

## 11 PLANNING PROPOSAL - Macquarie Ice Rink Heritage Item

Report prepared by: Strategic Planner

File No.: LEP2020/1/4 - BP20/112

### REPORT SUMMARY

Following significant community interest in a Development Application lodged in December 2018, Council resolved at its meeting of the 29 January 2019, that Council

- (a) *Recognise the strong community opposition to the imminent closure of the Macquarie Ice Rink;*
- (b) *Express its opposition to the closure of the Macquarie Ice Rink;*
- (c) *Facilitate urgent mediation between AMP Capital and the existing tenants of the Macquarie Ice Rink to guarantee the retention of this important community facility or one of equivalent Olympic size and features in stage 1, by arranging meetings with the current tenants of the Macquarie Ice Rink;*
- (d) *Engage a person with appropriate heritage knowledge, skills and experience to investigate whether the Macquarie Ice Rink is of heritage importance and to subsequently prepare a preliminary heritage assessment report with respect to this matter and a report be submitted back to Council with a view to seek an interim heritage order if the report finds grounds of heritage importance.*
- (e) *Recognise the challenges of opening public consultation during the January 2019 holiday period, when many families are away from Sydney, and extend the public consultation period until 1 March 2019.*
- (f) *Place a copy of the Ice Rink's public change.org Macquarie ice rink petition on its website, and paper copies in all public facing council facilities.*
- (g) *Given that Ryde's local member, The Honourable Victor Dominello MP, failed to prevent the unwanted rezoning of Herring Road (Priority Precinct) in 2014 and his government's planning panel approval of AMPC's concept development application in 2016, that this Council call upon Premier Gladys Berejiklian to urgently intervene to save Macquarie Ice Rink.*
- (h) *That the General Manager formally notify AMP Capital that Council's official position is for an Olympic sized ice rink to be retained in any stage 1 redevelopment of the Macquarie Shopping Centre.*

### **Record of Voting:**

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Maggio, Moujalli, Purcell and Pedersen

Against the Motion: Councillor Yedelian OAM

## ITEM 11 (continued)

This report responds to resolution (d) and provides detail of investigations into whether the Macquarie Ice Rink is of heritage importance and an Interim Heritage Order (IHO) that was made by the Minister for Heritage over Macquarie Ice Rink, Macquarie Park on the 4 February 2019 (IHO No.147).

GML Heritage Consultants (GML) were engaged by Council in 2019 to provide a heritage assessment of the Macquarie Ice Rink. The GML report titled “Macquarie Ice Rink Heritage Assessment” dated September 2019 (GML Report) concludes that the Macquarie Ice Rink demonstrates heritage significance at a state level for a number of reasons including:

- It is an important place of public recreation and is highly valued by the community
- As an Olympic – sized rink, it caters to all skating disciples and is highly valued by people training or competing at an Olympic level as well as to those who use the rink as a recreational facility
- It is associated with prominent figures in the skating industry
- Its inclusion in the design of Macquarie Centre was unusual and unique for its time.

The GML Report recommends that:

- The Macquarie Ice Rink should be listed as a heritage item of local significance on Schedule 5 of the Ryde Local Environmental Plan 2014.
- The rink should be retained in its current form and location. In this regard the GML report states the following:

*Although the physical fabric of the place itself is not considered to be significant it cannot be expected that the community sentiment and social values of the existing rink could be transferred to a new rink in an alternative location...” (GML Report page 29).*

- There is scope for future alterations and adaptations of the area in the vicinity of the ice rink.

This Planning Proposal is generally in line with the recommendations of the GML Report. It is considered however that the redevelopment and or relocation of the ice rink within the broader context of the Macquarie Shopping Centre may be suitable, subject to a Conservation Management Plan (CMP) being prepared for the Centre and endorsed by the consent authority, demonstrating that the key features of the Rink, which give the rink its heritage value and status, can be achieved and maintained in the proposed new location.

### **ITEM 11 (continued)**

Based on the recommendations of the GML Report and the above a Planning Proposal has been prepared that seeks make the following amendments to Ryde Local Environmental Plan 2014:

- amend *Schedule 5 Environmental heritage* of RLEP 2014 to include one new item being the Macquarie Ice Rink,
- insert a new local clause which will permit the redevelopment and/or relocation of the Ice Rink within the Macquarie Shopping Centre subject to a Conservation Management Plan (CMP) being prepared for the Centre and endorsed by the consent authority, demonstrating that the current key aspects of the Rink, which give the rink its heritage value and status, can be achieved and maintained in the proposed new location.

