

COUNCIL ASSESSMENT REPORT

SYDNEY SOUTH PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSSH-174 DA-914/2024
PROPOSAL	Alterations and additions to Canterbury Olympic Ice Rink
ADDRESS	Lot 1 DP 818459 – 17A Phillips Avenue CANTERBURY Lot 2 DP 818459 – 17 Phillips Avenue CANTERBURY Unreferenced lot adjacent to 17 & 17A Phillip Avenue
APPLICANT	The Ice-Skating Club of NSW Co-operative Limited
OWNER	Canterbury Bankstown Council
DA LODGEMENT DATE	28 August 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 3 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Council related development over \$5 million
CIV	\$14,244,675.00 (excluding GST)
CLAUSE 4.6 REQUESTS	N/A
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>SEPP (Biodiversity and Conservation) 2021</i> • <i>SEPP (Industry and Employment) 2021</i> • <i>SEPP (Planning Systems) 2021</i> • <i>SEPP (Resilience and Hazards) 2021</i> • <i>SEPP (Transport and Infrastructure) 2021</i> • <i>Canterbury Bankstown Local Environmental Plan 2023</i> • <i>Canterbury Bankstown Development Control Plan 2023</i>
AGENCY REFERRALS	<ul style="list-style-type: none"> • Ausgrid • TfNSW • Sydney Trains • Sydney Metro • Department of Planning and Environment-Water
TOTAL & UNIQUE SUBMISSIONS	Eight (8) in SUPPORT
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Architectural Plans (amended) by Kennedy Associates Architects (16.12.24) • Arboricultural Impact Assessment Report by Advanced Arborist Reporting (09.07.24)

	<ul style="list-style-type: none"> • BCA Assessment Report by Ventura Building Surveyors (17.08.24) • BCA Assessment Report Addendum Letter by Ventura Building Surveyors (28.02.25) • Detailed Site Investigation by Alliance Geotechnical Pty Ltd (10.01.25) • Drainage and Flooding Assessment by Turnbull Engineering (09.08.24) • Hydraulic Design Intent Statement & Plans by ADP Consulting (19.08.24) • Landscape Plans Sheets 1 & 2 of 2 by Landscape Plans (20.12.24) • Noise Impact Assessment Report by ADP Consulting (02.08.24) • Plan of Management (amended) by The Ice-Skating Club of NSW Co-operative Limited (26.02.25) • Preliminary Site Investigation Report by Alliance Geotechnical Pty Ltd (22.11.24) • Section J Report by ADP Consulting (16.07.24) • Supplementary Contamination Assessment and Remedial Action Plan by Alliance Geotechnical Pty Ltd (29.01.25) • Survey by SDG (05.03.24) • Statement of Environmental Effects (amended) by Tract (12.12.24) • Structural Statement by ADP Consulting (23.07.24) • Traffic Impact Statement (amended) by Traffix (18.12.24) • Updated Waste Classification and Virgin Excavated Natural Material Report by Alliance Geotechnical Pty Ltd (21.01.25) • Waste Management Plan by [unknown]
INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	10 March 2025
PLAN VERSION	16 December 2024 Revision C
PREPARED BY	Rebecca Englund (external consultant planner) As the DA relates to Council owned land, it is being assessed by an external planner in accordance with the Council Related Development Application Policy.
DATE OF REPORT	3 March 2025

EXECUTIVE SUMMARY

The development application (DA-914/2024) seeks consent for alterations and additions to the Canterbury Olympic Ice Rink (**COIR**) that is located within Tasker Park, at 17 and 17A Phillips Avenue, Canterbury. COIR has been closed since August 2022 due to structural concerns associated with the roof, which are addressed by the proposal, in addition to other upgrades to the facility.

The development application has been assessed in accordance with the provisions of Section 4.15(1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, all relevant SEPPs, *Canterbury Bankstown Local Environmental Plan 2023 (CBLEP)* and *Canterbury Bankstown Development Control Plan 2023 (CBDCP)*. Further, the development application was publicly exhibited, and all eight (8) submissions received have been considered in this assessment.

The development application has been referred Ausgrid and Sydney Trains, Sydney Metro and Transport for NSW in accordance with the provisions of *State Environment Planning Policy (Transport and Infrastructure) 2021* and to all necessary departments of Canterbury Bankstown Council, with no objections to the proposal, subject to the imposition of conditions of consent.

The proposal was referred to Department of Planning and Environment – Water as integrated development under Section 91 of the *Water Management Act 2000 (WM Act)* and Section 4.46 of the EP&A Act. Whilst General Terms of Approval have been issued, it appears that this referral was not required as the proposal does not involve works that require controlled activity approval. As such, these conditions are not required.

The Applicant responded to initial concerns regarding potential contamination of land, patronage and management of the facility by submitting additional information, including Preliminary and Detailed Site Investigations and a comprehensive Plan of Management. The development application was also amended to include additional parcels of land to address existing and proposed encroachments, with owners consent also subsequently provided in relation to these lots.

The development application is referred to the Sydney South Planning Panel for determination in accordance with Section 2.19(1) and Clause 3 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*, as the majority of the site is owned by Council and as the cost of works exceeds \$5 million. Further, as the development application relates to Council owned land, the assessment has been undertaken by an independent planning consultant in accordance with Canterbury Bankstown Council's *Council Related Development Application Policy*.

The development application seeks to contemporise the COIR, to ensure that the facility remains available to the community into the future. The continuation of the facility is considered to be in the public interest and suitable for the site, complementing the adjacent Canterbury Leisure and Aquatics Centre and the other sporting facilities in the wider Tasker Park precinct. The proposal is permissible with consent and is consistent with the objectives of CBLEP and CBDCP, and all jurisdictional prerequisites have been met.

