

## **PLANNING PROPOSAL**

### **1 PLANNING PROPOSAL TO HERITAGE LIST MACQUARIE ICE RINK, MACQUARIE SHOPPING CENTRE UNDER RYDE LEP 2014**

**Report prepared by:** Senior Strategic Planner

**Report approved by:** Senior Coordinator - Strategic Planning; Manager - Urban Strategy; Director - City Planning and Environment

**File Number:** URB/08/1/10 - BP20/7

### **City of Ryde Local Planning Panel Report**

<b>Site Address and Ward</b>	197-223 Herring Road, Macquarie Park (Lot 100 DP1190494) West Ward
<b>Current Planning Provisions</b>	Zoning – B4 Mixed Use Maximum Height of Building – 65m - 120m Maximum Floor Space Ratio – 3.5:1
<b>Planning Proposal Overview</b>	The Planning Proposal (PP) seeks to make the following amendments to Ryde Local Environmental Plan 2014: <ul style="list-style-type: none"> <li>• amend <i>Schedule 5 Environmental heritage</i> of RLEP 2014 to include one new item being the Macquarie Ice Rink,</li> <li>• 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.</li> </ul>
<b>Property Owner</b>	AMP Capital Funds Management Limited
<b>Applicant</b>	City of Ryde
<b>Report Author</b>	Susan Wotton - Senior Strategic Planner

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<b>Lodgement Date</b>	Not applicable. City of Ryde has prepared the PP consequential to: <ol style="list-style-type: none"> <li>1. a Council resolution of the 29 January 2019 to investigate the site with a view to seeking an interim heritage order on the site and</li> <li>2. An Interim Heritage Order (IHO) being made by the Minister for Heritage over the site (IHO No. 147 Government Gazette No.10 dated 4 February 2019)</li> </ol>
<b>Reason for Referral</b>	Required by Ministerial Direction made under Section 9.1 of the <i>Environmental Planning and Assessment Act 1979</i> dated 27 September 2018
<b>Recommendation</b>	That the Ryde Local Planning Panel recommend to Council that the planning proposal be submitted for Gateway Determination under 3.34 of the <i>Environmental Planning and Assessment Act 1979</i>
<b>Attachments</b>	Attachment 1 – Planning Proposal Macquarie Ice Rink Heritage Item

**1. Executive Summary**

- At its meeting of the 29 January 2019 Council resolved to engage a relevant person to investigate whether the Macquarie Ice Rink is of heritage importance with a view to Council seeking an interim heritage order if the report found grounds of heritage significance.
- Prior to that report being prepared an Interim Heritage Order (IHO) 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

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- 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
  - 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.
  - Based on the recommendations of the GML Report and the above a PP 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.



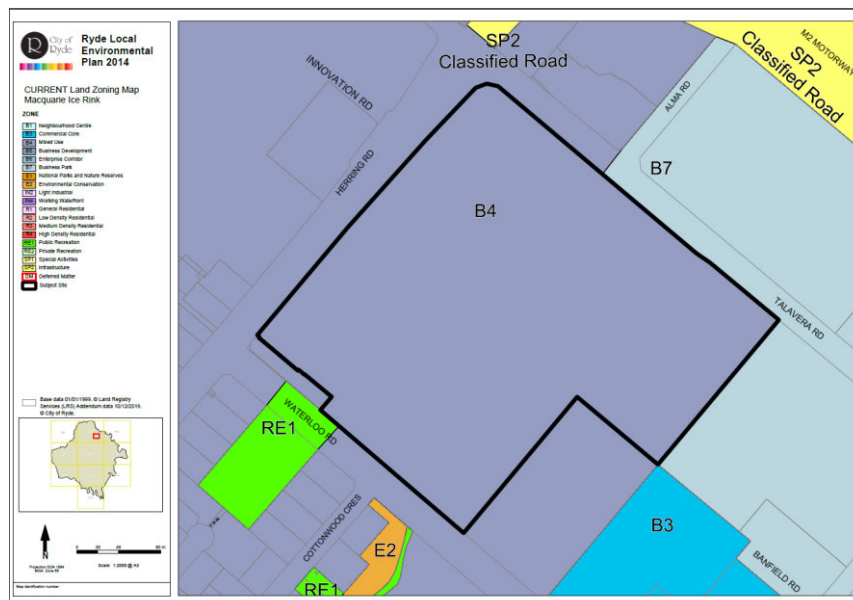
## ITEM 1 (continued)



