

**Draft Darebin Planning Scheme Amendment C182dare
Referral 7 – Preston Market Precinct Structure Plan**

VPA Projects Standing Advisory Committee Report

Planning and Environment Act 1987

16 December 2022

Planning and Environment Act 1987

VPA Projects Standing Advisory Committee Report pursuant to section 151 of the PE Act
Draft DarebinDraft Darebin Planning Scheme Amendment C182dare

Members of the VPA Projects Standing Advisory Committee who considered this referral:



Tim Hellsten, Chair



Peter Edwards, Member



Rebecca Finn, Member



Lucinda Peterson, Member

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Glossary and abbreviations

| | |
|----------------------------|-----------------------------------------------------------------------------------------------------------|
| ACZ1 | Activity Centre Zone - Schedule 1 Preston Market Precinct |
| Amendment | draft Darebin Planning Scheme Amendment C182dare |
| Committee | VPA Projects Standing Advisory Committee |
| Council | Preston City Council |
| DCP | <i>Preston Market Precinct Development Contributions Plan, (Victorian Planning Authority, April 2021)</i> |
| DCPO2 | Development Contributions Plan Overlay - Schedule 2 |
| DEEC | Darebin Ethnic Community Council |
| DELWP | Department of Environment, Land, Water and Planning |
| DoT | Department of Transport |
| EAO | Environmental Audit Overlay |
| EECV | Ethnic Communities Council of Victoria |
| EPA | Environment Protection Authority |
| ESD | Environmentally Sustainable Development |
| GFA | Gross Floor Area |
| GLA | Gross Leasable Floor Area |
| Heritage Design Guidelines | <i>Heritage design guidelines: Preston Market (GJM Heritage, 2020)</i> |
| Heritage Permit Exemptions | <i>Incorporated Plan – Preston Market Permit Exemptions (GJM Heritage, 2020)</i> |
| HO number | Heritage Overlay |
| Housing Strategy | <i>Darebin Housing Strategy 2013 (Revised 2015)</i> |
| Interpretation Strategy | <i>Preston Market Heritage Interpretation Strategy (Lookear, 2020)</i> |
| NatHERS | Nationwide House Energy Rating Scheme |
| NFA | Net Floor Area |
| PDZ1 | Priority Development Zone - Schedule 1 The Preston Market Incorporated Plan, 2007, Urbis JHD |
| PDZ2 | Priority Development Zone – Schedule 2 Preston Central |
| PE Act | <i>Planning and Environment Act 1987</i> |
| Planning Scheme | Darebin Planning Scheme |

| | |
|---------------------------|---------------------------------------------------------------------------------------------------|
| PO2 | Parking Overlay (Schedule 2) |
| PPF | Planning Policy Framework |
| precinct | Preston Market Precinct |
| Preston MAC | Preston – High Street Major Activity Centre (also referred to as Preston Central Activity Centre) |
| PSP | <i>Preston Market Precinct Structure Plan</i> (Victorian Planning Authority, November 2021) |
| s173 Agreement | Agreement under section 173 of the PE Act |
| SBO | Special Building Overlay |
| Snohetta plans | <i>Preston Market Preliminary Concept Design Intent</i> (September 2022) |
| SPMAG | Save the Preston Market Action Group |
| Statement of significance | <i>Statement of significance: Preston Market</i> (RBA Architects and GJM Heritage, 2020) |
| VPA | Victorian Planning Authority |
| WSUD | Water Sensitive Urban Design |

1 Overview

(i) Referral summary

| Referral summary | |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Amendment | Draft Darebin Planning Scheme Amendment C182dare |
| Common name | Preston Market Precinct Structure Plan |
| Brief description | <p>Draft Darebin Scheme Amendment C182dare proposes to:</p> <ul style="list-style-type: none"> • implement the Preston Market Precinct Structure Plan (PSP) by rezoning the Preston Market Precinct from Priority Development Zone (PDZ1) to Activity Centre Zone Schedule 1 (ACZ1) • amend the Priority Development Zone Schedule 2 (PDZ2) • apply the Development Contributions Plan Overlay Schedule 2 (DCPO2), Parking Overlay 2 (PO2) and Heritage Overlay (HO315) • amend the Municipal Strategic Statement and Local Planning Policy Framework • amend particular provisions relating to licensed premises and public open space • identify the PSP as a background document • identify the Preston Market Precinct Development Contributions Plan (DCP), and adding other documents as Incorporated documents or Background documents |
| Subject land | All land within the Preston Market Precinct |
| Planning Authority | Victorian Planning Authority |
| Council | Darebin City Council |
| Targeted consultation on draft Amendment | 18 May – 13 July 2021 |
| Date of referral | 6 March 2022 (received 17 March 2022) |
| Standing Advisory Committee members | Tim Hellsten (Chair), Peter Edwards, Rebecca Finn, Lucinda Peterson |
| Site inspection | 14 September 2022 (all Committee members) and on 6 November 2022 (Rebecca Finn), 11 November 2022 (Tim Hellsten), 12 November 2022 (Lucinda Peterson) and 8 December 2022 (Peter Edwards) |
| Consultation | <p>First Directions Hearing, 1 April 2022 via video conference</p> <p>Second Directions Hearing, 14 April 2022 via video conference</p> <p>Hearing, 3–6, 10–13, 17–19, 25–28 October and 2, 3, 7–10 November 2022 via video conference</p> |
| Submissions | 386 - refer Appendix C |
| Parties to the Hearing | Refer Appendix D |
| Citation | VPA Projects SAC Referral 7 – Preston Market [2022] PPV |
| Date of this Report | 16 December 2022 |

(ii) Key findings**Strategic justification**

- There is strong strategic justification for the Preston Market Precinct Structure Plan (PSP) and implementing Amendment.
- The PSP, supported by the Activity Centre Zone Schedule 1 (ACZ1) and the other proposed issue specific tools provide appropriate planning mechanisms to guide the use and development of the precinct.
- The key strategic issues relate to heritage, built form and urban design, housing and development yield, social and economic impacts which the PSP and the Amendment have sought to balance.
- Absent the response to the heritage significance of the Preston Market, the PSP objectives and strategies are broadly sound and built on appropriate urban design principles, locational attributes and strategic context.
- The PSP and ACZ1 provide for an appropriate dwelling yield and land use mix.

Heritage significance

- The Preston Market has historical, aesthetic, technical and social significance and should be included in the Heritage Overlay.
- The PSP, ACZ1 and supporting incorporated documents are based on the removal of 80 per cent of the market's fabric. This level of removal will significantly diminish the integrity of the Preston Market.
- The PSP and ACZ1 has not struck the right balance in relation to the heritage significance of the Preston Market and will not provide for a net community benefit.
- The proposed incorporated and background documents need to be revised to recognise the identified heritage values of the Preston Market.

Impact of retaining the market on the PSP and ACZ1

- The PSP and ACZ1 should be amended to provide for substantial retention of the market.
- The Preston Market however is a place that can tolerate incremental change and has capacity for flexibility and adaptability. The wider precinct can be redeveloped and transformed while retaining the most important parts of the market and facilitating incremental change in line with the Preston Market's heritage values and within the broad urban design principles, objectives and vision within the PSP.
- Sympathetic changes to the Preston Market's fabric to improve interface treatments and activation will enable it to fully integrate with the precinct's urban structure in a manner which provides for a pleasant and functional environment. This will allow for adaptation to contemporary standards and trends in order to support the market's longevity and achieve a net community benefit.

Building height and built form

- The mid-rise approach building height approach is appropriate. The precinct has some capacity to accommodate additional height. Discretionary heights (with mandatory street wall heights) are supported to retain design flexibility and dwelling yield opportunities.
- The built form objectives and guidelines within the PSP and ACZ1 are an appropriate and balanced response to the precinct's context and vision. They will need to be reviewed in

the context of a substantially retained market to effectively manage interfaces and ensure activation.

Open space

- A larger central open space that can serve a number of open space functions is appropriate but does not need to be fully dimensioned in the ACZ1.
- A 10 per cent metric for provision of public open space is appropriate with a minimum of 7 per cent in land subject to the resolution of the final urban structure and location of a larger open space proximate to a retain market.

Development contributions

- The VPA's Part B proposed changes to the Preston Market Precinct Development Contributions Plan (DCP) provides an appropriate mechanism for managing contributions for identified intersection and pedestrian crossing projects and a community facility (subject to further resolution).
- A s173 Agreement is an acceptable alternative approach to managing development contributions, however given the level of disagreement about its key content the DCP mechanism is preferred.
- The DCP will require further amendment to account for any impacts associated with the retention of the market and altered urban structure.

Other issue findings

The VPA's Final version of the ACZ1 makes appropriate provision for:

- overshadowing subject to minor adjustments for external open space and potential for sunlight access into east-west streets
- a functional street and laneway network subject to identifying an appropriate living street typology in the PSP and accommodating a southern loop road
- housing affordability
- environmentally sustainable development, with minor changes to reflect emerging best practice standards
- car parking including parking suppression, with minor changes to residential maximum provision rates
- bicycle parking
- amenity, with changes to include additional requirements
- contamination including expanding the application of the Environmental Audit Overlay
- drainage.

(iii) Recommendations

The Committee recommends:

Preston Market Precinct Structure Plan

1. **Amend the draft Preston Market Precinct Structure Plan to include changes in the Victorian Planning Authority's Part B version (Document 246c) with further amendments to plans, objectives and strategies:**
 - a) **To align with the substantial retention of the Preston Market Complex extent and amended Statement of Significance.**
 - b) **To align with recommended changes to the Activity Centre Zone Schedule 1.**

- c) To amend the public open space quantum provision in land to a minimum of 7 per cent or adjusted to reflect the final version of the Framework Plan.
- d) To review the necessity of the open space adjacent to Preston Station and all open space dimensions.
- e) Include a lower order road typology shared environment or 'living street' cross section based on Mr De Young's preliminary concept plan and evidence.

Other incorporated documents

2. Amend the draft Preston Market Precinct Development Contributions Plan to:
 - a) Include changes in the Victorian Planning Authority's Part B version (Document 246d).
 - b) Include consequential changes to demand quantum and contribution rates resulting from retention of the Preston Market.
 - c) review, and amend as necessary, the costing and apportionment approach of the community building.
3. Amend the *Statement of significance: Preston Market (RBA Architects and GJM Heritage, 2020)* consistent with the Heritage conclave version (Appendix G) including corrections and the changes in purple text under 'What is significant?' and 'Why is it significant' (relating to Criterion E and G) and with additional changes to:
 - a) Under 'What is significant?' add the following elements:
 - cruciform plan with four key intersections
 - division into small blocks, which act as distinct neighbourhoods
 - the earlier independent shops, fronting The Centreway and The Strand, to be identified as 'Contributory'.
 - b) Under 'Why is it Significant?', 'social significance' (Criterion G) include additional content to fully recognise the community's depth of attachment to the Preston Market as a place beyond trading, as enunciated in the 2017 Statement of Significance prepared by Context.
4. Amend the draft *Heritage design guidelines: Preston Market (GJM Heritage, 2020)* to:
 - a) At a minimum reflect the Heritage conclave version (Document 200).
 - b) Have regard to the amended Preston Market Statement of Significance including within the guideline 'Purpose' and aesthetic and social significance.
 - c) Have regard to the objective of Clause 15.03-1S, the Clause 43.01 Heritage Overlay purpose and decision guidelines.
 - d) Emphasise the substantial retention of the Preston Market as a starting point.
 - e) Reference the Heritage Design Guidelines Report.
5. Amend the draft *Incorporated Plan – Preston Market Permit Exemptions (GJM Heritage, 2020)* consistent with the Heritage conclave version (Document 201) and with additional changes to:
 - a) Remove the exemption to demolish the earlier non-spaceframe independent shops.
 - b) Finalise and insert diagrams that show later/additional alterations and non-original market stalls.
 - c) Specify the size, format and location of signs that are permit exempt (both removed and installed).

6. Amend the draft *Preston Central Incorporated Plan March 2007 (as amended 2021)* as proposed in the Victorian Planning Authority's Final version (Document 279).

Other background documents

7. Amend the draft *Preston Market Heritage Interpretation Strategy* (Lookear, 2020) to consider the amended Preston Market Statement of Significance, including aesthetic and social significance.

Darebin Planning Scheme provisions

8. Amend draft Schedule 2 to Clause 37.06 Priority Development Zone to refer to the amended date of the Preston Central Incorporated Plan.
9. Amend draft Schedule 1 to Clause 38.08 Activity Centre Zone:
- a) Consistent with the Committee's baseline version of the Activity Centre Zone Schedule in Appendix H and with the Committee's 'red deleted' and 'blue added' text changes.
 - b) Amend Clause 1.0 (Preston Market Framework) to replace the Framework Plan with an amended urban structure that:
 - substantially retains the Preston Market and large central open space
 - provides for a southern loop road.
 - c) Amend Clause 2.0 (Land use and development objectives to be achieved):
 - following review of all objectives in the context of a substantially retained Preston Market
 - considering how the Preston Market Structure objectives and strategies for the precinct becoming a renewable energy hub and one that delivers a zero carbon energy network are best reflected as objectives.
 - d) Amend Clause 3.0 (Table of uses) in response to changes to the structure of sub precincts precinct required as a result of the substantial retention of the Preston Market and that the market edges and new building interfaces are activated with complementary uses including market uses, fine grain retail, food and drink premises.
 - e) Amend Clause 4.4 (Design and development) to:
 - amend built form and heritage and implementation guidelines and 'Plan 1: Mandatory maximum building and street wall heights' to reflect a substantially retained Preston Market; the need for street wall heights to be nominated along Earle Street; preferred building height guidelines; building setback requirements; and alignment of storey height (in metres) to reflect the floor levels set out in the 'Building adaptability requirements'
 - amend the Public open space requirements in the context of an amended urban structure that retains the Preston Market and provides minimum dimensions for the central open space only, and sets out clear objectives about the role of the space and its broad design parameters and outcomes
 - include guidelines that address Preston Market Precinct Structure objectives and strategies for the precinct becoming a renewable energy hub and one that delivers a zero carbon energy network

- include an additional guideline providing for adequate sunlight to the southern footpath of Market Street consistent with the PSP (or Earle Street in a substantially retained market scenario)
 - provide clear guidance around the activation of the Preston Market and surrounds to ensure its effective integration (including interfaces with a large central open space and adjacent street walls) and to deliver an attractive and vibrant precinct
 - provide an improved arrangement for loading associated with a retained Preston Market.
- f) Amend Clause 5.0 (Precinct provisions) to amend the Precinct Map, precinct objectives, requirements, guidelines including floor space metrics for market in the context of a substantially retained Preston Market.
- g) Amend Clause 6.0 (Application requirements) to provide a requirement for:
- a Construction Management Plan to manage on and off-site amenity impacts during construction.
 - The identification of existing site vegetation to be retained or removed.
- h) Amend Clause 7.0 (Notice and review) to include notice and review provisions where guideline building heights are exceeded.
- i) Amend Clause 11.0 (Reference documents) to include the *Preston Market Identity Study (Hello City, 2019)*.
10. Amend draft Schedule to Clause 43.01 Heritage Overlay for the Preston Market Heritage Place (HO315) to:
- a) apply external paint controls
 - b) update the Statement of Significance, Heritage Design Guidelines and Incorporated Plan final version dates.
11. Amend Darebin Planning Scheme Map 11HO to amend the mapped extent of HO315 to include all the Preston Market Complex including the earlier independent shops on the north side of the Market, and a 10 metre curtilage (excluding Mary Lane) as shown in Figure 16 of the Committee's Report.
12. Apply the Environmental Audit Overlay as proposed in the Victorian Planning Authority's April 2022 version of Darebin Planning Scheme Map 11EAO.
13. Amend draft Schedule 2 to Clause 45.06 Development Contributions Plan to:
- a) include changes in the Victorian Planning Authority's April 2022 version
 - b) include any changes resulting from the amended Preston Market Precinct Development Contributions Plan.
14. Amend draft Schedule 2 to Clause 45.09 Parking Overlay consistent with the Committee's preferred version in Appendix I.
15. Amend the draft Schedule to Clause 53.01 Public Open Space Contribution to reflect the existing schedule's use of the plural form of lot in the first table row and column.
16. Amend the Schedules to Clause 72.02 Documents Incorporated in this Planning Scheme and Clause 72.08 Background documents to reflect the amended dates of incorporated and background documents.
17. Amend the Schedule to Clause 72.08 Background documents to include:

- an amended Preston Market heritage citation
- Preston Market Identity Study (Hello City, 2019).

Other documents

18. Amend the revised Preston Market heritage citation to:
 - a) Amend the 'Integrity section' of the citation should be amended to state 'High'
 - b) Not specifically refer to the fruit and vegetable section as demonstrating the *"highest level of integrity of the spaceframe"*.

2 Introduction

2.1 Terms of Reference and referral

The VPA Projects Standing Advisory Committee (Committee) was appointed by the Minister for Planning on 22 July 2020. The purpose of the Committee as set out in its Terms of Reference dated 17 July 2020 (Appendix A) is to:

... provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

The Terms of Reference set out that the Committee is to consider unresolved issues. In doing so it must consider:

- a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
- b. The referred submissions
- c. *Plan Melbourne*
- d. Any relevant Regional Growth Plan or Growth Corridor Plan
- e. The applicable Planning Scheme
- f. Relevant State and local policy
- g. Any other material referred to it.

Draft Darebin Planning Scheme Amendment C182dare (the Amendment) as originally exhibited sought to implement the Preston Market Precinct Structure Plan, May 2021 and Preston Market Precinct Development Contributions Plan, May 2021 prepared by the Victorian Planning Authority (VPA). Notice of the draft Amendment closed on 13 July 2021 and attracted 386 submissions. Key issues raised in submissions related to:

- the impact of future development on the heritage values and character of the market
- building heights and built form
- housing affordability
- open space provision
- traffic and car parking
- environmental sustainability.

In response to submissions, the VPA amended the exhibited Preston Market Precinct Structure Plan and proposed Activity Centre Zone Schedule 1 (ACZ1) provisions. The revised Preston Market Precinct Structure Plan, November 2021¹ reduced building heights, increased the requirements for urban design quality, introduced a minimum size for the central open space, located the central open space adjacent the market, and altered walking and cycling access through the precinct.

The Minister referred the matter and all 386 submissions to the Committee on 6 March 2022 and asked it to:

base its consideration on the revised PSP (and amended proposed planning controls) and advise whether the revised PSP will allow for appropriate built form, development yield and

¹ Document 37

mix of uses to support the redevelopment of the fresh food market and creation of a successful precinct having regard to:

- Proposed building heights and use of mandatory versus discretionary height controls
- Shadow controls
- Size and location of the market footprint, having regard to location of access, land ownership and tenancy and staging of development
- Street and laneway network within the precinct
- Size and location of open space provided in the precinct and financial contributions to public open space.

The Committee has also been asked to advise the Minister on:

appropriate planning mechanisms to support the vibrancy of the of the market and secure its long-term operation having regard to the markets social and cultural significance and association with Melbourne's multicultural and migrant communities.

This is Referral 7 to the Committee.

The members of the Committee dealing with Referral 7 were:

- Tim Hellsten, Chair
- Peter Edwards, Member
- Rebecca Finn, Member
- Lucinda Peterson, Member.

The Committee were assisted by Hayley Becker, Manager, Major Projects and Gabrielle Trowse, Project Support Officer at Planning Panels Victoria.

2.2 Preston Market precinct

The Preston Market Precinct (precinct) (Figure 1) is located in Preston (City of Darebin) some 10 kilometres north of Melbourne's CBD. The PSP identifies that Preston is anticipated to grow from approximately 39,000 to 68,000 residents by 2041.

Figure 1 Preston Market precinct and context



Source: PSP Figure 1

The 5.1 hectare precinct is located west of the High Street activity centre and Mary Lane and east of St Georges Road (excluding an existing apartment building at 104 St Georges Road and the recently redeveloped Preston Station precinct including elevated rail lines and landscaped corridor completed as part of the Level Crossing Removal project). It extends to Murray Road in the north and Cramer Street to the south. The precinct contains the Preston Market, peripheral retail (including an Aldi supermarket), office activities (including Centrelink offices) and extensive at grade parking areas. The precinct (including the market) is largely privately-owned, predominantly by Preston Market Developments Pty Ltd (PMD) since 2004/2005 (and who also manages the market and own 30 Cramer Street on the south western corner of the precinct.) There are three small separately owned parcels within the market footprint, and two VicTrack owned parcels to the west of the railway line at 30A Cramer Street and 102 St Georges Road (Figure 2).

Preston City Oval is located to the south of Cramer Street and the Preston Civic Centre to the east on the corner of High and Cramer Streets.

Figure 2 Preston Market Precinct site



Source: Traffic Modelling Report, April 2022 (image date of 22/01/22). Precinct shown within yellow dashed lines

The precinct is identified as a strategic development site in *Plan Melbourne* as part of the Preston-High Street Major Activity Centre (Preston MAC) and in the Darebin Planning Scheme through the application of the Priority Development Zone (PDZ1) and its identification as a substantial housing change area. The PDZ1 through the *Preston Market Incorporated Plan March 2007*, seeks to encourage the retention of a fresh food market and adjacent low scale height, support a vibrant mix of land uses and 8 to 10 storey development in other parts of the precinct.

Two s173 Agreements pursuant to the PE Act between the major landowner and the Council apply to the precinct. They seek to support the development and upgrading of the Preston Market precinct including:

- provision and management of 763 carparking spaces (245 associated with the market and balance for the remainder of the site) and arrangements pertaining to the carriageway easements (Agreement AB695035U)
- arrangements for consolidation of land and relocation of parking spaces and other facilities associated with Planning Permit D/558/2008 at 251 Murray Road (Agreement AH018259A).

Three current planning permits allow for substantial development within the precinct:

- Planning Permit D/285/2015 for a six-storey and nine-storey apartment building with ground floor shops at 30 Cramer Street
- Planning Permits D/398/2016 and D/393/2016 for mixed-use development on land in the north western corner of the site fronting Murray Road in two stages (Stages 1B and 1C respectively). Stage 1B involves the construction of two 10-storey buildings (to include 128 dwellings, a new Aldi supermarket, retail and office uses), and a 4-storey building which would then become the podium for a subsequent 14-storey building (accommodating 155 dwellings) comprising Stage 1C.

2.3 Preston Market

The Preston Market opened in 1970 adopting a traditional open-air market form similar to the Queen Victoria and South Melbourne Markets and has been altered and extended overtime. It is Melbourne's second largest fresh food market and is highly valued by the community for its diversity and multiculturalism and relaxed and informal atmosphere.

The 14,900 square metre market complex comprises several single level market sheds of external tilt up slab construction, consolidated under a space frame construction and light weight canopies, and 12 individual one and two storey shops, arranged around an axial or cruciform arrangement of internal streets (reflecting an early subdivision pattern). These streets are now carriageway easements in favour of Darebin City Council. These 'streets' include (refer Figure 3):

- The Centreway and The Strand which accommodate seating, performance, gathering and multi-use spaces
- Cook Street to the north
- Mary Street separating the fruit and vegetable and delicatessen sheds from the other market buildings
- Earle Street to the south separating the delicatessen and meat, poultry and seafood buildings from the variety building area and adjoining Aldi supermarket.

Mary Lane is the interface street (with 'road' status) between the fruit and vegetable sheds and the High Street activity area. It is used for pedestrian and vehicular access and loading for the market and adjoining High Street businesses.

Within the market complex (including individual shops) approximately 120 traders offer a broad and diverse range of fresh food, groceries, hot food, specialty items and mixed goods from stalls (which vary from 10 to 160 square metres) and small shops. The meat, poultry and seafood and delicatessen buildings are fully enclosed.

The market currently operates Wednesday to Sunday generally between 8.00am and 3:00pm. Pedestrian access to the market occurs at multiple entry points including through mid block links from High Street (through existing shops). A more formal loading area is provided to the south-western corner of the market adjacent to the meat, poultry and seafood building.

Figure 3 Map of Preston Market



Source: Hodyl evidence (Note: this version differs from current Preston Market website but includes 'street' names)

The *Preston Market Quarter Identity Study*, Hello City August 2019 (Identity Study) identifies the elements that contribute to the market's character as a market quarter or market neighbourhood, including its:

- light and bright, sunny, open look and feel
- covered neighbourhood of streets
- diversity and informality
- relationships between traders and shoppers
- fine grain, grittiness and lack of polish
- cultural diversity
- mix of traders and broad range of goods on offer
- affordable rents
- meeting and gathering places.

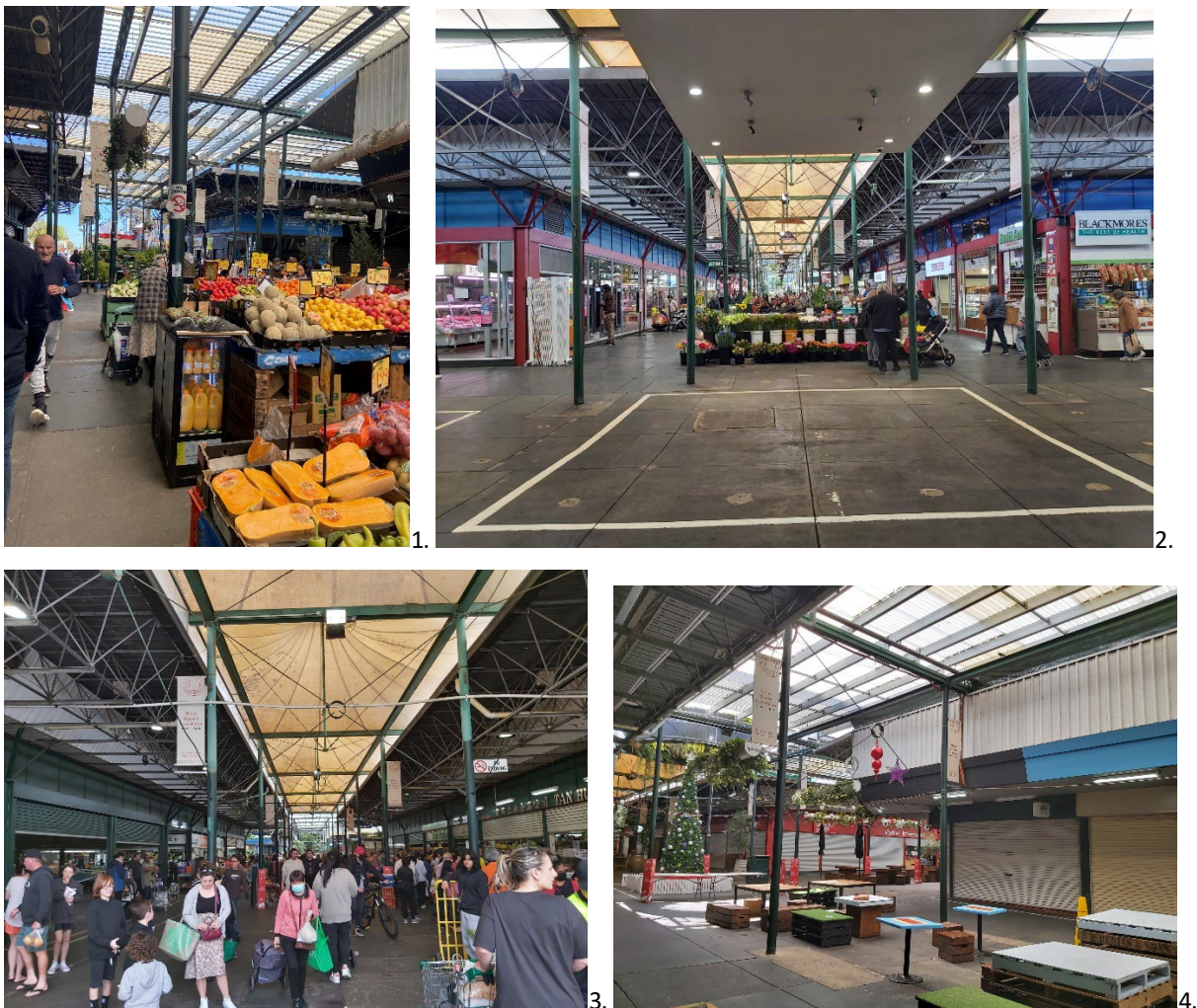
These qualities are also identified in the *Preston Market Planning Review*, October 2018 and *Urban Design Report*, Architectus 2001, and which identified some of the unsuccessful elements including:

- lack of direct access from the station
- inactive blank facades
- limited sense of arrival
- poor external pedestrian environment
- large areas of carparking providing a lack of address
- lack of public spaces and landscaping.

PMD identified that the market conditions are challenging to operating a successful market. In addition to economic sustainability considerations such as current trading hours, high maintenance costs, extent of thoroughfares which cannot be leased, and the number of vacancies, other factors applied. These include loading and waste storage arrangements creating hazard and potential conflicts, aging structures and infrastructure, modern fire and food standards compliance considerations, lack of storage, customer comfort and facilities.

Images 1-10 in Figure 4 show some of the market’s internal and external features and characteristics.

Figure 4 Images of the Preston Market





5.



6.



7.



8.



9.



10.

Source: Committee's site inspection photos.

Photo descriptions: 1. Mary Street and The Centreway intersection 2. The Centreway and The Strand intersection 3. The Centreway within Fruit and Vegetable sheds 4. Internal view of early independent shops after hours 5. Earle Street variety store area 6. PAM Lane area 7. The Centreway and independent shop interface 8. Mural tilt slab wall 9. Mary Lane 10. SW loading/waste area.

2.4 Preston Market Structure Plan

The PSP seeks to provide a long term Framework Plan (Figure 5) to guide and manage the future growth of the precinct through a series of objectives and land use, built form and design, access and movement strategies to achieve the following vision:

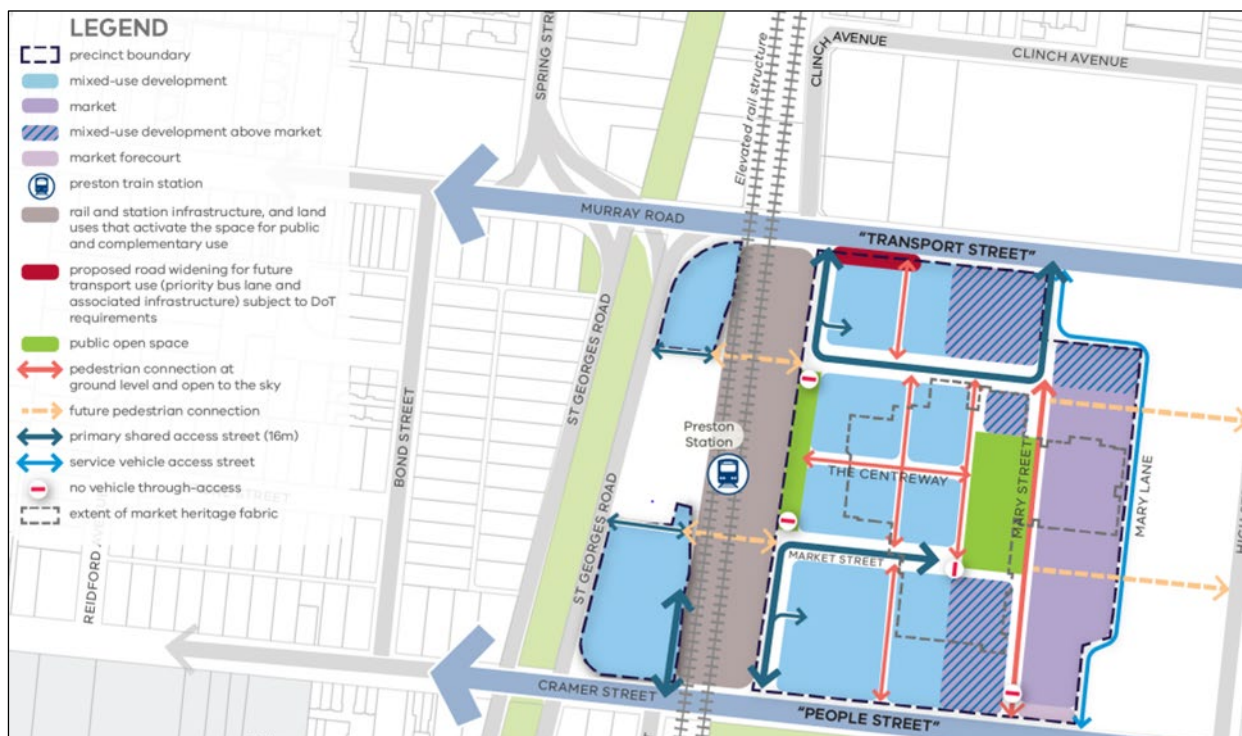
The Preston Market Precinct is a thriving place with a fresh food market at its core, complemented by housing, office and retail jobs, community services, and vibrant and accessible public spaces.

Continuing its role as the gateway to Preston, the precinct welcomes a diverse community from the local area and across Melbourne.

The core elements of the PSP include:

- retaining a fresh food and variety market in the precinct but in a different spatial arrangement centred around the retention of the existing fruit and vegetable shed
- a mixed use precinct including up to 1,200 dwellings accommodating over 2,000 residents, including up to 10 per cent affordable housing, retail and commercial floor space target of 27,500 square metres of gross leasable floor area (GLA), and an office floorspace target of 5,000 square metres GLA
- buildings varying in height from 3 to 14 storeys
- up to 10 per cent public open space contribution (land and cash equivalent) including areas adjacent to the market area and the station corridor
- environmentally sustainable development with high quality building and public realm design
- an internal traffic and movement circulation network
- walking and cycling connections
- support for underground carparking.

Figure 5 PSP Framework Plan



Source: PSP April 2022 version (Figure 4 – Framework Plan)

Background to the PSP, DCP and draft Amendment is set out in Chapter 3 of this Report, including the alternate Framework Plan approaches proposed by PMD, Council and the community.

2.5 Draft Amendment

The draft Amendment (as amended in April 2022) proposes to implement the PSP and DCP, apply zones and overlays and make other associated changes to the Darebin Planning Scheme as summarised in Table 1 and identified in Figure 6.

Table 1 Proposed changes to the Darebin Planning Scheme

| Clause | Proposed change |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy changes | |
| Clause 21.03 (Housing) | At Clause 21.03-2 (Housing Development) under the heading 'Application of Zones and Overlays' precinct as a 'Substantial Housing Change' area |
| Clause 22.06 (Multi Residential and Mixed Use Development) | Amend the policy to apply it to the Activity Centre Zone and list the PSP as a policy reference document |
| Zones and overlays | |
| Clause 37.06 | Delete Priority Development Zone Schedule 1 Preston Market (PDZ1) Amend Priority Development Zone Schedule 2 Preston Central (PDZ2) to refer an amended <i>Preston Central Incorporated Plan March 2007</i> , and amend Map 1 to identify the proposed ACZ1 land |
| Clause 37.08 | Insert the Activity Centre Zone Insert Schedule 1 Preston Market Precinct to the Activity Centre Zone (ACZ1) and apply it to the precinct as shown in Figure 6 |
| Clause 43.01 | Amend the Schedule to Clause 43.01 Heritage Overlay to identify the Preston Market as a heritage place (HO315), with internal alteration controls to apply and three incorporated documents referred to: <ul style="list-style-type: none"> - <i>Statement of significance: Preston Market</i> (RBA Architects and GJM Heritage, 2020) (Statement of significance) - <i>Heritage design guidelines: Preston Market</i> (GJM Heritage, 2020) (Heritage Design Guidelines) - <i>Incorporated Plan – Preston Market Permit Exemptions</i> (GJM Heritage, 2020) (Permit Exemptions) Apply the Heritage Overlay to the Preston Market, The Centreway, Preston as shown in Figure 6 to include all original market hall buildings and a 10 metre curtilage |
| Clause 45.03 | Apply the Environmental Audit Overlay (EAO) to two parcels on the west side of the railway line |
| Clause 45.06 | Insert Schedule 2 Preston Market Precinct Development Contributions Plan, April 2021 to the Development Contributions Plan Overlay (DCPO2) and apply to the precinct to the same extent as the ACZ1 |
| Clause 45.09 | Insert Schedule 2 to the Parking Overlay. Includes maximum rates based on the <i>Preston Market Assessment of Car Parking provision rates</i> |

| Clause | Proposed change |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Particular Provisions | |
| Clause 52.27 | Amend the Schedule to Clause 52.27 Licensed Premises to identify the ACZ as a Zone where a permit is not required for particular types of liquor licence |
| Clause 53.01 | Amend the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision to require a 10 per cent open space contribution for land in the precinct (with a minimum 8 per cent as land contribution and balance in cash). Zero contribution provided for VicTrack land west of the railway line, for which a contribution has already been provided through the level crossing removal project |
| Operational Provisions | |
| Clause 72.04 | Amend the Schedule to Clause 72.04 (Documents Incorporated in this Planning Scheme) to list the following incorporated documents: <ul style="list-style-type: none"> - Heritage Design Guidelines - Heritage Permit Exemptions - Preston Central Incorporated Plan March 2007 (as amended 2021) - the DCP - Statement of significance |
| Clause 72.08 | Amend the Schedule to Clause 72.08 (Background documents) to list as Background documents: <ul style="list-style-type: none"> - the PSP - <i>Preston Market Heritage Interpretation Strategy</i> (Lookear, 2020) (Interpretation Strategy) |

Figure 6 Proposed ACZ1 and HO315 changes



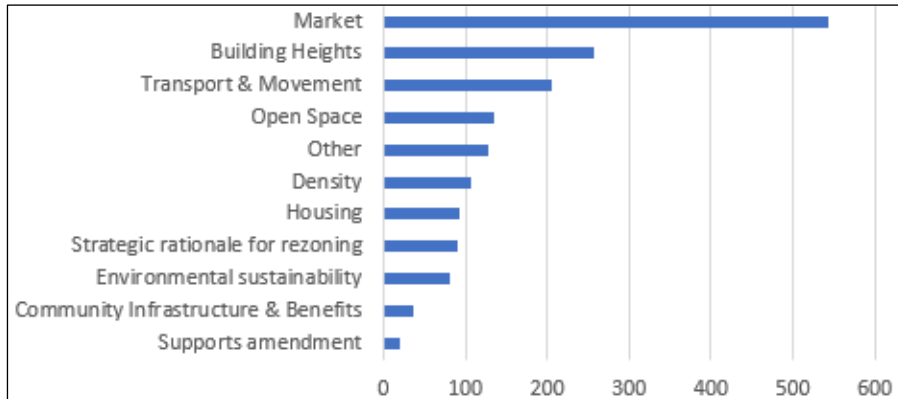
Note: The DCPO2 applies to the same land to be included in the ACZ1

2.6 Issues

A total of 386 submissions were received to the May 2021 version of the draft Amendment (Appendix C). All submissions were referred to the Committee.

The most frequent issues raised in submissions related to the impacts on the market, building height and traffic and movement (refer Figure 7). Other common issue themes related to open space, density, housing affordability and environmental sustainability. Table 2 includes the Committee’s summary of submission issues.

Figure 7 Submission issue mentions



Source: Committee

Table 2 Summary of issues

| Theme | Issues |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Impact on the Preston Market | <ul style="list-style-type: none"> - heritage including: <ul style="list-style-type: none"> - impact on heritage fabric, character and identity and associated social and cultural values - application and extent of the Heritage Overlay and content of citation and Statement of significance - social impact on community with the loss or change of the market fabric and character - capacity to recreate a similar market feel and character - trader impacts and on market continuity and commercial viability |
| Design issues | <ul style="list-style-type: none"> - height and setbacks including: <ul style="list-style-type: none"> - discretionary versus mandatory requirements - impact of height on built form character and public realm - dwelling yield and density - land use provisions, land use mix and extent of market floorspace - wind, solar access and overshadowing impacts - adequacy and quality of open space provision - landscaping and tree canopy provisions - movement network and street design - sustainability benchmarks and rating tools and waste management |
| General issues | <ul style="list-style-type: none"> - strategic justification - traffic impacts - adequacy of internal traffic movement network and parking - flooding and stormwater |

| Theme | Issues |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> - potentially contaminated land - amenity impacts including from noise, vibration and odour - infrastructure including impact on local infrastructure including schools, health services and public transport |
| Other issues | <ul style="list-style-type: none"> - housing diversity and affordable housing provision - development contributions including: <ul style="list-style-type: none"> - alternative use of s173 Agreement - transport and community projects including design, costing and location |

2.7 Procedural issues

(i) Conduct of the Hearing

The Terms of Reference note:

Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person'.

The VPA advised the Committee at the 1 April 2022 Directions Hearing that it preferred a round table discussion format to provide for timely advice to the Minister consistent with the Terms of Reference. The position of other parties was mixed. Given the complexity of issues, the number of parties involved, and time sought by the parties to present their submissions and evidence, the Committee considered that a Hearing format was more appropriate. It was agreed by all parties that the matter could proceed by video conferencing given the challenges of COVID 19, the challenges of finding a suitable venue to enable appropriate hybrid hearing arrangements and the number of participants.

(ii) Hearing dates

The Minister's referral letter (Appendix B) required the Committee to provide its report by 7 July 2022. To meet this timeframe the Committee proposed to set the Hearing date commencing on 9 May 2022.² Council and PMD vigorously opposed this timeframe at the 1 April 2022 Direction Hearing, raising a number of issues concerning procedural fairness and access to natural justice.

This was on the basis that:

- the draft Amendment and PSP had changed significantly from the version to which submissions had been made
- parties had had little time to review the revised PSP
- the updated Amendment documents would not be available until 11 April 2022
- more time was required to secure the necessary experts and advocates.

Council and PMD sought a delay until August 2022. The VPA opposed delaying the hearing.

On 7 April 2022 the Committee advised parties that it had concluded that parties would not be afforded procedural fairness and natural justice as required by the PE Act if the Hearing preceded

² Document 65

on the scheduled date.³ The Committee encouraged the VPA to meet with Council, PMD and community action group parties pending a decision on Hearing dates. Following a second Directions Hearing on 14 April 2022 the Committee issued directions⁴ for:

- the Hearing commencing on 4 July 2022
- a conclave between VPA, Council and PMD take place to assist those parties confirm and narrow the issues in dispute or agreement
- an agreed approach to the management of evidence
- parties to provide summary position statements
- arrangements for expert conclaves.

On 6 May 2022 the VPA wrote to the Committee on behalf of it, Council and PMD requesting the matter be relisted for a later date.⁵ The VPA and PMD sought a commencement on 3 October 2022, while Council sought an August 2022 date. The Committee provided all parties with an opportunity to comment on the later dates requested.⁶ The Darebin Appropriate Development Association (DADA) and the Save The Preston Market Action Group (SPMAG) identified a preference for proceeding with the July dates and due to its limited availability in October 2022.

On 18 May 2022 the Committee issued amended Directions and timetable identifying:⁷

The Committee considers that it is no longer feasible to conduct the Hearing in July. Rescheduling the Hearing the matter to 3 October 2022 provides all parties with sufficient time to consider the November 2021 versions of the Precinct Structure Plan and associated Amendment document changes and prepare for the Hearing, conduct expert conclaves and potentially narrow issues in dispute.

(iii) Hearing recording

SPMAG and Ms Gordon (Submitter 356) requested the Hearing be recorded given the high level of submitter and community interest, and the challenges for submitters to actively observe the Hearing over an extended period. The Committee agreed to this request and issued directions about the use of these recordings.⁸ Audio files of each Hearing day were provided to parties and included on Planning Panels Victoria's website. A portion of Day 16 was not recorded at the request of an individual submitter for privacy reasons.

2.8 Day 1 and subsequent version of Amendment documents

On 11 April 2022 the VPA circulated a series of updated or new draft Day 1 Amendment documents that resulted from changes to the November 2021 referred version of the PSP including:

- an updated PSP, April 2022
- an updated DCP, April 2022 to reflect updated traffic data in response to reduced dwelling yield

³ Document 75
⁴ Document 82
⁵ Document 83
⁶ Document 86
⁷ Document 89
⁸ Document 181

- an updated version of the ACZ1 including additional provisions for a Drainage Strategy, Environmentally Sustainable Design (ESD), heritage guidelines and updated affordable housing requirements
- updated DCPO2 schedule
- a new PO2 schedule following VPA’s traffic consultant’s advice
- updated maps applying the EAO to two sites west of the railway line following EPA’s submission.

A summary of the key changes from the November 2021 and April 2022 versions of the ACZ1, PSP and DCP is included in Chapter 3 (Table 5) of this Report.

The VPA’s Part A submission included further changes to the Day 1 version of the ACZ1 (Part A version) which were largely confined to corrections to or clarification of drafting and refinement the composition of activities within the precinct through the Clause 3.0 Table of Uses.⁹

The VPA produced a further version of the ACZ1, PO2, PSP and DCP as part of its Part B submission (Part B versions) which responded to opening submissions and evidence.¹⁰ Council and PMD also produced various iterations of these documents.

The VPA provided a version of the ACZ1 following its closing submission (VPA’s Final version) which included accepted elements of PMD’s and Council’s proposed changes and minor corrections.¹¹

References in this Report to:

- the PSP, refer to the November 2021 version including the April 2022 VPA’s Day 1 changes
- the DCP, ACZ1, DCPO2, PO2 and EAO refer to the VPA’s Day 1 version of those documents
- the HO, proposed Local Planning Policy Framework changes, proposed background and incorporated documents refer to the 2021 exhibited versions of those documents.
- VPA’s Final version of the ACZ1 refers to the final version of that document produced with its closing submission and further updated to include accepted Council and VPA changes.

2.9 Experts and conclaves

A total of 26 experts were called to give evidence during the Hearing. These are summarised in Table 3 and their evidence statements identified in Appendix E. A series of expert witness meetings (conclaves) were conducted following the distribution of evidence statements and before the commencement of the Hearing with statements of agreed opinions issued by each:¹²

- Heritage
- DCP
- Transport
- Affordable Housing.

⁹ Document 103a and explanatory memo Document 103c

¹⁰ Documents 246a, b, c and d,

¹¹ Document 278

¹² Documents 154, 157, 155 and 153 respectively

Table 3 Expert witnesses

| Expertise | Expert witnesses |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning | <ul style="list-style-type: none"> - John Glossop of Glossop Town Planning (for VPA) - Sophie Jordan of Contour (for PMD) |
| Heritage | <ul style="list-style-type: none"> - Jim Gardner of GJM Heritage (for VPA) - Anthony Hemingway of RBA Architects, Conservation & Heritage Consultants (for Council) - Anita Brady of AB Heritage (for PMD) - Bryce Raworth of Bryce Raworth Heritage (for PMD) |
| Urban design | <ul style="list-style-type: none"> - Craig Czarny of Hansen (for VPA) - Simon McPherson of Global South (for VPA) - Leanne Hodyl of Hodyl and Company (for Council) - Mark Sheppard of Kinetica (for PMD) |
| ESD | <ul style="list-style-type: none"> - Jan Talacko of Arc Resources (for PMD) |
| Traffic and carparking | <ul style="list-style-type: none"> - Hilary Marshall of Ratio (for VPA) - William McDougall of Movement and Place (for Council) - Tim De Young of Stantec (for PMD) - Charmaine Dunstan of Traffix Group (for PMD) |
| Economic and development contributions | <ul style="list-style-type: none"> - Chris De Silva of Mesh (for VPA) - Alex Hrelja of HillsPDA (for Council) - Paul Shipp of Urban Enterprises (for PMD) - Tony Dimasi of Gap Advisory (for PMD) |
| Affordable Housing | <ul style="list-style-type: none"> - Kate Breen of Affordable Development Outcomes (for VPA) - Dr Marcus Spiller of SGS Economics (for Council) - Karen Janiszewski of UrbanXchange (for PMD) |
| Social planning | <ul style="list-style-type: none"> - Kate McMahon of Hello City (for Council) - Bonnie Rosen of Symplan (for Council) - Glenn Weston of Public Place (for PMD) |
| Construction staging | <ul style="list-style-type: none"> - Darren Woolf of Neoscape (for Council) |

2.10 Limitations

SPMAG was critical of the manner in which the PSP had been prepared (including the community engagement process) and that it had not responded to community views or represented the communities concerns about the loss of much of the existing market or social impacts on a vulnerable, multicultural community.

SPMAG was also critical of the Amendment process including the Standing Advisory Committee process. SPMAG considered that the Committee should visit the market on all days it was open and engage further with multicultural groups and traders. While Committee members did inspect

the Preston Market after the Hearing on most trading days and at different times, it is not within the scope of the Committee's Terms of Reference to undertake community engagement or its own research. Rather it is limited to considering all materials referred to it including all submissions and those made to it during the Hearing, the evidence and conclave statements. It has done this.

A robust consultation and engagement process is of critical importance in the development of planning strategies including PSPs to ensure the key issues, opinions and aspirations of a broad range stakeholders are understood and reflected in balance with other considerations. In this instance that includes the local community that uses the market as a place to shop and engage, traders, the land owners, visitors, the future community as well as infrastructure and service providers. It is not the Committee's role to review and determine the adequacy of the VPA's engagement processes, however it notes that it was one of the key sources of community concern, conjecture and distrust.

2.11 Content of Report

Table 4 sets out the Committee's Terms of Reference and referral matters for its report and the relevant chapter of this Report dealing with them.

Table 4 How report addresses the Terms of Reference and referral requirements

| Terms of Reference report requirements | Report section |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Whether the referred element(s) of the draft amendment is appropriate | Chapters 4-14 |
| A summary and assessment of the issues raised in submissions referred to the Committee | Chapters 2, 4-13 and 15 |
| Any other relevant matters raised in the course of the Committee process | Chapter 15 |
| A list of persons who made submissions considered by the Committee | Appendix C includes all referred submissions |
| A list of tabled documents | Appendix E |
| A list of persons heard | Appendix D |
| Referral matters | |
| Whether the revised PSP will allow for appropriate built form, development yield and mix of uses to support the redevelopment of the market and create a successful precinct having regard to: <ul style="list-style-type: none"> - proposed building heights and use of mandatory versus discretionary height controls - shadow controls - size and location of the market footprint - the street and laneway network - size and location of open space and financial contributions to public open space | Chapters 4-13 |
| Advise on appropriate planning mechanisms to support the vibrancy of the market and secure its long-term operation | Chapter 15 |

3 Preston Market Structure Plan

3.1 Background to the PSP and draft Amendment

(i) Review of existing controls and preparation of the draft Amendment

The VPA's Part A submission¹³ set out the context for the preparation of the PSP and draft Amendment, which included a request by the Minister in 2018 for the VPA to review the planning controls across the precinct. This process involved:

- an assessment of local and State planning policy and recommendations of a Community Reference Group and community consultation, development of a draft vision and set of guiding principles and objectives for the next phase of work
- community engagement over 2019 including a more formal phase on a suite of planning documents published to the Engage Victoria platform and the VPA's website with a letter and project brochure outlining the key features of the project, the process for making a submission, and information about the VPA Projects Standing Advisory Committee and the draft amendment, sent to 7,416 landowners and occupiers within an approximately 800 metre radius of the precinct as well as agencies, Members of Parliament and the Council
- engagement activities and materials including posters and handouts at the market, face-to-face drop-in sessions and market pop-up sessions, social media posts on Facebook and Instagram, trader information session, Council briefings, land own discussions and telephone calls in response to enquiries. Consultation material was published in multiple languages with interpreters in attendance for public sessions.

386 submissions were received following this process.

In September 2021 the Minister directed the VPA¹⁴ to revise the draft PSP and Amendment in consultation with DELWP, to reduce overall building heights having regard to submissions from the Council and the community, as well as considering:

- best practice urban design principles, the local built form context, and minimising amenity impacts of overshadowing and visual bulk
- opportunities for future development and the distribution of housing growth more broadly across the Preston MAC, and not assessing the market in isolation to meet the MAC's growth.

The key changes to the exhibited versions of the PSP and ACZ1 included:

- reducing the tallest buildings on the site from 20 storeys down to 14 storeys
- reducing the estimated total number of dwellings from 2,200 down to 1,200 dwellings
- strengthened support for a 12,700 square metre GLA market area and prohibit land uses other than 'Market' on the land nominated as 'Market' on the Framework Plan
- larger central open space area, new open space area adjacent to station and a market forecourt area off Cramer Street

¹³ Document 103 (paragraphs 55 to 72)

¹⁴ Document 166

- open space contribution split changed to 8 per cent land and 2 per cent cash to reflect the revised layout of open space
- increase to the amount of winter sun access to proposed open space, up from 25 per cent to 50 per cent
- changes to pedestrian and vehicle circulation
- changes to the Framework Plan and other related plans.

(ii) Preston Market Precinct Structure Plan

The PSP vision is supported by five principles and associated objectives to guide future planning and development of the precinct:

- a thriving fresh food and variety market - with objectives supporting the retention of a similar sized market which maintains its fine grain and open feel, has a high level of visibility and address and supports the operations of existing operators during and after redevelopment
- a diversity of land uses and vibrant amenity - with objectives supporting an increase in jobs, services and housing at appropriate levels of intensity, delivering safe and comfortable accessible public spaces, providing for affordable housing, and provides a diversity of non-residential uses to support the vibrancy and vitality of the market and High Street
- culturally diverse character and adaptable community spaces - with objectives supporting cultural values and community diversity to be reflected in the arrangement of land uses and built form and the provision of adaptable community spaces
- a sustainable, liveable and accessible precinct – with objectives supporting environmentally sustainable design, providing adequate day light to public spaces and their protection from heat and wind, supporting a shift to active transport and integration with the station and High Street
- flexible and efficient parking and access – with supporting objectives including ensuring adequate and flexible parking arrangements, managing parking disruption during construction, and locating carparking, loading areas and vehicle access areas away from ground level, prominent pedestrian areas and areas visible from the public realm.

Key land use outcomes sought include:

- a diversity of dwelling types including affordable housing
- retail, entertainment, commercial and office activity
- retention of a market area of similar size as the existing market
- provision of two open space areas.

Key built form outcomes sought include retention of the existing fruit and vegetable market shed, a finer grain of streets, active ground floors and building articulation and building heights ranging from 3 to 14 storeys.

(iii) Supporting documents

A number of background and technical reports informed the development of the exhibited and amended versions of the PSP, DCP and draft Amendment including (Appendix E):

- *Preston Market Precinct Background Report*, Victorian Planning Authority, May 2021
- *Development Potential and Economic Impact Assessment*, MacroPlanDimasi – April 2019
- *Peer Review of Preston Market Retail Study*, SGS, September 2019

- *Final Review of Economics Advice*, Deep End Services, October 2020
- *Development Principles & Options Review*, MGS, March 2020
- *Preston Central Incorporated Plan*, City of Darebin, March 2007 (amended 2021)
- *Environment Sustainability Report*, Victorian Planning Authority, June 2020
- *Peer Review of Heritage Study Documentation*, GJM Heritage, August 2018
- *Heritage Design Guidelines Report*, GJM Heritage, June 2020
- *Planning Review - Planning Benchmarks and Tools*, TQ Urban Planning, July 2019 and October 2019 Addendum
- *Urban Design Report – Preston Market Precinct*, Architectus Australia Pty Ltd, May 2021 and Addendum, March 2022*
- Identity Study
- *Public Open Space Needs Assessment*, Mesh, May 2020
- *Preston Market Precinct Social Infrastructure Assessment*, ASR, November 2019 and further Addendum, March 2022¹⁵
- *Preston Market Precinct Development Contributions Plan - Concept Design and Costings for Traffic and Community Infrastructure Projects*, Cardno, January 2021
- *Stormwater Drainage Assessment Report*, Cardno, September 2019
- *Preston Market Traffic and Transport Assessment*, Cardno, June 2021
- *Preston Market Transport Impact Assessment*, Ratio, March 2022*
- *Preston Market Assessment of Car Parking Provision Rates*, Ratio, April 2022* (Parking Assessment)
- draft s173 agreement – Affordable Housing, Harwood Andrews
- *Affordable Housing Strategy (Affordable Development Outcomes)*, November 2020 and subsequent Addendum, Affordable Development Outcomes, March 2022*
- *Preston Market Land Capability Assessment*, Meinhardt, February 2022*
- various community engagement reports.

(iv) Activity Centre Zone Schedule 1

The proposed ACZ1 provides the detailed objectives, requirements and guidelines for the future use and development of the precinct. Key elements include:

- the arrangement of the precinct, including the partly relocated market and new public open spaces with minimum dimensions, in accordance with the Framework Plan
- a table of uses generally in line with the standard use provisions for commercial and activity centre zones, tailored to the PSP including continuation of the market
- a minimum market gross floor area (GFA) of 12,700 square metres
- residential density target of 1,200 dwellings
- retail, entertainment and other commercial floorspace target of 27,500 square metres GLA, and an office floorspace target of 5,000 square metres GLA
- mandatory building height, street wall and setback requirements
- mandatory overshadowing requirements for public open spaces – no shadowing of Preston City Oval, and no more than 50 per cent of the open space located along Mary Street, between 11.00 am and 2.00 pm at the winter solstice

¹⁵

* New or updated dated documents circulated by the VPA on 11 April 2022

- residential development must incorporate a diversity of dwelling types and up to 10 per cent of dwelling yield as affordable housing
- guidelines and application requirements to support the objectives and requirements of HO315, Heritage Design Guidelines and Heritage Interpretation Strategy
- continuity in the market's operation through site development.

(v) Development Contributions Plan

The amended DCP included changes to the exhibited version incorporating administrative edits, alterations to the site description, changes to the Main Charge Areas (MCAs) and associated units, changes to infrastructure provision triggers, inclusion of new project PC-03c (Cramer Street pedestrian crossing) and updated ratios and Development Infrastructure Levy (DIL) rates following changes to the PSP. The DCP is implemented through the DCPO2.

Development west of the railway line is not levied for the intersection and pedestrian crossing projects. Market development is proposed to be exempt from all DCP levies.

(vi) Draft Amendment documentation changes:

The VPA's changes to the ACZ1, PSP and identified in the log of changes¹⁶ to the DCP (Day 1 changes) from the November referred versions are summarised in Table 5.

Table 5 Day 1 ACZ1, PSP and DCP changes

| Document | Change |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ACZ1 | <ul style="list-style-type: none"> - Clause 2.0 'Land use and development objectives to be achieved': <ul style="list-style-type: none"> - clarify floor space rates (GFA and GLA) - amend or add various objectives consistent with PSP changes (including cultural heritage, landscaping, net zero emissions, passive design, parking and modal shift, heritage fabric and built form response) - Clause 3.0 'Table of uses' - delete, insert new or amended uses and revised conditions for Section 1, 2 and 3 uses - Clause 4.1 'Use of land' - add new requirements for noise attenuation verification and Drainage Strategy) - Clause 4.4 'Design and development': <ul style="list-style-type: none"> - clarify drafting regarding mandatory requirements and discretionary guidelines - add new requirements for open space standard on transfer to Council and bicycle parking EVC access and a Drainage Strategy - add new guidelines for vehicle movement, bicycle parking provision and Mary Lane street wall heights - Clause 6.0 'Application requirements': <ul style="list-style-type: none"> - amend Waste Management Plan to include Recycling - include requirements for easement plan, car share spaces and EVC infrastructure - include requirements for Acoustic Assessment Noise, Vibration/Light Spill Reports - delete requirement for Integrated Water Management Plan |

¹⁶ Document 103e. The Committee notes there is some discrepancy between the changes identified in the log of changes and the Day 1 version of the ACZ1

| Document | Change |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> - update Framework Plan and Plan 1 - refer to the final date version of the PSP and other minor corrections |
| PSP | <ul style="list-style-type: none"> - precinct issues and opportunities amended content relating to drainage and flood analysis and WSUD - precinct objective added relating to renewable energy power hub - Framework Plan and strategy changes: <ul style="list-style-type: none"> - various corrections and drafting clarity changes - amend vertically zoned precinct objective to ensure majority of ground and first floor space is non-residential - new strategies relating to dwelling numbers, social and affordable housing, Section 1 uses, to design market with a diversity of stall sizes, communal spaces for urban agriculture and food gardens and waste management and disposal, recycled water infrastructure and design of public realm to manage flooding, mitigating heat island, energy efficient lighting, climate resilient vegetation species and car share enterprises - amended strategies relating to passive design, WSUD and waste collection, vehicle and bicycle EVC provision and parking provision - replacing 'Implementation' reference to WSUD with Drainage Strategy |
| DCP | <p>Various changes made in response to changes to the PSP including:</p> <ul style="list-style-type: none"> - 'Summary' – 'Table 1 Overall summary of costs and charges' - amend \$ rates for total project costs and total contribution costs - 'Section 1.1 Site description' - delete text relating to existing approval and insert new descriptive text - 'Section 1.6 Preston Market Precinct – Structure Plan' - insert amended PSP Framework Plan, include introductory text to the Framework Plan and delete reference to summary land use budget - 'Section 1.7 The area to which the DCP applies' Preston Market Precinct - retitle MCAs and change Unit numbers in 'Table 2 Charge areas', add new explanatory text to MCAs, not applying DCP to 'market' land uses, update 'Plan 3 Main charge areas' - 'Section 1.9 Items not included in DCP' - remove Council works associated with implementation of 'Streets for People' policy at Section 1.9.1 and clarify Section 1.9.2 does not provide for cost of land 'or construction' - 'Section 2.1 Infrastructure project categories' - 'Table 3 Infrastructure projects' - 'Section 3 Calculation of contributions': <ul style="list-style-type: none"> - update text to reflect traffic report and equivalence ratios using AM and PM peaks and 'Table 4 Calculation of equivalence ratios' in 'Section 1.1 Equivalence ratios' - 'Table 5 Calculation of construction and land costs by project' updated to reflect new equivalence ratios, indexation reduced apportionment due to yield reduction and community centre being located on Council land - delete and add new text to 'Section 3.3.3 External use' to clarify external apportionment for community centre - 'Section 4.0 Design and development' Administration and implementation': <ul style="list-style-type: none"> - include additional 'Section 4.1.3 For significant landholdings' to provide clarity relating to Works in Kind Agreements and credits |

| Document | Change |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> - extend the full development horizon to 2037 in 'Section 4.4 Development contributions plan review period' - clarify role of Council at 'Section 4.6 Collecting agency' - clarify provisions of the PE Act in 'Section 4.7 Development agency' |
| | <ul style="list-style-type: none"> - 'Section 5.2 Glossary' remove reference to Land budget Table and Public Open Space, and clarify description of 'local parks' and open space that is set aside in the ACZ1 |

3.2 PMD, Council and community positions

PMD produced an alternative PSP and ACZ1 Framework Plan (Figure 9) to the VPA Day 1 version (Figure 8) before the commencement of the Hearing to inform parties of its position ahead of expert evidence being prepared and the conduct of conclaves.¹⁷ The PMD position was supported by the *Preston Market Preliminary Concept Design Intent*, September 2022¹⁸ (Snohetta plans) which demonstrated PMD's position as a design concept response.

Council produced its proposed version of the Framework Plan (Figure 10) as part of its summary position statement.¹⁹ Council's position was informed by the *Heart of Preston*, April 2021 document which sought to express local resident and trader views and expectations about the future of the precinct gathered from Council's community engagement.

The PMD and Council positions also identified alternate PSP plans for 'Land use and Activation', 'Built form and Urban design', 'Access and Movement and Carparking' which are identified in subsequent chapters of this Report by way of comparison to the VPA position.

The submission of Ms Gordon included an alternative concept (Community Concept Plan)²⁰ which built on elements of the Council's plan including retention of the market and multiple areas of open space. It provided for smaller building envelopes to provide for buildings varying in height from predominately 3 storeys to 5 and 12 storeys close to the station (Figure 11).

The key differences between the PSP and other plans include:

- extent of market retention and its primary location and arrangement of market related land use
- building envelopes
- open space configuration
- parking arrangements, with PMD's proposal allow for roof top parking over the market
- internal access street and pedestrian movement network and block depth from Murray Road.

¹⁷ Document 99

¹⁸ Document 150

¹⁹ Document 112b

²⁰ Document 237

Figure 8 VPA's Preston Market Framework Plan



Figure 9 PMD proposed version of Preston Market Framework Plan

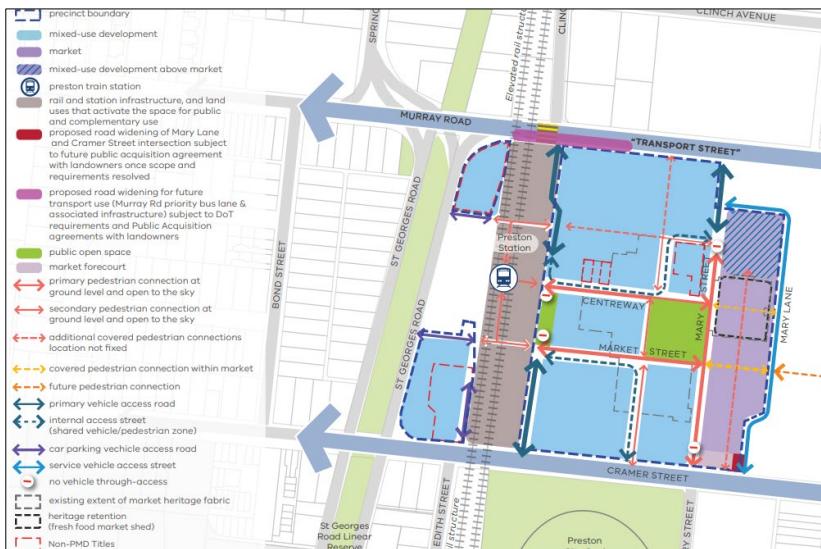


Figure 10 Council proposed version of Preston Market Framework Plan

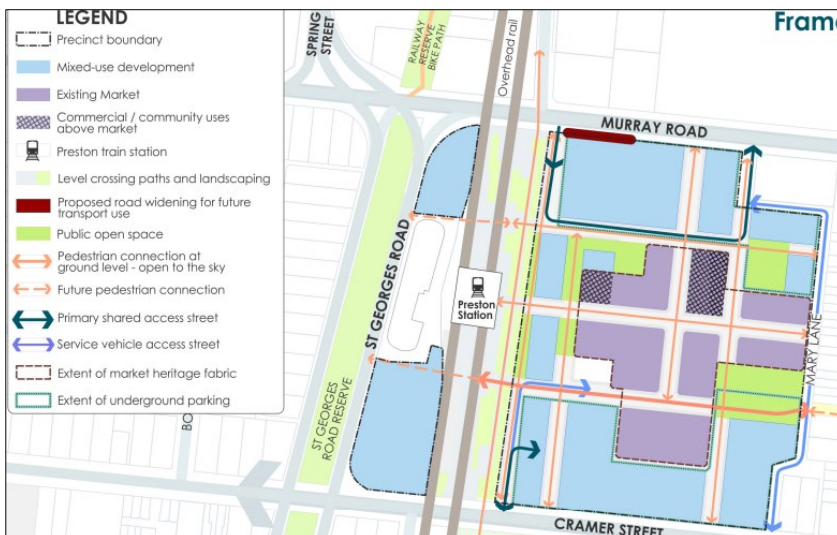
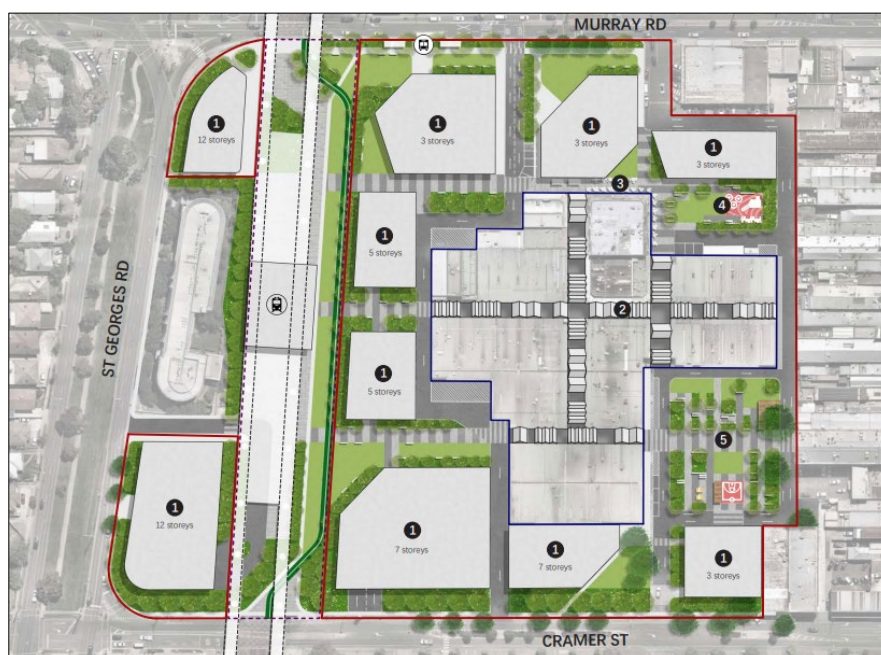


Figure 11 Community concept plan

Source: Bonnie Gordon submission presentation (Page 21, Document 327)

In terms of metrics the key differences between the PSP and the PMD and Council positions are summarised in Table 6. Full metrics or analysis for the Community concept was not provided.

Table 6 VPA, PMD and Council position on key PSP, ACZ1 and Clause 53.01 metrics

| Metric | VPA | PMD | Council |
|-------------------------------------------------------------|-----------------------------------------|------------------------------------------|----------------------------------------------------|
| Dwellings | 1,200 | 2,200 | Approximately 1,200 |
| Retail, entertainment and other land use floor space (GLA)* | 27,000 m ² | 39,285 m ² | 27,000 m ² |
| Office floor space (GLA)* | 5,000 m ² | 5,800 m ² | 5,000 m ² |
| Market floor space (GFA) | 12,700 m ² | 9,600 m ² | 13,600 m ² |
| Affordable Housing | 1.8% | 1.8% | 4.7% |
| Dwelling diversity | - | - | 30% 3+ bedroom apartments |
| Central open space | min 2,730 m ² | 2,730 m ² (6%) | 4,370 m ² (1 large park + pocket parks) |
| Total public open space | min 3,810 m ² (8% + 2% cash) | 3,220 m ² (7.35% and no cash) | Min 4,370 m ² (10%) |
| Heights | Mandatory | Discretionary | Discretionary with mandatory floor area ratios |

* VPA amended GFA to GLA for non-market retail and office use

4 Planning context and strategic justification

4.1 Planning context

This chapter identifies planning context relevant to the Amendment (Table 7). Appendix F provides further details regarding relevant policies within the Planning Policy Framework (PPF) and Local Planning Policy Framework and the provisions of the Darebin Planning Scheme.