### **RECOMMENDATION:**

- (a) That in the opinion of Council, Macquarie Ice Rink is of local heritage significance as outlined in the attached Planning Proposal and, accordingly, Council seeks to place the item on Schedule 5 Environmental Heritage of *Ryde Local Environmental Plan 2014*.
- (b) That Council notes the advice of the Ryde Local Planning Panel to seek a Gateway Determination and amend Planning Proposal Macquarie Ice Rink Heritage Item to give guidance to a site specific Conservation Management Plan.
- (c) That Council forward Planning Proposal Macquarie Ice Rink Heritage Item to the Minister of Planning with a request for a Gateway Determination under 3.34 of the *Environmental Planning and Assessment Act 1979*.
- (d) That, on receipt of the Gateway Determination, the General Manager places the Planning Proposal on community consultation in accordance with NSW planning legislation and any conditions forming part of the Gateway Determination.
- (e) That the outcomes of community consultation are reported to City of Ryde Council as soon as practicable after the conclusion of the exhibition period.

### **ATTACHMENTS**

- 1 Planning Proposal - Macquarie Ice Rink
- 2 Letter from State Heritage Register Committee of the Heritage Council of NSW
- 3 Ryde Local Planning Panel Minutes 13 February 2020 - Macquarie Ice Rink Planning Proposal

**ITEM 11 (continued)**

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## ITEM 11 (continued)

### 1. Purpose of the Report

To seek Council endorsement to request a Gateway Determination for a Planning Proposal seeking to list Macquarie Ice Rink as a Heritage Item under Schedule 5 of the Ryde Local Environmental Plan (RLEP) 2014.

### 2. The Site and Locality

The Macquarie Ice Rink is located on Level 1 of the Macquarie Shopping Centre, 197 – 223 Herring Road Macquarie Park (see Maps 1 and 2 below). Macquarie University is located to the west of the site with residential uses located to the south and commercial land uses to the east and north.

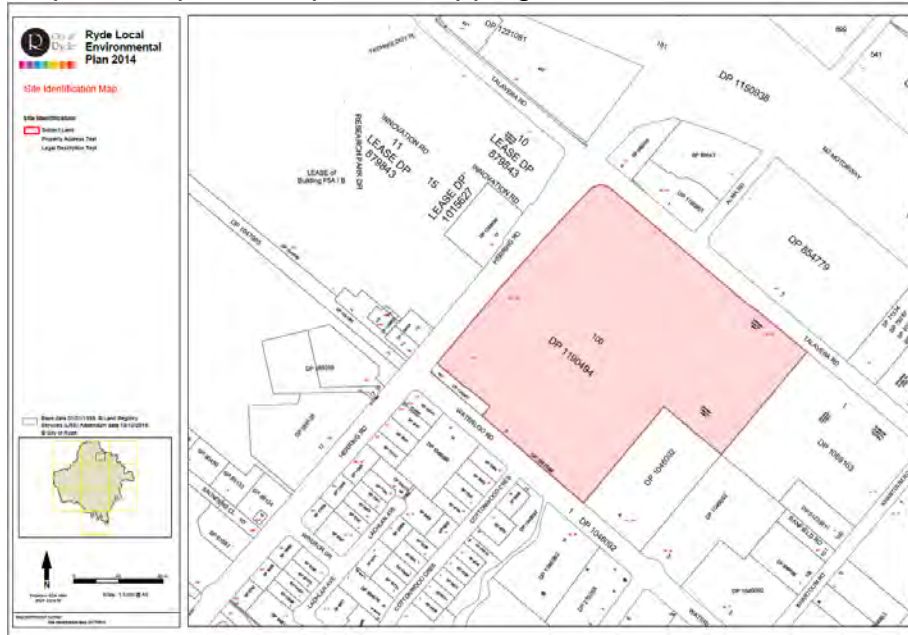
Map 1 – aerial view of Macquarie Shopping Centre



(Source: Extract GML Report page 3)

## ITEM 11 (continued)

Map 2 – map of Macquarie Shopping Centre and surrounds



(Source: extract Ryde Maps)

The ice rink was constructed as part of the original shopping centre which opened in 1981 (see Photo 1 below).

