

Mr Andrew Smith
Chief Planner
National Capital Authority
GPO Box 373
CANBERRA ACT 2601

Attention: Ms Sarah Treble

Wednesday, 20 May 2015

Dear Mr Smith,

Re: NewActon Pavilion – Amended Works Approval Application Pop Up Outlet – Block 8 & 11 Section 24 City

Attached to this letter are the amended drawings and supporting documents which constitute an amended Works Approval Application. The amended application seeks approval to a bicycle outlet on Block 8 & 11 Section 24 City.

BACKGROUND

On 22 October 2015, Acton Developments (ACT) Pty Ltd submitted a works approval application seeking approval to enhanced/replacement landscaping in John Avery Gardens and a pop up style bicycle outlet on the subject land. The works application was subject to public consultation and nine (9) submissions were received. None of the submissions raised issues in respect of the proposed landscaping. Consequently, on 4 December 2014 the landscaping component was approved.

On 12 December 2014 the National Capital Authority advised that the pop-up bicycle outlet component was not supported and that any subsequent application would require further refinement of the design. This amended works approval application sets out the measures taken to address that requirement together with detailed supporting documents to facilitate consideration of measures that to avoid or mitigate potential impacts.

SITE AND CONTEXT

The site is described as Block 8 and 11 Section 24 City. Blocks 8 and 11 Section 24 City 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 Biciletta restaurant, Parlour Wine Bar, A. Baker restaurant, La Bimbi Salon, Soma Day Spa, Nishi Gallery, offices and landscaped courtyards.

The site forms sits within the wider NewActon precinct accommodating a range of residential, commercial accommodation, entertainment, cultural, retail and commercial options reflecting the land use policy of the National Capital Plan.



TENURE

The proposed works are entirely contained within Block 8 & 11 Section 24 City. This land is the subject of a crown lease held by Acton Developments (ACT) Pty Ltd (Volume 2098 Folio 30 of the Land Titles Register refers).

DESCRIPTION OF PROPOSED WORKS

Location

The potential locations considered were necessarily limited to land leased to Acton Developments (ACT) Pty Ltd and not constrained by existing registered sub-leases to existing tenants, rights of way/easements, underground utilities or service/emergency vehicle access zones. These considerations necessarily focused attention on the area adjacent to John Avery Gardens. The proposed bicycle outlet sits at the juxtaposition of Kendall Lane and John Avery Gardens. This affords ready access for pedestrians and cyclists, minimises intrusion into the lawn area and heritage vista and avoids impacts on existing trees.

Scale and Materials

The proposed structure is modest in scale measuring only 2.3m wide x 6 m long and 2.3m high with an area of 13.8m².

The structure comprises a steel frame fabricated from a former shipping container. 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. There is in fact very little similarity with the Goodpseed concept. West Side utilises stacked shipping containers with very little modification to the containers themselves, whereas the Goodpseed proposal retains very little of the original container other than the steel frame.

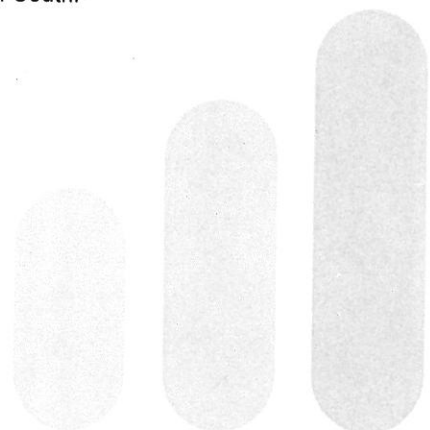
In the Goodspeed proposal three sides of the container are completely removed and replaced with full length timber framed glass doors and windows on the main face and sides and half-length timber framed windows on the other side. The steel floor of the container is replaced with a timber decked floor. The original application did not include details of the extent of the modifications and therefore such was not apparent. This has been rectified by inclusion in this amended application of supporting documentation showing the significant extent of modifications and enhancements.