Table 7 Planning context

| Relevant references | |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Victorian planning objectives | - section 4 of the <i>Planning and Environment Act 1987</i> |
| Planning Policy Framework | <ul style="list-style-type: none"> - Clause 9 (Plan Melbourne) - Clause 11.01-1S (Settlement) including Clause 11.02-2S (Structure Planning), Clause 11.03-1S (Activity Centres) and Clause 11.03-2 (Activity Centre Planning) - Clause 15 (Built environment and heritage) - Clauses 16 (Housing) - Clause 17 (Economic development) - Clause 18 (Transport) - Clause 19 (Infrastructure) |
| Local Planning Policy Framework including Municipal Strategic Statement | <ul style="list-style-type: none"> - Clause 21.01 (Introduction) - Clause 21.02 (Environment) - Clause 21.03 (Housing) - Clause 21.04 (Economic Development) - Clause 21.05 (Transport and Infrastructure) - Clause 22.06 (Multi-Residential and Mixed Use Development) - Clause 22.12 (Environmentally Sustainable Development) |
| Other planning strategies | <ul style="list-style-type: none"> - Preston Central Activity Centre Structure Plan 2006 - Preston Central Incorporated Plan March 2007 |
| Planning scheme provisions | <ul style="list-style-type: none"> - Clause 37.06 (Priority Development Zone) - Clause 37.08 (Activity Centre Zone) - Clause 43.01 (Heritage Overlay) - Clause 45.03 (Environmental Audit Overlay) - Clause 45.06 (Development Contributions Plan Overlay) - Clause 45.09 (Parking Overlay) - Clause 52.27 (Licensed premises) - Clause 53.01 (Public Open Space Contribution and Subdivision) - Clause 72.04 (Incorporated documents) - Clause 72.08 (Background documents) - Clause 71.02-3 (Integrated decision making) |

Relevant references

Planning scheme amendments

- Amendment VC210, gazetted on 4 May 2022. Updated Clause 13.04-1S (Contaminated and potentially contaminated land)
- Amendment VC216, gazetted on 10 June 2022. Changes the Planning Policy Framework to support ESD
- Amendment VC221, gazetted on 4 August 2022. Supports implementation of Victoria's Climate Change Strategy 2021
- Amendment C170dare submitted for consideration and approval by the Minister. Proposes a new municipal-wide Development Contributions Plan

Planning Permits

- Planning Permit D/285/2015 for a part six-storey and part nine-storey apartment building with ground floor shops
- Planning Permits D/398/2016 (Stage 1B) and D/393/2016 (Stage 1C) issued on 1 November 2017 for a mixed-use development in two stages

Ministerial directions

- Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the PE Act
- Ministerial Direction 1 - Potentially Contaminated Land
- Ministerial Direction 11 (Strategic Assessment of Amendments)
- Ministerial Direction 15 (The Planning Scheme Amendment Process)
- Ministerial Direction 19 (Ministerial Direction on the preparation and content of amendments that may significantly impact the environment, amenity and human health)

Planning practice notes

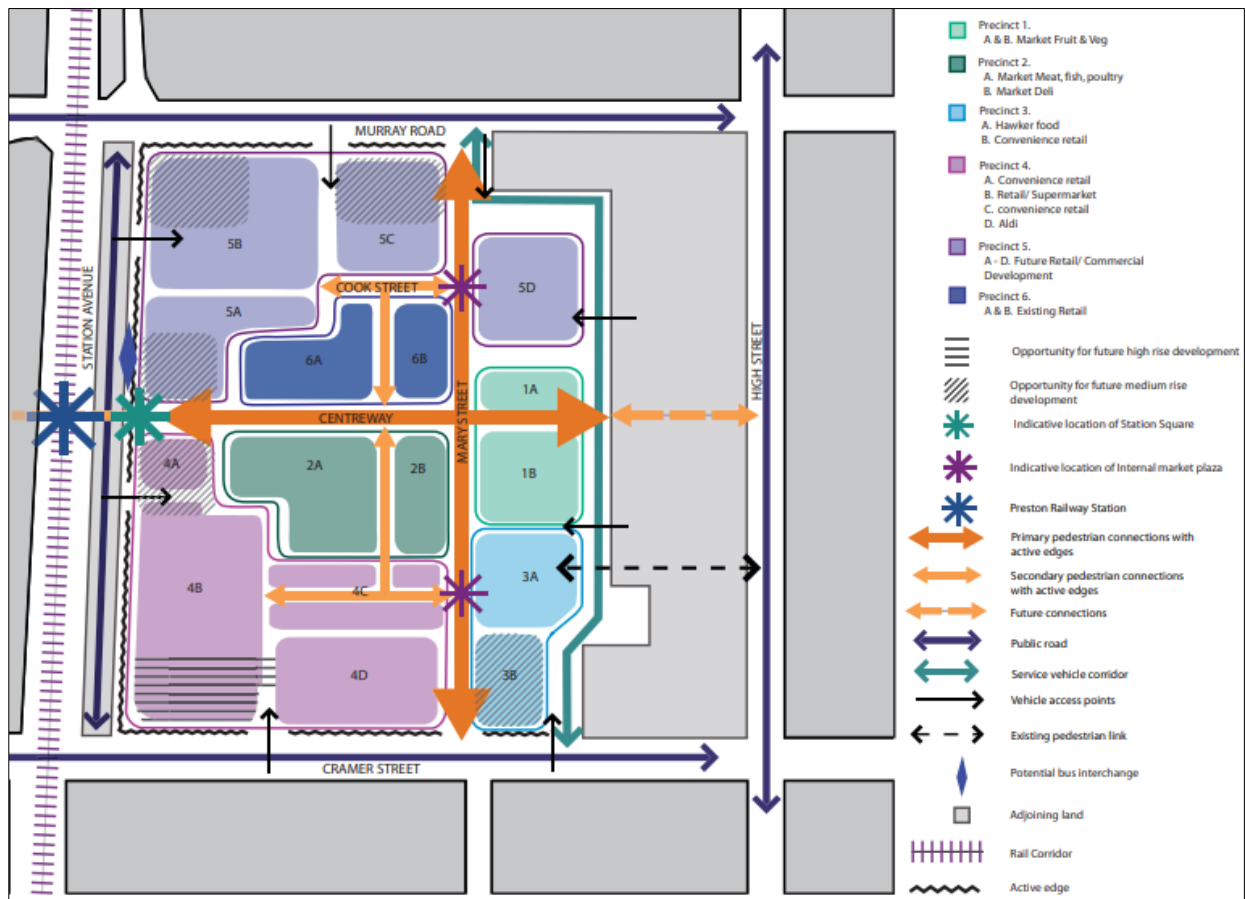
- Planning Practice Note No. 1: Applying the Heritage Overlay (PPN01)
- Planning Practice Note No. 13: Incorporated and background documents (PPN13), noting that the matters it addressed are now dealt with in the Practitioner's Guide to Victoria's Planning Schemes (April 2022)
- Planning Practice Note 30: Potentially Contaminated Land (PPN30)
- Planning Practice Note No. 56: Activity Centre Zone (PPN56)
- Planning Practice Note No. 57: The Parking Overlay (PPN57)
- Planning Practice Note No. 58: Structure Planning for Activity Centres (PPN58)
- Planning Practice Note No. 59: The role of mandatory provisions in planning schemes (PPN59)
- Planning Practice Note No. 60: Height and setback controls for Activity Centres (PPN60)
- Planning Practice Note No. 83: Assessing external noise impacts for apartments (PPN83)

4.2 Key planning strategies

(i) Preston Market Incorporated Plan

The *Preston Market Incorporated Plan, March 2007* provides the use and development objectives and design principles for the precinct identified in the PDZ1. The objectives and design principles are reflected in a Framework Plan (Figure 12).

Figure 12 Preston Market Incorporated Plan 2007 - Framework Plan



Key objectives of this plan include:

- encourage development of the site as a multi-level mixed use area
- retain and enhance a substantial fresh food market component with associated market facilities
- facilitate high density residential development including affordable housing opportunities
- design that facilitates attractive pedestrian connections, active edges connections, High Street integration, contemporary architecture, ESD, day and evening activity
- providing a public open space area (Station Square) and two public focal 'piazza' spaces along Mary Street.

The design principles are framed around the following elements:

- land use composition
- staging

- built form and design, including preferred heights from single storey to 8 storeys east of Mary Street and up to 10 storeys for the balance with a 4 storey podium provision at street frontages
- pedestrian environment, including identification of 'Primary' and 'Secondary' pedestrian connections
- station square, a 500 square metre space adjacent to the station and connected through the market site
- landscaping
- vehicle access, car parking and loading.

(ii) Preston Central Structure Plan

The *Preston Central Structure Plan* (2006) sets out a vision and objectives for the Preston MAC. It includes a Structure Plan addressing the themes of role and activity mix, cultural identity, accessibility, high quality environment, people place and an integrated place. It includes guidelines and initiatives for nine precincts, and urban design guidelines.

The Preston Central Structure Plan is not an incorporated or background document but is a reference document at Clause 21.03, Clause 21.04 and Clause 22.09.

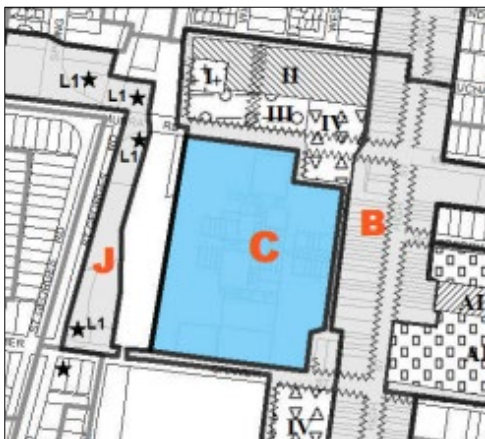
The key objectives and design principles of the Preston Central Structure Plan are found in the *Preston Central Incorporated Plan March 2007* (amended 2014) for land in the PDZ2 and which provides for their consideration in decision making.

The Incorporated Plan identifies development principles to implement the Preston Central Structure Plan across nine precincts. It identifies 'Market Precinct' as 'Precinct C' but does not apply to the existing area within the PDZ1. It includes four sub-precincts located generally on the north side of Murray Road and an area on the south side of Cramer Street east of the oval (refer Figure 13). Development principles relate to land use, built form including height and setbacks for precincts (including sub-precincts and landmark sites), design detail, pedestrian environment including pedestrian throughfares, landscaping, vehicle access, car parking and loading.

Relevant to the PSP, the maximum heights identified are:

- Precinct C – 7 storeys (sub-precinct I), 3, 5 and 7 storeys (sub-precinct II), 10 storeys (sub-precinct III) and 8 storeys (sub-precinct IV)
- Precinct J – 5 storeys
- landmark sites within Precinct J - 7 storeys.

Figure 13 Preston Central Incorporated Plan – Framework Plan 1 section



Council is currently reviewing the Preston Central Structure Plan which will include a centre vision and built form guidelines. The current draft built form framework proposes a mix of tools including height limits, floor area ratios, site coverage and ground floor landscaping requirements. The review excludes the market precinct. Proposed heights for land north of Murray Road and south of Cramer are 10 storeys, with High Street Precinct 6 storeys.

4.3 Strategic justification

(i) The issues

The issues are whether:

- the PSP and draft Amendment is strategically justified
- the PSP and Amendment achieves a balance of policy considerations that will provide for:
 - an appropriate planning outcome
 - provide for a net community benefit and sustainable development consistent with Clause 71.03-2.

(ii) Evidence and submissions

The VPA submitted that there was clear consensus among the experts about the strategic foundations of the Amendment and for the precinct's urban renewal including mixed use and diverse housing and the continuing operation of the market at its core. It acknowledged the market is a significant and highly valued community asset and that there was no one dominant overarching strategic driver. There was no right or wrong but rather a matter of judgement as to the "*relevant weight to be given to competing relevant factors*". It considered the amended PSP had achieved an appropriate balance, while retaining the market impedes better urban structure outcomes.

Council by contrast considered heritage a threshold issue and one that was central to the planning history of the precinct, current local policy and objectives of the PE Act. It submitted that the demolition of the market to recreate a market function would result in a negative social impact.

PMD from a policy perspective was generally aligned with the VPA, identifying the controls:

... propose an appropriately balanced outcome, which would achieve a net community benefit overall. The proposed controls would enable the market operations to be improved to meet modern standards, and for urban design and public realm outcomes to be optimised, whilst at the same time ensuring that heritage values are appropriately respected, and that social values are maintained.

PMD submitted that heritage controls should not be considered in a vacuum and a proposal to retain the representative sample of the physical built form while supporting the substantial redevelopment of the site was a balanced approach to the other policy considerations. It identified that relevant economic, infrastructure and functional market factors had not been balanced in Council's approach. It was economically unacceptable to compel the market to continue in its current form. It submitted that while a reconfigured market would not be the same, there was no reason to conclude that it could not provide the same social values and would not destroy the ties and relationships underpinned by the current market.

The Committees provided a set of questions to the VPA, Council and PMD to respond to in primary submissions. This included identifying positions about potentially retaining more of the market fabric than shown in the ACZ1.²¹ PMD identified that retaining the market would be unacceptable and not enable the precinct to be sensibly redeveloped. It considered a reconfigured market and quality redevelopment of the site would achieve the best net community outcome. Further, a retained market would require closing the market for long periods to upgrade infrastructure.

Mr Glossop and Ms Jordan supported the use of the ACZ1 and suite of controls proposed as part of the Amendment. They considered the precinct context and PPF provided a clear basis for the further development of the precinct to meet urban consolidation and commercial activity objectives. While Mr Glossop considered the PSP and ACZ1 was a balanced approach to this condition, Ms Jordan was of the view that the PSP limitation on dwelling yield and inclusion of mandatory requirements did not allow the precinct to take full account of its physical and strategic attributes and failed to meet the challenges of housing growth at the metropolitan and local level.

Mr Shipp's evidence outlined the Darebin municipality's housing demand challenges and considered that such sites were required to meet housing needs particularly "*in the context of Plan Melbourne consolidation targets that are not being met*". His analysis of dwelling completion or pipeline projects including those identified in the TQ Planning Report suggested a short fall of anticipated yield, which along with a reduction of potential precinct yield of 1,000 dwellings (from 2,200) would result in Darebin and Preston's housing needs not being met over the next 15 years. These figures reinforced that the precinct was of high importance and under provision an opportunity cost.

Mr Dimasi expressed similar sentiment and analysis. He considered the loss of up to 1,000 dwellings from the potential yield was a significant opportunity cost and was inconsistent with the aspirations of Plan Melbourne. He identified markets as costly to maintain and to be thriving and sustainable they needed to respond to retail trends and the changing nature of the communities they serve. He considered a rigid maintenance of the status quo did not acknowledge the uniqueness of the site and was economically unsustainable and would not guarantee the markets survival. Retaining the market in its existing footprint was from an economic perspective unreasonable. His evidence acknowledged the market was loved by the community but its form was far from perfect – it was sprawling and inefficient (rather than contained), was unattractive, poorly presented with significant levels of vacancy.

The urban design experts all identified that the precinct's intensification was consistent with policy and its context. Mr McPherson considered the PSP and Amendment provided for a more intensive and efficient use of underutilised and well-located land consistent with planning policy and its location, with a balanced urban design outcome. Mr Czarny supported the strategic framework approach adopted by the VPA in the development of the PSP and deferred to the heritage experts regarding magnitude of change while noting "*empirical inputs (dwelling demand/supply/carrying capacity) must be assessed together with other intangible matters like skyline, legibility and distinctiveness which are often markers of urban design success*". He supported an approach where the PSP and ACZ1 set the urban block structure and high level objectives and directions for urban form, with the more detailed design treatments the consideration of other design guidance in the Victorian Planning Provisions and *Urban Design*

²¹ Document 245

Guidelines for Victoria. He identified the structure planning process as an iterative one accounting for constraints and opportunities, competing interests and values. Ms Hodyl considered that the intangible values of the market were significant and highly valued and that the market should be retained. She considered however, that retaining the market as the precinct's greatest asset was not contradictory to the precinct's intensification.

The heritage experts all agreed that the market complex has local heritage significance (historic, social and technical). The disagreement was how much fabric needs to be retained to appropriately acknowledge its significance.

The submissions of the VPA and PMD were that the Heritage Overlay, Interpretation Strategy and Heritage Design Guidelines provided the appropriate mechanisms and basis to retain only the fruit and vegetable sheds and manage new interface built form. Council's position was that the extent of market loss assumed in those documents had not been justified, was not an appropriate strategic approach and had not got the policy balance right.

The social planning experts acknowledged that the market's tangible and intangible social and cultural values to the existing community including those associated with social interaction, attachment and connection, diversity, vibrancy and informality, authentic experiences and access to affordable produce. All agreed that the ongoing operation of a market on the site was important but were not aligned as to whether these values could be replicated or migrated to another portion of the site. Ms Rosen for example advised that these elements were incapable of or not readily able to be transferred, with a new market potentially resulting in social disbenefit and disproportionate harm to vulnerable groups less resilient to change. This included from a different market format and the impact of gentrification. Conversely Mr Weston considered a migrated market would deliver comparable social and cultural benefits and overtime develop its own history and intangible essence.

(iii) Discussion and findings

The market precinct is a complex site, with a long planning history. It holds strong levels of community attachment, important heritage fabric and many expectations for its future use, form and role including from the landowner, traders and the community. It plays an important role within planning policy as well.

Existing policy at the state and local level identify the precinct as appropriate for mixed use development at a scale and form commensurate with its location within the Preston MAC. This is reinforced through significant investment in the level crossing removal project (at Cramer Street and Murray Road) and in a new Preston Station and elevated train line and associated open space corridor. As identified by Council, the precinct is very much at the heart of the activity centre anchored by the market, station, Preston Oval and the Civic precinct. It is one of the larger nodes within the Preston MAC where there is some depth behind High Street to accommodate an appropriate level of density, scale and mixed use outcomes to leverage off its location and infrastructure.

The strategic significance of the site was acknowledged by most parties and the planning and economic experts. Ms Jordan and Mr Glossop were effusive about both the strategic importance of the precinct to support urban consolidation and redevelopment and the Amendment's proposed planning tools to deliver those outcomes.

As Mr Dimasi identified, such sites are scarce and there are costs associated with foregoing potential development opportunity in the context of reduced yield capacity or potential density through height, floor space or heritage constraints.

Ensuring such precincts make a significant and appropriate contribution to accommodating housing and commercial activity to accommodate the future growth of Melbourne and Darebin are core planks of state (including Plan Melbourne) and local policy. The Preston Market Incorporated Plan and Preston Central Structure Plan currently envision and provide for a significant level of development intensification and change within the precinct. Both assume the retention of much of the existing market but establish that this is a redevelopment precinct, not one where height and density are to be avoided or constrained by previous strategies. Precincts such as this need to be robust and accommodate change. While economic feasibility is not a planning consideration at the strategic planning stage, planning cannot divorce itself from economics and other realities.

State and local policy, including Plan Melbourne direct such precincts to perform their role by providing housing supply and diversity and employment land, utilising infrastructure, delivering quality urban design outcomes, protecting heritage and providing a range of environmental outcomes. There is no hierarchical ordering of these considerations. They are all relevant. Where the weight lies is a matter of judgement related to the particular context.

For the Committee it is relevant that this is not a greenfields, brownfields or greyfield site. The precinct is not a blank slate or of a size to deliver a new community complete with the full range of land uses, housing diversity, built form or the infrastructure that would require. Rather it is a redevelopment site, with an existing zone which reflects its MAC role, set within an existing urban context and with constraints that need to be considered. While the precinct is a significant site within the Preston MAC and should commensurately contribute to Darebin's housing and economic needs (for current and future communities) and meet Melbourne's growth needs, this is not to the expense of or to significantly temper other important local considerations.

The Committee accepts that such sites within activity centres play a key role in meeting future housing particularly when identified as substantial change areas. They need to do more of the heavy lifting in terms of accommodating land supply. This may involve compromises in relation to height and density than other more constrained locations in terms of prevailing built form and character or distance from public transport or services. Their potential contribution must be considered in the broad rather than the starting point seeking to maximise yield absent of other considerations. Issues of urban design, public realm, movement, centre functionality and connectivity, heritage and preferred character, social and economic impacts are all important considerations in planning for activity centres.

The PPF acknowledges there will often be competing policy objectives. It seeks to ensure that the objectives of planning in Victoria (as set out in section 4 of the PE Act and identified in Appendix E) are supported through appropriate land use and development policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. As set out in Clause 71.02-3:

The Planning Policy Framework operates together with the remainder of the scheme to deliver integrated decision making. Planning and responsible authorities should endeavour to integrate the range of planning policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. ...

The question of where the balance lies for this precinct is at the heart of this Amendment. This was the consistent message of submissions of the VPA, Council and PMD and many of the experts. The key difference for Council was that heritage was a threshold question rather than one of balancing the competing policy elements.

The Committee agrees, as discussed further in Chapter 5, that heritage is a threshold issue and that the PSP and ACZ1 rely on an outcome that assumes removal of 80 per cent of the market.

There is a risk associated with removing so much fabric, of impacting the social and other intangible cultural values attributed to the market by the local community although the level of risk is difficult to determine with any precision. While useful in understanding the social and community values both tangible and intangible about the market (its fabric, form and interactions which take place within it) the Committee did not find social evidence determinative. The potential social effects (as well as the economic effects) are matters to be taken into account in the balancing exercise. This is not to say that in time it is possible, through a transition plan as proposed by PMD, that many of the existing values, experiences and sense of community and attachment could be found in a new market arrangement. The current 'market place' and experience is the result of an ever changing community and retail dynamic.

On balance the Committee considers that the right policy balance has not been struck with the PSP and Amendment in relation to heritage impact as discussed in Chapter 5. More of the existing market complex footprint needs to be retained because of its heritage significance. The extent of fabric assumed to be removed will dramatically compromise its significance to the point that the retained element is subsumed and tokenistic. This has not been adequately addressed in the PSP and ACZ1. This loss of heritage significance is not diminished in a balance of policy consideration just because the site is of local significance.

This is not to be critical of the proposed PSP *per se*. The Committee considers that the VPA has set out an entirely reasonable approach to the question of balance and retaining a market presence on site while providing for a level of development consistent with its location and preferred character. Many of the elements of its proposed urban structure are based on sound urban design principles.

PMD has applied an equally legitimate approach which has sought to balance development capacity and economic considerations (including the dimensions of the northern building footprints) through a relocated market. Its position could no doubt provide for a sustainable and vibrant market that would be a retail and community anchor point for the precinct. In time it would have the potential to be well loved by the community, albeit different to the current market experience, character and heritage values.

Council's plan potentially asks too much of the precinct and would constrain its realistic contribution to urban consolidation and redevelopment consistent with its policy ambitions. The Committee is mindful that the precinct (including the market) is privately owned and that retaining the current market without any change would constrain its development potential and the optimum urban structure. There remains a real risk that retaining the market without some level of change will impact its future viability. Neither the Amendment nor planning controls can compel a use to continue. If the market is to be substantially retained there needs to be 'some give' in terms of height, potential yield, open space, housing affordability and ESD expectations. This includes a loss or change to some of the less significant fabric.

The plan put forward by the community has a number of attractive elements that would suit a lower order activity centre. Its low built form and openness is a response to existing character but not one that acknowledges the existing policy framework.

Net community benefit is not served by an Amendment that acknowledges that the majority of the market has heritage significance and a PSP and ACZ1 that assumes up to 80 per cent of it is to be removed. The benefits of the PSP do not outweigh or justify the extent of heritage impact and fabric loss and tips the balance away from a net community benefit being achieved, particularly when there is no clear reason why the critical fabric elements cannot be retained. The Committee considers, in the absence of a development application or heritage impact assessment, that the PSP needs to be redrafted based on substantially retaining the critical elements of the market. Its retention will provide for net community benefit and can in the Committee's opinion be reasonably integrated into the precinct while retaining development capacity aligned with its strategic role. Substantially retaining the existing market needs to be balanced with urban design and built form outcomes to ensure its effective integration and activation and considered fabric changes. This can only be done with a pragmatic approach to height, extent of open space, and affordable housing and ESD metrics as discussed in Chapters 5-7 and 9-11.

It is an unreasonable expectation that the market should remain untouched or the precinct maintained at a low scale. In addition to policy which calls for considerable change, this ignores land ownership, economic realities and the existing site conditions. There is significant potential to improve on the current site conditions, to improve its sense of address, integration with the rest of the activity centre, improve functionality of the market (including the way in which deliveries and access are managed) and provide for further site activity which will add activity (particularly when the market is not open), provide employment, economic activity and much needed housing. Providing for this improvement will enhance the precinct, the wider activity centre and provide net community benefit.

The Committee considers that redrafting the PSP to accommodate its position would not require the VPA to go back to the drawing board. As discussed in Chapters 6-9 many of the elements of the PSP are appropriate and could be applied in a new urban structure. Similarly, the Committee supports the Amendment tools proposed to be applied. In the main these can be adjusted without fundamental change to accommodate a substantially retained market complex. Consistent with Mr Czarny's suggestion that the ACZ1 Framework Plan does not need to be precise. The broader guidance work should be in the PSP and give the ACZ1 provisions the flexibility to respond to different considerations (including land ownership, easements, heritage fabric treatment and interfaces at the detailed design stage) at the permit application stage.

The Committee is cognisant that the PSP is the result of many years work and that the final decision maker may reach a different conclusion based on the balance of considerations. With this in mind, the Committee has attempted to provide its findings and recommendations in a way that reflects its primary position but which could be applied to the VPA's Final version of the PSP and Amendment documents if that were to be preferred. This is particularly the case around key built form and urban structure principles including building height, shadowing, street networks and open space location. Issues relating to open space quantum, affordable housing provision, development contributions, parking and ESD apply regardless of whether more of the market is to be retained or not and require refinement rather than fundamental changes to the PSP or ACZ1.

The Committee has identified the parts of the PSP and ACZ1 that would need to be amended if the existing market is to be substantially retained in Chapters 5-9, 13 and 14.

The Committee finds:

- There is strong strategic justification for the Amendment consistent with the precinct's location within the Preston MAC, proximity to the Preston Station and other supporting infrastructure and the supporting policies within the PPF.
- A Precinct Structure Plan, supported by the Activity Centre Zone and the other issue specific tools proposed in this Amendment provide an appropriate planning mechanism to guide the development of the precinct beyond the current vision in the Preston Central Structure Plan and Preston Market Incorporated Plan.
- The PSP and the Amendment have to sought to balance the key strategic issues for the precinct relating to heritage, built form and urban design, housing and development yield and social impacts.
- The current PSP which assumes 80 per cent of the existing market fabric will be lost, has not struck the right balance in the context of the Preston Market's historical, aesthetic, technical and social significance. This outcome will not provide for a net community benefit.
- The PSP and ACZ1 should be adjusted to substantially retain the market, consistent with the findings and recommendations of the Committee in the subsequent Chapters of this Report. This will result in a more balanced approach to heritage and social considerations, housing yield, land use mix, height and built form and urban structure, and achieve a net community benefit.

5 Heritage significance

5.1 What does the draft Amendment propose?

PSP

The PSP includes heritage and interpretation guideline strategies B32-B41. The Framework Plan, forming part of the PSP and ACZ1 shows the fruit and vegetable Shed as being retained (approximately 20 per cent of the current market structures).

ACZ1

The ACZ1 includes:

- Clause 2.0 (Land use and development objectives) with objectives to:
 - support and enhance the cultural heritage values of the market
 - retain and activate heritage fabric and ensure new built form respects, complements and responds to retained heritage fabric
- Clause 4.4 (Design and development) with guidelines:
 - to ensure new built form respects and provides sensitive transitions to heritage fabric
 - that redevelopment of the precinct should provide for public interpretation of the history of the site and the community values of the market in accordance with Interpretation Strategy
 - that new street walls to Mary Lane reference the historic tilt-slab construction
 - for the potential use of demolished fabric to be salvaged and reused
 - The Centreway's alignment interpreted in the landscape treatment and through the retained market elements
- Clause 5.0 (Precinct provisions)²² including objectives, requirements and requirements relating to heritage and cultural significance, repurposing fabric, heritage interpretation and restoration of retained fabric elements
- Clause 6.0 (Application requirements) including provision of a Heritage Impact Statement and Heritage Interpretation Plan.

Amendment

The draft Amendment further proposes:

- to apply the Heritage Overlay to the 'Preston Market The Centreway complex' (HO315) with a 10 metre curtilage (excluding a number of earlier buildings) which will require a planning permit for non-exempt demolition and alterations, including internal alterations
- introduce the following incorporated documents in the Schedule to Clause 43.01 Heritage Overlay associated with the complex and in Clause 72.04:
 - Statement of Significance
 - Heritage Design Guidelines which identify permit application requirements and design guidelines for new development
 - Permit Exemptions which include a number of specific external and internal works permit exemptions to Clause 43.01

²² Included in VPA's Part B submission version (Document 246a)

- introduce the Interpretation Strategy as a Background document to guide the preparation of interpretation plans to integrate interpretive design principles and that acknowledge tangible and intangible (community, social and cultural) heritage values

5.2 Planning Practice Note 1 Applying the Heritage Overlay

PPN02 (refer to detail is Appendix F) is relevant and provides guidance about applying the Heritage Overlay including:

- identifying significance based on eight Hercon criteria including Criterion A (Historical), Criterion E (Aesthetic), Criterion F (Technical) and Criterion G (Social)
- providing internal controls
- establish curtilages
- form of a statement of significance.

5.3 Heritage conclave

The Heritage conclave agreed:

- there should be a standalone Statement of Significance and that references to ‘Structural Steel’ should refer to ‘Standard Steel Pty Ltd’
- the place meets Criterion A (Historic), F (Technical) and G (Social)
- the form and template of the citation was appropriate and:
 - should refer to ‘Standard Steel Pty Ltd’
 - the comparative analysis for markets, space frames was appropriate
 - should include signage details
- internal and paint controls should apply
- the Heritage Design Guidelines were appropriate with changes (refer Chapter 5.8)
- the Permit Exemptions were appropriate subject to changes (refer Chapter 5.7)
- the ACZ1 setbacks adjacent to the retained market element and application requirements were generally appropriate

On 17 October 2022 the Heritage conclave experts circulated agreed post-conclave versions of the:

- Schedule to Clause 43.01²³
- Statement of Significance (included in Appendix G of this Report)²⁴
- Heritage Design Guidelines²⁵
- Permit Exemptions incorporated plan.²⁶

5.4 Heritage significance

(i) What is proposed?

The draft Amendment proposes to apply the Heritage Overlay to the Preston Market buildings (excluding a number of peripheral earlier buildings) with a 10 metre curtilage. A separate

²³ Document 203

²⁴ Document 202

²⁵ Document 200

²⁶ Document 201

Statement of Significance was not included in the exhibited Amendment material although the exhibited citation included a Statement of Significance.

Exhibited Statement of significance (within the citation)



What is significant?

The Preston Market constructed 1969-70 is significant to the City of Darebin. The original elements that contribute to the significance of the place include:

- general planning including wide walkways
- space frame roof
- outer concrete tilt slab walls (including their form at the walkways and secondary pedestrian zones)
- steel supports with struts (generally in walls between premises)
- profiled metal sheeting to bulkheads
- metal fascia to cantilevered walkways
- areas of glazing - highlight windows to most premises [currently painted over], as well as to the meat and deli areas
- remnant garden beds and planters.

The independent shops to the north end, which pre-date the main market structure, are not significant. Later additions are not significant (refer to plan) including:

- Aldi supermarket (18 Cramer Street)
- Section at north-west end (ST12-ST14/20 Cramer Street)
- Lean-tos, etc. attached to side of concrete walls (north-east corner, south-west corner of The Centreway).
- The tensile membrane or Perspex sheeting (or the like) canopies to the walkways and their supporting steel structures.

How is it significant?

The Preston Market, The Centreway, Preston is of historical, technical and social significance to the City of Darebin.

Why is it significant?

The Preston Market, The Centreway, Preston is of historical significance for the following reasons: (Criterion A)

- Opened in 1970, it was the first market to have been constructed in the municipality since the Interwar period. Unusually it was established as a private venture, whereas most markets were established by the local council.
- Reflects the growth of Preston in the post-WWII period when many immigrants were attracted to the area, and subsequent waves have continued to be. The market was effectively a microcosm of the community as it reflected the cultural diversity of the area in the range of stallholders, etc., and provided economic opportunities for migrants to establish small businesses.

The Preston Market, The Centreway, Preston is of technical significance for the following reasons:

(Criterion F)

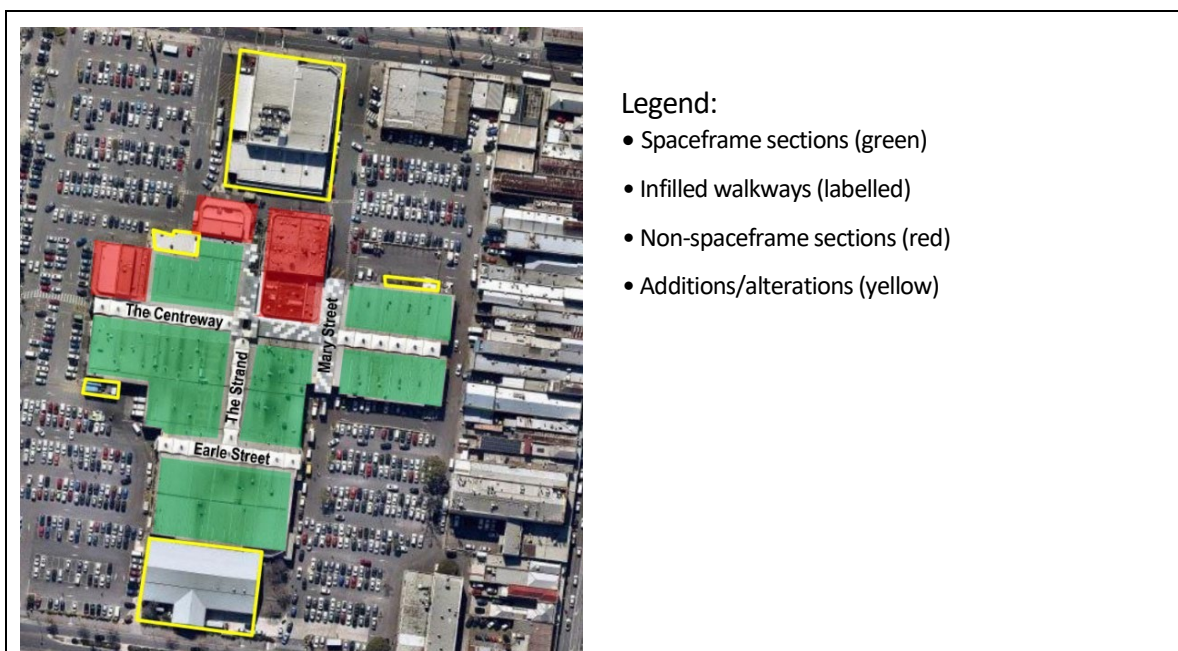
- The Preston Market is the first extensive use of space frame technology in the State. It is also an early example of computer-aided design, necessary for space frame technology. With the brief to create a well-planned, free-flowing and unencumbered functional space, the designers (Structural Consortium) settled on the space frame to achieve this end as it could be extensively cantilevered and need relatively few supports. With no affordable proprietary system available, a local company, Structural Steel, were engaged who had been experimenting with/developing a pyramidal module. Local ingenuity was thus employed to develop this system utilising readily available and inexpensive components, though nonetheless with a high level of quality control (for instance, the steel was hot dip galvanised after assembly of the pyramidal units to achieve a long lasting finish – and the steel remains in good condition 50 years later).
- At the Preston Market, (pre-cast) concrete tilt-slab construction was employed for the outer walls, which was an early use of the system in Victoria. Whilst it had previously been used in USA and New Zealand, tilt-slab construction had had limited application in Australia. Its benefits related to labour saving costs and the potential to relocate panels.

The Preston Market, The Centreway, Preston is of social significance for the following reasons: (Criterion G)

- The Preston Market is strongly identified with the municipality and its communities of shoppers and stallholders, especially migrants (from various waves), many of whom have long associations with the place. The market is mainly used by people living in the nearby area, and is regarded as a local 'secret'.
- The Preston Market has become an informal and inclusive/welcoming community space and allows for the sharing of cultural traditions and practices, especially those associated with cuisine. The generous open spaces/walkways allow for extensive social interaction and are well used as meeting places so that a vibrant atmosphere is created (within the bustling shopping context) and there is a strong sense of ownership by the community. The stallholders themselves form a closely knit sub-community and the market provides opportunities for them to proudly express their cultural identity and values – as such it is a safe haven.
- The Preston Market has continued to be a locally popular destination for nearly half a century and strong relationships between shoppers and stallholders across generations have formed over this period. The traditional, largely open air format of the market has been well supported from the outset in contrast to the evolving trend during the late 20th century for new suburban shopping centres to fully enclosed/air-conditioned.

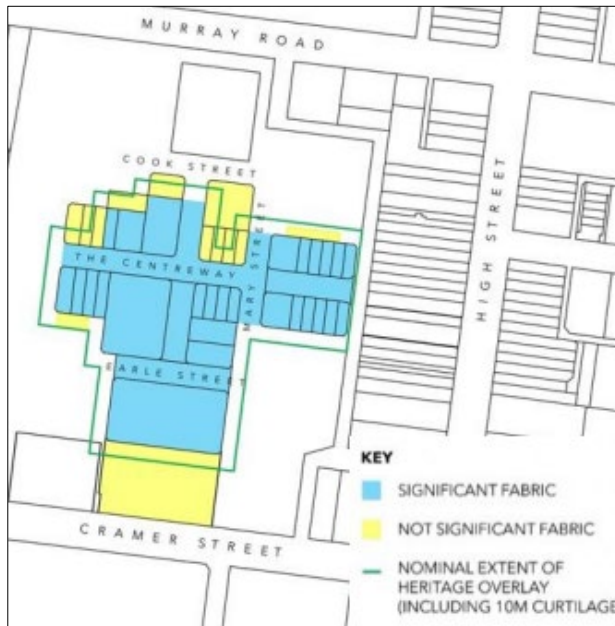
The citation identifies the various components of the Market and curtilage (Figure 14).

Figure 14 Market complex elements identified in citation



The citation identifies significant and not significant fabric and the proposed Heritage Overlay curtilage (Figure 15).

Figure 15 Significant fabric identified in citation



For the purpose of this Report, the Committee refers to the exhibited version of the citation titled '*Preston Market - GJM Heritage amended version*' which contains the Statement of Significance.²⁷

(ii) The issues

The issues are whether:

- the Preston Market has local heritage significance and should be included in the Heritage Overlay (HO315)
- the Statement of Significance and Citation appropriately reflect the heritage values of the place
- Preston Market is of aesthetic significance
- the fabric identified in the Statement of Significance appropriately conveys the identified heritage values

(iii) Evidence and submissions

Most submissions agreed that the market has cultural heritage significance and warrants inclusion in the Heritage Overlay. Where submissions departed related to which cultural values apply, the relative importance of fabric in demonstrating those cultural values, the importance of intangible values and how they ought to be considered in any heritage listing and whether the Heritage Guidelines, the ACZ1 and Framework Plan appropriately dealt with the heritage cultural values.

On the matter of significance, all experts agreed that the Preston Market has historical, technical and social significance although differed on whether the place reached the threshold of aesthetic significance.

²⁷ Document 35

Aesthetic significance

Two of the four heritage experts agreed that market is of aesthetic significance. Mr Hemingway, who prepared the original heritage citation and Statement of Significance, which was then amended by GJM Heritage on behalf of VPA and exhibited, explained that his original assessment referenced aesthetic significance, as did the previous assessment by Context in 2017. He considered that the design of market goes beyond technical significance to aesthetic values, as an early example of structuralist style demonstrated with key design features including the spaceframe, struts, interior displays limited supports, open glazed highlighting windows (painted out) and extensive use of glazing. He considered various parts of the complex demonstrated these features including the meat hall, the fruit and vegetable section and the food halls which show suspended ceilings, and in the north west corner of PAM Lane where the tilt slab and space frame connect together.

He considered that the overall structuralist design was used to evoke a traditional market character and distinguish it from fully enclosed shopping centres such as nearby Northland which was constructed just prior to the market.

Mr Hemingway considered while the spaceframe was a key factor in being able to achieve the Modernist design outcome (and attributed with technical significance), this feature was part of a suite of design elements including the general open planning with wide unencumbered walkways and extensive use of glazing. It was his view that by excluding aesthetic (or potentially representative) significance, no heritage value is being afforded to the overall design of the Preston Market and the inter-relationship of its parts.

Having reviewed RBA's initial version of the Preston Market Heritage Review, Mr Raworth also considered that the market is of aesthetic significance. He considered that the modern style or character of the place is evident in the open and functional design of the spaceframe structure and the simplicity of the tilt slab walling. He did not consider that the threshold required the design to be a celebrated example (which is one of the benchmarks to reach State significance) but rather considered 'Aesthetic' in the context of 'notions of sublime, repetition of an interesting idea or [can even be] ugly.' He considered, in this instance, adherence to modular design and the aesthetic of the spaceframe and bracketed forms gives this aesthetic quality. He considered that meeting the additional threshold of aesthetic significance does not make the market more significant but provides an added dimension to understand the place and is a minor matter.

Mr Gard'ner did not consider the market has aesthetic significance as there was no specific evidence to demonstrate PPN01 criterion E and it does not appear to have received local recognition or acclaim for its aesthetic values.

While he considered the spaceframe and its architectural expression informed a 'structuralist approach' to design, it was not a strong or finely crafted aesthetic. Rather, he considered the overall presentation as 'chaotic', which he considered might explain why people love the place but did not mean it has aesthetic significance. Nor did he consider that elements such as smell, movement and activity described by the community apply to criterion E, rather criteria E applies to an aesthetic of the space or design. Upon questioning by Mr Erlandsen, Mr Gard'ner acknowledged the architects were influenced by the Bauhaus School's 'form follows function' approach, and as recent graduates would have informed their design approach. However, the building did not receive acclaim, nor had importance been demonstrated under this criterion.

Ms Brady considered the market did not meet the threshold for aesthetic significance which requires 'importance' to be demonstrated. She considered the way the market has evolved and changed over time, including altered stalls and painting, demonstrates a contemporary space, and while these changes have not affected technical significance, they have impacted on the aesthetic. Surrounded by car parking and effectively hidden from the street, Ms Brady considered the market does not have a sensitive aesthetic quality, but rather is a place of utility and function.

Mr Hemingway proposed wording for Criterion E which was agreed by Mr Raworth (refer to purple text paragraphs in the Heritage conclave version of the Statement of Significance in Appendix G of this Report). The change was not agreed to by Ms Brady or Mr Gardner.

PMD submitted that aesthetic values have not been sufficiently made out, or alternatively, if they have been, based on Mr Raworth's evidence, they do not add anything different to the other identified values.

Mr Erlandsen supported RBA's initial heritage assessment that the market was a ground-breaking design, a 'world first' and innovative approach that is even used in construction today. He considered the relationship between the interior and the exterior important and that there is an ambience, interiority and 'urban grittiness' that displays aesthetic values.

Social significance

While all experts agreed that the market demonstrated social significance, there were different views on the extent to which elements of place and fabric demonstrate this significance.

Mr Gardner considered the market had social significance for its role as a market and its value to stallholders and the community who frequent the market. In response to submissions, he noted:

a significant proportion of these submissions refer to cultural heritage in its broader sense of reflecting the culture, multicultural community, 'heart of Preston'" [but considered that] any of these matters are not readily dealt with through the application of the Heritage Overlay which principally deals with the management of heritage fabric and new development, rather than the retention of historic uses and other intangible cultural values.

He was satisfied that the Statement of Significance accurately ascribes social significance.

Although Ms Brady generally agreed with the social significance of the market, she considered that some physical elements that were sought to convey social significance were commonplace in markets and not demonstrative of significance. In particular she considered specific references to open spaces and walkways that allow for social interaction overstated a commonplace feature and the statement of significance should be amended to reduce emphasis of this element.

Mr Hemingway considered that social significance relates to the building fabric and ambience created by the fact the walkways have wide dimensions that allow for interaction, including room for seating which is always set up along the walkways. Mr Hemingway considered that this feature should be specifically referenced in the statement of significance under criterion G.

Mr Raworth agreed the market has social significance however, its primary importance is the retail interaction, which can be transferred and is not reliant on fabric. He did not take issue with the content of Statement of Significance regarding reference to open walkways and the like.

The Committee noted that many of the submissions relating to heritage went to the matter of social significance or community value. It questioned all submitters that presented to the Hearing whether the social significance ascribed in the Statement of Significance was adequately covered. Most agreed that it was.

Mr Erlandsen considered that social significance was well conveyed in the Statement of Significance, including references to streets, nodes and inter-relations between the traders and the customer.

The Ethnic Communities Council of Victoria (ECCV) referred to the ‘multicultural soul’ of the market and that it is a place of *“enormous significance to the Victorian multicultural community”*. They submitted that the market is appreciated not just for the food and trader interaction. The tangible part was the history, the intangible was how places like the market have had an impact. ECCV submitted that the layout of the market was critical to facilitate the intangible. With regard to social significance, ECCV emphasised the intersectional, not just the ethnocentric.

Ms Pighin described the market as ‘iconic’, an important social and culturally ‘safe space’ that provides a one-stop-shop. She described how community use the space, including elderly, which has a positive impact on their wellbeing and independence. Touching on intersections – she described the market as a ‘hub’ where all cultures, genders, abilities and ages come together.

Ms Fazio of SPMAG described the community campaign and involvement around the plans for the market. She described it as a ‘melting pot of cultures’ while Mr Percy submitted that the market was the *“living cultural activity centre and operates as a continuous Melbourne major event”* and was a rare, unique and thriving place.

Mr Erlandsen submitted:

Everyone says how much they love the market; but when questioned, many become a little tongue-tied, unable to pinpoint exactly what the nature of their attachment is. I have chosen the word ‘essence’ to explain this attachment. The word ‘essence’ is the intrinsic nature or indispensable quality of something, especially something abstract, which determines its character...

I(n) its current setting, our market has a certain ambience or essence imbedded in the fabric, its spaciousness, its structure, both buildings and its streets and nodes and separate pavilions that provide surprises with every visit. The market and stallholders welcome people in like we are members of a club and we feel a sense of belonging, of being as one. There is then also a tribal quality to the experience of attending the market and participating in the recurring and essential buying and selling of food and other commodities. For many too it is an outing, perhaps their only outing, where you can shop, haggle then relax and meet friends and family. The continuity of this meeting and exchange process over time combined with both the sense of belonging and enjoying all of the ingredients that make up our market’s essence, builds tradition. What we have created over time is a unique Preston Market identity and tradition.

The Darebin Ethnic Community Council (DECC) submitted that market is a place of ‘enormous significance to the Victorian multicultural community’. They submitted:

...heritage is not only determined through built environments but just as importantly through cultural, social, creative and human environments. The cultural heritage of a nation, region or city is not solely composed of buildings and monuments and museum collections, but also of living intangible expressions inherited and passed on to our descendants. The Preston Market uniquely demonstrates the influence of post-war migration and their living cultural heritage. The market is a superb example of living history of the post-war working-class migration. It also reflects and reinforces the pivotal role migration played in Victoria’s evolution. This importance was identified in a report entitled *Victoria’s Post-Migration Heritage*; commissioned by the Heritage Council of Victoria in August 2011.

It is an excellent example of cohesive multiculturalism. The visitor can participate in cultural learning from an Italian coffee house, to an Ethiopian grocer, or Vietnamese fishmonger; all under one roof. People from every continent amass at the Preston Market to share food and daily life. It is a social place that adds to the wellbeing of all, as the Market becomes central to Victoria’s cultural life. From a Victorian perspective the Preston Market is a cultural destination that immerses the visitor into an enjoyable and meaningful intercultural exchange

through diverse food and wares, entertainment, and positive social interaction. In a period of rising social tensions, the Preston Market uniquely affirms in a material way: that cultural diversity is a defining characteristic of our community. Another significant feature of Preston market is the presence of community members with low income, on social security and asylum seekers. It provides them the chance not only to intermingle with their own community but also with people from other cultural, linguistic, and cultural backgrounds. It also affords them a chance to buy good produce at reasonable prices. As a consequence, community members are extremely comfortable and happy in the Preston market environment. An example of this is the young members of the African community who feel safe at the market. They are not vilified or forced to leave the place by the security guards which are unfortunately the harsh reality they face if they make an appearance at shopping malls.

... the Preston Market is a beacon of cultural interconnectedness. It is for that reason alone that DECC is advocating for the recognition of the Preston Market as one of Victoria's most evident examples of immigration and settlement in the context of Intangible Cultural Heritage.

Both the VPA and PMD agreed that the market has social significance. However, they shared the view that the intangible aspects associated with social significance including market use, relationship between traders and patrons, is not reliant on the market staying in situ but can be effectively and successfully transferred to a different configuration and was not reliant on fabric.

Contribution of independent shops

All experts agreed that the original market structure (within the extent of the spaceframe) is significant. However, Mr Hemingway considered that the three blocks of independent single and two-storey shops (non-spaceframe shops) at the north end of the market that were constructed before the market was established warranted an assignment of 'contributory' because they form part of the story of the development of the site as it transitioned from a tannery to retail. Although they pre-date the market, they demonstrate the history of the site and the shift in direction of retail on the site. Mr Hemingway referred to the original RBA assessment diagram (Figure 16) which showed the relevant elements (but which were removed from the exhibited version):

Figure 16 Original RBA assessment of significance



Legend: Significant – blue, Contributory – Red, Non-contributory – Yellow, HO – green

Mr Hemingway explained that the earlier buildings probably originally comprised external face brick finish, but most sections had been either painted and/or rendered. These sections have cantilevered awnings and parapet sections with Kliplok sheeting (as for the roofing to the space

frame areas). While they are generally less distinctive and/or more altered than the market proper, they nonetheless date to the original construction phase of the market. He considered that the shops should be referred to in the Statement of Significance as a contributory element.

Mr Raworth considered, while the shops are of some interest for demonstrating the history of the market, they lack the architectural detailing that characterises most of the market buildings and the level of interest did not warrant an assignment of significant or contributory significance. He recommended that reference to non-space frame shops as having contributory significance in the exhibited citation be removed. In addition, Mr Raworth considered that the garden beds and planters, while contemporaneous with the market's construction, were of a lower order of interest, and would best be defined as contributory, rather than significant fabric.

Mr Gard'ner considered that the spaceframe structure is significant but did not consider the 'ordinary' standalone shops as significant. He considered that the shops were in the same category as the at-grade car park and do not tell anything about the market.

Ms Brady agreed with Mr Gard'ner's assessment that the earlier shops did not contribute to the significance of the Preston Market.

PMD submitted that the independent shops should not be identified as having 'contributory' significance, and be excluded from the Heritage Overlay with the 10 metre curtilage adjusted.

Mr Raworth, Mr Hemingway and Ms Brady considered that the Statement of Significance should differentiate between 'significant' and 'contributory' fabric, although only Mr Hemingway considered the earlier independent shops as being contributory. Mr Gard'ner disagreed and did not support grading of fabric within an individual site. It was his view that, consistent with PPN01, that the citation and Statement of Significance should only identify fabric that is 'significant' and 'not-significant'. The grading of the earlier structures on the subject site should be changed from 'contributory' to 'not significant'.

Mr Hemingway explained that with a complex site it was common place to designate different elements as contributory and significant. They are called contributory as they contribute to the understanding of the place.

Other suggested changes

Mr Gard'ner recommended that the section of the citation that describes 'Integrity' be amended to describe the market as 'largely intact' but to include additional text: *"The fruit and vegetable section at the Mary Street end of the central walkway demonstrates the highest level of integrity to the original form of the spaceframe structure."* Mr Hemingway disagreed with this additional description and explained that other parts of the building that are as intact, or more so.

The heritage experts noted a technical correction in the Statement of Significance and citation that referenced 'Structural Steel' in Criterion F but instead should read 'Standard Steel Pty Ltd'. The experts also agreed to list LaTrobe University Indoor Sports Centre, Bundoora and Reservoir Leisure Centre as additional comparative examples of spaceframe technology.

(iv) Discussion and findings

The Committee notes that there have been a plethora of heritage studies, reviews and advice since 2017 relating to the market. During this time, positions have shifted about which criteria ought to apply, the content of the Statement of Significance, what parts of the site are significant,

contributory and of no significance, and whether a Heritage Overlay is the appropriate tool to manage heritage values of the market.

Aesthetic significance

Aesthetic significance (Criterion E) within PPN01 refers to *'Importance in exhibiting particular aesthetic characteristics'*. The Committee agrees with the evidence of Mr Hemingway and Mr Raworth that Preston Market has aesthetic significance. Architecturally designed, with a Structuralist and Modernist aesthetic, the citation describes the market's form, in its repetitive forms with corridors and modular frames:

The format of the Preston Market with generous open walkways was derived from contemporary Modernist shopping mall design. It was however realised by employing space frame technology, which was only beginning to be utilised in Australia, to provide wide cantilevered covered areas that were relatively unencumbered as only minimal vertical supports (posts or the like) were required. This flexible approach reflected the emerging Structuralist approach to design of the late 20th century whereby often sculptural forms would ensue. Typically the structural components were expressed, even celebrated, rather than being concealed and the underlying methodology was to create the most from the least. Steel-framing with cabling and tensile membranes were the most common type of this style/approach with a key international example being the Olympic Stadium at Munich (1972).

The format of wide open spans generating flexible space beneath also related to the contemporary re-assessment of strict early Modernist tenet of 'form following function' by providing enclosures whose function was not necessarily defined. The Preston Market was noted at the time as large scale execution of this concept and that 'the real character of the spaces will be created by the stall holders and shoppers.

Space frame technology was employed in large, often high end, commercial or public International style buildings during the late 20th century where large open spans were required. At that time, it had strong associations with progressive, computer-generated design which was in its infancy as a medium. The Triodetic system was the first proprietary system available in Australia, which was developed in 1953 by the Royal Canadian Air Force. The employment of the technology at the Preston Market is an early usage in Melbourne and Victoria.

While Mr Raworth considers the addition of aesthetic significance as a minor point, the Committee considers that recognising aesthetic significance has implications for the approach of both identifying features in the market that convey this value as well as recommendations for heritage management. The overall design of the market as a complex, with its component parts including wide walkways, cruciform layout, highlight windows and repetitive use of spaceframe roofing and, description by the architects, reveals a deliberate aesthetic and design intent, that has been successfully deployed and endures. Although some elements such as the highlight windows have been changed and are not fully intact, and the earlier shops disrupt parts of the complex in terms of extent and repetition of the spaceframe, the market has a high degree of integrity as 'reading' the design intent.

The Committee is satisfied with the content of criteria E in the statement of significance as put forward in the conclave version and notes that the elements listed as significant contribute to the market's aesthetic qualities and significance.

Social significance

PPN01 describes social significance as *'Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).'*

The submissions and experts raise two aspects in considering social significance:

- whether the statement of significance pertaining to social significance adequately conveys the community attachment and association with the market
- whether (and what) fabric and physical aspects of the market convey this heritage value and provides the Heritage Overlay with something to manage.

The Committee has listened carefully to submissions from the community, regarding their attachment to the market, which stretches generations over the last 50 years and continues to evolve. While the Statement of Significance largely applies social significance in respect to shoppers and stallholders, associated with its retail use, it is clear from the Identity Study and submissions, particularly from peak bodies, that the market holds strong and demonstrated significance for Darebin's community (both multicultural and intersectional) as a central meeting place for the community.

The Committee notes the 2017 Context statement of significance contained additional content around Criterion G that goes to this value:

- Preston Market has social significance to the Preston community and wider communities as an important social and cultural landmark within the inner northern suburbs. It signifies the particular history of the post-war period and in serving as a focus for social exchange is intimately connected to the daily life of Preston. (Criterion G)
- Preston Market has social significance as a place that sustains important community ideas about cultural diversity and inclusiveness. These form a significant element in community identity across the City of Darebin and are actively celebrated, (Criterion G)
- Preston Market is of social significance as a place where strong and special attachments have been created and continue, and that go beyond the simple utility of the market as a shopping venue. These attachments are linked to the place, the function and interpersonal relationships (Criterion G).

PMD submitted that social matters were not issues that the planning system ought to deal with, referencing several VCAT decisions. In addition, Mr Gardn'er reflected on the difficulty of managing intangible values, that are best managed through interpretation rather than fabric.

The Committee has considered these points and refers to the policy guidelines at Clause 15.03-15 which in turn, refers to the Burra Charter which states:²⁸

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

Furthermore, Plan Melbourne under 'Enhancing our liveability' states:

Melbourne is a city of distinctive centres and neighbourhoods, from the high-density, inner-urban areas of the central city to the leafy neighbourhoods of the east to the foothills of the Dandenong Ranges to the bayside beaches to the new growth areas to the south-east, north and west. Together these places create an accessible and inclusive city with living options that cater for people across all life stages.

Melbourne's cultural diversity adds to the city's vitality and creates economic and cultural benefits as well as a stronger understanding of the world. About 45 per cent of Victorians were born overseas or have at least one parent born overseas. Melburnians have family origins in more than 230 countries, follow 120 religions and speak more than 200 languages.

²⁸ The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013. Why conserve? page 1

The more that is done to strengthen Melbourne's distinctive feel and identity, the more people will want to come here to live or to visit. Enhancing important aspects of Melbourne's 'heart and soul' will add to its appeal as a destination of choice.

The Committee considers that the social significance in the Statement of Significance should be expanded to include wider acknowledgement of the role of the market in the community life of Darebin and beyond.

The Committee found Mr Gard'ner's position that the 'wide walkways' should be included in the statement of significance under social significance confusing when he also considered that fabric is not important when it comes to social values.

On the matter of fabric, the Committee notes, in the citation:

The Preston Market Quarter Identity Study confirms the unusually strong community attachment to the Preston Market and highlights many of the social connections that evolve in this space, which due to its careful design has allowed for them to be facilitated.

For many it can be hard to define what makes the Preston Market so attractive and welcoming, however an intangible sense of 'atmosphere' is often mentioned.

A more explicit, spatial analysis of the Preston Market has identified how the key elements of the complex facilitate exploration and provide areas for pause or social gathering, and include:

- Cruciform plan with four key intersections
- Division into small blocks, which act as distinct neighbourhoods

Given the evidence, documentation and submissions before it, the Committee considers that the layout and design of the market is a fundamental ingredient to its social significance and to those intrinsic values highlighted within community submissions and by ECCV and DECC.

Mr Gard'ner refers to the PPN01 as providing direction on when to apply a Heritage Overlay for places of only historical and social significance. However, the Committee notes that an interpretative approach is suggested when there is nothing (including fabric, absence of built form or special characteristics of the place) to be managed. In the case of the market there is something to be managed, beyond the spaceframe, namely the layout itself, which is clearly documented in the citation, the Statement of Significance and in the identity study which informed it.

Intangible values such as connection, intercultural and intersectional exchange and the 'essence' of the place, found to contribute to the social significance of the market cannot be 'managed' by the planning system. However, the *physical conditions* that enable those intangible features of social significance should be clearly identified.

As described in the citation, the Committee finds that the 'What is Significant?' section should include the following elements of the market:

- the cruciform plan with four key intersections
- its division into small blocks that act like neighbourhoods.

Contribution of independent shops

The Committee notes that the market is part of the story of a longer history of the site however as Mr Gard'ner explained, not all parts of the site are significant or important, and cited the car park as an example.

Taking a 'purist' approach the car park could be considered part of the development of the site. Indeed, the original street layout, early shops and subsequent market was designed with a surrounding car park, which was a typical response to car-based retail design. However, despite

this being a key element of the site, the car park is not considered important in any sense, and is only noted in the history and description before the market was developed. Likewise, the early shops tell of the history of the site as it transformed from the tannery to retail. Just as the street configuration and subdivision pattern is the foundation of early development and retail transformation, the shops are also part of the historical development of the site in its early transition to retail.

Under Criterion A, the market is identified as having historical significance for its development as a market, not for its earlier transition to retail. While the early, pre-market development is of interest and the shops contribute to the *understanding of the development of the site*, they do not contribute to the significance of the site as described under Criterion A. However, upon inspecting the precinct, it is the Committee's view that the earlier shops do contribute to other values of the site. The shops are effectively part of the market complex and contribute to Criterion G, particularly in the context of the fine-grained shopfronts, fronting the open walkways, in the same manner, and similar in scale to the 'market' shops under the spaceframe. Their use, scale and context as experienced by the visitor contribute to the experience of the market. In this context the Committee considers that the earlier shops are 'contributory' to the significance of the market under Criterion E and G.

The Committee prefers the RBA version of assessment presented in Mr Hemingway's evidence (Figure 16).

The Committee notes the disagreement between heritage experts around the use of 'contributory', 'significant' and 'not significant'. PPN01 states under 'What is significant?' –

This section should be brief, usually no more than one paragraph or a series of dot points. There should be no doubt about the elements of the place that are under discussion. The paragraph should identify features or elements that are significant about the place, for example, house, outbuildings, garden, plantings, ruins, archaeological sites, interiors as a guide to future decision makers. Clarification could also be made of elements that are not significant. This may guide or provide the basis for an incorporated plan which identifies works that may be exempt from the need for a planning permit.

The Committee also notes the example of Statement of Significance provided within PPN01 which refers to "*elements that contribute to the significance of the precinct*" and includes contributory buildings (albeit in reference to a mock precinct).

The market can be considered a 'complex' with many parts, some of which are more important than others to understanding heritage values. The Committee sees no issue with distinguishing the earlier shops as 'contributory' and notes that guidelines and policy regularly determine how those elements might be managed, relative to their contribution to the heritage place (including demolition and replacement).

Other matters

The Committee has reviewed the 'Integrity' section in the citation that states 'Largely intact' and includes the additional sentence "*The fruit and vegetable section at the Mary Street end of the central walkway demonstrates the highest level of integrity to the original form of the spaceframe structure.*" In light of evidence and the Committee's site inspections, the Committee does not consider this an accurate description of the original form of the spaceframe. While the space frame in the fruit and vegetable section has a high degree of intactness and integrity, it is not the 'highest' within the complex and there are several areas within the complex which demonstrate an equally, if not higher degree of integrity including the intersection of The Centreway and The

Strand where the spaceframe can be appreciated from multiple directions, as well as the PAM Lane area which demonstrates the expanse of the spaceframe. In this context, the Committee considers the integrity section of the citation should be amended to 'High'.

The Committee notes and supports that the technical correction replacing 'Structural Steel' in Criterion F should read 'Standard Steel Pty Ltd'. It supports the inclusion of additional comparators LaTrobe University Indoor Sports Centre, Bundoora and Reservoir Leisure Centre as examples of spaceframe technology, as agreed by the experts.

The citation (RBA and updated by GJM) provides important information and context, including detailed history and description of the market. Likewise, the Identity Study, particularly with regard to understanding social significance and has informed the citation (as well as the Interpretation Strategy). Following its review in accordance with the Committee's findings, the citation should be included in the Planning Scheme as a background document listed under Clause 72.08 as it provides important contextual history, description and analysis of the market. The Identity Study should also be identified as a background document under Clause 72.08 and a reference document in the ACZ1 as it provides important contextual information around social significance and informed the Interpretation Strategy.

The Committee finds:

- The Preston Market has cultural heritage significance based on the historical (A), aesthetic (E), technical (F) and social (G) criteria of PPN01
- The Statement of Significance under 'What is significant' should be amended to add the following elements:
 - cruciform plan with four key intersections
 - division into small blocks, which act as distinct neighbourhoods
 - the earlier independent shops, fronting The Centreway and The Strand, to be identified as 'Contributory'.
- The Statement of Significance under 'How is it Significant?' should be amended to add 'aesthetic'
- The Statement of Significance should be amended under 'Why is it Significant?' to:
 - include aesthetic significance (Criterion E) as expressed in the Heritage conclave version of the Statement of Significance (Appendix G).
 - under social significance (Criterion G) include additional content to fully recognise the community's depth of attachment to the Preston Market as a place beyond trading, as enunciated in the 2017 Statement of Significance prepared by Context.
 - under Criterion F replace 'Standard Steel Pty Ltd' with 'Structural Steel'.
- The 'Integrity section' of the citation should be amended to state 'High' and not specifically refer to the fruit and vegetable section as demonstrating the "*highest level of integrity of the spaceframe*" because it is considered that this description is not accurate. Alternatively, a more comprehensive description of other parts of the complex should be included as having at least equal level of integrity including the intersection of The Centreway and The Strand, as well as PAM Lane.
- Include the revised Preston Market citation (RBA and revised by GJM) as a background document under Clause 72.08.
- Include the Preston Market Identity Study (Hello City, 2019) as a background document under Clause 72.08 and reference in the ACZ1.

5.5 Extent of Heritage Overlay

(i) The issue

The proposed extent of the Heritage Overlay HO315 (part of Darebin Planning Scheme Map 11HO) includes the market to the extent of only the existing spaceframe sections of the market and an additional 10 metre curtilage, and excludes the independent shops at the north end of the complex.

The issue is whether the proposed Heritage Overlay extent is appropriate.

(ii) Evidence and submissions

All experts agreed that a 10 metre buffer is appropriate around the market buildings.

The extent of HO315 as exhibited was supported by Ms Brady, Mr Gard'ner and Mr Raworth. However, it was not supported by Mr Hemingway who sought to include the early shops at the north end of the market. Mr Hemingway considered, as the independent shops are contributory, that the extent of the Heritage Overlay include the structures and 10 metres around them also.

Mr Gard'ner explained the recommended extent for the Heritage Overlay does not differ significantly between the previous Context, RBA and GJM 2020 recommendations, with all three applying a nominal 10 metre curtilage/buffer around significant fabric. The main differences relate to whether the curtilage is taken from the extent of the significant heritage fabric (GJM's approach) or the whole of the market structures including the earlier buildings on the site located to the north of the market (Context's and RBA's recommendation). Likewise, Context and RBA included Mary Street to the east of the fruit and vegetable market halls whereas the GJM recommended extent excludes the public carriageway.

The Committee questioned Mr Gard'ner on the rationale for mapping the entire market in the Heritage Overlay, while the Guidelines and the Framework Plan in the ACZ1 identifies the fruit and vegetable section only to be retained. Mr Gard'ner explained that it is established practice that the first decision is to include the extent of fabric that demonstrates the heritage values and therefore this determines the extent of the Heritage Overlay. At this stage of heritage listing, one is 'turning a blind eye' to future decisions about how the place may be managed. In mapping the Heritage Overlay, the primary consideration is significance, not future development. The Heritage Overlay also triggers archival recording or interpretation opportunities and it is important that the mapping demonstrates the significance of the place to provide guidance and permit triggers to require archival recording or interpretation.

(iii) Discussion and findings

PPN01 provides extensive guidance on mapping heritage places. Of particular note, it states *"Where possible, uncomplicated and easily recognised boundaries (such as a fence line) leave little room for potential dispute in terms of the land affected by any future Overlay."*

There are practicalities around applying the Heritage Overlay. Under the exhibited Heritage Overlay map, some of the independent shops on small lots are only part covered by virtue of the 10 metre curtilage. The Committee does not consider this a practical approach.

Furthermore, having found that the earlier shops are contributory, the Committee considers that the Heritage Overlay should apply to the earlier shops on the north part of the market.

The Committee finds:

- The Heritage Overlay should be mapped to include all the Preston Market Complex including the earlier independent shops on the north side of the Market, and a 10 metre curtilage (excluding Mary Lane) as shown in Figure 16 of this Report.

5.6 Paint controls

(i) The issue

No paint controls are proposed.

The issue is whether external paint controls ought to be applied.

(ii) Evidence and submissions

Experts in the Heritage conclave considered Mr Hemingway's recommendation that external paint controls ought to apply to encourage reinstatement of the original paint finishes. The conclave agreed that the Heritage Design Guidelines should be updated to encourage restoration of original tilt slab finishes and decorative motifs. All experts agreed that would be an admirable objective.

Mr Hemingway recommended paint controls apply, not so much to protect the murals because they are too new, but to allow for consultation with the artist and potential reinstatement of original geometric motifs that have been removed over time.

Mr Gard'ner advised that the murals are recent additions. They do not have the time separation to be considered as historically significant however they are a prominent part of the experience of the market. They are a great interpretation opportunity but are not required to be protected.

The VPA, Council and PMD supported the Heritage conclave changes.

(iii) Discussion and findings

The citation document detail the murals on the exterior of the market building, which includes those on the tilt slab concrete walls. A number of these murals have been painted by well-known artists, but relatively recently, from 2017.

The Committee considers that the installation of the murals is a tangible example of the Market incrementally evolving, they are recent additions and an expressive interpretation mechanism. The Committee notes Mr Gard'ner's views that they are recent and therefore the Committee does not consider that they require management under the Heritage Overlay for reasons typically through external paint controls. However, having reviewed the citation and the Heritage Design Guidelines (discussed in Chapter 5.8), the murals are afforded an importance and recommends retention and management.

The murals express a more contemporary evolution of the market and in this context, albeit, not historical, they do hold value for interpretation. The Committee finds that external paint controls are justified to manage this important interpretation element.

Furthermore, the Committee notes the consensus among experts that reinstatement of original decorative motifs on the title slab walls is also encouraged and, in this context, external paint controls are warranted.

The Committee finds:

- That external paint controls are warranted.

- Amend the Schedule to Clause 43.01 to identify external paint controls as applying to HO315.

5.7 Internal and external controls

(i) The issues

The issues are:

- whether the application of internal alterations control is appropriate
- whether the Permit Exemptions incorporated document applying to internal and external heritage fabric are appropriate.

(ii) What is proposed?

The Amendment proposes 'Internal controls' be activated in the Heritage Overlay schedule.

The Permit Exemptions incorporated plan seeks to ensure that alterations and new works do not adversely affect the significance of the market, while recognising the operational requirements of the place as a public market and its location within the broader precinct. It establishes permit exemptions from the Heritage Overlay for the following:

- external works:
 - demolish early (non-space frame) perimeter buildings.
 - demolish later walkway canopies and associated structure and cladding.
 - construct or display a sign to market stalls and construct or display a direction sign.
- internal works:
 - remove or demolish stalls
 - alter existing non-original market stalls
 - buildings and works for the fit out and installation of new market stalls
 - remove non-original fittings, fixtures and street furniture within walkways and other public areas
 - alter non-original fittings, fixtures and street furniture within walkways and other public areas
 - install new fittings, fixtures and street furniture within walkways and other public areas
 - repaint structural elements
 - construct or display a sign to market stalls (including a direction sign).

(iii) Evidence and submissions

Mr Gard'ner explained that under the instruction of the VPA, GJM prepared a draft Permit Exemptions incorporated plan in November 2020 to provide a suite of works that would be exempt from a permit in accordance with Clause 43.01-3. The document provided for a range of interior and exterior works that were considered to not adversely affect the identified significance of the market as articulated in the RBA citation (as amended by GJM). The November 2020 version informed the exhibited Permit Exemptions incorporated plan.

While the Heritage conclave agreed that the Permit Exemptions incorporated plan was justified there was disagreement about the extent of the exemptions.

On the application of internal controls in the Schedule, all experts considered that internal alterations controls should apply. Ms Brady however, considered that they should be limited to spaceframe and tilt-slab walls, and specified in the Internal controls column in the Schedule.

Mr Hemingway considered there are other internal elements that should be managed such as highlight window glazing (that has been overpainted) and support the incorporated plan providing specific exemptions. Mr Raworth and Mr Gardn'er agreed.

Although Mr Hemingway sought that permit exemptions for interior painting should only apply to the interior of the stalls it was agreed to encourage the removal of paint from original highlight windows to market stalls in the Heritage Design Guidelines.

Mr Hemingway considered the early independent shops were contributory as they were integrated into the complex by their canopy detailing which are of a sympathetic scale to the spaceframe sections. The permit exemption to '*Demolish early (non-space frame) perimeter buildings*' would allow for their complete removal. While he considered change and some demolition to these sections was possible without undue negative impact if undertaken in a considered manner, their complete removal would have a negative impact, especially along the north side of The Centreway.

Ms Brady and Mr Hemingway sought greater clarification of the type and extent of stall works that are permit exempt. Mr Hemingway considered the proposed exemption 'Remove or demolish stalls' was unclear as the stalls were integrated into the spaceframe with the glazed highlight windows. Further clarification was recommended to ensure the original consistent components of the stalls are not removed.

Ms Brady recommended an additional diagram be included in the Permit Exemptions incorporated plan to show extent of heritage fabric so that it is very clear to the owner and decision makers as to what is covered by the exemption and what would require a permit.

With regard to signage, Ms Brady recommended that the size, format and location of signs that are permit exempt should be stated. She also suggested additional (non-statutory) guidance on stall design and signage should be provided by PMD (or future market operator) for the market stall holders. Although Ms Brady sought additional guidance on removal or installation of fittings and street furniture in public areas it was agreed this is not required due to the organic and dynamic character of the market fittings.

Council, in its submission, tabled a preferred version of the Permit Exemptions incorporated plan based on the Heritage conclave version and Mr Hemingway's position with regard to the early independent shops.

The submissions of the VPA and PMD supported the post conclave version of the Permit Exemptions incorporated document.

(iv) Discussion and findings

The market is a dynamic environment, an example of 'living heritage' and it is critical that it is allowed to operate and evolve without unnecessary permit requirements that do not add value to managing the heritage place. In addition, it is equally critical that the permit requirements and exemptions are not ambiguous but are very clear, to avoid confusion and time wasting.

Having considered the Statement of Significance, the Committee notes that many of the elements that are listed as contributing to the significance of the market are internal. These include internal

walkways and arrangement, bulkheads, brackets and highlight windows. In this context, internal controls applying to the spaceframe roof and tilt slab walls only will not afford the opportunity to manage retention or change to these other significant elements. Internal controls are therefore appropriate.

The Committee does not consider that the additional Criterion E (aesthetic significance) impacts upon the extent of exemptions as exhibited. However, having accepted the position that the early independent shops are contributory, in particular the fine-grained shopfronts and spatial relationship fronting The Centreway, the Committee does not consider an exemption to demolish the independent shops is appropriate.

The Permit Exemptions incorporated document, as amended by the Heritage conclave, strikes an appropriate balance between managing key fabric and reducing the burden of unnecessary permits for more minor, inconsequential (from a heritage perspective) alterations. The exemption to remove and install signage of an appropriate size is valid and dimensions should be included in the document so that this provision does not inadvertently capture all signs. The Committee agrees with Ms Brady's recommendation that PMD prepare a suite of sympathetic signage designs and this could be a useful tool to exempt signs that comply with those designs.

The Committee finds:

- The application of internal controls in the Schedule to Clause 43.01 (Heritage Overlay) for The Preston Market (HO315) is appropriate.
- The Permit Exemptions incorporated plan is an appropriate tool to manage internal and external minor alterations without the need for a planning permit.
- The Permit Exemptions incorporated plan should be amended generally consistent with the Heritage post-conclave version (Document 201) with the following changes:
 - remove the exemption to demolish the earlier non-spaceframe independent shops
 - finalise and insert diagrams that show later/additional alterations and non-original market stalls
 - specify the size, format and location of signs that are permit exempt (both removed and installed).

5.8 Heritage Design Guidelines

(i) This issue

The issue is whether:

- the Heritage Design Guidelines appropriately support the purpose of the Heritage Overlay and the decision guidelines of Clause 43.01
- the Heritage Design Guidelines respond to the significance of the Preston Market.

(ii) What is proposed?

The Heritage Design Guidelines are proposed to be identified in the Schedule to Clause 43.01 and at Clause 72.04 as an incorporated document. The guidelines are based on Heritage Design Guidelines Report and include guidelines for the heritage place (HO315) to reflect cultural heritage significance, identity and character of the existing market, includes the minimum retention in-situ of the existing fruit and vegetable sheds and its central corridor.

Design objectives are:

- To guide the retention of the identified heritage values of Preston Market.
- To ensure future development respects the heritage fabric of Preston Market.
- To encourage the provision of opportunities for the identified social values of Preston Market to be retained on-site
- To encourage development that celebrates the unique spaceframe technology.

The document provides:

- guidance around archival recording, requirements for Heritage Impact Statements and heritage interpretation and referencing the Interpretation Strategy
- design guidelines that new development should:
 - Retain a representative sample of heritage fabric. The extent of retention should, as a minimum, include those sheds with the highest level of intactness, which includes the fruit and vegetable sheds located either side of the central walkway.
 - Allow for the retention of other existing spaceframe elements through incorporation into new structures or their relocation elsewhere on the site.
 - Encourage the siting of new built form along existing and/or new axial thoroughfares, particularly east-west oriented axes (Existing axes shown in Figure 1).
 - Encourage the retention of existing road and thoroughfare alignments into new designs.
 - Encourage the referencing of the existing material characteristics of the site into the new development, including: tilt-up concrete walls, geometric motifs, exposed structural elements, materiality and spaceframe construction.
 - Avoid construction of new built form directly on top of the retained heritage fabric.
 - Promote the retention and reinstatement of original signage formats into new designs.
 - Avoid like-for-like replication of historic design elements.
 - Promote an innovative and bespoke design response to the heritage values of the place into new designs.
 - Avoid new built form that obscures retained heritage fabric, include the entrances, external walls and the projecting eaves which reveal spaceframe elements.
 - Encourage the retention of existing road and thoroughfare alignments into new designs
 - Avoid terminating thoroughfares in end walls or t-intersections.
 - Provide high-quality amenity and visual interest at existing and/or new key pedestrian intersections
 - Promote the retention and reinstatement of original signage formats into new designs.
 - Avoid signage and structures that diminish the legibility of the spaceframe structure.
 - Promote the retention and reinstatement of original planters and planting schemes into new designs.
 - Maintain where possible existing large-format murals into new designs
 - Provide opportunity for new large-format murals that are publicly accessible and incorporate relevant cultural themes.
 - Facilitate and encourage a continuing market use within the site based on small-scale and diverse retail experiences that are grouped by retail type.

