businesses, cafes, recreation, tourist activities and accommodation*”.

The objectives for West Basin are to:

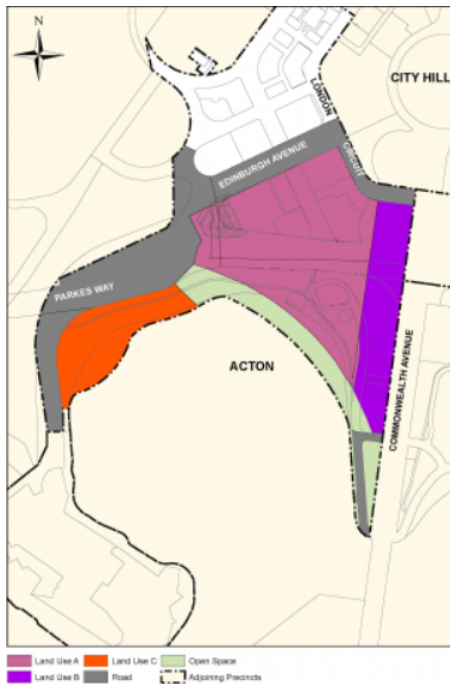
1. Create a legible network of paths and streets by extending the city grid of streets and paths to enhance connectivity and accessibility to the lake.
2. Create a vibrant public waterfront promenade in the Central National Area.
3. Enhance the range of tourism and recreation experiences available on Lake Burley Griffin.
4. Develop a built environment which demonstrates design excellence.

5. Develop West Basin precinct with a mix of uses and create a public domain which demonstrates urban design excellence.
6. Provide continuous public access around West Basin with links to the surrounding national attractions.
7. Contribute to the visitor and recreation experience of the Lake Burley Griffin parklands with an active waterfront promenade that permits a high level of tourist, entertainment, accommodation and leisure uses.
8. Enhance Commonwealth and Edinburgh Avenues as important physical, visual and symbolic links of Canberra.
9. Reinforce Commonwealth Avenue, a significant approach route and vista to Parliament House, as a corridor of activity, leading pedestrians from the city into the Parliamentary Zone.
10. Develop a significant public building, cultural attraction or landscape space on the water axis on the western shore of West Basin.
11. Ensure new development meets leading practice for environmental sustainability including energy efficiency and water sensitive urban design measures.

The proposal relates to an existing approved structure and does not challenge nor offend the objectives for West Basin. It will make a positive contribution to the mix of uses and the visitor and recreation experience (Objectives 3 and 5). The design outcome - using a repurposed container has been well received and arguably makes an important if subtle contribution to design excellence and sustainability (Objectives 5 and 11).

## 6. Land Use for West Basin

The land use for the Precinct is identified in the Plan as follows:



**Figure 2.** Permitted Land Uses. Source National Capital Plan

The Site is subject to Land Use A, which permits the following uses:

- Bank and co-operative society;
- Café, bar, restaurant;
- Car park;
- Club;
- Commercial Accommodation (Hotel, Motel, Serviced Apartments only);
- Cultural facility;
- Indoor recreation facility;
- Office;
- Park;
- Personal service establishment;
- Place of assembly;
- Public utility;
- Residential;
- Retail;
- Road;
- Social/community facility;
- Tourist facility.

The permitted uses under Land Use A are consistent with the uses permitted under the existing crown lease. The proposed development is consistent with the provisions of the existing crown lease and consequently are consistent with the provisions of Land Use A (See Section 4 above).

## 7. Detailed conditions of planning design and development.

Part 4.7.5 of the Plan sets out detailed conditions of planning design and development. These conditions are intended to give effect to the objectives for the West Basin Precinct. In addition, to the general conditions there are specific requirements in relation to:

- Urban structure;
- Building Height and Form;
- Heritage;
- Landscape/Streetscape;
- Waterfront Promenade;
- Cycleways and Ferry;
- Active frontages; and
- Road hierarchy;

Given the nature of the proposed development, being a relatively minor existing approved structure adjacent to the former Hotel Acton, the relevant conditions are those relating to Building Height and Form and Heritage.

## 8. Building Height and Form

The West Basin Precinct Code provides that building height will generally be medium rise up to 25 metres although taller building elements “may be considered north of Parkes Way”. The existing built form within the NewActon Precinct reflects the overall built form envisaged in the code with buildings ranging from 2, 8, 10 and 16 storeys. While, the Goodspeed outlet is only 2.3m in height this modest scale is appropriate for what is an ancillary use within the wider precinct.