As such, the development application is referred to the Sydney South Planning Panel with a recommendation of **approval**, subject to conditions of consent detailed in the draft notice of determination (**Attachment A**)

1. THE SITE AND LOCALITY

1.1 The Site

- The site comprises three (3) lots:
 - Lot 1 DP 818459, 17A Phillips Avenue, Canterbury
 - Lot 2 DP 818459, 17 Phillips Avenue, Canterbury
 - Unreferenced land parcel, owned by the Minister of Public Works contained in Certificate of Title Volume 1114 Folio 217 (**Minister's Land**).
- The site currently contains the Canterbury Olympic Ice Rink, which has been closed since August 2022, in addition to the Canterbury Leisure and Aquatics Centre (under construction), a public carpark, a playground (to be relocated by Council), a half-court basketball court, and part of the sporting fields.
- The site forms part of a larger Council owned reserve, known as Tasker Park.
- The site is located towards the northern end of Tasker Park, near the intersection of Wairoa Street and Phillips Avenue.
- The site is adjacent to the T3 railway line and is in close proximity to Cooks River.
- The site is generally level and is subject to flooding.



Figure 1: Aerial image (with site bordered in yellow and lot boundaries dashed)
Source: Nearmap

1.2 The Locality

- Land to the north, west and south (beyond Tasker Park) is characterised by residential development of varying age and density.

- Land to east, on the opposite side of Cooks River, is characterised by contemporary high density residential development. An existing footbridge provides direct pedestrian connection to Tasker Park.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The development application seeks consent for alterations and additions to COIR. Specifically, the proposal involves:

- Partial demolition of the existing building,
- Tree removal,
- Alterations and additions to the existing ground floor:
 - Retention of existing entrance, admin & office area, café and associated kitchen, amenities, and plant area,
 - Refurbishment of existing ice rink (with no alteration to the size, shape of position of rink),
 - Construction of new skate hire & workshop, five (5) change/party rooms (with separate amenities and storage), workshop, storage, first aid, internal stair and lift access,
- Alterations and additions to the existing first floor:
 - Retention of existing balcony & warmup area,
 - Construction of new grandstand, multipurpose room (with associated amenities and kitchen), plant rooms, storage, internal stair and lift access,
- Replacement of the existing roof,
- Landscaping,
- Illuminated signage,
- Installation of solar panels, and
- Remediation of contaminated land.

The Applicant propose to operate the facility in accordance with the Plan of Management prepared by The Ice-Skating Club of NSW Co-operative Limited, dated 17 December 2024, which includes the following limitations:

- Maximum patron capacity: 300 persons,
- Maximum staff capacity: 10 persons,
- Operating hours: 5:30am – 11:30pm (every day)

The proposal also seeks to modify DA-1012/2021, which relates to the adjacent Canterbury Leisure and Aquatic Centre, to reflect an altered overflow parking and landscaping arrangement in the adjacent reserve.

The key development data is provided in **Table 1**.

Table 1: Development Data

Control	Proposal
GFA	5,069m ²
Clause 4.6 Requests	No

Max Height	12.1m
Car Parking spaces	142 (including 34 overflow spaces) shared with the Leisure and Aquatics Centre and wider public reserve

2.2 Background

The development application was lodged on 28 August 2024. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
28 August 2024	DA lodged
2 September 2024	Exhibition of the application
11 September 2024	Notification of the application (28 days)
26 September 2024	DA referred to external agencies
21 October 2024	Panel site inspection
4 November 2024	Request for Information from Council to Applicant
11 November 2024	Panel briefing
13 December 2024	Meeting between Planner, Council and Applicant
23 December 2024	Additional information provided, including: <ul style="list-style-type: none"> • Amended site information (to include land subject to existing encroachments) • Amended plans (to remove newly proposed encroachments) • Owners consent from Council • Preliminary Site Investigation • Plan of Management
23 January 2024	Design commentary from the Project Architect was received.
3 February 2025	Second Panel briefing
3 February 2025	Additional information provided, including: <ul style="list-style-type: none"> • Detailed Site Investigation
14 February 2025	Additional information provided, including: <ul style="list-style-type: none"> • Owners consent from NSW Public Works
28 February 2025	Additional information provided, including: <ul style="list-style-type: none"> • Clarification of commentary in BCA Report, and • Amended Plan of Management

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act. These matters as are of relevance to the development application include the following:

- (a) *the provisions of*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal:

- requires referral to Ausgrid under Section 2.48 of *State Environmental Planning Policy (Transport & Infrastructure) 2021*, and
- requires referral to Sydney Metro, Sydney Trains/Transport for NSW under Section 2.98 of *State Environmental Planning Policy (Transport & Infrastructure) 2021*.