The Heritage Design Guidelines include three diagrams showing existing axis, existing key pedestrian intersections within the market site and location of existing large-format murals.

(iii) Heritage conclave

The post-conclave amended version of the Heritage Design Guidelines recommended amended wording to include:

- clarity about when archival recording is required upon an application for the initial demolition of original market fabric

- clarity about when a Heritage Interpretation Plan is triggered to support any large-scale development application.
- additional guidelines:
 - ~~New~~ Development:
Promote the retention and reinstatement of original signage formats and locations. ~~into new designs.~~
 - Encourage the restoration of original market stall fabric including the removal of paint from highlight windows.
 - Encourage the restoration of original tilt-slab finishes and the reinstatement of original decorative motifs.

The conclave recommended including the Heritage Guidelines Report June 2020 as a policy reference (and background document under Clause 72.08).

(iv) Evidence and submissions

All experts considered that it is appropriate to provide Heritage Design Guidelines and to include them in the Schedules to Clause 43.01 and Clause 72.04. There was agreement on the format however much of the discussion of the experts (and most community submissions pertaining to heritage matters) turned to the extent of fabric retention proposed by the guidelines (and in turn the PSP/ACZ1).

Mr Gard'ner noted a few precedents of guidelines included in Heritage Overlay Schedule since the gazettal of Amendment VC148 and identified overseas case studies of similar sites undergoing change including South Street Seaport in New York, 798 Arts District in Beijing, Songshan Cultural and Creative Park in Taipei and Distillery District in Toronto. The policy rationale recommends:

- the fruit and vegetable shed as a representative example of spaceframe
- reuse of spaceframe elements
- the importance of the axial arrangement of roads
- management of signage and protection and retention of murals.

Mr Gard'ner explained the basis of the guidelines was grounded in the market having two discrete sets of values: intangible and the technical. He considered the social and community values were not tied to the fabric and therefore interpretation plays a key role in managing this aspect of change to the site. As the spaceframe structure is specifically tied to technical significance, a representative sample to demonstrate the technology is sufficient. Mr Gard'ner stressed that the guidelines recommend a minimum retention and do not preclude more being retained.

Mr Gard'ner considered that as the fruit and vegetable shed is highly visible in terms of the spaceframe, this representative feature should be the minimum fabric encouraged to be retained. In cross examination he conceded that all of the spaceframe is equally intact and other areas can be equally understood.

Mr Gard'ner placed less value on the role of fabric to demonstrate social significance because the social values of the market to storeholders, patrons and community was not dependent on fabric; it would not matter how it was built. He considered that if the whole market was demolished and rebuilt in a completely different fabric in a cruciform arrangement, the market would still have the same social values. However, through cross examination, Mr Gard'ner considered retaining more fabric could be a better heritage outcome.

Mr Hemingway was critical that the exclusion of aesthetic value in the exhibited Statement of Significance underpins the rationale adopted in the Heritage Design Guidelines - that substantial

demolition of the spaceframe sections and full demolition of the early independent shops at the north end could be undertaken so long as a heritage interpretation strategy was implemented. He considered using interpretation as a tool would be employed as an attempt to salvage some heritage value once most of the original fabric, which physically embodies the heritage significance of the place, is largely removed.

He considered the likely outcome of the guidelines is that only the eastern section of the extant market, currently the fruit and vegetable area, might be retained. According to the objectives, (partial) retention is only to be 'encouraged' and not a given. The effect is that the section that is being proposed to be retained equates to only 20 per cent or one-fifth of its current extent.

It was Mr Hemingway's view that this level of spaceframe retention would have a negative impact on the heritage significance of the market. This extensive loss, in combination with the likely complete loss of the other contributory parts (the independent shops at the northern end), would result in limited capacity to interpret the heritage significance which in part relates to its general planning and scale, and can only be appreciated if much more of the existing fabric is retained. Mr Hemingway referred to previous advice he had provided (documented in the Heritage Design Guidelines Report) which considered, given the existing large footprint of the market, there may be scope to remove up to 25 per cent of the significant section (of spaceframe roof) without dramatically affecting the significance of the place, noting that removal of the southern portion of the complex (containing variety goods) would have less impact as the spaceframe is not visible in this area.

Mr Hemingway was critical that the language in the Heritage Design Guidelines was "*very open, non-obligatory, employing terminology such as 'should' (conditional tense) and 'promote' with no explicit requirement to conform to the Guidelines*".

Mr Hemingway also suggested a guideline be included to encourage removal of paint from the highlight windows.

Mr Raworth observed that the purpose of the Heritage Overlay was not only to conserve and enhance heritage buildings, but also to facilitate adaptation and reuse of heritage places in a way that does not adversely affect significance. While he acknowledged the market's significance is embodied in the fabric of the place, he did not consider it was necessary to retain all market structures to respect this significance "*to a reasonable and appropriate extent*."

Given the technical interest in the spaceframe construction and tilt-up concrete exterior is repeated in all the market sheds, Mr Raworth considered retaining the intact fruit and vegetable sheds an appropriate means of maintaining technical significance. He considered maintaining the market function also serves to continue the market's historical and social significance of the place and was not reliant on its existing form.

Mr Raworth, while supporting the guidelines associated with signage, noted the heritage citation does not describe or assess the original signage scheme for the place.

Ms Brady considered that a combination of partial retention of the market, heritage interpretation, and maintenance of the historic market use as contemplated by the guidelines could achieve a balanced approach to heritage. She considered the partial retention envisaged by the guidelines of the fruit and vegetable sheds to either side of a central walkway will keep a more intact sample or part of the heritage place, and provide guidance of where the remainder of the place might be subject to change and development. She noted the sheds proposed for retention

were identified earlier citation and Statement of Significance have the *“highest level of integrity to the original form of the space frame structure.”*

Ms Brady considered the archival recording provisions triggered by ‘commencement of ‘any works’ was an *“onerous and expensive exercise for ‘any works’ and which could include minor works”*. She explained that normally, such recording is required in the event of demolition of a significant element or part of a significant place, or in the event of a substantial development or change. Accordingly, greater guidance should be provided on the scope of ‘works’ which would trigger the archival recording, including for exempt works and for a single trigger point – either for the whole market or for a part of it – as the point to record or document (‘capture’) the market prior to the change occurring.

Ms Brady considered heritage interpretation to be:

an important part of a balanced approach to managing change, especially to manage historical and social heritage values, and can enhance an understanding of these values. Where a heritage place is undergoing (often substantial) change, it helps to memorialise aspects of the history of the place, and to highlight the social and community attraction to the place.

She considered that interpretation was a successful tool where part of the heritage place is being retained and historic use is ongoing, as it can influence design outcomes that reinforce its heritage values.

While Ms Brady supported the requirement for a Heritage Interpretation Plan, she noted that it is similarly as onerous as the archival recording. The trigger for such a plan, and its implementation, needs to be more clearly identified and should not be a requirement of a planning application for minor works.

Ms Brady considered the Heritage Design Guidelines Report provided useful additional policy rationale to the Heritage Design Guidelines and an updated version should be referenced in the guidelines and included as a background document in Clause 72.08.

Council did not support the Guidelines as drafted given its preference for market retention. It adopted Mr Hemingway’s evidence that:

The retention of only 20% of the significant space frame (being 16% of overall market fabric) fails to capture the variation of elements across the site, including the “general planning including wide walkways” which are a key element that contributes to the significance of the site.

The extent of the proposed demolition will result in the existing gathering spaces and social nodes being removed. This is particularly so given that the areas where the greatest social interactions occur is at the western end of The Centreway and along The Strand. This fabric which has facilitated the development of the Market’s social significance is proposed to be lost.

The fruit and vegetable section is not a principal gathering area within the Market. Retaining only a short section of The Centreway and completely removing The Strand from the Market will decimate the social and historical significance of the place.

Such extensive loss of the spaceframe will impact on the heritage significance generally and result in the loss and complexity of the overall market design.

The free-flowing aesthetic significance of the Market is proposed to be lost as only the fruit and vegetable shed is proposed to be retained.

The loss of the Preston Market’s distinct character and culture would impact broadly on the community.

Council provided a 'without prejudice' version of the Heritage Design Guidelines²⁹ which built on the conclave version and provided for the retention of the market. It considered that the guidelines should align with the purpose of the Heritage Overlay, with an emphasis on retention, rather than interpretation, which it considered a last resort method of protecting heritage values and should only be adopted if there is a compelling need for demolition.

Council also submitted that the Heritage Interpretation Strategy should be updated to acknowledge the aesthetic significance of the market and the contributory role of the early independent shops.

The VPA submitted that the Heritage Overlay requires the PPF to be considered (including those matters beyond heritage such as urban consolidation and activity centre planning) and Council's starting point of retaining the whole market complex was not the balanced approach required.

PMD and VPA supported Mr Gard'ner's approach and considered the guidelines presented a balanced position to managing change under the Heritage Overlay. They supported the Heritage conclave changes.

Community submissions were critical of the guidelines' direction to retain a minimum of 20 per cent of the market complex and that contemplating this extent of fabric loss the antithesis of proper management of heritage values.

(v) Discussion and findings

The Committee supports the inclusion of Heritage Design Guidelines to provide an additional decision-making tool for a complex heritage place such as the market.

However, considering submissions, evidence and the content of the guidelines (and the Heritage Design Guidelines Report) the Committee has identified a number of significant issues and inconsistencies.

It appears to the Committee that there has been a significant leap from the Statement of Significance (and application of the Heritage Overlay to the market complex) to a design response which anticipates a substantial removal of fabric and reliance on the Interpretation Strategy, which in turn considers social significance cannot be managed through fabric. The Heritage Design Guidelines do not refer to the Statement of Significance or many of the elements that contribute to the significance of the market (as derived from the Statement of Significance).

There are inconsistencies between the citation/Statement of Significance and the Heritage Design Guidelines that persist, despite the conclave version. There appears to be a disconnect between the Statement of Significance and the Heritage Design Guidelines.

For example, the Heritage Design Guideline diagrams that show 'Existing axis' and 'Key pedestrian intersections'. While the Statement of Significance refers to 'general planning and wide walkways' it does not specifically refer to the axial arrangement (although these aspects are suggested by Mr Hemingway in respect to aesthetic significance) and in the Committee's findings regarding additional elements of significance.

The Heritage Design Guidelines seek to:

²⁹ Document 244p

- *“Promote the retention and reinstatement of original signage.”* The Committee notes that original signage is not identified as a significant or contributory element in the Statement of Significance
- *“Maintain where possible existing large-format murals into new designs.”* The Committee notes that the murals referenced and mapped in the guidelines are not identified as a significant or contributory element in the Statement of Significance. Evidence during the hearing confirmed that the murals were not significant.

Most contentious is the guideline that, at a minimum, the fruit and vegetable shed and central walkway ought to be retained, accounting for approximately 20 per cent of the spaceframe. The rationale is to provide a ‘representative sample’ of the spaceframe to demonstrate technical significance. This design guideline lacks justification on a number of levels. Firstly, while the fruit and vegetable shed has been singled out to be retained, the experts conceded this is not necessarily the best example and there are other parts of the market that equally demonstrate the technical significance of the spaceframe. It is the Committee’s understanding that the purpose of the spaceframe design was to provide for an expansive area within an interlinking complex. The retention of the fruit and vegetable section displays the spaceframe but does not convey the integrated design and scale of this technique.

Reading the Heritage Design Guideline Report, it appears that the guidelines have been developed alongside the Framework Plan and in turn the Framework Plan has somewhat informed the guidelines which is an unusual methodology. For example, under ‘Spatial Logic’ the Heritage Design Guidelines Report offers the following policy rationale:

The draft Framework Plan preserves the historical pattern of subdivision and thoroughfare across the site. This could be enhanced by ensuring that the articulation of the proposed Market Street is carefully designed such that it remains legible as a thoroughfare of the same hierarchical order as Clinch Ave, Mary Street and The Centreway. This does not necessarily mean that it must be a vehicular roadway – the new Market Street may be a pedestrian or a shared thoroughfare – but in scale and materiality it should relate to the other streets. In this way, Market Street can continue to define the eastern border of the former Broadhurst Tannery site.

The Committee has considered the objectives of Clause 15.03-1S and its strategies which include:

- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance;
- Encourage appropriate development that respects places with identified heritage values;
- Retain those elements that contribute to the importance of the heritage place;
- Encourage the conservation and restoration of contributory elements of a heritage place; and
- Ensure an appropriate setting and context for heritage places is maintained or enhanced, as well as the purpose of the Heritage Overlay and its decision Guidelines.

As the Heritage Design Guidelines are proposed to be an incorporated document it is critical that they are not inconsistent with the purpose of the Heritage Overlay.

The Committee considers the guideline that anticipates only 20 per cent retention of the spaceframe has not been subject to robust impact analysis based on the heritage values of the market. This pre-empts assessment of a permit application under the Heritage Overlay and would potentially adversely affect the significance of the place with respect to technical significance, let alone social and aesthetic significance regarding loss of fabric associated with the plan and design of the market complex. It is considered that such an outcome (in an incorporated document

referred to in a Heritage Overlay) is inconsistent with the objective and strategies of Clause 15.03-1S and the purpose of the Heritage Overlay, having regard to the Statement of Significance.

The Committee considers that Council's suggested wording for the guidelines is preferred, consistent with Clause 15.03-1S, the Heritage Overlay and the Statement of Significance.

While the Heritage Overlay purpose and decision guidelines do appropriately provide for the implementation and consideration of the PPF, these are considerations for the permit application stage not for the application of the Heritage Overlay itself. While there may be sound policy reasons to reduce the extent of the retained fabric because of other policy imperatives there was no dispute about the extent of the application of the Heritage Overlay to the market complex. The Committee can see no clear basis for the Heritage Design Guidelines (and the Framework Plan) effectively retaining only 20 per cent of the heritage place as a starting point for planning the precinct's urban structure in the absence of a detailed heritage impact assessment.

The Heritage Design Guidelines Report which forms the basis of the Heritage Design Guidelines need to be revisited in tandem with the Statement of Significance. At a minimum the Guidelines need to address the Statement of Significance and elements of significance, aesthetic significance and expanded social significance, beyond the utility of the market, and the contribution of the earlier independent shops.

The Heritage Interpretation Strategy, which is referred to in the Heritage Design Guidelines, should also be revised to consider aesthetic significance and the broader social significance identified. This work should in turn inform the final PSP and ACZ1 Framework Plan and associated objectives, strategies, guidelines and requirements.

The Committee finds:

- The Heritage Design Guidelines:
 - are inconsistent with the exhibited Statement of Significance with regard to signage, murals, axial arrangement which are not referred to in the Statement of Significance
 - encourage minimum retention of market fabric which is likely to adversely impact the significance of the market, impacting its historical, technical, social and aesthetic values
 - should be reviewed and amended to consider aesthetic and social significance
 - should refer to the revised Statement of Significance in the 'Purpose'
 - at a minimum should reflect the Heritage conclave version but generally incorporating the changes proposed by Council which emphasize retention of the market as a starting point and to be more consistent with the objective of Clause 15.03-1S, Heritage Overlay purpose and decision guidelines and have regard to the heritage values set out in the Statement of Significance
 - should reference the Heritage Design Guidelines Report.
- The Heritage Design Guidelines should be amended so that the triggers to prepare a Heritage Impact Assessment are for permit applications to demolish market fabric and for any large-scale development proposal.
- The Interpretation Strategy should be revised to consider aesthetic significance and social significance.

5.9 Impacts of a retained market on the Precinct Structure Plan and Activity Centre Zone Schedule 1

(i) The issue

The issues are:

- whether the PSP and ACZ1 adequately consider the heritage values of the market
- whether the extent of retention of heritage fabric in the ACZ1 Framework Plan is appropriate
- how should the PSP and ACZ1 respond to a substantially retained market.

(ii) What is proposed?

PSP

The PSP includes heritage and interpretation guidelines (B33-B42) including how redevelopment of the market responds to the Heritage Design Guidelines and utilises the Interpretation Strategy.

ACZ1

The VPA's Part B version of the ACZ1 includes:

- Clause 1.0 (Preston Market Framework Plan) which shows 'the extent of market heritage fabric'
- Clause 2.0 (Land use and development objectives) which seek to support the market's social significance, and respect and enhance its cultural values in its redevelopment; integrate retained fabric and ensure new built form complements retained fabric
- Clause 4.4 (Design and development) includes guidelines to support public interpretation of the market consistent with the Interpretation Strategy; reuse salvaged heritage fabric; reference the tilt slab construction in Mary Lane; and interpret The Centreway through landscape treatment. It includes Plan 1 'Mandatory maximum building and street wall heights and discretionary upper level setbacks' which illustrates 'Existing fruit and vegetable market shed to be retained'
- Clause 5.0 (Precinct provisions) which includes a precinct plan showing the retained market element and objectives, requirements and guidelines relating to: celebrate heritage and cultural significance through design; repurpose heritage fabric; ensure development responds to the heritage values; and managing retained fabric
- Clause 6.0 (Application requirements) includes requirements for a Heritage Impact Statement and Heritage Interpretation Plan referencing the Interpretation Strategy.

(iii) Evidence and submissions

None of the heritage experts took issue with the use of the ACZ1 but all agreed that there needs to be a greater link between the ACZ1 and critical heritage documents including the Statement of Significance and the Heritage Design Guidelines.

Mr Gard'ner considered that there is "very little nexus between the Heritage Guidelines and ACZ1" and as "previously outlined, without greater contiguity between Heritage Design Guidelines and the design requirements of the ACZ the application of the proposed rezoning and other controls might not result in an acceptable heritage outcome".

Mr Gard'ner observed that the exhibited ACZ1 did not include the various links GJM recommended be included to ensure the heritage values of the Preston Market are considered in its redevelopment, including a specific reference to the proposed Heritage Design Guidelines. Without a clear nexus between the Heritage Design Guidelines and the design requirements of the ACZ1, and application of other controls might result in a situation where there is substantial tension or conflict between the objectives of those controls which will be difficult to satisfactorily resolve.

He noted the exhibited Framework Plan did not provide for, or encourage, heritage outcomes sought in the Heritage Design Guidelines, including:

- relocation of spaceframe structure where it cannot be retained in situ
- retention of original market stalls (which are evident in the fruit and vegetable sheds)
- retention of the low street wall height where new buildings adjoin the retained market structures
- use of tilt-slab concrete walls with geometric motifs
- maintain existing, and encourage new, large-format murals.
- the Statement of Significance.

Mr Hemingway asserted that ACZ1 lacked clear guidance to retain heritage significance and fabric in a quantifiable way.

Both planning experts, Mr Glossop and Ms Jordan, were critical that the extent of retention was not clear between the Heritage Design Guidelines and the ACZ1.

Mr Gard'ner considered the ACZ1 has been appropriately informed by the citation prepared by RBA Architects (as amended by GJM Heritage, May 2021). In particular he considered:

- The redeveloped market should retain a representative selection of market sheds and reuse of other space frame roof elements as part of the redevelopment of the market to retain the identified technical significance of the buildings.
- As detailed in the Framework Plan, the market will remain substantially the same scale and will be able to sustain the same or similar function to the traditional market which, if designed appropriately, should retain the identified non-physical (social and historical) values of the market.

Mr Gard'ner recommended the Framework Plan show the alignment of The Centreway through the proposed open space to the west of, and through the retained market sheds.

Extent of fabric heritage retention

Mr Gard'ner, Ms Brady and Mr Raworth considered that retention of a representative sample of the space frame as outlined in the Framework Plan acceptable. Mr Hemingway disagreed, considering that a 'substantial' amount of the original market structure needed to be retained to conserve its heritage values.

Mr Gard'ner considered that the spaceframe structure generally has as a high level of integrity and the fruit and vegetable section is one of the areas where its technical significance is most readily appreciated. He considered that a representative sample is needed to demonstrate this technology and the retention of the fruit and vegetable shed provides this. He also considered the relocation of parts of the existing spaceframe structure within the market site would be acceptable in line with the Interpretation Strategy and referred to Expo 88 as an example where spaceframe was relocated and re-used.

Mr Gard'ner considered that the social values of the market could be retained with the ongoing use of the market, albeit in a reconfigured form on the site and referred to the MCG and Flemington Racecourse, where substantial changes have been made to heritage fabric, however they are still appreciated and have a high level of social significance. With regard to impact on social significance, and in particular intangible cultural heritage, he said this is inherently difficult to manage from a planning perspective. He identified that this is further complicated by the fact that market, unlike most community/local markets is currently, and always has been, privately owned. He considered that authenticity of the market comes down to the use, rather than necessarily the fabric. He opined the Interpretation Strategy was critical and would assist in achieving a good heritage outcome for the Market.

Mr Raworth considered that while all the market with spaceframe is significant, retaining a representative sample of a relatively intact section of the market was an appropriate response. This would recognise and respond to the market's technical and aesthetic significance, and appropriate having regard for the social and historical significance of the place. The social and historical significance of the place would also to be recognised in the broader redevelopment as contemplated in the PSP by retaining an ongoing market use. These aspects are ultimately supported by on-site interpretation of the history, use and significance of the place.

Mr Raworth referred to examples in Victoria where substantial demolition of heritage buildings has been allowed, resulting in substantial change and loss in fabric while retaining its integrity through facilitating ongoing understanding through interpretation. He referred to many Victorian buildings in Carlton where substantial demolition occurs at the rear, industrial sites where the main office and small portion of factory might be retained with substantial redevelopment occurring on the balance of the site and Queen Victoria Hospital where the buildings were substantially demolished for a shopping complex. In that case 80 per cent of the red brick built form was demolished but the main hospital building was retained and used for women's services.

Ms Brady acknowledged that balance is often difficult to achieve but can reasonably include partial demolition, heritage interpretation and maintenance of the historic use of the market within a redeveloped precinct. She supported the retention of the fruit and vegetable sheds to either side of the central walkway to provide ongoing evidence technical significance, noting that this section has been identified in the citation as having the "*highest level of integrity to the original form of the spaceframe structure*". Ms Brady also pointed to examples of substantial demolition, such as the State-listed Waverley Park, which retained the most significant stand and oval with the remainder of the site was redeveloped for a completely different use.

Ms Brady did not consider the internal walkways to be integral to the significance of the Market and in any event could be integrated into a new design.

Mr Hemingway considered the extent of demolition shown in the Framework Plan would result in the loss of most of the "*general planning including wide walkway*" which is a key element that contributes to the significance of the site. At the time of development, the open walkways were what distinguished the market from contemporary shopping centres such as Northland (fully enclosed and climate controlled) and was integral to the vision of the owners and architects/designers. Although the walkways have been covered over in two phases (initially tensile structures, subsequently some with perspex roof cladding), they remain integral to the design and character or ambiance of the place.

He noted that the walkways were ‘key values’ included in the Heritage Design Guidelines but could be largely expunged while only ‘encouraging’ future development proposals to replicate the existing pattern of thoroughfares. He considered that retaining only a short section of one of the main thoroughfares – the east section of the main spine of The Centreway “*would decimate the heritage significance of the place.*”

Mr Hemingway considered the fruit and vegetable section was not a principal congregating area as the stall holders partly utilise that section of The Centreway, while the other main walkway – The Strand which intersects with The Centreway is at the heart of the complex and would be completely removed. The central parts of these two thoroughfares are the main socialising areas of the market in particular The Centreway – between Mary Street and The Strand, and The Strand – between The Centreway and Earle Street.

He considered removing the deli and meat area would have a negative heritage impact as the two enclosed food halls are key elements, recognised in GJM Heritage amended citation and partly referenced Heritage Design Guidelines. The design of the food halls, parts of which are extensively glazed, allows for the better appreciation of the steel posts and associated struts on which the spaceframe is supported as compared to the walls between the various separate outlets.

While Mr Hemingway considered the full retention of the independent shops may not be necessary, optimally parts should be retained (in particular the section along the north side of The Centreway between Mary Street and The Strand), where they are integrated with the detailing of the space frame shops opposite.

He considered the social significance of the market has been recognised by all heritage experts and the dynamics of the walkways provided for social interactions:

Whilst social significance by its nature is intangible, it is also related to building fabric and the ambiance created by it. The potential removal of up to 80% of the fabric of the spaceframe section, let alone the other contributory parts of the market (the Independent Shops), and so an even greater percentage of the current extent of the Preston Market, would inevitably have a negative effect on social significance. To suggest otherwise, would be disingenuous.

While guidelines might be devised in the ACZ1 to encourage spatial arrangements similar to those existing as a means of facilitating social interactions and experiences which currently take place in the market, there could be no guarantee that will occur or that they can be recreated. It was his view that social significance cannot be easily transferred or replicated as it typically evolves over time, as it has at the here. If much of the fabric of the market was demolished as identified in the ACZ1, the continuum of experience would be broken for some time, possibly irrevocably.

Mr Hemingway provided an alternative approach including retention of the majority of the market complex, potential removal of northern independent shops, move and reinstate some tilt slab concrete walls and spaceframe elements and reduce market size. He recommended that the PSP and ACZ1 be reviewed accordingly to avoid severely compromising the heritage values.

Ms McMahon provided evidence on social impacts. She considered that the findings of the Identity Study (which she authored) relating to demolition and rebuilding had not been accurately transferred into the Framework Plan. Recreating key elements of the market’s identity and function would be a “*high risk strategy*” and likely to impact on the market’s identity. She considered that a like-for-like substitution could not replace the existing relationships between the built-form, access and land use. Ms McMahon preferred a small-scale and gradual redevelopment of the market and considered:

The market as it is understood today in terms of function and identity is unlikely to survive development of the site. Another retail Market may replace Preston Market and may be known by the same name, but this new market is highly unlikely to be a meaningful continuation of the existing market I believe it is likely to differ significantly in built form, government, goods and services on offer, customer base and economic function, access, aesthetics, grain size, layout and configuration, place experiences, scale, number of and type of vendors, historical context and continuity.

That said, Ms McMahon did consider that the market is flexible and capable of change however it was the rate of change that is the issue, as well as considering the sum of its parts, as she put it *“the whole enchilada”*.

The social evidence of Ms Rosen and Mr Weston were diametrically opposed regarding the impacts of a migrated market from its current form to a new configuration proposed under the ACZ1. Mr Weston’s evidence focused on how this transition could be done while minimising social impacts, considering it could be successfully achieved, taking into account PMD’s transition plans. Ms Rosen’s evidence focused on the fear members of the community have around such a change and likely impacts of gentrification which she considered inevitable as a result of a relocated market.

Council considered as currently drafted, there was an inherent conflict between the ACZ1 and the heritage objectives:

- to conserve and enhance the elements of the market which contribute to the significance of the place
- ensure that future development does not adversely affect the significance of the market as a heritage place.

Council submitted there was an in-built assumption within the ACZ1 that there would be considerable demolition of the heritage fabric. It considered this tension problematic. Council submitted that the conflict stems from the fact that the ACZ1 and the PSP are based on the assumption that, under the Heritage Overlay, over 80 per cent of the market would be permitted to be demolished which was inappropriate. This tension needed to be resolved at this stage of the planning process, either by reducing the extent of the Heritage Overlay (to include only those parts proposed to be retained under the ACZ1) or until a permit is granted for demolition under the Heritage Overlay. Planning for the precinct must be based on the retention of the market otherwise *“the planning controls are jumping the heritage gun.”*

Council opposed the extent of retention as identified in the Framework Plan considering it would move the market from a *“centrepiece to a sidepiece”*. Referring to Professor Davidson’s Heritage Handbook, Council submitted the market acts as a document to explain its historic and special significance, and therefore fabric is important and can and should be managed to retain those values.

Council submitted that the axial layout, orientation, and use of the market is evidence of the way the community, particularly the migrant community, of Preston and surrounds has created and used the market over the last five decades. In addition, the importance of the fabric of the market to tell the history of the place is evident throughout the Statement of Significance, which in relation to historical significance highlights that:

- it was the first market to have been constructed in the municipality since the interwar period
- it reflects the growth of Preston in the post-WWII period, when migrants were attracted to the area to establish small businesses as stallholders within the Market.

In terms of social significance, Council submitted that the market in situ, in line with the Statement of Significance:

- is strongly identified with the municipality and the migrant community of shoppers and stallholders who have longstanding associations with the place;
- has become an informal and inclusive/welcoming community space;
- is comprised of generous open spaces/walkways which allow for extensive social interaction and are well used as meeting places;
- spaces create a vibrant atmosphere that has developed a strong sense of ownership by the community; and
- includes a traditional, largely open-air format which has been well supported in contrast to the evolving late 20th century trend for shopping centres to be fully enclosed/air-conditioned.

Council considered the intersection of The Centreway and The Strand are particularly important as a key gathering space. While other axial arrangements can be reproduced as shown on the PMD plan, it was likely that they will impact on the integrity of the only remnant heritage fabric, diminishing them further.

The VPA submitted that in preparing the PSP and ACZ1 they had careful regard for the Identity Study which had contemplated market relocation and noted that PMD had commenced considering place management in the context of traders and continuing access to current goods, stalls, services and activities. VPA cautioned that the market is not a monument, but rather:

its character, value and vibrancy are above all else a product of the people who make it and the people who use it. It is in the relationship between the community it serves and the goods and services offered, and the relationships and interactions that the transactions and the spaces enable to occur between traders and customers, and between people visiting the market. There is no reason those same relationships and interactions will not continue to be sought out, and continue to occupier, in a comparable environment in almost (and in part, exactly) the same location.

The VPA submitted that extent of retention proposed in the ACZ1 struck the right balance in retaining fabric which demonstrates technical significance, while transferring the market use to the east of the site.

PMD submitted that while retention of heritage fabric is 'a no brainer' there were competing considerations that required addressing. It submitted that the market is not commensurate with modern standards, among a number of challenging issues, in particular loading and unloading is not adequate. It is not all thriving, and has substantial urban design shortcomings including no street address, no interaction with surrounds and no green space. PMD submitted that under the existing conditions change is inevitable and a migrated market will enable modernisation while enabling the balance of the site to be developed to achieve strategic outcomes for the site commensurate with its MAC status.

PMD submitted that the market is not the same one that was built 50 years ago. The weight of heritage evidence strongly supports what should be retained, namely the fruit and vegetable shed, and that other positions to retain all of the market was extreme and hard line.

PMD did not accept that heritage was a threshold issue for this site, but one consideration of many and should be approached in that manner having regard to all the matters that needed to be considered in the redevelopment of the market. It submitted that their plan provided for a layout inclusive of walkways that would create more than one cruciform with two cross streets and abut the park. Those connections and intersections will have seating and provide opportunities for social interaction.

PMD supported additional articulation in the ACZ1 around heritage matters as proposed by Mr Rarworth, Ms Brady and Mr Gardner.

Community submissions

Community submissions varied from those who considered that the market should be retained in its entirety, that the heritage attributes cannot be reproduced, that some level of change is acceptable such as new buildings on the same footprint through to acceptance that the market could be transferred and configured in a new building to facilitate social and shopping interactions. However, most submissions concerned with heritage did not support the retention extent proposed under the ACZ1.

The ECCV submitted the market is a place of enormous significance to the Victorian multicultural community and demolishing and rebuilding a new market will create a huge risk to the character, social and cultural roles of the market, and the commercial viability for the existing multicultural market traders, as well as dismantling a tangible piece of migrant rich architecture and history. DEEC reinforced this position.

Ms Pighin considered that the social connection could be retained depending on what the new market looked like. She considered the internal spaces are important to facilitate the social connection, and there needs to be enough space for people to gather.

Mr Percy submitted that the market needs its current configuration to work, and the PSP would deplete the market. He called for the PSP to be reconsidered to enhance and modernise the precinct only as a market. He was supportive of Council's submission to retain the market in situ, accepting moderate changes but not 80 per cent demolition.

Mr Erlandsen submitted that retaining only the fruit and vegetable shed (and installing a car park over the building as shown in the PMD plan) did not take heritage seriously and lacked assessment and analysis. He considered insufficient consideration had been given to other options in the preparation of the PSP.

Mr Erlandsen referred to Plan Melbourne which speaks to the connection of story to heritage:

There is more to heritage than place. The stories of Melbourne – including stories from before European settlement – help citizens understand the places where they live and work. They also help create a sense of belonging to the community by encouraging tolerance and respect. Supporting new and innovative ways to tell Melbourne's stories will create opportunities for community building through arts, heritage and cultural projects and support built and natural heritage conservation and place-making for new and existing communities.

He submitted that the existing footprint of the market is a place that satisfies this sentiment and demonstrated the connection between the elements of social significance and built form.

Mr Kaszubski submitted his views on what he perceived to be the outcome of development under ACZ1:

The market is a physical testament to local ingenuity in design and construction as well as the contribution post war migration made to Australia. To retain a tiny portion of the market in the relocated and shrunk down version proposed by VPA and PMD preserves only a sample artifact of the original design, a museum piece completely out of context and serving as an ostentatious pastiche, a tokenistic gateway to what can be best described as a demoulded shopping centre built from scratch.

(iv) Discussion and findings

The Committee notes PMD's submission, that heritage is but one of many issues that needs to be balanced and should not be elevated to a threshold issue. The Committee disagrees and considers that in this Amendment the impacts on heritage values is a threshold issue.

The main issue of contention between parties is the extent to which market fabric is retained. The Committee notes that there are diametrically opposed views on this matter. While the Heritage Design Guidelines recommend a minimum extent of retention, the PSP and the ACZ1 has progressed to effectively adopt the minimum as the maximum level of retention. This definitive position requires the Committee to make a call on preferred fabric retention and extent of demolition at this strategic stage, having regard to the significance of the Preston Market, and balancing other matters.

The Preston Market has been described as 'iconic' and 'an institution', identified for its historical, aesthetic, technical and social cultural heritage values. Submissions (including from peak bodies) and background studies including the Preston Market Identity Study and the Heart of Preston stress that the market has a strong cultural identity. It is an attractor beyond the local area and has a high degree of attachment to a diverse intersectional community. The market's cultural values are both tangible and intangible. Both the market's structure (including configuration) and authenticity, as a gathering place and trading place, have a very high degree of integrity.

At the same time the Committee recognises that the land surrounding the market is underutilised and is a strategic location for urban consolidation. To not plan for development but maintain the status quo with a sea of car parking and suboptimal external interface would be poor planning in the context of planning for population increase and housing provision.

Planning is about balance. Normally with a blank site in a MAC or a strategic urban consolidation site, planning would build on a foundation of movement network, land use and urban design. VPA has sought to achieve balance and has effectively approached the design task in that way. But this is not a blank site and the Committee considers that the VPA in its design approach (despite the associated heritage documents forming part of this Amendment) has not adequately considered the matters of cultural significance and cultural identity, which are called up in Plan Melbourne (Objective 4), Clause 15.01-1S (Urban Design) and Clause 15.03-1S (Heritage Conservation), PPN01 and the Heritage Overlay.

Having regard to Clause 15.01-1S, Clause 15.03-1S, the Statement of Significance and evidence before it, the Committee considers that extent of retention (or demolition) of the market complex as shown in ACZ1 will adversely impact on its significance and its integrity because:

- the technically significant features of the building, including its expansive spaceframe will be substantially diminished
- the overall plan and architectural detail of the complex, as it was designed, will no longer be legible, impacting on its technical, aesthetic, historical and social significance
- the wide 'internal' walkways, intersections and 'neighbourhood' which facilitate the rich, valued and historical social interaction will no longer be extant.
- the change contemplated by the Framework Plan is likely to adversely impact the social values and valued cultural identity of the market.

The Committee considers that while interpretation techniques such murals, re-using spaceframe and adapting the existing axial layout and walkways within a new neighbourhood gives a 'nod' to

significant cultural values, these do not adequately mitigate the loss of significant elements of the market or conserve its integrity.

The Committee considers that the layout provided in the PMD plan could somewhat replicate the axial arrangement in the existing market however it has reservations that it will achieve dimensions that provide for community interaction that is successfully experienced and valued as enunciated in submissions and the Identity Study. As Council submitted, while a new market could be developed elsewhere on the site, it would not be 'The Preston Market'.

A number of submissions expressed fear that the cultural identity of the market will diminish as a result of relocating the market. The Committee also heard commitments and intentions that cultural identity can be retained in a newly configured building. The Committee is satisfied that the issue of rents, trader agreements and the like highlighted by Ms McMahon can be dealt with between the traders and the owner. The requirement for a transition plan in the ACZ1 is one step to ameliorate this aspect. However, the Committee is of the view that authenticity and integrity cannot be replicated and needs time (as considered by Mr Czarny, Ms Hodyl and Ms McMahon).

Markets are dynamic and while this market has changed over the last 50 years, it is the rate and degree of change that is the issue. How to maintain its identified heritage values and long-held cultural identity, integrity and authenticity while facilitating much needed optimisation of this important site is a key challenge.

None of the plans presented to the Committee were perfect but what they do show is that the site is large enough and has the flexibility to achieve various configurations. In light of the heritage and cultural values of the market, the Committee sees that there is no compelling reason to remove 80 per cent of its physical fabric, especially those parts which display expansive spaceframe, wide corridors, road layout facilitating 'street market'. These are important physical features of the place.

The Committee considers the ACZ1 will diminish the integrity of the market to the extent that heritage controls would no longer be justified. The PSP and ACZ1 has not achieved balance and needs to better respond to cultural identity and significance and where integrity and authenticity is retained.

In reaching these conclusions however, the Committee does not prescribe that the market 'be frozen in time.' The Committee considers that the market has demonstrated it is a place that can tolerate incremental change. In this context, while the Committee considers key elements as outlined in the Statement of Significance should be substantially retained, sympathetic changes to fabric to improve urban design interface and adaption to contemporary regulations is encouraged to ensure the market's longevity and achieve net community benefit.

The Committee believes that the wider precinct can be redeveloped, albeit transformed while retaining the most important parts of the market and facilitating incremental change in line with the market's heritage values.

The Committee notes Council's preferred version of the ACZ1 which emphasises retention of market fabric and the Committee supports this position as a starting point. That said, it notes the VPA's Part B version of the ACZ1 includes additional objectives, requirements and guidelines that better integrate and respond to the market's heritage values when considering future development. These are appropriate improvements.

The Committee considers that the ACZ1 should be reviewed to reflect more retained market fabric to respond to technical, aesthetic and social significance as outlined in a revised Statement of Significance and revised Heritage Design Guidelines.

The Committee finds:

- The ACZ1 and PSP will adversely impact on the heritage values of the Preston Market and do not achieve the objectives and strategies of Clause 15.01-1S and Clause 15.03-1S.
- The PSP and ACZ1 objectives, strategies, guidelines and requirements should be reviewed without the assumption that only 20 per cent of the market will be retained and to reflect more retained market fabric to respond to technical, aesthetic and social significance as outlined in the Statement of Significance.
- The ACZ1 should reference the amended Statement of Significance and the associated Heritage Design Guidelines following review of Committee's findings.

6 The urban structure and built form

6.1 The urban structure and activation

(i) The issues

The PSP proposes the relocation of the market to the eastern edge of the site. If the market is substantially retained as recommended, the proposed urban structure, land use pattern and activation will be significantly different to what is currently proposed.

The issues are:

- whether the urban structure within the PSP is robust and appropriate
- what impacts a retained market will have on the urban structure and what considerations will be integral to successfully integrating it.

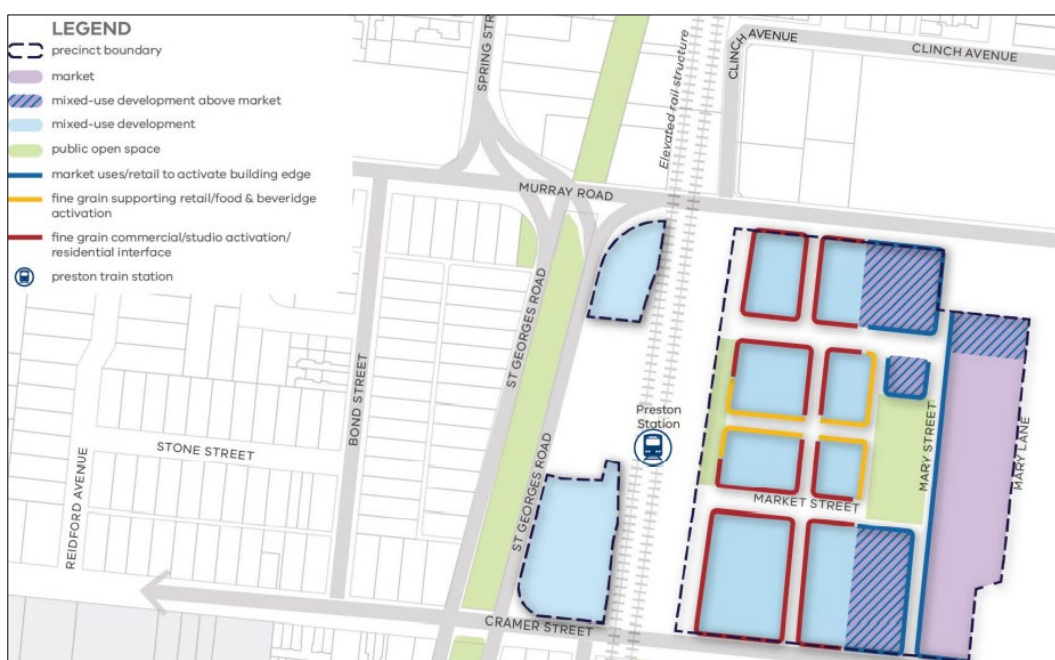
(ii) What does the PSP and ACZ1 propose?

PSP

The key elements of the PSP's urban structure (are shown in Figure 17) are:

- based around a grid of streets running north-south and east-west.
- the relocation of the market to the eastern edge of the precinct incorporating approximately 20 per cent of the existing market building
- retention of The Centreway as the primary east-west connection between the station and the market which will lined with fine grain supporting retail or food and beverage
- ground floor area will include fine grain commercial, studio activation and residential interface, with the potential for mixed use development above
- a central public open space that would support activity from the market and the rest of the precinct.

Figure 17 PSP Land use and Activation Plan



Source: PSP 'Figure 5 – Land use and Activation'

Key built form and design outcomes sought include provision for retention of the existing fruit and vegetable market shed, a finer grain of streets, active ground floors and building articulation and building height transition. These outcomes are supported by strategies, relating to:

- building form and scale (B1-B11) including designation of street block maximum dimensions
- building heights and setbacks (B12-B25)
- development abutting open space and the market (B26-B29)
- building services (B30-B31)
- heritage and interpretation (B32-B41).

ACZ1

The draft ACZ1 includes:

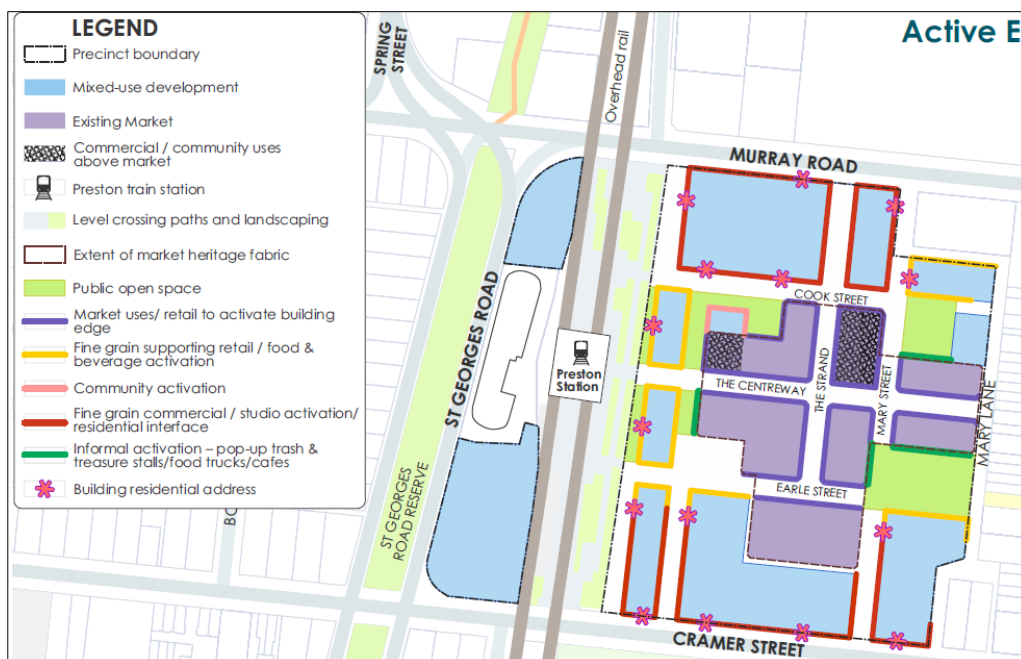
- Clause 1.0 (Preston Market Framework Plan) outlines the precinct's urban structure
- Clause 2.0 (Land use and development objectives to be achieved) sets out a series of objectives pertaining to land use and development, built form, movement and parking
- Clause 4.4 (Design and Development) outlines requirements and guidelines for built form - including building height, setbacks and separation; active frontages; circulation and parking; and public open space.

(iii) Evidence and submissions

The community desire to retain the market in situ is significant. Within the 386 submissions, there were more than 500 mentions of the desire to retain the market in its current location. Submissions from Mr Erlandsen, SPMAG, Ms Fazio and Ms Pighin and many others emphasised the deep desire within the community for the market to remain as is without change.

Council's alternative land use and activation plan (Figure 18) retains the market in situ with mixed-use development and open space surrounding the market.

Figure 18 Council proposed version of Land use and Activation Plan



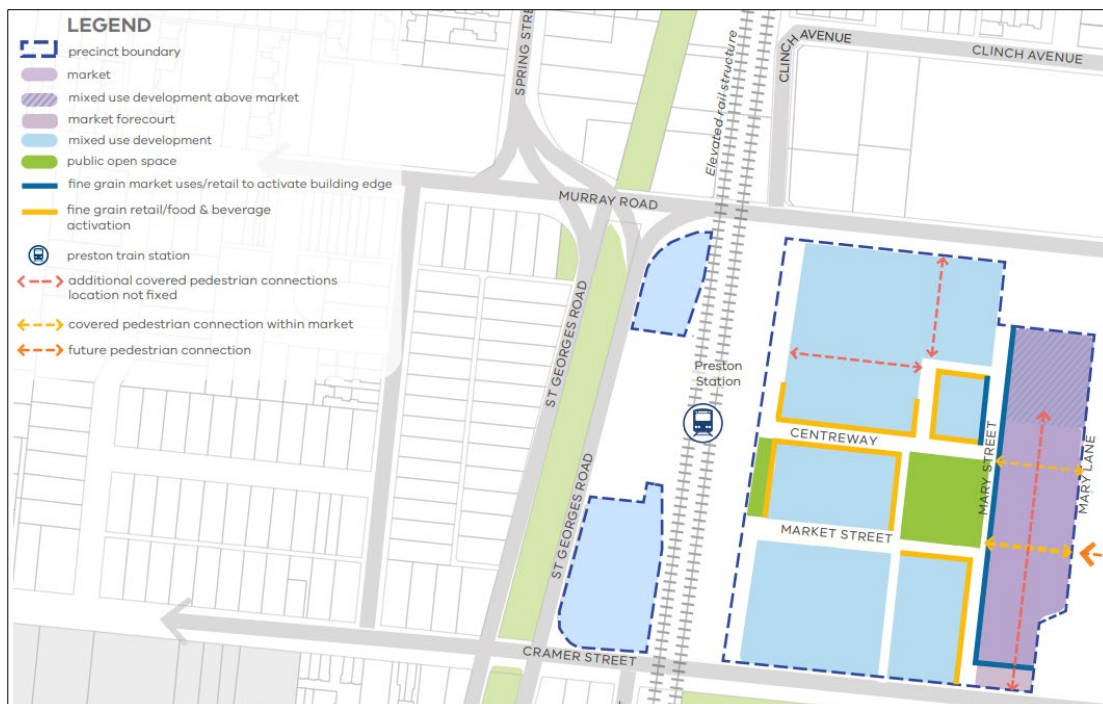
Source: Updated version included with Council's closing submission (Document 267c)

The Council’s concept proposed similar ground floor uses and activation for new development to those proposed in the PSP. The proposed structure and location of the open space is significantly different to the PSP, and takes advantage of the space left over after market’s retention. In closing, Council presented an updated Land use and Activation Plan which provided for additional informal activation.

Both Mr Sheppard and Mr McPherson warned that while it is possible to retain the market in situ, it will be difficult to activate the precinct when faced with so many blank walls and service edges. Mr McPherson identified challenges for the integration of new buildings when he considered that the “existing market is inward-looking and presents extensive blank wall frontages/interfaces to the outside which is undesirable from an urban design perspective”. He also considered that the spaces around the market may not be hospitable and questioned whether such an outcome would result in active edges. Specifically, he pointed to the fact that the central public open space in the Council plan has inactive edges along three of its four sides. He also observed that the presence of bins and pallets and operational requirements of the market do not support active streets and places.

PMD proposed a variation of the proposed urban structure, land use and activation (Figure 19). Although subtly different to the PSP it proposes a largely similar urban structure which includes the market located in the eastern part of the site, and new mixed-use development located around a central public open space. It is less prescriptive than the PSP in terms of ground floor uses and highlights only fine grain retail/food and beverage activation on certain streets.

Figure 19 PMD proposed version of Land use and Activation Plan



The VPA considered that the urban structure contained in the PSP presented the best balance of elements and provided for the right level of change.

(iv) Discussion and findings

But for the issue of retaining more of the market, the Committee is of the view that the PSP urban structure is an inherently sound one.

The substantial retention of the market in-situ, as discussed in Chapter 4 would reflect its importance in terms of the historical values of the precinct. However, its retention will have an impact on the extent and type of development across the balance of the site. Retaining the market will result in the many blank edges, walls and service areas directly interfacing with new development. This condition sets up a more complex urban structure, one that would require more consideration of proposed interfaces and transitions, and open space location, hierarchy and function. This potential outcome has not been considered in any detail as part of the PSP, although it has been considered as part of Council's submission. It is the Committee's view that the retention of the market could inadvertently result in a lesser urban design outcome across the precinct unless more consideration is given to the creation of good interfaces, activated ground floors and suitable open space locations. It would also entail the potential alteration or removal of building fabric to occur which can be accommodated following appropriate assessment, as discussed in Chapter 5.

The Committee acknowledges the design challenges around activation of streets and open space with blank market walls and bin and pallet storage. Although these issues may seem relatively minor, the activation of the areas between the market and the new development will be critical to the success of the overall precinct. They are essentially the lynchpin between the new and old, and if these open spaces, and ground floors are not active and vibrant, the precinct will not realise its full potential.

The Committee is not convinced that the concept presented by Council has adequately considered how the retained market will address these interfaces with new development, or how the perimeter of the market will contribute to an active and vibrant precinct. Despite advocates for Council being asked this question on several occasions, there was no clear response as to how this might be achieved. Council's updated Active Edges Plan which showed some additional components around the market perimeter such as informal activation (pop-up trash and treasure stalls, food trucks/cafes). The Committee considers that the temporary nature of such initiatives and the large extent of perimeter wall is not a satisfactory solution for creating active edges around the perimeter of the market. Council's plan fails to show the extent of loading docks around the market, which will further reduce the opportunity for active edges and attractive interfaces. It does not consider design interventions such as punching market walls or reconfiguring market stalls to face outwards, both of which could go some way in activating edges. Additionally, Council's location of open spaces appears ad hoc and lacking hierarchy.

The ramifications of these inactive and blank edges are significant in terms of creating activation throughout the precinct. Furthermore, on the days where the market is closed, the centre of the precinct will also be empty, creating a 'donut' effect with activity only around the edges of the precinct.

It will be challenging to create a vibrant precinct with activated edges throughout, without significantly more analysis and design. Although design could resolve some of these issues, it is still the role of a PSP to anticipate how it can be successfully realised. If the market is retained in-situ, some of the remaining development parcels will be awkward and narrow so some flexibility in design response will be important including allowing some height flexibility in other portions of the precinct. The Committee is of the view however that an acceptable urban structure can be achieved with a retained market. This will require an approach that allows for the market to be adapted to enable it to respond to its new context in terms of interfaces, transitions and activation.

Absent the market's heritage values, the Committee considers the PSP and a number of elements of the PMD plans provide a better urban design outcome in terms of active edges, attractive interfaces, appropriate transitions between land uses, dedicated service areas and streets, and open space locations and hierarchy. If the market is to be substantially retained for heritage rather than urban design reasons, the Committee does not consider the Council plan is the solution for delivering a lively, vibrant urban consolidation precinct.

The Committee finds that:

- The PSP urban structure and built forms guidelines are largely robust and appropriate from an urban design perspective.
- Retention of the market in-situ however, while possible, sets up a more complex and challenging urban structure.
- Council's concept has not adequately shown how a retained market will appropriately consider its context and create a vibrant precinct.
- The PSP and PMP proposals provide for a better urban design outcome in terms of active edges, attractive interfaces, appropriate transitions between land uses and open space locations than a retained market scenario.
- Despite further analysis and testing in detailed design phases, the PSP still needs to provide clear guidance around activation and urban structure if the market is to be substantially retained.
- The Committee considers that although further design can resolve some of these structural issues if the market was to be retained, the PSP will need to be reviewed to consider how it can be successfully integrated into the urban structure in a manner that still achieves its vision and objectives.

6.2 Height

(i) The issue

The issues are whether:

- the heights proposed in the PSP and ACZ1 are appropriate in the context of the precinct
- mandatory or discretionary height controls are appropriate
- floor area ratios (FARs) should be considered.

(ii) What is proposed?

PSP

The PSP seeks a mid-rise character outcome across the precinct that would include:

- Maximum building and street wall heights (B12 and B15) comprising:
 - 4 (16 metres) to 8 storeys (29 metres) at the southern edge
 - 3 (12 metres) to 8 (29m) storeys at the precinct's centre increasing to 10 storeys (35m) adjacent to the station
 - 12 metres at the proposed market and adjacent to the retained market building (responding to the existing structure's height of 11m)
 - 14 (47 metres) storeys to the northern edge
 - primarily 3 storey maximum street wall heights throughout the precinct except in certain streets in the southern part of the site, and along St George's Road where 4 storey street walls are proposed.

- reduce building heights in areas closer to High Street and the market (B13)
- building podiums provide a human scale interface (B16).

The PSP directions around height and setbacks were informed by the Architectus Urban Design Report and March 2022 Addendum.

ACZ1

The ACZ1 provides:

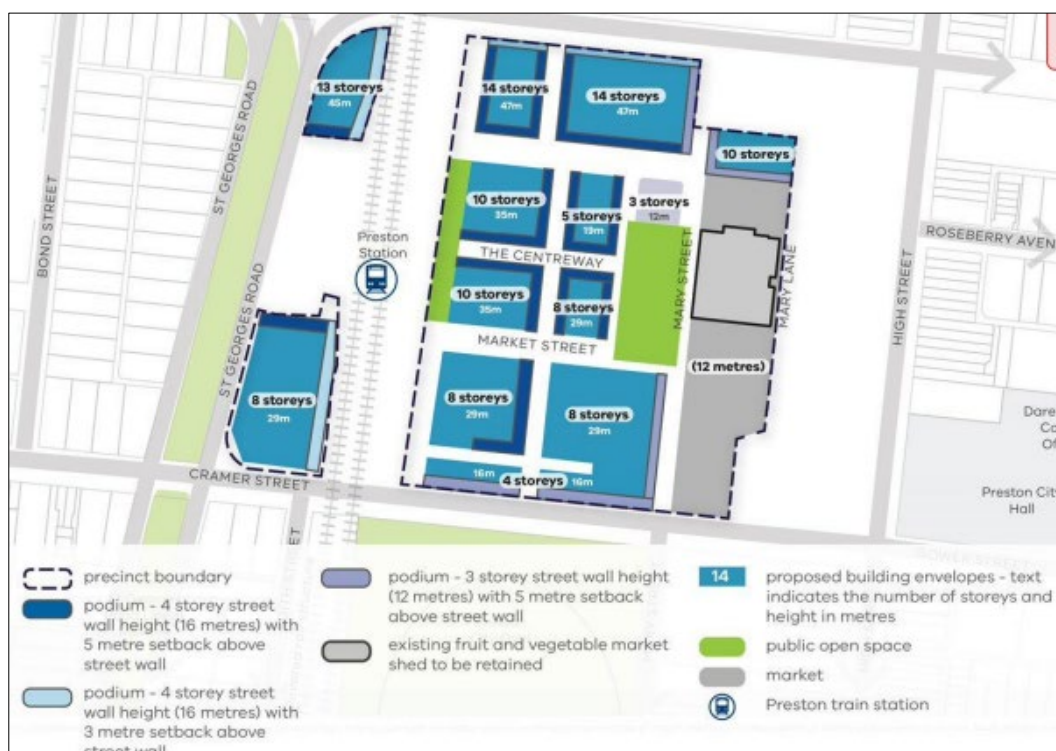
- Clause 2.0 (Land use and development objectives) encourages the redevelopment of the precinct as medium-rise with the market area generally having a low-rise built form.
- Clause 4.4 (Design and development) includes:
 - requirements for building heights, street wall heights and setbacks to not exceed those identified in ‘Plan 1: Mandatory maximum building and street wall heights’ (Figure 20) and focusing focus taller buildings toward Murray Road to minimise shadow impacts
 - guidelines to encouraging a variety of scales and forms that correspond with the surrounding context and emphasises sensitive built form transitions.
 - guidelines for human scaled streets, street enclosure with lower street walls on narrower streets, allowing views to sky from streets and minimising visual bulk of upper levels from the street.

Figure 20 ACZ1 Plan 1: Mandatory maximum building and street wall heights



The VPA’s Final version of the ACZ1 included to the Built Form and Design Plan (Figure 21) included more 4-storey street wall height (16 metres), with the exception of areas interfacing the market where street walls were kept at 3 storeys (12 metres) to match the height of the proposed market.

Figure 21 VPA Final version of ACZ1 Plan 1: Mandatory minimum building and street wall heights



(iii) Relevant Planning Practice Notes and other guidance

- PPN59
- PPN60
- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning, 2017).

(iv) Evidence and Submissions

Over 250 submissions raised concerns about the heights proposed in the exhibited PSP which proposed discretionary maximum building heights of 20 storeys in the northern part of the precinct stepping down to 12 storeys in the southern part of the precinct.

The VPA identified that in response to community concerns and the Minister's direction it substantially reduced proposed heights in the revised PSP. The amended heights were aligned with Council's submission at the time and further work by Architectus and provided for mandatory building heights of 14 storeys in the northern part of the precinct and 4-8 storeys in the southern part of the precinct with a revised dwelling yield of 1,200 dwellings. Council's position had since changed, and now seeks discretionary heights and mandatory maximum FARs.

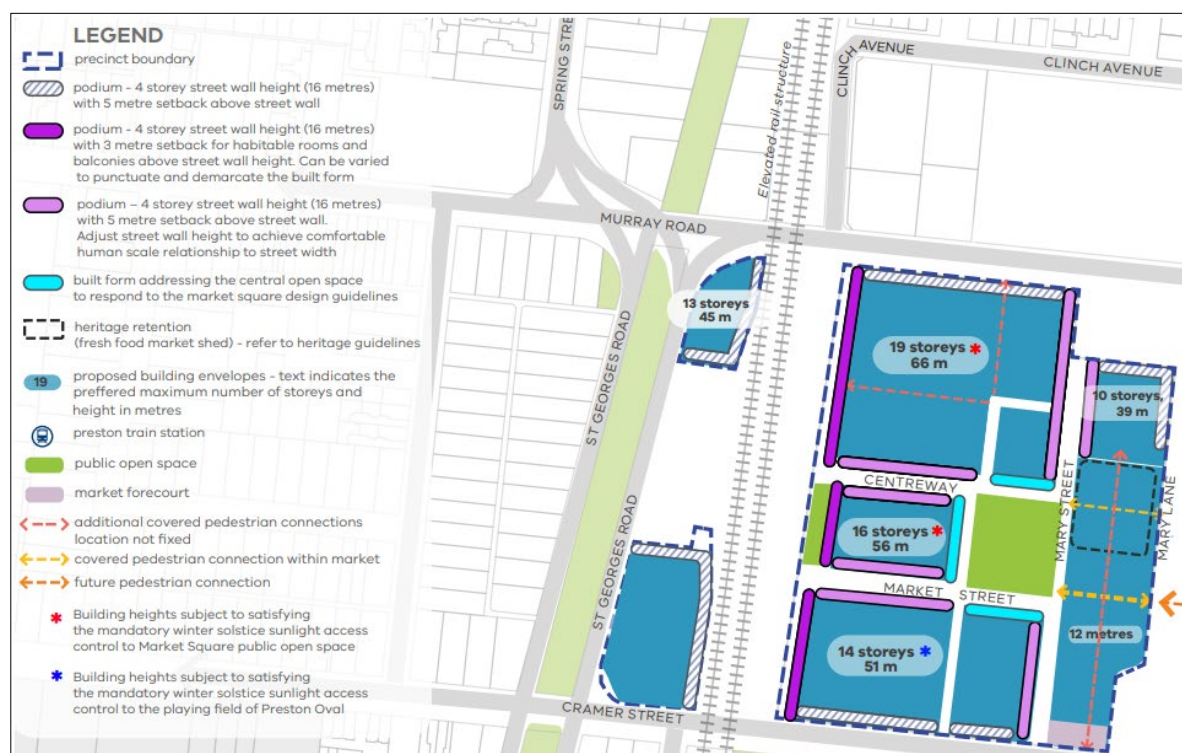
Despite a significant reduction in proposed heights, community submissions during the Hearing suggested that the proposed building heights are still excessive. Community submitters also expressed a concern that taller, bulkier building forms at Murray Street were unacceptable character outcomes for Murray Road. The Community Concept Plan, presented by Ms Gordon, proposed heights ranging from 3 to 7 storeys east of the Station and 12 storeys to the west of the Station. The DADA submission supported a maximum mandatory height limit of seven storeys with lower mandatory heights set towards the north of the site for solar access to the market and precinct. DADA also supported a 2 storey podium/street walls instead of 4 storeys.

PMD submission generally sought greater height across the precinct including:

- discretionary preferred maximum building heights subject to satisfying mandatory solar protection requirements of the Preston Oval playing surface and central public open space preferred podium
 - preferred building heights of:
 - 14 (51 metres) storeys at the southern edge
 - 16 (56 metres) storeys at the precinct's centre
 - 10 (39 metres) storeys increasing to 19 (66 metres) along the northern edge
 - 12 metres at the proposed market and above the retained market building
 - 14 (45 metres) storeys along St Georges Road.
- primarily 4 storey (16 metres) maximum street wall heights throughout the precinct except immediately around the proposed central public open space where street wall heights would be limited to respond to 'market square' design guidelines.

PMD's position (Figure 22) was more closely aligned with the exhibited PSP.

Figure 22 PMD proposed version of Built Form and Design Plan



Council's submission sought lower building heights across the precinct and a different approach to height and density (Figure 23) including:

- mandatory floor area ratios (FARs) and discretionary heights:
 - 4-8 storeys (4.0 -6.4 FAR) at the southern edge
 - 8 storeys (7.0 FAR) adjacent to the station
 - 6-16 storeys (6.3-6.9 FAR) along the northern edge
 - 4-10 (1.4-6.3 FAR) storeys adjacent to the existing market
 - 5-12 (3.9-7.3 FAR) storeys along St Georges Road.
- the qualifier that if a FAR approach was not supported, mandatory heights should apply (mostly lower than those proposed in the PSP with the exception of heights along Murray Road) based on Ms Hodyl's analysis.

Figure 23 Council version of Built Form and Design Plan and proposed Floor Area Ratio Plan



The positions of the VPA, PMD, Council and the community were:

- the VPA supported the use of mandatory building heights with a mid-rise character
- PMD sought discretionary building heights more closely aligned with the taller heights proposed in the first draft of the PSP (May 2021) and a distinctly more high-rise character
- Council sought mostly lower discretionary building heights and a mandatory FAR
- the community concept plan generally supports lower built form.

Council and PMD provided iterations of the ACZ1 objectives, guidelines and requirements that sought to reflect their positions. Council's version also sought to include definitions for FARs, building height, street walls and street wall heights.

All four urban design witnesses, Mr Czarny, Mr McPherson, Mr Sheppard and Ms Hodyl, were asked for their opinions around building heights and appropriate control measures.

Mr Czarny suggested the urban design debate was too focused on building height alone, and it was more important to consider the profile of street walls in tandem with setbacks of higher buildings above the street walls. He favoured a '*shandy*' control including some mandatory parameters such as street walls and/or upper-level setbacks with discretionary heights above. He did not support mandatory heights in the precinct's context.³⁰

Mr McPherson summarised a considerable body of research around 'mid-rise development' and confirmed his preference for a moderate mid-rise approach as the '*optimal response to achieving this balance*'. He considered 14-storeys to be the 'upper limit' of mid-rise form. He considered a mid-rise built form pattern was '*facilitative of enjoyable, comfortable streets and public spaces*' but this was '*not necessarily to the exclusion of other building types or scales*'. Mr McPherson understood the benefits of mandatory heights for certainty but supported the general use of discretionary controls to provide for flexibility and performance-based outcomes. He did not however see any benefit of allowing for taller forms, other than increasing yield.

Mr Sheppard considered the precinct the most important opportunity for accommodating growth in Darebin and that the quantum of development must be optimised within the constraints, implying that the PSP did not do this appropriately. He referenced the modelling by NH Architecture that showed that building heights of up to 19 storeys were possible while still maintaining appropriate solar access. He questioned the rationale behind the reduction of building heights between the exhibited and current PSP and made the case for taller built form across the precinct.

Ms Hodyl supported 3 storey street wall heights along Market Street to ensure a comfortable pedestrian environment. She had concerns around the quality of the east-west streets, surmising that the visual impact of the upper levels of these building would be significant where no street wall was provided. She recommended reducing building heights along Market Street given that it would be one of the key east-west pedestrian/cycling streets.

Mr McPherson supported the proposed predominantly 3-storey street walls. Mr Czarny considered the profile of street walls relative to street width to be important together with setbacks of taller buildings above to ensure a comfortable pedestrian environment. Mr Shepard did not see any justification for maximum mandatory street wall heights and suggested that mandatory controls actually preclude varied street walls that would contribute to the diversity of built form. He supported preferred 4 storey street wall heights.

On the issue of density control Ms Hodyl proposed the use of FARs in conjunction with discretionary building heights and setbacks. Ms Hodyl cited several reasons why mandatory FARs produced better outcomes than mandatory height controls on the basis that they provide certainty and support well designed buildings, rather than buildings that fill up three-dimensional envelopes with bulky buildings. She suggested that this approach would also improve the internal

³⁰ Urban Design Memo (Document 171)

amenity of buildings because there was less incentive to maximise yield, specifically in terms of deep residential floorplates.

In response, Mr McPherson did not believe that FARs created a better design outcome, although they provided more design flexibility. His concern stemmed from an assumption that it would still be possible for developers to seek to maximise yield, albeit with *“a different set of limitations”*. He did not agree that FARs necessarily resulted in a focus on design quality instead of yield. Mr Czarny agreed, stating that *“FAR measures in isolation will not assure an optimal urban design response”*.

Mr Sheppard agreed with the benefits of density controls in principle, however he considered that *“there are difficulties in determining maximum density in the Precinct given PMD’s large landholding across which there are aspirations to transition heights in two directions.”* He did not believe that enough work has been done to determine appropriate maximum densities. Additionally, his opinion was that the benefits of FARs in building envelope controls are inherently provided by virtue of the fact that there is one primary landowner and buildings are likely to be developed by the same developer. For these reasons he considered discretionary building heights, setbacks and separation were acceptable controls to produce a good built outcome.

Mr Glossop observed that mandatory building height provisions were becoming more common in the activity centre context, although he believed that *“such controls need to be applied cautiously and rigorously justified.”* Mr Glossop relied on PPN59 and PPN60 and determined *“that this is not a strategic context that warrants blank mandatory controls.”*

(v) Discussion and findings

Preferred heights

The Committee recognises that the precinct is a significant opportunity for urban consolidation for many reasons, not least of which is its lack of interfaces with existing low-rise residential areas. The precinct does not have the constraints of surrounding context that many other urban consolidation precincts have. For this reason alone, significant proposed height can and should be considered.

However, the Committee considers that the broader Preston MAC character context still needs consideration when determining preferred building heights. It is a discrete precinct located in the middle ring suburbs, and the ultimate development of the precinct must still sit comfortably in its context. A precinct comprising of primarily high-rise buildings (over 14 storeys) may well be jarring when considering the largely low or medium-rise development surrounding. High-rise built forms are not necessarily inappropriate, in this context however the Committee supports a varied scale and form, in conjunction with high-quality architecture.

The Committee found Mr McPherson’s discussion of what constitutes mid-rise built form to be compelling. He suggested that 6-12 or potentially up to 14 storeys would constitute mid-rise development and that mid-rise development will support a compact, walkable city. His discussion of the benefits of human-scaled cities and mid-rise ambience was useful when determining the most appropriate height.

The Committee supports the notion of mid-rise built form as defined by Mr McPherson. However, the Committee is also of a mind that there is room for taller forms in key locations and that variation in scale across the precinct is desirable.

The mid-rise heights proposed in the PSP and ACZ1 are generally appropriate and strike the right balance from an urban design perspective.

Street wall heights

The PSP and ACZ1 proposed primarily 3 storey maximum street wall heights throughout the precinct except in certain locations. In closing, the VPA's view changed to propose predominantly 4 storey mandatory maximum street wall heights across the precinct except in key locations where 3 storey was proposed.

The Committee shares the views of Ms Hodyl and Mr Czarny that street wall heights can negatively impact the comfort and quality of the street below, particularly for east-west streets. It notes Mr Shepard's opinion that development is unlikely to reach 4 storeys consistently along the full length of a street because it would likely create floorplates that are too deep and lacking internal amenity. The Committee considers that a continuous 4 storey street wall is unlikely regardless of the control provisions.

The Committee supports primarily 3 and 4 storey street walls within the precinct. It supports the requirement that mandatory street walls as proposed by the VPA and as part of a 'shandy' approach of mandatory maximum street walls and discretionary building heights.

The Committee has some concern around the lack of guidance for proposed street walls on Market Street. Depending on the final outcome of the urban structure and the ultimate width and role of Market Street, the Committee suggests more consideration be given to the street wall height requirements for Market Street. Without prescribed 3-4 storey street walls and upper-level setbacks, Market Street is likely to have restricted sunlight which will impact the quality of the public realm.

Density

Ms Hodyl's proposal to utilise FARs as the core built form control has merit and is a recognised technique to inform density and built form design outcomes. However, in this instance the Committee does not support FARs based on the level of information before it about their impact. While FARs are appropriate in many places, the Committee considers that other than Ms Hodyl's evidence, there has not been enough analysis and testing presented to the Committee to be able to make the strong recommendation for FAR controls. Additionally, the doubt cast on their usefulness by Mr McPherson, Mr Sheppard and Mr Czarny prompts the Committee to be cautious about a wholesale change to the built form control approaches as outlined in the PSP.

Mandatory versus Discretionary height

The Committee has given consideration to PPN59 and PPN60 in determining its position for mandatory or discretionary height controls.

While mandatory heights are used throughout Victoria, PPN59 states that:

they will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes".

Further, PPN60 states that:

discretionary controls are preferred and that they are more likely to facilitate appropriate built form outcomes than mandatory controls by providing more flexibility to accommodate contextual variations and innovative design. This preferred form of height control has been supported through a number of planning panels, more so than mandatory controls. Mandatory height and setback controls (that is, controls that cannot be exceeded under any circumstance) will only be considered in exceptional circumstances.

PPN60 outlines a number of exceptional circumstances for the appropriate use of mandatory controls. The Committee does not consider that the precinct falls into any one of these categories.

The VPA's argument is that mandatory height controls responded to community aspirations, and that the process that determined those building heights has been 'long' and 'hard'. In closing it contended that *"there are special factors at play which justify an enhanced level of certainty"*. While the Committee understands that the use of discretionary heights in the PSP will ultimately place more responsibility on Council and continue the debate on heights at the planning permit stage, it does not find that to be an exceptional circumstance warranting mandatory controls as outlined in PPN60. This is particularly so with the retention of the market which would further constrain opportunities to deliver other strategic objectives.

Additionally, the Committee is of a view that discretionary building height controls will result in a more varied, and site responsive built form outcome. The possibility of additional height does exist, if the developer can show that that it does not have detrimental impact on the surrounding precinct, including access to sunlight, and will address the ground plane in an appropriate way.

The Committee considers that some taller building height across the precinct will not directly correlate to a diminished sense of place or liveability, and rather that welcoming streets, activated ground floors, and quality open space will have a much greater impact on the quality of the place, than the heights of the buildings above it. These outcomes can be achieved through appropriate activation and street wall/podium level treatments.

The Committee does not consider that buildings heights taller than those proposed in the PSP are excessive and out of scale with the surrounding area, providing they can prove that they do not lead to significant overshadowing or wind tunnel impacts. The use of mandatory shadowing requirements of open space areas including parts of the Preston Oval will by default limit height at the precinct's southern edge.

The Committee does however support mandatory street wall heights of 3-4 storeys. The Committee considers that 3-4 storey street wall heights are imperative to the quality of the public realm at street level, in addition to appropriate scale and bulk of built form in the context of the broader Preston MAC. The Committee considers this mandatory component not to be onerous, and one that will deliver a good built form outcome and provide for an appropriate interface with the market.