Integration with the Landscape

The amended application also includes additional information showing the extent to which the Goodspeed outlet is better integrated with the landscape. This integration is achieved through;

- Additional planting (22%) within the roof top 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 additional planting and use of mature stock will provide a significant landscape from the very outset. This outcome is shown in the computer generated images by DC3 which form part of the amended application. It should be noted these images are to scale and show all elements in their correct positions. It should be noted that DC3 Drawing No GS-002-A shows the outlook when viewed from the podium gardens at Level 4 of NewActon South.



MITIGATION OF IMPACTS

The original application of 22 October 2015 did not address the measures taken to minimise or avoid any potential impacts. These measures are addressed below.

Limited Use

The proposed outlet will be used only for the sale of Goodspeed bicycles and associated equipment, repairs and servicing. A maximum of eight (8) bicycles will be contained or displayed within the facility at one time. The Goodspeed bicycles are manufactured off-site at a facility in Queanbeyan by local designers/craftsmen. As a bespoke design the bicycles have become an icon of NewActon. The promotion of creative making and the use of local products and design talent is consistent with the ethos and philosophy underpinning NewActon.

Acton Developments give an undertaking that the use of the facility will not be varied in the future without prior application to an approval by the National Capital Authority. Acton Developments is prepared to accept a condition to this affect being imposed on any approval to the current application.

Noise and Waste

The proposed bicycle outlet does not involve the use of machinery or heavy equipment nor the playing of amplified music. Consequently, the use does not involve noise generators and will not exceed the levels established by the relevant Environmental Protection Authority regulations.

The nature of the product offered does not involve the discharge of solid, liquid or gaseous waste nor generate perishable waste or packaging.

Overlooking and Overshadowing

The other buildings on Block 8 & 11 Section 24 City comprise the Nishi Gallery which is 4 metres in height with a floor area of 220m² and the former Hotel Acton comprising a series of two storey pavilion buildings with a gross floor area of 6,717m². The NewActon South apartments which immediately adjoin the pop-up is a 17 storey high development of 32,000m² containing 189 residential units. The nearby NewActon East development is an 8 storey mixed use development comprising 7,682m² of commercial space and 3,800m² of accommodation space consisting of 32 apartments. NewActon Nishi is a 16 storey development of 18,000m² comprising 220 apartments. The Capital Tower and QT hotel opposite are 17 storeys and 15 storeys respectively.

As evidenced in the works approval application, the "pop-up style" outlet is modest in scale measuring only 2.3m x 6 m with an area of 13.8m². The container is 2.3 metres in height. It is a modest structure by any reasonable measure. Consequently there is no potential for the a structure of such modest scale to adversely impact - by virtue of bulk, overshadowing, or overlooking - on the adjacent 8, 15, 16 and 17 storey developments.

Minimal Construction Impact

The Goodspeed outlet is fabricated and fitted out off-site as shown in the supporting documents. This allows the structure to be transported to the site and craned into position. This ensures that there is minimal disturbance to surrounding uses as there is no excavation for footings nor extended construction period as would be required with a conventional construction method. It should also be noted that only power will be connected to the premises from the nearby supply point. It is not proposed to connect the outlet to water, stormwater or sewer services as these services are not required for a use of this nature. As these hydraulic service connections are not required this further avoids the need for excavation and disturbance to the site. It is relevant to point out that the lack of hydraulic services severely limits the ability of the structure to be used for any more intensive use. This serves to underscore the commitment, given above, that the proposed use is limited to a bicycle outlet.

Similarly should the premises cease to be used as a bicycle outlet in the future, if required the structure can be readily removed without the need for conventional demolition works. Should the structure be removed in the future the area will be reinstated with planting in accordance with an approved landscape plan.

Traffic and Parking Assessment

As the bicycle outlet has an area of only 13.8m² 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 1space for 25m² of retail space. Consequently the proposed area of 13.8m² does not require the [provision of any parking.