Photo 1 – Macquarie Ice Rink, 1983



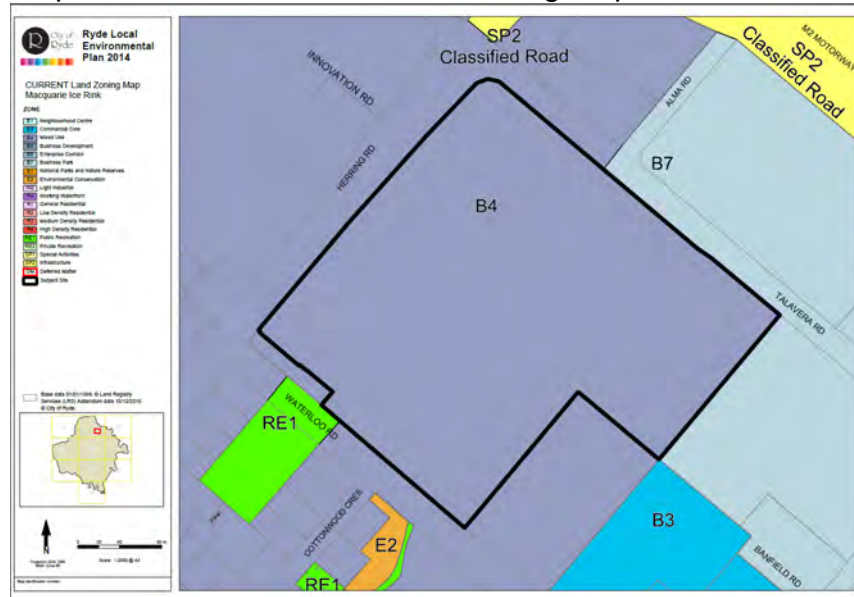
(Source : Photography by Adrian Greer for Sydney Morning Herald (Extract GML Report page 9)

## ITEM 11 (continued)

### Zoning

The site is zoned B4 – Mixed Use under Ryde LEP 2014 Land Zoning Map (see Map 3 below).

Map 3 – Extract from Land Use Zoning Map



(Source: extract Ryde Maps)

All land uses are permitted under the zoning with the exception of the following:

Agriculture; Air transport facilities; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Depots; Eco-tourist facilities; Farm buildings; General industries; Heavy industrial storage establishments; Heavy industries; Home occupations (sex services); Industrial training facilities; Pond-based aquaculture; Resource recovery facilities; Sewage treatment plants; Sex services premises; Signage; Vehicle body repair workshops; Vehicle repair stations; Waste disposal facilities; Water recycling facilities; Water supply systems



## ITEM 11 (continued)

### Building Height

The building height for the site ranges from 65m to a maximum of 120m as per Ryde LEP 2014 Height of Buildings Map. (see Map 4 below)

Map 4 – Extract from Height of Buildings Map

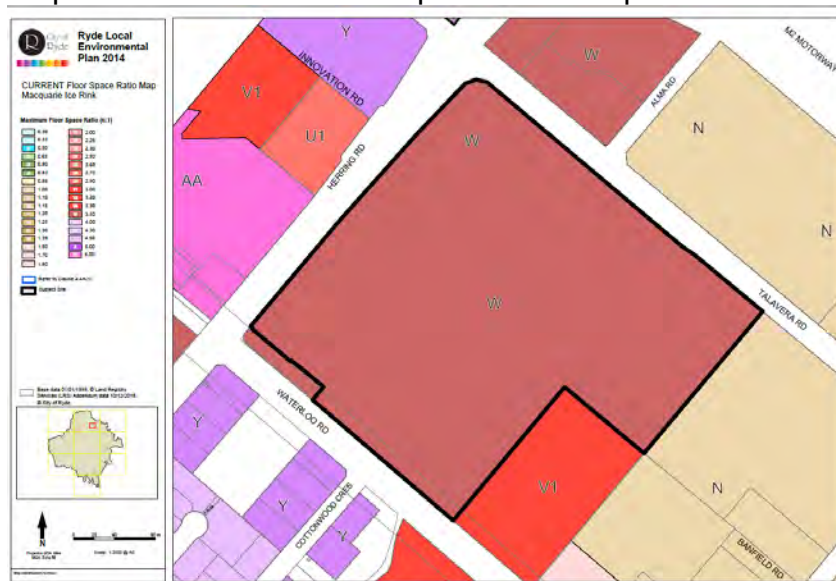


(Source: extract Ryde Maps)