The 2.3m height of the Goodspeed outlet is less than the minimum prescribed 3.6m floor to ceiling height for ground floor uses. However, this requirement is more appropriately applied to substantial multi-storey buildings rather than modest stand-alone ancillary structures such as the Goodspeed outlet. The 3.6m minimum is intended to allow ground floor space to be used for a multiplicity of active uses such as shops, cafes, restaurants and the like. That is not the intent of the Goodspeed outlet which has always been intended as a specific single use facility.

The form, materials and finishes of the Goodspeed outlet are deliberately modest and incorporates a green roof and planted architecture to provide sun protection.

## 9. Heritage

The former Hotel Acton (Acton House) is included on the ACT Heritage Places Register. The Hotel Acton, built in 1927 comprising a series of pavilion buildings known as Blocks A, B, C, E, F and G, the associated courtyards and tree planting, is significant for its association with the early development of the Federal capital territory, and in particular as one of the major hostels constructed by government to overcome the acute housing shortage that affected Canberra at that time. Hotel Acton is one of a suite of buildings in Canberra designed under the Commonwealth Architect, John Smith Murdoch.

The site is identified on the West Basin Heritage Places and Elements.



Fig 3. West Basin Heritage Places and Elements. Source National Capital Plan.

The NCP identifies the heritage objectives as being to:

- provide public access to local heritage places around West Basin; and
- create a public waterfront promenade reflecting the geometry and intent of the 1918 Griffin Plan.

The relevant objective is the provision of public access. The proposed development is consistent with this objective given that:

- There are no impediments to the east-west pedestrian connections through the site created by the NewActon Master Plan.
- The provision of facilities for cyclists which encourages a cycling culture the public to access, use and explore the place; and
- Maintains the ability of the public to interpret the history and significance of the space.

### 9.1 Plans previously supported by the ACT Heritage Council

The Site is subject to a Conservation Management Plan (CMP). The plans of the Goodspeed outlet were previously referred to and supported by the ACT Heritage Council in October 2015. Those previously approved plans are not altered by this current application to remove the time limitations..

## 10. Traffic and Parking Impact

A specific Traffic and Parking Impact Assessment has not been undertaken for this application as it relates to a previously approved development which remains physically unaltered and with no alteration to the use of the premises.

As the bicycle outlet has an area of only 13.8m<sup>2</sup> it will have no discernible impact on existing parking demand & supply, vehicular movement or traffic generation on the surrounding street system. The *Parking and Vehicular Access General Code* specifies a provision of 1 space for 25m<sup>2</sup> of retail space. Consequently, the proposed area of 13.8m<sup>2</sup> does not require the provision of any parking.

On-site parking comprises parallel parking adjoining the southern side of the Edinburgh Avenue service road and 90<sup>0</sup> car parking adjoining the eastern side of Phillip Law Street. These parking.

In addition to on-site car parking the immediate vicinity is well served with public car parking including:

- 148 public parking spaces on the licensed area of Parkes Way
- 132 public parking spaces in the Nishi basement; and
- long stay off-street car parking on City Hill.

All tenancies within Block 8 & 11 Section 24 City are serviced by loading zones and waste enclosures located on and accessed from Phillip Law Street.

## 11. Public Transport & Active Travel

The Site is located within the Canberra City and within 400 metres walking distance of the City Loop bus stop on London Circuit. The site is within 50 metres of the city cycleway in Marcus Clarke Street.

In accordance with the ACT Government's transport policy of promoting active travel there are also extensive bicycle parking facilities located around the precinct. Indeed, the level of bicycle parking provided is three times that required under the *Bicycle Parking General Code*. The proposed pop-up bicycle outlet is consistent with the strategy of promoting active travel options and alternatives to motor vehicle use

## 12. Conclusion

Not only has the Goodspeed bicycle outlet proven itself to present no adverse impacts it has become a valued service and well regarded feature of the fabric of the NewActon Precinct. The proposed removal of the time restrictions or renewal of the approval to allow its continuance in its current form and for its current use poses no risk to the amenity of the area. Consequently, the works approval application is consistent with the relevant provisions of the National Capital Plan and the crown lease .