The quantum of car parking within the precinct is provided in accordance with the Territory Plan's *Parking and Vehicular Access General Code*. The code was adopted and applied by the National Capital Authority as the responsible development regulator to ensure consistency in parking provision across the entire City division. Consequently, there is no diminution of the level of car parking provision at NewActon in comparison to other areas. In addition to meeting the relevant on-site parking requirements of the code, Acton Developments has constructed and maintains 138 spaces on adjacent public land licensed from the ACT Government. It should be noted that there are also extensive publicly surface car parking areas located on City Hill and West Basin within 400 m of the precinct. These car parking areas accommodate city-wide commuter car parking demand on high demand weekdays and are available to accommodate patron/customer parking demand on the evening and week end periods.

Consistent with other areas of the city, all off-street and on-street public car parking, is the subject of a strict management regime consistently enforced by the parking regulators. All resident car parking is separately identified and provided in secure basements and is managed, and its use enforced, by the relevant building managers and bodies corporate. There is no plausible reason to suppose that patrons of a bicycle outlet - located on an entirely separate block - will somehow impede upon secure basement parking located under the adjacent residential towers.

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.

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. It should be noted that given the nature of the proposed use there is no commercial waste generated nor additional load on existing hydraulic services.

Pedestrian Traffic

As previously stated the pop-up outlet has an area of 13.8m². It is a negligible area with commensurately negligible effect on the generation of additional pedestrian or vehicular movement. The product offered – bespoke bicycles – are not convenience retailing goods consumed on a daily or weekly basis. Daily visitation will be comparatively low. Consequently the potential for noise generation and congestion is negligible

Given its location, all customers will of necessity access the premises either on foot or as cyclists. The location of the bicycle outlet and its main access door immediately adjoining Kendall Lane ensures that there will be negligible transiting by bicycle outlet patrons of the lawn areas. Car parking is located at peripheral locations with loading zones located on Phillip Law Street.

Access

The land on which the proposed pop up is located is leased land held by Acton Developments (ACT) Pty Ltd. The buildings and external areas land is maintained by Acton Developments including the area known as John Avery Gardens. The Gardens are not subject to any easements or rights of way. Notwithstanding care has been taken to ensure that the location of the outlet does not prejudice the continued access to the gardens by nearby residents and the general public who attend the program of cultural events routinely held as part of the cultural and community development program implemented by Acton Developments as custodians of the space.

Passive Safety and Security

In proposing the location of the bicycle outlet consideration was given to the deterrence of potential vandalism. The potential for vandalism can be greatly diminished by the application of appropriate planning and design principles. Foremost amongst these is the creation of activated spaces. Vandalism is most effectively deterred when the potential offender perceives a heightened likelihood to be seen and hence caught. Consequently, those spaces which generate higher levels of activity and visitation by the general community over extended periods are those least likely to experience vandalism or indeed any other form of crime.

It is the mixed use nature of NewActon and in particular those uses such as restaurants, cafes, cinemas and galleries operating at night and on weekends, which generates higher levels of social interaction and hence provides the deterrence to crime. In this particular instance the proposed pop-up is immediately adjacent to Parlour restaurant and the Nishi Gallery. Consequently, the proposed location is one in which the potential for vandalism is minimised.

Relationship to Built Form and Landscape Structure of the Precinct

The relationship of the built Form and Landscape Structure of NewActon is based on a series of physical and visual links centred on the heritage listed former Hotel Acton. In positioning the proposed Goodspeed outlet great care was taken to ensure that this relationship was respected and reinforced. This is articulated in the structure diagram provided on Drawing No L-100.00 E and confirms that Goodspeed respects the established relationship between physical and visual links within the precinct.