The Committee finds:

- A predominantly mid-rise built form character across the precinct, in line with the heights proposed in the PSP is appropriate.
- Discretionary height controls, as opposed to mandatory height controls for building heights are supported. The PSP and ACZ1 should be amended accordingly.
- FARs are not supported as the primary density control mechanism based on the limited information before it to consider their impact and benefits.
- Mandatory maximum 3-4 storey street wall heights are appropriate and should be applied.
- Pending the final urban structure arrangement, ultimate street widths and confirmation on the role of Market Street within the precinct, more consideration of street walls on the northern side of Market Street may be appropriate to ensure a comfortable public realm.

6.3 Setbacks

(i) The issue

The issue is to whether the PSP and ACZ1 provisions for a range of building setbacks within the precinct are appropriate including:

- key ground level setbacks (along Murray Road and Cramer Street)
- upper level (podium) setbacks
- setbacks (spacings) between buildings.

(ii) What is proposed?

The PSP proposes the following in terms of setbacks and separation:

- varied setbacks in a 'village of buildings' (B2)
- appropriate building setbacks and street widths that should help maintain the human scale and facilitate solar access at ground level (B18)
- deliver a variety of setbacks (B15):
 - 5 metre setbacks above street wall throughout the majority of the precinct
 - 3 metre setbacks above street wall along Murray Road, and along the western edge of the train line
 - For building separation.

The ACZ1 at Clause 4.4 (Design and development) outlines setback requirements including:

- a mandatory setback along Cramer Street of 4 metres
- upper level setbacks of predominantly 5 metre setbacks with some 3 metre setbacks on Murray Road
- guidelines for building separation guidelines of 20 metres, or a reduction to a minimum of 10 metres in particular circumstances.

(iii) Evidence and submissions

Mr Erlandsen submitted that setbacks of 4 metres to Murray Road should be provided for canopy tree planting. The Community Concept Plan included with Ms Gordon's submission provided for substantial setbacks off Murray Road, Cramer Street and St Georges Road.

The Council's submission set out its position in relation to setbacks and through their markup of the Day 1 ACZ1:

- discretionary setbacks above the street (should not exceed its identified maximums). If mandatory FARs were not supported, the street wall height and setback guidelines should be mandatory
- mandatory separation requirements (with diagrams) for:
 - primary outlooks to another primary or secondary building outlook ranging from 9 metres to 24 metres relative to height
 - secondary to secondary outlooks ranging from 6 metres to 12 metres relative to height.

The PMD position on setbacks and building separation was:

- buildings along Cramer Street 'should' be setback a minimum of 4 metres
- to include a requirement that buildings along Murray Road should be setback to achieve a footpath width of 6 metres

- discretionary setbacks above street walls should be 3 metres for buildings up to 8 storeys and 5 metres for building higher than 8 storeys (as per Mr Sheppard’s evidence)
- a discretionary 5 metre setback above the street wall throughout the majority of the precinct
- a discretionary 3 metre setback above the street wall along the interface with the railway line
- a street wall height around the central public open space that will responds to market square guidelines
- discretionary separation of building facades above street wall heights and should relate to building heights (10 metres for buildings up to 30 metres high, 14 metres for buildings between 30 metres – 50 metres and 18 metres for buildings above 50 metres).

Mr Czarny ‘shandy’ control approach supported mandatory street walls (3-4 storeys as proposed) and/or upper-level setbacks (3 metres - 5 metres as proposed). While supporting building separation measures, he questioned the benefits of separation requirements because it *“does not engender (in all instances) successful skyline effects”*. He preferred *“a guideline approach and one supported by siting/daylight consideration”*.

Mr McPherson supported upper-level setbacks of 5 metres at the building heights proposed in the PSP but cautioned that higher-scale buildings would require increased upper-level setbacks than those proposed for the precinct currently. He also suggested that the 3 metre setbacks at Murray Road were small in relation to the 14 storey proposed heights but determined it acceptable in the context and particularly its northern orientation.

Mr Sheppard sought to introduce discretionary setback guidelines including a 3 metre setback above the street wall for buildings up to 8 storeys, and a 5 metre setback for buildings higher than 8 storeys. He suggested including the Murray Road upper-level setback in this definition, as it currently sits at only 3 metres. Mr Sheppard identified the importance of building separation guideline relating to the specific building heights above podium. He used the example that a 5 storey building (2 storeys above podium) should not be held to the same standard as a 14 storey building (11 storeys above podium).

On the issue of building setbacks at the ground floor on Murray Road, Mr Sheppard proposed a guideline to deliver a 6 metre footpath width. On Cramer Street, and in line with the ACZ1 he agreed that buildings be set back a minimum of 4 metres to ensure a generous pedestrian environment with space for trees.

The VPA’s Final version of the ACZ1 Plan 1 was amended to reflect that upper-level setbacks were discretionary and to correct the legend relating to podium heights. It’s Final version of the ACZ1 included other minor changes to delete the street wall guidelines to allow for street sky views, and that the setbacks deliver ‘acceptable’ rather than ‘comfortable’ wind conditions.

(iv) Discussion and findings

The Committee agrees with Mr Erlandsen that Murray Road requires a more generous footpath and that buildings on Murray Road within the precinct should be set back to allow for pedestrian movement and street trees. The Committee accepts Mr Sheppard’s recommendation for a 6 metre wide footpath to reduce the impacts of bulk and enable landscaping and a wider footpath but considers this should be a requirement given the higher built form proposed in this location.

The Committee supports the proposed setback of buildings at ground floor on Cramer Street by 4 metres to ensure a generous pedestrian environment.

The VPA's Final version of the ACZ1 proposed that upper level setbacks should be discretionary. The Committee considers that mandatory upper-level setbacks are not necessary and could inadvertently lead to sub-optimal outcomes, without the benefit of more detailed assessment. The Committee supports Mr Czarny's 'shandy' approach for the precinct to apply mandatory parameters for street walls and discretionary upper-level setbacks and heights.

The upper-level setback discretionary controls will allow for more site-specific analysis and testing during the detailed design stage to better determine and understand issues such as bulk and scale. This will ensure better built outcomes than broad brush mandatory planning controls.

The Committee supports the PSP and final VPA's position on building separation for similar reasons, that discretionary controls will allow for more testing on issues such as solar access, bulk and scale at in subsequent design phases. The Committee supports the preferred building separation dimensions as outlined in the VPA's Final version of the ACZ1.

The Committee finds:

- The upper-level setbacks for mid-rise development proposed in the PSP and ACZ1 are appropriate.
- Mandatory ground level setbacks along Cramer Street of 4 metres are appropriate.
- A mandatory ground level setback guideline along Murray Road to allow for a 6 metre wide footpath is appropriate.
- Setbacks above street wall and building separation should be discretionary to allow for consideration of solar access, and more detailed design issues such as bulk and scale.
- The VPA's Final version of the ACZ1 relating to street wall height requirements and street wall height and setback guidelines are generally appropriate with changes identified by the Committee in the baseline version of the ACZ1 in Appendix H.

6.4 Interfaces

(i) The issues

The issues are:

- whether the PSP and ACZ1 provide for appropriate interface outcomes
- how interfaces should be articulated to ensure good built outcomes and activation, if the market is substantially retained.

(ii) What is proposed?

PSP

The PSP seeks to provide for appropriate interface treatments by supporting:

- liveable neighbourhoods that are inviting and provide active ground floor interfaces and passive surveillance to street and public spaces (B2)
- a fine grained neighbourhood with active ground floor interfaces and passive surveillance (B2)
- small scale, fine grained tenancies at ground floor fronting the central open space, market and The Centreway (B3)
- provide a human scaled interface with active uses engaging with the street (B17)

- central open space to be the precinct focal point with active edges and connectivity (B28).

The Land Use and Activation Plan in the PSP (Figure 17) depicts an outcome where most internal streets are shown with ground floor activation and preferred street wall heights. Mary Lane is in essence, the 'back' or service vehicle access to the market and the High Street shops. The plan provides a hierarchy of interfaces and 'backs' and 'fronts'.

ACZ1

The VPA's Part B version of the ACZ1 includes:

- Clause 2.0 Land use and development objectives to be achieved which emphasise the need to maintain a market building with a similar fine grain of tenancies.
- Clause 4.4 (Design and development) which outlines key directions around appropriate interfaces and transitions including:
 - buildings and streetscapes that will provide active ground floor interfaces and passive surveillance
 - podiums designed to provide a human-scaled street interface with active uses engaging with the street.
- Clause 5.0 Precinct provisions relating to objectives for uses and guidelines for active edges.

(iii) Evidence and submissions

Ms Gordon identified that the Community Concept Plan would provide appropriate interfaces between the retained market and the new development. This was achieved through large areas of public realm across several parts of the precinct including a pocket park, a civic plaza and gardens around buildings.

The Council provided an updated Active Edges Plan in closing that articulated potential outcomes for a retained market. In addition to its fine grain commercial/studio activation/residential and fine grain supporting retail/food and beverage activation, it included a new category called 'informal activation – pop-up trash and treasure stalls/food trucks/cafes'.

Mr McPherson considered the implications of such a plan. Although he agreed that it would be *"possible to retain the existing market buildings, and use surrounding car park areas for new development"*, he suggested that it *"would present challenges for integration of new buildings"*. His observation that the market is inward-looking and presents blank walls, lead him to suggest that it may be undesirable from an urban design perspective. He questioned the ultimate potential quality of the public spaces around the market.

PMD's Land Use and Activation Plan had many of the same characteristics as the PSP Framework Plan, given that it too proposes relocating the market to the eastern edge of the precinct. Similar to the PSP proposal, the high-quality or front-facing interfaces are located in the centre of the Precinct and around the central public open space, while the service or 'back-facing' interfaces are located along Mary Lane.

The VPA and PMD both contended that the relocation of the market retained it as the heart and soul of the precinct while providing greater opportunity for appropriate interfaces with new buildings and open spaces in a way that provided a superior public realm and vibrant precinct outcome.

(iv) Discussion and findings

The Committee considers that the PSP and the PMD arrangement for a relocated market provide for superior interfaces than Council's plan for market retention. These plans promote a fine-grain mix of retail/food and beverage along many streets within the precinct, in addition to the fine grain market uses and retail to ensure an activated building edge. The Preliminary Concept Design Intent document prepared by Snohetta goes into significant detail to show how the fine grain nature of the market stalls could be recreated elsewhere in the precinct.

The proposed interface conditions in the PSP, which are similar to those in the PMD plan, represent a clear hierarchy of interfaces and clear delineation of 'fronts' and 'backs'. The interfaces articulated in these plans, in conjunction with the realisation of the proposed fine-grain uses provide the right conditions for ground-level activation and street life.

Relocating the market to the east of the site allows for the functional components (loading/garbage etc) to be located along Mary Lane. The Committee considers the realisation of good interfaces to be critical to the ultimate success of the precinct. Fine grain and active edges generate more life and more vitality, with more pedestrian movement and more passive surveillance. It is the Committee's view that streets with active edges on both sides and public realm with active edges surrounding it are much more likely to be successful than streets or public spaces with limited active edges.

The Council's proposal to retain the market in-situ results in a number of interface conditions that the current proposed Framework Plan in the PSP has not had to consider at all, due to the proposed market relocation. As the market exists now, most of the stalls front the internal aisles of the market, which results in the external walls of the market being mostly blank or at least without windows, and few entrance points. In Council's plan, there are many proposed interface conditions where blank market walls will need to 'meet' new development in a way that facilitates and supports active street life and vibrancy.

The plan does not identify inactive edges such as loading docks, rubbish collection areas. The central public open space will be lined by external market walls on two sides and the back of the High Street shops on one side.

The Community plan, while it shows the potential for some of the key open spaces surrounding the market, further illustrates the Committee's concern that many of these open spaces will be lined with blank walls or backs of buildings. Likewise, this plan illustrates that much of the new development will also interface directly to blank walls or service areas.

If the market is retained, the resultant plan would include many more complex interfaces where new development will interface with exterior and often blank market walls and servicing components (such as loading). In essence, there will be many more interfaces with a 'back-front' condition compared to the PSP plan or the PMD plan where most of the proposed interfaces are 'front-front' or 'back-back'.

These complex interfaces are not impossible to solve, however the Committee considers that the PSP needs to resolve this to a level of detail that can provide clear guidance to ensure success. It is the view of the Committee that the Council plan has not gone far enough at a structure planning level to ensure success. The issue of interfaces, along with built form and land use, is critical to resolve to be able to confidently present a plan that can support ground level activation and street life.

If the market is to remain in situ with development around the edges of the precinct, further consideration should be given to improving the interfaces. Proposals might include punctuating the external walls of the market, adding in more entrances to the Market or reconfiguring existing market stalls to make them face outwards. The South Melbourne Market is a useful example of perimeter market stalls facing out to the external streets.

The Committee considers that proposing fine grain uses is the first step in shaping a vibrant precinct, but without appropriate interfaces between adjacent uses, the much sought after activation and street life may fail to materialise.

The Committee finds:

- The PSP Framework Plan and the PMD proposals have both considered appropriate interfaces that would facilitate ground floor activation, street life and vibrancy.
- The Council plan does not go far enough to articulate appropriate interfaces that will facilitate ground floor activation, street life and vibrancy.
- If the market is to be retained in situ, more work is necessary at a structure planning level to articulate appropriate interfaces that will facilitate ground floor activation, street life and vibrancy.
- If the market is to be substantially retained, the building will need to be adapted to shift it from a largely internal facing market to one that addresses its context and faces outwards. The Committee notes that if the market is substantially retained, the centre of the precinct will essentially be closed when the market is not open, which will create a donut effect in terms of human activity and vibrancy unless designed to cater for other activities.

6.5 Shadowing

(i) The issue

The issue is whether the overshadowing provisions of the PSP and ACZ1 provide appropriate sunlight to:

- the central public open space
- the Preston City Oval.

(ii) What is proposed?

The PSP seeks:

- development with staging and integration that ensure an individual site/parcel does not unreasonably constrain the development capacity of an adjoining parcel, especially in consideration of overshadowing and building separation
- open space that is positioned and oriented to maximise access to sunlight (L12)
- protection of Preston City Oval and key public spaces within the precinct
- sunlight access to public spaces to include no shadowing of the Preston City Oval public open space between 11am and 2pm and no shadowing of at least 50 per cent of the central public space within the precinct between 11am and 2pm at the winter solstice (B26).

The draft ACZ1 includes:

- Clause 4.4 (Design and development) outlines overshadowing requirements including that development must not overshadow:
 - more than 50 per cent of the public open space within the precinct located along Mary Street between the hours of 11am and 2pm on 21 June.
 - any part of the Preston City Oval (playing surface and surrounding open spaces) between the hours of 11am and 2pm on 21 June
- Clause 4.4 (Design and development) guidelines include:
 - street wall heights that enable adequate daylight and sunlight in streets and laneways
 - setbacks above street walls that enable adequate daylight and sunlight to streets and laneways
 - building separation that allows for adequate access to daylight and sunlight
 - a mandatory overshadowing control based on the winter solstice
 - development that will not overshadow more than 50 per cent of the central public open space between 11 am-2 pm on the winter solstice
 - development that will not overshadow any part of the Preston City Oval (playing surface and surrounding open spaces) between 11 am-2 pm on the Winter Solstice.

(iii) Evidence and submissions

Overshadowing of open space and the public realm within and external to the precinct was raised in more than 30 submissions. The submissions of Mr Erlandsen, Mr Kaszubski and DADA all identified concerns about the impacts of building height on the overshadowing impacts on the amenity and useability of public and private open spaces and dwellings. They called for higher levels of shadow control. Ms Gordon submitted that lower building heights would better protect adjacent public realm and open space from overshadowing.

There was general agreement between the main parties that the central open space warrants a mandatory overshadowing control and that it should be solstice based. There was also an agreement between the main parties that the Preston City Oval should be free from shadow on the winter solstice. The differences between the parties were:

- the length of time of solar protection at the winter solstice
- whether open space areas beyond the Preston City Oval playing surface were worthy of protection.

PMD's submission sought to balance competing objectives of urban consolidation and solar access proposing less stringent controls including:

- development does not overshadow more than 75 per cent of the central public open space within the precinct located along Mary Street between the hours of 11 am and 2 pm on 21 June. Alternately a minimum area of 1,000 square metres of this open space between the hours of 11am and 2pm on 21 June based on Mr Sheppard's analysis
- development does not overshadow any part of the Preston City Oval playing surface between the hours of 11am and 2pm on 21 June. In their closing statement PMD proposed to reduce the area of winter solstice overshadowing to the inner footpath within the oval reserve (to the north of the playing surface) and along Cramer Street.

Council's submission sought more stringent controls than those outlined in the PSP including:

- development does not overshadow more than 50 per cent of the public open space within the precinct between the hours of 10am and 3pm on the winter solstice

- development does not overshadow any part of Preston City Oval including the open space between the oval and Cramer Street between the hours of 10am and 3pm on the winter solstice.

Central Public Open Space

Mr Czarny supported the PSP recommendation for 50 per cent solar protection of the central public open space at the winter solstice.

Mr McPherson recommended that sunlight controls should apply from 10am on the Winter Solstice on the central public open space due to significant morning market activity, although there was no data to support this statement.

Ms Hodyl did not support the proposal to increase the overshadowing allowance on the central public open space from 50 per cent to 75 per cent as proposed by PMD.

Mr Sheppard analysed a range of overshadowing controls in central public open spaces around Melbourne and found a generally consistent approach to mandatory winter solstice solar protection between 11am and 2pm.

Mr Sheppard's evidence recommended that the area of protected open space be expressed as an absolute total area rather than a percentage to ensure a larger area of protected open space. He argued that the requirement for open space protection needs to be drafted carefully to avoid discouraging the creation of larger open spaces. He proposed an appropriate minimum size for the central public open space of just under 2,000 square metres, and recommended half of it (1,000 square metres) be sunlight-protected.

Preston City Oval

Mr Sheppard emphasised the need to balance growth with sunlight protection by referencing Amendment C415melb where the Panel found that protecting an entire park "*would have an unreasonable impact on the development potential of the surrounding land*". He argued that it would be acceptable for the Cramer Street open space to be overshadowed during the winter months.

Conversely, Mr McPherson supported the overshadowing provision being applied to the public open space north of Preston City Oval. He suggested that the '*curtilage is more likely to accommodate passive activity – sitting, meeting, walking, social interaction, and contains a BBQ area and seating close to the footpath*', as a way of justifying the need to protect solar access to entire space, and not just the oval. Ms Hodyl supported the position that the overshadowing provision to the Preston City Oval must apply to the entire area of public open space and not just the playing surface. Mr McPherson also suggested that it could be acceptable for the footpath itself is shadowed at the solstice because this would be at low levels, and well below waist height for pedestrians.

PMD agreed that the overshadowing controls could extend to the south side of the inner footpath of the public open space along Cramer Street, which is similar to the outcome that Mr McPherson articulated.³¹

³¹ Documents 268

Sunlight to east-west Streets

Ms Hodyl proposed that building heights be lowered to ensure a reasonable distribution of sunlight throughout the day to the east-west streets and specifically to southern footpaths of these street. She proposed lowering building heights (north of Market Street) to ensure sunlight access to the southern footpath at the Spring Equinox. She was concerned that streets that are denied adequate sunlight will fail to deliver a high-quality pedestrian environment.

Mr McPherson assessed the proposed street profiles set out in the PSP in terms of street wall and building heights, street width and sunlight access on the equinox. In his opinion, the built form heights and general mid-rise framework and associated impact on the sunlight to the streets below was an acceptable outcome. He added that the proposed urban structure optimised solar access by relying on several north-south streets. He lamented however, that The Centreway would be shadowed across the day, although he did not consider that the proposed development heights needed to be modified because of this impact. He observed 8-10 storeys heights on Market Street without setbacks presented abrupt frontages, but that ultimately the proportions in relation to street width were acceptable. Mr Czarny suggested that street wall heights can vary subject to street width to achieve an appropriate human scale and high quality public realm.

(iv) Discussion and findings

There was general agreement between the main parties as to a mandatory overshadowing control, which meant that the differences between the positions were relatively specific:

- Council is proposing longer hours for protection of the central public open space and a larger area of protection and longer hours of protection for the public open space north of the Preston City Oval
- PMD proposes a smaller percentage (25 per cent as opposed to 50 per cent in the PSP) of protected area for the central public open space on the winter solstice and no protection for the Preston City Oval surrounds. In closing, PMD supported wording that would protect up to the southern edge of the inner footpath within the oval grounds.

Central Public Open Space

The Committee supports the mandatory overshadowing control of the central public open space between 11am and 2pm as proposed by the PSP and ACZ1. While the Committee can see that Mr Sheppard's suggestion to mandate the absolute size of the protected area has merit, it is comfortable that the controls outlined in the PSP and the ACZ1 will create a sufficiently sunlit central public open space.

Additionally, the Committee respects the Council proposal to extend the hours of sunlight protection, however in the interest of finding the balance between sunlight controls and urban consolidation opportunities, the Committee considers the hours between 11am and 2pm to be appropriate. The Committee gave significant weight to Mr Sheppard's research on other Melbourne precedents on reaching its conclusion on this issue.

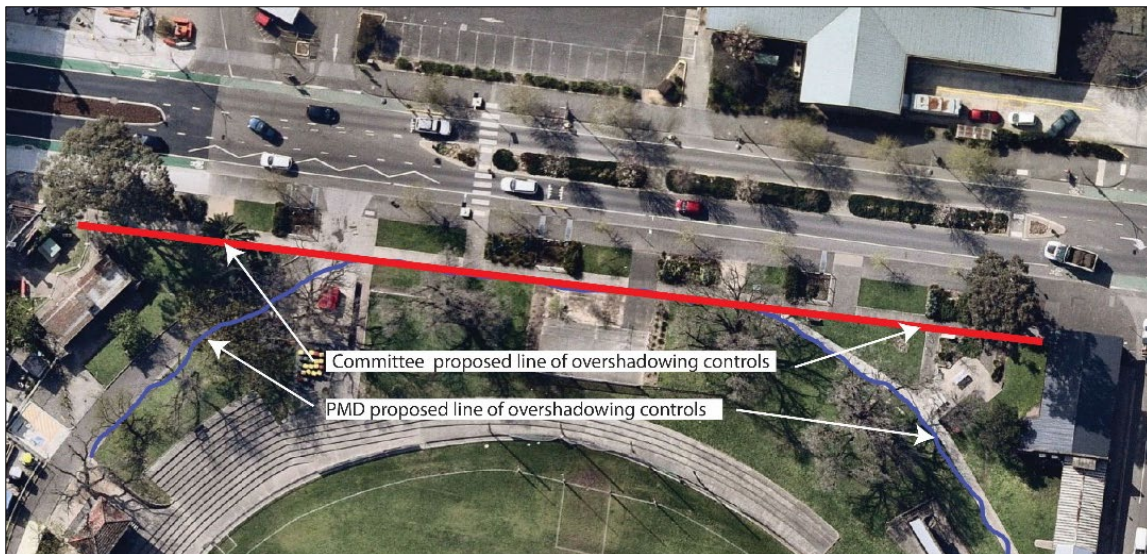
Preston City Oval

The Committee found the arguments from Mr McPherson on overshadowing controls compelling. He outlined a clear rationale for protecting the public open space north of the Preston City Oval, in addition to the solar protection for the oval. His argument that the open space north of the oval was more likely to accommodate passive activity confirmed that it is important to protect that open space, and specifically the area south of the inner footpath. PMD, in closing modified its

stance and suggested extending solar protection to the southern side of the inner pathway, but not including the picnic/bbq area at the north-eastern corner of the park.

The Committee agrees with the need to protect the public open space north of the Preston City Oval playing surface, however it is satisfied that there is scope to limit the overshadowing controls to all areas south of the inner footpath in an effort to find balance between quality public realm and urban consolidation. This view is partially in line with the recommendation from PMD in closing, however the Committee considers the area to be protected must include the picnic and bbq facilities (refer Figure 24 with Committee's shadowing edge shown in red).

Figure 24 Extent of Overshadowing as proposed by PMD in closing with Committee's recommendation



Sunlight to east-west Streets

The Committee considers that while taller buildings will cast shadow over a retained market, what is critical for the market's amenity is that views to the sky are provided rather than direct sunlight throughout the day. The Committee finds merit in Ms Hodyl's comments around adequate sunlight to Market Street, given its importance within the precinct. There was however no clear consensus from the experts on this matter.

The Committee supports an objective for access to sunlight on Market Street and specifically the southern footpath. Currently Market Street has no identified street wall height identified within the PSP (although the PMD plan does) which could impact the quality of the street below. A wall height of 3-4 storeys would be appropriate whether the market is to be substantially retained or not. If it is to be retained, any new development of the market building or buildings adjacent to Earle Street (aligned with proposed Market Street) should still be of an appropriate scale to allow sunlight access and appropriate transition.

Depending on the final outcome of the urban structure, the width of streets and the extent of market retention, the Committee recommends additional consideration be given to solar access to Market Street. A mandatory street wall height on the northern side of Market Street could be an appropriate measure.

Committee finds:

- For the central public open space, solar protection of 50 per cent on the winter solstice between 11am-2pm as proposed in the PSP and ACZ1 is appropriate.

- For the Preston City Oval:
 - A requirement that the Preston City Oval playing surface not be overshadowed on the winter solstice between 11am and 2pm is appropriate.
 - An additional requirement for the areas of the public open space north of the Preston City Oval playing surface to the southern edge of the inner footpath and south side of Cramer Street (including the bbq/picnic area in the north-eastern corner) not be overshadowed on the winter solstice between 11am and 2pm should be included as identified in Figure 24.
- For adequate sunlight to the east west streets further consideration of sunlight into Market Street (or Earle Street) is appropriate depending on final urban structure outcome, extent of market retention and confirmation of the role that Market Street (or Earle Street) will play in the precinct is appropriate. A guideline in the ACZ1 proposing adequate sunlight to the southern footpath of Market Street/Earle Street may be appropriate.

6.6 Building adaptability

(i) The issue

The issue is whether the building adaptability requirements and guidelines are appropriate.

(ii) What is proposed

The ACZ1 includes:

- Clause 4.4 (Design and development) which sets out building adaptability requirements including:
 - minimum 4.5 metres floor to floor height at ground floor
 - minimum 3.8 metres floor to floor height for floors above ground, within the podium height
- Clause 4.4 (Design and development) which sets out building adaptability guidelines including incorporating flexible and adaptable internal layouts that have the potential for a mix of uses, variation in apartment size and type, and for difference purposes over time, as the needs of the community and economy change.

(iii) Evidence and submissions

Council accepted the building adaptability requirements as set out in the ACZ1 including for above ground carparking to provide for ultimate flexibility and adaptability.

PMD proposed that the adaptability requirements be changed to guidelines and suggested that the guideline around flexible and adaptable internal layouts was difficult to demonstrate in terms beyond providing floor to floor heights that provide for a range of different land uses.

Mr Sheppard supported building adaptability provisions but did not consider they needed to be mandatory, citing that while floor-to-floor dimensions are appropriate for many buildings, smaller buildings don't always require such large dimensions to maintain good internal amenity.

In his evidence, Mr Czarny commented on the discord between proposed building adaptability requirements and proposed street wall building heights. The Committee understood that this comment related to the proposed total floor-to-floor dimensions not exactly matching to the proposed street wall heights.

Mr Czarny supported the proposed mandatory building adaptability requirements, as opposed to changing them to discretionary, suggesting that these measures are important in PSPs and activity centre precincts.

(iv) Discussion and findings

While Mr Sheppard may well be correct in suggesting that floor-to-floor dimensions are less critical for smaller buildings, given the scale of development potential across the precinct, the adaptability requirement is both acceptable and necessary. The Committee shares the view of Mr Czarny that building adaptability requirements are an important component in creating successful new activity centres. The requirement for specifying requirements for above ground car parks (as opposed to basement parking) is also appropriate to encourage the transition of such areas to more active uses should parking demand reduce over time as anticipated by the PSP and PO2.

The Committee notes consistent with the evidence of Mr Czarny that the floor height requirements for podium levels will be slightly exceed for a 3 storey building at street wall (12.1 metres as opposed to a 12 metre maximum in the ACZ1). The height metric for 4 storey street walls accommodated the floor height requirements.

The Committee finds:

- The building adaptability requirements of the ACZ1 are acceptable and no further changes are required.
- The maximum street wall heights in the ACZ1 for a 3 storey podium should reflect minimum floor to floor heights identified in the building adaptability requirements.

7 Land use and commercial floorspace

7.1 Land use mix

(i) The issue

The issue is whether the PSP and ACZ1 provide for an appropriate mix of land uses.

(ii) What is proposed?

PSP

The PSP includes an objective to provide a diversity of land uses by supporting an increase in jobs, services and housing. Supporting strategies include:

- delivering a mix of uses focused around a market comprising higher density residential, retail, commercial, office and entertainment (L1)
- deliver activities that complement the vibrancy and activity of the market and High Street retail strip (L2)
- locate uses consistent with the Land Use and Activation Plan (Figure 17) (L3)
- ensure majority of ground and first storey floorspace is set aside for non-residential uses (L9)
- use Section 1 use provisions in a way that is conducive to a range of businesses and industry sectors including offices, local manufacturing and emerging commercial enterprises (L12).

The ACZ1 Day 1 version includes:

- Clause 2.0 (Land use and development objectives):
 - support the precinct's role as a vibrant, mixed use destination
 - support the critical role of the market by providing a market use with a focus on fresh produce, takeaway food and cafes
 - provide a diversity of employment opportunities and integration of mixed use and activities including office, retail, entertainment and other commercial floor space
- Clause 3.0 (Table of uses) which seeks to use conditions to manage uses within precincts and within floor levels
- Clause 5.0 (Precinct provisions) which includes objectives for the growth of the market based on small scale and diverse retail and food and drink uses grouped by retail type area

(iii) Evidence and submissions

The evidence of Mr Dimasi, Mr Glossop and Ms Jordan supported the proposed mix of land uses. The urban design experts generally supported the layout and mix of uses including its ability to activate and add vitality to the precinct, particularly after hours, although the opinions differed regarding using land uses as a means of achieving fine grain or relocating the market.

Mr Dimasi supported a more contained market, east of Mary Street, which would be more efficient, more intimate and attractive to current and future populations.

PMD adopted the evidence of Mr Dimasi and oral evidence of Ms Jordan to support its land use approach for a consolidated market east of Mary Street activated by fine grain market/retail uses

to the north of the central open space and fine grain retail/food and beverage use to the west of Mary Street and south of Market Street. These areas could accommodate the current peripheral non-market uses. Its proposed location avoided the market becoming a 'hidden relic'.

Council's position supported the location of the market in its current location considering the PSP and PMD positions would sideline the market rather than it being the precinct's centrepiece. It provided its own version of the Land Use and Activation Plan and sought its inclusion in the ACZ1.

(iv) Discussion and findings

The evidence of economic, town planning and urban design evidence supported the mixed use approach adopted by the PSP and the Amendment and generally supported its land use and activation approach. The key point of difference is the way in which land uses would relate to a retained or relocated market and central open space area.

The Committee supports the general approach to land use provision and arrangement within the proposed framework (market location aside). The proposed uses will ensure that the precinct provides an important role within the Preston MAC, provides for an attractive public realm experience and remains vibrant and active day and night. The importance of activation through ground floor design detail is acknowledged and discussed in Chapter 6.4.

The PSP and ACZ1 generally contain appropriate strategies and objectives to achieve an appropriate land use mix. The structuring and conditioning of the land uses within the ACZ1 Table of uses is an appropriate and necessary response to achieve the desired land use mix and manage the important interfaces between the market, High Street and future land use activities. The Committee generally supports the floor level conditions for Section 1 uses as part of the strategy for retaining appropriate ground floor activation and supporting a genuine mix.

The retention of the market will entail a change to the urban structure of the precinct and further changes to the PSP and ACZ1 objectives and strategies, Land use and Activation Plan and the ACZ1 Table of Uses and associated conditions. The Committee discusses the structuring of the Table of uses further in Chapter 14.3. The structure of uses should also be considered in the context of an amended Land use and Activation Plan and determining the appropriate interface uses at the market edge and the central open space.

Should the VPA version of the PSP ultimately be preferred, the primary changes still required relate to floor area metrics for the new market and other commercial uses. This is discussed in the next sub-chapter. If the proposed Framework Plan was to be preferred, additional space for market related or subsidiary uses should be accommodated to the west of Mary Street, its immediate north (east of Mary Street) or to the south. The opportunities for larger floorplates in the northern portion of the precinct should not be compromised by requiring market uses to be accommodated there.

The Committee finds:

- That the PSP and ACZ1 provide for an appropriate mix of land uses to be achieved within the precinct.

7.2 Market and commercial floorspace provision

(i) The issue

The issue is whether the PSP and ACZ1 floorspace provisions are appropriate.

(ii) What is proposed?**PSP**

The PSP includes strategies which seek to:

- provide approximately 27,000 square metres of GFA of retail, entertainment and other commercial floor space (L6)
- provide approximately 5,000 square metres of GFA of office floor space (L7)
- trading areas and public spaces within a new market should be a minimum of 12,700 square metres of GFA (L14).

The objective and strategies were informed by the Development Potential and Economic Impact Assessment, MacroPlanDimasi, April 2019 and subsequent peer reviews by Council and VPA. The VPA's amended version of the PSP and ACZ1 adopted GLA for office and non-market retail use.

ACZ1

The ACZ1 Day 1 version includes:

- Clause 2.0 (Land use and development objectives)
 - providing a market use with a minimum GFA of 12,7000 square metres
 - provide 27,000 square metres of GLA of retail, entertainment and other commercial floor space and 5,000 square metres GLA of office
- Clause 3.0 (Table of uses) which limits the leasable floor area of 'Shop' and 'Food and drink premises' to 150 square metres within 'market' designated areas
- Clause 5.1-3 (Precinct requirements) which requires market trading areas and public spaces at a minimum of 12,700 square metres of GFA includes requirements for specific market floor area
- Clause 6.0 (Application requirements) including assessment of how development contributes to designated retail, commercial and entertainment and office floorspace provision.

(iii) Evidence and submissions

Mr Glossop did not support the use of prescribed metrics for floor area at Clause 2.0 of the ACZ1, considering it better dealt with by policy or the use of more flexible language. Prescribed metrics lacked flexibility and were likely to add complexity, particularly as land developed in stages. Given the definition of 'market' he considered there would be challenges in accommodating the use in upper levels as proposed.

In the event of the market being relocated as proposed by the PSP, Council supported the market floor space being a minimum of 13,600 square metres of GFA. It supported the other commercial and office floor areas proposed in the PSP and ACZ1.

The evidence of Mr Dimasi considered there was no reason why a well designed replacement market could not offer a similar trading floor space to the existing market. On the basis that a significant portion of the existing market was vacant (433 square metres across 15 tenancies) and the likelihood that discount-orientated general merchandise operations in markets would not be viable in the future, providing slightly less trading floor space (Committee's emphasis) was prudent. His evidence compared the current market stalls area of 4,760 square metres of GLA and overall market (excluding specialty stores) of 11,512 square metres of GLA compared favourably with other similar sized markets operating in Melbourne and internationally. Requiring the level of

market use floorspace proposed by VPA and Council he considered was unreasonable and failed to reflect existing space inefficiencies, the costs of operating a market and changes in demographics and retail trends. His evidence outlined the increase in the supermarket and grocery store proportion of retail trade and decline of specialty food (including markets), and the discount department stores through online retailing and dominance of apparel retailers like Kmart.

In relation to commercial floor space Mr Dimasi considered the floor space metric should be GLA. He considered 27,000 square metres GLA was supported by the *Development Potential and Economic Impact Assessment*, MacroPlanDimasi, April 2019 and subsequent peer reviews. In the context of the City of Darebin growth projections, the site's MAC location and the lack of large footprint anchor stores in High Street, he considered the rate of provision did not need to reduce commensurate with the reduction of dwelling yield.

PMD submitted that the extent of areas shown as market use in the PSP and ACZ1 (to achieve a minimum GFA of 12,700 square metres) were not economically sustainable [Committee's emphasis].

The VPA's amended ACZ1 adopted the GLA metric for office and other non-market commercial uses. It considered that the market floor space identified was appropriate and ensured that rather than just accommodating contained and intimate space, it would encompass the character and social values associated with the current market. This entailed providing more social space being shown. It submitted that the Amendment did not require the areas designated for the market to comprise solely of market stalls, but instead allowed for a mix of stalls and independent shop fronts, small shops and food and drink premises as per the current market. The VPA advised that careful thought had been given the land use structure and conditions in the ACZ1 Table of Uses and it was important that appropriate flexibility was retained.

(iv) Discussion and findings

Nominating the non-residential floor space metrics within the PSP and ACZ1 is generally well supported by the Development Potential and Economic Impact Assessment and subsequent peer reviews. In relation to office and retail, entertainment and other commercial floor space there was less disagreement, with the focus of dispute the floor space metric. The VPA sought to apply GLA, Council - GFA and PMD – Net Lettable Area. The VPA and PMD's metrics were largely aligned in meaning.

The Committee supports the proposed floor area metrics for office and retail, entertainment and other commercial floor space and the adoption of GLA as the preferred measurement tool given its defined meaning at Clause 73.01. The GLA provision for retail, entertainment and other commercial use is appropriate and enables larger floorplates to be provided to accommodate a range of uses (gyms, entertainment, medical and child care for example). As identified by Mr Dimasi such uses will support the Preston MAC, support the market as a precinct anchor and meet the needs of future precinct and Preston residents.

Even with the market substantially retained, there is a basis for ensuring that the retail uses within it primarily accommodate market uses or those ancillary (subsidiary) to the market and of a similar spatial arrangement consistent with the format adopted in the PSP and proposed ACZ1 Table of uses structure. In the retained market scenario however a specific 'market' floor space metric would not be required as the area would be determined by the current market, with additional market or market related uses able to be accommodated within new nearby fine grained ground

floor space. The Committee further discusses the structure and conditioning within the Table of uses associated with the market and future adjacent buildings in Chapter 14.3.

If the market is to be relocated, the Committee agrees with Mr Dimasi and Mr Glossop that a greater degree of flexibility is required in establishing a GFA metric for the future market. Mr Dimasi was the only expert called to provide economic evidence. The Committee shares his concern that a requirement to provide a minimum GLA that reflects the existing market stall and movement and gathering space areas, or also includes the independent shops as Council proposes, is unreasonable and not well justified. The extent of existing vacant market space and quality of the discount goods area and the vulnerability of that retail sector suggest that simply matching area for area is too simplistic an approach and does not account for economic factors. If the market is to move to a new space, it will be a significantly different market albeit with some echoes of the current market (as identified in the Snohetta plans). The PSP and ACZ1 should provide the opportunity for a market to be provided which has an efficient spatial arrangement while embracing appropriate urban design, circulation and public interaction spaces. If a market floor space metric is to be applied it should be as a guideline rather than requirement and reflect existing market GLA, with the design criteria setting out appropriate arrangements for internal circulation and gathering spaces and interface treatments.

The ACZ1 Table of uses appropriately provide for other non-market related retail uses to be considered through a permit application process. This will ensure the market (whether conducted in situ or in a new space) remains the predominant activity in that space and best ensures its continuity as a market.

The Committee finds:

- The PSP and ACZ1 floorspace provisions for office and retail, entertainment and other commercial floor space are appropriate with the GLA metric as proposed by the VPA in its Final versions.
- A floor space metric is still required for the market whether it is retained or relocated. However, a greater level of flexibility should be provided without requiring the same existing market area to be matched.

8 Traffic, vehicle movement and parking

8.1 What does the PSP and ACZ1 propose?

PSP

Key access, movement and parking objectives sought include:

- integrate and connect the precinct with the station and High Street
- a modal shift to active transport
- ensure adequate provision of carparking
- manage construction impacts
- loading, servicing and parking avoiding prominent pedestrian and public realm locations.

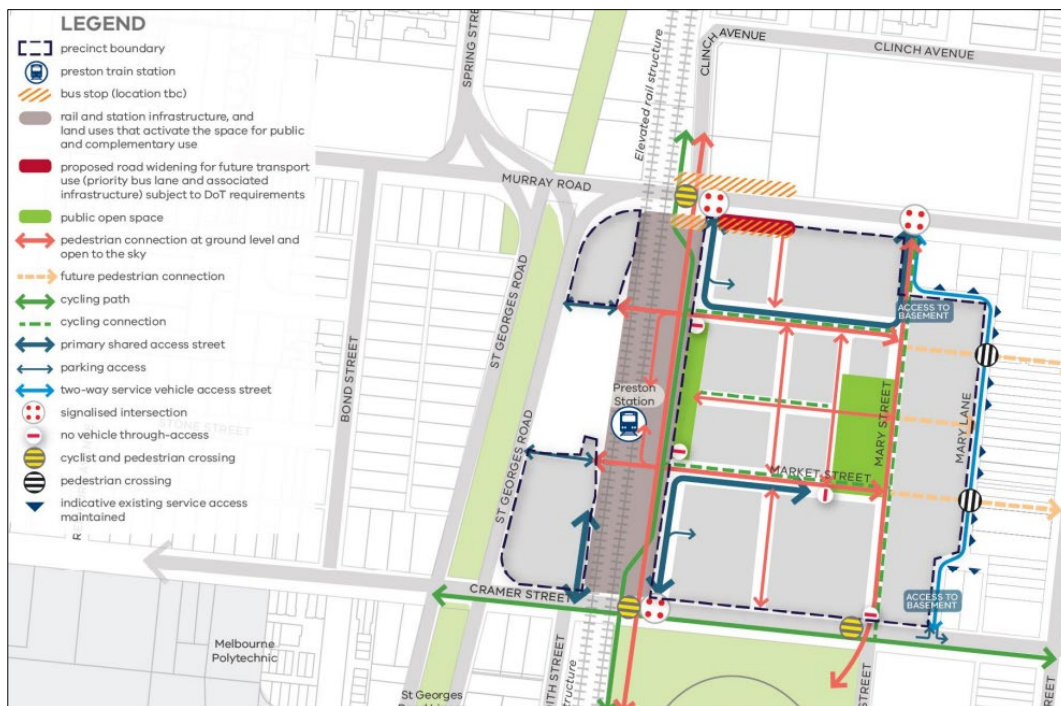
The PSP identifies 31 access, movement and parking strategies to achieve these outcomes which are set out in Access, Movement and Car Parking Plan (refer Figure 25) below:

- connectivity (A1-A21)
- car parking (A22-A28)
- loading/unloading and service vehicles (A29–31).

ACZ1

- Clause 2.0 (Land use and development) includes access and movement and parking objectives
- Clause 4.4 (Design and development) includes circulation, transport and parking guidelines
- Clause 6.0 (Application requirements) includes requirements for a Transport and Parking Report.

Figure 25 PSP Access, Movement and Car Parking Plan



Source: PSP 'Figure 7 – Access, Movement and Car Parking Plan'

PMD and Council summary position statements included alternative versions of the PSP Access, Movement and Car Parking Plan as shown in Figure 26 (PMD) and Figure 27 (Council).

Figure 26 PMD proposed version of the Access, Movement and Car Parking Plan

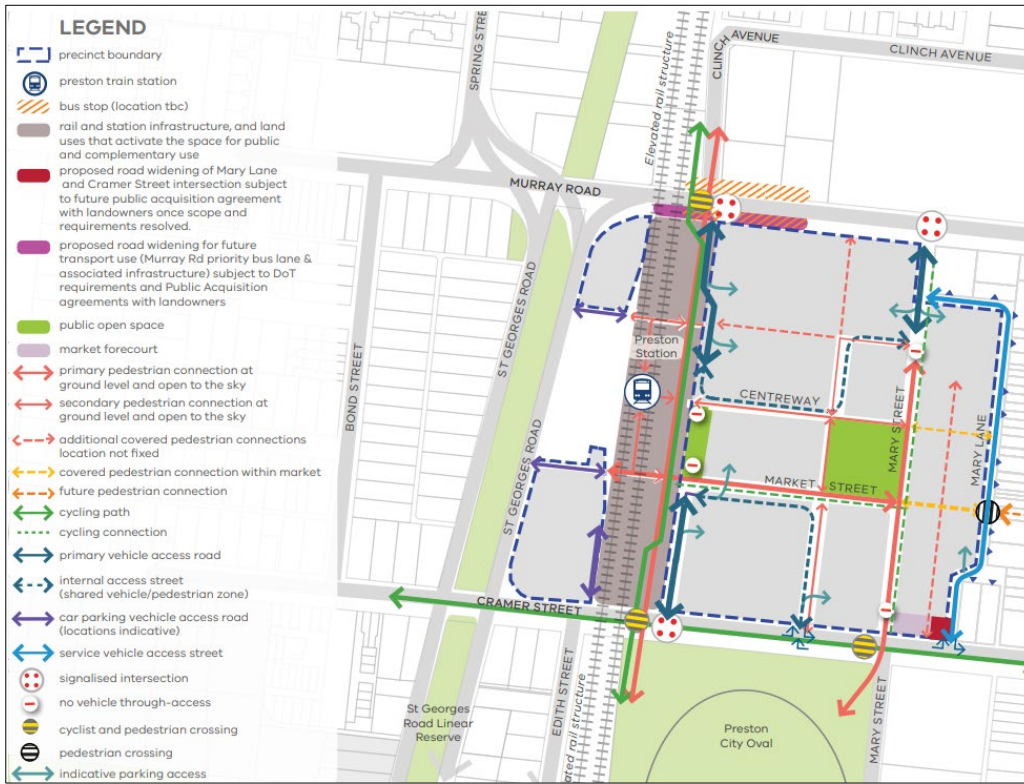
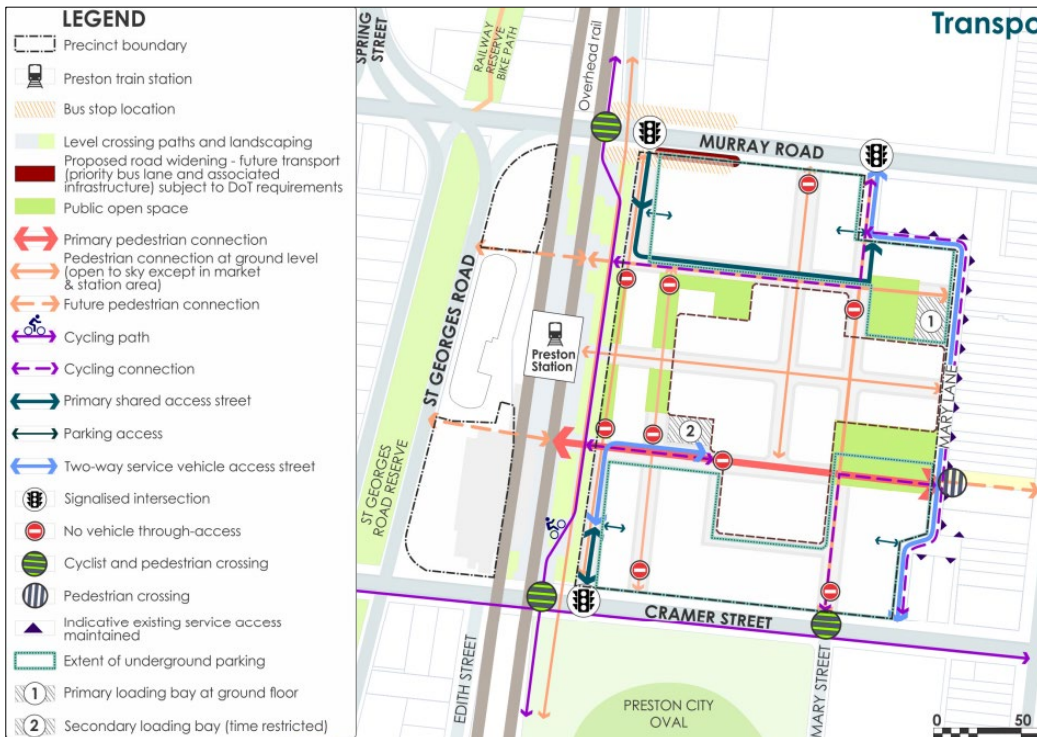


Figure 27 Council proposed version of the Access, Movement and Car Parking Plan



8.2 Traffic impacts

(i) The issues

The issues are whether the surrounding road network can accommodate:

- additional traffic associated with the precinct's development consistent with the PSP
- additional traffic generation if a higher development yield is accommodated.

(ii) Conclave findings

The Transport conclave statement identified:

- there is already congestion on the surrounding road network and the proposed development would contribute to additional congestion at peak times. However, congestion is desirable when supporting modal shift and suppressing car parking
- agreed in principle that additional dwellings could be accommodated on site without compromising road network operations
- residential use generates less intensive traffic activity compared to retail, entertainment and office uses
- the proposed intersection works are appropriate and would be refined during detail design
- traffic signal upgrades at St Georges Road or High Street are not required

To analyse the PSP's road network impacts requires a representative base line traffic data to be collected. The Transport conclave identified difficulties with establishing a representative traffic baseline. Determining typical traffic conditions on the surrounding road network was problematic due to the significant disruption caused by the level crossing removal project, and lower traffic volumes during the COVID pandemic with fewer travel to work trips. This resulted in a variety of assumptions and methodologies being used to analysis the potential traffic impacts.

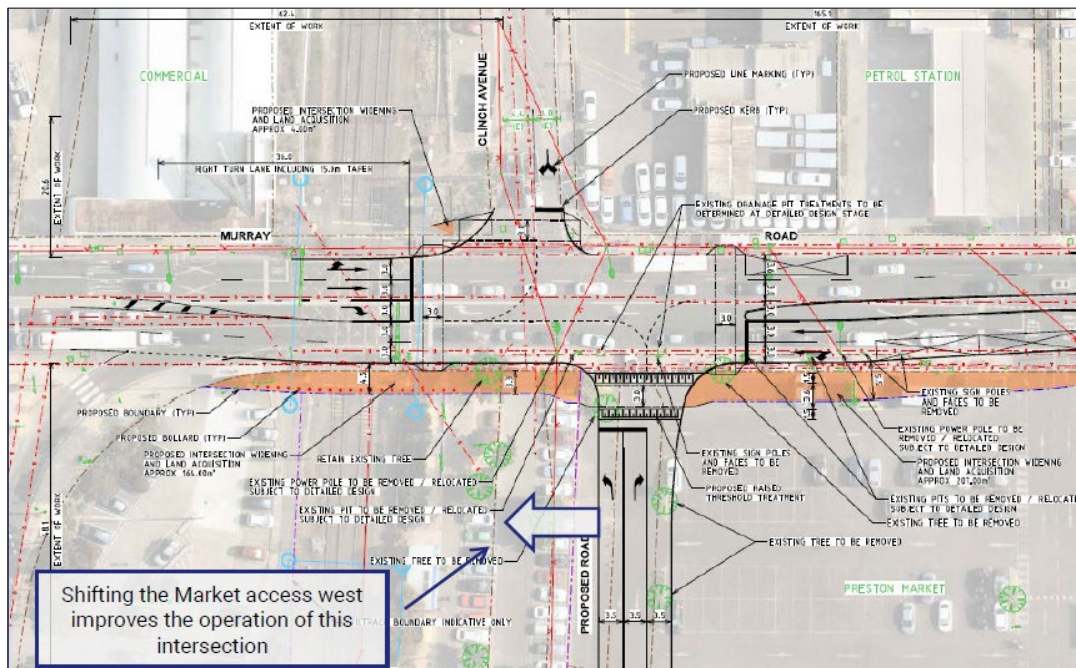
(iii) Evidence and submissions

Many community submissions were concerned development of the precinct would exacerbate existing traffic congestion. Several submissions were critical about the level of traffic survey data, modelling undertaken and analysis provided.

Department of Transport (DoT) supported the Amendment noting that detail design of the proposed intersections was subject to separate approval. In relation to modifying Murray Road/Clinch Avenue/internal road intersection, DoT advised that the land required is within the rail corridor and that a separate process would need to be undertaken to ascertain its feasibility.

Mr De Young's evidence identified two significant modifications which would further improve the performance of the surrounding road network which were supported by the conclave experts:

- Cramer Street/South West Intersection (IN-04) – replace shared left/right exit lane with separate left and right turn lanes
- Murray Road/Clinch Avenue/North East intersection (IN-02) – shift internal road further west to improve its functionality and capacity (Figure 28) which would require utilising VicTrack land but improve connectivity of the shared path alignment and potentially provide additional separate left and right turn lanes on the internal road.

Figure 28 Proposed realignment of Murray Road/Clinch Avenue intersection

Source: Ms Dunstan evidence (Document 137 page 47)

VPA, Council and PMD generally accepted the conclave's findings and the nature of intersection and pedestrian projects to manage traffic movements generated by the precinct.

Ms Bayley was concerned with:

- pedestrian safety crossing Cramer Street west of Mary Street to access the precinct
- general traffic conditions along Mary Street, in particular non-local traffic and speeding traffic. She supported restricting access to Mary Street from Cramer Street and potentially making Mary Street one-way.

Ms Marshall identified that Mary Street provides access to off-street parking areas, businesses and other local streets. Ms Marshall agreed that making Mary Street one way was an option but would be a separate process and involve broader community consultation including ascertaining the ability of the nearby road network to accommodate the associated traffic redistribution. In her opinion remedial works were not required as:

- the northern leg of Cramer Street/Mary Street intersection will ultimately be removed which should discourage some through traffic
- there are existing speed humps along Mary Street
- access to Bell Street via Mary Street is unlikely to be quicker than using the nearby arterial roads.

Mr McDougall considered Local Area Traffic Management measures may be appropriate to maintain resident access while discouraging through traffic. Potentially making Mary Street left in-left out at Cramer Street by extending the median across the intersection may be worthwhile. Enhancing pedestrian safety across Cramer Street would occur with the proposed signalisations as well as other proposed works along Cramer Street.

Council advised that its local initiative to improve safety, amenity and accessibility 'Your Street, Your Say' program identified a potential solution for Mary Street including wider footpaths, landscaping and road hump replacement/refurbishment subject to funding.³²

(iv) Discussion and findings

The Committee accepts the conclave findings that the surrounding road network can accommodate the proposed development traffic, including additional traffic if higher dwelling yields were achieved.

The metropolitan road network is becoming more congested as Melbourne's population increases – this is to be expected and is not a reason to stifle development. The Committee accepts that there is already congestion on the adjacent road network, and additional development is likely to result in further congestion at peak times, however this, combined with suppression should encourage a modal shift including the appropriate suppression of car parking. The Committee considers this a desirable outcome within a MAC.

The proposed intersection works should ensure the safe and convenient access to and from the development site onto the surrounding road network and additional works at St Georges Road and High Street would not be required as per the Transport conclave position. The Committee supports Mr DeYoung's suggestions for intersection modifications to further enhance traffic capacity. It is appropriate that the intersections be refined during detailed design and it accepts that a separate process for Murray Road/Clinch Avenue will be required in relation to potentially shifting the intersection partially onto VicTrack land. This is discussed in more detail in Chapter 12.5. The ultimate design and approval should be part of the planning permit process. This would also entail a traffic impact assessment to be undertaken as required by the ACZ1 when local traffic conditions have stabilised, and revised traffic modelling can be undertaken.

In relation to pedestrian safety along Cramer Street, the Committee notes DCP project PC-03 provides for a raised pedestrian zebra crossing approximately 45 metres west of Mary Street. This will enhance safety for pedestrians crossing Cramer Street.

The VPA, Council and PMD concepts all show Mary Street north of Cramer Street being closed to traffic and becoming a major pedestrian thoroughfare. As such, it may be appropriate for this treatment to be located closer to Mary Street. The Committee considers that the exact location of this pedestrian crossing be confirmed through the detail design process to determine the appropriate location in response to pedestrian desire lines. This refinement process is consistent with pedestrian circulation paths and crossing points being approximate.

The Committee appreciates the existing amenity and perceived safety issues within Mary Street, south of Cramer Street. Streets close to major traffic generators, that provide direct access and secondary access to businesses will naturally experience increased traffic. A number of potential traffic calming solutions, including the 'do nothing' option have been identified but these would require further consultation with the local community and can be further explored by Council separate to the Amendment

The Committee finds:

³² Document 276

- The surrounding road network can accommodate development traffic. From a traffic perspective, additional dwelling yield can be accommodated within the precinct.
- The proposed preliminary intersection designs are appropriate and can be resolved during detailed design.
- Intersection upgrades along St Georges Road and/or High Street are not required due the proposed development.
- Proposed raised pavement incorporating a zebra crossing (DCP project PC-03) should enhance pedestrian safety. Its location should be reviewed to align with pedestrian desire lines.
- Potential traffic calming options within Mary Street, south of Cramer Street can be explored by Council separate to the Amendment.

8.3 Movement network

(i) The issues

The issues are whether:

- the proposed movement network is appropriate and should include a southern loop road or an additional (lower order) road typology
- pedestrian only laneways incorporate vehicular traffic including service vehicles and access to loading area
- the proposed street network will also facilitate and support the establishment of 'place'.

(ii) What is proposed?

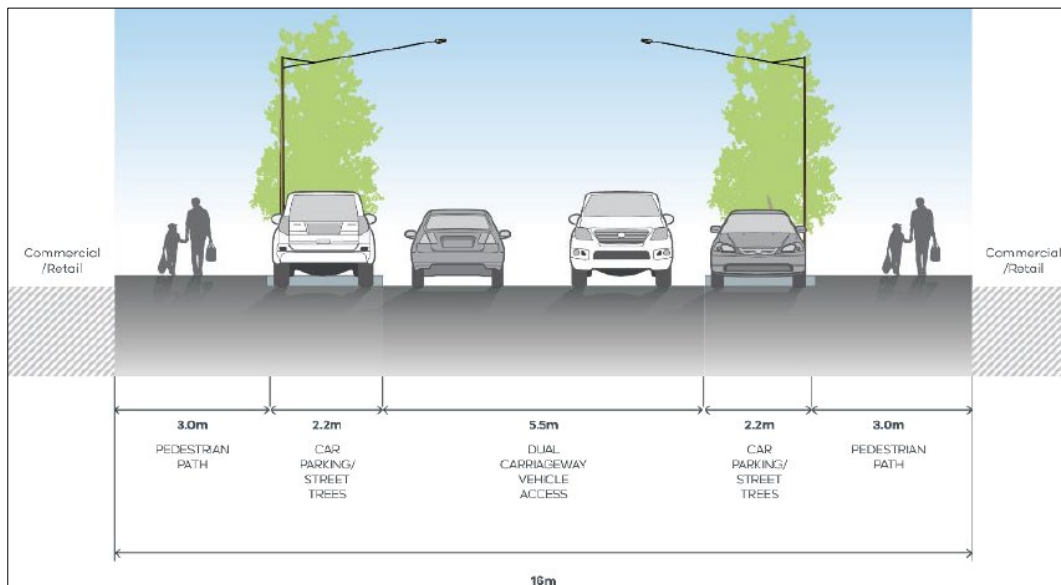
PSP

The PSP includes several strategies (A1-A21, A29-31) to guide the delivery of the access and movement outcomes to:

- design streets prioritising walking and cycling, followed by vehicles
- encourage active transport options
- service vehicle access minimises conflict with pedestrians and cyclists
- provide efficient connections between bus stops and station
- prevent north-south through traffic.

The Access, Movement and Car Parking Plan provides a movement network where:

- vehicle traffic is concentrated towards to northern and southern edges of the precinct on 16 metre wide Primary shared access streets (Figure 29) including a northern loop alignment and a southern 'L' shaped street which provide primary access to parking areas, loading areas and short term parking
- the centre of precinct having a pedestrian only network of laneways (Pedestrian connection - styles AC) utilising the existing market aisles and new laneways to provide permeable environment for pedestrians and cyclists across the precinct.
- a two way service vehicle access street along Mary Lane to provide back of house and service vehicle access restricted to left in - left out at Cramer Street.
- the majority of Mary Street (between Murray Road and Cramer Street) is closed to vehicular traffic, except at its northern end where it forms part of the northern loop road, controlled by traffic signals at Murray Road.

Figure 29 Primary shared access street**ACZ1**

The Day 1 version of the ACZ1 includes:

- Clause 2.0 (Access, movement and parking objectives):
 - ensure accessible public spaces that are safe and comfortable for pedestrians at all times
 - encourage loading, servicing (and car parking) to be located underground
 - ensures redevelopment incorporates the traditional cruciform pedestrian movement patterns within the market as shown in the Framework Plan
- Clause 4.4 (Circulation, transport and parking requirements) to:
 - design spaces and streets with walking, cycling priority, followed by vehicles
 - prevent through traffic by limiting the amount of direct north-south connectivity between Cramer Street and Murray Road
 - limit vehicle movement to primary vehicle access streets, and service vehicle access streets.

(iii) Conclave findings

The Transport conclave identified:

- that the loop road(s) provide the most logical access arrangement
- to complement the primary shared street, providing a lower order road typology with pedestrian focus whilst maintaining vehicle access was desirable utilising a combination of shared zones (where pedestrians have priority over vehicles) and shared environments or living streets (greater emphasis on pedestrians but they may not necessarily have priority)
- increased activation was desirable with the anticipated uses of the loop road and lower order roads accommodating pick up and drop offs, deliveries of goods and food, and limited short term parking opportunities including for accessible parking and emergency vehicles
- providing a loop road at the southern end of the site is appropriate (PMD model) as it removes the dead end and provides for a slower speed, lower order road with left in - left out onto Cramer Street.

(iv) Evidence and submissions

Movement network

PMD was generally supportive of the conclave findings and submitted:

- its access movement plan was preferred by the traffic experts
- its northern loop road:
 - ensured continued access to privately owned land (refer to Figure 30)
 - was consistent with approved planning permit floor plates and built form
 - provided flexibility to accommodate larger floorplates
 - maintained existing infrastructure and servicing
 - accommodated achievable staging considerations
- providing minimal road connections to internal land parcels would be functionally detrimental
- The Centreway is the principal movement street for the site, providing direct access from the station through the future central public open space and the market. Providing some traffic movement would be beneficial for activation reasons and provide important vehicle access to the future buildings and residences along The Centreway.
- The Centreway within a retained market would not be well activated outside of market hours leading to poor safety and amenity outcomes
- Cook Street (west) provision as a built over pedestrian connection accommodated a larger block to provide flexibility for anticipated retail uses in this portion of the site.

Figure 30 Access to private property (circled yellow) maintained with PMD north loop road (VPA plan on the left)



PMD agreed with VPA and its traffic experts that flexibility is required, and that the PSP should not specify the location of loading bays or car park entries which may unnecessarily limit future development potential. PMD did not support Mr McDougall's proposal for the Access, Movement and Car Parking Plan to be included in the ACZ1 considering that his issues around the locations and potentially an excessive number of parking access points could be resolved through the planning permit process.

PMD endorsed the proposed 'living streets' concept plans prepared by Mr DeYoung to be included in the PSP as they more closely reflected the cross sections likely to be required (Figure 31). He identified Greville Street, Prahran a good exponent of the 'living street' concept. Ms Dunstan in cross examination also noted Little Malop Street, Geelong as an indicative form for this road type.

Figure 31 Typical secondary road typology – shared environment or ‘living street’ examples

The VPA submitted that the Hearing process had identified some useful opportunities to improve the access plan, in particular, providing the southern loop road and left in-left out onto Cramer Street and incorporated these in its Final version of the ACZ1 Framework Plan.

However, the VPA considered justification and benefits of bringing vehicular traffic along The Centreway instead of Cook Street were unclear in terms of street activation which would be offset by an equivalent and potentially greater loss of those same benefits around Cook Street. The VPA submitted that the driving influence for PMD’s arrangement was the desire to provide for a larger floor plate in the northern portion of the precinct west corner of the site. However, this did not warrant compromising the role of The Centreway as a cycling and pedestrian thoroughfare when Cook Street was able to serve a road function. VPA identified that the northern loop road, either its version or the longer one to accommodate the larger floor plate were both satisfactory from a traffic operation perspective as noted by Ms Marshall.

VPA questioned the validity of maintaining vehicle access to those properties fronting The Centreway as the private land comprises two market stalls which historically had no formal vehicle access. In relation to consistency with the approved PMD planning permits, it noted that they do not allow for vehicle access through Cook Street or the western connection between Murray Road and The Centreway.

The VPA and Council submitted (and explored through cross-examination) that the proposed right-angle bends in the PMD concept loop road (to accommodate existing property boundaries) was somewhat circuitous and may lead to less than optimal outcomes.

Council maintained that the market must remain in-situ and consequently its access and movement plan had evolved accordingly. However, it acknowledged through Ms Rosen’s evidence, that the PSP would enhance pedestrian, cycle and vehicular movement to improve safety and amenity. In relation to its concept, Council submitted that:

- Market Street would be the primary east-west connection, comprising a comfortable street where potential conflicts with vehicular traffic would be removed as identified in Ms Hodyl’s evidence.³³ Market Street would only be used for loading bay access, removing potential conflicts with pedestrians and cyclists

³³ Document 148 page 29

- underground car parking entrances would be located off Mary Lane and the north-south roads along the western boundary minimising vehicle movements through the site.

Council submitted that should the market be retained, a traffic engineering solution would be required to facilitate an acceptable access, movement and car parking plan for the precinct, noting Mr DeYoung's comment that traffic engineer's role was to "*make lots of things work in constrained situations*". Ms Dunstan made a similar observation.

Council acknowledged that its plan (which included a secondary internal street typology, the position of loading docks, car park access points and vehicle accessibility) was potentially too detailed and should be more indicative. Regardless, it remained workable.

Council supports the broad principle of 'shared environments' (not to be confused with shared zones which are roadways where pedestrians have priority over vehicles) with the emphasis on the precinct becoming more pedestrian focused. All vehicle accessways should be a shared environment which prioritise pedestrian movement, include 10 km/h speed limit and prohibit vehicle parking (except accessible parking space or for emergency vehicles). Ms Dunstan advised that a shared zone road typology would not be appropriate on the loop roads towards the signalised intersections where higher traffic volumes, vehicles queueing, and pedestrian safety would need to be appropriately managed.

Service vehicle access and loading zones

The PSP and PMD concepts essentially embraced the key strategies of loading facilities being located away from the public realm and preferably underground (PMD). Council's concept effectively 'recycled' the existing market loading zones, utilising the same locations.

Mr Erlandsen submitted that no delivery or waste vehicles (including food deliveries) be permitted to access the inner laneways (to reduce noise impacts) except Mary Lane. Mr Lambros submitted that the lack of truck parking would significantly jeopardise family owned businesses.

Mr DeYoung identified that loading/unloading and servicing areas off Mary Lane should be the primary service areas. Ms Dunstan supported the strategy to encourage loading and servicing to be located underground, away from prominent pedestrian areas or areas that are visible from the public realm and minimise potential conflict with other users. Mr McDougall reached similar conclusions but noted that basement loading and service vehicle access details would be considered at the planning permit application stage.

Ms McMahon suggested that there should be no separation of loading facilities and pedestrians. This was typical of market typologies, and she noted that within Melbourne's CBD unloading was a common occurrence on the laneways and smaller streets typically used by smaller delivery vehicles. Potentially dangerous issues should be addressed but a highly sanitised and controlled environment was not desirable from an urban design perspective.

PMD submitted that with their relocated market proposal, basement areas would be used for loading/unloading as well as for garbage and waste disposal and trader parking. Basement ramps would be designed to provide sufficient clearance to allow garbage trucks, service and delivery vehicles access and egress.

The VPA and PMD considered their concepts were superior to Councils because the relocated market would provide a buffer to the central open space park and better separate service vehicles.

(v) Discussion and findings

Movement network

There was considerable agreement among the experts, the VPA, Council and PMD regarding the overarching access and movement tenets. The Committee agrees that providing a loop road at the southern end of the site and utilising a secondary 'lower order' road typology 'living streets' is appropriate.

The key issues surrounding the movement network were predominately focused on the different approaches adopted by the parties, and their individual benefits and disadvantages.

The Committee finds the location of the northern loop road is not a traffic issue per se but predominately dictated by PMD's proposal for a larger floor plate at the northern end of the site. Whilst VPA and PMD raised traffic issues around the alignment of the northern loop road, the fundamental driver for the larger floor plate is built form necessitating PMD loop road to be shifted further south, onto the same alignment as The Centreway. Essentially an acceptable traffic solution can be found as observed by Mr DeYoung and Ms Dunstan.

The Committee endorses the Transport conclave findings that is desirable to provide a pedestrian focused lower order road typology, whilst maintaining vehicle access utilising a combination of shared zones (where pedestrians have priority over vehicles) and shared environments or living streets (greater emphasis on pedestrians but they may not necessarily have priority). The Committee found Mr De Young's 'living street' approach and examples of its application, such as Greville Street and Ms Dunstan's Little Malop Street (Figure 32) useful. It considers the living street concept should be used to develop an indicative lower order road typology to be included in the PSP.

Figure 32 Little Malop Street, Geelong



Source: Google Maps

The advantage of the PMD layout, with the secondary road typology is that it acknowledges that the majority of traffic would utilise the primary road(s) leading to and from the access points to major car parking facilities. Where the lower order street typology applies there is a greater emphasis on pedestrian priority, slower and less vehicular traffic and potentially greater levels of activation.

The Committee supports the conclave findings and measures to ensure greater activation throughout the precinct can occur and agrees that vehicles travelling at low speed, with opportunities to drop off and pick up passengers, deliveries and short-term parking opportunities

are appropriate. The Greville Street and Little Malop Street examples of shared environment streets identified by Mr De Young and Ms Dunstan are useful exponents to these principles. If the market was to be relocated, the Committee supports The Centreway accommodating vehicular traffic utilising the 'living street' or a shared zone typology – still maintaining a significant pedestrian and cycling corridor. If the market was to be retained in situ The Centreway would continue to remain a pedestrian street with vehicle access limited to maintenance vehicles only.

While Council suggested that all vehicle accessways should be pedestrian focused and operate with 10 km/h and exclude parking, this fails to acknowledge the need for a road hierarchy and the differing operating conditions which are likely to be experienced across the precinct. In particular the proximity of internal roads to traffic signals should prioritise vehicles to ensure safe and efficient network operation. Providing no parking may reduce street activation and the ability to provide short term drop off or pick up goods and people.

Establishment of 'place' in the street network

The Committee considers that the approach put forward in the PSP for a 10 metre wide pedestrian and cycle connection at The Centreway and Mary Street would facilitate a comfortable and intimate urban environment, suitable for activity and street life. The proposed 16 metre wide cross sections along Market Street and Cook Street are typical and practical street typologies capable of facilitating vehicular, cyclist and pedestrian movement and activity in an urban environment.

The Committee supports the concept of living streets as a means to establish high-quality urban places in the Precinct. As identified by Mr De Young, living streets combine walking, cycling and driving in a 'slow but active environment'. They also provide 'access to front doors' and 'eyes on the street'. The Committee is cautious about the proposal for a fully pedestrianising The Centreway as outlined in the PSP, and the potential lack of activation and perceptions of safety. The Committee agrees with Mr De Young's comments and proposal to consider including cars at slow speed in a living street, as adopted by PMD in their plan. If cars were to be included a street width of more than 10 metres may need to be considered.

In terms of creating 'place' within the street network, the Committee has concerns around the degree of potential activation through The Centreway and surrounds in the Council plan. While vibrancy and activity will no doubt exist across the entire precinct on market days, it should be noted that that on the 3 days a week when the market is closed, it is likely that that The Centreway and the streets immediately surrounding will not be highly activated or vibrant. This may also have ramifications on perceptions of safety.

The PMD proposal for Cook Street includes provision for a built over pedestrian connection to accommodate larger anticipated retail uses. While the Committee is not opposed to the proposal in principle, careful consideration would need to be given to the width and character of Cook Street to ensure that it is a welcoming, 'public-looking' and comfortable environment.

Service vehicle access and loading zones

The VPA, Council and PMD agreed that it is appropriate to show access points and loading zone points as indicative or not at all. The Committee agrees that this is a detailed design matter guided by the PSP strategies and ACZ1 guidelines and supports this approach to ensure flexibility.

The Committee considers that PMD's plan to manage market back of house activity and focusing these activities in the basement away from the public realm effectively achieves the PSP and ACZ1

objectives and strategies. The PSP does not preclude this and it may be problematic in a retained market scenario.

The PMD market basement proposal would provide additional trader parking facilities, potentially addressing Mr Lambros concerns regarding truck parking for traders and most likely freeing up additional customer parking if traders were utilising a dedicated parking below the market.

Council's option of maintaining the market in situ essentially requires the loading zones to remain in-situ as well. This will require service vehicles to interact with pedestrians and cyclists, particularly in the vicinity of the south west loading zone, acknowledging Council's suggestions to limit the times of operation of this loading zone. As Council noted, a traffic solution could be developed, but the optimal solution, in terms of safety and operational characteristics, is more likely to be realised with the PSP and PMD's approaches.

The Committee notes that the proposed intensity of development, including over 2,000 residents will require a variety of services and deliveries to be made into the precinct. It is not appropriate to designate the streets where service vehicle and loading zone access is restricted at this stage of the planning process.

The Committee finds:

- The proposed movement network is generally appropriate, but the Framework Plan and PSP should be augmented with:
 - a southern loop road
 - a lower order road typology shared environment or 'living street' based on Mr De Young's preliminary concept plan and evidence.
- The Centreway should be activated utilising the lower order road typology if the market is to be relocated.
- The northern loop road location should acknowledge the desirability of larger floor plates in the northern portion of the precinct.
- The movement plan should show location of car parks and loading zones as indicative, or not at all.
- The PMD concept provides a superior market loading zone and service vehicle access arrangement utilising a basement level compared with the Council plan.
- The PMD plan for Cook Street would require further design consideration around width and character to ensure the street is welcoming, 'public looking' and comfortable.

8.4 Streets as easements or Council streets

(i) The issue

The issue is whether the access streets and public thoroughfares should be shown as roads and vested in Council.

(ii) What is proposed?

The ACZ1 (4.2 Subdivision) provides that a permit not be granted to vary or remove a carriageway or access easement unless the responsible authority is satisfied that appropriate access arrangements are maintained via existing or varied easements.