### Floor Space Ratio

The maximum floor space ratio relating to the site is 3.5:1 as per Ryde LEP 2014 Floor Space Ratio Map. (See Map 5 below)

Map 5 – Extract from Floor Space Ratio Map



(Source: extract Ryde Maps)



## ITEM 11 (continued)

### 3. The Planning Proposal

The purpose of the Planning Proposal is:

- To provide appropriate protection to an item of social and cultural heritage to the City of Ryde, through the heritage listing of the Macquarie Ice Rink in *Schedule 5 Environmental Heritage* of RLEP 2014.
- To ensure greater certainty is provided for in the future development of Macquarie Shopping Centre.

The Planning Proposal seeks to make the following amendment to RLEP 2014:

- amend *Schedule 5 Environmental Heritage* of RLEP 2014 to include one new item being the Macquarie Ice Rink, and
- insert a new local clause which will only permit the redevelopment and/or relocation of the Ice Rink within the Macquarie Shopping Centre subject to a Conservation Management Plan (CMP) being prepared for the Centre and endorsed by the consent authority, demonstrating that the current key aspects of the Rink, which give the rink its heritage value and status, can be achieved and maintained in the proposed new location.

The Planning Proposal is in accordance with the requirements under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' (dated August 2016) and adequately sets out the following:

- A statement of the objectives or intended outcomes of the proposed amending LEP;
- An explanation of the provisions that are to be included in the proposed amending LEP;
- Justification for those objectives, outcomes and provisions and the process for their implementation;
- Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies;
- Details of the community consultation that is to be undertaken on the planning proposal; and
- A project timeline.

## ITEM 11 (continued)

### 4. Background

A Development application (LDA 2018/498) was lodged on the 18 December 2018 by AMP Capital Investors Limited relating to the Macquarie Shopping Centre. The DA was part of a staged DA and related to a concept plan approved in November 2016 for the mixed-use redevelopment of the site. The DA, which involves the demolition of the ice rink, includes the redevelopment of the Herring Road Corner Podium site, the delivery of a new publicly accessible Station Plaza and additional deck parking on the Talavera Road frontage.

The DA was placed on exhibition on 16 January 2019.

As a result of the community response to the exhibition Council resolved on the 29 January 2019, to engage a relevant person to investigate whether the Ice Rink is of heritage importance with a view to Council seeking an interim heritage order if the report found grounds of heritage importance (PP - **ATTACHMENT 1**).

Prior to that report being prepared the Minister for Heritage made Interim Heritage Order (IHO) No. 147 on the Macquarie Ice Rink, Macquarie Park (Government Gazette No.10 dated 4 February 2019 (PP – **ATTACHMENT 2**).

It should be noted that on the 18 January 2019 the owners of the site requested that Council put on hold the assessment of the LDA until further community engagement has been undertaken.

#### Interim Heritage Order (IHO) No.147

The State Heritage Register Committee considered the GML Report on the 5 November 2019. The committee concluded that Macquarie Ice Rink is unlikely to be of state significance and recommended that Heritage NSW not proceed with the statutory process for listing on the State Heritage Register (**ATTACHMENT 2**). The Committee further stated:

*Macquarie Ice Rink may potentially be of local heritage significance. As local heritage is the responsibility of the local council, the Committee determined to write to the City of Ryde to encourage you to consider the potential heritage significance of the site when reviewing any future development.*  
(PP - **ATTACHMENT 5**)

#### Macquarie Ice Rink Heritage Assessment – GML Consultants

GML Heritage Consultants were engaged by Council in 2019 to provide a heritage assessment of the Macquarie Ice Rink in order to determine if it reaches the threshold for listing as a heritage item within the Ryde Local Environmental Plan 2014.