Location and Outlook

Extensive consideration was given to alternative location options. The assessment found the proposed location represents the best urban design outcome for the following reasons:

- The location of the bicycle outlet would be within close proximity of the other commercial activities in the precinct. In this context the outlet would be consistent with the surrounding uses and fit within the atmosphere created by the surrounding buildings and uses. ideal in adding to the activation of the laneway through the provision of a daytime use which enhanced, without conflicting with, the adjacent uses such as Parlour Wine Bar, restaurants and the Nishi Gallery which primarily generated after hours visitation. This combination of daytime and evening activation is consistent with the principles of good place making.
- The location provides a strong visual connection from all directions consistent with the principles of legibility and ease of way finding in the urban environment. This option provides a visual foil to the seventeen storey scale of NewActon South when viewed from the John Avery Gardens.
- The bicycle outlet is itself in scale with the associated uses around the space, including the Nishi Gallery and former Hotel Acton. Importantly, this location respects the historic sight lines between the Hotel Acton and the lake and National Museum of Australia;

- By being close to the laneway, the use of the gardens as thoroughfare will be minimised. The general design of the gardens will be maintained; Locating the outlet in proximity to the laneway will further activate the laneway in a way that is consistent with the overall design intent of the NewActon Precinct;
- The height of the pop-up will not obstruct balcony views of the gardens from the adjacent apartments. Furthermore, if the pop-up is close to the apartment complex, it will be less obtrusive to those looking from a heightened vantage point. As discussed below, with the inclusion of a roof-top garden, the aspect of the gardens from the adjacent residences will be improved;
- The roof top garden is to be planted with *Carpobrotus glaucesens*, *Echenvenia glauca* and *Myoporum parvifolium*. These are evergreen plants specifically chosen for their ability to thrive in these circumstances. In addition the wire frame affixed to the rear and roof of the structure will provide a "green wall" and roof. Accordingly, once the roof-top garden is established, for residents of NewActon south, the pop-up will appear as the top tier of a mezzanine garden;
- Locating the pop-up in the position proposed does not require the removal of any existing trees. Furthermore, there would be no risk arising from footing excavations, levelling or compaction around or under drip lines of any existing trees including, importantly, the remaining heritage listed Chinese elm; and
- Locating the pop-up in the position as proposed achieves the best outcomes in terms of maintaining the outlook from the former Hotel Acton referred to in the Conservation Management Plan.

LAND USE POLICY

The land is within a Designated Area and subject to the provisions of the National Capital Plan (NCP). The NCP identifies the site as being within the Central National Area and subject to the specific policies for West Basin. The NCP envisages West Basin as:

"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 and recreation and tourist activities and accommodation".

PERMITTED USES

Part 1.4.4 Land Use for West Basin under the National Capital Plan permits the use of the land for "Tourist Facility" which includes the retail sale of crafts, souvenirs, antiques and the like. The permitted uses in the crown lease mirror the National Capital Plan.

CROWN LEASE

Block 8 & 11 Section 24 City is the subject of a crown lease held by Acton Developments (ACT) Pty Ltd (Volume 2098 Folio 30 of the Land Titles Register refers). Clause 3(a) purpose of the crown lease permits the land to be used for one or more of the following purposes and any other purposes ancillary thereto:

- i. bank;
- ii. bar;
- iii. cafe;
- 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;

Tourist facility, including associated retail, is a permitted use.

SCHEDULE OF DRAWINGS

The drawings submitted as part of this works approval application comprise:

Oculus

- L.100.0 Rev E Cover Sheet
- L.100.1 Rev F Landscape Plan/Container Location
- L.100.2 Rev C Details Gallery Garden
- L.100.3 Rev B Details Shadow Frame
- L.100.4 Rev C Planting and Paving Details

Goodspeed

- GA00.1 Container Image

DC3

- GS 001- A Full View
- GS 002- A Close Up View
- GS 003 - A Top View

SUPPORTING DOCUMENTATION

The following documents are submitted in support of the application but do not form part of the application:

- Various images of Goodspeed outlet under construction showing extent of modifications.

Should you require any additional information please do not hesitate to contact me on 62876189 or email gordon@molonglogroup.com.au

Yours sincerely



Gordon Lowe
Director of Planning