(iii) Evidence and submissions

Council proposed that Clause 3.0 (Subdivision) of the ACZ1 Subdivision be amended to replace the variation or removal of easements permit requirement with:

Vesting of roads and accessways

Requirement - land identified as an access street or a pedestrian connection at ground level – open to the sky – generally in accordance with Plan 1 of this Schedule must be vested in Council.

Council considered this necessary for the efficient and effective management of the roads through the precinct and relied on Mr McDougall's evidence.

Mr McDougall observed that the existing access ways have been established by a s173 Agreement and the PSP continues this arrangement. However, in his opinion, using private property to provide public accessways could detrimentally impact pedestrian permeability, which should be maintained at all times. In favour of easements being gazetted as public roads he noted:

- regular maintenance will be required and the developer may apply different maintenance standards to those in the *Road Management Act 2004* (Vic)
- Government, rather than the private sector, was more suited to dealing with the costs and risks of maintaining public accessways. Council is better placed to ensure that accessibility and security are maintained regularly and to a high standard.

The VPA supported Council's amended wording and included it in its Final version of the ACZ1.

PMD submitted that the market is privately owned and its concept has factored in the existing easements, and sought to ensure that all accessways that currently have carriageway or passageway rights would continue. PMD considered there could be a variety of outcomes for land identified as access streets and pedestrian connections ranging from vesting in Council, remaining as easements, or some other solution. This matter was best resolved through the planning permit process without the need for a mandatory requirement in the ACZ schedule.

(iv) Discussion

The Committee agrees that the ownership and ongoing management of streets and unenclosed ground level pedestrian connections is best resolved during the permit application stage.

The Committee notes that there are examples of subdivisions where roads remain in private ownership and are not maintained by the road authority – it is not an uncommon occurrence.

While Mr McDougall presented reasons why these assets should be vested in Council, they do not preclude or diminish the fact that PMD could reasonably maintain these assets or deal with the associated risks and costs. Potentially PMD could provide a higher standard of maintenance to complement and enhance the appeal of the development.

The easement provides certainty that access must be maintained and is fundamentally a different mechanism to a public road vested in council but still achieving the same outcome.

The Committee considers the Day 1 wording of the variation or removal of easements is preferred to that sought by Council and supported by the VPA in its Final version of the ACZ1.

The Committee finds:

- Appropriate access arrangements can be maintained or provided via existing or varied easements and the appropriateness of vesting these assets in Council can be resolved during permit application process.

- The vesting of roads and accessways requirement for subdivision sought by Council and included in the VPA’s Final version of the ACZ1 is not appropriate and should be replaced with the variation or removal of easements included in the Day 1 version with the addition of the words “*or other means*” or similar to retain flexibility.

8.5 Parking rates and modal shift

(i) The issue

The issue is whether the proposed car parking rates are appropriate to achieve a travel mode shift to public or active transport and reduce congestion.

(ii) What is proposed?

PSP

The PSP includes the objective to provide flexible and efficient parking and access supported through car parking strategies (A22 – A28) and loading/unloading and service vehicles strategies (A29-A33) which include:

- future car parking to be provided at a rate that discourages private car use to avoid congestion and encourage modal shift (A22)
- maintaining the same amount of market parking (A26)
- improving safety and efficiency by separating loading, servicing and car park from ground level pedestrian areas (A29)
- loading docks are separated from private and market car parking; potentially below ground (A30).

ACZ1

The Day 1 version of the ACZ1 includes:

- Clause 2.0 (Access, movement and parking objectives):
 - encourage modal shift to active and public transport
 - ensure adequate car parking for all users, during and after development, and to ensure this parking is adaptable and flexible to be sustainable in the long term
- Clause 4.4 (Circulation, transport and parking requirements):
 - provide secure, undercover, east to access bike parking for all residents
 - car parking should be in basements, and where not possible or practical, should be within buildings or sleeved
 - In relation to the market precinct
 - convenient car and bicycle parking for market workers and visitors

Parking Overlay

Key elements of PO2 include:

- Clause 1.0 (Parking objectives to be achieved):
 - encourage a modal shift away from private vehicle use
 - recognise excellent public and active transport modes which are available
 - encourage shared use of parking
 - improve pedestrian and cyclist amenity by reducing private vehicle access
- Clause 2.0 (Permit requirement) to exceed maximum rates nominated Table: Car parking spaces.

- Clause 3.0 (Number of car parking spaces required) which includes 'Table: Car parking spaces' identifying maximum rates for dwelling (by bedrooms), office, market and retail premises (other than market). For other uses the Column B rates of Table 1 of Clause 52.06-5 (Car Parking) apply.
- Clause 6.0 (Application requirements and decision guidelines) – decision guidelines only nominated
- Clause 9.0 (Background documents) – *Preston Market Precinct – Parking Overlay: Assessment of Car Parking Provision Rates, April 2022.*

The Day 1 version of the PO2 did not include application requirements for a car parking plan, design standards for car parking or decision guidelines for car parking plans.

(iii) Relevant Planning Practice Note and background documents

Planning Practice Note 57 Parking Overlay

PPN57 provides guidance about preparing and applying a PO and provides planning authorities with the opportunity to respond to local car parking issues and outline local variations.

It identifies that a car parking plan is required to justify variations in parking rates and may form part of an environmental, transport or economic development strategy or urban design framework for a precinct. It should include:

- findings from research and surveys that provide factual material to support the plan
- a monitoring and review mechanism.

The Parking Overlay must specify the car parking objectives. Where car parking is to be limited, with permit process to increase car parking above specified rates, it is appropriate that a strategic assessment has been undertaken.

Preston Market Precinct – Parking Overlay Assessment (April 2022)

The Parking Report informed the development of a Parking Overlay and identified parking rates. It identified that:

- parking supply is a recognised travel demand tool and can have an influential factor in achieving a modal shift
- current precinct mode share was 74 per cent by car, 18 per cent by foot, 8 per cent by public transport and negligible by bicycle
- there is economic tension where parking is seen as essential to support development, and at the same time has an opportunity cost and consumes developable land
- apartments within the precinct will enjoy excellent access to facilities and public transport and supply suppression is appropriate
- a suppression rate of approximately 25 per cent lower than existing average car ownership levels for comparable housing in Preston is appropriate (equating to an overall weighed average of 0.72 spaces/dwelling for a proposed residential yield of 1,172 dwellings).

Preston Market Traffic and Transport Assessment (June 2021)

The Traffic and Transport Assessment provides a high-level review and supports car parking provision that seeks to balance commercial needs with the strategic objective of encouraging mode shift away from private vehicles. Key findings included:

- adopting Clause 52.06-5 Column B rates as maximum due to the precinct's location within the Principal Public Transport Network
- a car parking demand assessment be undertaken for each development stage
- in order to encourage sustainable transport modes it is appropriate to apply a 50 per cent suppression factor (to Column B car parking rates) due to excellent access to public transport and good cycling and pedestrian connectivity.

(iv) Conclave findings

The Transport conclave identified:

- applying the PO is appropriate
- land uses not included in the PO2 should be set at a maximum rate equivalent to Clause 52.06 (Car parking) Column B rates (excluding supermarket which should be 3.5 spaces/100 square metres)
- controls and guidelines for public accessibility of shared car parking should be provided
- proposed non-residential rates were generally supported except by Mr McDougall who supported a lower but undefined rate
- residential rates could not be agreed
- motorcycle/motor scooter parking rates are required (1 space for every 100 [car] spaces)
- electric vehicle charging (EVC) is appropriate, but for long term parking bays only. Setting a percentage rate for electrical charging stations is problematic due to rapidly changing conditions and future uptake of EVs. Suggested wording within the ACZ1 "requiring electric vehicle charging to the satisfaction of the responsible authority" would be an appropriate way forward.

(v) Evidence and submissions

Community submissions ranged from there being too much to too little parking provided for within the PSP. There was considerable agreement regarding the provision and management of parking, except for residential car parking rates amongst the VPA, Council and PMD and their experts. These parties were generally aligned with only minor variations in these suggested rates.

Table 8 summarises the key car parking rates proposed by parties and experts from 'highest' to 'lowest' maximum parking rates for the key uses with:

- parties and most experts agree to 3.5 spaces/100 square metres in GLA for the market
- Council supporting the PO2 residential parking rates but proposing lower rates for office and retail (non-market).

Table 8 Summary of Proposed key car parking rates from experts and parties

| Use | Type | Maximum car parking rate (spaces/100 sqm) | | | | |
|----------|-----------|-------------------------------------------|----------------|----------------|---------|---------------------|
| | | PMD (Dunstan) | PMD (De Young) | VPA (Marshall) | Council | Council (McDougall) |
| Dwelling | 1 bedroom | 1.0 | 0.5 | 0.5 | 0.5 | Lower |
| | 2 bedroom | 1.0 | 1.0 | 0.8 | 0.8 | Lower |
| | 3 bedroom | 2.0 | 1.5 | 1.0 | 1.0 | Lower |

| Use | Type | Maximum car parking rate (spaces/100 sqm) | | | | |
|------------|---------------------------------------|-------------------------------------------|-------------------|-------------------|---------|------------------------|
| | | PMD (Dunstan) | PMD (De Young) | VPA (Marshall) | Council | Council (McDougall) |
| | Weighted average* (space/dwelling) | 1.034 | 0.75 | 0.72 | 0.72 | |
| Market | Leasable floor area | 3.5 | 3.5 | 3.5 | 3.5 | Lower |
| Retail | Leasable floor area | 3.5 | 3.5 | 3.5 | 2.5 | Lower |
| Non-Market | Shop, food & drinks | | | | | |
| Office | Net floor area | 1.0 | 1.0 | 1.0 | 0.5 | Lower |

* Weighted average spaces/dwelling is based on proposed residential yields for each proposal

Ms Marshall's evidence relied on the Parking Report. In her opinion it sustained why parking suppression could be supported, noting that it primarily related to the proposed residential and office uses with other market and retail maintaining similar parking levels.

Mr De Young supported the maximum rate for market and retail uses as this would continue to protect regional access to the market and ensure that retail use is effectively served by new parking areas at a lower rate during peak market times. In his opinion this was consistent with PSP objectives of maintaining adequate parking while using parking supply as a lever to achieve a modal shift.

Mr De Young was concerned with the strategic justification of the Parking Report. He noted that the residential car parking rates were based on a 25 per cent suppression factor to ABS car ownership data for apartments in Preston. He proposed minor increases to the maximum residential parking rates. He considered the extent of suppression is excessive, particularly for larger apartments and which:

- was unlikely to materially lessen precinct traffic generation
- may impact commercial viability of the early stages of development.

Mr De Young opined that providing car parking does not necessarily equate to car parking demand or car ownership. Potentially a car space may be sold and not used or residents may own a car but use alternative transport modes during peak hours. Based on his proposed parking rates the mix of residential rates for the proposed PMD development would result in a weighted average rate of 0.75 spaces per dwelling.

Ms Dunstan recommended that the PO2 should be refined to address car parking provision objectives, rather than include design matters, and include:

- encourage sharing of public car parking and adaptable car parking areas
- ensure vehicle access points did not impact on pedestrian and cycling amenity
- encourage back of house areas to not impact on public realm
- encourage provision of sustainable transport infrastructure.

³⁴ Weighted average determined by Committee based on Mr De Young's evidence 'Table 4.3 Dwellings' but utilising Ms Dunstan's parking rates: $((97 \times 0) + (868 \times 1.0) + (868 \times 1.0) + (96 \times 2.0)) \div 1.0$

Ms Dunstan was concerned that the Car Parking Report provided limited strategic justification for PO2 rates. She considered that residential compared to retail and market parking would have minimal impact on the local road network. She identified that using the Clause 52.06-5 Column B residential parking rates as a maximum would be appropriate and noted that the existing mixed-use development permits provided a weighted average of 0.6 to 0.8 spaces per dwelling.

Ms Dunstan recommended³⁵ a range of changes to the PO2 to improve clarity and application, and:

- changes to the parking objectives
- inclusion of application requirements and further decision guidelines
- requirements for a car parking plan
- design standards for car parking.

Mr McDougall provided more of a strategic overview of the PO2 identifying:

- it was unclear why the specific parking rates have been recommended
- analysis of ABS data for apartments within 500 metres of train stations in Preston East show car ownership matches the proposed parking rates
- a precinct 'green travel plan' should be required to promote and encourage sustainable transport choices
- parking rates should be lower to demonstrably encourage a shift away from car use
- adoption of a SUMP (Sustainable, Urban, Mobility Planning) approach where all parking is shared, unbundled, managed and paid with an objective of inducing less car use. This could include providing one or two dedicated parking stations where residents choose to lease parking rather than have title to the parking space.

PMD submitted that it should be possible to provide parking 'unevenly' with some larger developments providing more parking that can then be shared with other developments. That is the quantum of parking is the same but delivered at different times. Clear guidelines should be provided as to the circumstances in which the over-provision may be acceptable.

In relation to the residential parking rates, PMD submitted that Clause 52.06 Column B rates should be applied as a maximum (as per Ms Dunstan's evidence) because:

- no adequate justification had been advanced for the lower rates
- Column B rates as maximum rates represents a justifiable level of car parking suppression
- there is no traffic or other basis to support lower residential parking rates.

In closing PMD submitted that while the PO2 rates may sound reasonable and help with sustainable transport objectives for a well located site, the background work has not been done, nor the rates properly justified. There was a potential risk of unforeseen consequences and that would establish an undesirable precedent for future parking overlays.

Council submitted that effective modal shift objective required strong measures including a suppressive parking strategy. Council:

- supported the PO2 residential car parking rates
- sought lower rates (which were supported by Ms Marshall given the opportunity for spaces to be shared by other uses) for non-market retail and office.
- proposed further changes to the PO2 than identified by Ms Dunstan including:

³⁵ Document 197

- additional objectives
- a new clause requiring the 763 shared spaces associated with the market to be shared with other retail and be provided in a super basement
- application requirements including adaptability provisions if above ground carparking is provided and additional decision guidelines
- requirements for a car parking plan consistent with Ms Dunstan's changes
- additional design standards for car parking to those identified by Ms Dunstan.

VPA confirmed it continues to support the draft PO2 rates consistent with Ms Marshall's evidence. It considered Mr De Young's higher parking rate for two and three bedroom dwellings would have limited impact as they met, rather than suppress unconstrained demand. It submitted that Ms Dunstan's adoption of Column B rates as maximum rates provided PMD the flexibility to determine what level of parking suppression was applied rather than the control providing that function. In relation to Ms Dunstan's concerns regarding larger buildings oversupplying commercial parking to cater for shared use with future development(s), VPA agreed that flexibility may be required and that this can be addressed by providing suitable guidance for a decision maker considering a permit application.

VPA maintained that there was sufficient strategic justification for the proposed PO2 and that mode shift be embraced as a proper planning objective.

The VPA's Part B version of the PO2 included many of Ms Dunstan's recommended changes. It did not agree to Council's changes relating to identifying market car parking spaces given the existing s173 Agreement and it did not support all parking being underground, or to add a permit requirement provision or change the parking design standards. It considered referencing the PSP appropriate.

(vi) Discussion and findings

The Committee supports the broad objectives, strategies and provisions of the PSP, ACZ1 and PO2. These documents are fundamentally sound in respect to parking. The VPA's Final version of PO2 capture suggested improvements, such as providing guidance around the uneven parking supply due to staging of developments, and to more closely reflect its key objectives.

Suppressing car parking provision is a useful tool to achieve a modal shift to sustainable transport solutions.

The Parking Report relied on ABS car ownership data for Preston apartments and then applied a 25 per cent suppression factor – but there was no explanation of why a factor of 25 per cent was adopted and not some other figure. Mr McDougall's finer grade analysis of the ABS data focusing on apartments within 500 metres of a train station (within Preston East) show car ownership is lower (1 bed, 0.53, 2 bed 0.81, 3 bed 1.0 cars per apartment) and equivalent to the proposed VPA residential rates. These rates are consistent with the lower levels of car ownership typically found for apartments within 500 metres of other metropolitan train stations.³⁶ Based on these figures the PO2 rates match current ownership rates and residential car parking is unlikely to be significantly suppressed.

³⁶ Mr McDougall's evidence Document 135 paragraph 12.3

The earlier work undertaken by Cardno applied a 50 per cent suppression factor to the Column B rates. Again, this was without analysis or explanation for the suppression factor other than accounting for the proximity of public transport and connectivity to cycling and pedestrian links. The Committee considers that the approach taken focuses most of the suppression on residential use which causes the least amount of traffic congestion, whereas the retail and market which generate greater traffic activity are to remain at Column B rates.

Further work could be undertaken to refine the suggested parking rates, however the Committee believes little material benefit would be realised from such an exercise. Traffic modelling has demonstrated that even with the higher dwelling yield proposed by PMD and associated increased traffic, the road network will continue to function. Ms Dunstan noted that the average car parking rates were 0.6 to 0.8 spaces/dwelling for the existing approved permits on site were similar to the VPA and Mr De Young's proposed weighted averages. Future development may realise similar parking levels. Providing a little more, or a little less residential parking is not considered to have a material effect on the uptake of sustainable transport modes. The busiest traffic generators such as Market and Retail premises are appropriately capped at the maximum of Column B rates (3.5 spaces/100 square metres).

The Committee supports the Transport conclave's position that 'Supermarket' should have the same rate as Market and Retail Premises. While Supermarket is nested under Retail premises, it is identified separately in Clause 52.06-5 (at 5 spaces per 100 square metres GLA) so requires specific identification in the PO2 if a reduced rate is to be supported.

The residents, office and retail workers will gain significant benefit with the market and other food and retail offers which will ultimately be delivered. New residents will most likely walk from their homes to the market and retail offers; some may potentially work within the precinct resulting in a significant uplift in sustainable transport modes being adopted. The proximity of the station and nearby bus routes, including the 903 SMARTBUS high frequency orbital bus service, will be significant factors in residents using public transport for journey to work and other trips complemented by the implementation of Green Travel Plans.

The Committee appreciates PMD wishes to maintain some flexibility with the amount of residential parking to be provided and avoid the need to obtain a permit if additional car parking is proposed. It also acknowledged that the VPA and Council's intention to have a lower maximum residential parking rate to cap residential parking as a legitimate tool to achieve a modal shift.

The Committee considers on balance that adopting Column B residential parking rates as a maximum is appropriate, noting that the PO2 can be reviewed in future if the desired modal shift is not materialising.

In relation to office and non-market retail parking rates, the Committee supports the findings of the majority of the traffic experts. It shares Mr De Young's concerns about maintaining and protecting regional access to the market and ensuring that retail is effectively served by new parking areas at a lower rate during peak market times.

The fundamental challenge is to increase the uptake of sustainable transport modes for visitors and shoppers (currently around 60 to 77 per cent who drive to the market). As noted by Mr McDougall further work on encouraging and enhancing sustainable active transport modes such as cycling as well as walking is appropriate and consistent with PSP objectives. In this regard the ACZ1 requirement for a Green Travel Plan would be a useful and reasonable requirement.

The Committee finds:

- The VPA's Final version of the ACZ1 relating to parking provision is appropriate.
- Applying a Parking Overlay is an appropriate tool to achieve the objectives of the PSP
- The appropriate PO2 parking rates are:
 - the Clause 52.06-5 Column B rates (maximum) for dwelling
 - the Clause 52.06-5 Column B rates (maximum) as proposed for Office, Market and Retail premises except for Supermarkets which should be 3.5 spaces per 100 square metres.
- The VPA's Final version of the PO2 is appropriate subject to the further changes identified in the Committee's preferred version (Appendix I).
- The Parking Overlay should be reviewed in future if sufficient modal shift does not materialise.

8.6 Car parking location

(i) The issue

The issue is whether the PSP and ACZ1 provides for the appropriate location of carparking.

(ii) What is proposed?

PSP

The Day 1 PSP includes an objective to provide flexible and efficient parking and access. Including by encouraging loading, servicing and carparking to be located away from ground level, prominent pedestrian areas or areas visible from the public realm. Supporting strategies include locating carparking below ground level or above ground level subject to being sleeved by residential, commercial or other land uses (A28).

The Access, Movement and Car Parking Plan Framework Plan identifies car parking area access off the internal vehicle access streets.

ACZ1

The ACZ1 Day 1 version includes:

- Clause 2.0 (Land use and development objectives) which encourage loading, servicing and car parking areas to be located underground.
- Clause 4.4 (Design and development) which includes parking guidelines car parking should be below ground level and where not possible, appropriately sleeved
- Clause 8.0 (Decision guidelines) which includes consideration of whether car parking is well designed and does not dominate streetscapes.

Evidence and submissions

A number of community submissions sought the retention of existing parking areas around the market to provide for more accessible parking for market and precinct shopping. The Community Plan concept provided for underground car parking although Mr Kaszubski identified that underground parking raised potential issues with electric vehicle fires.

Council supported shared vehicle parking being provided in a series of multiple level basements which would avoid adverse urban design outcomes. This included:

- changing the objective to 'ensure' loading, servicing and car parking areas were provided underground

- amending the circulation, transport and parking guidelines to:
 - locate car parking east of the station in ‘super basements’ to the north and south of the market, and to the west within individual building basements
 - include well designed pedestrian connections into and from the underground car parks to the market and other precinct uses.

Ms Hodyl supported Council’s approach considering it would ensure better public realm outcomes. Council relied on the evidence of Mr Woolf to identify how the delivery of basement car parks could be staged. It accepted the evidence of Ms Marshall and Mr De Young that basement parking access be identified as ‘indicative’ to allow flexibility in location.

PMD submitted that the preferred approach should be to direct parking below ground in the first instance (which it considered most would) but allow for above ground parking in particular circumstances. It considered it desirable to have the flexibility to allow above ground car parking in the vicinity of the migrated market (as identified in the Snohetta plans) because it would:

- be constructed more quickly and economically minimising market disruption
- be more appealing for market users with more open air access and visibility
- provide for an adaptable structure for other uses if parking demand changed.

PMD presented an alternative market roof top parking arrangement that removed more of the structure from sitting over the fruit and vegetable market sheds.

(iii) Discussion and findings

The Committee considers that the accommodation of shared use car parking underground is an appropriate objective for the precinct. It provides for the better utilisation of the site for other land use activities and superior ground and upper-level public realm outcomes.

That said, the Committee does not support a position that would require all parking to be provided underground. This is because it is an expensive alternative which may impact development viability and precinct objectives being achieved, and because it is not readily adaptable for other uses given the floor to ceiling heights. Requiring basement floors to achieve an adaptability height on the possibility of alternative uses if parking demand drops significantly is an unreasonable and costly expectation.

While the construction of multiple basements over an extended timeframe is likely to prolong parking availability, in the short-medium term this is not considered to be a reasonable basis to support more above ground car parking.

Above ground car parking can be provided in a way that is designed to minimise the public realm impact including through the sleeving of land uses, arranging it so that it is not visible from the public realm or use other design or landscape articulation treatments. Allowing the flexibility for a proportion of car parking to be provided above ground level as proposed in the ACZ1 is unlikely to result in its extensive provision in this form, largely because of the limitation of building heights. The Committee notes that the VPA’s Final version of the PO2 includes within the identified car parking design standards that PO2 above ground car parking should provide for future adaptation of car parking areas to other uses and innovations in transport technology and practice.

The Committee supports the flexible approach provided for in the PSP and ACZ1.

The Committee finds:

- That the current PSP and ACZ1 objectives, strategies and guidelines for car parking location is appropriate.

8.7 Bicycle Parking

(i) The issue

The issue is whether the PSP and ACZ1 make appropriate provision for bicycles.

(ii) What is proposed

PSP

The PSP supports cycling with strategies including encouraging active transport options, providing generous bicycle parking opportunities and end of trip facilities in public areas and in private developments (A17).

ACZ1

The Day 1 version of the ACZ 1 included Clause 2.0 at Clause 4.4 (Circulation, transport and parking requirements) supported the integration with existing cycling networks in St Georges Road and Cramer Street.

The VPA's Part B version of the ACZ1 included a requirement for bicycle parking to be applied at the following rates with an additional 'Other' use rate included in response to submissions in its Final version (Figure 33).

Figure 33 Proposed bicycle parking rates

| Use | Typology | Rate | Measure |
|-----------------|----------------------|------|--------------------------------------|
| Dwelling | Studio and 1 bedroom | 1 | Space per dwelling |
| | 2+ bedrooms | 1 | Space per dwelling |
| Office | Employee | 1 | Space per 200sqm of gross floor area |
| | Visitor | 1 | Space per 500sqm over 1000sqm |
| Retail premises | Employee | 1 | Space per 300sqm of gross floor area |
| | Visitor | 1 | Space per 500sqm over 1000sqm |
| <u>Other</u> | | | <u>Per clause 52.34</u> |

Source: VPA Final version of ACZ1 including red text

(iii) Conclave findings

The Transport conclave generally agreed with the bicycle parking rates, with the exception of Mr McDougall who proposed a five-fold increase in visitor bicycle parking.

The conclave agreed that Clause 52.34 (Bicycle facilities) parking rates were too low for most uses (0.2 space per dwelling, 1 visitor space per 10 dwellings) especially when seeking to support car park suppression and modal shift. The suggested bicycle parking rates (shown in Table 9) were adopted by the conclave except by Mr McDougall who supported a higher provision rate.

Table 9 Proposed Transport conclave bicycle parking rate

| Use | Unit | Rate | measure |
|-------------|----------|------|-----------------------------|
| Residential | Dwelling | 1 | per dwelling |
| Office | Employee | 1 | per 200 sqm GFA |
| | Visitor | 1 | per 500 sqm over 1,000 sqm* |
| Retail | Employee | 1 | per 300 sqm GFA |
| | Visitor | 1 | per 500 sqm over 1,000 sqm* |

* Mr McDougall recommended visitor bicycle parking rate of 1 space every 100 instead of 500 square metres

(iv) Evidence and submissions

Several community submissions were received around bicycle provision, with an emphasis on making cycling more attractive, providing better facilities and associated infrastructure, including bicycle parking and storage. Some submitters noted that lack of existing bicycle parking at the market.

Council considered increased bicycle parking rates fundamental to achieving a best practice outcome for the site. It submitted that cycling infrastructure and facilities must be easy and attractive to use.

Council proposed additional ACZ1 objectives to support high accessibility of active transport options:

- provide secure, undercover, easy access bike parking for all residents
- encourage showers and change rooms for employees to a greater rate than currently specified in the planning scheme.

Council's proposed bicycle parking rates are shown in Table 10.

Table 10 Council's proposed bicycle parking rates

| Use | Unit | Rate | measure |
|------------------------|----------|------|------------------------|
| Residential | Dwelling | 1 | per bedroom |
| | visitor | 2 | per 5 dwellings |
| Office | Employee | 1 | per 100 sqm NFA |
| | visitor | 4 | plus 1 per 100 sqm NFA |
| Retail (non-market) | Employee | 1 | per 100 sqm NFA |
| | visitor | 4 | plus 1 per 100 sqm NFA |
| Market | Employee | 1 | 1 per 100 sqm NFA |
| | visitor | 8 | plus 1 per 100 sqm NFA |

PMD supported the majority of traffic experts on the level of bicycle parking to be provided and noted that the need for additional bicycle parking in future could be dealt with at the permit stage. Similarly, the number of bicycle spaces to be EVC enabled. The PMD plan included net floor area data for the existing and relocated market³⁷ which allows the number of visitor bicycle parking to

³⁷ Snohetta plans (Document 150 page 84)

be provided based on the Transport conclave's proposed and higher council bicycle parking rates (**Error! Reference source not found.**).

Table 11 Comparison of Transport conclave and Council visitor bicycle parking rates

| Use | NFA* (sqm) | Visitor rate | Total visitor spaces |
|------------------|------------|----------------------------|----------------------|
| Existing market | 4,761 | 1 per 500 sqm (conclave) | 10 |
| | | 8 +1 per 100 sqm (Council) | 56 |
| Relocated market | 4,004 | 1 per 500 sqm (conclave) | 8 |
| | | 8 +1 per 100 sqm (Council) | 48 |

PMD did not support Council's higher rates and considered the majority conclave rates were appropriate, even generous. It relied on Mr De Young's advice that higher rates as proposed, including Mr McDougall's were aspirational and setting minimum rates at an 'aspirational' level was ineffective, as the spaces would be under-utilised. It also observed that if basement parking area demand fell more bicycle spaces could be provided in the future.

VPA supported the inclusion of higher bicycle parking rates, and was supportive of the Transport conclave agreed changes.

(v) Discussion and findings

The Committee supports the proposed bicycle parking rates outlined in Table 9 based on the majority traffic expert position.

The Committee agrees that more generous provision of bicycle facilities is appropriate, considering the high standard of existing and proposed bicycle routes to and through the precinct and the desire for modal shift away from private vehicle use.

While Council's rates may be construed as aspirational, no evidence was provided to support significantly higher rates against those suggested by the majority of traffic experts. However, as PMD noted, there would be an opportunity to provide additional bicycle parking facilities at the planning permit stage, or should bicycle usage significantly increase over time, the Committee considers that minor design changes around the precinct could accommodate additional bicycle parking.

The Committee considers that the actual number of market visitor bicycle spaces is likely to be somewhere between the conclave and Council figures.

Council's proposed amendments to the ACZ1 to include secure, undercover, easy access bike parking for all residents appear self-evident but are considered detailed matters for the permit application stage. Similarly providing end of trip measures to encourage the providing end of trip facilities to complement any future increase in cycling trips is an appropriate objective but a level of detail that is not required in the ACZ1.

The Committee finds:

- The Transport conclave's proposed bicycle parking rates are appropriate.

8.8 Electric vehicle charging

(i) The issue

The issue is whether the PSP and ACZ1 make appropriate provision for vehicle and bicycle EVC.

(ii) What is proposed

PSP

The connectivity objectives includes a strategy to include charging facilities for electric vehicles in residential car parking (A18).

ACZ1

Clause 6.0 (Application requirements) identifies EVC design requirements:

- 25 per cent of car spaces EVC enabled with all charging infrastructure installed
- 75 per cent of car spaces EVC ready to all future charger to be readily fitted
- 25 per cent minimum bicycle spaces to have electric charging points (power points).

(iii) Conclave findings

The Transport conclave identified:

- the proposed EVC provision is appropriate, but for long term parking bays only (residential and office uses)
- setting a percentage rate for EVC stations is problematic due to rapidly changing conditions and future uptake of electric vehicles
- suggested amending the wording of the ACZ1 *requiring electric vehicle charging to the satisfaction of the responsible authority.*

(iv) Evidence and submissions

As discussed in Chapter 11 many community submissions supported a more sustainable approach to the precinct's development including the application of at least best practice ESD standards. This extended to making appropriate provision of EVC stations for cars (and bicycles). Mr Kaszubski and other submissions highlighted potential risks associated with electric vehicles catching fire and that it would be inappropriate for these vehicles to park in basements.

Mr Talako's evidence generally supported the EV ready ratio proposed in the ACZ1 as it provided flexibility in rolling out infrastructure to match the EV charging demand as it evolves. He supported a mandatory control for 25 per cent electric bike charging points. In relation to the broader practical issues his oral evidence identified that:

- the Greenstar mandatory 5 per cent EV installed ratio is low
- existing fire risks associated with car batteries should ultimately be resolved by various agencies (Metropolitan Fire Brigade, AustRoads) but he could not advise when this would occur
- electrical board upgrades and future cabling will be required to service greater electrical demands associated with charging vehicles
- some bike batteries are not readily removable so a range of options would be required for electric bicycle charging.

Council adopted the VPA's Day 1 version of the ACZ1.

PMD supported all vehicle spaces being EV ready but submitted that the number of EV enabled spaces should be resolved during the permit application process (as per the conclave findings). This would ensure appropriate flexibility including accommodating future technological advances.

PMD supported the reasonable provision of electric bike and mobility scooter charging facilities but this should not be a quantitative obligation and be resolved at the planning permit stage, or otherwise specified as one power point per 6 spaces (residential) or per 12 spaces (employees).

VPA's Final version of the ACZ1 captured the PMD issues proposing electric vehicle infrastructure is provided for long term spaces, demonstrating:

- an appropriate number of EV enable spaces supported by a demand assessment (as opposed to a specific number)
- 100 per cent EV ready spaces.

(v) Discussion

The Committee supports the providing electric vehicle infrastructure within the PSP and ACZ1. It is consistent with the PPF and local policy.

Rapid technological advances and electric vehicle uptake rates dictates that flexibility is required to ensure appropriate outcomes are realised and that development can pivot to best suit market conditions and needs.

The Committee considers that the VPA's Final version of the ACZ1 generally provides the right level of flexibility in relation to EVC provision including providing spaces for long term residents and traders users. Similar flexibility should be incorporated for electric bicycle charging provision within the precinct. The Committee notes that given the variety of battery and charging arrangements for e-bikes a flexible approach is appropriate, and this matter is best resolved during the planning permit stage.

The Committee finds:

- VPA's Final changes to the ACZ1 relating to EVC provision are generally appropriate.
- The requirement for electric charging points for bicycle parking spaces for traders and residents is best resolved at the planning permit stage rather than being specified in the ACZ1.

9 Open space

9.1 Open space quantum

(i) The issue

The issue is whether the quantum of open space to be provided in the precinct is appropriate.

(ii) What is proposed?

PSP

The PSP includes a public space strategy (L21) which seeks the provision of 10 per cent of public open space on site (minimum of 8 per cent contributed in land with remaining contributed in cash). The strategy excludes 30A Cramer and 102 St Georges Road (VicTrack parcels) reflecting existing open space corridor contributions as part of the rail crossing removal project.

The PSP and ACZ1 provisions are informed by the *Preston Market Precinct – Public Open Space Needs Assessment* (Mesh, 2020) which investigated open space provision in and around the precinct and reviewed Council's *Breathing Space: The City of Darebin Open Space Strategy* (2019) (Open Space Strategy).

Schedule to Clause 53.01

The Schedule is proposed to be amended to identify a 10 per cent contribution for the precinct (except for 30A Cramer Street and 102 St Georges Road for which no contribution is specified).

(iii) Evidence and submissions

The submissions of DADA and Dr Ratnam supported a requirement for 18 per cent public open space in land at ground level based on Council's Open Space Strategy assessment of municipal open space provision and future need.

Mr Erlandsen considered a contribution of greater than 10 per cent in land was required with canopy vegetation to mitigate the urban heat island effect and existing open space shortfalls.

Mr Kaszubski considered that the public use of the Preston City Oval and HP Zwar reserve were heavily restricted and other nearby open space such as the St Georges Road median and the rail corridor open space were not spaces likely to be used for passive recreation.

Mr Hrelja's evidence considered a 10 per cent contribution an appropriate starting point for a large scale development precinct.

Mr De Silva's evidence was that a 10 per cent contribution and form of contribution was appropriate in the context of:

- the lack of open space in the general vicinity
- the yield and density of development and additional population that will generate the need for a range of open spaces
- the size of the land that is in consolidated ownership to the east of the railway line
- the current use which has a significant community gathering component
- the absence of any requirement to provide additional DCP open space contributions

- comparisons with other recent precinct examples
- the important role that open space plays in offsetting the impacts of medium to high-rise development and in creating liveable communities
- delivering an exemplar project.

His evidence identified some of the challenges in drawing a relationship between existing or aspirational open space provision benchmark based on a per capita basis of provision.

Council sought a 10 per cent land only contribution to the precinct based on the shortfall of public open space in Central Preston as identified in its Open Space Strategy. It relied on the evidence of Mr De Silva and Mr Hrelja. It considered the requirement justified based on policy, logic and fairness. More intensive development of the precinct (more residents, workers and visitors) would put further pressure on existing open space and sufficient open space should be provided to meet that need. It submitted that providing 10 per cent in land would still retain sufficient land for development and provide financial benefit by enhancing the value of the development.

PMD submitted that a 7 per cent contribution across the entire precinct comprising (land to the east of the rail line and cash to the west) was an appropriate balance between competing demands on scarce space. This was particularly the case if the dwelling yield was limited to 1,200 dwellings as proposed. It was a fair and reasonable contribution that was more than the 5 per cent required under Clause 53.01 and identified in the Preston Market Incorporated Plan. It submitted the site had good access to open space of different function and amenity within a 500 metre radius. These spaces included Preston City Oval, HP Zwar Reserve, rail corridor open space currently being delivered, St Georges Road bicycle corridor and the Preston Library forecourt. PMD submitted that open space proximity and context was a better qualitative test of access than a per capita rate which would likely continue to decline with increasing densification and required a municipal and metropolitan wide approach.

Mr Shipp considered that a per capita quantum was not appropriate for determining the open space need at the precinct level (particularly for an urban renewal precinct). The appropriate approach was to undertake an assessment of site need which considers the optimal open space dimensions and areas within the site, having regard to existing open space available in the area. Based on the urban design assessments he considered that the provision of 3,810 square metres (or 7.4 per cent) of passive open space represented the necessary contribution without a further cash contribution top up. He supported an open space monetary contribution for land to the east of the rail line and the inclusion of the rail corridor open space in the quantum of open space required.

PMD considered Mr Shipp's approach was sound and logical and accounted for site characteristics. This supported provision of quality spaces rather than just meeting a quantum. It considered a 10 per cent provision for this site had not been justified, particularly in the absence of policy. It acknowledged that there would be more justification for this level of provision if the yield were increased to over 2,000 dwellings.

The VPA submitted that determining the right amount of open space was not an easy thing to calculate and required a level of judgment to be applied and that Mr De Silva had considered all the appropriate factors.

In closing, Council refuted the idea put forward by Mr Shipp that the Preston City Oval could serve as local open space to meet the needs of new dwellings and commercial development. Council

considered that the oval was already a heavily utilised sporting facility, and that the playing surface did not offer any opportunity to be utilised as public open space.

Council's proposed changes to the Schedule to Clause 53.01 considered a 5 per cent contribution applying to 30A Cramer Street and 102 St Georges Road appropriate. In this regard:

- Mr De Silva supported a cash contribution (where the funds should be used to offset the cost associated with provision of the land to the east of the railway line)
- Mr Shipp supported a monetary contribution
- PMD supported a 7 per cent cash contribution.
- The VPA advised that it proposed no further changes to the draft Schedule to Clause 53.01 which provided a 'none specified' contribution amount for these sites. The effect of this designation still enabled open space contributions to be required under the *Subdivision Act 1988*.

(iv) Discussion and findings

The Committee acknowledges the existing strategic work including Council's Open Space Strategy that identifies the existing provision of open space across the municipality and challenges for future provision as it grows. However, that strategy has not progressed into the Darebin Planning Scheme and its implementation is being reviewed. While it provides important contextual information there is no current policy basis to require a 10 per cent (or higher) contribution including solely in land. It is not appropriate to opportunistically single out a site for a significant open space contribution based on historic open space provision. The Committee is wary of relying on other precinct examples to determine what is a reasonable contribution. The context is nearly always different. There is no right quantum. Ultimately it is a matter of balance and judgement.

There was however agreement of the need for an appropriate level of public open within the precinct arising from additional population (residents, visitors and workers), and from an urban design perspective to enhance the quality of the public realm. The Committee considers the appropriate factors for determining the right quantum of open space for the precinct include:

- local precinct context
- balancing existing planning policy for open space provision with other policy considerations and precinct expectations
- availability and accessibility of a range of open space types within a 500 metre walking distance
- establishing the need resulting from the precinct development
- the ability to deliver quality open space on site that serves the needs of residents and the broader community without compromising development potential and urban form
- impacts of development on existing open space.

The level of open space required for the site should be considered in its planning context. It is not a greenfield growth area or a large redevelopment precinct area like the Fishermens Bend or Arden which are seeking to establish whole new communities. The precinct while strategically important based on its locational attributes, is only 5 hectares in size with existing constraints (if the market is to be largely retained) and that already enjoys policy and a zoning that supports considerable residential and mixed use development. It is effectively a commercial precinct within a core part of the Preston MAC with opportunity for further redevelopment and intensification, rather than a blank slate.

The precinct is not devoid of open space types within close proximity. There is a range of open space areas and types within 500 metre radius of the precinct. The Preston City Oval and surrounding spaces provides both active and passive recreation opportunities and its future use is considered to have a role much wider than its sporting use based on Council's Open Space Strategy. This is not to say those spaces will meet all the needs of new residents, but they are highly accessible and likely to be used by future residents, workers and visitors to the precinct. This reinforces the importance of ensuring those spaces, particularly along the southern side of Cramer Street are able to enjoy good levels of solar access with minimal shadowing to ensure they remain attractive and usable.

Assuming an estimated yield of around 1,200 dwellings there is a clear need for additional provision of open space on site. Trying to establish a quantum of provision based on a per capita basis is a problematic approach for the reasons set out by VPA and PMD. What is required is for public open space to be well located and of sufficient size to be useable and have a high level of amenity and meet the needs of new residents and the wider community. The market does act as a community meeting area and focal point particularly given the location between the station, High Street and the civic precinct (the Heart of Preston as Council put it). Therefore, the open space provided within the precinct needs to accommodate this function and be integrated.

The Committee is of the view that the open space provided on site should be a balance between quantum and urban design and place making considerations. Much is being asked of the precinct, particularly if the market is to be substantially retained. Given the strategic role of the site the level of provision should not undermine the ability to achieve its broader vision. The proposed contribution is significantly more than the area identified in the Preston Central Structure Plan albeit a greater dwelling yield is now proposed.

While the Committee considers that an acceptable case has been made for a 10 per cent contribution for the precinct east of the rail line based on the demand created, some flexibility is required. This particularly so because the final area of open space to be provided on site needs to accommodate urban design considerations and an appropriate urban structure, particularly if the market is to be retained. For this reason, a land/cash split is appropriate if the 10 per cent cannot be provided on site in a meaningful way. Providing this quantum in a series of smaller spaces is unlikely to deliver good urban design and public realm outcomes but might be an outcome if a land only contribution was required. A cash balance contribution would also provide funds to Council to strategically purchase land for public open space or improve existing public open space.

While the Committee generally supports the minimum of 8 per cent land (with balance in cash) contribution, as identified by PMD (who sought a 7 per cent contribution) that might not be achievable without further compromising the preferred urban structure. The Committee supports amending the PSP objective to a minimum of 7 per cent as land, noting that this is an objective rather than a requirement and scope exists to derive an appropriate balance through the detailed design process. Ideally the final land percentage minimum adopted should match the final Framework Plan adopted given that the site is likely to be developed in stages.

The Committee supports the notion that 30A Cramer and 102 St Georges Road should not be exempt from future public open space contributions. In the absence of this Amendment, a 5 per cent contribution would be required under the Schedule to Clause 53.01 for subdivisions creating five or more additional lots. The Committee notes that the exhibited version of the Schedule has, for unexplained reasons, excluded the existing Schedule's use of plural 'lots' which substantially changes its application. This should be corrected in the final version.

The Amendment's identification of these sites with a 'none specified' provision in the Clause 53.01 Schedule does not exempt them from a contribution. The starting point of any subdivision open space contribution not identified in the Schedule is Section 18(1) of the Subdivision Act 1988. This provides for a contribution up to 5 per cent subject to the consideration of matters under section 18(1A) of the Subdivision Act. This provides an opportunity to consider future open space contributions for these sites.

The use of Schedule to Clause 53.01 removes uncertainty or potential dispute about the rate of contribution. While the Committee generally supports the VPA's position (drafting issues aside) a 5 per cent contribution for these sites would be consistent with the intent of the current provisions and provide for a more equitable approach. It is noted that Council proposes to commence an amendment to provide for a standard 5 per cent contribution as an interim step in its implementation of its Open Space Strategy. The Committee did not have the benefit of VicTracks/DoT's position on this matter, so a higher contribution is difficult to support at this time.

The Committee finds:

- The provision of a 10 per cent public open space contribution to the precinct east of the rail line is reasonable with the provision for a minimum land and cash top up contribution.
- The proposed changes to the Schedule to Clause 53.01 Public Open Space Contribution and Subdivision are appropriate (for land to the east of the rail line) but should be amended to reflect the existing Schedule use of plural form of lot which would enable contributions for the future development of those sites of 5 per cent assuming more than 5 lots will be created.
- The public open space quantum provision in land within the PSP should be amended to a minimum of 7 per cent or adjusted to reflect the final version of the Framework Plan.

9.2 Location and dimensions of public open space

(i) The issue

The issue is whether the location and dimensions of proposed public open spaces is appropriate.

(ii) What is proposed?

PSP

The PSP includes public spaces strategies (L22, L25 and L26) that provide for:

- a central public open space of minimum 35 metre dimension adjacent to the market
- a smaller public open space adjacent railway station landscape corridor
- a 10 metre Cramer Street setback area in front of the new market is also proposed as a forecourt/entry area within private ownership.

These areas are identified in the Framework Plan.

The PSP also provides public strategies (L20 and L23) that:

- public spaces should be being welcoming, safe, accessible and enhance the sense of place and community and provide a mix of sizes that enable passive and active recreation for a diversity of users including community gardening
- orientated to maximise access to sunlight

ACZ1

The ACZ1 requires at:

- Clause 4.4 (Design and development)
 - open space adjacent to Preston railway station must have a minimum width of 12 metres and length of 90 metres
 - open space located along Mary Street (central open space must have a minimum width of 35 metres and length of 78 metres)
 - overshadowing requirements for public open space
- Clause 6.0 (Application requirements) impact analysis of development on overshadowing of open space within and adjacent to the development.

(iii) Evidence and submissions

Mr Erlandsen submitted that the PSP should clearly distinguish private open space and accessible public open space and provide that it is not encroached by food vans or other uses (without being further offset). He supported a mix of spaces including their designation and quantum as green open space, passive open space and active open space.

Council's position based on the schematic evidence of Ms Hodyl sought to provide the 10 per cent requirement in land across one larger area offset to the south of a retained market (with a minimum width of 58.8 metres and length of 36.5 metres) and the balance in a series of smaller spaces (including a smaller area adjacent to the rail open space corridor. It considered its location for the larger area would provide for greater social interaction free of the visual impact of high-density buildings and could be activated with considered breaks into the market walls or new stalls. It proposed related consequential changes to the ACZ1 and PSP.

PMD's proposal supported two open space areas comprising the central open space (minimum area of 2,000 square metres and minimum dimension of 35 metres) and a station adjacent open space (with a minimum width of 12 metres extending between Market Street and The Centreway). These spaces were truncated compared to the PSP and did not include streets and provided for a deeper northern parcel to provide for larger floorplate uses and acknowledged land not owned by PMD.

Mr Sheppard supported the creation of a central open space including its use for shoppers to rest and a place for outdoor events. Its location at the intersection of key pedestrian connections would maximise its vibrancy and experience of people passing through the precinct. He considered it unusual however for a control to specify the shape so precisely although he supported the minimum 35 metre dimension which would strengthen its legibility as an 'outdoor room'. He considered the Architectus Urban Design Report addendum did not provide a sufficient or balanced basis for its length and proposed the length dimension be deleted. Mr Sheppard supported the squarer shape (bound by The Centreway, The Strand, Earle and Mary Streets) proposed by PMD and considered it would provide for the market streets to be interpreted as legacy elements.

Mr Sheppard considered the provision of the station forecourt space made sense and its 12 metre width was appropriate. He considered shortening the space between The Centreway and Market Street appropriate and that criteria should replace a mandatory minimum length.

Ms Jordan's evidence supported identifying a minimum area for the two open spaces rather than using minimum dimensions. Similarly, Mr Glossop did not support mandatory dimensions and observed the space extended over land not in PMD's ownership which would complicate delivery.

Mr McPherson supported the PSP open space spatial arrangements. He considered that the central open space provided an important focal point and passive space for recreation and social activity away from the busy road and rail environs. The configuration supported activation. He considered the station open space provided a useful buffer and welcoming environment into the precinct from the station need to ensure appropriate integration with the station and rail line open space corridor.

The VPA considered that the PMD open space arrangements were configured to accommodate its northern loop road and building foot print. It considered there was no reason why the legibility of the historic streets could not be achieved effectively through the open space.

(iv) Discussion and findings

The Committee considers that there is a strong basis for a larger, centralised open space area that can perform as a civic space or market square and meet the needs of future residents, traders, workers, visitors and the wider community. Important elements for its provision are its design quality, accessibility and relationship to priority pedestrian routes, solar access and relationship to active edges. It is not considered critical that the space excludes pedestrian streets but rather that the pedestrian movements (former streets) are legible and the interfaces well designed. The notion of a central open space is compromised by retention of the market. However, Council's planned location to the south east of the market maintains a relationship with Market Street, Mary Lane and proposed High Street connection and a relationship to lower scale buildings and the market itself. Allowing for potential new entries into the market fabric or other activation (subject to an appropriate assessment of impact to heritage fabric) treatments will assist with its integration.

The Committee is of the view that detail of the precise location, minimum area and dimensions of the central open space cannot be properly determined at this stage of the planning process if the market is to be retained, and needs to be the outcome of an amended Framework Plan. It is appropriate that the broad principles of size, role and format, and design objectives should be set out in the PSP and the key elements only identified in the ACZ1 without reference to specific metrics so as to maintain some design flexibility and the best overall urban structure to be achieved. Its general location within the Framework Plan will assist in the broad outcome sought being clear. This would also enable issues of land ownership to be considered at the permit stage rather than compromising a broader strategic level objective.

If the existing market was not to be substantially retained, the VPA and PMD both have elements of merit. If this were the case, the Committee is of the view that it is still not necessary for the ACZ1 to be so precise about its exact location or dimensions. This should be determined through the design detail process at the planning permit stage and its provision consistent with the broad parameters of the ACZ1 and the objectives and strategies of the PSP.

The Committee is less wedded to provision of an open space area adjacent to the railway open space corridor. It is unclear what the utility or attractiveness of this area would have to future residents given its relative shallow 12 metre depth. The existing corridor open space appears to provide an appropriate forecourt to the station and precinct and the PSP provides for an appropriate pedestrian connection to the market and High Street shops from the station.

As identified above, the way in which the remainder of the open space is to be provided as land (after provision of the central open space) should be explored at the detailed design stage. The PSP could however provide some parameters guiding the location and design objectives for such spaces to avoid creating poor spaces just to meet a metric. This includes the consideration of overshadowing as discussed in Chapter 6.5 of this Report.

The Committee finds:

- The provision of a large centrally located open space has strong merit as a market square and the provision of passive space.
- It is not necessary for the ACZ1 to be specific about the minimum area, lengths or widths (other than minimum dimensions) of the central open space area. The ACZ1 should contain clear objectives about the role of the space and its broad design parameters and outcomes. The PSP is where the objectives and strategies for the space should be clear.
- There is no clear reason for provision of the open space adjacent to the station to be precisely dimensioned or required. The PSP and ACZ1 should provide flexibility for the remainder of open space to be provided on site following detailed design and that meets particular design outcomes so as to avoid the creation of poor quality spaces.

9.3 Landscape quality and public realm design

(i) The issue

The issue is whether the PSP and ACZ1 provide for an appropriate level of public realm landscape quality and design.

(ii) What is proposed?

The PSP includes landscaping strategies (B52 - B58) which support:

- high quality and cohesive landscape treatments throughout including public open spaces, streets and laneways
- provision of deep soil zones for canopy trees in public open spaces and all streets
- age friendly and accessible landscape treatments to all public areas
- vegetation comprising climate resilient adaptive species and canopy trees to reduce the heat island effect.

The ACZ1 requires at:

- Clause 2.0 (Land use and development objectives) an objective to provide high quality landscaping treatments including the planting of tree species that are resilient to climate change and reduce the heat island effect
- Clause 4.4 (Design and development) design standards to be met for the transfer of any public open space to Council including landscaping, furniture, levelling and topsoiling
- Clause 6.0 (Application requirements) provision of a Landscape and Urban Design Concept Plan for all publicly accessible spaces and pedestrian walkways which includes details of street trees, lighting, ESD and water conservation elements, furniture, bins and public art and indicative landscape concepts.

(iii) Submissions

DADA's submission sought the retention of the two established eucalypt trees in the south-eastern carpark area. This position was also supported by Mr Erlandsen who also sought canopy trees

along laneways. He further considered the quality of open space was important and should be defined including such elements as canopy trees, water features, underground stormwater retention tanks, natural features, lighting and seating.

Council generally supported the proposed ACZ1 open space design provisions but proposed:

- the land use and development objectives include canopy trees on all streets and laneways (with a similar provision included in the Landscape and Urban Design Concept Plan requirement).
- that Landscape and Urban Design Concept Plan repeat the standards of the open space to be transferred to Council requirement relating to landscaping, park furniture, levelling and topsoiling, provision of service connections.

The VPA did not support these changes. It considered the provision of canopy trees in streets and laneways and was best resolved at design stage to retain flexibility.

PMD proposed the standard of open space to be transferred to Council requirement refer to 'landscaped' rather than 'grassed with warm climate grass' consistent with the evidence of Mr Sheppard. The VPA supported this change in its Final version of the ACZ1. PMD accepted Council's proposed inclusion of canopy trees in streets (not laneways) "*where practical*" within the Landscape and Urban Design Concept Plan requirement.

(iv) Discussion and findings

The Committee agrees that the public realm area including streets, laneways and public open spaces should be of a high quality, cohesive in treatment but also reflect the character of retained fabric. It is unclear what the opportunities for the planting of canopy trees in streets and laneways will be particularly with an urban structure that substantially retains the market.

Similarly, the open space areas will serve a range of roles during the day and night and by different users, in part active places for social engagement and activity, in part for passive play or relaxation and as part of a movement network. This requires a level of flexibility in design including the type of surfaces, landscaping treatments, furniture location, solar access, provision of services, interfaces, lighting and opportunities for public art and activation. To be overly specific about all design elements at this stage of planning is unnecessary and a level of design detail that is not required in a schedule.

Other than the minor changes agreed by the VPA in its Final version and the ACZ1, the objectives, design standards and application requirements relating to landscape quality and design (including for a Landscape and Urban Design Concept Plan) are appropriate and address the concerns raised in submissions. While the Landscape and Urban Design Concept Plan addresses street trees further reference to canopy trees is not considered necessary. The significance of the existing eucalypts in the southern carpark is not known. The inclusion of an application requirement to identify any existing vegetation to be removed would provide an opportunity to consider of how that vegetation might be managed.

The Committee agrees with the VPA that it is not necessary to repeat the standards of the open space to be transferred to Council provision into the Landscape and Urban Design Concept Plan. The standards of the open space to be transferred to Council should however be identified as a 'requirement' as proposed by Council. The removal of the standard relating to an environmental audit statement is discussed in Chapter 13.2. Rather than referring to gas connection points in

these standards, a more general reference to “*services connection points*” might be more appropriate.

The Committee finds:

- The PSP and ACZ1 provide for an appropriate level of landscape quality and design of the public realm subject to minor changes as identified in the Committee’s baseline version of the ACZ1 including:
 - the VPA’s Final changes to the objectives, design standards and application requirements relating to landscape quality and design (including for a Landscape and Urban Design Concept Plan)
 - identifying the standards of the open space to be transferred to Council a ‘requirement’ and replace the ‘Sewer, gas and electricity connection points’ dot point with “*Services connection points*”.
- The ACZ1 should include as an application requirement the identification of any site vegetation including vegetation to be retained or removed.

10 Housing diversity and affordability

10.1 Affordable housing

(i) What does the PSP and draft Amendment propose?

PSP

The PSP includes the objective for the precinct to provide a diversity of land uses and vibrant amenity which includes supporting an increase in housing at appropriate densities and providing affordable housing that meets the future needs of Preston. It includes a strategy for up to 10 per cent of housing to be provided as affordable housing (L5).

The *Preston Market Affordable Housing Strategy* (November 2020) and April 2022 Review informed the exhibited and amended PSP and draft Amendment.

ACZ1

Clause 4.2 (Subdivision) requires a s173 Agreement that the landowner contribute to affordable housing as defined by the PE Act at a rate of up to 10 per cent of the site's residential yield by way of a number of options:

- transfer dwellings to a registered housing agency at nil consideration for sale or rent to eligible households
- six percent by sale to or lease (for renting to eligible households) to a registered housing agency at a 30 per cent discount
- an alternative delivery arrangement of equivalent or greater value to the above options.

(ii) Draft Section 173 Agreement

A draft s173 Agreement was exhibited with the Amendment which sets out the mechanism by which the ACZ1 affordable housing requirements would be achieved.³⁸

(iii) Relevant legislative and policy provisions

The PE Act:

- includes as an objective of planning "*to facilitate the provision of affordable housing in Victoria*" (section 4(1)(fa))
- includes the following meaning Affordable Housing at Section 3AA:
 - (1) Housing, including social housing, that is appropriate for the housing needs of any of the following:
 - (a) very low income households
 - (b) low income households
 - (c) moderate income households.
 - (2) For the purposes of determining what is appropriate for the housing needs of very low income households, low income households and moderate income households, regard must be had to the matters specified by the Minister by notice published in the Government Gazette.

³⁸ Document 64

- sets out that household income ranges for these household types are by an Order in Council (Section 3AB)
- does not mandate a specific social or affordable housing percentage or contribution, but does require the planning for land to consider how affordable housing will be facilitated
- provides for s173 Agreements to be entered into for the development or provision of land for affordable housing.

Social housing is defined under the *Housing Act 1983* as public housing and housing “*owned, controlled or managed by a participating registered housing agency*”.

Key policy provisions include:

- Clause 16.01-25 (Housing affordability). *Homes for Victorians - Affordability, Access and Choice* (Victorian Government, 2017) is a policy consideration under this clause
- Clause 21.03-3 (Housing Diversity and Equity).

(iv) Conclave position

The housing affordability experts agreed that affordable housing was essential infrastructure for a sustainable community and there was a clear need for increased social and affordable housing in Darebin and strategic justification for its requirement through the S173 provisions of the ACZ1. It was also agreed that:

- the ACZ1 establish a clear and calculable contribution to be applied. This provides for a landowner to apply the equivalent value of the contribution to achieve an alternative and appropriate form of affordable housing. The approach should allow for translating the contribution to a Net Present Value to enable key parameters such as the discount to rent, and/or term of use to be established
- the calculation of the value should be made with regards to the actual dwellings agreed to be provided, with dwelling mix to be agreed with a registered housing agency, or, if calculating and translating the contribution to an alternative delivery model, with reference to the median unit value in the development as determined by an independent and qualified valuer
- the ACZ1 establish parameters to guide the delivery of an affordable housing contribution, including referencing the matters under the PE Act requires consideration and identifying potential delivery options by which the contribution could be realised. Specific details on how the contribution is realised and delivered be through a s173 Agreement.

The quantum of provision was not agreed, with:

- Ms Janiszewski and Ms Breen supporting a base model of 6 per cent of dwellings at 30 per cent discount. Ms Janisweski did not support the provision of land whereas Ms Breen considered it was calculable through a land value assessment.
- Dr Spiller supporting a base model of 4.7 per cent of dwellings of completed dwellings transferred to a registered housing agency at nil consideration, with the value calculated by reference to the average value of all dwellings in the development.

The conclave recommended that the wording of the affordable housing s173 Agreement in the ACZ1 should be replaced with its revised clause and with the Committee’s recommended rates included in the final version.

(v) The issues

The issue is whether the ACZ1 makes appropriate provision for affordable housing.

(vi) Evidence and submissions

Dr Ratnam considered the affordable housing requirements too low and supported a 30 per cent affordable housing provision for low income families.

DADA's submission considered the VPA and PMD arrangements for affordable housing to be inadequate and should reflect projected need. It called for a higher mix of affordable and public housing consistent with Preston's demographic and market users and the need identified in the Darebin Housing Strategy. DADA sought greater definition of affordable housing in the Amendment as a percentage of income.

Ms Bayly considered that 20 per cent of precinct dwellings should be social housing delivered through a combination of developer and state government subsidy. This was because of localised issues of homelessness and limited social housing stock in Preston to meet latent need.

Dr Spiller's proposition for a 4.7 per cent at nil consideration provision (approximately 133 dwellings based on a yield of 1,200) was based on the need for 14 per cent of all dwellings to comprise social and affordable housing, and for that need being met through a one third cost split between the Commonwealth, State Government and developers. The developer contribution was a reasonable sharing of the increased value of development and land facilitated through the amendment process. Mr Spiller said his methodology was based on planning principles approach, in the absence of clear policy or drawing on other project comparators.

Council submitted that the proposed 1.8 per cent provision fell well short of the statewide need of 14 per cent. It considered that the contribution should be increased to a mandatory 4.7 per cent of dwellings at nil consideration based on the evidence of Dr Spiller, while retaining flexible delivery arrangements. Such an approach was consistent with the PE Act and planning policy and its Housing Strategy which sought to support and facilitate affordable housing in appropriate locations. Council submitted that a mandatory provision was legal and would provide greater certainty and reduce future dispute.

PMD supported the DCP conclave drafting of the housing affordability requirement subject to minor changes including providing details of the average dwelling size of 65 square metres. It submitted that the quantum of contribution be 4.7 per cent at nil consideration or 6 per cent of dwellings at 30 per cent discount and not including the 10 per cent land option. It preferred the evidence of Ms Breen and Ms Janiszewski and submitted that the contribution proposed was significant as a voluntary contribution and was consistent with other precedents and the principles of equity. PMD considered a higher contribution unjustified, unfair and would add substantial cost which in turn had the potential to impact on affordability. In relation the VPA's land option it considered that if required it should be equivalent to the 6 per cent at a 30 per cent discount rate.

VPA supported the contribution rate proposed by Ms Breen and Ms Janiszewski, and that it was appropriate and in line with current practice, supported by the majority landowner and was to be preferred to Dr Spiller's philosophical approach. Its Final ACZ1 changes largely adopted the conclave wording with minor changes and with the retention of its 10 per cent land transfer option which even if not taken up by PMD remained an instructive benchmark.

(vii) Discussion and findings

There was no dispute between the parties or experts that providing affordable housing should form part of the precinct. The issue was one of quantum. Again, there is no right metric. It is a matter of balance and judgement.

Each municipality has its own challenges in meeting the housing needs of its community (current and future) and the contribution made from place to place needs to be fair, equitable and relevant to the size of the site or precinct, its context and potential yield. While sites such as this provide opportunity to address the shortfalls in existing provision it is unreasonable to require a privately owned site to be an exemplar in affordable housing provision or to apply a metric that for these reasons alone without a sound policy basis. To this end contribution rate comparisons with other precincts is not particularly helpful in determining an appropriate rate of provision. The contexts are different. In some cases there are trade-offs for higher rates of provision including for higher yields of housing, taller buildings, access to government land or the creation of new communities.

While there are clear planning policies and a legislative framework in place supporting the provision of affordable housing, in Darebin there is no minimum rate or guidance as to how it may be provided. This acknowledges that it requires a balance of considerations consistent with the performance-based approach to planning.

Council's position, supported by community submissions, is asking a lot of the site – retention of the market, at least 10 per cent of the site set aside for open space, lower (or more restrictive height provisions) and yields in addition to a substantial affordable housing provision. These requirements all impact on the capacity of precinct to fulfill its other strategic objectives. This is not in the Committee's view a balanced approach in the context of the precincts strategic location within the Preston MAC and existing policies and strategies providing for its substantial development. Council's Housing Strategy supports the facilitation of housing affordability provision, particularly on larger sites but does not establish a level of provision or support mandatory provision for this sites.

While Mr Spiller's model provided an alternative mechanism to a site by site consideration which sought to apply a rate based on a relationship with a quantum of the wider shortfall of affordable housing it was largely philosophical and not one grounded in local policy or context. The Committee preferred the approach of Ms Breen and Ms Janiszewski.

The Committee supports the structure of the Housing Affordability requirement as drafted by the Housing Affordability conclave. In relation to the contribution rate, the Committee considers that the 6 per cent at 30 per cent discount with the retention of an option for 10 per cent of land consistent with the VPA position is appropriate. This is based on the relative uplift in development opportunity (above what is currently supported) resulting from the Amendment, and the substantial retention of the market, which in itself yields a significant community benefit.

The Committee finds:

- The ACZ1 makes appropriate provision for affordable housing.
- The ACZ1 provisions for Housing Affordability should be amended generally consistent with the VPA's Final version and as shown in the Committee's baseline version (Appendix H).

10.2 Housing diversity

(i) The issues

The issues are whether:

- the PSP and ACZ1 should include strategies or requirements for housing diversity
- the ACZ1 should include accessibility requirements for apartments.

(ii) What does the PSP and ACZ1 provide for?

PSP

The PSP includes a strategy to incorporate a diversity of dwellings including apartments and townhouse with 1, 2 and 3 plus bedrooms (L5).

ACZ1

Clause 4.4 (Design and development) provides under 'Building adaptability guidelines' a provision for adaptable internal layouts to among other things accommodate variations in apartment size and layout.

(iii) Relevant policy provisions and strategy

The relevant planning policy provisions providing for housing choice and diversity include:

- Clause 11.01-1R (Settlement – Metropolitan Melbourne)
- Clause 11.03-1S (Activity centres)
- Clause 16 (Housing)
- Clause 16.01-1S (Housing supply)
- Clause 21.01-6 (Strategic Framework Plan)
- Clause 21.03 (Housing) including Clause 21.03-3 (Housing Diversity and Equity)
- Clause 22.06 (Multi-Residential and Mixed-Use Development).

The *Darebin Housing Strategy 2013 (Revised 2015)* is a reference document under Clause 21.03. It provides the strategy basis for the Strategic Housing Framework Plan and the identification of areas for:

- 'Substantial Housing Change' with a strategic capacity to accommodate municipal growth and future housing needs. Preston Central Activity Centre is identified as a substantial Housing Change area
- 'Strategic Opportunity Sites' over 1,000 square metres and not constrained by a Heritage Overlay and display a number of locational criteria. These are not identified within the Housing Framework but a list of over 90 sites is included in an appendix to the Darebin Housing Strategy.

(iv) Submissions

Council submitted that 30 per cent of dwellings should be at least 3 bedrooms in size. It proposed that this be identified as an objective and a guideline in the ACZ1 and with supporting strategies in the PSP. It related this proportion of dwelling mix in part due to housing demands for Darebin identified in its Housing Strategy.

Mr Erlandsen considered the focus on one and two bedroom units would result in a socially questionable and limited housing monoculture. He supported greater diversity including Council's

suggestion for three bedroom dwellings which would support more people shopping at the market.

PMD submitted that apartment mix was market led to ensure there was no mismatch between need and supply and existing local housing market conditions. It anticipated that demand would largely be in smaller apartment studios and one and two bedroom apartments and only limited demand for larger apartments. This was supported by the Darebin housing stock and household size analysis for Darebin identified in Ms Janiszewski's evidence and the TQ Urban Report forecasts. It considered Council's requirement tantamount to social engineering that was invalid and not supported by evidence. PMD observed that offering smaller apartments would assist affordability but constraining their supply would push up their price.

The VPA considered the PPF provided sufficient guidance for housing diversity without the need for a specific housing mix requirement.

Ms Bayly submitted that given the location of the precinct, dwellings should be designed to be accessible for ageing residents or those with a disability. She recommended mandatory compliance with Standard D18 (Accessibility) of Clause 58 (Apartment development).

(v) Discussion and findings

The Committee considers there is little to support the designation of a specific proportion of apartments within the precinct to have three bedrooms or more. While there is policy in place at the State and local level to encourage housing diversity, there is no local policy supporting a requirement for such a specific provision.

Council's Housing Strategy does however identify:

Demographic trends impact housing demand, influencing the type, style, location and size of the dwellings people prefer. Young, mature and established families are key market segments for housing in Darebin. This is reflected in the household type and age distribution for Darebin, with households with children representing the largest single household type in Darebin. Analysis of the ABS Census data for household types in the City of Darebin in 2011 reveals a high proportion of couples with children (27.7%), lone person households (26.5%) and couples without children (22.4%). Forecasts by i.d. consulting for the City of Darebin for 2011-2031 indicate that these groups will remain the biggest household types by 2031, with families with dependents increasing marginally to represent 28.1% of all households by 2031 and lone person households also increasing to 27.3% of all households in 2031. Moreover, there is an increasing diversity of household and family types in Darebin. Whilst families have traditionally demanded larger and generally detached homes, location and transport accessibility also play a pivotal role in housing choice. Community consultations revealed that Darebin, particularly in the south, is considered highly desirable and many families expressed a willingness to consider living in alternative dwelling types, such as higher density forms of accommodation, to take advantage of location and accessibility to the city.

While the Housing Strategy identifies that households with children do form a significant portion of households in the municipality, single and two person households represent almost half and are increasing more rapidly. This does not however support a position that this 'in time' municipal level household structure should be replicated in the housing form provided in future development. It ignores housing market realities which respond to changing demand factors and the trade-off consumers make in purchasing or renting in particular locations. Providing such a quantum has the ability to reduce total dwelling yield and impact on overall affordability. There is no local policy position to support such a specific provision.

It is entirely appropriate that a housing mix is provided for within the precinct including three-bedroom dwellings given its designation as a substantial housing change area. The PSP acknowledges this. The Committee agrees with the VPA however, that there is sufficient State and local policy to enable the consideration of housing diversity (it is also a purpose of the ACZ) without replicating it in the ACZ1. It is not necessary for the PSP or ACZ1 to cover off all conceivable considerations that are adequately dealt with elsewhere in the Planning Scheme. The decision guidelines of the ACZ parent clause and the proposed Schedule make it clear that the PPF (including the local policy) as a whole must be considered. The ACZ1 has been structured not to 'turn off' other provisions of the scheme.

Given that the precinct is designated as a mixed use precinct and not planned for as an entirely new community, it is preferable to provide a level of flexibility as to how housing diversity will be delivered consistent with existing policy. Similarly, the provisions of Clause 58 will apply to apartment developments and do not need to be replicated in the ACZ1 as requirements. There is no strategic justification for a mandatory accessibility standard to be provided on this site. The ACZ1 building adaptability guideline provides appropriate capacity for apartment layouts to be modified if housing needs change.

The Committee finds:

- The PSP and ACZ1 do not require additional strategies or guidelines for housing diversity.
- It is unnecessary for the ACZ1 to include a Clause 58 accessibility standard as a requirement for apartments.

11 Environmentally Sustainable Development

11.1 What does the PSP and draft Amendment propose?

PSP

The PSP includes the objective for the precinct to be a sustainable, liveable and accessible precinct which includes:

- supporting opportunities for ESD including integrated water management and urban greening
- encouraging the precinct to become a renewable energy hub through solutions such as solar panels, battery storage and microgrid
- encourage the delivery of a cost effective and sustainable zero carbon energy network throughout the precinct.

These objectives are supported through nine environmental sustainability strategies (B43 - B51) which include:

- delivering a 6 Star Green Star Communities rating, 6 Green Star Design and Built rating and an average 7 Star Nationwide House Energy Rating Scheme (NatHERS) accreditation
- use of renewable energy including on-site generation
- use of passive design principles
- mitigating heat island effects
- energy efficient lighting
- recycled water infrastructure and Water Sensitive Urban Design (WSUD) principles embedded
- waste collection and recycling.

Strategy L24 encourages communal spaces to provide for urban agriculture, food gardens and waste and composting management.

The PSP and ACZ1 provisions were informed by the Preston Market Sustainability Report, June 2020 (Sustainability Report).

ACZ1

- Clause 2.0 (Land use and development objectives to be achieved) includes objectives relating to state-wide commitments to net zero emissions and integration of ESD principles
- Clause 4.4 (Design and development) requires:
 - development to include a Green Star – ‘Communities’ assessment with a certified rating of 6 Star to the satisfaction of the responsible authority
 - applications for site specific development to include a Green Star - ‘Design & As Built’ assessment with a certified rating of 6 Star to the satisfaction of the responsible authority
 - applications for residential development to achieve an average 7 Star NatHERS accreditation for each building
- Clause 6.0 (Application requirements) requires the provision of a certified Green Star ‘Communities’ and ‘Design & As Built’ Assessment (as appropriate) that identifies the development will achieve a 6 Star rating, and a certified average 7 Star NatHERS accreditation.

11.2 ESD standards

(i) The issue

The issue is whether the PSP and ACZ1 provisions provide strategies and guidelines to achieve appropriate ESD objectives for the precinct.

(ii) Relevant policies

- Clause 15.01-2S (Building design) as recently amended by Amendment VC16 requiring the consideration of climate change and inclusion of new ESD provisions³⁹
- Clause 19.01-2R (Renewable energy – Metropolitan Melbourne)
- Clause 19.03-3S (Integrated water management)
- Clause 19.03-5S (Waste and resource recovery)
- Clause 21.06 (Multi-Residential and Mixed-Use Development)
- Clause 22.12 (Environmentally Sustainable Development).

(iii) Evidence and submissions

Dr Ratnam called for the precinct to be a nation leading carbon neutral precinct including a renewable energy run microgrid through solar panels and battery storage. Given the lifespan of the future development she supported embedding a carbon neutral approach so as to avoid future retrofitting. This included adopting an 8 star energy rating scheme standard.

Dr Ratnam supported providing a sustainable waste management approach including recycling bins and commercial and household food composting.

DADA's submission considered the best sustainability response would be to retain the market in situ and conserve its fabric. It supported the inclusion of strong sustainability objectives in the Amendment which were mandatory and of a global standard. DADA referred to the BedZED project in London⁴⁰ as a model for the precinct's environmentally sustainable development and a low or zero carbon building outcome.

Mr Erlandsen called for exemplary ESD to be implemented in the precinct. This included through building orientation, passive solar, solar panels, setbacks for tree planting, shading and double glazing. He considered that Clause 58 standards for solar access to dwellings, communal and public spaces and streets would not be achieved by the PMD plan and PSP due to inadequate building separation, orientation and heights.