The Application was initially referred to the Department of Planning and Environment – Water as integrated development under Section 4.46 of the EP&A Act and Section 91 of the WM Act. Whilst general terms of approval were issued, it is apparent that the development does not involve any controlled activities, and as such, the general terms of approval are not relevant to the proposal.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*

- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *Canterbury Bankstown Local Environmental Plan 2023*
- *Canterbury Bankstown Development Control Plan 2023*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas	Yes
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage <ul style="list-style-type: none"> • Section 3.6 – granting consent to signage • Section 3.11(1) – matters for consideration 	Yes
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> • Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6. 	Yes
State Environmental Planning Policy (Resilience & Hazards) 2021	Chapter 2: Coastal Management <ul style="list-style-type: none"> • Section 2.10 – Development on land within the coastal environment area • Section 2.11 – Development on land within the coastal use area • Section 2.12 – Development in coastal zone generally. Chapter 4: Remediation of Land <ul style="list-style-type: none"> • Section 4.6 - Contamination and remediation has been satisfactorily addressed, subject to conditions. 	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> • Section 2.48(2) – works adjacent to an electricity substation - the proposal is satisfactory subject to conditions. • Section 2.98 – development adjacent to rail corridors - the proposal is satisfactory subject to conditions. 	Yes
State Environmental Planning Policy	Chapter 3: Standards for non-residential development <ul style="list-style-type: none"> • Section 3.2 - Development consent for non-residential development 	Yes

EPI	Matters for Consideration	Comply
(Sustainable Buildings) 2022		
CBLEP	<ul style="list-style-type: none"> • Clause 2.3 – Zone objectives & Land Use Table • Clause 2.7 – Demolition requires development consent • Clause 5.21 – Flood planning • Clause 6.1 – Acid sulfate soils • Clause 6.2 – Earthworks • Clause 6.3 - Stormwater management and water sensitive urban design • Clause 6.9 – Essential services 	Yes
CBDCP	<ul style="list-style-type: none"> • Chapter 2.1 – Site Analysis • Chapter 2.2 – Flood Risk Management • Chapter 2.3 – Tree Management • Chapter 3.1 – Development Engineering Standards • Chapter 3.2 – Parking • Chapter 3.3 – Waste Management • Chapter 3.4 – Sustainable Development • Chapter 3.6 – Signs • Chapter 3.7 - Landscape 	Yes

State Environmental Planning Policy (Biodiversity & Conservation) 2021

Chapter 2: Vegetation in non-rural areas

In accordance with clause 2.6(1) of this policy, a person must not clear vegetation at the site within the authority conferred by a permit granted by the Council.

The development application seeks consent for the removal of seven (7) existing canopy trees, including the following trees as identified in the accompanying Arboricultural Impact Assessment Report by Advanced Arborist Reporting (09.07.24):

- T8 - 1 x mature *Eucalyptus punctata* (Grey Gum)
- T9 - 1 x mature *Corymbia maculata* (Spotted Gum)
- T10 - 1 x mature *Corymbia maculata* (Spotted Gum)
- T11 - 1 x mature *Corymbia maculata* (Spotted Gum) T16 - 1 x mature *Corymbia maculata* (Spotted Gum)
- T17 - 1 x mature *Archontophoenix alexandrae* (Alexandra palm)

In addition to the six (6) trees identified above, the architectural plans also demonstrate the proposed removal of Tree 15, which is not identified in the accompanying Arboricultural Impact Assessment Report.

The development application was referred to Council's Tree Management Officer, who supports the removal of the six (6) trees identified in the accompanying Arboricultural Impact Assessment Report, but not the additional tree, as the proposed works do not necessitate its removal.

The proposal is consistent with the relevant provisions of State Environmental Planning Policy (Biodiversity & Conservation) 2021, subject to conditions of consent.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3: Advertising and signage

The development application proposes signage on the external facades of the building , including:

- 'canterbury olympic ice rink' in backlit LED lettering on the South Elevation of the building,
- 'canterbury olympic ice rink' in backlit LED lettering on the West Elevation of the building,
- 'canterbury olympic ice rink' in backlit LED lettering on the North Elevation of the building, and
- 'canterbury olympic ice rink' in lettering on the western side of screen wall separating the carpark from fire pump and bin store.

The proposed signage constitutes building identification signs, as defined by the Standard Instrument, as follows:

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Pursuant to clause 3.6(a) of this policy, consent must not be granted to signage unless the consent authority is satisfied that the signage is consistent with the objectives of Chapter 3 of this policy. The consent authority can be satisfied in this regard, as the proposed signage:

- is compatible with the desired amenity and visual character of the area,
- provides effective communication in suitable locations on the building/site, and
- is of a high quality design and finish.

Further, clause 3.6(b) of this policy requires the consent authority to be satisfied that the proposal satisfies the assessment criteria specified in Schedule 5. The consent authority can also be satisfied in this regard, as the proposed signage:

- does not detract from the visual amenity of the locality,
- is appropriately sized and located for its context,
- complements the architecture of the building,
- will not result in unacceptable glare, and
- does not reduce safety for public roads, pedestrians or cyclists.

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2: State and regional development

The proposed development is regionally significant development pursuant to Section 2.19(1) as it satisfies the criteria in Clause 3 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, being development with an estimated cost of more than \$5 million on Council owned land.

In accordance with clause 2.15 of the EP&A Act, a Sydney district planning panel has the functions of the consent authority under Part 4 for regionally significance development. As such, the development application is referred to the Sydney South Planning Panel for determination.

State Environmental Planning Policy (Resilience & Hazards) 2021

Chapter 2: Coastal management

Parts of the site are located within the:

- Coastal environmental area, as shown on the Coastal Environmental Area Map, and
- Coastal use area, as shown on the Coastal Use Area Map.

However, no works/development is proposed within these parts of the site. As such, the consent authority can be satisfied of the matters prescribed by clause 2.10, 2.11 and 2.12 of this policy.

Chapter 4: Remediation of land

Pursuant to clause 4.6(1) of this policy, a consent authority must not consent to the carrying out of any development unless-

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

There is known contamination in the vicinity of the existing building, including that which was identified in a Preliminary Soil Contamination and Waste Classification Screening Report (JK Environments, dated 23 June 2021) prepared in relation to DA-1012/2021 for the adjacent Canterbury Leisure and Aquatics Centre. As the proposal seeks to extend the footprint of the building to the north-west, towards Wairoa Street, the preparation of a preliminary site investigation (PSI) was requested by Council.