Macquarie Ice Rink 1983. (Source : Photography by Adrian Greer for Sydney Morning Herald (Extract GML Report page 9)

## Zoning

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



(Map 3)

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



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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

### Building Height

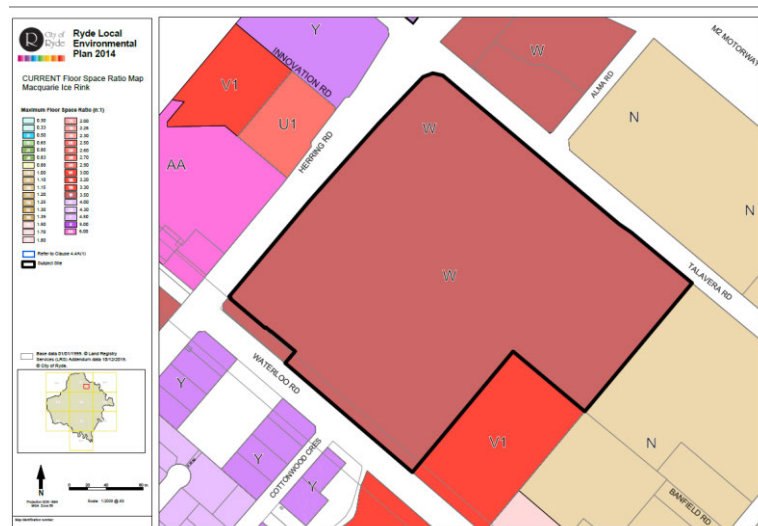
The building height for the site ranges from 65m to a maximum of 120m as per Ryde LEP 2014 Height of Buildings Map. (see Map 4 below)



(Map 4)

### 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)

**ITEM 1 (continued)****3. The Planning Proposal**

The purpose of the Planning proposal is:

- 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.
- ensure greater certainty is provided for in the future development of Macquarie Shopping Centre .

In summary the PP – 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 PP 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.

**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

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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 the 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. 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. (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.

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)



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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.

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 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.

## ITEM 1 (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 .

#### • 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 below

**Table 1 – HERITAGE ITEM – NEW**

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	197 – 223 Herring Road Macquarie Park	Part Lot 100 DP1190494	Local	345

**ITEM 1 (continued)**

Suburb	Item name	Address	Property description	Significance	Item no.
	known as Macquarie Ice Rink				

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

**• 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 PP (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 PP 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 PP is Council's only means of ensuring the protection of the Macquarie Ice Rink which has been assessed as having heritage significance. The PP 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 the following table.

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Strategic Merit Issue	Comment
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

**7. Conclusion**

- a) Based on the GML Heritage Consultants report titled “*Macquarie Ice Rink-Heritage Assessment*” dated September 2019, which was carried out in line with the NSW Heritage Council Guidelines, the findings and recommendations of the report be acknowledged and supported.
- b) That the redevelopment and or relocation of the Macquarie Ice Rink within the broader context of the Macquarie Shopping Centre be only considered, 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.
- c) Council proceed to request a Gateway Determination to amend RLEP 2014 for the following reasons:
  1. The PP 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 listings in *Schedule 5 Environmental heritage* of RLEP 2014,
  2. Legislative protection can only be provided to the Macquarie Ice Rink by including it in *RLEP 2014, Schedule 5 Environmental Heritage*.
  3. The PP will provide greater certainty for the future development of Macquarie Shopping Centre.

**ITEM 1 (continued)****8. Recommendation**

- 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*.

**ATTACHMENTS**

- 1 Planning Proposal - Macquarie Ice Rink Heritage Item 86 Pages

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