Council's submission referred to the Heart of Preston document which sought the precinct be and ESD exemplar. It sought a range of changes to the PSP and ACZ1 relating to ESD including adding strategies, objectives and requirements to address Clause 22.12-2 and policy changes introduced through VC216 changes.⁴¹ Suggested changes to the ACZ1 included:

- ESD design and waste objectives

³⁹ Council's submission Attachments H and I identified the full range of PPF changes introduced through VC216 as part of the stage 1 reforms identified in Environmentally sustainable development of buildings and subdivision: roadmap paper (DELWP 2020)

⁴⁰ Beddington Zero Energy Development (BedZED)

⁴¹ Council summary position Table 1 (Document 112) and Submission Appendix K (Document 244k)

- amended ESD measures that support references to the new Green Star Buildings tool referred to by Mr Talacko, remove references to NatHERS, retaining the Green Star Communities tool while providing for flexibility (including to address any future rating tool revision) to achieve current best practice at application stage
- requirement for no new gas connections
- street lighting to be LED or solar
- toilets to be connected to water tank or recycled water supply
- waste collection and composting requirements
- amended application requirement for ESD assessments
- an additional decision guideline relating to design measures to reduce the heat island effect.

The evidence of Mr Talacko supported the overarching sustainability objective in the PSP and Sustainability Report. He agreed with the VPA that the stringency of ESD standards will change over time and that *“there is a need to consider this trajectory in formulating development controls.”* However, he identified shortcomings associated with the ACZ1 requirements:

The reasons for this are twofold: firstly, in my opinion the Green Star metrics and standards nominated in the Structure Plan & ACZ1 are inappropriate, and secondly, ACZ1 fails to nominate any specific framework, quantitative standard or metric in relation to the renewable energy, zero carbon and vegetation/landscape aspirations which are described in the Heart of Preston document, the Sustainability Report and the Structure Plan and collectively form a critical component of the vision for the Precinct.

The challenge in my opinion is to ensure that the planning controls, wherever possible, nominate/prescribe ESD standards which are measurable, clear, robust, practical, and keep pace with evolving technologies. This approach will provide clarity for Applicants and Council and will ensure that all future development in the precinct delivers outcomes consistent with the aspirational and commendable vision.

Mr Talacko identified that since the preparation of the Sustainability Report the *Green Star Buildings Tool* (Green Building Council Australia) had superseded the ‘Green Star Design and As Built Tool’. A key feature of the new tool was a ‘Climate Positive Pathway’ which mandates progressively more stringent reductions in emissions over the remainder of this decade. From the beginning of 2023 onwards, 5 star rated buildings must be designed to meet higher energy efficiency benchmarks, be fossil-fuel free, and powered by renewable energy to reduce operational carbon emissions. The mandated 20 per cent reduction in upfront carbon emissions would drive the selection of low carbon building materials and optimised structural design. The new Green Star framework also included a credit for site landscaping (Credit 36 Biodiversity) which he considered should be mandated for the precinct.

Mr Talacko’s evidence set out his reasons for why he did not support the application the Green Star Communities rating including issues associated with its utility in delivering tangible outcomes, the process of certification, multiple site ownerships, its marginal benefits and impending current version retirement following review. He identified that the NatHERS minimum rating would soon be increased to 7 stars, so setting a benchmark higher than the ‘current’ rating of 0.5 stars would ensure best practice was maintained over time.

Mr Talacko recommended the proposed ESD requirements be amended as follows to ensure alignment with the PSP sustainability vision:

- Applications for site specific development must include a Green Star Buildings pathway inclusive of 2 points for credit 36 (Biodiversity Enhancement) consistent with achieving a 5 star rating certified by Green Building Council Australia.

- Applications for residential development must achieve an NatHERS average (whole building) ratings 0.5 stars above the prevailing National Construction Code minimum requirement.

He considered his proposed recommendations and the VPA's Day 1 changes to the PSP addressed the majority of Council's concerns.

PMD supported the evidence of Mr Talacko and submitted that a 5 Green Star Building rating exceeded best practice used alongside the NatHERS tool. However, the Green Star Communities tool would deliver no tangible benefits but would impose additional costs and complexities. PMD's version of the ACZ1 included proposed changes to the ESD requirements and application requirements. It considered many of Council's proposed ESD and waste objectives excessive and overly ambitious, however it accepted general built form guideline suggestions relating to gas connections, street lighting, toilet connections and proposed alternative wording relating to waste collection and composting and generally supported the heat island design considerations in the decision guidelines.

In response to Mr Talacko's evidence, Council's submission set out why the Green Star Communities tool should be retained in the ACZ1 including its level of broad industry and government support, and the consideration of factors beyond individual site which provide holistic precinct approach to sustainability. It submitted that most of Mr Talacko's concerns about its use were unfounded. It considered that Mr Talacko's biodiversity credit suggestion fell short of the precinct wide landscape matters that would be considered in the Communities tool.

The VPA accepted Mr Talacko's evidence and amended the ESD requirements and application requirements in its Part B and Final versions of the ACZ1 accordingly. The VPA supported the intent of Council's sustainable design and waste objective changes but identified that Council sought to impose requirements or objectives that made implementation unclear. For example, encouraging the precinct to be a renewable energy power hub had no associated requirement or guideline. The VPA did not support Council's general built form guideline changes relating to lighting, toilet connections, waste collection and composting considering them a matter of detail and better considered as part of an integrated response to the Green Star requirement. While it did not support banning gas connections, the VPA supported a guideline encouraging the use of alternatives to gas. This was consistent with changes introduced through VC221 supporting the transition towards electrification rather than prohibiting connections to reticulated gas. It also generally supported the heat island design considerations in the decision guidelines.

(iv) Discussion and findings

The Committee considers there is a sound strategic basis for the inclusion of ESD objectives, strategies and requirements in the PSP and ACZ1 environmental objectives, strategies and including the basis. The challenge again is striking the right balance for the standards expected to be achieved. The standards to be applied through the planning process need to be balanced, fair and reasonable and related to policy.

Clause 22.12 does not prescribe performance outcomes but rather:

The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. [Committee's emphasis]

It does this by requiring a Sustainability Management Plan for larger residential and commercial developments using a range of suggested assessment tools (including Green Star and NatHERS) to

assesses factors including energy performance, water efficiency and stormwater management, passive design, transport and waste management. The policy does not seek to achieve better than 'best practice' or exemplar outcomes. While encouraging innovation it does not identify particular solutions such as using renewable energy including on-site generation. This work is instead done in the PPF which encourages measures such as on-site renewable energy generation and storage (Clause 15.01-2S) and facilitating the uptake of renewable energy technologies (19.01-2R). These policies seek to encourage outcomes rather than set performance benchmarks. This is appropriate as it acknowledges that standards and technologies will improve over time and what is best practice now may not be best practice tomorrow.

The Committee agrees with the evidence of Mr Talacko and considers that it was compelling in terms of reflecting current and emerging ESD standards and technologies. It provides appropriate flexibility that achieves at least best practice in response to changes in the ESD standards space and complements Clause 22.12. The Committee considers applying the Communities Green Star Tool to a precinct of this size, in addition to the Green Star Buildings and NatHERS standards, will not provide any tangible sustainability benefits.

The Committee considers that the Day 1 PSP objectives and strategies for ESD and other environmental sustainability considerations such as WSUD, recycled water use, lighting, managing the heat island effect and passive design are appropriate and have been generally reflected in the ACZ1. The Committee observes that PSP objectives of the precinct becoming a renewable energy hub or one that delivers a zero carbon energy network are not so well captured in the strategies or ACZ1 objectives and guidelines. This was identified by Council's in its proposed changes to the PSP and ACZ1. While it does not have a view on the necessity or wording appropriate of an objective, related strategy or guideline in the PSP and ACZ1, the Committee considers that this should be examined in the final versions of those documents.

While it considers many of the additional ACZ1 objectives identified by Council are overly detailed and unnecessary, the Committee considers there is merit in creating a separate 'Environmentally sustainable design' heading in Clause 2.0. This would allow for the consolidation of high level objectives relating to ESD standards, precinct renewable energy objectives, passive design and waste and provide clarity as to what is being sought and a link to relevant guidelines. A decision guideline requiring consideration of the heat island effect is too specific and is not required given other provisions in the PPF.

In relation to ESD requirements, the Committee agrees with the VPA that it is not appropriate to require no gas connections although it notes this was supported by PMD. A number of the other requirements identified by Council are unnecessary or inappropriate as requirements and could be guidelines. Recycled water can be dealt with in the Drainage Strategy or in the ESD assessment. Those relating to waste are overly detailed. An appropriate alternative would be to identify as a requirement the provision of separate waste residential, commercial and public collection infrastructure given there is already an application requirement for a Waste and Recycling Management Plan which could be further adapted. The EDS or solar lighting requirement is reasonable but, in a scenario where the existing market is retained, this may have unforeseen impacts on heritage fabric so should be a guideline.

The Committee has identified its proposed changes to the ACZ1 or identified where further change is required in the baseline version in Appendix H.

The Committee finds:

- The PSP and ACZ1 generally provide appropriate objectives, strategies, requirements and guidelines to achieve acceptable ESD outcomes for the precinct.
- The ACZ1 ESD standard requirements should be amended consistent with the evidence of Mr Talacko and VPA's Final version of the ACZ1. The PSP should be amended accordingly to update ESD tool references at 'Section 4.7 Environmental sustainability' and strategy B43.
- The ACZ1 should be amended:
 - to reflect the Committee's proposed changes or identification of further suggested wording review relating to ESD identified in the baseline version in Appendix H
 - following the VPA's review of the necessity of ESD objectives, requirements or guidelines that relate to the PSP objectives for the precinct becoming a renewable energy hub and one that delivers a zero carbon energy network.

12 Development contributions

12.1 What does the DCP and draft Amendment propose?

DCP

The Amendment proposes to apply the DCP to the precinct. The VPA amended its Day 1 version to address updated traffic data based on reduced dwelling yield and the DCP conclave position relating to technical issues. It identifies:

- the charge areas and charge unit rates (by dwellings or GLA)
- it does not apply to land use defined as market
- it does not include developer works, public open space contributions or affordable housing land costs
- the precinct infrastructure projects (refer Figure 34), relevant charge areas and indicative triggers for provision:
 - five intersection projects:
 - IN-01c (Mary Street/Murray Road signalised T-intersection)
 - IN-02L (Clinch Avenue/Murray Road signalised cross intersection including priority bus lane and works)
 - IN-02c (Clinch Avenue/Murray Road signalised cross intersection)
 - IN-03c (Mary/Cramer Street unsignalised T-intersection with left in and left out)
 - IN-04c (Cramer Street signalised T-intersection – western end near rail line)
 - three raised pedestrian crossings:
 - PC-01c and PC-02c in Mary Lane to the rear of the High Street shops
 - PC-03c in Cramer Street
 - CB-01 comprising a 1800 square metre multipurpose community centre including fit out to be, provided outside the precinct potentially within Council’s nearby Civic Precinct
- 100 per cent cost apportionment of the intersection and pedestrian projects to the precinct (east of the rail line) and 44 per cent of the community building cost to the entire precinct
- a Development Infrastructure levy of \$10,688,566
- the basis for calculation of contribution charges and apportionment
- administrative and implementation provisions including payment timing and arrangements for works in kind and indexation, review and project scope adjustment and responsibilities of the collection and development agency
- land budget tables and project cost sheets.

The DCP was informed by the:

- Preston Market Precinct Social Infrastructure Assessment and 2022 addendum
- Concept Design and Costings for Traffic and Community Infrastructure Projects.

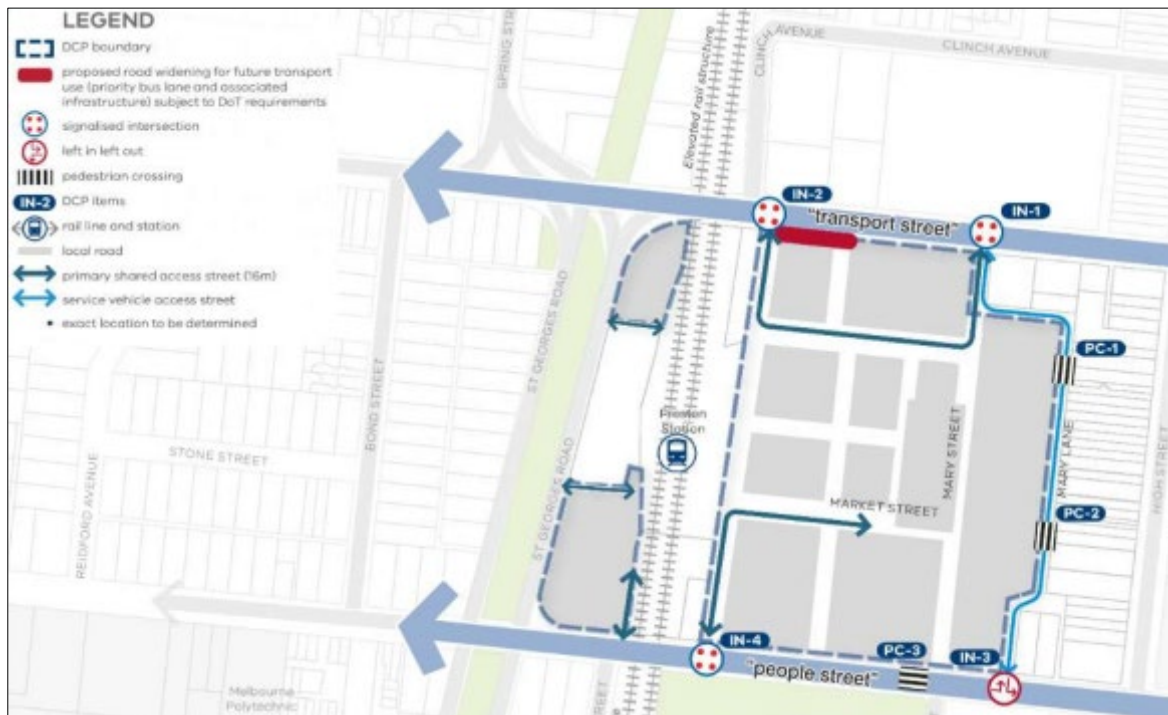
DCPO

The Amendment proposes to apply the DCPO to give effect to the DCP.

ACZ1

- Clause 6.0 (Application requirements) requires the provision of a Public Infrastructure Plan.

Figure 34 DCP projects



Source: DCP Plan 4 as amended by VPA. Note: Map does not reflect project identifier numbering in DCP Table 4

12.2 Relevant legislation, policies, Ministerial Directions and Guidelines

Relevant legislative provisions, planning policy, Ministerial Directions and Guidelines relevant to development contributions include:

- Part 3B of the PE Act
- Clause 19.03-1S (Development and infrastructure contributions plans)
- Clause 21.05 (Transport and infrastructure)
- *Ministerial Direction on the Preparation and Content and Ministerial Reporting Requirements for Development Contributions Plans*
- *Development Contributions Guidelines, March 2007.*

12.3 DCP conclave

The DCP conclave agreed that:

- the proposed DCP projects were within the scope and parameters of DCP related legislation and guidelines
- the PSP is relatively standard in its composition with few projects reflecting the precinct's infill nature, impact mitigation focus and relatively consolidated land ownership
- there are opportunities to simplify the approach whether retained as a DCP or s173 Agreement
- identified technical errors and corrections including indexation and land valuations were agreed.

12.4 Preferred development contribution mechanism

(i) The issues

The issues are whether:

- a DCP or s173 Agreement should be the preferred approach to collect development contributions
- the DCP or ACZ1 is appropriately drafted to provide for and manage development contributions.

(ii) Evidence and submissions

Community submissions were concerned about the precinct's development impacts on community infrastructure including schools, health services and public transport.

Council supported the collection of development contributions to mitigate against the impacts of more intensive development permitted by the ACZ1 including on road traffic volumes, pedestrian movements, community facility needs and drainage.

Council preferred tool for collecting development contributions was a s173 Agreement for the reasons identified in Mr Hrelja's evidence. This was an accepted alternative approach for development contributions and was contemplated by the PE Act and Development Contributions Guidelines and had been supported elsewhere.⁴² It was also appropriate when there was a clear understanding of the projects required and a majority single owner.

Mr Hrelja considered that a DCP would expose Council to the risks and responsibilities of administering a DCP. These risks included:

- potential funding shortfalls from development activity, quantum or land mix not occurring as forecast
- project costs exceeding estimates
- levy exemptions
- its role as development agency.

To reduce these risks Council suggested an alternative to the demand unit approach. This involved converting the levies into fixed land unit rates and to levy development on the land area to be developed.

Council identified that if an agreement was not made and signed before gazettal of the Amendment, a DCP would need to be in place at the time of rezoning to avoid collection to be negotiated after approval of the Amendment. In the absence of a PSP, Council proposed changes to the ACZ1 to provide a mechanism to require a s173 Agreement to:

- deliver the identified intersection and pedestrian projects generally consistent with the Cardno concept designs and Mr De Young's suggested modifications
- provide an indicative staging and sequencing plan
- make a cash contribution for the community facility.

The VPA and PMD did not support this approach.

⁴² VPA Projects Standing Advisory Committee Referral 5 Report 15 July 2021 (Lilydale Quarry Comprehensive Development Plan)

Mr Shipp's evidence was that a voluntary agreement or DCP were suitable mechanisms to secure development contributions based on land ownership and limited need for complex cost sharing arrangements. He considered similar provisions could be included in each mechanism.

PMD saw merit in using a s173 Agreement rather than a DCP and was willing to continue to negotiate an agreement with Council. However, there was currently no agreement on the content and it sought resolution of the DCP through the Amendment process rather than as a requirement in the ACZ1. It submitted that if such a requirement was to be supported, the Council suggested wording was generally appropriate (other than the community centre contribution rate).

PMD did not support Mr Hrelja's fixed rate approach because it was complex, inequitable, inappropriate for infill areas and that any risk was small given the nature of the traffic projects. It preferred the demand units approach consistent with the evidence of Mr De Silva and Mr Shipp.

Mr De Silva considered that a s173 Agreement was an attractive and viable alternative. Particularly where in-kind provision of infrastructure is the preferred method of delivery, despite multiple owners and could be a viable alternative if the height, yield and other matters were resolved. However, he observed that using a DCP was the "*preferred mechanism of Government*" and that agreement had not been reached about fundamental aspects of the proposal and associated contributions. Therefore "*the VPA have had no alternative but to prepare a formal DCP.*"

The VPA did not oppose using a s173 Agreement but considered that unless or until an agreement could be secured it was proper and prudent to set the requirements in place through a DCP. It considered this would not preclude Council and PMD negotiating an alternative mechanism in the meantime.

The VPA submitted that its Part B submission changes to the DCP had responded to the technical issues raised by the DCP conclave.

(iii) Discussion and findings

There was no dispute from the DCP experts that more intensive development of the precinct will impact on existing infrastructure and there was justification for development contributions to mitigate against those impacts. Other than matters of detail, the projects identified in the amended DCP were accepted as appropriate.

The use of a DCP/DCPO is generally the preferred and most transparent approach for collecting development contributions particularly where there are multiple land owners and a range of projects to be delivered over a long time period. They can however be complex and incur elements of risk as identified by Mr Hrelja and Council. While the Committee does not consider the risks of funding shortfalls for the intersection and pedestrian projects is high, it is not averse to the alternate use of a s173 Agreement where it can achieve the same principles. This is because land ownership is not complex, the projects are few in number and their design/costs generally well understood and the major landowner supports the approach.

Council and PMD however do not agree on the content of the Agreement. In this context the Committee agrees with the VPA and Council that applying a DCP is the prudent and proper way to provide for infrastructure contributions. While the Council option of including a s173 Agreement requirement in the ACZ1 as an application requirement is feasible, it is not preferred to an agreement resolved before Amendment gazettal or a DCP. This does not preclude Council and PMD negotiating an agreement in the meantime. If the Committee's position regarding the

market's substantial retention is supported the resultant changes to the PSP are likely to have flow on impacts to in terms of land budget, dwelling yields, non-market commercial floor space and contribution rates. These will need to be recalculated and included in the DCP along with the other changes agreed by the DCP conclave.

While acknowledging further changes to the PSP may alter the dwelling numbers and non-market commercial floor space area, these can be determined to a reasonable level that would support the continued use of the demand unit approach adopted in the DCP.

The Committee finds:

- That a DCP is the preferred approach to collecting development contributions unless Council and PMD are able to reach agreement on the content of a s173 Agreement in the interim.
- The demand unit approach in the DCP is preferred.
- That the DCP be amended to:
 - reflect the VPA's Part B submission version (document 246d)
 - reflect the demand unit quantum and associated contribution rates resulting from the retention of the market.

12.5 Infrastructure projects

(i) The issues

The issues are whether:

- the infrastructure and pedestrian projects are appropriately costed and apportioned
- the community building is appropriately costed and apportioned.

(ii) Evidence and submissions

Infrastructure projects

DoT advised the Committee on 2 September 2022 that it had no objection to the DCP. It identified that DCP reflected the infrastructure items it considered necessary. These included the signalised intersection on Murray Road at western access including bus priority treatment, the signals at Murray Road and Mary Street, the integration of bus stops in the precinct design along Murray Road, and the integration of bicycle routes in Cramer Street and along the rail corridor. It noted that while the DCP designs had been prepared for the purposes of costing, detailed intersection designs would still require its consent. In the context of the PMD showing a notional realignment of the Clinch Street/Murray Road intersection utilising VicTrack land on its plan, DoT provided further information on the 14 October 2022. This advised land required to realign the intersection may not be available and that a separate process would need to be required to consider it.⁴³

The VPA submitted that the DCP intersection design for the Clinch Avenue/Murray Road intersection (IN-02c) did not realign Clinch Avenue, but did not foreclose on the ability to modify it if appropriate consents were obtained consistent with DoT's advice. The position of DoT had been anticipated by the traffic experts as advised by Ms Marshall and Mr De Young and did not require a

⁴³ Document 198

change to the DCP. The VPA submitted that the specific costing and calculation issues identified by Mr Shipp would be taken into account in its final review of the DCP.

Mr Shipp was of the opinion that the DCP road items should be reviewed to establish if they are still required as designed due to the reduced residential yield. He considered that the land to the west of rail line should be included in the apportionment of the pedestrian crossing projects.

PMD initially expressed concern about the nexus for land required for the bus priority lane associated with project IN-02L and that its purpose was unclear and not explained in the supporting documentation. The VPA submitted in closing that the bus lane was a necessary part of the intersection works required by reason of the development. PMD indicated in oral submissions that this was no longer in dispute given the further explanation and clarification provided about its purpose and need. The extent of land take still needed to be confirmed and the DCP updated accordingly, consistent with Mr Shipp's evidence.

Community building

The VPA submitted that revised Social Impact Assessment, which took into account reduced dwelling yield and a lower demand for community facilities, concluded that the multipurpose community centre (comprising two kindergarten rooms, three Maternal and Child Health consulting rooms and three community services activities rooms and associated facilities) be scaled back, or remain the same and only partly apportioned to the precinct. The DCP was amended to reflect Council's desire to locate it within its civic precinct but reduced the apportionment to 44 per cent and removed the land acquisition costs.

Council's submission provided background to its position in relation to the community facility location and costing when considering the exhibited DCP and April version. It supported the community facility being located in the Preston Civic Precinct but had not yet undertaken a feasibility study to determine how or where it would be accommodated. It accordingly required some flexibility, but noted the proposed contribution would leave it substantially under costed and needed to include land and construction costs not just fit out costs.

Council supported Mr Hrelja's evidence and costing addendum who considered the contribution should be informed by:

- a final scaled version based on estimated dwelling and population yield
- a cash equivalent to delivering the facility based on confirmation of land and construction costs.

Council estimated this would represent an increase from the community facility contribution of \$1,079 per dwelling to \$1,835 for base building and fit out, \$4,029 for construction and over \$5,380 if the cost of land was included. Council proposed changing the ACZ1 to include a requirement for a cash contribution for providing or expanding a facility for early childhood health and education at a rate of \$5,380 per dwelling (if the yield were 1,172 dwellings).

The VPA submitted that the community facility funding was complicated by uncertainty. It submitted that if Council did seek to house the facility within a newly constructed building, the DCP can fund an apportioned cost to construction as well as fit-out. The more information provided the more accurate the final costings and the less risk of a funding shortfall.

PMD adopted the evidence of Mr Shipp that the appropriate contribution was \$1,076 per dwelling and that the project should be proportioned to the precinct at 37 per cent rather than 44 per cent because of the reduction in dwelling yield and low demand for maternal child health rooms. It

submitted that the basis for the contribution had been properly made out in the DCP and Social Infrastructure Assessment consistent with the Development Contributions Guidelines. It considered Council's approach unacceptable.

(iii) Discussion and findings

Infrastructure projects

The traffic experts confirmed that the intersection and pedestrian projects are required, regardless of whether the yield remained at 1,200 or 2,200 dwellings. DoT supported the proposed projects as did, other than points of clarification, Council and PMD as disused in Chapter 9.3.

While it does not consider there is a need to revisit the design of the intersection projects based on a yield of 1,200 dwellings, the specific costing and calculation issues identified by Mr Shipp should be taken into account in its final review of the DCP as proposed by the VPA.

The Committee supports the intersection and pedestrian projects that have been identified and consider that they are designed to meet the traffic generated by the precinct's development and are appropriately apportioned to the precinct east of the rail line. While the future development of the parcels west of the rail line will create pedestrian movements these are likely to be spread along Cramer Street, Murray Road, St Georges Road and the east-west internal streets depending on destination. They will not contribute significantly to the need for the pedestrian projects. The Committee does not think it necessary to extend the contribution to the road and pedestrian projects to those parcels.

The resolution of Clinch Avenue/Murray Road intersection treatment and its ultimate location requires further negotiation with DoT if it is to be altered. The wording of the ACZ1 accommodates a level of flexibility in design that does not require the design resolution as part of the Amendment process. On this point, the Committee notes that PMD and VPA generally appear in agreement on the general quantum of works to be developer funded but any discrepancy should be able to be resolved.

Community building

All experts agreed that there was a basis for contributing to the costs of providing to a community facility as a result of the precinct's development. Given the reduction of dwelling yield from the exhibited PSP to the referred PSP it is reasonable that the level of contribution be adjusted consistent with the revised Social Impact Assessment. The key questions that remains for the Committee is what the scope of the project is and how it should be apportioned.

In terms of scope, while the location of the facility is outside the precinct and probably within Council's nearby Civic Precinct which the revised DCP has appropriately facilitated, it is clear that its delivery requires more than a fit out of an existing or as yet unconstructed building. Council has identified a preference for the location of a kindergarten as part of a new global learning hub but is yet to undertake a feasibility study. While the evidence of Mr Hrelja has set out a reasonable project costing approach, it is not the basis on which the DCP has been developed. The likely cost and therefore contribution proposed by Council is substantially higher than the exhibited DCP and raises issues of reasonableness, fairness and equity that parties have not had the opportunity to interrogate through the Hearing process. The Committee is mindful that Council's feasibility process and subsequent analysis could take some time to resolve.

This leaves the Committee in a difficult position. It would have been preferable that more detailed costing and feasibility analysis supporting Council's position had been available for consideration as part of the preparation of the revised DCP. This would have enabled the Committee to make an informed recommendation with the benefits of submissions and evidence on the costings and provided certainty and a clearer way forward. But it does not have this.

The Committee considers this leaves the following options for consideration:

1. Proceeding with the DCP costing (for fit out of an 1,800 square metre space) and contribution rate as currently drafted (PMD's preference) with additional flexibility to the project scope (not specifying floor area and precise facility elements) and how funds might be utilised beyond fit out
2. Reviewing the project costing approach so that it reflects the full costs of constructing and fitting out a kindergarten commensurate in size (to the closest room number for example) with the need generated by the precinct's dwelling yield with 100 per cent apportionment and allowing this contribution to be used towards the fit out and/or construction of a kindergarten
3. Amending the DCP project cost and contribution rate as proposed by Council, with or without further feasibility assessment and costing analysis
4. Applying an interim DCP using the current proposed rate (consistent with option 1 in terms of flexibility) pending the review work being completed and a revised PSP exhibited
5. Removing the project from the DCP and having it dealt with using a s173 Agreement via the ACZ1.

All of these options entail some level of risk, uncertainty and cost. Ultimately the best option is the one that provides certainty, procedural fairness and ensures that an appropriate community facility can be delivered by Council for the benefit of the future precinct residents and the wider community who will use it.

The Committee generally supports a 44 per cent contribution to the project and that the cost excludes land given the intent to locate it on Council owned land. The VPA should review the current DCP costing approach for the community building to ensure that it is practical, reasonable and fair and has an appropriate level of flexibility on how it is spent.

The Committee finds:

- The infrastructure and pedestrian projects are appropriately costed and apportioned subject to confirmation of land take for project IN-02L.
- There is strategic justification and a clear nexus for a development levy contribution towards the provision of an appropriately sized community facility and for its provision off site (notionally the Preston Civic precinct).
- While the basis for its costing is clear within the DCPO and supporting assessments and concepts documentation the DCP costing approach the community building should be further reviewed to ensure that it is practical, reasonable and fair and has an appropriate level of flexibility on how it is spent.

13 Other issues

13.1 Staging and market continuity

(i) The issue

The issue is whether the PSP and ACZ1 provides for appropriate strategies to manage the market's ongoing operation during site construction or for its relocation if a new market arrangement was provided.

(ii) What is proposed?

PSP

The PSP includes:

- objectives to deliver appropriate staging and maximising opportunities for market continuity during and after construction
- a land use strategy (L15) that a fresh food market is delivered in the early stages of precinct development.

ACZ1

Clause 6 (Application requirements) to require the provision of:

- a Development Staging Plan
- a Market Continuity and Transition Plan.

(iii) Evidence and submissions

A key concern for many submitters was how the existing traders could be successfully migrated as part of the precinct's redevelopment and creation of a new market.

The VPA and PMD positions provided for the existing markets transition to a new market to be managed through a Market Continuity and Transition Plan. The VPA's Final version of the ACZ1 provided for a number of changes proposed by PMD and includes how a reconfigured market would provide for:

- a similar number of stallholders and range of stall sizes, typologies and groupings
- opportunity for stallholders to keep or create their own individual signage
- an ambience in terms of building design, materials and finishes, which seeks to ensure the continuation of an open air market character
- a Place Management Approach which includes measures to carry across the social, cultural and welcoming values of the existing market into the reconfigured market.

PMD advised that it had not developed a detailed staging strategy for the remainder of the precinct following the early implementation of the market migration strategy. It considered that following market migration, the central open space would be delivered with the remainder of the precinct likely to be developed from north to south. In the event the market was to be closed it advised that the market may need to be closed for long periods to enable infrastructure upgrades.

PMD's market transition strategy was set out in the Snohetta plans. It comprised two key stages. Firstly, stall holders in the fruit and vegetable sheds (that are to be retained and incorporated into a new market) being temporarily accommodated within the market area. Secondly, once

constructed, traders would be migrated to the new market consistent with its Place Management Strategy (Preston Market Place Management Discussion Paper, September 2022).⁴⁴ This would then create a large balance parcel west of Mary Street to be progressively developed without substantially interrupting the markets operation.

On the basis the market was to be relocated, Council supported a number of PMD's proposed changes to the Market Continuity and Transition Plan but sought further changes regarding floor space configuration and the same number of stall holders to be accommodated.

Council called Mr Woolfe to provide evidence on construction staging to identify how its concept could be delivered with the market in situ. Mr Woolfe identified a five stage strategy that maintained pedestrian movements and connectivity, provided for site access to parking and loading areas and the delivery the underground carparks and new loading areas.

(iv) Discussion and findings:

The development of the precinct consistent with the VPA, PMD or Council aspirations will involve significant site disruption including to the operations of the market regardless of whether it remains or is migrated.

There is no doubt that if the market is relocated as proposed, the PMD strategy is a logical one and essentially allows the new market to commence operations (in around 12 months) and not be as impacted whilst the remainder of the precinct is developed over time. The further changes sought by Council are not appropriate.

If the market is retained, it will likely be altered at the edges to provide for integration with the central open space or new buildings. PMD has indicated that the existing market would require significant infrastructure upgrades that would impact on its operations while that work is undertaken. Development of the balance of the precinct will involve impacts to the market in terms of restricted site access, reduced on-site carparking, impacts on pedestrian connections as well as from construction activity (noise, vibration and dust). These impacts are unavoidable but can and should be managed given the precinct will be developed over many years.

The provision of a staging plan is appropriate regardless of whether the market is retained in situ to manage development sequencing and vehicle access and traffic management. The Committee considers this plan should be amended to remove specific reference to the market if the market is to remain in situ.

The Market Transition and Continuity Plan is an appropriate approach to a scheme which involves a relocated market with the inclusion of changes proposed in the VPA's Final version of the ACZ1. However, based on the Committee's recommendation to substantially retain the existing market a transition strategy is not required. Given the likely impacts of the precinct's development on the market's structure and operation a Market Continuity Plan would be required (and could be merged with the Development Staging Plan application requirement). This would specifically require to be identify how the market can continue to trade whilst precinct works are underway including:

- how appropriate customer access and parking arrangements will be provided and maintained

⁴⁴ Document x

- measures to minimise trader disruption including periods of non-trading
- alternative arrangements for waste management and loading.

The Committee further discusses the role of the Market Continuity and Transition Plan further in Chapter 14 in the context of other planning mechanisms to support a vibrant and sustainable market.

The Committee finds:

- If much of the existing market is to be retained for heritage reasons, a Market Continuity Plan will be required to manage temporary impacts on its operation from the precinct's redevelopment. This could be included in an amended Development Staging Plan application requirement consistent with the Committee's benchmark version in Appendix H. Related changes would also need to be made to the PSP objectives and strategy L15.
- If the VPA's version of the PSP and ACZ is to be preferred a Market Continuity and Transition Plan will be required. The VPA's Final version drafting of the application requirement is appropriate if the relocated market is the preferred PSP approach.

13.2 Contamination

(i) The issues

The issues are whether:

- the application of the EAO to the balance of the precinct to the west of the rail line is appropriate
- issues of potential contamination can be appropriately managed.

(ii) What is proposed?

The Amendment proposes to apply the EAO to the remaining parcels within the precinct west of the rail line to match the existing application of the EAO to the balance of the precinct reflecting earlier land uses.

ACZ1 Clause 4.4 (Design and development) sets out design standards to be met for the transfer of any public open space to Council including the requirement for an environmental audit.

(iii) Relevant Ministerial Directions and Planning Practice Notes

- Ministerial Direction 1 - Potentially Contaminated Land seeks to ensure potentially contaminated land is suitable for use proposed by an Amendment and that the environmental conditions of the land are suitable for the proposed land use.
- PPN30.

(iv) Evidence and submissions

Mr Erlandsen considered that an environmental audit should be conducted, particularly around proposed open space areas, to establish if the PSP would require further changes.

The EPA submitted that consideration be given to the possibility of contamination of the portion of the precinct west of the rail corridor which is not covered by an EAO.

The VPA advised that it had subsequently commissioned Meinhardt to undertake a Land Capability Assessment, which recommended the EAO also be applied to all land within the precinct west of the railway.

The VPA's Final version of the ACZ1 proposes to delete the requirement for an environmental audit for open space transferred to Council on the basis of Ms Jordan's advice that it was unnecessary given the existing EAO that applied to the site. Council's final version retained the provision.

(v) Discussion and findings

No submissions opposed the application of the EAO to land west of the rail line. This is the appropriate planning tool to manage the impacts of any contaminated land encountered on site during construction (including of any basement car parking areas or for any areas of open space). Its application is appropriate in the context of the Land Capability Assessment undertaken and consistent with the General Environmental Duty principles of the *Environment Protection Act 2017*. Additional provisions to manage contamination within the ACZ1 are not necessary.

The Committee agrees with the evidence of Ms Jordan that given the existing application of the EAO to the areas of proposed open space that an additional requirement for an audit is an unnecessary duplication of controls.

The Committee finds:

- The application of the EAO to the two parcels within the precinct west of the railway line is strategically justified and appropriate.
- There is no need for an environmental audit statement requirement for open space to be provided by Council given the existing EAO in place.

13.3 Noise, vibration and odours

(i) The issue

The issue is whether the PSP and ACZ1 provides appropriate mechanisms to manage the amenity impacts of noise, vibration and odours.

(ii) What is proposed?

PSP

There are no specific strategies identified relating to noise, vibration or light spill or other amenity issues.

ACZ1

- Clause 4.1 (Use of land) requires:
 - a use not to detrimentally affect the amenity of the neighbourhood through the transport of goods, emissions of noise, artificial light, vibration, smells, fumes and waste
 - verification of an Acoustic assessment or Noise, Vibration and Light Spill Report provided as an application requirement prior to the occupation of a building for accommodation, child care or place of assembly.
- Clause 6.0 (Application requirements) requires the provision of:

- an Acoustic Assessment which identifies noise attenuation measures to achieve specified internal noise levels for use and development for accommodation, child care or place of assembly or above or adjoining the market
- a Noise, Vibration and Light Spill Report for use and development of accommodation, child care or place of assembly within 80 metres of the centreline of the closest rail track or adjacent to the Transport Zone 2, to identify recommendations for internal noise level attenuation.
- a Waste and Recycling Management Plan
- an assessment of the likely effects on adjoining land from noise, traffic, hours of operation, deliveries, light spill and glare
- details of the location, design and operational details of loading areas
- a Development Staging Plan which includes examination of road works and traffic management.
- Clause 8.0 (Decision guidelines) including consideration of whether dwelling and residential building design is designed to mitigate noise, odour, vibration and other amenity impacts from non-residential uses including the market.

(iii) Relevant planning policies and Planning Practice Notes

- Clause 13.05 (Noise)
- Clause 58 (Apartment developments)
- PPN83.

(iv) Submissions

The EPA's submission recommended further requirements for noise attenuation for sensitive uses and verification of the results of attenuation prior to occupation related to proximity to the rail line, the market and roads in the Transport Zone 2 (Murray Road).

DoT's submission did not raise issues associated with noise.

Several community submissions raised concerns about amenity impacts on adjoining and future residents, workers and visitors to the precinct associated with higher densities, market noise and odours and future site construction activity. Ms Bayly submitted that apartments should be designed mindful of potential impacts from the market including noise and odour in addition to new employment uses. In her summary position it was suggested that a 24/7 requirement measure for noise above or adjacent to the market, or alternatively Accommodation made a Section 2 use where it was not met.

The VPA's Part A submission indicated that the acoustic assessment provisions of the ACZ1 addressed the issues identified by the EPA and community submissions about amenity.

The PMD's closing submission identified proposed amendments to the ACZ1 to remove reference to light spill (which was not an element identified in the required assessments) and other assessment requirements associated with non-rail noise and the removal of noise attenuation requirements for places of assembly. The VPA supported these changes (other than removal of place of assembly) subject to EPA approval.

(v) Discussion and findings

The Committee considers the proposed ACZ1 requirements for acoustic assessments and their certification for accommodation and child care uses within close proximity of the rail line, Murray Road and the market are appropriate and consistent with the General Environmental Duty principles of the *Environment Protection Act 2017*.

The noise levels and standards adopted in the ACZ1 are consistent with those identified in Clause 58, particularly Clause 58.04-9 (Noise impacts) and PPN83.

The EPA's submission and the proposed ACZ1 refers to light spill assessment but does not identify how it might be addressed, with the requirements focused on noise. There is no clear identification by the EPA that light spill is a particular amenity issue requiring consideration. It is appropriate to remove reference to it noting this does not limit decision guidelines or other provisions of the Planning Scheme being considered in the assessment of a permit application.

The Committee agrees with PMD that there is little justification to extend the noise level and acoustic reporting requirements to places of assembly. However, it is appropriate to seek the advice of EPA (who nominated the use) as suggested by the VPA before finalising the provisions of the ACZ1. Similarly, while there may be merit in removing the other additional considerations identified by PMD, this application requirement is not limited to rail noise, as it extends to noise from Murray Road. The EPA's input into final drafting would be of assistance in clarifying the necessity of this requirement.

The Committee considers that the requirement for a Waste and Recycling Management Plan and other requirements of the ACZ1 appropriately deal with the location of waste storage and loading areas to manage related noise and odour issues associated with the market or future non-residential uses. A Construction Management Plan requirement is often a requirement of planning permit applications for larger developments to manage on and off-site amenity impacts associated with construction. Such a provision does not therefore need to be added into the ACZ1. However, given that the site may be developed over stages and multiple years such an application ACZ1 requirement could be appropriate to manage issues other than traffic management including dust and construction times. Such detail does not need to be included in the PSP.

The Committee finds:

- The provisions of the ACZ1 are broadly appropriate to manage noise and other amenity impacts on site.
- The ACZ1 provisions relating to requirements for an Acoustic Assessment and Noise and Vibration Report should be amended generally consistent with the VPA's Final version and the Committee's baseline version (Appendix H) subject to confirmation on final wording with the EPA.
- The inclusion of an application requirement for a Construction Management Plan to manage on and off-site amenity issues during site construction should be considered.

13.4 Drainage**(i) The issue**

The issue is whether the PSP and ACZ1 provide for the appropriate management of site drainage.

(ii) What is proposed?**The PSP**

The PSP identifies that the Special Building Overlay extends across the north eastern and southern portions of the precinct which indicated land subject to inundation by overland flows. It includes strategies to ensure the public realm is designed to manage flooding (B26), include recycled water infrastructure (B45), incorporate WSUD (B48) and manage flood water displacement (B49).

The ACZ1

Clause 4.0 (subdivision) and Clause 4.3 (Buildings and works) require the provision of a Drainage Strategy.

(iii) Relevant planning provisions

- Clause 13,03-1S (Floodplain management)
- Clause 44.05 (Special Building Overlay).

(iv) Evidence and submissions

Melbourne Water's submission sought information regarding the design and timing of precinct wide flood mitigation works including potential new or upgraded drainage infrastructure assets. It considered the implementation of mitigation works prior to development was appropriate and should be reflected in the Cardno Stormwater Drainage Assessment.

Submissions 12 and 249 raised concerns relating to flooding impacts of the precinct development. Mr Erlandsen's submission considered that potential flood issues could require changes to the design layout including building separation, the use of flood resistant materials or other landscape responses not accommodated in the VPA or PMD proposals. The submission, (in the context of Melbourne Water's submission and potential catchment development activity), considered the Amendment had downplayed the need for further flood modelling mitigation and should be resolved "*before the panel makes their deliberations as the issue could potentially dictate the build form on the site*". Concerns included the flow of displaced surface water and potential flooding of basement carparks.

Mr Glossop recommended minor changes to the Drainage Strategy requirement to reference precincts and considered its requirement for minor subdivision and development applications onerous.

The VPA submitted that the updated ACZ1 had included additions to address Melbourne Water's concerns and tabled email correspondence from Melbourne Water that acknowledged this.⁴⁵

Council's proposed changes to the ACZ1 provided with its primary submission sought to increase the internal drainage network capacity measure from a 20 per cent to 10 per cent Annual Exceedance probability (or a 1 in 5 rather than a 1 in 10 year Annual Recurrence Interval) storm event. It did not specially address the basis for this change in its submission. It also sought to remove the Drainage Strategy as a requirement of subdivision. The VPA's final version did not accept these changes although its reasons were not provided.

⁴⁵ VPA Part B submission Attachment D1

PMD's primary submission also proposed changes to the Drainage Strategy provision to allow flexibility (to the satisfaction of the responsible authority and relevant drainage authority), for it to be developed in stages and not be applied to subdivisions or minor works applications which do not impact on drainage and storage capacity. This position was supported by the evidence of Ms Jordan who considered the requirement onerous for minor works. The VPA accepted these changes in its final ACZ1 version with the exception of the flexibility provision for alternate Drainage Strategy requirements.

(v) Discussion and findings

The PSP was supported by a drainage and flood analysis (Stormwater Drainage Assessment Report, Cardno 2021). This analysis identifies that drainage issues do not prevent development of the precinct subject to the inclusion of effective water management solutions including flood storage compensation, retention of overland flow paths and WSUD to manage stormwater runoff.

The Committee considers that the PSP objectives relating to stormwater management and the ACZ1 Drainage Strategy requirements provide for a comprehensive response to managing site drainage issues. The minor changes to the Drainage Strategy provisions proposed in the VPA's final version are appropriate and respond to the evidence of Ms Jordan and Mr Glossop and strike the right balance. The Committee was not provided with information to assess Council's proposed changes to the internal drainage network capacity storm event measure.

The Committee acknowledges that Melbourne Water's issues appear to have been resolved and notes that wording of the Drainage Strategy provision requires its preparation to the satisfaction of the drainage authority. There would be some advantage to Melbourne Water, Council and PMD resolving the wider drainage infrastructure capacity challenges so as to provide for a more holistic and cost-effective approach to localised drainage issues rather than potentially dealing with drainage in a more piecemeal fashion application by application. Such discussions are commonplace when facilitating the development of large sites and do not need to be resolved as part of this Amendment.

The Committee finds:

- The PSP and ACZ1 objectives and requirements to manage stormwater drainage are appropriate.
- The VPA's final ACZ1 changes relating to the provision of a Drainage Strategy are appropriate. The VPA should however establish with Council the reason for its proposed Drainage Strategy changes before finalising the ACZ1.

14 Draft Amendment

14.1 Policy changes

The Amendment makes minor consequential changes associated with introducing the PSP and ACZ1 to Clause 21.03 and Clause 22.06. These policy changes are appropriate, noting the date of the final version of the PSP will need to be included. This will apply to all references in the Amendment to the PSP date.

No submissions were made about the policy change and Council's submission identified no concerns regarding this change. The Committee notes that Council is progressing a planning scheme amendment to translate its Local Planning Policy Framework into the new PPF format introduced through Amendment VC148. Depending on the timing of the translation approval the current Amendment may need to be amended accordingly, however this is a minor technical tidy up matter.

The Committee finds:

- The proposed changes to Clause 21.03 and Clause 22.06 are appropriate subject to updating the final dates of the reference documents.

14.2 Precinct Structure Plan

In addition to other changes flagged by the VPA or by the Committee to the PSP or ACZ1 that will have consequential impacts on the content of the PSP, if the market is to be substantially retained as recommended the following sections of the PSP will require revision:

- the last paragraph of section '4.4 Market heritage'
- objective 2 of section '5.1 Objectives' relating to maintaining a similar sized market
- Figure 4 – Framework Plan, Figure 5 – Land use and Activation, Figure 6 – Built Form and Design Plan and Figure 7 – Access, Movement and Car Parking Plan to show the substantial retention of the market
- the introductory text dot point text of section '6.3 Built form and design' and strategies B19, B20, B33-B36, B38 and B39
- strategies A32 and A33 of section '6.4 Access, movement and parking'.

The Committee finds:

- The VPA's Part B version of the PSP should be further amended to reflect a substantially retained market and resultant urban structure within the Framework Plan.

14.3 Activity Centre Zone Schedule 1

The original submission of Ms Bayly suggested that the application of the ACZ to the precinct was unnecessary. This was because the existing PDZ zone already applied across the Preston MAC and could be used to provide similar outcomes and the ACZ was more appropriate for an entire centre rather than a single precinct.

The VPA submitted that the ACZ was an appropriate tool to apply and was consistent with PPN56 and with Council's proposal to apply the zone to the entire activity centre. The planning evidence of Mr Glossop and Ms Jordan considered whether the application of the ACZ1 was appropriate, and its provisions fit for purpose. Council and PMD supported its application.

The Committee considers that the application of the ACZ to the precinct is appropriate. While it is a tool normally applied to an entire activity centre, in this instance it follows the development of a structure plan, its purpose is consistent for what is being sought in the precinct and has the support of Council and planning experts. The Committee considers that the structure and content of the ACZ1 is consistent with PPN56.

The Committee observes however, that the ACZ is less well suited to the level of detail that has been included in the ACZ1. The number of objectives, guidelines and requirements (including application requirements) are extensive and seeking to manage many issues to a very detailed level. The level of detail closely reflects a Comprehensive Development Zone where the development outcomes have been more closely refined. The Committee considers that in part those has contributed to some of the challenges in responding to heritage values. The final drafting of the ACZ1 should seek to consolidate and simply objectives, requirement and guidelines and application requirements.

The Committee understands that Council is considering the application of the ACZ to the remainder of the Preston MAC. The VPA is encouraged to review the final structure of the ACZ1 to ensure that it can be married into a centre wide ACZ schedule of precincts.

Mr Glossop and Ms Jordan raised a number of issues about Day 1 VPA version of the ACZ1 and included specific recommendations for further changes to assist with clarity, simplification and implementation. The VPA, Council and PMD made observations and recommendations about the changes recommended by Mr Glossop and Ms Jordan and other experts and proposed other changes that advanced their preferred Framework Plan positions. The VPA's Final version of the ACZ reflected the elements of Council and PMD's positions it was able to support.

The Committee's discussions and findings are based on the VPA's Final version of the ACZ1. In this Chapter the Committee has focused its discussion on elements of the ACZ1 not discussed in the earlier chapters of this Report. The findings of those chapters have been incorporated into the Committee's recommendations about changes to the ACZ1. The Committee has included its preferred 'baseline' version of the ACZ1 in Appendix H.

The Committee's baseline version includes those elements of the VPA's Final version which it considers appropriate, and which form a base for further changes to address the changes to the PSP that arise from its recommendations about substantial retention of the existing market complex. It includes:

- additional wording changes shown in blue underlined text
- wording to be deleted in ~~red strikethrough~~ text
- elements of the ACZ1 that need further review before finalisation are identified as notes in blue text boxes with explanatory text
- documents which require updating (including dates of the reference documents highlighted yellow).

Clause 1.0 Framework Plan

If the market is to be substantially retained the Framework Plan needs to be replaced with a new plan consistent with changes to the PSP.

There is no need to add the definitions proposed by Council.

Clause 2.0 Land use and development objectives

The Committee supports the VPA Final version changes to objectives with further changes identified in Chapters 5-13 and a review of those associated with the market if it is to be retained as recommended. The Committee agrees with Mr Glossop that the total number of objectives is excessive and there is scope for refinement and consolidation.

Clause 3.0 Table of uses

The Committee generally supports the VPA Final version changes to the Table of Uses. However, if the market is to be retained, the precinct approach is not necessary in its current form nor are the related conditions on 'Shop' and 'Food and drink premises' to be 'subsidiary'⁴⁶ to the market (unless to be confined to the retained market) or to condition other uses to particular precincts or floor levels. The rationale for prohibiting 'Art and craft centre' and 'Education centre' also falls away if the Table of Uses is restructured to accommodate retention of the market. It should be a conditioned Section 2 use.

A precinct approach is still appropriate however, if the market is to be substantially retained and the use of land within and adjacent to it requires a structured land use approach. For example:

- a market precinct containing the current market complex which seeks to confine particular retail and food uses consistent with the current market offer (fresh produce, cafes and takeaway food)
- a market fringe precinct where uses might be conditioned at ground or first floor and provide for complementary uses
- a balance precinct where a greater number of uses are permitted and encouraged in Section 1.

These precincts would as currently proposed form the basis of any particular precinct provisions.

Clause 4.1 Use of land

Refer to previous discussion and findings relating to noise attenuation and market floor space metrics in Chapters 13.3. No further changes are required to the VPA's Final version.

Council's proposed condition which would not allow a permit to be granted for reduction of market floor level below a specific metric is not supported.

Clause 4.2 Subdivision

Refer to previous discussion and findings relating to affordable housing and the Drainage Strategy Chapter 10.2 and 13.4.

The VPA's Final version proposed to include a provision sought by Council to require access street and pedestrian connections open to the sky to be vested in Council. This was not accepted by PMD. The Committee considers that some flexibility should be retained to accommodate a range of appropriate outcomes that respond to detailed design and is best determined through the planning permit process and does not need specific guidance in the ACZ1. This requirement should be deleted. No further changes are required to the VPA's Final version.

⁴⁶ The VPA advised this meant part of the broader 'market' complex

Clause 4.3 Buildings and works

Refer to previous discussion and findings relating to the development contributions and Drainage Strategy and in Chapters 12 and 13.4. No further changes are required to the VPA's Final version.

Clause 4.4 Design and development guidelines and requirements

Refer to previous discussion and findings relating to heritage, urban design, circulation and parking, open space, and ESD in Chapters 5, 6, 8, 9 and 11. In addition, Plan 1 and Plan 2 will need to be amended to reflect a retained market and revised urban structure. As identified in Chapter 15 a requirement for a Social Charter is not an appropriate application requirement.

Clause 5.0 Precinct provisions

While the sub-precinct approach is supported (as discussed above) as a way of managing built form in and around the market, it requires alteration to reflect the retention of the market. This includes consequential changes to the precinct plan, objectives, requirements and decision guidelines.

Clause 6.0 Application requirements

Refer to previous discussion and findings relating to overshadowing, land use floor area, landscaping, parking and EVCs, affordable housing, ESD, staging and market continuity, and noise in Chapters 7-13.

In addition to the VPA's Final changes further changes will be required to the application requirements for a Heritage Impact Assessment and a Heritage Interpretation Plan to reflect the substantial retention of the market.

Clause 7.0 Notice and review

The evidence of both Mr Glossop and Ms Jordan identified concerns that the ACZ1 notice and review provisions were problematic given that many of the guidelines did not contain measurable criteria thereby requiring all applications to be subject to notice and review. The VPA's Final version switched off notice and review rights.

Ms Bayly submitted that notice and review should apply where building heights or street wall heights and setbacks were not met.

PMD supported a change to the notice and review provisions to extend exemptions to applications that exceed preferred building heights and for applications for buildings and works adjoining a lot not in the same ownership within the precinct unless the responsible authority is satisfied significant detriment would not be caused to the owner or occupier of the adjoining land. This exemption would only require notice to the relevant adjoining owner/occupiers under section 52(1)(d) of the PE Act and be exempt from the decision guidelines of sections 64(1), (2) and (3) and the review rights of section 82(1) of the PE Act.

Council's closing submission accepted the VPA's changes where heights remained mandatory, but considered notice and review rights should be maintained where:

- development did not meet Plan identified building heights, street wall heights and street wall setbacks (where discretionary heights were to be used)
- development was not generally in accordance with the proposed market use and layout identified in the Framework Plan

- to adjoining land owners and occupiers in different ownerships within the precinct only as proposed by PMD.

The VPA did not support the changes proposed by PMD or Council based on its position in support of mandatory height controls.

PPN56 identifies:

The default provision in the ACZ is that no third party notice, decision or review rights exist for any permit application subject to the zone. This builds on the community and stakeholder consultations that are the foundation of structure plans.

Given the Committee supports the substantial retention of the market, and the ACZ1 will provide extensive guidance to detailed design issues, it considers the main reason for providing for notice and review is one of height. While the VPA's position of no notice and review is appropriate given their proposal to is for mandatory heights, the Committee does not support mandatory heights (other than for street walls) across the precinct. On this basis notice and review should be required where applications for buildings and works propose to exceed identified guideline heights.

Clause 8.0 Decision guidelines

The Committee considers the decision guidelines in the VPA's Final version of the ACZ1 are appropriate.

Clause 11.0 Reference documents

The reference document dates should be updated in the final version. As set out in Chapter 5.4 the Committee supports the inclusion of the Identify Study as a reference document.

The Committee finds:

- The Schedule to Clause ACZ1 should be amended:
 - consistent with the Committee's baseline version in Appendix H
 - to include notice and review provisions where the guideline heights are exceeded
 - to include the other changes identified by the Committee in Chapter 5 – 13
 - to reflect an amended urban structure and PSP that substantially retains the existing market.

14.4 Heritage Overlay Schedule (HO315)

The Amendment proposes to amend the Schedule to Clause 43.01 Heritage Overlay by introducing a new heritage place 'Preston Market, The Centreway, Preston' and associated Darebin Planning Scheme reference – HO315 for the place. It refers to the Statement of Significance, Heritage Design Guidelines and Permit Exemptions incorporated documents. It identifies that internal alteration controls apply.

As discussed in Chapter 5.6 the Committee supports the application of external paint controls to the place.

The Committee finds:

- The Schedule to Clause 43.01 Heritage Overlay be amended to:
 - insert 'Yes' in the 'External paint controls apply?'
 - refer to the final date versions of the Statement of Significance, Heritage Design Guidelines and Permit Exemptions incorporated documents.

14.5 Development Contributions Plan and Development Contributions Plan Overlay Schedule 2

The DCP and DCPO are appropriate tools for collecting development contributions.

The Committee finds that the DCP and DCPO2 should be amended consistent with its findings in Chapter 12.

14.6 Parking Overlay Schedule 2

As discussed in Chapter 8 the Committee supports the application of the PO2 including the changes proposed by VPA in its Final version subject to changes to the identified maximum parking rates.

The Committee finds:

- The Schedule to Clause 45.09 Parking Overlay be amended consistent with the Committee's preferred version in Appendix I.

14.7 Priority Development Zone Schedule 2 and Preston Central Incorporated Plan

The Amendment proposes to amend:

- PDZ2 to refer to the amended version of the Preston Central Incorporated Plan 2007 (as amended 2014)
- the 'Framework Plan 1 – Building Heights and Urban Design' and 'Framework Plan 2 – Transport and Access' forming part of the Preston Central Incorporated Plan 2007 (as amended 2014) to reflect the precinct being rezoned to ACZ1.

Council's submission proposed a series of amendments to the VPA's version of the Preston Central Incorporated Plan Framework Plan 1 to correct mapping errors.⁴⁷ The VPA's closing submission confirmed that it would further engage with Council to correct the identified mapping errors. An amended version was circulated on 17 November 2022 which included the mapping changes sought by Council and minor consequential changes.⁴⁸

The final VPA version of mapping for Preston Central Incorporated Plan makes appropriate changes to avoid technical errors. The resultant changes ensure the current provisions relating to building heights and setbacks are maintained in the remainder of the Preston MAC within the PDZ2.

The Committee notes that the PDZ2 schedule will need to be updated to refer to the final PSP version date.

The Committee finds that:

- The proposed changes to the PDZ2 schedule are appropriate and should be updated to refer to the final PSP version date.
- Framework Plan 1 and the Landmarks Height and Setback Table of the Preston Central Incorporated Plan be amended consistent with the VPA's Final version (Document 279).

⁴⁷ Document 244q

⁴⁸ Document 279

14.8 Environmental Audit Overlay

The Committee finds that the EAO as proposed in the Day 1 version of Amendment documents is appropriate as discussed in Chapter 13.2.

14.9 Clause 53.01 Public Open Space Contribution

Consistent with its findings in Chapter 9 the Committee finds:

- The Schedule to Clause 53.01 Public Open Space Contribution and Subdivision be amended to reflect the existing Schedule use of plural form of lot
- The public open space quantum provision in land within the PSP should be amended to a minimum of 7 per cent or adjusted to reflect the final version of the Framework Plan.

14.10 Incorporated documents

As discussed in Chapter 5 the following Incorporated documents require further changes:

- Statement of Significance based on the Heritage conclave agreed version (Document 202 and Appendix G) including the further changes identified by the Committee in Chapter 5.4
- Heritage Design Guidelines based on the Heritage conclave agreed version (Document 200) including the further changes identified by the Committee in Chapter 5.8
- Permit Exemptions based on the Heritage conclave agreed version (Document 201) including the further changes identified by the Committee in Chapter 5.7.

The final incorporated document dates will need to be amended in Clause 72.04.

Chapter 5.4 finds that the amended citation and Interpretation Strategy finds that the following documents be added as background documents:

- an amended heritage citation
- the Identity Study.

Clause 72.08 should be amended to refer to these documents and the final version of the Interpretation Study.

15 Planning mechanisms to support a vibrant market

15.1 Referral

The Committee has been asked to advise the Minister on:

appropriate planning mechanisms to support the vibrancy of the market and secure its long-term operation having regard to the markets social and cultural significance and association with Melbourne's multicultural and migrant communities.

15.2 Evidence and submissions

The Committee invited submissions from parties on the question of appropriate planning mechanisms to support vibrancy and long term operation of the market in a manner that reflected its social and cultural importance.

DADA's submission called for the public acquisition of the market and for it to be operated through a community management or trust committee as the only way to ensure its future and strengthen it. It identified potential acquisition mechanisms under the *Crown Lands Reserves Act 1978* or *Land Acquisition and Compensation Act 1986* or other options such as a land swap, gifting or government grants.

SPMAG and Mr Erlandsen similarly called for the state government to acquire the market as the only way to protect it into the future.

Dr Ratnam suggested a s173 Agreement be used to ensure the redevelopment of the precinct can only occur with retention of the market in place.

Ms Bayly suggested that prohibiting all other uses in the location of the existing market through the ACZ1 would ensure market use remained the highest and best use of the land.

Council considered the Amendment had applied the appropriate planning tools to secure the long term operation of the market. However, it proposed the ACZ1 require PMD to enter into a social charter though a s173 Agreement requiring a commitment to:

- a) security and affordability for existing traders;
- b) rental adjustments for traders where trading is disrupted by development;
- c) retaining a diversity of independent businesses;
- d) no franchises/chains;
- e) meaningfully involve migrant communities in precinct design and creation of new open spaces;

Council submitted the charter would mitigate the social effects of disruption of redevelopment of the precinct and possible relocation of the market use. In so doing it was consistent with the objectives of planning and section 12(2)(c) of the PE Act and was therefore lawful.

PMD considered that the Amendment applied the appropriate suite of planning mechanisms. This position was supported by Ms Jordan. PMD submitted that town planning cannot control everything and there are limits to how far it can go to control matters such as vibrancy and cultural values. Beyond the requirements for and implementation of a Market Continuity and Transition Plan which would have adopted a place management approach, it considered its ownership and management responsibilities were the appropriate place for matters relating to leasing and rental

arrangements. These included commitments it had made to existing traders regarding access to new stalls, fit out, stall area, leases and rents and consultation and to incorporating the key elements of the existing markets character and identify in the market design.⁴⁹ It did not support Council's proposal for a social charter considering it unprecedented, inappropriate and of dubious legality. It was not the role of town planning to regulate pricing or the availability of products.

The VPA was of the view that the Amendment had applied the appropriate tools in a balanced manner to support the vibrancy and long term operation of the market. It identified that while a voluntary s173 Agreement based social charter might be a good outcome, it should not be part of the ACZ1.

In response to questions from the Committee Mr Glossop considered that the proposed controls to be used were appropriate. He identified that additional policy relating to the precinct might be useful to further support the precinct and PSP outcomes.

15.3 Discussion and findings

Supporting the ongoing operation of a vibrant market within the precinct is an important objective. It provides an important social and multicultural shopping and community meeting point, provides retail diversity and visitation, anchors retail activity on the precinct balance and in High Street and provides accessible, high quality and affordable produce.

The Committee considers that the planning tools used in this Amendment namely, a PSP to set the vision, objectives and framework for the precinct with the implementation and delivery task managed through the ACZ1, is the appropriate planning pathway. The ACZ1 has been structured to encourage a range of uses that will complement the market's operation and add vibrancy and activity throughout the day and night. The application of the HO, PO, DCPO and EAO provide important management tools for related precinct matters. An alternative zone or additional overlays will not add any value to the proposed planning framework, rather they risk adding further complexity, uncertainty and cost. Further planning policy may assist in adding further clarity about the role and expectations of the market precinct within the Preston MAC which would serve to ground the PSP. Repeating the content of the PSP in policy would serve little value to decision making or for securing a vibrant market into the long term.

Planning tools can only do so much in terms of securing the markets ongoing use and vitality. The ACZ (and other special purpose zones) can provide mechanisms to manage and facilitate its level of redevelopment and potential use but cannot compel the market use to remain.

The current market provides the utility for the market's operation. Its vibrancy and vibe is in part a function of the fabric, space and layout and the current interaction between the traders and those that shop and visit and interact in that space. Both the fabric, the goods on offer, and the customers and visitors have changed over the years in response to demographic and retail trends. These changes will continue as Melbourne and Preston grow. It is important therefore that planning tools are not rigid, contemplate change and allow for some flexibility. Mandatory provisions need to be limited to managing critical elements that won't have unintended consequences or remove innovative responses.

⁴⁹ PMD opening submission page 8 and set out in the Place Management Discussion Paper

The Committee's findings have largely been based on the established heritage values of much of the market complex. Applying the Heritage Overlay will assist in retaining and managing change to the significant heritage fabric but will not ensure the use continues. There is no reason to suggest that a new market cannot be recreated within the precinct in a manner which will have an attractive vibe and feel and that could be embraced by the wider community in time. Many submissions expressed a fear that the PSP (or PMD) guaranteed the provision of a new market, would not provide security for existing traders or create an inferior market. The Committee has no reason not to accept PMD's position that it is committed to the provision of a market as an anchor element of the precinct.

The VPA and PMD positions provide for an ongoing market use within the precinct (although there is argument on the quantum of market leasable floor space) transitioned through the Market Continuity and Transition Plan.

While a Market Continuity and Transition Plan does not secure the long term operation of a market, such a mechanism is a valid and reasonable approach (if not generous gesture) and ACZ1 requirement to provide for a vibrant market operation. It should be applied if the PSP is to be preferred consistent with the VPA's position. As discussed in Chapter 13.1, a Market Continuity Strategy would be appropriate in the event the existing market were to be substantially retained while the rest of the precinct is redeveloped or if alternations are made to or around the retained fabric including infrastructure upgrades.

Section 173 Agreements are proposed for delivering affordable housing outcomes for the site, are already in place to assist in coordinating and facilitating development and are a planning mechanism which can have some utility for managing discrete planning issues or impacts. They are however voluntary and cannot be used to fetter discretion. They need to be carefully drafted and should be related to a clear planning objective. Many of the elements proposed by Council's social charter are not matters that can ordinarily be dealt with by planning. This is however ultimately a matter of legal interpretation.

There are a number of vibrant Melbourne markets that are owned by municipal Councils – Queen Victoria, South Melbourne, Prahran and Dandenong Markets and privately owned markets including Footscray Market. The Committee considers that what contributes to their variety, vitality and relative success is the way in which they are managed (through promotion, activation and programming, maintenance and trader relationships) rather than the enabling planning controls in place. There is no strategic basis to suggest that in community ownership the existing market would be managed successfully to be financially sustainable. There was no suggestion from Council or the VPA (on behalf of the State Government) that entertained the possibility of acquiring the site. While compulsory acquisition mechanisms do exist including strategically through the application of the Public Acquisition Overlay, there is no strategic basis to do that.

The Committee finds:

- The Amendment applies an appropriate suite of planning tools that provide a planning framework to facilitate and support a thriving and ongoing market operation.
- Additional planning policy confirming the role of the precinct and its development expectations in the context of the Preston MAC may help decision making subject to appropriate strategic work to confirm its value.
- If the VPA's Final version of the PSP and ACZ1 is to be preferred a Market Continuity and Transition Plan will be required.

- Planning mechanisms (including ACZ1 requirements) or s173 Agreements that seek to regulate trader security and rents, business diversity, chain or franchise businesses and community design inputs will not secure market vibrancy or long term use and are not appropriate.

16 Findings and recommendations

16.1 Reasons for findings

Chapters 4 to 14 of the Committee's Report sets out the basis of its findings regarding the referred draft Amendment and associated PSP, DCP and incorporated and background documents.

There is no doubt that the precinct is an integral part of the Preston MAC and much loved by the community, particularly the market. It is also a privately owned site with a zoning and policy context that supports its more intensive development because of its locational attributes.

Planning policy has a range of expectations for this precinct in terms of making an important contribution to urban consolidation and provision of housing (including affordable and social housing), delivering a mix of uses at an intensity acknowledges its strategic role. All parties too, share an objective of providing for a successful and vibrant market. Council and the community also have ambitions that the site provide for less height, significant areas of open space and exceed ESD best practice.

The question is ultimately where the balance lies in achieving significant housing outcomes and a vibrant and successful mixed use precinct, and managing the Council's and communities aspirations for retaining the market and an outcome that reflects the prevailing character.

The Committee was presented with a significant amount of material by the way of referred submissions, over 25 background documents, extensive Amendment documents including multiple iterations of the PSP and DCP, ACZ1 and PO2, evidence from 26 experts and four conclaves, extensive submissions from the VPA, Council and PMD and impassioned community submissions. This material greatly assisted the Committee and emphasised that there is no obvious right approach and judgement is required to determine where the balance lies. This inevitably means that compromises are required, and some policy aspirations will not be fully realised. Context is also relevant.

On this question there were effectively two positions, with variations to each:

- the PSP position for a mid-rise form providing for 1,200 dwellings retaining part of the market within a new relocated market. PMD generally supported this position but sought greater height and a dwelling yield of up to 2,200 dwellings consistent with the exhibited PSP
- the retention of the entire market in-situ with a mid-rise built form generally consistent with the PSP but with more open space and higher social/affordable housing and ESD aspirations. Community submissions proposed a less dense lower rise level of development.

Each position has its benefits and potential disbenefits. Some of these are tangible as set out in Table 12 which is not an exhaustive analysis. Other impacts are intangible or may not be realised for some time.

Table 12 Potential benefits and disbenefits associated with the PSP, PMD and Council approaches

| Position | Potential benefits | Potential disbenefits |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PSP (VPA) | <ul style="list-style-type: none"> • 1,200 dwellings • new market space • large central open space | <ul style="list-style-type: none"> • loss of potential higher dwelling yields • loss of 80 per cent of the market |
| PMD | <ul style="list-style-type: none"> • over 2,000 dwellings • new market space • transition strategy to minimise impacts during construction • basement loading areas | <ul style="list-style-type: none"> • loss of 80 per cent of the market and building over the top of the retained elements • yield focused • higher built form and greater overshadowing • more traffic movement into the centre of the site • less open space • potential for more above ground carparking |
| Council | <ul style="list-style-type: none"> • up to 1200 dwellings • retained market and associated heritage fabric | <ul style="list-style-type: none"> • loss of potential higher yields • poorer urban structure outcomes including fragmented open space provision and level of activation • cumulative impact of housing affordability, ESD, open space and height requirements on precinct developability • challenges with development staging on the market's operations • market future remains uncertain |

(i) Referral matters – key findings**Size and location of market footprint**

The Committee considers that the referred PSP is broadly sound and built on appropriate urban design principles and sought to balance the policy expectations of the precinct. However, on the question of the existing market the Committee considers the balance has not been reached based on its heritage significance, a significance agreed by all parties and heritage experts. The PSP and ACZ1 presumes 80 per cent of the market's heritage fabric can be removed without impacting its significance and yet the entire market complex (other than the independent shops) was accepted as significant. The Committee considers heritage is a threshold issue and that this level of removal will significantly diminish the integrity of the Preston Market to the extent that heritage controls would no longer be justified. The Committee finds that the PSP and ACZ1 has not fully considered and accounted for the retention of significant market elements in the proposed urban structure. Substantially more of its fabric needs to be retained to ensure a net community benefit.

Retention of the market in-situ, while possible, sets up a more complex and challenging urban structure to resolve to ensure a pleasant and functional precinct outcome. There needs to be a capacity for flexibility and adaptability to enable the existing market to be meaningfully integrated into the urban structure and to not compromise other precinct objectives and good urban design outcomes. The market cannot be frozen in time, without change.

The Committee considers that the wider precinct can be redeveloped and transformed while retaining the most important parts of the market and facilitating incremental change in line with the market's heritage values. This includes carefully managing its interfaces with adjacent buildings, the public realm including open space and movement networks and accommodating active edges and an appropriate level of fabric change. The market complex is a building that can absorb a reasonable level of change while retaining its critical elements. While the internal areas of the market are critical, the external wall fabric can tolerate some loss and provide flexibility for new shops and activation while retaining integrity. It is not appropriate for the Committee to speculate about what could be lost or changed. That should be more fully explored through revised Heritage Design Guidelines and Interpretation Strategy, and in the context of an amended Statement of Significance, the purpose of the Heritage Overlay, Clause 15.03-1S and the Identity Study.

The Final version of the ACZ1 does establish an appropriate approach to managing the migration of the market to a new market format if that was to be supported. The Committee acknowledges that substantially retaining the market will present challenges in terms of locating open space, providing basement parking, access to loading areas and managing the impacts on the market during precinct construction. It considers however that the proposed guidelines and requirements and fundamentals of the urban structure can be applied in a manner to accommodate the most significant elements of the market and still achieve an outcome consistent with the PSP vision. This approach is more likely to result in a net community benefit. Retaining the market does not require the PSP and draft Amendment to be abandoned or started again.

Development yield

The reduction of building height from the exhibited PSP has inevitably resulted in a lower dwelling yield for the precinct. While this might be less than its 'on paper' potential, the precinct's context requires the right balance to be struck between urban consolidation and housing yield objectives and other contextual considerations including heritage, urban design and the response to urban character. The Committee agrees with the VPA that a mid-rise form within the precinct is appropriate in its context. Heritage aside, the Committee considers a potential yield of 1,200 dwellings is a balanced outcome and makes a significant contribution to housing provision within Preston and the City of Darebin.

The Committee acknowledges that retaining the market reduces the development footprint of the precinct and therefore potential yield. While the market should be substantially retained acknowledging its heritage values, this requires some 'give' in relation to the other asks of the precinct in terms of open space and building height to ensure that housing yield potential is not lost.

Building heights

The Committee supports the mid-rise approach adopted in the PSP. However, it considers with the retention of the market there needs to be some capacity to provide an appropriate dwelling yield. The northern portion of the site has capacity to accommodate additional height if well

designed including through activation and podium treatments. The Committee considers that discretionary rather than mandatory heights area appropriate noting that the supported shadowing requirements will also manage height. The Committee supports mandatory street wall heights. In a retained market scenario the street wall heights will need to be reviewed to ensure they are of an appropriate scale and allow for solar access.

Built form

The Committee broadly supports the built form objectives and guidelines within the PSP and ACZ1 considering them an appropriate and balanced response to the precinct's context and vision. This includes provision of discretionary upper level setbacks, mandatory building setbacks to Cramer Street and articulation and activation provisions. These provisions will need to be reviewed in the context of a retained market and nuanced accordingly.

Land use mix

The PSP and ACZ1 generally make appropriate provision for a mix of land uses across the precinct particularly at ground and first floor levels and through the sub-structure and conditions of the land use tables. This is a sound approach. With the substantial retention of the market it will be critical that the PSP and ACZ1 provide appropriate guidance so that the retained market edges and market building interfaces with new buildings and uses are activated with complementary uses including market uses, fine grain retail, food and drink premises. An amended sub-precinct approach to the table of uses would be necessary to encourage this outcome.