A PSI (Alliance Geotechnical Pty Ltd, 22.11.24) was provided by the Applicant which confirmed the likely presence of contaminants in the area of the proposed extension and recommended the preparation of a Detailed Site Investigation (DSI).

The Applicant subsequently provided a DSI (Alliance Geotechnical Pty Ltd, 10.01.25) and Supplementary Contamination Assessment and Remedial Action Plan (Alliance Geotechnical Pty Ltd, 29.01.25) which confirmed the presence of friable asbestos at the site, with recommendations to ensure that the contaminants are safely removed so that the site will be suitable for the proposed use.

The PSI, DSI and Supplementary Contamination Assessment and Remedial Action Plan were referred to Council's Environmental Health Team, who raised no objection to the proposal, subject to conditions of consent.

The consent authority can be satisfied that the site will be suitable for the purpose for which the development is proposed once the site is remediated, which is to occur as part of the proposal. As such, the proposal is consistent with the relevant provisions of Chapter 4 of this policy.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

In accordance with Section 2.48(2) of this policy, the consent authority is required to give written notice of the development application to Ausgrid and must take into consideration any response received.

Ausgrid were notified of the development application, and a response was subsequently received confirming no objection to the development, subject to compliance with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets. A condition of consent has been recommended in this regard.

In accordance with Section 2.98 of this policy, the consent authority is required to give written notice of the development application to Sydney Metro, Sydney Trains/Transport for NSW (the Rail Authority) and must take into consideration any response received.

Sydney Metro, Sydney Trains and Transport for NSW were notified of the development application, and a response was subsequently received from Transport for NSW stating their role as the Rail Authority and confirming no objection to the development, subject to conditions of consent (which have been included in the draft notice of determination).

As such, the proposal is consistent with the relevant provisions of Chapter 2 of this policy.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3: Standard for non-residential development

Clause 3.2(1) of this policy includes criteria to be considered when deciding whether to grant consent to non-residential development. The consent authority can be satisfied that these matters have been considered, as follows:

- The proposal seeks to retain significant parts of the existing building to minimise waste,
- The proposal seeks consent for the installation of solar panels on the roof of the building to reduce dependence on the grid,
- The proposal seeks consent for the installation of new, efficient HVAC systems,
- The proposal includes appropriate insulation to assist in regulating the temperature of the building, and
- The proposal incorporates efficient water fixtures to minimise water consumption.

In accordance with clause 3.2(2) of this policy, development consent must not be granted to non-residential development unless the consent authority is satisfied that the embodied emissions attributable to the development have been quantified. The consent authority can be satisfied in this regard, as the application is accompanied by a completed Embodied Emissions Materials Form.

Canterbury Bankstown Local Environmental Plan 2023

The site is zoned RE1 Public Recreation under the provisions of CBLEP. An extract of the Zoning Map is provided at **Figure 2**.

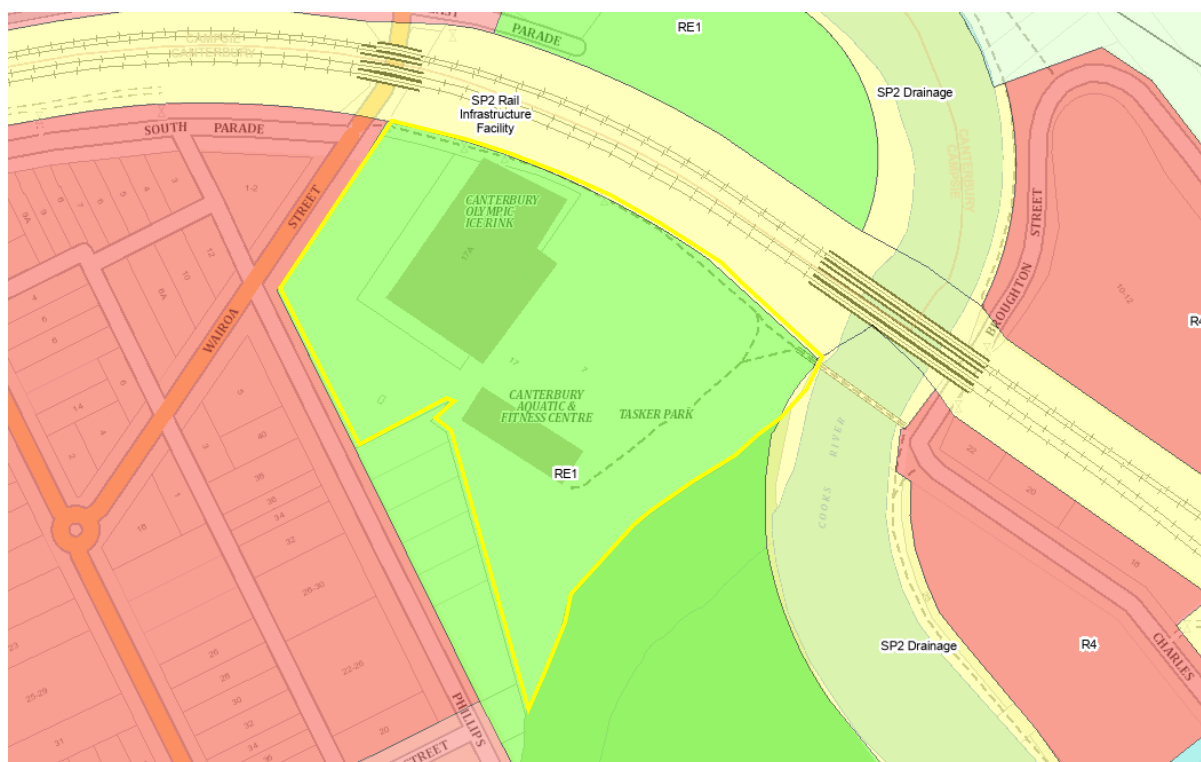


Figure 2: Extract of Zoning Map (with site bordered in yellow)
Source: NSW Planning Portal Spatial Viewer

The Development Application seeks consent for alterations and additions to the existing building and for the continued use of the building as an ice rink.