## ITEM 11 (continued)

In a report titled “Macquarie Ice Rink Heritage Assessment” dated September 2019, GML Heritage Consultants have identified that the Macquarie Ice Rink demonstrates heritage significance at a state level for the following reasons:

- It is an important place of public recreation and is highly valued by the community
- As an Olympic – sized rink, it caters to all skating disciplines and is highly valued by people training or competing at an Olympic level as well as to those who use the rink as a recreational facility
- It is associated with prominent figures in the skating industry and sports.
- Its inclusion in the design of Macquarie Centre was unusual and unique for its time ( GML report page 29)

The report recommends that:

1. *The Macquarie Ice Rink should be listed as a heritage item of local significance on Schedule 5 of the Ryde Local Environmental Plan 2014.....*
2. *The rink should be retained in its current form and location..... The cultural significance of the ice rink is embodied in its social value to the community .....However, the form, layout, size and location of the ice rink is an important part of this significance. Although the physical fabric of the place itself is not considered to be significant, it cannot be expected that the community sentiment and social values of the existing rink could be transferred to a new rink in an alternative location.....*
3. *There is scope for future alterations and adaptations of the area in the vicinity of the ice rink, including the surrounding tiered seating or ancillary facilities. The rink should be retained in its current location in any future redevelopment proposal of the Macquarie Centre in order to retain its significance and value to the community. (GML Report page 29).*

Based on the GML Report it is considered that the key aspects of the Macquarie Ice Rink which must be retained and managed include:

- i) The incorporation of the ice rink within the broader shopping centre complex;
- ii) The strong visual relationship between the ice rink and the internal thoroughfares and designated food-court of the shopping centre;
- iii) The strong visual relationship between the ice rink and the external public domain through full-height glazed walls;
- iv) The Olympic-sized scale and dimension and competition quality of the ice rink, together with tiered stadium seating;
- v) The overall volume of the ice rink space with the double height ceiling space and singular indoor arena.

## ITEM 11 (continued)

As stated by the GML Report the existing Macquarie Ice Rink should be retained in its current form and location. However, it is considered that the redevelopment and/or relocation of the ice rink within the broader context of the Macquarie Shopping Centre may be suitable subject to a Conservation Management Plan (CMP) being prepared for the Rink and endorsed by the consent authority, demonstrating that the current key aspects of the Rink, which give the rink its heritage value and status, can be achieved and maintained in the proposed new location.

### Ryde Local Planning Panel

Under the Section 9.1 Ministerial Direction signed on 27 September 2017, all Council's in the Greater Sydney Region are required to send all Planning Proposals (except those of a minor or inconsequential nature) to a Local Planning Panel comprised of independent experts. The Panel is to review the Proposal and make recommendations to Council.

The Planning Proposal was considered by the Ryde Local Planning Panel at their meeting on 13 February 2020. The Panel's recommendation was as follows (see **ATTACHMENT 3**):

- (a) *That the Macquarie Ice Rink Heritage Assessment, GML Heritage Consultants, September 2019 be received and noted by the Ryde Local Planning Panel.*
- (b) *That the Ryde Local Planning Panel recommend to Council that the Planning Proposal – Macquarie Ice Rink Heritage Item be submitted for Gateway Determination under 3.34 of the Environmental Planning and Assessment Act 1979.*
- (c) *That the five key aspects listed on page 8 of the Planning Proposal should be incorporated into the proposed new clause to be inserted into the Ryde LEP 2014.*
- (d) *That the Planning Proposal should minimise the impact of the listing on the use of the exempt and complying provisions of the code SEPP.*

The Planning Proposal has subsequently been amended to reflect part C of the Panel's recommendation. (See highlighted section in **ATTACHMENT 1** – Planning Proposal Macquarie Ice Rink Heritage Item).

Part D of the Panel's recommendation has been addressed by identifying the subject property as "Part Lot" under Schedule 5 and by using text based (rather than mapped) controls, thereby distinguishing Macquarie Ice Rink as the heritage item, rather than Macquarie Shopping Centre as a whole.

## ITEM 11 (continued)

### 5. Planning Assessment

The assessment of the subject Planning Proposal has been undertaken in accordance with the NSW Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' (dated August 2016).

#### Part 1 – Objectives or intended outcomes

The Objective of the Planning Proposal is:

- To amend *Schedule 5 Environmental heritage – Part 1 Heritage Items* to include Macquarie Ice Rink at 197 – 223 Herring Road Macquarie Park.
- To ensure that prior to any Council approval being given to the redevelopment and/or relocation of the Macquarie Ice Rink within the broader context of the Macquarie Shopping Centre, a Conservation Management Plan (CMP) is endorsed by the consent authority for the Centre demonstrating that the current key aspects of the Rink, which give the rink its heritage value and status, can be achieved and maintained.