If the current VPA Part B version of the PSP was to be preferred, a greater level of flexibility in the market area metric should be provided without requiring the same existing market area to be matched and to focus market related use to the south and west of the market.

Overshadowing

The PSP and ACZ1 generally make appropriate provision for the management of overshadowing impacts over public open space within the precinct and external open space including the Preston City Oval and areas along the south side of Cramer Street. A winter solstice provision for the central open space and the playing surface of the oval (and extended to apply to a portion of adjacent areas) is appropriate in a context of the extent of precinct open space and existing and future demands on local open space resources.

An additional guideline in the ACZ1 providing for adequate sunlight to the southern footpath of Market Street consistent with the PSP (or Earle Street in a substantially retained market scenario) is appropriate which might include the use of a street wall height provision.

Street and laneway network

The PSP street and laneway arrangement is generally appropriate including the northern loop road and hierarchy of streets and pedestrian movement network. The Committee considers that the PSP Framework Plan and Access Movement, and Car Parking Plan should be augmented with a southern loop road and a lower order shared environment street or 'living street' typology. These broad movement principles should still apply in a revised urban structure that substantially retains the market. However, consideration will need to be given as to how loading areas are managed in a highly pedestrianised environment and one where activation will be important.

Open space

The Committee supports the provision of a larger central open space that can serve a number of open space functions. It sees less value for the open space area adjacent to the station. The Committee supports a minimum dimension for the central open space rather than specifying minimum widths and lengths, and that the PSP and ACZ1 should rather set out the broad parameters of the space. In a retained market scenario, the larger open space area would need to be located off centre, however with appropriate activation treatments at the edges (including with market fabric) the location identified by Council is workable.

The Committee finds that a 10 per cent metric for provision of public open space is appropriate with a minimum of 7 per cent in land. The PSP strategy should be amended accordingly. This provides for a level of flexibility that allows for a different open space arrangement associated with a retained market and avoids the metric being satisfied with the provision of spaces which offer poor amenity and useability.

(ii) Other issues – key findings

Traffic

The Committee finds that the surrounding road network can accommodate the precinct's development traffic and the preliminary intersection and pedestrian crossing designs are appropriate.

Car and bicycle parking

The Part B version of the PSP and Final version of the ACZ1 include appropriate provision for car and bicycle parking and EVC charging.

The exhibited Amendment did not propose to apply the Parking Overlay, however the Committee generally supports its application as part of the Amendment to assist in achieving a modal shift subject to amending the maximum rate applied to dwellings.

Affordable and social housing

The Committee finds that the ACZ1 (as amended in the VPA's Final version and reflected in the Committee's baseline version of the ACZ1 in Appendix H) makes an appropriate contribution to affordable housing. The contribution to be made is a meaningful contribution to the Preston MAC in the context of mid-rise built form and a retained market.

Dwelling diversity

The Committee finds that the PSP and ACZ1 include appropriate objectives to provide for dwelling diversity without the need for further guidelines to specify the mix of dwelling bedroom numbers. make appropriate provision for dwelling diversity

Environmentally Sustainable Development

The Committee finds that the PSP and ACZ1 make appropriate provision for ESD within the precinct which is generally consistent with best practice. The Committee support the revised requirement standards proposed by Mr Talacko and which were supported by the VPA in its Final version of the ACZ1. The Committee considers these revised standards complement the PPF and local policy and ensure that they are responsive to changing base line best practice standards.

Amenity

The PSP and ACZ1 provide for the appropriate management of noise, odour and other amenity impacts associated with the precinct's development. Minor changes are required to the VPA's Final version of the ACZ1 relating to the application of acoustic assessment and noise and vibration reports. A requirement for a Construction Management Plan to manage amenity issues during construction is considered necessary. This would provide for alignment with the provision of a Market Continuity Plan.

Contamination

The exhibited Amendment did not propose to apply the. The VPA's Day 1 version sought to apply the EAO to additional parcels fronting St Georges Road in response to EPA advice. The Committee supports the strategic basis for the further application of the EAO to the remainder of the precinct as part of the Amendment.

Drainage

The PSP strategies and ACZ1 provisions for drainage are generally appropriate with minor modifications.

Development Contributions Plan

The DCP (with the VPA's Part B proposed changes) provides an appropriate mechanism for managing development contributions for intersection and pedestrian projects and delivery of a community facility. While a s173 Agreement is an acceptable alternative approach, given the level of disagreement about its key content the DCP mechanism is preferred. Further refinement of the costing and apportionment of the community facility is required to ensure that it is practical, reasonable and fair and has an appropriate level of flexibility on how it is spent.

The DCP will require further amendment to account for any impacts associated with the retention of the market and altered urban structure.

(iii) Other planning mechanisms

The Committee considers the proposed suite of tools used in the Amendment are appropriate to facilitate an outcome that supports the operation of a market. Flexible provisions where possible to allow the precinct and market to change and adapt over time rather than mandatory requirements will also assist. Additional policy confirming the role of the precinct and its development expectations in the context of the Preston MAC may help decision making subject to appropriate strategic work to confirm its value.

Ultimately planning can do only so much to ensure a vibrant market or secure its long term operation. The substantial retention and management of market fabric and supporting its operation and complementarity of uses and built form does enable the market to maintain its current social and cultural significance and association with Melbourne's multicultural and migrant communities. This outcome does not however secure its use or ongoing operation. But neither the provisions of the Planning Scheme nor the PE Act can compel the use to remain. It is privately owned and subject to the challenges of operational and management costs, competition and changing demands like all other commercial operations. While a relocated market does not ensure the same social and cultural attachment or long term operation, the PMD plan does show how some of the existing characteristics and colour could be provided in a new market and managed through a Transition and Migration Strategy albeit a very different market experience.

However, this is at the cost of severely compromising the market's heritage values and achieving a net community benefit.

16.2 Recommendations

The Committee recommends:

Preston Market Precinct Structure Plan

1. **Amend the draft Preston Market Precinct Structure Plan to include changes in the Victorian Planning Authority's Part B version (Document 246c) with further amendments to plans, objectives and strategies:**
 - a) To align with the substantial retention of the Preston Market Complex extent and amended Statement of Significance.
 - b) To align with recommended changes to the Activity Centre Zone Schedule 1.
 - c) To amend the public open space quantum provision in land to a minimum of 7 per cent or adjusted to reflect the final version of the Framework Plan.
 - d) To review the necessity of the open space adjacent to Preston Station and all open space dimensions.
 - e) Include a lower order road typology shared environment or 'living street' cross section based on Mr De Young's preliminary concept plan and evidence.

Other incorporated documents

2. **Amend the draft Preston Market Precinct Development Contributions Plan to:**
 - a) Include changes in the Victorian Planning Authority's Part B version (Document 246d).
 - b) Include consequential changes to demand quantum and contribution rates resulting from retention of the Preston Market.
 - c) review, and amend as necessary, the costing and apportionment approach of the community building.
3. **Amend the *Statement of significance: Preston Market (RBA Architects and GJM Heritage, 2020)* consistent with the Heritage conclave version (Appendix G) including corrections and the changes in purple text under 'What is significant?' and 'Why is it significant' (relating to Criterion E and G) and with additional changes to:**
 - a) Under 'What is significant?' add the following elements:
 - cruciform plan with four key intersections
 - division into small blocks, which act as distinct neighbourhoods
 - the earlier independent shops, fronting The Centreway and The Strand, to be identified as 'Contributory'.
 - b) Under 'Why is it Significant?', 'social significance' (Criterion G) include additional content to fully recognise the community's depth of attachment to the Preston Market as a place beyond trading, as enunciated in the 2017 Statement of Significance prepared by Context.
4. **Amend the draft *Heritage design guidelines: Preston Market (GJM Heritage, 2020)* to:**
 - a) At a minimum reflect the Heritage conclave version (Document 200).
 - b) Have regard to the amended Preston Market Statement of Significance including within the guideline 'Purpose' and aesthetic and social significance.

- c) Have regard to the objective of Clause 15.03-1S, the Clause 43.01 Heritage Overlay purpose and decision guidelines.
 - d) Emphasise the substantial retention of the Preston Market as a starting point.
 - e) Reference the Heritage Design Guidelines Report.
5. Amend the draft *Incorporated Plan – Preston Market Permit Exemptions (GJM Heritage, 2020)* consistent with the Heritage conclave version (Document 201) and with additional changes to:
- a) Remove the exemption to demolish the earlier non-spaceframe independent shops.
 - b) Finalise and insert diagrams that show later/additional alterations and non-original market stalls.
 - c) Specify the size, format and location of signs that are permit exempt (both removed and installed).
6. Amend the draft *Preston Central Incorporated Plan March 2007 (as amended 2021)* as proposed in the Victorian Planning Authority’s Final version (Document 279).

Other background documents

7. Amend the draft *Preston Market Heritage Interpretation Strategy (Lookear, 2020)* to consider the amended Preston Market Statement of Significance, including aesthetic and social significance.

Darebin Planning Scheme provisions

8. Amend draft Schedule 2 to Clause 37.06 Priority Development Zone to refer to the amended date of the Preston Central Incorporated Plan.
9. Amend draft Schedule 1 to Clause 38.08 Activity Centre Zone:
- a) Consistent with the Committee’s baseline version of the Activity Centre Zone Schedule in Appendix H and with the Committee’s ‘red deleted’ and ‘blue added’ text changes.
 - b) Amend Clause 1.0 (Preston Market Framework) to replace the Framework Plan with an amended urban structure that:
 - substantially retains the Preston Market and large central open space
 - provides for a southern loop road.
 - c) Amend Clause 2.0 (Land use and development objectives to be achieved):
 - following review of all objectives in the context of a substantially retained Preston Market
 - considering how the Preston Market Structure objectives and strategies for the precinct becoming a renewable energy hub and one that delivers a zero carbon energy network are best reflected as objectives.
 - d) Amend Clause 3.0 (Table of uses) in response to changes to the structure of sub precincts precinct required as a result of the substantial retention of the Preston Market and that the market edges and new building interfaces are activated with complementary uses including market uses, fine grain retail, food and drink premises.
 - e) Amend Clause 4.4 (Design and development) to:
 - amend built form and heritage and implementation guidelines and ‘Plan 1: Mandatory maximum building and street wall heights’ to reflect a

- substantially retained Preston Market; the need for street wall heights to be nominated along Earle Street/Market Street; preferred building height guidelines; building setback requirements; and alignment of storey height (in metres) to reflect the floor levels set out in the 'Building adaptability requirements'
- amend the Public open space requirements in the context of an amended urban structure that retains the Preston Market and provides minimum dimensions for the central open space only, and sets out clear objectives about the role of the space and its broad design parameters and outcomes
 - include guidelines that address Preston Market Precinct Structure objectives and strategies for the precinct becoming a renewable energy hub and one that delivers a zero carbon energy network
 - include an additional guideline providing for adequate sunlight to the southern footpath of Market Street consistent with the PSP (or Earle Street in a substantially retained market scenario)
 - provide clear guidance around the activation of the Preston Market and surrounds to ensure its effective integration (including interfaces with a large central open space and adjacent street walls) and to deliver an attractive and vibrant precinct
 - provide an improved arrangement for loading associated with a retained Preston Market.
- f) Amend Clause 5.0 (Precinct provisions) to amend the Precinct Map, precinct objectives, requirements, guidelines including floor space metrics for market in the context of a substantially retained Preston Market.
- g) Amend Clause 6.0 (Application requirements) to provide a requirement for:
- a Construction Management Plan to manage on and off-site amenity impacts during construction.
 - The identification of existing site vegetation to be retained or removed.
- h) Amend Clause 7.0 (Notice and review) to include notice and review provisions where guideline building heights are exceeded.
- i) Amend Clause 11.0 (Reference documents) to include the *Preston Market Identity Study (Hello City, 2019)*.
10. Amend draft Schedule to Clause 43.01 Heritage Overlay for the Preston Market Heritage Place (HO315) to:
- a) apply external paint controls
 - b) update the Statement of Significance, Heritage Design Guidelines and Incorporated Plan final version dates.
11. Amend Darebin Planning Scheme Map 11HO to amend the mapped extent of HO315 to include all the Preston Market Complex including the earlier independent shops on the north side of the Market, and a 10 metre curtilage (excluding Mary Lane) as shown in Figure 16 of the Committee's Report.
12. Apply the Environmental Audit Overlay as proposed in the Victorian Planning Authority's April 2022 version of Darebin Planning Scheme Map 11EAO.
13. Amend draft Schedule 2 to Clause 45.06 Development Contributions Plan to:
- a) include changes in the Victorian Planning Authority's April 2022 version

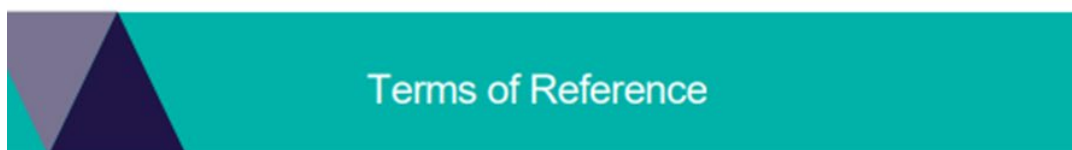
b) include any changes resulting from the amended Preston Market Precinct Development Contributions Plan.

- 14. Amend draft Schedule 2 to Clause 45.09 Parking Overlay consistent with the Committee's preferred version in Appendix I.**
- 15. Amend the draft Schedule to Clause 53.01 Public Open Space Contribution to reflect the existing schedule's use of the plural form of lot in the first table row and column.**
- 16. Amend the Schedules to Clause 72.02 Documents Incorporated in this Planning Scheme and Clause 72.08 Background documents to reflect the amended dates of incorporated and background documents.**
- 17. Amend the Schedule to Clause 72.08 Background documents to include:**
 - an amended Preston Market heritage citation**
 - Preston Market Identity Study (Hello City, 2019).**

Other documents

- 18. Amend the revised Preston Market heritage citation to:**
 - a) Amend the 'Integrity section' of the citation should be amended to state 'High'**
 - b) Not specifically refer to the fruit and vegetable section as demonstrating the "*highest level of integrity of the spaceframe*".**

Appendix A VPA Projects SAC Terms of Reference



VPA Projects Standing Advisory Committee

Version 1: July 2020

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* (the Act) to advise the Minister for Planning and the Victorian Planning Authority (VPA) on referred projects and plans and associated draft planning scheme amendments.

Name

The Standing Advisory Committee is to be known as the 'VPA Projects Standing Advisory Committee'.

1. The Committee is to have members with the following skills:
 - a. Strategic planning
 - b. Statutory planning
 - c. Civil engineering (infrastructure planning)
 - d. Development contributions
 - e. Road and transport planning
 - f. Biodiversity
 - g. Social planning
 - h. Urban design
 - i. Heritage (post contact and Aboriginal)
 - j. Planning law.
2. The Committee will include a Chair, Deputy Chairs and not less than ten other appropriately qualified members.
3. The Committee may seek advice from other experts where it considers this necessary.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning and the VPA on specific matters referred to it related to various proposals, including but not limited to structure plans, infrastructure and development contribution plans, framework plans, development plans and any associated draft planning scheme amendment and planning permits.

Background

5. The VPA is responsible for preparing development plans and other proposals in identified metropolitan, growth areas and regional cities and towns. Some of these plans are to be approved through the planning scheme amendment process using the provisions of section 20(4) of the Act.
6. This Committee process allows submissions to be made to the VPA on a draft plan and associated draft planning scheme amendment, with any unresolved issues to be considered by the Committee before the final planning scheme amendment is submitted to the Minister for Planning for approval.
7. The Committee will provide a targeted and timely process to assess the merits of discrete unresolved issues associated with State and regionally significant projects.

Method

8. The Committee may meet, and depending on the nature of the referral and the issues raised, undertake consultation that is fit for purpose. This may be on the papers; through round table discussions or forums;



or Hearings. There must be a quorum of at least two Committee members, including either the Chair or a Deputy Chair.

9. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Notice

10. As directed by the Minister, the VPA will prepare and give notice of a 'draft Amendment' and receive submissions. The VPA will consider all submissions and where possible seek to resolve issues with submitters prior to referring matters to the Committee.
11. The Committee is not expected to carry out additional public notification or referral of matters but may seek the views of any relevant referral authority, responsible authority or government agency.

Referral

12. Once all submissions are considered, the Chief Executive Officer, VPA (or delegate) will provide a letter of referral to the Committee Chair, seeking its advice on particular matters or unresolved issues raised in the submissions and/or any other relevant matter. The letter of referral will be a public document.
13. The letter of referral must be accompanied by:
- a. The relevant plan and associated draft planning scheme amendment and planning permit documentation
 - b. The referred submissions
 - c. Any supporting background material.

Committee Assessment

14. The Committee may inform itself in anyway it sees fit, but must consider:
- a. The relevant components of the referred plan and associated draft planning scheme amendment and any associated planning permit (if relevant) that relate to the submissions or issues referred to it
 - b. The referred submissions
 - c. *Plan Melbourne*
 - d. Any relevant Regional Growth Plan or Growth Corridor Plan
 - e. The applicable Planning Scheme
 - f. Relevant State and local policy
 - g. Any other material referred to it.
15. Depending upon the nature of the referral, the Committee can conduct its proceedings through round table discussions, on the papers or, a public hearing, including by video conference if unable to conduct this 'in person'.
16. The Committee will be provided with the written submissions and other supporting material by parties, and may:
- a. Direct that parties meet, to discuss and further resolve issues, or
 - b. Act as a mediator to seek to resolve issues in dispute.
17. The Committee may direct the VPA and relevant parties to provide additional information on specified matters.
18. The committee must not consider submissions or evidence on a matter that a planning authority is prevented from considering by operation of ss 22(3) and 22(5) of the Planning and Environment Act 1987.
19. The written submission of the VPA is to include:
- a. an overview of the draft amendment and/or any relevant planning permit and the relevant Plan, including a detailed explanation of the referred elements.

- b. a written response to each referred submission and how the draft plan, amendment or permit might be changed to respond to the submission.

Outcomes

20. The Committee must produce a written report for the VPA and the Minister for Planning, providing the following:
 - a. Whether the referred element(s) of the draft amendment or planning permit is appropriate
 - b. A summary and assessment of the issues raised in submissions referred to the Committee.
 - c. Any other relevant matters raised in the course of the Committee process.
 - d. A list of persons who made submissions considered by the Committee.
 - e. A list of tabled documents.
 - f. A list of persons consulted or heard, including via video conference.
21. Following the completion of the report the Committee may deliver an oral briefing to the Minister for Planning or the VPA. The briefing may be in person, by video conference or telephone.

Submissions are public documents

22. The Committee must retain a library of any written submissions or other supporting documentation provided to it until a decision has been made on its report or five years has passed from the time of its appointment.
23. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain 'in camera'. A document may be made available for public inspection electronically.

Timing

24. The Committee is required to commence its process by issuing a written notice of the referral of a matter from the VPA to all referred submitters no later than 10 business days from the date of any specific letter of referral received.
25. The Committee is required to submit its report in writing as soon as practicable but no later than 20 business days from the last day of its proceedings, tabling of submissions or consultation process.
26. The VPA must release the report of the Committee within 10 business days of its receipt.

Fee

27. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.
28. The costs of the Committee will be met by the VPA.



Richard Wynne MP
Minister for Planning

Date: 17 / 07 / 2020

Appendix B Letter of referral



Hon Richard Wynne MP

Minister for Planning
Minister for Housing

8 Nicholson Street
East Melbourne, Victoria 3002

Ms Sarah Carlisle
Lead Chair
Victorian Planning Authority Projects Standing Advisory Committee
Planning Panels Victoria
planning_panels@delwp.vic.gov.au

Ref: MBR046497



Dear Ms Carlisle

REFERRAL OF REVISED PRESTON MARKET PRECINCT STRUCTURE PLAN, PLANNING SCHEME AMENDMENT C182DARE AND SUBMISSIONS TO VPA PROJECTS STANDING ADVISORY COMMITTEE

I refer to the draft Preston Market Precinct Structure Plan and draft Amendment C182 to the Darebin Planning Scheme which aims to facilitate the development of a major mixed-use urban renewal precinct in Preston and provide for the retention and redevelopment of a fresh food market on site.

On 17 July 2020, I established the Victorian Planning Authority (VPA) Projects Standing Advisory Committee (SAC) to independently review submissions and provide timely advice on specific matters referred to it. Between 18 May 2021 and 13 July 2021, the VPA undertook public consultation on the draft structure plan and draft planning scheme amendment. The consultation included community groups, Darebin City Council, government agencies, landowners and occupiers surrounding the Preston Market Precinct, market traders, ministers prescribed under section 19(1)(c) of the *Planning and Environment Act 1987*, and relevant State and Commonwealth Members of Parliament.

The Preston Market is highly valued by the local community. A large number of submissions were received by the VPA during the public consultation process.

The VPA has revised the proposal in response to submissions and prepared a revised draft structure plan and draft planning scheme amendment.

I have decided to refer the following to the VPA Projects SAC for advice and recommendations:

- revised draft Preston Market Precinct Structure Plan dated November 2021 (the November Plan)
- draft Amendment C182 to the Darebin Planning Scheme, including revised Activity Centre Zone schedule
- submissions received during the public consultation process.

I request that the SAC base its consideration of the project on the November Plan and associated revised draft planning scheme Amendment C182. I request the SAC advises me whether the November Plan will allow for appropriate built form, development yield and mix of uses to support the redevelopment of the fresh food market and the creation of a successful Preston Market Precinct, having regard to:

1. Proposed buildings heights and use of mandatory versus discretionary height controls.
2. Shadow controls.
3. Size and location of the market footprint, having regard to location of access, land ownership and tenancy and staging of the redevelopment.



4. Street and laneway network within the precinct.
5. Size and location of public open space provided in the precinct and financial contributions to public open space.

I ask that you ensure the SAC includes members with expertise in commercial development, heritage, urban design and urban renewal.

I would also like the SAC to advise me on appropriate planning mechanisms to support the vibrancy of the market and secure its long-term operation. The SAC should have regard to the social and cultural significance of the market and its association with Melbourne's multicultural and migrant communities.

The SAC must provide its report to me no later than 7 July 2022 to ensure that I can make a decision on this important project without delay.

In accordance with its terms of reference, which enable the SAC to adopt an approach that is 'fit for purpose', I encourage the SAC to consider conducting its proceedings through roundtable discussion, public hearing (including by video conference) and 'on the papers', to ensure that its report can be provided to me by the due date.

I have instructed the VPA to provide all relevant documents to the SAC as soon as possible.

I encourage the SAC to undertake its work efficiently and to act promptly in light of the significance of the proposed project and its role in assisting Victoria's post COVID-19 economic recovery.

If you would like further information about this matter, please contact Dr Jane Homewood, Executive Director, Statutory Planning Services, Department of Environment, Land, Water and Planning, on email jane.homewood@delwp.vic.gov.au.

Yours sincerely



HON RICHARD WYNNE MP
Minister for Planning

6 13 22

Appendix C Submitters to the Amendment

| No. | Submitter | No. | Submitter |
|-----|-------------------|-----|---------------------|
| 1 | Natalie Siragusa | 30 | Vasilios |
| 2 | Meredith Blakeney | 31 | Teresa Harris |
| 3 | Stefano Callegari | 32 | Rhys Postlethwaite |
| 4 | Ronald Heard | 33 | Denise Wallis |
| 5 | Martin Raspin | 34 | Lily Sinclair |
| 6 | Alex Harris | 35 | Andrew Williams |
| 7 | Elise | 36 | Krishan Meepe |
| 8 | Troy Parsons | 37 | Clare Fleming |
| 9 | Beren Scott | 38 | Blake Bambridge |
| 10 | Ryan Seddon | 39 | Poe Poe |
| 11 | Mark Seaton | 40 | Rob Pallot |
| 12 | Steven O'Brien | 41 | Karina |
| 13 | Jen Tran | 42 | Ozkan Sahin |
| 14 | Danielle Thomas | 43 | Colin Cairnes |
| 15 | Mohammad Akbari | 44 | Emily Skinner |
| 16 | Emily Connors | 45 | Stephen |
| 17 | Gary Cothcin | 46 | Jeanette Pope |
| 18 | Janice Dunne | 47 | Andre Coffa |
| 19 | Michael Eaddy | 48 | Daniel Craddock |
| 20 | Meri Mitkovski | 49 | Carmel Di Lisio |
| 21 | Stan Pappos | 50 | Sharlett |
| 22 | Jen McHay | 51 | Jess Bosnic |
| 23 | Eoin Rooney | 52 | Eily Schulz |
| 24 | Janice Lane | 53 | V Getman |
| 25 | Peta Newbound | 54 | Amanda Martimbianco |
| 26 | Charlotte Hoult | 55 | Esther Doeke |
| 27 | Carolyn Campbell | 56 | Amanda Vonarx |
| 28 | Gregory Forster | 57 | Jenny Fong |
| 29 | Tina Vasil | 58 | David Butinar |

| No. | Submitter | No. | Submitter |
|-----|----------------------------------|-----|--------------------------|
| 59 | Michael Bakrnchev | 89 | Adam |
| 60 | Ben Percy | 90 | Kate Jama |
| 61 | Christopher Brady | 91 | Phoebe Luhrs |
| 62 | Community Reference Group | 92 | Jordan Andrews |
| 63 | Michelle Shen | 93 | McRae |
| 64 | Linda Bradburn | 94 | Hitesh Saini |
| 65 | Krzysztof Kaszubi | 95 | Kaitlin Saunders |
| 66 | Annemarie Kaszuba | 96 | Taleim |
| 67 | Teigan Raine | 97 | Salong Mounarath |
| 68 | Patricio Tilca | 98 | Damian Meredith |
| 69 | Nataile Filipec | 99 | Mark Wengritzky |
| 70 | Nick Racina | 100 | Julie Blain |
| 71 | Katia Rotar | 101 | Oliver Wedd |
| 72 | Environment Protection Authority | 102 | Amelia L Richards |
| 73 | Laura Fazio | 103 | Jessica Matrakis |
| 74 | Mandy Baird | 104 | Yvette Gindidis |
| 75 | Loula Frasson | 105 | Andria Kiefer |
| 76 | Jessica Doyle | 106 | Marleigh Andrews |
| 77 | Joseph Corbett | 107 | Brittany Newman |
| 78 | Lincoln Gray | 108 | Rachael McDonald |
| 79 | Guy Donald | 109 | Elinor Devenish - Meares |
| 80 | Jason K | 110 | Nicholas Craig |
| 81 | Joel De Amyand | 111 | Bhakthi Puvabebthiran |
| 82 | Tim Rankin | 112 | Georga Youngberry |
| 83 | Melanie Williams | 113 | Danae |
| 84 | Sean OGrady | 114 | Isabelle |
| 85 | Anne- Maree Leahy | 115 | Casey Wengritsky |
| 86 | Lefa Singleton Norton | 116 | Susan Sheehan |
| 87 | Malaysian Australian Community | 117 | Erin Hendry |
| 88 | Fuad Jama | 118 | Jessica Muller |
| | | 119 | Will Connell |

| No. | Submitter | No. | Submitter |
|-----|--------------------------------------------------------|-----|--------------------------|
| 120 | Honorary Secretary of the Darebin Progress Association | 151 | Helen Rochester |
| 121 | Adrian | 152 | Danielle |
| 122 | Tate Cannizzaro | 153 | Ozkan Sahin |
| 123 | Morgan | 154 | Eleanor Drayton |
| 124 | Brikken | 155 | John Trigona |
| 125 | Catherine Maguire | 156 | Laura McCarthy |
| 126 | Jane Brownrigg | 157 | Remy Pilot |
| 127 | Hannah Jenkins | 158 | Rebecca |
| 128 | Anthony | 159 | Alexandra Barras |
| 129 | Bonnie Friel | 160 | Bruce Clayton |
| 130 | Zak Ashman | 161 | Lalita Ponnuthirai |
| 131 | Graham Kemp | 162 | Celeste Liddle |
| 132 | Meg Carroll | 163 | Elizabeth Keen |
| 133 | Melina Newman | 164 | Jen Skate |
| 134 | Amy Pettifer | 165 | Patrick Quinn |
| 135 | Tim Clinch | 166 | Jennifer Guha |
| 136 | Linda Ho | 167 | Cathy Dodson |
| 137 | Jenny McVeigh | 168 | Xiao Qi Zhang |
| 138 | Vita Galante | 169 | Jacqueline Johnson |
| 139 | City of Darebin (Part 1) | 170 | Katie Zam |
| 140 | Mark Donato | 171 | Stephen Milton |
| 141 | John Trigona | 172 | Judith Doubas |
| 142 | Carolyn Campbell | 173 | Claire Jenkins |
| 143 | Frank Malvaso | 174 | Carmelo Quattrone |
| 144 | Jean Gonzales | 175 | Nick |
| 145 | Sue Thornton | 176 | Madeleine |
| 146 | Stephen Cooke | 177 | Lucy Bingle |
| 147 | Robyn Nixon | 178 | Deniz Vardy |
| 148 | Emily | 179 | Nick Coate |
| 149 | Joe Vasile | 180 | Andrew & Carolyn Jenkins |
| 150 | Antoinette Gibson | 181 | Nadia Mecoli |

| No. | Submitter | No. | Submitter |
|-----|----------------------------|-----|-------------------|
| 182 | Kristie Dunn | 213 | M Salatas |
| 183 | Margaret Vu | 214 | Lavinia De Marco |
| 184 | Janine McCarthy | 215 | Alex Marshall |
| 185 | Trisha | 216 | Loredana |
| 186 | Lorraine Wallis | 217 | Rory Nation |
| 187 | Kerri Bell | 218 | Aletha Jerebine |
| 188 | Kersti skinner | 219 | Christina Hill |
| 189 | Fenn | 220 | Elenni Balis |
| 190 | Connie Vasile | 221 | Be Thi Nguyen |
| 191 | Gianni | 222 | Peter Muskens |
| 192 | Mateusz Buczko | 223 | Nino Tsitsishvili |
| 193 | Amrita Chandra | 224 | Ross Hannaford |
| 194 | Rita Totino | 225 | Helena Tomaszuk |
| 195 | Ladshiya | 226 | Tegan Seitz |
| 196 | Phoebe Myatt | 227 | Caitlyn |
| 197 | Donna | 228 | Luke Wilson |
| 198 | Jacob Jackson & Faye Young | 229 | Brent Thompson |
| 199 | Annie Walter | 230 | Jenny Gianoudis |
| 200 | Faroq Jaleel & Naila Beg | 231 | Lauren Parisi |
| 201 | Connie Lambropoulos | 232 | Terrence Leahy |
| 202 | Robyn Gawenda | 233 | Jean Smith |
| 203 | Ben Tomasiello | 234 | Nikki Stefanoff |
| 204 | Sonia Bartolini | 235 | Jennifer Hibbert |
| 205 | Naomie Sunner | 236 | Stefania Polizzi |
| 206 | Shi Jie On | 237 | Kathy Kores |
| 207 | Christine Banks | 238 | Vicki Liakakos |
| 208 | Craig Perry | 239 | Andrew Budgeon |
| 209 | Heidi Newman | 240 | Luis Jernandez |
| 210 | John Martyn | 241 | Meg Kuut |
| 211 | Talbet Fulthorpe | 242 | Marnie Morieson |
| 212 | Sheena Walters | 243 | Peter Vafeas |

| No. | Submitter | No. | Submitter |
|-----|-------------------------------------------------|-----|----------------------------------------|
| 244 | Amy Webster | 273 | Alexandra Gerner & Claude Di Rosso |
| 245 | Anna Crabb | 274 | Chris Riodan |
| 246 | Saumil Shah | 275 | James Bond |
| 247 | Gianluca D'Oria | 276 | Karen Bayly |
| 248 | Hannah Tosolini | 277 | Maria rodehiero |
| 249 | Georgina Meagher | 278 | Jessica Boyle |
| 250 | Denise Zammit | 279 | Jenna |
| 251 | Biljana Skleplic | 280 | Mary Buttigieg |
| 252 | Christine Tantau | 281 | Maria Angelopoulos |
| 253 | James Bennett | 282 | Allie Smith |
| 254 | Brenton Phillips | 283 | Dr Samantha Ratnam MP |
| 255 | Nicole Schlesinger | 284 | Debbie Moon |
| 256 | Xingling 'Mike' Wang | 285 | Save the Preston Market |
| 257 | Emily Tantau | 286 | Peter Bui |
| 258 | Lucy Carrigg | 287 | Greg Perkin |
| 259 | Maria Giampa | 288 | Angela Fazio |
| 260 | Wenjing Hu | 289 | Jayden Haworth |
| 261 | Sharon - Louise McKenzie | 290 | Vicki Clarke |
| 262 | Alice Harb | 291 | Jo Brooks |
| 263 | Renee Imbesi | 292 | Ethnic Communities Council of Victoria |
| 264 | Tom | 293 | Johanna Mercer |
| 265 | Thomas Lawrence | 294 | Elizabeth Hoey |
| 266 | Darebin Appropriate Development Association Inc | 295 | Cathy and Patrick Caruso |
| 267 | Jessica Arnott | 296 | Mark Arnavas |
| 268 | Sam Scriba | 297 | Akanchha Arpit |
| 269 | Joe Ficarra | 298 | Sue Thornton |
| 270 | Olivia Smarrelli | 299 | Adrian Hotchin |
| 271 | Department of Jobs, Precincts and Regions | 300 | Robyn Conductor |
| 272 | Katrina Carling | 301 | Xiaojun Chun |

| No. | Submitter | No. | Submitter |
|-----|------------------------------------|-----|----------------------------------------------|
| 302 | Goce Ristanoski | 333 | Kristy Ottnig |
| 303 | Darebin Ethnic Communities Council | 334 | Madeleine Sherring |
| 304 | Catherine Lees | 335 | Angela Adams |
| 305 | Chris Bruce | 336 | Vito Doria |
| 306 | Charlotte McDonald | 337 | Central Preston Trackside Group |
| 307 | Sarah Gildea | 338 | Jim McGuinness |
| 308 | Fiona Bucknall | 339 | Naima Fine |
| 309 | Con Lambros | 340 | Catalina |
| 310 | William Chamberlain | 341 | Lorne Clements |
| 311 | Julia Horton | 342 | Demi Arevalo |
| 312 | Loretta Orsini | 343 | Steven Chang |
| 313 | Jeanette Litte | 344 | Salta Properties/Preston Market Developments |
| 314 | Athina's Deli | 345 | Robert William Cole |
| 315 | Rachael Vorwerk | 346 | Heping Liu |
| 316 | Ekram | 347 | Jess Barry |
| 317 | Andrew Gaynor | 348 | Barbara Horn |
| 318 | Save the Preston Market | 349 | The Salvation Army |
| 319 | Powering Victoria | 350 | Bella |
| 320 | Wendy Duncan | 351 | Shuan Thomson |
| 321 | Rosebery Avenue Residents | 352 | Kutjime Dani |
| 322 | Juan Martorana | 353 | Tania Atanasovska |
| 323 | Georgia Ingram | 354 | Melbourne Water |
| 324 | Rachel Woolstencroft | 355 | Libby O'Shea & Martin Raspin |
| 325 | Ben Bowering | 356 | Bonnie Gordon |
| 326 | Brian & Lesley Hill | 357 | Stephen Kerr |
| 327 | Rick Howe | 358 | Ashley Pow |
| 328 | Julia Goldsworthy | 359 | Ashleigh Clarke |
| 329 | Dale Bowerman | 360 | Tian Zhao |
| 330 | Aleisha Hall | 361 | Susan Seven |
| 331 | Alyssa Doe | 362 | Anthony Sibilin |
| 332 | Clare Reddan | 363 | Kathleen Dilane |

| No. | Submitter |
|-----|--------------------------|
| 364 | Mark Shellshear |
| 365 | Nina Roberts |
| 366 | City of Darebin (part 2) |
| 367 | Jasmine Hirst |
| 368 | Luc Borrowman |
| 369 | Denise Zammit |
| 370 | Sanaya Khisty |
| 371 | Yuri Pavlinov |
| 372 | Camilla Hodgkins |
| 373 | Sanam Maner |
| 374 | Stewart Midgley |
| 375 | Stewart Midgley |
| 376 | Dove Rengger-Thorpe |
| 377 | Eli Chadwick |
| 378 | Piang Ksng |
| 379 | Rebekah Couldrey |
| 380 | Ivan Petrovski |
| 381 | David Smith |
| 382 | Erin Watson |
| 383 | Alyssa Duncan |
| 384 | Patricia Pighin |
| 385 | Department of Transport |
| 386 | LXRP |

Appendix D Parties to the Hearing

| Submitter | Represented by |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Victorian Planning Authority | Adrian Finanzio SC and Daniel Robinson of Counsel instructed by Greg Tobin and Aaron Shrimpton of Harwood Andrews who called the following expert witnesses: <ul style="list-style-type: none"> • Simon McPherson of Global South on urban design • Craig Czarny of Hansen on urban design • John Glossop of Glossop Town Planning on town planning • Jim Gardner of GJM Heritage on heritage • Hilary Marshall of Ratio on traffic • Chris De Silva of Mesh on development contributions • Kate Breen of Affordable Development Outcomes on affordable housing |
| Darebin City Council | Stuart Morris KC and Kate Lyle of Counsel instructed by Maria Marshall, Zina Teoh and Georgia de Castella of Maddocks who called the following expert witnesses: <ul style="list-style-type: none"> • Leanne Hodyl of Hodyl and Company on urban design • Anthony Hemingway of RBA Architects, Conservation & Heritage Consultants on heritage • William McDougall of Movement and Place on traffic • Alex Hrelja of HillsPDA on development contributions • Dr Marcus Spiller of SGS Economics on affordable housing • Bonnie Rosen of Symplan on social planning • Kate McMahon of Hello City (for Council) on social planning • Darren Woolf of Neoscape on construction staging |
| Preston Market Developments Pty Ltd | Jeremy Gobbo KC, Alex Guild and Emma Pepler of Counsel instructed by Chris Taylor, Tyrone Rath and Hannah Wilson of Planning and Property Partners who called the following expert witnesses: <ul style="list-style-type: none"> • Mark Sheppard of Kinetica (for Preston Market Developments Pty Ltd) on urban design • Sophie Jordan of Contour on town planning • Anita Brady of AB Heritage on heritage • Bryce Raworth of Bryce Raworth Heritage on heritage • Jan Talacko of Arc Resources on environmental sustainable development • Tim De Young of Stantec on traffic • Charmaine Dunstan of Traffix Group on traffic • Tony Dimasi of Gap Advisory on economics • Paul Shipp of Urban Enterprises on development contributions • Karen Janiszewski of UrbanXchange on affordable housing • Glenn Weston of Public Place on social planning |
| Save the Preston Market Action Group | George Kanjere |
| Darebin Appropriate Development Association Inc | Maria Poletti |

| Submitter | Represented by |
|----------------------------------------|----------------------|
| Dr Samantha Ratnam MLC | |
| Darebin Ethnic Communities Council | Naliah Suriyakumaran |
| Ethnic Communities Council of Victoria | Emiliano Zucchi |
| Patricia Pighin | |
| Laura Fazio | |
| Ben Percy | |
| Chris Erlandsen | |
| Karen Bayly | |
| Con Lambros | |
| Esther Doeke | |
| Bonnie Gordon | |
| Chris Kaszubski | |

Appendix E Document list

| No. | Date | Description | Provided by |
|--------------------------------------------|-------------|------------------------------------------------------------------------------------------|------------------------------------|
| 1 | 17 Mar 2022 | Letter of Referral | Minister for Planning |
| Consultation and Submission Details | | | |
| 2 | “ | Submission summary | Victorian Planning Authority (VPA) |
| 3 | “ | Submission summary (Community submissions) | “ |
| 4 | “ | Submission summary (Darebin City Council) | “ |
| 5 | “ | Submission summary (Department of Transport) | “ |
| 6 | “ | Submission summary (Department of Jobs, Precincts, & Resources) | “ |
| 7 | “ | Submission summary (Environment Protection Authority) | “ |
| 8 | “ | Submission summary (Level Crossing Railway Projects) | “ |
| 9 | “ | Submission summary (Melbourne Water) | “ |
| 10 | “ | Submission summary (Salta for PMD) | “ |
| 11 | “ | Submissions 1 - 386 | “ |
| 12 | “ | Community Consultation Brochure (VPA) – May 2021 | “ |
| 13 | “ | How to make a submission (VPA) – May 2021 | “ |
| Amendment Documents | | | |
| 14 | “ | Zone map 11 | “ |
| 15 | “ | Development Contributions Plan Overlay map 11 | “ |
| 16 | “ | Heritage Overlay map 11 | “ |
| 17 | “ | Clause 21.03 – Housing | “ |
| 18 | “ | Clause 22.06 – Multi-Residential and Mixed-Use Development | “ |
| 19 | “ | Schedule 2 to Clause 37.06 – Priority Development Zone – Preston Central | “ |
| 20 | “ | Clause 37.08 – Activity Centre Zone | “ |
| 21 | “ | Clause 37.08 – Activity Centre Zone – Preston Market Precinct – Nov 2021 | “ |
| 22 | “ | Clause 37.08 – Activity Centre Zone – Preston Market Precinct – Track Changes – Nov 2021 | “ |
| 23 | “ | Schedule to Clause 43.01 – Heritage Overlay | “ |

| No. | Date | Description | Provided by |
|-------------------------------|------|---------------------------------------------------------------------------|-------------|
| 24 | “ | Schedule 2 to Clause 45.06 – Development Contributions Plan Overlay | “ |
| 25 | “ | Schedule to Clause 52.27 – Licensed Premises | “ |
| 26 | “ | Schedule to Clause 53.01 – Public Open Space Contribution and Subdivision | “ |
| 27 | “ | Schedule to Clause 72.04 – Documents Incorporated In This Planning Scheme | “ |
| 28 | “ | Schedule to Clause 72.08 – Background Documents | “ |
| 29 | “ | Draft Amendment C182dare – Explanatory Report | “ |
| 30 | “ | Draft Amendment C182dare – Explanatory Report – Track Changes | “ |
| 31 | “ | Draft Amendment C182dare – Instruction Sheet | “ |
| Incorporated Documents | | | |
| 32 | “ | Preston Central Incorporated Plan (amended) – May 2021 | “ |
| 33 | “ | Preston Market Heritage Design Guidelines – May 2021 | “ |
| 34 | “ | Preston Market Incorporated Plan – May 2021 | “ |
| 35 | “ | Preston Market Statement of Significance – May 2021 | “ |
| 36 | “ | Preston Market Precinct – Development Contributions Plan – May 2021 | “ |
| Background Documents | | | |
| 37 | “ | Preston Market Precinct - Structure Plan – Nov 2021 | “ |
| 38 | “ | Preston Market Precinct - Structure Plan – Nov 2021 – Track changes | “ |
| 39 | “ | Preston Market Heritage Interpretation Strategy – May 2021 | “ |
| Background Studies | | | |
| 40 | “ | Affordable Housing Strategy (Affordable Development Outcomes) – Nov 2020 | “ |
| 41 | “ | Community Engagement Report (RPS) – July 2019 | “ |
| 42 | “ | Community Reference Group Report (Capire) – Sept 2018 | “ |
| 43 | “ | Phase 2 Engagement Findings Report (Capire) – Sept 2018 | “ |
| 44 | “ | Preston Market review Phase 1 Engagement Findings (Capire) – May 2018 | “ |

| No. | Date | Description | Provided by |
|---------------------------|------|----------------------------------------------------------------------------------------------|--------------------------------|
| 45 | “ | Development Potential and Economic Impact Assessment (MacroPlanDimasi) – April 2019 | “ |
| 46 | “ | Final Review of Economics Advice (Deep End Services) – Oct 2020 | “ |
| 47 | “ | Peer Review of Preston Market Retail Study (SGS) – Sept 2019 | “ |
| 48 | “ | Development Principles & Options Review (MGS) – March 2020 | “ |
| 49 | “ | Environment Sustainability Report (VPA) – June 2020 | “ |
| 50 | “ | Peer Review of Heritage Study Documentation (GJM Heritage) – August 2018 | “ |
| 51 | “ | Heritage Design Guidelines Report (GJM Heritage) – June 2020 | “ |
| 52 | “ | Planning Review - Planning Benchmarks and Tools (TQ Urban Planning) – July 2019 | “ |
| 53 | “ | Planning Review - Planning Benchmarks and Tools (TQ Urban Planning) - appendices – July 2019 | “ |
| 54 | “ | Planning Review - Planning Benchmarks and Tools (TQ Urban Planning) - addendum – Oct 2019 | “ |
| 55 | “ | Preston Market Quarter Identity Study (Hello City) – Aug 2019 | “ |
| 56 | “ | Public Open Space Needs Assessment (Mesh) – May 2020 | “ |
| 57 | “ | Social Impact Assessment (ASR) – Nov 2019 | “ |
| 58 | “ | Stormwater Drainage Assessment Report (Cardno) – Sept 2019 | “ |
| 59 | “ | Urban Design Report (Architectus) – May 2021 | “ |
| 60 | “ | Urban Design Report – Addendum (Architectus) – March 2022 | “ |
| 61 | “ | Traffic and Transport Assessment (Cardno) – June 2021 | “ |
| 62 | “ | Traffic and Transport Existing Conditions Assessment (Cardno) – May 2018 | “ |
| 63 | “ | Preston Market Precinct Background Report (VPA) – May 2021 | “ |
| 64 | “ | Draft section 173 agreement – Affordable Housing (Harwood Andrews) | “ |
| Directions Hearing | | | |
| 65 | “ | Directions Hearing Notification Letter | Planning Panels Victoria (PPV) |

| No. | Date | Description | Provided by |
|-----|-------------|--------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| 66 | 25 Mar 2022 | Letter regarding consultation timeframe | Ms Samantha Ratnam MLC |
| 67 | 28 Mar 2022 | Email regarding timeframes | Mr George Kanjere on behalf of Save the Preston Market Action Group |
| 68 | 29 Mar 2022 | Letter regarding clarification of referral timeframe | Mr Tyrone Rath of Planning & Property Partners on behalf of Preston Market Developments Pty Ltd |
| 69 | 31 Mar 2022 | Letter enclosing suggested directions | Mr Aaron Shrimpton on behalf of the VPA |
| 70 | " | Letter enclosing list of procedural issues | Ms Maria Marshall of Maddocks Lawyers on behalf of the City of Darebin (Council) |
| 71 | " | Letter regarding timeframe for report | Minister for Planning |
| 72 | 01 Apr 2022 | <i>Smith v Gannawarra Shire Council and Anor</i> [2002] VSCA 69 | Preston Market Developments Pty Ltd |
| 73 | " | <i>Kioa v West</i> [1985] 159 CLR 550 | VPA |
| 74 | 04 Apr 2022 | Letter following Directions Hearing | PPV |
| 75 | 07 Apr 2022 | Letter to parties advising of further Directions Hearing | " |
| 76 | " | Letter to submitters advising of further Directions Hearing | " |
| 77 | 08 Apr 2022 | Letter to the Minister for Planning advising of further Directions Hearing | " |
| 78 | 12 Apr 2022 | Letter enclosing procedural issues ahead of further Directions Hearing | Save the Preston Market Action Group |
| 79 | 13 Apr 2022 | Letter enclosing procedural issues ahead of further Directions Hearing | Ms Maria Poletti on behalf of Darebin Appropriate Development Association |
| 80 | " | Email regarding timeframes, discussion with parties and directions | VPA |
| 81 | 14 Apr 2022 | Letter enclosing directions sought | Ms Karen Bayly |
| 82 | 22 Apr 2022 | Directions and Timetable (Version 1) | PPV |
| 83 | 06 May 2022 | Letter from VPA. Council and Preston Market Developments Pty Ltd requesting adjournment | VPA |

| No. | Date | Description | Provided by |
|------|-------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 84 | 09 May 2022 | Letter contesting request for adjournment | Save the Preston Market Action Group |
| 85 | “ | Letter contesting request for adjournment | Darebin Appropriate Development Association |
| 86 | “ | Email to all parties seeking availability for adjournment dates | PPV |
| 87 | 10 May 2022 | Email with position on adjournment dates | Mr Chris Erlandsen on behalf of Darebin Appropriate Development Association |
| 88 | 13 May 2022 | Response to Ms Bayly letter enclosing directions | VPA |
| 89 | 18 May 2022 | Directions and Timetable (Version 2) | PPV |
| 90 | 19 May 2022 | Directions and Timetable (Version 3) | “ |
| 91 | 21 May 2022 | Email regarding June 2021 and April 2022 Traffic Reports | Ms Karen Bayly |
| 92 | 25 May 2022 | Letter to VPA in response to email received regarding June 2021 and April 2022 Traffic Reports | PPV |
| 93 | 06 Jun 2022 | Timetable (Version 4) | “ |
| 94 | 20 Jul 2022 | Letter regarding timeframes for Conclave Statement Directions | Council |
| 95 | 28 Jul 2022 | Response to letter regarding timeframes for Conclave Statement Directions | PPV |
| 96 | 29 Jul 2022 | Letter regarding due date for reply evidence | Council |
| 97 | “ | Response to letter regarding due date for reply evidence | PPV |
| 98 | 10 Aug 2022 | Letter outlining position document | Preston Market Developments Pty Ltd |
| 99 | “ | Preston Market Developments Pty Ltd Position Document | “ |
| 100 | 22 Aug 2022 | Timetable (Version 5) | PPV |
| 101 | 24 Aug 2022 | Email requesting variation to due date for expert statements | VPA |
| 102 | 25 Aug 2022 | Response to email requesting variation to due date for expert statements | PPV |
| 103 | 26 Aug 2022 | VPA Part A submission | VPA |
| 103a | “ | Annexure A – Day 1 ACZ1 (tracked changes) | “ |
| 103b | “ | Annexure B – Day 1 ACZ1 (clean) | “ |
| 103c | “ | Annexure C – Memorandum regarding Day 1 ACZ1 | “ |

| No. | Date | Description | Provided by |
|------|-------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 103d | “ | Annexure D – Summary of changes | “ |
| 103e | “ | Annexure E – Summary of changes log (spreadsheet) | “ |
| 103f | “ | Annexure F – Index to folders A-G | “ |
| 103g | “ | Annexure G – Index to folder 3 | “ |
| 103h | “ | Annexure H – Submissions summary | “ |
| 104 | 31 Aug 2022 | Summary position statement of Samantha Ratnam (submitter 283) | Ms Samantha Ratnam MLC |
| 105 | 01 Sep 2022 | Summary position statement of Ben Percy (submitter 60) | Mr Ben Percy |
| 106 | 02 Sep 2022 | Summary position statement of Con Lambros (submitter 309) | Mr Con Lambros |
| 107 | “ | Summary position statement of Krzysztof (Chris) Kaszubski (submitter 65) | Mr Krzysztof (Chris) Kaszubski |
| 108 | “ | Summary position statement of Esther Doecke (submitter 55) | Ms Esther Doecke |
| 109 | “ | Summary position statement of Karen Bayly (submitter 276) | Ms Karen Bayly |
| 110 | “ | Summary position statement of Preston Market Developments Pty Ltd (submitter 344) | Preston Market Developments Pty Ltd |
| 111 | “ | Summary position statement of Department of Transport (submitter 385) | Mr Daniel Zaslona on behalf of Department of Transport |
| 112 | “ | Summary position statement of Darebin City Council (submitters 139 & 366) | Council |
| 112a | “ | Letter enclosing summary position statement of Darebin City Council (submitters 139 & 366) | “ |
| 112b | “ | Attachment A (Alternate Plan) to summary position statement of Darebin City Council (submitters 139 & 366) | “ |
| 113 | “ | Summary position statement of Ethnic Communities' Council of Victoria (submitter 292) | Mr Emiliano Zucchi on behalf of the Ethnic Communities' Council of Victoria |
| 114 | “ | Summary position statement Chris Erlandsen (submitter 285) | Mr Chris Erlandsen |
| 115 | “ | Summary position statement of Bonnie Gordon (submitter 356) | Ms Bonnie Gordon |

| No. | Date | Description | Provided by |
|------|-------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 116 | “ | Summary position statement of Darebin Appropriate Development Association (submitter 266) | Ms Maria Poletti on behalf of Darebin Appropriate Development Association Inc |
| 117 | “ | Summary position statement of Laura Fazio (submitter 266) | Ms Laura Fazio |
| 118 | “ | Summary position statement of Save The Preston Market Action Group (submitter 318) | Save the Preston Market Action Group |
| 119 | 05 Sep 2022 | Summary position statement of Darebin Ethnic Communities Council (submitter 303) | Mr Nalliah Suriyakumaran on behalf of Darebin Ethnic Communities Council |
| 120 | 06 Sep 2022 | Email attaching check traffic surveys | VPA |
| 120a | “ | Attachment A – Traffic Survey scope prepared by Ratio | “ |
| 120b | “ | Attachment B – Traffic Movement Surveys (locations 1–15) | “ |
| 120c | “ | Attachment C – Parking Occupancy Surveys, 12–13 August 2022 | “ |
| 120d | “ | Attachment D – Automatic Count Summary – St Georges Rd, between Cramer St and Murray Rd | “ |
| 120e | “ | Attachment E – Automatic Count Summary – Murray Rd, east of Clinch Ave | “ |
| 120f | “ | Attachment F – Automatic Count Summary – High St, between Cramer St and Murray Rd | “ |
| 120g | “ | Attachment G – Automatic Count Summary – Cramer St, west of Mary St | “ |
| 120h | “ | Attachment H – Automatic Count Summary – Mary St, south of Cramer St | “ |
| 121 | 08 Sep 2022 | Email from Preston Market Developments updating witness list | Preston Market Developments Pty Ltd |
| 122 | 09 Sep 2022 | Expert witness statement of Simon McPherson | VPA |
| 123 | “ | Expert witness statement of Jim Gard’ner | “ |
| 124 | “ | Expert witness statement of Craig Czarny | “ |
| 125 | “ | Expert witness statement of Kate Breen | “ |
| 126 | “ | Expert witness statement of Hilary Marshall | “ |
| 127 | “ | Expert witness statement of John Glossop | “ |
| 128 | “ | Expert witness statement of Chris De Silva | “ |

| No. | Date | Description | Provided by |
|------|-------------|-------------------------------------------------------------------------------------------------------|-------------------------------------|
| 129 | 16 Sep 2022 | Expert witness statement of Alex Hrelja | Council |
| 130 | " | Expert witness statement of Anthony Hemingway | " |
| 131 | " | Expert witness statement of Bonnie Rosen | " |
| 131a | " | Attachment to expert witness statement of Bonnie Rosen | " |
| 131b | " | Video 1 attachment to expert witness statement of Bonnie Rosen | " |
| 131c | " | Video 2 attachment to expert witness statement of Bonnie Rosen | " |
| 132 | " | Expert witness statement of Kate McMahon | " |
| 133 | " | Expert witness statement of Marcus Spiller | " |
| 134 | " | Expert witness statement of Darren Woolf | " |
| 135 | " | Expert witness statement of William McDougall | " |
| 136 | " | Letter enclosing Council's expert witness statements | " |
| 137 | " | Expert witness statement of Charmaine Dunstan | Preston Market Developments Pty Ltd |
| 138 | " | Expert witness statement of Glenn Weston | " |
| 139 | " | Expert witness statement of Jan Talacko | " |
| 140 | " | Expert witness statement of Karen Janiszewski | " |
| 141 | " | Expert witness statement of Anita Brady | " |
| 142 | " | Expert witness statement of Bryce Raworth | " |
| 143 | " | Expert witness statement of Mark Sheppard | " |
| 144 | " | Expert witness statement of Paul Shipp | " |
| 145 | " | Expert witness statement of Sophie Jordan | " |
| 146 | " | Expert witness statement of Tim DeYoung | " |
| 147 | " | Expert witness statement of Tony Dimasi | " |
| 148 | " | Expert witness statement of Leanne Hodyl | Council |
| 149 | 19 Sep 2022 | Attachment 3 to expert witness statement of Sophie Jordan | Preston Market Developments Pty Ltd |
| 150 | " | Snohetta Preston Market Preliminary Concept Design Intent | " |
| 151 | 21 Sep 2022 | Email requesting leave to file expert conclave statements and statements of agreed opinions and facts | VPA |

| No. | Date | Description | Provided by |
|------|-------------|---------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 152 | 26 Sep 2022 | Response to request for leave to file expert conclave statements and statements of agreed opinions and fact | PPV |
| 153 | “ | Statement of Agreed Opinions and Facts – Affordable Housing | VPA |
| 154 | “ | Statement of Agreed Opinions and Facts – Heritage | “ |
| 155 | 27 Sep 2022 | Statement of Agreed Opinions and Facts – Transport | “ |
| 156 | “ | Timetable (Version 6) | PPV |
| 157 | 28 Sep 2022 | Statement of Agreed Opinions and Facts – Development Contributions Plan | VPA |
| 158 | “ | Mark Sheppard’s evidence in reply | Preston Market Developments Pty Ltd |
| 159 | 29 Sep 2022 | Direction 1 Conclave Statement | VPA |
| 160 | 30 Sep 2022 | Opening submission of Save the Preston Market Action Group | Save the Preston Market Action Group |
| 161 | “ | Opening submission of Preston Market Developments Pty Ltd | Preston Market Developments Pty Ltd |
| 161a | “ | Place Management Discussion Paper | “ |
| 162 | “ | Opening submission of Darebin City Council | Council |
| 162a | “ | Attachment A – Revised Framework Plan | “ |
| 162b | “ | Attachment B – 1963 Planning Scheme | “ |
| 162c | “ | Attachment C – Revised Easement Plan | “ |
| 162d | “ | Attachment D – Day 1 ACZ1, Darebin CC markup | “ |
| 162e | “ | Attachment E – C182dare PO2 (45_09s2) April 2022, Darebin CC markup | “ |
| 162f | “ | Attachment F – C182dare 43_01s May 2021, Darebin CC markup | “ |
| 162g | “ | Attachment G – C182dare 53_01s May 2021, Darebin CC markup | “ |
| 162h | “ | Attachment H – April 2022 Structure Plan, Darebin CC markup | “ |
| 162i | “ | Attachment I – The Heart of Preston Report April 2021 | “ |
| 162j | “ | Attachment J – Council minutes of 17 December 2001 | “ |
| 162k | “ | Attachment K – Lot Plan PS68044 | “ |
| 162l | “ | Attachment L – Heads of Agreement between Darebin City Council and Presmar Properties Pty Ltd, 7 January 2002 | “ |

| No. | Date | Description | Provided by |
|------|-------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 162m | “ | Attachment M – TP825556M | “ |
| 162n | “ | Attachment N – PC362132A Consolidation Plan | “ |
| 162o | “ | Attachment O – Dealing No. AB695018U | “ |
| 162p | “ | Attachment P – Preston Central Structure Plan September 2006 | “ |
| 163 | “ | Opening submission of VPA | VPA |
| 163a | “ | Appendix – Urban design | “ |
| 163b | “ | Appendix – Affordable housing | “ |
| 163c | “ | Appendix – Transport | “ |
| 163d | “ | Appendix – Planning | “ |
| 163e | “ | Appendix – Heritage | “ |
| 163f | “ | Appendix – DCP and POS | “ |
| 163g | “ | Appendix – Social, ESD, retail economics, identity and construction staging | “ |
| 164 | “ | Submission of Ethnic Communities' Council of Victoria | Mr Emiliano Zucchi on behalf of the Ethnic Communities' Council of Victoria |
| 165 | 03 Oct 2022 | Red Dot Decision Summary – Minawood Pty Ltd v Bayside City Council | VPA |
| 166 | “ | Instruction to VPA signed by Minister | “ |
| 167 | 04 Oct 2022 | Proposed orders regarding recording of Hearing | “ |
| 168 | “ | Memorandum by Simon McPherson – comments on Sheppard and Hodyl Evidence | “ |
| 169 | “ | Oral opening submissions of VPA | “ |
| 170 | “ | Email from George Kanjere regarding public availability of recordings | Mr George Kanjere on behalf of Save the Preston Market Action Group |
| 171 | 05 Oct 2022 | Memorandum by Craig Czarny – comments on Sheppard and Hodyl Evidence | VPA |
| 172 | “ | Presentation of Leanne Hodyl | Council |
| 173 | “ | Market comparison plan | “ |
| 174 | “ | Notification of matter to be addressed by Mark Sheppard | Preston Market Developments Pty Ltd |
| 175 | 06 Oct 2022 | Extracts from Preston Central Built Form Framework | Council |

| No. | Date | Description | Provided by |
|-----|-------------|-----------------------------------------------------------------------------------|-------------------------------------|
| 176 | “ | VPA position on street wall heights west of railway line | VPA |
| 177 | “ | Draft directions regarding Hearing recording | “ |
| 178 | “ | Chris Erlandsen’s questions to Leanne Hodyl | Mr Chris Erlandsen |
| 179 | 07 Oct 2022 | Preston Reconnected document | Council |
| 180 | “ | Preston Market Developments Pty Ltd v Darebin CC [2017] VCAT 1689 | “ |
| 181 | “ | Directions on recording of Hearing | PPV |
| 182 | 10 Oct 2022 | Memo from Tim De Young regarding parking | Preston Market Developments Pty Ltd |
| 183 | “ | Presentation of Jim Gard’ner | VPA |
| 184 | 11 Oct 2022 | Presentation of Anthony Hemingway | Council |
| 185 | “ | Marked up aerial image | “ |
| 186 | “ | Extracts from A Heritage Handbook | “ |
| 187 | 12 Oct 2022 | Extract from Foundations Magazine | Mr Chris Erlandsen |
| 188 | “ | Plans of public areas – Council and Preston Market Developments Pty Ltd | Preston Market Developments Pty Ltd |
| 189 | “ | Presentation of Jan Talacko | “ |
| 190 | “ | Preston Market map | Council |
| 191 | “ | Boroondara C99 (PSA) [2012] PPV 13 Panel report (marked up) | “ |
| 192 | 13 Oct 2022 | Decision of Heritage Council relating to Linay Pavilion, Alfred Hospital | “ |
| 193 | “ | Market comparison plan (marked up) | “ |
| 194 | “ | Correction to Preston Market DCP Conclave Report | VPA |
| 195 | 14 Oct 2022 | Presentation of William McDougall | Council |
| 196 | “ | Chris Erlandsen’s questions to Jan Talacko | “ |
| 197 | 17 Oct 2022 | Parking Overlay – Schedule 2 | Preston Market Developments Pty Ltd |
| 198 | “ | Letter from Department of Transport regarding conclave | VPA |
| 199 | “ | Updated presentation of William McDougall | Council |
| 200 | “ | Preston Market Heritage Design Guidelines – Heritage post-conclave agreed version | VPA |
| 201 | “ | Preston Market Incorporated Plan – Heritage post-conclave agreed version | “ |

| No. | Date | Description | Provided by |
|-----|-------------|-----------------------------------------------------------------------------------|----------------------------------------|
| 202 | “ | Preston Market Statement of Significance – Heritage post-conclave agreed version | “ |
| 203 | “ | Schedule to Clause 43.01 – Heritage post-conclave agreed version | “ |
| 204 | 18 Oct 2022 | Expert witness availability table | VPA |
| 205 | “ | Summary of changes presented by Tim De Young | Preston Market Developments Pty Ltd |
| 206 | “ | Proposed changes to timetable, Days 17–21 | VPA |
| 207 | “ | Presentation of Kate Breen | “ |
| 208 | “ | Revised ACZ1 infrastructure requirements clause | Council |
| 209 | “ | Further statement of Alex Hrelja regarding cash contribution | “ |
| 210 | 19 Oct 2022 | Dzialowski – Lamm Jewish Library of Australia | “ |
| 211 | “ | Percentage calculations table | Preston Market Developments Pty Ltd |
| 212 | “ | Preston Central Vision 2006, February 2001 | Council |
| 213 | 24 Oct 2022 | Presentation of Chris De Silva | VPA |
| 214 | “ | Presentation of Bonnie Rosen | Council |
| 215 | 25 Oct 2022 | Presentation of Marcus Spiller | “ |
| 216 | “ | Presentation of Kate McMahon | “ |
| 217 | “ | Paul v City of Melbourne (1998) | “ |
| 218 | “ | Subdivision Act 1988 | “ |
| 219 | “ | Presentation of Karen Janiszewski | Preston Market Developments Pty Ltd |
| 220 | 27 Oct 2022 | Email responding to Committee’s questions of clarification of Ms Rosen’s evidence | Ms Bonnie Rosen |
| 221 | “ | Submission | Mr Ben Percy |
| 222 | “ | Submission | Ms Samantha Ratnam MLC |
| 223 | “ | Submission | Mr Chris Erlandsen |
| 224 | “ | Submission | Ms Laura Fazio |
| 225 | “ | Submission | Ethnic Communities Council of Victoria |
| 226 | “ | Preston Market stall layout and Preston Market Land Titles | Preston Market Developments Pty Ltd |
| 227 | 28 Oct 2022 | Speaking notes of Chris Erlandsen | Mr Chris Erlandsen |

| No. | Date | Description | Provided by |
|------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 228 | “ | Submission Presentation | Mr Ben Percy |
| 229a | 31 Oct 2022 | Submission | Darebin Appropriate Development Association Inc |
| 229b | “ | Appendix 1 – DADA Submission Presentation | “ |
| 229c | “ | Appendix 2 – Submission to Heritage Victoria, Chris Erlandsen | “ |
| 229d | “ | Appendix 3 – Submission to Heritage Victoria Barry Pearce and David Rayson | “ |
| 229e | “ | Appendix 4 – VCAT P590_2018 631 Plenty Rd Presto Pty Ltd v Darebin CC | “ |
| 229f | “ | Appendix 5 – Presentation on the value of retaining and strengthening Preston Market, Dr Jane Marilyn Stanley, FOCUS Pty Ltd | “ |
| 229g | “ | Appendix 6 - The BedZED Story, Bioregional, April 2016 | “ |
| 229h | “ | Appendix 7 – Northern Village Feasibility Report | “ |
| 229i | “ | Appendix 8 – Parliament of Victoria Legislative Council, Inquiry into the protections within the Victorian Planning Framework, Interim Report, August 2022 | “ |
| 229j | “ | Appendix 9 – Save the Preston Market Action Group Petition Sample (redacted) | “ |
| 230 | “ | Submission | Save the Preston Market Action Group |
| 231 | “ | DADA Survey | “ |
| 232 | “ | Interview with Gaetano Greco | “ |
| 233 | “ | VPA Facebook Statistics | “ |
| 234 | “ | Facebook Feedback to VPA March 2022 | “ |
| 235 | “ | Interview with Anne Laver from Darebin Ratepayers Group | “ |
| 236 | “ | Submission | Mr Chris Kaszubski |
| 237 | 2 Nov 2022 | Submission Presentation | Ms Bonnie Gordon |
| 238 | “ | Presentation of Darren Woolf | Council |
| 239 | “ | Submission | Darebin Ethnic Communities Council |
| 240 | “ | Submission Presentation | Mr Con Lambros |
| 241 | 3 Nov 2022 | Submission | Ms Esther Doecke |

| No. | Date | Description | Provided by |
|------|------------|----------------------------------------------------------------------------------------------------------------------------|------------------|
| 242 | “ | Speaking notes of Bonnie Gordon | Ms Bonnie Gordon |
| 243 | “ | Images and links referred to by Karen Bayly | Ms Karen Bayly |
| 244 | 4 Nov 2022 | Submission of Darebin City Council | Council |
| 244a | “ | Attachment A – Priority Development Panel (April 2007) | “ |
| 244b | “ | Attachment B – Melbourne Planning Scheme C407melb Arden VPA SAC Report | “ |
| 244c | “ | Attachment C – Melbourne Planning Scheme C309melb Panel Report | “ |
| 244d | “ | Attachment D – Preston Market Expert Opinion Urban Design – Hodyl (July 2021) | “ |
| 244e | “ | Attachment E – 2020 Darebin Good Design Guide, Apartment Development (August 2020) | “ |
| 244f | “ | Attachment F – 2015 Darebin Housing Strategy 2013 (revised 2015) | “ |
| 244g | “ | Attachment G – VPA Projects SAC Referral 5 – Former Lilydale Quarry (2021, PPV) | “ |
| 244h | “ | Attachment H – VC216 Explanatory Report Approval Gazetted | “ |
| 244i | “ | Attachment I – VC216 Track Changes Policy | “ |
| 244j | “ | Attachment J – Environmentally sustainable development of buildings and subdivisions – A roadmap for Vic's Planning System | “ |
| 244k | “ | Attachment K – ACZ1 (37_08s1), Day 1 version – Council markup | “ |
| 244l | “ | Attachment L – PO2 (45_09s2), April 2022 version – Council markup | “ |
| 244m | “ | Attachment M – HO315 (43_01s), May 2021 version – Council markup | “ |
| 244n | “ | Attachment N – Public Open Space Contribution and Subdivision (53_01s), May 2021 version – Council markup | “ |
| 244o | “ | Attachment O – Preston Market Citation, RBA & GJM – Annexure III to Gard'ner evidence version – Council markup | “ |
| 244p | “ | Attachment P – Heritage Design Guidelines for Preston Market (HO315), May 2021 version – Council markup | “ |

| No. | Date | Description | Provided by |
|------|------------|----------------------------------------------------------------------------------------------------------|-------------|
| 244q | “ | Attachment Q – Preston Central Incorporated Plan March 2007 (amended April 2021) – Council markup | “ |
| 244r | “ | Attachment R – Preston Market Incorporated Plan – Heritage post-conclave agreed version – Council markup | “ |
| 244s | “ | Attachment S – Precinct Structure Plan, April 2022 version – Council markup | “ |
| 245 | “ | Letter requesting matters to be addressed in primary submissions | PPV |
| 246 | 7 Nov 2022 | VPA Part B submission | VPA |
| 246a | “ | Attachment A1 – Part B ACZ1 | “ |
| 246b | “ | Attachment A2 – PO2 | “ |
| 246c | “ | Attachment B – Preston Market Precinct Structure Plan, Part B Version | “ |
| 246d | “ | Attachment C – Draft DCP, Part B Version | “ |
| 246e | “ | Attachment D1 – Email correspondence with Melbourne Water | “ |
| 246f | “ | Attachment D2 – Whittlesea cl 37.08 sch1 (ACZ1) | “ |
| 246g | “ | Attachment D3 – Victoria Planning Provisions cl 32.04 (MUZ) | “ |
| 246h | “ | Attachment D4 – Stonnington cl 37.08 sch1 (ACZ1) | “ |
| 246i | “ | Attachment D5 – Moonee Valley cl 37.08 sch1 (ACZ1) | “ |
| 246j | “ | Attachment D6 – LRXA Preston Open Space Concept | “ |
| 246k | “ | Attachment D7 – Greater Dandenong cl 37.02 sch2 (CDZ2) | “ |
| 246l | “ | Attachment D8 – Franceschini v MMBW (1980) 57 LGERA 284 | “ |
| 247 | “ | Breathing Space: The Darebin Open Space Strategy | Council |
| 248 | “ | Email from Council to all parties on documents circulated | “ |
| 249 | “ | Maroondah City Council v Fletcher & Anor [2009] VSCA 250 | “ |
| 250 | “ | Green Star Communities National Framework | “ |
| 251 | “ | Plan of Subdivision PS617351F | “ |

| No. | Date | Description | Provided by |
|------|------------|-----------------------------------------------------------------------------------------------------|-------------------------------------|
| 252 | “ | Certificate of Title Volume 12285 Folio 482 | “ |
| 253 | “ | Plan of Subdivision PS841873V | “ |
| 254 | “ | Email from Anthony Hemingway in relation to question from Committee | “ |
| 255 | “ | Letter from Jim Gard’ner responding to Committee question | VPA |
| 256 | 8 Nov 2022 | VPA response to Committee questions | “ |
| 257 | “ | Submission of Patricia Pighin | Ms Patricia Pighin |
| 258 | “ | Preston Market Heritage Study – Volume 1: History and Community Connections, Context, December 2017 | Council |
| 259 | “ | VPA Memo - Corrections to errors in ACZ1 and Structure Plan | “ |
| 260 | “ | Submission of Preston Market Developments Pty Ltd | Preston Market Developments Pty Ltd |
| 260a | “ | Appendix A – Part A ACZ1 with PMD proposed changes | “ |
| 260b | “ | Appendix B(1) – LXP Image 1 – Preston Station (Aerial View) | “ |
| 260c | “ | Appendix B(2) – LXP Image 2 – Preston Station (Open Space) | “ |
| 260d | “ | Appendix C – Google data | “ |
| 260e | “ | Appendix D – Ms Dunstan changes to PSP | “ |
| 260f | “ | Boroondara City Council v 1045 Burke Road Pty Ltd [2015] VSCA 27 | “ |
| 260g | “ | Dennis Family Corporation v Casey CC [2006] VCAT 2372 | “ |
| 260h | “ | Eddie Baron Constructions Pty Ltd v Shire of Pakenham 6 AATR 10 | “ |
| 260i | “ | Hoskin v Greater Bendigo CC & Anor [2015] VCAT 1124 | “ |
| 260j | “ | Jinshan Investment Group Pty Ltd v Melbourne CC [2016] VCAT 626 | “ |
| 261 | 9 Nov 2022 | Draft orders regarding confidential submission | VPA |
| 262 | “ | Revised indicative market car parking diagram | Preston Market Developments Pty Ltd |
| 263 | “ | Committee request to VPA for further information | PPV |

| No. | Date | Description | Provided by |
|------|-------------|------------------------------------------------------------------------|--------------------------------------|
| 264 | “ | Letter from Committee regarding confidential submission | “ |
| 265 | “ | Preston City Oval overshadowing assessment | Preston Market Developments Pty Ltd |
| 266 | 10 Nov 2022 | Summary of changes in revised market car park plan | “ |
| 267 | “ | Darebin City Council submissions in reply | Council |
| 267a | “ | Council proposed changes to VPA Part B ACZ1 and PMD ACZ1 | “ |
| 267b | “ | Council position on notice and review provision | “ |
| 267c | “ | Updated Council Active Edges Plan | “ |
| 268 | “ | Image of Preston City Oval showing south side of inner footpath | Preston Market Developments Pty Ltd |
| 269 | “ | PMD response to Committee questions on Council ACZ1 and PO2 | “ |
| 270 | “ | PMD comments on Council markup ACZ1 Day 1 version | “ |
| 271 | “ | PMD comments on Council markup PO2 April 2022 version | “ |
| 272 | “ | VPA submission in reply | VPA |
| 273 | “ | VPA response to Committee questions on Council ACZ1 | “ |
| 274 | “ | VPA comments on Part A ACZ1 with PMD proposed changes | “ |
| 275 | “ | Closing submission of Save the Preston Market Action Group | Save the Preston Market Action Group |
| 276 | 11 Nov 2022 | Council response to Committee question regarding Your Street, Your Say | Council |
| 276a | “ | Attachment A – Your Street, Your Say concept projects (marked up) | “ |
| 277 | “ | Transcript of VPA submission | VPA |
| 278 | “ | VPA consolidated ACZ1 schedule | “ |
| 279 | 22 Nov 2022 | VPA updated version of Preston Central Incorporated Plan | “ |

Appendix F Planning context

Planning Policy Framework

The draft Explanatory Report, and the VPA's Part A submission identified the key elements of the Planning and Environment Act 1987 (PE Act) and the Planning Policy Framework, Municipal Strategic Statement and Local Planning Policy Framework that the Amendment supported. These are summarised below.