An ice rink is a type of indoor recreation facility, defined by CBLEP as follows:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

In accordance with the Land Use Table of CBLEP, a recreation facility (indoor) is permitted with consent within the RE1 Public Recreation zone.

In accordance with clause 2.3 of CBLEP, the consent authority must have regard to the objectives of the zone. The consent authority can be satisfied that the proposal is not antipathetic with the objectives of the RE1 Public Recreation zone, as follows:

- *To enable land to be used for public open space or recreational purposes.*

Comment: The proposal seeks to utilise part of the site for the purpose of an ice rink.

- *To provide a range of recreational settings and activities and compatible land uses.*

Comment: The proposed continued use of part of the site for the purpose of an ice rink adds to the range of recreational facilities provided at Tasker Park, and across the wider Canterbury-Bankstown LGA.

- *To protect and enhance the natural environment for recreational purposes.*

Comment: The proposed development does not result in any adverse impact upon the natural environment.

- *To promote a high standard of urban design and local amenity.*

Comment: The proposed development is a high-quality architectural design, that complements the adjacent Canterbury Leisure and Aquatics Centre.

CBLEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4**.

Table 4: Consideration of CBLEP Controls

Control	Requirement	Proposal	Comply
Demolition requires consent (CI 2.7)	The demolition of a building or work may be carried out only with development consent.	The proposal seeks consent for partial demolition of the existing building.	Yes
Flood planning (CI 5.21)	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development meets the criteria of subclause 2.	The development application is supported by a Drainage and Flooding Assessment (Turnbull Engineering, 09.08.24). Council's Development Engineer has confirmed satisfaction of the matters prescribed by subclause 2.	Yes
Acid sulphate soils (CI 6.1)	Class 4	The proposal does not involve works more than 2m below the natural ground surface or works by which the water table is likely to be lowered more than 2m below the natural ground surface.	Yes
Earthworks (CI 6.2)		Earthworks are generally limited to footings for the proposed extension on the north-western side of the building. The development application is accompanied	Yes

Control	Requirement	Proposal	Comply
		by a DSI (Alliance Geotechnical Pty Ltd, 10.01.25), detailing how contaminated soil in this location is to be managed.	
Stormwater Management & water sensitive urban design (CI 6.4)	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development satisfies the criteria prescribed by subclause 3.	The development application is supported by a Hydraulic Design Intent Statement & Plans (ADP Consulting, 19.08.24). This, together with the Drainage and Flooding Assessment (Turnbull Engineering, 09.08.24), satisfies the matters prescribed by subclause 3.	Yes
Essential services (CI 6.9)		All existing services are to be retained and upgraded, where necessary.	Yes

The proposal is considered to be generally consistent with the LEP.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no draft instruments that are relevant to the development application.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

Canterbury Bankstown Development Control Plan 2023 (CBDCP) is relevant to this application. The controls relevant to the proposal are considered in **Table 5**.

Table 5: Consideration of the CBDCP Controls

Control	Requirement	Proposal	Comply
Chapter 2.2 Flood Risk Management			
Section 3 – Development Controls	<p>The proposed development should not result in any significant increase in risk to human life, or in a significant increase in economic or social costs as a result of flooding.</p> <p>Development should not significantly increase the potential</p>	<p>The development application is supported by a Drainage and Flooding Assessment (Turnbull Engineering, 09.08.24).</p> <p>Council's Development Engineer has confirmed satisfaction of the matters prescribed by CBDCP.</p>	Yes

Control	Requirement	Proposal	Comply
	for damage or risk other properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.		
Chapter 2.3 Tree Management			
Section 2 – Tree Management	A person must not cut down, fell, uproot, kill, poison, ringbark, burn, commit tree vandalism, or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit.	The proposal seeks consent for the removal of existing canopy trees. The development application was referred to Council's Tree Management Officer, who supports the removal of the majority of these trees.	Yes
Chapter 3.1 Development Engineering Standards			
Section 2 – Civil Engineering Requirements	The on-site driveway layout must be designed so that a car may be able to access and exit all required car spaces in one motion. In addition, a required car parking space must be located so as to be outside and clear of any vehicular manoeuvring area or right of carriage way. Austroads standard turning path templates are to be used to determine acceptability.	The development application proposes a minor alteration to the arrangement of the overflow carpark in the adjacent reserve, which has been deemed acceptable by Council's Traffic Engineer. See further in the "key issues" section of this report.	Yes
Section 3 – Stormwater Drainage Systems	Site stormwater drainage systems should be designed to flow under gravity and	The development application is supported by a Hydraulic Design Intent	Yes