The Intended outcome of the Planning Proposal is to:

- Provide appropriate protection for an item of built, social and cultural heritage to the City of Ryde, through the heritage listing of the Macquarie Ice Rink in *Schedule 5 Environmental heritage* of RLEP 2014.
- Ensure greater certainty is provided for in the future development of Macquarie Shopping Centre.

## ITEM 11 (continued)

### Part 2 – Explanation of provisions

The Planning Proposal seeks to amend the RLEP 2014 as follows:

1. Include 1 new Heritage item in *Part 1 Heritage Items* as shown in Table 1 below

Table 1 – New Heritage Item

Suburb	Item name	Address	Property description	Significance	Item no.
Macquarie Park	Olympic sized Ice Rink with associated facilities (seating, meeting and team areas etc) integrated with Macquarie Shopping Centre retail/commercial activities and known as Macquarie Ice Rink	197 – 223 Herring Road Macquarie Park	Part Lot 100 DP1190494	Local	345

2. Insert into Ryde Local Environmental Plan 2014 a new local clause that requires that prior to Council determining:
  - any redevelopment of the Macquarie Ice Rink and/or
  - the relocation of the Macquarie Ice Rink within the broader context of the Macquarie Shopping Centre,

a Conservation Management Plan (CMP) must be endorsed by the consent authority demonstrating that the current key aspects of the Rink, which give the rink its heritage value and status, can be achieved and maintained



## **ITEM 11 (continued)**

### **Part 3 – Justification**

#### **Need for the Planning Proposal**

The NSW Department of Planning and Environment's 'A Guide to Preparing Planning Proposals' requires the following two questions be answered to demonstrate the need for the proposal:

1. *Is the Planning Proposal a result of any strategic study or report?*

Response: The Planning Proposal (an amending LEP) is the result of a heritage study undertaken on the Macquarie Ice Rink by experienced GML Heritage Consultants in accordance with NSW Heritage Council guidelines. The Planning Proposal is generally in accordance with the recommendations of that study titled "Macquarie Ice Rink Heritage Assessment" dated September 2019.

2. *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Response: The Planning Proposal is Council's only means of ensuring the protection of the Macquarie Ice Rink which has been assessed as having heritage significance. The Planning Proposal will ensure that the Rink's, heritage value and status, are recognised and protected from development that may adversely affect their significance and contribution to the environmental heritage of the City of Ryde.

#### **Relationship to Strategic Planning Framework – The Strategic Merit Test**

A strategic merit test is provided in Table 2 below.

Table 2 – Relationship to Strategic Planning Framework

<b>Strategic Merit Issue</b>	<b>Comment</b>
State Environmental Planning Policies and Local Directions	The Planning Proposal is generally consistent with the relevant State Environmental Planning Policies and Local Planning Directions under Section 9.1 of the environmental Planning and assessment Act 1979. An analysis of compliance with these policies is provided in the attached planning proposal. An analysis of compliance with these policies is included in the planning proposal.
Greater Sydney Region Plan - A Metropolis of Three Cities	The Planning Proposal is generally consistent with the Greater Sydney Region Plan - A Metropolis of Three Cities.
North District Plan	The Planning Proposal is generally consistent with the North District Plan.
Ryde Local Planning Study	The Planning Proposal is generally consistent with the Ryde Local Planning Study.

## **ITEM 11 (continued)**

### **6. Financial Implications**

Adoption of the recommendation will have no financial impact.

### **7. Options**

#### **Option 1 (Recommended) – Endorse the Planning Proposal**

This option is supported for the following reasons:

- The Planning Proposal provides appropriate protection for the Macquarie Ice Rink which is an item of social and cultural heritage significance within the City of Ryde, through its heritage listing in Schedule 5 Environmental heritage of RLEP 2014,
- Legislative protection can only be provided to the Macquarie Ice Rink by including it in RLEP 2014, Schedule 5 Environmental Heritage
- The Planning Proposal will provide greater certainty for the future development of Macquarie Shopping Centre.

Should Council support the recommendations, the first step in the process to amend the RLEP 2014 is to request a Gateway Determination followed by Community Consultation and a further decision by Council after consultation as to whether or not the Proposal should be brought into effect.

#### **Option 2 – Not endorse the Planning Proposal**

This option is NOT supported for the following reasons:

- The Planning Proposal will not proceed to Gateway or community consultation, and the Macquarie Ice Rink will remain legislatively unprotected.