(i) Planning and Environment Act 1987

The Amendment supports the following objectives in section 4 of the PE Act:

- a) provide for the fair, orderly, economic and sustainable use, and development of land;
- c) secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- d) conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- e) protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
- f) facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e); fa) to facilitate the provision of affordable housing in Victoria; and,
- g) balance the present and future interests of all Victorians.

The Amendment implements these objectives by:

- facilitating the development of a significant development site with increased living opportunities and high quality built form
- supporting sustainable transport, accessible community services
- providing an amenable public realm and strong sense of place, cultural identity and character
- ensuring appropriate infrastructure and that developers pay a fair contribution towards local infrastructure
- creating a desirable place for a thriving fresh food market, retail, commercial uses enriched by a people-focussed community.

(ii) Planning Policy Framework

- Clause 11 (Settlement) by facilitating the orderly development of the Preston Market Precinct through the development of a Precinct Structure Plan (Clause 11.02-S Structure Planning), supporting the planning for densification of activity centres as places of activity and living (Clause 11.03 Activity Centres, Clause 11.03-2 Activity Centre Planning and Clause 11.03-1R Activity centres – Metropolitan Melbourne) which includes consideration of *Plan Melbourne 2017-2050: Metropolitan Planning Strategy*)
- Clause 15 (Built Environment and Heritage) by creating safe, functional and good quality environments with a sense of place, providing design and built form guidance, recognising places of heritage
- Clause 16 (Housing) by providing for housing diversity, affordable housing and housing in locations close to employment, services and transport
- Clause 17 (Economic Development) by providing for the community's need for retail, entertainment, and commercial services

- Clause 18 (Transport) by providing a safe and sustainable transport system by integrating land use and transport planning and promoting sustainable transport choices
- Clause 19 (Infrastructure) by providing for the timely provision of community and development infrastructure through a DCP.

(iii) Municipal Strategic Statement and Local Planning Policy Framework

- Clause 21.01 (Introduction) by encouraging activities within Preston that maintain the regional significance of Preston Central as one of the largest ‘traditional, multi-dimensional’ activity centres in northern Melbourne and a major focus for business, shopping, community, culture, and recreation
- Clause 21.02 (Environment) by facilitating the development of the precinct to provide additional living, working, and retail opportunities and requiring an exceptional response to deliver a sustainable urban environment including the provision of open space protecting places that are of heritage and cultural value
- Clause 21.03 (Housing) by supporting the provision of housing opportunities including affordable housing consistent with Darebin’s housing framework’s designation of the precinct as a substantial change area
- Clause 21.04 (Economic Development) by encouraging the development of the precinct to include a variety of uses including the continuation of the market with additional retail and commercial opportunities which will support local jobs and encourage visitors
- Clause 21.05 (Transport and Infrastructure) by:
 - providing access to and integrating with the railway station, providing a dedicated bike path along St Georges Road, the development of Cramer Street as a ‘street for people’ that will prioritise pedestrian and cycling movements
 - managing car parking; providing for public open space
 - providing a community facility and other required road infrastructure through a DCP
- Clause 22.06 (Multi-Residential and Mixed Use Development) through the PSP and provision of urban design guidance that encourages design excellence, sustainable design, dwelling diversity, management of on and off site amenity impacts, street interface and appropriate parking and vehicular access
- Clause 22.12 (Environmentally Sustainable Development) by requiring permit applications respond to the sustainability objectives and strategies of Clause 21.01 and that development exceeds minimum industry standards by nominating the achievement of high environmental performance ratings.

Darebin Planning Scheme provisions

A common zone and overlay purpose is to implement the Municipal Planning Strategy and the Planning Policy Framework.

(iv) Zones

The Amendment proposes to apply the ACZ1.

The purposes of the ACZ are:

To encourage a mixture of uses and the intensive development of the activity centre:

- As a focus for business, shopping, working, housing, leisure, transport and community facilities.

- To support sustainable urban outcomes that maximise the use of infrastructure and public transport.

To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.

To create through good urban design an attractive, pleasant, walkable, safe and stimulating environment.

To facilitate use and development of land in accordance with the Development Framework for the activity centre.

The ACZ provides for a schedule to comprise the Development Framework for the activity centre. The schedule must contain a framework plan and a statement of centre land use and development objectives to be achieved, and may contain centre wide and precinct provisions. It includes land uses and may identify additional subdivision, design and development and application requirements and decision guidelines and can nominate further notice and review exemption provisions.

The ACZ1 is proposed to replace the existing Priority Development Zone (PDZ) which applies to the two smaller sites west of the railway zoned PDZ2 (Preston Central) and the balance of the precinct zoned PDZ1 (Preston Market).

The PDZ1 seeks to implement the use and development objectives and design principles of the *Preston Central Incorporated Plan (2007)*, which envisions a market and mixed-use precinct with buildings up to eight storeys east of Mary Street, and up to ten storeys between Mary Street and the railway line.

An interim mandatory nine-metre maximum building height limit applies over the existing market building footprint, first introduced by the Minister for Planning on 6 August 2017 at the request of Council to enable the review of Preston Market Incorporated Plan⁵⁰ 6 April 2022 and extended until 30 December 2022 to enable the VPA's review of planning controls and preparation of the draft Amendment.⁵¹

(v) Overlays

The Amend applies the Heritage Overlay to a portion of the site, the DCPO2 and the PO2.

The purposes of the Heritage Overlay are:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To conserve and enhance heritage places of natural or cultural significance.

To conserve and enhance those elements which contribute to the significance of heritage places.

To ensure that development does not adversely affect the significance of heritage places.

To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The purpose of the DCPO is:

To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.

⁵⁰ Darebin Planning Scheme Amendment C160

⁵¹ Darebin Planning Scheme Amendment C206dare

DCPO2 sets out a summary of costs and contributions within the DCP area (aligned with the PSP area).

The purposes of the PAO are:

- To encourage a modal shift to public and active transport, prioritising walking, cycling and public transport.
- To recognise the excellent accessibility to the precinct by both public and active transport modes.
- To nominate parking rates for non-market land uses at rates which seek to suppress private car travel to the precinct.
- To encourage the shared use of short-term, public parking areas.
- To improve amenity for pedestrians and cyclists around and through the site by reducing private vehicle access.

The following overlays extend partially or completely across the precinct:

- EAO, applies over the majority of the precinct excluding most land west of the railway line acknowledging the former tannery use
- Special Building Overlay, partially applies acknowledging potential overland flows from the urban drainage system
- DCPO1 which applies across the municipality to assist local infrastructure funding.

The SBO and DCPO1 are not proposed to be altered by the draft Amendment. The EAO is proposed to be extended across those parts of the precinct not already included in it.

Relevant Ministerial Directions and Planning Practice Notes

The VPA identified that the Amendment was prepared cognisant of and consistent with consistent following Ministerial Directions:

- *Ministerial Direction - The Form and Content of Planning Schemes*, including through the use of planning tools including the ACZ
- *Direction No. 1 Potentially Contaminated Land*, by retaining the EAO over the portion of the precinct previously used as a tannery
- *Direction No. 9 Metropolitan Planning Strategy – Metropolitan Planning Strategy* as set out above
- *Ministerial Direction 9 (Plan Melbourne 2017-2050: Metropolitan Planning Strategy)*, particularly the following objectives and directions:
 - Direction 1.1 (Create a city structure that strengthens Melbourne’s competitiveness for jobs and investment) by providing well-planned and accessible land suitable for commercial land uses to accommodate a range of services, employment, and accommodation uses
 - Direction 1.2 (Improve access to jobs across Melbourne and closer to places where people live) by providing mechanisms for the planning and management of the precinct so that it continued to meet community needs for access to employment near where people live
 - Direction 2.1 (Manage the supply of new housing in the right locations to meet population growth and create a sustainable city) by providing opportunities for future housing to assist in accommodating anticipated population growth
 - Direction 5.1 (Create a city of 20-minute neighbourhoods) by providing opportunities for increased urban consolidation and provision of employment and services in an area well serviced by public transport.

- *Direction No. 11 Strategic Assessment of Amendments.* The VPA advised that draft Explanatory Statement sets out the strategic evaluation of the Amendment
- *Ministerial Direction on the Preparation and Content and Ministerial Reporting Requirements for Development Contributions Plans* by ensuring the DCP was prepared in accordance with the Direction and associated *Development Contributions Guidelines*, March 2007.

The VPA's Part A submission identified that the Amendment responds to the following Planning Practice Notes:

- *Planning Practice Note No. 1: Applying the Heritage Overlay (PPN01)* – refer to detailed description below
- *Planning Practice Note No. 13: Incorporated and background documents (PPN13)* provided guidance on the role of external documents in planning schemes, and the difference between incorporated and background documents. The practice note has been withdrawn, and the matters it addressed are now dealt with in the *Practitioner's Guide to Victoria's Planning Schemes* (April 2022) at Parts 6.7 and 6.8.
- *Planning Practice Note No. 46: Strategic Assessment Guidelines (PPN46)* provides a consistent framework for preparing and evaluating a proposed planning scheme amendment and its outcomes
- *Planning Practice Note No. 56: Activity Centre Zone (PPN56)* provides guidance on the purpose of the ACZ, appropriate locations for its application, and the content and structure of an ACZ schedule. It identifies that the ACZ is a centre-wide tool developed specifically for application to activity centres in metropolitan Melbourne
- *Planning Practice Note No. 57: The Parking Overlay (PPN57)* provides guidance about when and how the PO should be used. It identifies that the PO can be used for any precinct where local parking issues can be identified, including a precinct undergoing a rapid rate of development or land use change or which attracts significant numbers of external trips. The application of the PO is supported by the *Preston Market Precinct – Parking Overlay* report
- *Planning Practice Note No. 58: Structure Planning for Activity Centres (PPN58)* provides guidance on the structure planning process and a methodology for structure planning in all activity centres. The VPA submitted that the planning process undertaken for the Preston Market precinct aligns with PPN58 processes
- *Planning Practice Note No. 59: The role of mandatory provisions in planning schemes (PPN59)* provides guidance on the use of mandatory controls. It identifies those mandatory controls are the exception, and that the VPPs are primarily based on the principle that there should be discretion for most developments, and applications are to be tested against objectives and performance outcomes rather than prescriptive mandatory requirements. The VPA submitted that PPN59 recognises however that there will be circumstances where a mandatory provision will provide certainty and ensure a preferable and efficient outcome and has met the criteria identified to assess when mandatory provisions may be appropriate
- *Planning Practice Note No. 60: Height and setback controls for Activity Centres (PPN60)* provides guidance on the preferred approach to the application of height and setback controls for activity centres and must be read in conjunction with PPN58 and PPN59

- *Planning Practice Note No. 83: Assessing external noise impacts for apartments (PPN83)* provides guidance about the operation of Clauses 55.07-6 and 58.04-3 for apartment developments.

Planning Practice Note 1: Applying the Heritage Overlay

Identifying significance

PPN01 provides guidance about using the Heritage Overlay. It states that the Heritage Overlay should be applied to, among other places:

Places identified in a local heritage study, provided the significance of the place can be shown to justify the application of the overlay.

PPN01 specifies that documentation for each heritage place needs to include a statement of significance that clearly establishes the importance of the place and addresses the heritage criteria. It recognises the following model criteria (the Hercon criteria) that have been adopted for assessing the value of a heritage place:

- Criterion A:** Importance to the course or pattern of our cultural or natural history (historical significance).
- Criterion B:** Possession of uncommon, rare or endangered aspects of our cultural or natural history (rarity).
- Criterion C:** Potential to yield information that will contribute to an understanding of our cultural or natural history (research potential).
- Criterion D:** Importance in demonstrating the principal characteristics of a class of cultural or natural places or environments (representativeness).
- Criterion E:** Importance in exhibiting particular aesthetic characteristics (aesthetic significance).
- Criterion F:** Importance in demonstrating a high degree of creative or technical achievement at a particular period (technical significance).
- Criterion G:** Strong or special association with a particular community or cultural group for social, cultural or spiritual reasons. This includes the significance of a place to Indigenous peoples as part of their continuing and developing cultural traditions (social significance).
- Criterion H:** Special association with the life or works of a person, or group of persons, of importance in our history (associative significance).

PPN01 provides:

- guidance for undertaking an appropriate level of comparative analysis to establish a threshold
- the application of internal, external paint, tree controls and prohibited uses permitted controls.

Internal controls

PPN01 identifies that internal controls should be used sparingly and on a selective basis to special interiors of high significance. The statement of significance for the heritage place should explain what is significant about the interior and why it is important.

Curtilage

PPN01 provides guidance for establishing the extent of land surrounding a heritage item known as a 'curtilage' to be included in the mapped Heritage Overlay polygon extent.

1. Review the heritage study documentation and ask the question 'What is significant?'. The polygon should capture those elements of the place that are significant. If there are multiple elements that are widely dispersed on the property, one option may be to have multiple polygons which share the same Heritage Overlay number.
2. In addition to capturing the elements that are significant, it is almost always necessary to include a curtilage (see definition above) to:
 - ...
 - b. retain the setting or context of the significant building, structure, tree or feature
 - c. regulate development (including subdivision) in proximity to the significant building, tree or feature.
3. Where possible, uncomplicated and easily recognised boundaries (such as a fence line) leave little room for potential dispute in terms of the land affected by any future Overlay.
4. Use aerial photos where they exist to assist in identifying a reduced curtilage.
5. Where access is possible, 'ground truthing' may be of assistance.
6. Explain the basis for the reduced curtilage polygon in the heritage study documentation.
 7. Where questions might arise in the future as to the extent of the polygon shown on the planning scheme map, use the entry in the Schedule to the Heritage Overlay (i.e. column two) to specify the area covered by the polygon.

Form of Statement of Significance

A statement of significance is required to use the following format:

- **What is significant?** This section should be brief, usually no more than one paragraph or a series of dot points. There should be no doubt about the elements of the place that are under discussion. The paragraph should identify features or elements that are significant about the place as a guide to future decision makers. Clarification could also be made of elements that are not significant. This may guide or provide the basis for an incorporated plan which identifies works that may be exempt from the need for a planning permit.
- **How is it significant?** – Using the heritage criteria above, a sentence should be included to the effect that the place is important. ...The sentence should indicate the threshold for which the place is considered important.
- **Why is it significant?** – The importance of the place needs to be justified against the heritage criteria listed above. A separate point or paragraph should be used for each criterion satisfied. The relevant criterion reference should be inserted in brackets after each point or paragraph, for example "(Criterion G)".

Existing permits and other Planning Scheme amendments

The VPA's Part A submission identified three current planning permits that allow for substantial development within the precinct:

- Planning Permit D/285/2015 issued on 15 December 2016 for a six-storey and nine-storey apartment building with ground floor shops, on the precinct's south western corner
- Planning Permits D/398/2016 and D/393/2016 issued on 1 November 2017 for a mixed-use development on land in the northern part of the precinct in two stages (Stages 1B and 1C respectively). Stage 1B involves the construction of two 10-storey buildings known as the 'Loft Building' and 'Laneway Building' (to include 128 dwellings, a new Aldi supermarket, retail and office uses), and a 4-storey building which would then become the podium for a subsequent 14-storey building (accommodating 155 dwellings), comprising Stage 1C and known as the 'Station Building'.

The time limits for both permits were extended by the Victorian Civil and Administrative Tribunal on 14 December 2020, with development now required to commence by 1 November 2022 and to be completed by 1 November 2024.

The VPA's Part A submission identified the following amendments were currently proposed by Council:

- Amendment C170dare proposes to introduce a new municipal-wide Development Contributions Plan. It was adopted by the Council on 14 February 2022 and has been submitted for consideration and approval by the Minister
- Amendment C186dare proposes to increase the public open space levy rate to 10 per cent. Council re-exhibited the Amendment in October 2022 and after considering submissions determined to follow an alternative strategy. The Amendment has now lapsed
- a draft refresh of planning documents relating to the Preston-High Street Activity Centre, which is currently in the community and stakeholder consultation phase. The draft refresh documents generally exclude the Preston Market precinct.

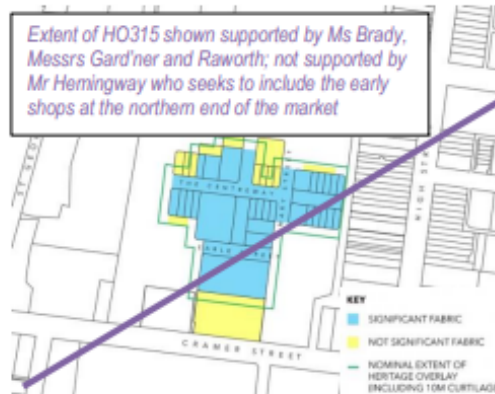
Appendix G Heritage conclave’s agreed version of the Statement of Significance

| | | |
|--------------------------------------|----------------------------------|--|
| Post expert conclave agreed version. | | |
| Red struck through | recommended deleted text | |
| Green | recommended new text | |
| Purple | remaining points of disagreement | |

City of Darebin Statement of Significance

PRESTON MARKET

| | |
|----------------------------|-------------------------------------------------------------------|
| Heritage Place | The Preston Market |
| Address | The Centreway, Preston 3072 |
| Significance | Local |
| Construction Date/s | 1969-70 (main part); mid-1960s to early 1970s (independent shops) |
| Designer | Structural Consortium |
| Heritage Overlay | HO315 |
| Amendment No. | C182dare |



Exterior of the Fruit & Vegetable Halls viewed from Mary Lane



Interior of the Fruit & Vegetable Sheds

What is Significant?

The Preston Market constructed 1969-70 is significant to the City of Darebin. The original elements that contribute to the significance of the place include:

- general planning including wide walkways
- space frame roof
- outer concrete tilt slab walls (including their form at the walkways and secondary pedestrian zones)
- steel supports with struts (generally in walls between premises)
- profiled metal sheeting to bulkheads
- metal fascia to original walkway canopies
- areas of glazing - highlight windows to most premises [currently painted over], as well as to the meat and deli areas
- remnant garden beds and planters.

The independent shops to the north end, which pre-date the main market structure, are not significant. *[supported by Ms Brady, Messrs Gardner and Raworth; not supported by Mr Hemingway]*

Later additions are not significant (refer to plan) including:

- Aldi supermarket (18 Cramer Street)
- Section at north-west end (ST12-ST14/20 Cramer Street)

City of Darebin

Statement of Significance

- Lean-tos, etc. attached to side of concrete walls (north-east corner, south-west corner of The Centreway)
- The tensile membrane or Perspex sheeting (or the like) canopies to the walkways and their supporting steel structures.

How is it Significant?

The Preston Market, The Centreway, Preston is of historical, technical and social significance to the City of Darebin.

Why is it Significant?

The Preston Market, The Centreway, Preston is of historical significance (Criterion A) for the following reasons:

- Opened in 1970, it was the first market to have been constructed in the municipality since the Interwar period. Unusually it was established as a private venture, whereas most markets were established by the local council.
- Reflects the growth of Preston in the post-WWII period when many immigrants were attracted to the area, and subsequent waves have continued to be. The market was effectively a microcosm of the community as it reflected the cultural diversity of the area in the range of stallholders, etc., and provided economic opportunities for migrants to establish small businesses.

The Preston Market, The Centreway, Preston is of aesthetic significance (Criterion E) for the following reasons:

- Designed in 1969 by the Structural Consortium, a group of three recent university graduates, the Preston Market reflects a Modernist approach to create well-planned, free flowing, uncluttered and functional spaces. The Preston Market is distinguished especially by the extensive use of space frame design, reflecting the Structuralist style/approach of the late 20th century. The emphasis of the Structuralist approach was to create enclosures that 'floated' with limited support and in this instance provided highly flexible spaces by comparison with traditional shopping complexes.
- The original design of the Preston Market is largely intact. Key aspects are the planning, the space frame raised on a limited number of steel supports crowned with struts (generally incorporated into walls), original glazing (to the meat and deli halls and highlights to the stalls [although overpainted], and the outer concrete walls. Some ancillary items, relating to the landscaping, also remain intact. The walkways have however been infilled with canopies, whose structure is separate to the original.

[Criterion E supported by supported by Messrs Hemingway and Raworth; not supported by Ms Brady or Mr Gardner]

The Preston Market, The Centreway, Preston is of technical significance (Criterion F) for the following reasons:

- The Preston Market is the first extensive use of space frame technology in the State. It is also an early example of computer-aided design, necessary for space frame technology. With the brief to create a well-planned, free-flowing and unencumbered functional space, the designers (Structural Consortium) settled on the space frame to achieve this end as it could be extensively cantilevered and need relatively few supports. With no affordable proprietary system available, a local company, ~~Structural~~ Standard Steel Pty Ltd, were engaged who had been experimenting with/developing a pyramidal module. Local ingenuity was thus employed to develop this system utilising readily available and inexpensive components, though nonetheless with a high level of quality control (for instance, the steel was hot dip galvanised after assembly of the pyramidal units to achieve a long lasting finish – and the steel remains in good condition 50 years later).
- At the Preston Market, (pre-cast) concrete tilt-slab construction was employed for the outer walls, which was an early use of the system in Victoria. Whilst it had previously been used in USA and New Zealand, tilt-slab construction had had limited application in Australia. Its benefits related to labour saving costs and the potential to relocate panels.

The Preston Market, The Centreway, Preston is of social significance (Criterion G) for the following reasons:

- The Preston Market is strongly identified with the municipality and its communities of shoppers and stallholders, especially migrants (from various waves), many of whom have long associations with the place. The market is mainly used by people living in the nearby area, and is regarded as a local 'secret'.
- The Preston Market has become an informal and inclusive/welcoming community space and allows for the sharing of cultural traditions and practices, especially those associated with cuisine. The generous open spaces/walkways allow for extensive social interaction and are well used as meeting places so that a vibrant atmosphere is created (within the bustling shopping context) and there is a strong sense of ownership by the community. *[Supported by Messrs Gardner, Hemingway and Raworth; not supported by Ms Brady]* The stallholders themselves form a closely knit sub-community and the market provides opportunities for them to proudly express their cultural identity and values – as such it is a safe haven.
- The Preston Market has continued to be a locally popular destination for nearly half a century and strong relationships

City of Darebin

Statement of Significance

between shoppers and stallholders across generations have formed over this period. The traditional, largely open-air format of the market has been well supported from the outset in contrast to the evolving trend during the late 20th century for new suburban shopping centres to fully enclosed/air-conditioned.

Primary Source

Preston Market Citation (RBA Architects + Conservation Consultants as amended by GJM Heritage, ~~June 2022~~ October 2022)

Appendix H Committee’s baseline version of the Activity Centre Schedule (ACZ1)

Tracked Added

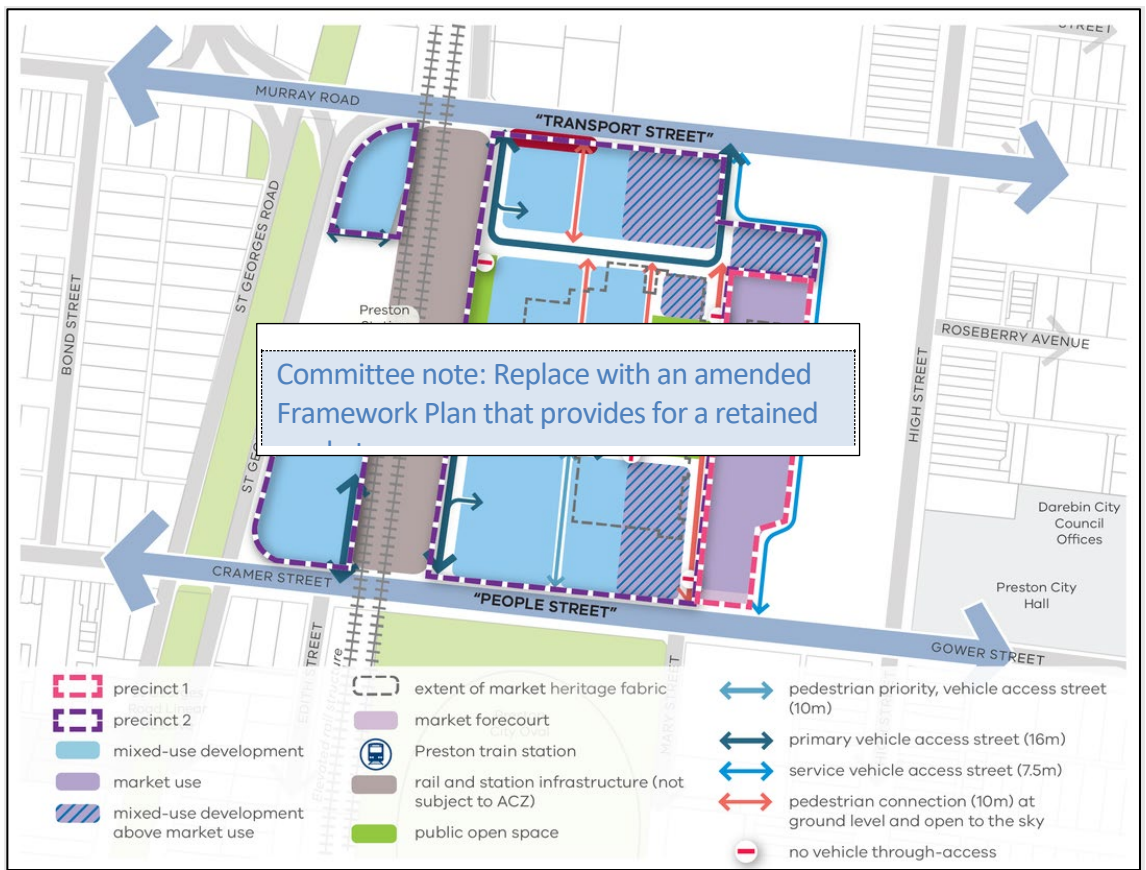
~~Tracked Deleted~~

SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

Shown on the planning scheme map as **ACZ1**.

PRESTON MARKET PRECINCT

1.0 Preston Market Framework Plan



2.0 Land use and development objectives to be achieved

Land use and development

Advisory Committee note – review all land use and development objectives that relate to the market using Council’s proposed changes as a starting point (Document 244k)

- To support the redevelopment of the precinct role as a vibrant, mixed-use, accessible and attractive destination for the region.
- To support the role of Preston Market as a wet and dry market and the principal fresh food and variety market in Melbourne’s Northern region and a critical element of the

Preston-High Street activity centre by providing a market use with a minimum gross floor area of 12,700~~sqm~~ [square metres](#).

- To encourage the provision of affordable tenancies in the redeveloped market
- To provide a diversity of employment opportunities and an integration of mixed uses and activities including approximately 27,500~~sqm~~ [square metres](#) of leasable floor area of retail, entertainment, and other commercial floor space and 5,000~~sqm~~ [square metres](#) of leasable floor area of office floor space.
- To provide approximately 1,200 dwellings, including social and affordable housing, close to services, facilities and public transport.
- To ensure most ground and first storey floorspace is set aside for non-residential uses, with ground-level townhouses only provided on public accessway frontages.
- To provide usable and easily accessible areas of public open space with sufficient solar access.
- To integrate the site with Preston Railway Station and High Street through improved connectivity and the logical arrangement of internal streets and laneways and land uses with active frontages.
- To support the retention of a market that provides for fresh produce, takeaway food and cafes.
- To respect and enhance the identified cultural heritage values of the market.
- To provide high quality landscaping treatments, including plant and tree species that are resilient to climate change and contribute to a reduction in urban heat island effects.
- ~~To encourage land use and development outcomes in line with state wide commitments to net zero emissions.~~

Built form

- To ensure the site maintains market building(s) of a similar size to the existing market building, a fine grain of tenancies and an open, light and airy feel.
- To ensure the design of any new market buildings support the market's prominence as a landmark in the Preston-High St activity centre.
- ~~To encourage the design of new buildings that use passive design principles to minimise heating and cooling through orientation, natural ventilation, thermal mass, glazing and shading.~~
- To create a high quality, pedestrian environment that reflects a human scale and provides acceptable levels of solar access and wind protection.
- To ensure uses that abut public open space provide active frontages and a sense of visual engagement with those spaces.
- To ensure built form enhances and creates visual and physical links to new and existing adjoining streets, public transport and community facilities.
- To retain heritage fabric and integrate it into the precinct's redevelopment.
- To ensure new built form respects, complements and responds to the retained heritage fabric.
- To ensure new development appropriately responds to the elevated railway corridor and Preston Railway Station.

Access, movement and parking

- To encourage a modal shift to active and public transport.
- To provide a permeable street and pedestrian network that supports all modes of transport.
- To provide accessible public spaces that are safe and comfortable for pedestrians at all times ~~of the day and night~~.

- To provide secure, undercover, easy to access bike parking for all residents, to support high accessibility of active transport options.
- To ensure adequate car parking for the market and all other uses is provided during and after redevelopment, and ensure the provision of shared, adaptable and flexible car parking arrangements that are sustainable in the long term.
- To encourage loading, servicing and car parking areas to be located underground.
- To ensure redevelopment incorporates the traditional cruciform pedestrian movement patterns within the market as shown on the Framework Plan.

Environmentally sustainable design

- To encourage best practice Environmentally Sustainable Development design and outcomes in line with state-wide commitments to net zero emissions.
- To encourage the design of new buildings that use passive design principles to minimise heating and cooling through orientation, natural ventilation, thermal mass, glazing and shading.

- *Committee note: objectives for wastewater and waste management to be added.*

3.0 Table of uses

Committee note: this clause to be reviewed in the context of a retained market and an alternate sub-precinct approach.

Section 1 – Permit not required

| Use | Conditions |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Accommodation (other than Community care accommodation, Corrective institution and Rooming house,) | <p>Must be located in Precinct 2.</p> <p>Must not be located at first floor level.</p> <p>Must not be located at ground floor level other than building entries.</p> <p>Any frontage at ground floor level must not exceed 2 metres (other than a Bed and breakfast and Caretaker's house).</p> |
| Art and craft centre | <p>Must be located in Precinct 2.</p> <p>Must not be located at ground floor level of land shown as 'mixed-use development above market'</p> |
| Child care centre | <p>Must be located in Precinct 2.</p> <p>Any frontage at ground floor level must not exceed 2 metres and access must not be shared with a dwelling (other than a caretaker's house).</p> |
| Cinema Cinema based entertainment facility | <p>Must be located in Precinct 2.</p> <p>Any frontage at ground floor level must not exceed 2 metres.</p> <p>Must not be located at ground floor level of land shown as 'mixed-use development above market'</p> |
| Community care accommodation | <p>Must be located in Precinct 2.</p> <p>Must not be located at first floor level.</p> <p>Any frontage at ground floor level must not exceed 2 metres.</p> <p>Must meet the requirements of Clause 52.22-2.</p> |

| | |
|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Education centre (other than Child care centre) Exhibition centre | Must be located in Precinct 2. Must not be located at ground floor level of land shown as 'mixed-use development above market'. |
| Food and drink premises | Must be subsidiary to the market if located in Precinct 1. Must be subsidiary to the market if located at ground floor level of land shown as 'mixed-use development above market' in Precinct 2. The leasable floor area must not exceed 150sqm. |
| Home based business | Must be located in Precinct 2. Must not be located at first floor level. Must not be located at ground floor level other than building entries. Any frontage at ground floor level must not exceed 2 metres |
| Informal outdoor recreation | |
| Market | Must be located in Precinct 1 or in Precinct 2 at ground floor level of land shown as 'mixed-use development above market'. |
| Office | Must be located in Precinct 2. Must not be located at ground floor level except for building entries. Any frontage at ground floor level must not exceed 2 metres. |
| Place of worship | Must be located in Precinct 2. Must not be located at ground floor level of land shown as 'mixed-use development above market' except for building entries. The gross floor area of all buildings must not exceed 250 square metres. |
| Rooming house | Must be located in Precinct 2 Must not be located at ground or first floor level except for building entries. Any frontage at ground floor level must not exceed 2 metres. Must meet the requirements of Clause 52.23-2. |
| Shop (other than Adult sex product shop, Restricted retail premises and Supermarket) | Must be subsidiary to the market if located in Precinct 1. Must be subsidiary to the market if located at ground floor level of land shown as 'mixed-use development above market' in Precinct 2. The leasable floor area must not exceed 150sqm. |
| Any use listed in Clause 62.01 | Must meet requirements of Clause 62.01. |

Section 2 – Permit required

| Use | Conditions |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Accommodation (other than Community care accommodation, Corrective institution and Rooming house) where the Section 1 conditions are not met | Must be located in Precinct 2. Must not be located at ground floor level of land shown as 'mixed-use development above |

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | market' |
| Adult sex product shop | <p>Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.</p> <p>Must be located in Precinct 2.</p> <p>Must not be located at ground floor level.</p> <p>Any frontage at ground floor level must not exceed 2 metres.</p> |
| Child care centre where the Section 1 conditions are not met | <p>Must be located in Precinct 2.</p> <p>Must not be located at ground floor level of land shown as 'mixed-use development above market'.</p> |
| Cinema Cinema based entertainment facility where the Section 1 conditions are not met | <p>Must be located in Precinct 2.</p> <p>Must not be located at ground floor level of land shown as 'mixed-use development above market'.</p> |
| Community care accommodation where the Section 1 conditions are not met | <p>Must be located in Precinct 2.</p> <p>Must not be located at ground floor level of land shown as 'mixed-use development above market'.</p> |
| Crop raising | |
| Home based business where the Section 1 conditions are not met | <p>Must be located in Precinct 2.</p> <p>Must not be located at ground floor level of land shown as 'mixed-use development above market'.</p> |
| Industry | <p>Must be located in Precinct 2.</p> <p>Must not be located at ground floor of land shown as 'mixed use development above market'.</p> <p>Must not be a purpose listed in the table to Clause 53.10.</p> |
| Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track) | <p>Must be located in Precinct 2.</p> <p>Must not be located on ground floor of land shown as 'mixed use development above market'</p> |
| Office where the Section 1 conditions are not met | <p>Must be located in Precinct 2.</p> <p>Must not be located at ground floor level of land shown as 'mixed-use development above market'.</p> |
| Place of assembly (other than Carnival, Cinema, Cinema based entertainment facility, Circus, Exhibition centre and Place of worship) | <p>Must be located in Precinct 2.</p> <p>Must not be located at ground floor level of land shown as 'mixed-use development above market'.</p> |
| Place of worship where the Section 1 conditions are not met | <p>Must be located in Precinct 2.</p> <p>Must not be located at ground floor level of land shown as 'mixed-use development above market'.</p> |
| Supermarket | <p>Must be located in Precinct 2.</p> <p>Must not be located on ground floor of land shown as 'mixed use development above market'.</p> |

| | |
|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Restricted retail premises | Must be located in Precinct 2. Must not be located at ground floor of land shown as 'mixed use development above market'. |
| Retail premises (other than Food and drink premises, Gambling premises, Market or Shop) | Must be located in Precinct 2. Must not be located at ground floor of land shown as 'mixed use development above market' |
| Rooming house where the Section 1 conditions are not met | Must be located in Precinct 2. Must not be located at ground floor level of land shown as 'mixed-use development above market'. |
| Utility installation (other than Minor utility installation and Telecommunications facility) | Must not be a purpose listed in the table to Clause 53.10. |
| Warehouse | Must not be a purpose listed in the table to Clause 53.10. |
| Any other use not in Section 1 or 3 | |

Section 3 – Prohibited

Use

Agriculture (other than Apiculture and Crop raising)

~~Art and craft centre where the Section 1 conditions are not met~~

Corrective institution

~~Education centre (other than Child care centre) where the Section 1 conditions are not met~~

Exhibition centre where the Section 1 conditions are not met

Gambling premises

Major sports and recreation facility

Motor racing track

Service station

4.0 Centre wide provisions

4.1 Use of land

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land;
- Appearance of any building, works or materials;
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Noise attenuation verification measures

~~Verification of noise attenuation measures~~

Prior to the occupation of a building to be used for accommodation or, child-care, ~~or place of assembly~~ in the following locations:

- above or immediately adjoining the market; or
- within 80 metres from the centre of the nearest track associated with the Mernda Rail Line or that is adjacent to a Transport Zone 2

verification must be provided to the responsible authority confirming that the building has been constructed in accordance with the recommendations of the Acoustic Assessment or the Noise, Vibration Report prepared as an application requirement in accordance with this schedule.

Verification must take the form of a certificate/report by a qualified acoustic engineer or other suitably skilled person, to the satisfaction of the responsible authority.

4.2 Subdivision

~~Vesting of roads and accessways~~

~~Requirement—land identified as an access street or a pedestrian connection at ground level—open to the sky—generally in accordance with Plan 1 of this Schedule must be vested in Council.~~

Variation or removal of easements

A permit must not be granted to vary or remove a carriageway or access easement unless the responsible authority is satisfied that appropriate access arrangements are maintained or provided via existing or varied easements or other means.

Provision of affordable housing

Unless otherwise agreed to by the responsible authority, a permit must not be granted to subdivide land until an agreement under section 173 of the *Planning and Environment Act 1987* has been entered into between the owner of the land and the responsible authority that provides for the following:

- The landowner must contribute towards affordable housing (Affordable Housing Contribution) to the satisfaction of the responsible authority.
- For the purposes of the agreement “affordable housing” is to have the same meaning as any definition of that phrase contained within the Act.
- The agreement must include terms which provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.
- The agreement must provide for an Affordable Housing Contribution defined as:
 - The transfer of land that has the demonstrated capacity to support the development of ~~10%~~per cent of the site’s total residential yield as affordable housing dwellings, to a registered housing agency at nil consideration for the Agency to develop and rent and/or sell completed dwellings to eligible households. An average ~~65m²~~square metres / unit is proposed to be used to calculate the amount of land to be provided; or
 - ~~6%~~per cent of dwellings provided at ~~30%~~per cent discount to a registered housing agency; or
 - Translation of the value that would otherwise be provided by the landowner under option (2), to:
 - Provision of land or dwellings at nil consideration to a registered housing agency;
 - Provision of land or dwellings at a discount to market value to a registered housing agency;
 - Long-term leasing of dwellings to eligible households at a discount to market rent, overseen by a registered housing agency; and/or
 - Any other model as agreed by the responsible authority
 - If option 3 is pursued:
 - The value of the Affordable Housing Contribution is to be calculated by reference to the dwellings that are agreed to be sold at a discount as agreed with a registered housing agency, or the median unit value in the development as determined by an independent and qualified valuer; and

- The term of use and discount is to be determined with regards to the Net Present Value of the Contribution and the number of dwellings to be facilitated.
- The Section 173 Agreement should subsequently set out further details including:
 - Dwelling mix;
 - Term of use;
 - Timeframes for delivering the obligation;
 - How the delivery model will result in dwellings that are appropriate for eligible households with regards to each of the matters under the Act.
- [The cost of preparing and lodging the agreement, including any registration fees, must be paid for in full by the owner/s.](#)

Drainage Strategy

Unless otherwise agreed to by the responsible authority and the relevant drainage authority, a permit must not be granted to subdivide land until a Drainage Strategy for all land within precincts 1 and 2 has been prepared to the satisfaction of the responsible authority and the relevant drainage authority.

The Drainage Strategy must ensure that development of both precincts 1 and 2 can meet the following requirements:

- No increase in flooding either upstream or downstream of the development site for the [1%~~-per cent~~](#) AEP storm event taking into account predicted climate change to the year 2100.
- All buildings and basements must achieve finished floor levels or entry ramps at the Nominated Flood Protection Level (NFPL) as determined by the relevant drainage authority.
- Any overland flow of stormwater within internal roadways or reserves meet the relevant drainage authority's floodway safety criteria.
- Any overland flow of stormwater is fully contained within internal roadways or reserves.
- Stormwater run-off generated from new development must not exceed the stormwater run-off from the existing on-site uses and the flood storage capacity of the relevant flood plain.
- The internal drainage network must have capacity for the [20%~~-per cent~~](#) AEP-(1 in 5yr ARI) storm event.
- Implement a precincts-wide approach to flood storage to mitigate the impacts of the development outcomes proposed within precincts 1 and 2 on the wider flood plain. This could be achieved through a single asset or a combination of assets, the specific obligation to be confirmed by the responsible authority at the time of development.
- The design and layout of roads, road reserves and public open space to allow for appropriate stormwater quality treatment assets to meet the specific obligations of development within precincts 1 and 2. This could be achieved through a single asset or a combination of assets, the specific obligation to be confirmed by the responsible authority at the time of development.
- The application of Australian best practice to manage stormwater runoff, sediment and erosion during construction.
- The application of Australian best practice to achieve water sensitive urban design (WSUD) and potable water conservation objectives.
- Stormwater harvesting for internal and external reuse, where practical.

To demonstrate the effectiveness of the proposed stormwater drainage quality treatment in meeting the water quality objectives, the Drainage Strategy must be supported by appropriate stormwater quality modelling such as the *Model for Urban Stormwater Improvement Conceptualisation (MUSIC)* or for small, low-risk developments, *Stormwater Treatment Objective – Relative*

Measure (STORM), to the satisfaction of the responsible authority and the relevant drainage authority.

The Drainage Strategy may be implemented in stages and may be amended to the satisfaction of the responsible authority and the relevant drainage authority.

This requirement does not apply:

- if a drainage strategy has been prepared to the satisfaction of the responsible authority and the relevant drainage authority as the result of a buildings and works permit pursuant to Clause 37.08-5 and under this schedule; or
- to applications for subdivisions which do not adversely impact on the drainage and storage capacity to the satisfaction of the responsible authority and the relevant drainage authority.

4.4 Design and development

A permit must not be granted to vary a requirement within this schedule. All requirements in this schedule are mandatory. Guidelines in this schedule are discretionary and should be met.

The following design and development requirements and guidelines apply to an application to construct a building or construct or carry out works.

General built form guidelines

Committee note: review guidelines in the context of a retained market

- Avoid unreasonable visual bulk when viewed from the footpaths, streets, laneways and open space within the site by ensuring appropriate human scale, form and articulation
- Use high quality materials for all public realm infrastructure which is designed for function, amenity, longevity and ease of maintenance.
- Design and integrate ground floor services into service cabinets, or relocate those services to another level where possible, to minimise impacts on the public realm.
- Locate service cabinets within loading, waste or parking areas to minimise impact on building entries and the public realm.
- Activate podium rooftops as accessible spaces offering amenity and landscape.
- All new built form should respect, and provide a sensitive transition to, heritage fabric on the site as well as nearby heritage places.
- Upper levels of buildings should be highly articulated and visually distinctive.
- Orient large buildings and detail building facades to minimise adverse wind effects on streets and public spaces.

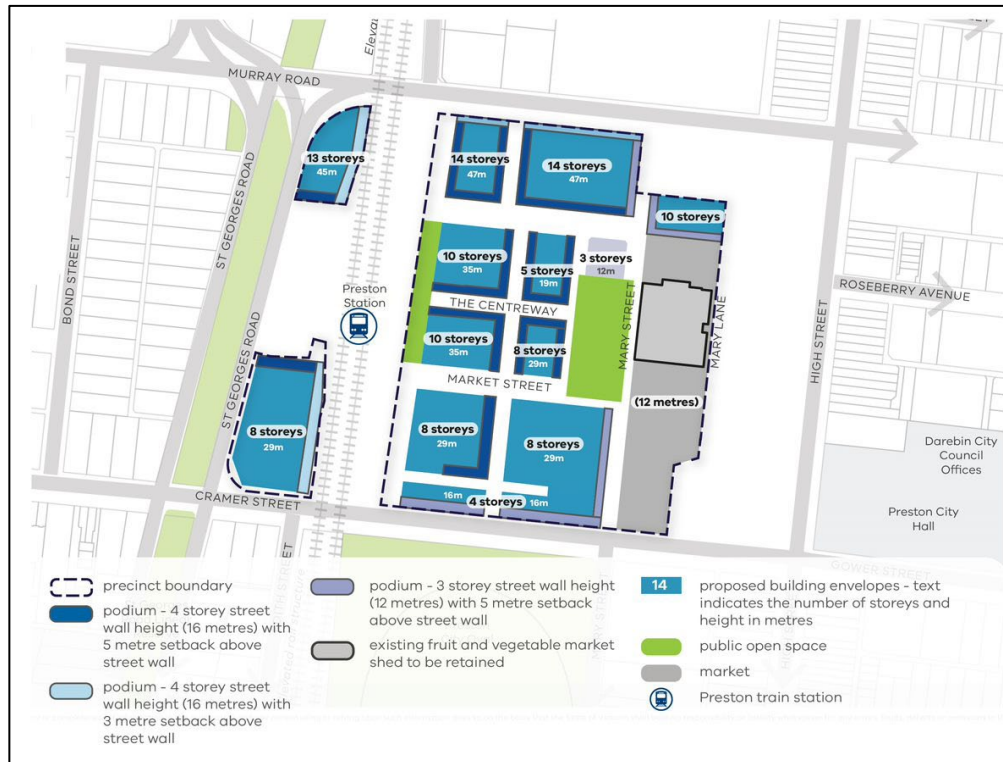
Building height guidelines

- Buildings heights should not exceed the maximum measurements shown on Plan 1 of this Schedule.

Plan 1: Mandatory maximum street wall heights and preferred maximum building heights and discretionary upper level setbacks

Committee note: Replace Plan 1 with an amended Plan that provides for a retained market and amended urban structure

~~Plan 1: Mandatory maximum building and street wall heights and discretionary upper level setbacks~~



Building and Street wall height requirements

- Buildings and Street wall heights must not exceed the maximum measurements shown on Plan 1 of this Schedule.
- ~~Buildings along Cramer Street must be setback a minimum of 4m.~~

Building height guidelines

- Encourage development at a variety of scales and forms that correspond with the precinct’s strategic role within the Preston High Street Activity Centre and surrounding land.
- Focus taller buildings in the north of the precinct toward Murray Road, to minimise overshadowing to Cramer Street and avoid overshadowing Preston City Oval.

Building setback requirements

- Buildings along Cramer Street must be setback a minimum of 4 metres.
- Buildings along Murray Road should be setback to achieve a footpath width of 6 metres.

Street wall height and setback guidelines

- Street wall heights should:
 - Deliver a human scale street.
 - Deliver an appropriate street enclosure having regard to the width of the street, with lower street walls located on narrower streets.
- Setbacks above street walls should not exceed the maximum measurements shown on Plan 1 of this Schedule:
 - Deliver acceptable wind conditions in the public realm.
 - Allow for views to the sky from the street or laneway.

- Minimise the visual bulk of upper floors when viewed from streets and laneways.

Building separation guidelines

- Building facades above street wall height should be separated from adjacent buildings:
 - 20 metres, or a minimum of 10 metres if access to reasonable amenity and privacy outcomes can be demonstrated for residential buildings.
 - 10 metres for non-residential buildings.
 - Achieve visual privacy by building separation rather than screening to preserve outlook.

Building adaptability requirements

- Provide a minimum 4.5 metres floor to floor height at ground floor.
- Provide a minimum 3.8 metres floor to floor height for floors above ground, within the podium height.
- Any above-ground storeys containing car parking must be at least 3.1 metres floor to floor height.

Building adaptability guidelines

- Incorporate flexible and adaptable internal layouts that have the potential for a mix of uses, variations in apartment size and type, and for different purposes over time, as the needs of the community and economy change.

Overshadowing requirements for public open space

- Development must not overshadow:
 - more than 50 per~~cent~~ per cent of the public open space within the precinct located along Mary Street between the hours of 11am and 2pm on 21 June.
 - Any part of the Preston City Oval (playing surface and surrounding open spaces) between the hours of 11am and 2pm on 21 June.
 - [Areas of the public open space north of the Preston City Oval playing surface to the southern edge of the inner footpath and south side of Cramer Street \(including the barbeque/picnic area in the north-eastern corner\) between the hours of 11am and 2pm on 21 June.](#)

Active frontages guidelines

- Design buildings and articulate streetscapes to provide active ground floor interfaces and passive surveillance to streets, pedestrian connections, and public open spaces as per the 'Land use and activation plan' in the Preston Market Precinct Structure Plan, ## 2022.
- Minimise vehicle access points, service areas and loading zones on main streets.
- Encourage the provision of an appropriate area/s for large-format mural/s at ground level on or in proximity to the market use.

Circulation, transport and parking requirements

- Primary vehicle connection access street must be a minimum width of 16 metres.
- Bicycle parking rates listed in the table below are the minimum that must be provided in association with a new use:

| Use | Typology | Rate | Measure |
|-----------------|----------------------|------|--------------------------------------|
| Dwelling | Studio and 1 bedroom | 1 | Space per dwelling |
| | 2+ bedrooms | 1 | Space per dwelling |
| Office | Employee | 1 | Space per 200sqm of gross floor area |
| | Visitor | 1 | Space per 500sqm over 1000sqm |
| Retail premises | Employee | 1 | Space per 300sqm of gross floor area |
| | Visitor | 1 | Space per 500sqm over 1000sqm |
| Other | | | Per clause 52.34 |

- All buildings that provide on-site car parking must provide motorcycle parking for the use of occupants and visitors, at a minimum rate of one motorcycle parking space for every 100 car parking spaces, unless the responsible authority is satisfied that a lesser number is sufficient.

Circulation, transport and parking guidelines

- Pedestrian connections should be a minimum width of 10 metres.
- Design spaces and streets in the precinct with walking and cycling priority, followed by vehicles.
- Integrate the precinct with existing cycling networks on Cramer Street and St Georges Road and proposed pedestrian and cycling paths along the rail line.
- Discourage through-traffic by limiting the amount of direct north-south connectivity between Cramer Street and Murray Road.
- Car parking should be located below the ground floor. Where this is not possible or practical, parking should be within buildings or sleeved by residential, commercial or other appropriate land uses when located above ground.
- Vehicle movement should be limited to primary vehicle access streets and service vehicle access streets.

Public open space requirements

- Public open space adjacent to Preston Railway Station must have a minimum width of 12 [metres](#) and length of 90 [metres](#).
- Public open space located along Mary Street must have a minimum width of 35 [metres](#) and length of 78 [metres](#).

Standard of open space on transfer to municipal council [requirement](#)

All public open space which is to be provided to the Darebin City Council must be designed and finished to a standard that satisfies the reasonable requirements of Council before the public open space is transferred to Council, including the following:

- Landscaping and / or park furniture
- Provision of lighting
- Levelled, topsoiled and landscaped
- Clearing of rubbish, environmental weeds and rocks
- Removal or all existing, disused structures, foundations, pipelines and stockpiles
- Provision of water tapping, potable, and where available recycled water connection point.
- Services connection points. Sewer, gas and electricity connection points

Heritage and interpretation guidelines

Committee note: review guidelines in the context of a retained market

- The reconfiguration of the market buildings should be generally in accordance with the incorporated Heritage Design Guidelines, GJM Heritage, [X date].
- The redevelopment of the precinct should provide for public interpretation of the history of the site and the community values of the market generally in accordance with the Preston Market Heritage Interpretation Strategy, July 2020 Lookear.
- Any new street wall to Mary Lane should reference the historic tilt-slab construction of the original market buildings;
- Where practicable, building materials from demolished elements of the market buildings should be salvaged and reused in new buildings on the site;
- The Centreway's alignment should be interpreted in the landscape treatment within the proposed public open space and continue through to the axis of the thoroughfare of the retained fruit & vegetable sheds.

Environmentally Sustainable Design requirements

- Applications for new buildings must demonstrate how a Green Star Buildings 5 star rating will be achieved.
- An application for residential development must demonstrate how it will achieve an average 0.5 Stars above the prevailing National Construction Code minimum NatHERS requirement for each building.
- A minimum of 25% ~~per cent~~ of bicycle parking spaces within individual buildings must have electric charging points accessible to residents and traders.
- [Development must provide separate waste residential, commercial and public collection infrastructure.](#)

Environmentally Sustainable Design guidelines

- [Development should provide for the use of alternatives to gas.](#)
- [All lighting, including street lighting, within the precinct, should be LED or solar.](#)

5.0 Precinct provisions

Committee note: review entire clause including mapping, objectives, guidelines and requirements in the context of a retained market.

5.1 Precinct 1 and Precinct 2 'mixed-use above market'

5.1-1 Precinct Map



5.1-2 Precinct objectives

- Consolidate the market within the eastern portion of the wider Preston Market Precinct, including, as a minimum, the retention of the existing, fruit and vegetable sheds.
- Foster the continuation and growth of a market based on small-scale and diverse retail and food and drink uses, grouped by retail type.
- Celebrate the heritage and cultural significance, unique identity and character of the existing market through the sensitive design, layout and activation of new or relocated market buildings.
- Ensure that the characteristics of the existing market streets are retained and reflected in the function of the new market streets.
- Support a vibrant market with generous and inclusive, high amenity open spaces, streets and walkways that allow for extensive social interaction and are well used as informal meeting places.
- Ensure the design of the market is a celebrated feature in the redevelopment of the wider Preston Market Precinct.

5.1-3 Precinct requirements

- Deliver a market with trading areas and public spaces at a minimum of 12,700 square metres gross floor area.
- Ensure that similar sized market stalls, aisle widths, scale and proportions are maintained, and the dedicated block typology of the existing market is reflected in the new market building.
- Reuse/repurpose salvaged space frame construction material from existing market buildings as part of the new market building's construction.
- Provide a forecourt at the new market building's primary Cramer Street frontage, to enhance the entry and arrival experience and to provide flexibility for additional temporary outdoor market space and other civic functions.
- Provide access to the market's loading/unloading and servicing areas via Mary Lane, which will be the primary service vehicle access for the precinct.

5.1-3 Precinct guidelines

- Ensure new market buildings provide an innovative and original design response to the heritage values of the existing market.
- Incorporate awnings or other weather protection measures for building entries and abutting pedestrian walkways.
- Design pedestrian areas and thoroughfares to maximise natural light, fresh air flow and a sense of space.
- Encourage the integration of interesting and innovative art that tells interpretive stories from the Preston Market's history.
- Allow for the opportunity to extend market activities outside of the market building and into surrounding open spaces.
- Encourage the retention or reinstatement of original signage formats within the market buildings.
- Provide clearly identifiable points of entry to the market buildings, with visual connections to Murray Road and Preston Station.
- Encourage the restoration of original scale and market-stall fabric including the removal of paint from highlight windows.
- Encourage the restoration of original tilt-slab finishes and the reinstatement of original decorative motifs.
- Deliver appropriate development staging to allow continuity of market trade throughout the redevelopment of the precinct and to support the viability of business for stall holders.
- Provide the new market with active edges and high pedestrian permeability, where compatible with retained spaceframe and tilt panel concrete elements.
- Facilitate improved loading, storage and waste management, and convenient car and bicycle parking for market workers and visitors.

6.0 Application requirements

The following application requirements apply to an application for a permit under Clause 37.08, in addition to those specified in Clause 37.08 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- A design response including how the development responds to the objectives, requirements and guidelines set out in this schedule and in the Preston Market Precinct Structure Plan, April 2022 and the physical surrounds and adjacent land uses.
- The location, dimensions (showing relevant levels to AHD and overshadowing impacts), internal layout and use of proposed buildings and works.

- A plan showing the location of current and proposed easements for public access.
- Elevations detailing façade articulation, and indicative concepts for external materials, colours and finishes.
- For applications with mixed use, retail, and/or commercial 1:50 scale elevation drawings of the primary, ground floor (street level) façade, accompanied by a detailed materials schedule.
- A Landscape and Urban Design Concept Plan for all publicly accessible spaces and pedestrian walkways detailing:
 - the location and indicative concepts for landscaped areas;
 - street trees;
 - public lighting;
 - signs;
 - ESD and water conservation elements;
 - furniture;
 - waste bins;
 - how public spaces have been designed to allow access for all ages; and
 - public art.
- The location of screening of existing and proposed services including plant equipment, air conditioning, restaurant kitchen exhaust flues, and lighting.
- Any application to use land must be accompanied by the following information:
 - The purpose of the use and the types of activities to be carried out.
 - The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and dispatch of goods and materials, hours of operation and light spill and glare.
- An assessment of how the development contributes to the residential density target of approximately 1,200 dwellings.
- An assessment of how the development contributes to the retail, entertainment, and other commercial floorspace target of approximately 27,500 square metres.
- An assessment of how the development contributes to the office floorspace target of approximately 5,000 square metres.
- A retail risk analysis identifying how any new retail will complement and integrate with the existing retail of High Street and the Preston Market, and not compete and/or detract from them.
- For all applications over three storeys in height, modelling which shows:
 - The potential overshadowing impact of the development on the open space of adjoining properties and within the proposed development; and how the development design minimises impacts and ensures maximum solar access internally for dwellings, to neighbouring properties and the public realm.
 - The potential impact of overshadowing from the development on the playing surface of the Preston City Oval.
- How the design (including building height and setbacks) contributes to the public realm of the activity centre whilst having regard to the adverse effects of visual bulk.
- A certified Green Star Buildings Assessment that confirms the development will achieve a 5 Star rating, and a certified average NatHERS accreditation of 0.5 Stars above the current National Construction Code requirement.
- Applications for new buildings must include a Green Star Buildings pathway inclusive of 2 points for credit 36 (Biodiversity Enhancement) consistent with achieving a 5 star rating certified by Green Building Council Australia.

- Applications for residential development must include a report demonstrating how the development will achieve NatHERS average (whole building) ratings 0.5 stars above the prevailing National Construction Code minimum requirement.
- A Transport and Parking Report which includes details on:
 - Existing traffic conditions
 - Anticipated traffic generation and distribution because of the proposal
 - Pedestrian and vehicle (including bicycle and motorcycle) access points into, around and through the site, including disability access.
 - Proposed circulation of street network, including designation of street hierarchy.
 - The location of, and access to, public transport and bicycle routes and facilities relative to the proposed buildings and works, access to them and where appropriate, proposed user facilities.
 - Details of bicycle and vehicle parking and loading, including location and access for waste recycling, storage and removal.
 - Details of the provision of car-share spaces throughout the precinct.
 - Location, design and operation details of loading and unloading facilities including management arrangements, hours of access and circulation of vehicles ensuring conflict between loading bays, car park areas and non-motorised transport is minimised.
 - Electric vehicle infrastructure for long term car spaces, demonstrating:
 - An appropriate number of EV Enabled car spaces (car spaces that have all infrastructure including Electric Vehicle Supply Equipment to support Electric Vehicle charging) supported by a demand assessment prepared by a suitably qualified professional
 - 100 ~~%~~ per cent EV Ready (car spaces that have all necessary conduit, electrical capacity, and associated infrastructure and physical space installed to accept a future Electric Vehicle Supply Equipment installation for Electric Vehicle charging)
 - Measures to ensure that travel and transport activity generated by the site has a reduced ecological footprint, including how this aspect of the Green Star accreditation will be addressed.
 - Proposals for managing and enforcing all parking on the site to ensure maximum efficiency and availability, especially at times of high demand.
 - Measures to protect and enhance Cramer Street’s designed role as a ‘people street’ and Murray Road’s role as a ‘movement street’ in line with Council policy.
 - Clear indications of expected or targeted travel demand for public and active transport modes, and assessment of access provisions and how they will be designed to handle projected demands
 - A ‘green travel plan’ for the developed precinct, containing measures to promote and encourage sustainable travel choices amongst owners, tenants and users.
 - Details of how public and tenant access will be catered for during development and construction, especially considering how Preston Market activities and supporting access and parking arrangements will be maintained, for all modes of transport.
- A Development Staging Plan which identifies the staging and anticipated timing of the development of the land and provides for market continuity, specifically:
 - ~~How the Preston Market will form part of the early stages of development, including the provision of sufficient car parking for the market use~~
 - The proposed sequencing of development;
 - Vehicle access points, road infrastructure works and traffic management for each stage of development, including interim and ultimate treatments;
 - Interface / access treatments;

- The treatment of areas not required for immediate use; and
- ~~How car parking will be provided to allow flexibility, at or below maximum car parking rates for the precinct.~~
- How appropriate customer access and parking arrangements will be provided and maintained to the market and through the precinct
- Measures to minimise trader disruption including periods of non-trading
- Alternative arrangements for waste management and loading.
- A Public Infrastructure Plan, which shows the location, type, staging and timing of infrastructure on the land as identified in the Preston Market Precinct Development Contributions Plan, **May 2021** or as reasonably required as a result of the development of the land and which addresses the following:
 - Stormwater drainage and water quality works;
 - Road works internal or external to the land consistent with any relevant traffic report or assessment;
 - The reserving or encumbrance of land for infrastructure, including for public open space and community facilities;
 - Any infrastructure works which an applicant proposes to provide in lieu of development contributions in accordance with the Preston Market Precinct Development Contributions Plan, **May 2021**;
 - The effects of the provision of infrastructure on the land or any other land;
 - Any other relevant matter related to the provision of infrastructure reasonably as required by the responsible authority.
- ~~An application for development must be accompanied by a Market Continuity and Transition Plan which sets out:~~
 - ~~How the market can continue to trade whilst works are underway.~~
 - ~~What support will be provided to traders during and immediately after development including in relation to:~~
 - ~~The minimisation of periods of non trading;~~
 - ~~The movement of stalls when the market is migrated;~~
 - ~~How satisfactory customer access and parking arrangements will be provided and maintained through all phases of development~~
 - ~~How satisfactory customer access and parking arrangements will be provided and maintained through all phases of development.~~
 - ~~How the reconfigured market will provide for:~~
 - ~~A similar number of stallholders to the existing market;~~
 - ~~A similar range of stall sizes to the existing market;~~
 - ~~A similar range of stall typologies to the existing market (ie fruit and vegetable; meat/poultry/seafood; deli; food and beverage; variety; licence/kiosk);~~
 - ~~Similar groupings of stall typologies to the existing market, in blocks;~~
 - ~~Wide pedestrian thoroughfares and aisles;~~
 - ~~Public seating areas that are similar to the existing market, including provision along Mary Street and internal to the market;~~
 - ~~A number of key pedestrian intersections which create axial focal points within the market;~~
 - ~~Activation with Mary Street and the central public open space to the west of the reconfigured market;~~
 - ~~Opportunity for stallholders to keep or create their own individual signage; and~~
 - ~~An ambience in terms of building design, materials and finishes, which seeks to ensure the continuation of an open air market character.~~

~~An explanation of how a Place Management Approach will be implemented in relation to the market transition, and which will include measures to carry across the social, cultural and welcoming values of the existing market into the reconfigured market.~~

- An application for development within the extent of the HO315 must be accompanied by a Heritage Impact Statement, to be prepared by a suitably qualified specialist, which considers the proposed works and development against the relevant heritage provisions of the scheme, including the Statement of Significance and Heritage Design Guidelines specified in the schedule to clause 43.01.
- An application for development must be accompanied by a Heritage Interpretation Plan which is generally consistent with the Preston Market Heritage Interpretation Strategy (July 2020 Lookear) specified in the schedule to clause 72.08.
- An application for use or development for accommodation, child-care, or place of assembly above or immediately adjoining the market must be accompanied by an Acoustic Assessment prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:
 - Includes recommendations for noise attenuation measures designed to ensure that:
 - internal noise levels in bedrooms are not greater than 35 dB LAeq, 8h when measured between 10 pm and 6 am.
 - internal noise levels in living areas are not greater than 40 dB LAeq, 16h when measured between 6 am and 10 pm.
 - For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).
 - Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives.
 - Includes additional considerations, where relevant, to address:
 - potential noise character (tonality, impulsiveness or intermittency);
 - noise with high energy in the low frequency range; and
 - transient or variable noise.
- An application for use or development for accommodation, child-care, or place of assembly within 80 metres from the centre of the nearest track associated with the Mernda Rail Line or that is adjacent to a Transport Zone 2 must be accompanied by a Noise, Vibration Report prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority which:
 - Include recommendations for noise attenuation measures designed to ensure that:
 - internal noise levels in bedrooms are not greater than 35 dB LAeq, 8h when measured between 10 pm and 6 am.
 - internal noise levels in living areas are not greater than 40 dB LAeq, 16h when measured between 6 am and 10 pm.
 - For areas other than sleeping and living areas, the median value of the range of recommended design sound levels of Australian Standard AS/NZ 2107:2016 (Acoustics – Recommended design sound level and reverberation times for building interiors).
 - Includes recommendations for any noise attenuation measures required to meet the applicable noise level objectives.
- A Wind Assessment Report which addresses (but is not limited to) the following:
 - Short term stationary wind exposure for any proposed outdoor food and drink premises and new public open space;
 - Short term wind exposure for street frontages and trafficable areas used as a thoroughfare;

- Design measures to minimise the effect of wind to streets and public open spaces to ensure that adverse wind effects over and above the conditions that are currently experienced at present are not created, such as landscaping with rows of hedges/trees, artwork/sculptures, solid canopies, building massing, recessed corners.

▪ **Committee note: Include a requirement for a Construction Management Plan**

- A Waste and Recycling Management Plan which demonstrates, as appropriate:
 - Strategies for waste minimisation during the construction phase and once construction is complete.
 - Likely waste generation by users of the building (including the market)
 - Provision and allocation of bins for garbage, recycling, green waste, e-waste etc.
 - The location and dimensions of bin storage areas, chutes etc., including access points for collection.
 - The proposed method and frequency of waste and recycling collection.
 - Provision of signage to ensure that waste is disposed of correctly and that contamination is minimised.
 - Opportunities to minimise, reuse and recycle waste on site.
- An application to ~~develop or~~ subdivide land for residential purposes must demonstrate how it is providing affordable housing in accordance with the Affordable Housing section 173 agreement required under this Schedule.

7.0 Notice and review

~~None specified.~~

Committee note: Amend to include notice and review provisions where building height guidelines are exceeded

8.0 Decision guidelines

The following decision guidelines apply to an application, in addition to those specified in Clause 37.08-9 and elsewhere in the scheme. The decision guidelines must be considered, as appropriate, by the responsible authority:

General

- The objectives and strategies in the Preston Market Precinct Structure Plan **## 2022.**
- The way the development activates street frontages and addresses public spaces, open space areas of the Preston Railway Station and Mernda rail corridor.
- The likely impacts of the proposal on the ongoing operation of the market.
- The extent to which the development prioritises walking, cycling and public transport use and ensures that car parking is well designed and does not dominate streetscapes.

Subdivision

- Whether the subdivision of existing sites is associated with a development proposal.
- Whether the consolidation of land will facilitate the creation of a viable development site.

Uses other than dwelling and residential building

- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.

Dwelling and residential building uses

- Whether the use undermines the employment and economic development opportunities of the area.
- Whether the dwelling or residential building is designed to effectively mitigate noise, odour, vibration and other associated amenity impacts from non-residential uses (including the market).

9.0 Signs

None specified.

10.0 Other provisions of the scheme

None specified

11.0 Reference documents

Preston Market Precinct Structure Plan (Victorian Planning Authority, ## 2022)

Preston Market Heritage Interpretation Strategy (Lookear, 2020)

[Preston Market Identity Study \(Hello City, 2019\)](#)

Appendix I Committee's preferred version of the Parking Overlay Schedule (PO2)

SCHEDULE 2 TO CLAUSE 45.09 PARKING OVERLAY

Shown on the planning scheme map as **PO2**.

PRESTON MARKET PRECINCT

1.0 Parking objectives to be achieved

- To encourage a modal shift to public and active transport, prioritising walking, cycling and public transport.
- To suppress private car travel to the precinct.
- To encourage the shared use of short-term, public parking areas.
- To minimise the impacts of car parking and vehicle access on the public realm and transport system.
- To provide for the future adaptation of car parking areas to other uses and innovations in transport technology and practice.

2.0 Permit requirement

A permit is required to provide more than the maximum parking provision specified for a use in Table 1 to this schedule.

3.0 Number of car parking spaces required

For uses not listed in Table 1 below, the *Rate* in Column B of Table 1 in Clause 52.06-5 applies as a maximum rate.

Car parking rates listed in Table 1 below are maximum rates.

Table 1: Car parking spaces

| Use | Rate | Measure |
|-------------------------------------|------------------------|------------------------------------------|
| Dwelling | 1 0-5 space | to each 1 bedroom dwelling for residents |
| | 1 0-8 space | to each 2 bedroom dwelling for residents |
| | 2 4 spaces | to each 3 bedroom dwelling for residents |
| Office | 1 space | per 100sqm of leasable floor area |
| Market | 3.5 spaces | per 100sqm of leasable floor area |
| <u>Supermarket</u> | <u>3.5 spaces</u> | <u>per 100sqm of leasable floor area</u> |
| Retail premises (other than Market) | 3.5 spaces | per 100sqm of leasable floor area |

4.0 Application requirements and decision guidelines for permit applications

Application requirements

The following application requirements apply to an application for a permit under Clause 45.09, in addition to those specified in Clause 45.09 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

A report that demonstrates:

- How the provision of car parking above the maximum rates achieves each of the objectives of the Overlay.
- The number of car parking spaces proposed, including the number of car share, disabled car parking spaces and loading spaces provided on the site.
- The proposed allocation of car parking to uses, the proposed ownership structure and any details of car parking that is to be available for shared use.
- Where relevant, any provision of car parking that relates to other stages of development and is intended to serve a catchment beyond the building in which it is located.
- Where shared car parking is proposed, details of its ownership structure, proposed opening hours, access arrangements and uses and users that will rely on this parking.
- The adaptability of the car parking to other land uses.

How the car parking provision aligns with the Development Staging Plan, which considers the staged and cumulative provision of car parking for the Precinct, assessed against the target maximum car parking target rates within the Preston Market Precinct – Parking Overlay: Assessment of Car Parking Provision Rates, Ratio Consultants (April 2022)

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 45.09, in addition to those specified in Clause 45.09 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- Whether the objectives of the Overlay are met.
- The particular use of the land and the need for car parking.
- Where shared car parking is proposed, whether:
 - It serves a catchment beyond the building in which it is located, which may include other development stages,
 - its ownership structure, proposed opening hours, access arrangements are conducive to shared use by a range of uses/users to maximise its efficiency.
- Whether car parking is being provided to serve other stages of development.
- The extent to which the car parking could be adapted to allow for other uses in the future.
- Whether the car parking spaces are being provided as [accessible disabled persons](#) spaces, car share or spaces used for loading.
- The impact on the broader transport network of providing additional car parking above the maximum car parking rates.
- The impact of the proposed car parking rates on local amenity, including amenity for pedestrians and cyclists and on the creation of a high quality public realm.
- Alignment of car parking provision with the Development Staging Plan that considers the staged and cumulative provision of car parking for the Precinct, assessed against the target maximum car parking target rates within the Preston Market Precinct – Parking Overlay: Assessment of Car Parking Provision Rates, Ratio Consultants (April 2022)
- The provision of sufficient car parking for the relocated market during the early stages of development, including consideration given to providing car parking above the maximum rate (prior to future shared car parking arrangements for the precinct being delivered in subsequent stages of development).

- The impacts of the proposed car parking rates on creating sustainable transport patterns that preference walking, cycling and public transport use.
- The impact on the transport network of providing car parking in excess of the maximum rate.
- The impact of the proposed car parking rates on local amenity, including amenity for pedestrians and cyclists and on the creation of a high quality public realm.
- The impact of the number, width, location and design of new vehicular access points on the safety and quality of the pedestrian environment, pedestrian amenity and kerbside space for outdoor seating areas.
- The number and type of dwellings proposed, including the proportion of dwellings that contain three or more bedrooms.
- Any mechanisms proposed to manage the use of parking spaces.

5.0 Financial contribution requirement

None specified.

6.0 Requirements for a car parking plan

In addition to the requirements of Clause 52.06-8, a car parking plan must contain the following:

- Details of any car parking spaces that are proposed to be made available for shared use.
- Details of any car share, electric vehicle charging, bicycle, motorcycle, [accessible](#) ~~disabled~~ and loading car parking spaces.

7.0 Design standards for car parking

- Any shared car parking areas for non-residential uses should:
 - Be publicly accessible.
 - Allow for extended hours of use to cater for uses and users within the precinct.
- The location of vehicle accessways, crossovers and carpark entries should minimise the impacts on the pedestrian and cycling network.
- The location and design of car share bays should be:
 - Accessible at [all times](#) ~~24 hours, 7 days a week~~ for users.
 - Convenient to the carpark entry.
 - Well-lit and convenient to an entry point, lift or staircase.
- Above ground car parking should provide for future adaptation of car parking areas to other uses and innovations in transport technology and practice.

8.0 Decision guidelines for car parking plans

None specified.

9.0 Background document

Preston Market Precinct – Parking Overlay: Assessment of Car Parking Provision Rates, Ratio Consultants (April 2022)

Preston Market Precinct Structure Plan (Victorian Planning Authority, [## 2022](#))