Control	Requirement	Proposal	Comply
	<p>be connected to Council's stormwater drainage system at the nearest suitable location or CDL benefiting the site. Site drainage design should follow the natural fall of the catchment to a pipeline connection point that has been designed for the runoff.</p> <p>Roof, eave and/or box gutters and downpipes must be sized using the formulas and tables provided in accordance with the Australian Standard AS/NZS 3500.</p>	Statement & Plans (ADP Consulting, 19.08.24). Council's Development Engineer is satisfied with the proposed stormwater management solutions, subject to the imposition of conditions of consent.	
Chapter 3.2 Parking			
Section 2 – Off-street Parking Rates.	Parking study with a survey of similar facilities required.	<p>142 car spaces (inclusive of 34 spaces within an overflow carpark) to be shared with the adjacent Canterbury Leisure and Aquatic Centre.</p> <p>Council's Traffic Engineer has reviewed the accompanying Traffic Impact Statement (Trafix, 18.12.24) and considers the quantum of parking available to be acceptable.</p> <p>See further in the "key issues" section of this report.</p>	Yes
Section 3 – Design and Layout	The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.	The proposal does not seek to alter the location or design of driveways, which were approved pursuant to DA-1012/2021 for the adjacent Canterbury Leisure and Aquatics Centre.	Yes

Control	Requirement	Proposal	Comply
	<p>The design of loading docks must:</p> <p>(a) be separate from parking circulation or exit lanes to ensure safe pedestrian movement and uninterrupted flow of other vehicles in the circulation roadways;</p> <p>(b) allow vehicles to enter and leave the site in a safe manner; and</p> <p>(c) have minimum dimensions of 4m by 7m per space.</p>	<p>The development application does not seek to alter servicing arrangements for the existing facility.</p>	
Chapter 3.3 Waste Management			
Section 4 – Commercial Development	<p>Development must provide bin storage and separation facilities within each tenancy and within the communal bin room.</p>	<p>The development application is supported by a Construction and Operational Waste Management Plan (unknown, 22.08.24).</p> <p>The development application has been reviewed by Council's Resource Recovery Officer who supports the proposal, subject to conditions of consent.</p>	Yes
Chapter 3.4 Sustainable Development			
Section 2 – Water Conservation	<p>The following requirement is mandatory and must be incorporated into the building design: All taps, showerheads, toilet suites (cisterns, urinals) used in the development must be rated to at least 4 stars under the National Water Efficient Labelling and</p>	<p>The development application is supported by a Section J Report (ADP Consulting, 16.07.24), which confirms the proposal is in accordance with the Deemed-To-Satisfy requirements of Section J of the Building Code of Australia with regards to water efficiency and conservation.</p>	Yes

Control	Requirement	Proposal	Comply
	Standards (WELS) Scheme	The Hydraulic Design Intent Plans (ADP Consulting, 19.08.24) also demonstrate stormwater harvesting and re-use.	
Section 3 – Energy Minimisation	The design and orientation of buildings must maximise solar access and natural lighting.	<p>The development has been sensitively designed to minimise energy consumption, with appropriate insulation, strategically placed windows/openings and installation of solar panels.</p> <p>The development application is supported by a Section J Report (ADP Consulting, 16.07.24), which confirms the proposal is in accordance with the Deemed-To-Satisfy requirements of Section J of the Building Code of Australia with regards to energy efficiency.</p>	Yes
Chapter 3.6 Signs			
Section 2 – Location and Design	<p>Signs are not to dominate in terms of scale, number, proportion and form or any other attributes.</p> <p>The design and place of signs are not to adversely impact on the amenity of residential sites.</p>	<p>The proposed building identification signage provide effective communication in suitable locations.</p> <p>The signs, which comprise individual backlit LED lettering, are of high-quality design and finish, and do not dominate in terms of scale, number, proportion and form.</p>	Yes
Section 3 – Illumination and Reflectance	The level of reflectance of a sign, and its content, is not to exceed the 'minimum coefficients of Luminous intensity per unit area for Class 2A material', as set out in	A condition of consent is recommended to ensure compliance with the provisions of this control, namely that the luminance of the sign shall not cause nuisance.	Yes

Control	Requirement	Proposal	Comply
	the Australian Standard AS/NZS 1906.1, Retroreflective materials and devices for road traffic control purposes will not be approved.		
Chapter 3.7 Landscape			
Section 2- Landscape Design	New landscaping is to complement the existing street landscaping and improve the quality of the streetscape.	The development application is supported by Landscape Plans (Landscape Plans, 20.12.24) demonstrating the proposed landscaped solution for the north-western side of the building. These plans have been reviewed and are supported by Council's Landscape Architect and Urban Designer.	Yes
Section 3 - Biodiversity	Development must retain, protect and enhance indigenous/native vegetation and natural site features and incorporate it into the landscape design.	The proposed tree removal is to be offset by compensatory plantings in more suitable locations.	Yes

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Canterbury Bankstown Local Infrastructure Contributions Plan 2022*

This Contributions Plan has been considered and included the recommended draft consent conditions.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

These provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposed alterations and additions provide for a much-needed upgrade to the existing facilities that are highly valued by the community. The use of the building for indoor recreational purposes is appropriate within the Tasker Park precinct, and complements the Canterbury Aquatic and Leisure Centre next door, in addition to the other sporting facilities at the site.

The architectural form appropriately reflects the distinctive use of the building and has been carefully designed to sit in harmony with the adjacent Canterbury Aquatic and Leisure Centre.

- Access and traffic – The proposed development has been assessed by Council's Traffic Engineer who has confirmed that the development suitable for the locality and that it would not bring about adverse impacts on traffic in the area, subject to conditions of consent.
- Public Domain – The proposal seeks to contemporise the existing building, which is in a state of disrepair. The proposal will significantly improve the public domain.
- Utilities – Existing utilities will be retained and upgraded, where required.
- Contamination – The proposal includes remediation of land that contains friable asbestos. Conditions of consent are recommended to ensure that this is managed appropriately and that the land is suitable for the proposed use.
- Flora and fauna impacts – The development application involves the removal of trees to the north-west of the existing building, however suitable compensatory landscaping is proposed.
- Natural hazards – The site is identified as flood prone. The proposed development has been assessed by Council's Development Engineer who has confirmed that the development suitable for the locality and that it would not bring about adverse impacts on flooding in the area or unacceptable risk to life, subject to conditions of consent.
- Safety, security and crime prevention – The development application has been reviewed by Council's Community Safety Officer, who supports the proposal subject to the imposition of conditions of consent.
- Economic impact – The existing building has been sitting idle and unused since August 2022. The proposal is critical to enable the premises to operate once more.

- Site design and internal design – The proposal is suitably located on the site, with key integration with the Canterbury Aquatic and Leisure Centre and the wider public reserve. Historical encroachments within the Minister’s Lot are addressed by the proposal.
- Construction – Any adverse impacts associated with construction are appropriately mitigated by conditions of consent.
- Plan of Management – The building is located within Tasker Park, which is managed by Council in accordance with the *Generic Plan of Management for Community Land and Crown Land*. Tasker Park is a District Park, comprising land for the purposes of Sportsground, Park and General Community Use.

The proposed alterations and additions to the building are maintained within the ‘General Community Use’ area, where such facilities are anticipated. The development application also seeks consent for landscaping within the adjacent reserve to the north-west of the building, which is consistent with the ‘Park’ categorisation for that land.

The development application necessitates changes to overflow parking within the adjacent reserve, which was approved pursuant to DA-1012/2021 in conjunction with the adjacent Canterbury Leisure and Aquatics Centre. The change to the configuration of the overflow parking has been supported by Council’s Property, Strategic Planning and Open Space (Parks) Teams, and is consistent with Council’s long-term strategic direction for the management of Tasker Park, which also includes the relocation of the public playground to another area within the wider reserve.

Whilst the use of the adjacent land designated as ‘Park’ for the purpose of overflow parking is not consistent with the ‘permissible uses and developments’ in Table 10 of the *Generic Plan of Management for Community Land and Crown Land*, it is noted that this table is a guide, which does not overrule what is permissible under CBLEP. Further, it does not prevent the consent authority from approving the development application.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The continuation and upgrade of the facility is considered to be suitable for the site, complementing the adjacent Canterbury Leisure and Aquatics Centre and the other sporting facilities in the wider Tasker Park precinct.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 4.3 of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposed development is in the public interest, as demonstrated within this report.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments	Resolved
Referral/Consultation Agencies			
Ausgrid	S2.48 – SEPP (Transport & Infrastructure)	No objection, subject to conditions.	Yes
Sydney Metro/Sydney Trains/TfNSW	S2.98 - SEPP (Transport & Infrastructure)	No objection, subject to conditions.	Yes

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	No objections subject to recommended conditions.	Yes
Traffic	Council's Traffic Engineering Officer reviewed the amended proposal and previous concerns raised in relation to traffic generation and car parking have been resolved. A concern has been raised in relation to HRV service vehicle access along the northern driveway (within the Minister's Land). However, no works are proposed to this driveway as part of the subject application, noting that the driveway is to be upgraded as part of the application relating to the Canterbury Leisure and Aquatics Centre (under construction), which is subject to a condition requiring compliance with AS2890.2.	Yes
Landscape	No objections subject to recommended conditions.	Yes
Building Surveyors	No objections subject to recommended conditions.	Yes

Officer	Comments	Resolved
Fire Safety Officer	No objections subject to recommended conditions.	Yes
Resource Recovery	No objections subject to recommended conditions.	Yes
Health	No objections subject to recommended conditions.	Yes
Tree Management	No objections subject to recommended conditions.	Yes
Community Safety	No objections subject to recommended conditions.	Yes
Urban Design	No objections subject to recommended conditions.	Yes
City Plan and Transformation	No comment.	Yes
Strategic Planning	Concern has been raised in relation to flood impacts and the need to shelter in place. However, Council's Development Engineer is satisfied in relation to flooding.	Yes
Property	No objections.	Yes
Open Space (Parks)	No objections.	Yes

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 10 September 2024 until 8 October 2024. A total of eight (8) unique submissions were received in support of the proposal.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Owners Consent

At the time of lodgement, the development application was limited to one (1) lot, being Lot 1 DP 818459. However, the architectural and stormwater plans proposed works on adjacent land, including Lot 2 DP 818459 and an unreferenced land parcel to the north (Minister's Land). As such, the Applicant was asked to amend the development application to either remove the works proposed on adjacent land or to include the additional lots where the works were proposed.

The Applicant subsequently amended the development application to include the two adjacent parcels of land and provided owners consent for the lodgement of development application from the two relevant landowners, being Canterbury Bankstown Council and NSW Public Works.

5.2 Overflow Parking

DA-1012/2021, for the adjacent Canterbury Leisure and Aquatics Centre, approved 34 overflow car parking spaces within the grassy reserve to the north-west of the COIR. The spaces are shown with dashed lines, atop of reinforced turf. The spaces were also arranged to allow for the retention of trees, which are proposed for removal in the subject application. In accordance with the conditions imposed under DA-1012/2021, the use of this overflow parking area is to be monitored for a period of 12 months and made permanent, if necessary.

The proposed north-westerly extension of the building conflicts with nine (9) of these spaces, which are shown to be relocated in the Proposed Site Plan (2221-DA090, Kennedy Associates Architects, dated 16.12.2024). This altered parking arrangement is endorsed by all relevant Council departments, and Council is separately undertaking to relocate the children's playground to an alternate location within Tasker Park.

Canterbury Bankstown Council are the landowner and nominated Applicant for DA-1012/2021 and have consented to the lodgement of the subject application to amend the overflow parking area.

To avoid inconsistency with DA-1012/2021 and to ensure that the necessary 34 overflow car spaces are maintained for the life of the development, the following condition of consent is recommended:

- **Association with DA-1012/2021**

In order to ensure consistency between development consents, the granting of development consent to Development Application DA-1012/2021, issued by Canterbury Bankstown Council on 26 September 2022 ("DA-1012/2021") is modified pursuant to s4.17(1)(c) and s4.17(5) of the Environmental Planning and Assessment Act 1979, and s67 of the Environmental Planning and Assessment Regulation 2021 by:

- a. *Including additional conditions under the heading '1. Approved Development' to read:*

- 1.1.a. *The layout of the 34 overflow car parking spaces as shown in the Approved Plans (within the grassy reserve to the north-west of the Existing Ice Rink Building) is indicative only and is subject to change with the prior written approval of Council. However, a minimum of 34 overflow spaces must be maintained at all times, arranged in a manner that is consistent with the relevant provisions of AS2890.*
- 1.1.b. *Trees T12, T17, T18, T19, T20, T21, T26 and T42 (as identified in the Approved Arborist Report referenced in DA-1012/2021) have been approved for removal under a separate application and their removal should not impact upon the issuing of an occupation certificate.*
- 1.1.c. *DA-914/2024 has the effect of amending in part the works authorised under DA-1012/2021. Where there is an inconsistency between the works approved under DA-1012/2021 and DA-914/2024, the works approved under DA-914/2024 prevail. The Conditions of DA-914/2024 apply only to the work authorised under this consent and do not set aside any Condition of DA-1012/2021.*

Reason: To ensure consistency between two separate development consents.

Alternatively, the Applicant will need to separately amend DA-1012/2021 to reflect consistency with the subject application.

5.3 Patronage & Management

Concerns were raised with the Applicant during the assessment regarding the potential intensification of the capacity of the facility and implications upon parking. The Applicant has provided further information regarding the previous use and capacity of the facility, and a detailed Plan of Management has been prepared to minimise the amount of people in the facility at any one time by:

- Staggering the start times of scheduled sessions (which is otherwise required to allow for the ice to be resurfaced), and
- Limiting the use of the multi-purpose room to the same group/session utilising the ice, to ensure that there are not two separate groups in the facility at the same time.

5.4 Contamination

As discussed with regard to Chapter 4 of State Environmental Planning Policy (Resilience & Hazards) 2021 (above), concerns were raised during the assessment in relation to potential contamination. The Applicant subsequently provided Preliminary and Detailed Site Investigations and a Remediation Action Plan, confirming that the site can be made suitable for the development proposed.

5.5 Urban Design

Council's Urban Designer raised initial concerns regarding the design of the building, its scale presenting to Wairoa Street and its integration with the adjacent Canterbury Aquatic and Leisure Centre. The project architect for the proposal, who is also the project architect for the Canterbury Aquatic and Leisure Centre, provided additional detail in relation to materiality and composition, which satisfactorily demonstrated to Council's Urban Designer that the scale of the development is appropriate in this context and that the two buildings will co-exist in harmony with each other.

The only remaining concerns from Council's Urban Designer relate to the screen wall that separates the carpark from the fire pump and bin store, which includes building identification

signage. Council's Urban Designer recommends the following amendment to soften the structure as seen from the public domain:

The applicant shall provide landscaping and lighting design intervention to the new primary signage to improve its visual amenity and reduce its visual bulk as a solid structure. The landscaped area should be minimum 800mm wide to the north of the sign to provide buffer and overhang area for the proposed parking.

The imposition of this condition was discussed with the Applicant, who advised that such an amendment was not readily achievable without adversely impacting upon either the existing parking spaces or pedestrian manoeuvring areas adjacent to the bin store. In response, Council's Urban Designer suggested that the wall be constructed of something more transparent, such as timber battens, and for it to wrap around the side of the hydrant. The Applicant responded, advising that the wall could not wrap around the hydrant, which needs to remain accessible for fire-fighting purposes.

The lower portion of the wall in question will be obstructed by parked vehicles for the majority of the day, with the element that sits above the height of parked vehicles generally limited to that part which contains the building identification signage. The proposed materiality is appropriately responsive to that of the primary building, ensuring that the signage reads as part of the building. Further, the solidity of the wall screens the unsightly, but necessary services located behind it.

As such, the design of the screen wall is considered acceptable as currently proposed.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

The development application seeks to contemporise the COIR, to ensure that the facility remains available to the community into the future. The continuation of the facility is considered to be in the public interest and suitable for the site, complementing the adjacent Canterbury Leisure and Aquatics Centre and the other sporting facilities in the wider Tasker Park precinct. The proposal is permissible with consent and is consistent with the objectives of CBLEP and CBDP, and all jurisdictional prerequisites have been met.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application DA-914/2024 for alterations and additions to Canterbury Olympic Ice Rink at 17 & 17A Phillips Avenue, Canterbury be **APPROVED** pursuant to Section 4.16(1)(a) of the EP&A Act subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Architectural Plans