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Draft Amendment C182dare to the Darebin Planning Scheme

Preston Market Precinct

Summary position statement on behalf of Darebin City Council

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1. Introduction

1. This summary position statement for Darebin City Council (**Council**) relates to draft Amendment C182dare (**Amendment**) to the Darebin Planning Scheme (**Scheme**) and responds to Direction 8 of the Standing Advisory Committee's directions dated 19 May 2022.
2. Council lodged a submission with the Victorian Planning Authority (**VPA**) in response to the exhibited Amendment on 13 July 2021. This summary position statement provides Council's position in relation to the Amendment, as updated through the documents filed by the VPA in March and April 2022. A reference to the Preston Market Precinct Structure Plan (**Structure Plan**) and Activity Centre Zone – Schedule 1 (**ACZ1**) in this document means to the April 2022 version of these documents, being the latest set provided by the VPA.
3. Council's key objective is to retain and protect the existing market.
4. The Structure Plan and Amendment documents continue to be based on a framework which provides for 84% of the market to be demolished. The Amendment documents should be updated to retain all the areas of heritage significance in the existing market in situ, with redevelopment opportunities to occur in the Preston Market Precinct (**Precinct**) surrounding the market.
5. Council supports the proposed reduction in the scale and intensity of development in the Precinct proposed in the Structure Plan and ACZ1.
6. The proposed residential yield in the Precinct (including 1,200 dwellings) under the Structure Plan can be accommodated within the area surrounding the market, without the need for the existing market to be demolished or removed.
7. Council has prepared a package of plans based on an alternate framework to achieve its preferred outcome (**Alternate Plan**). The Alternate Plan is found as an attachment to this document (**Attachment A**).
8. Council will expand upon this Alternate Plan through evidence and submissions at the hearing.
9. Additionally, Council maintains issues with the technical aspects of the Amendment documents, which are summarised below.

2. Council's Alternate Plan

10. Council opposes the VPA's framework for development of the Precinct which underpins the Amendment documents that results in demolition of 84% of the existing market.
11. The Amendment should be based on a framework which retains all areas of the market identified with heritage significance and provide for redevelopment in areas within the Precinct surrounding the market to achieve the target yield set out in the Structure Plan. Council considers retention of the existing market is critical to retaining the heritage significance and identity of the market. Further, it would allow for the continued operation of the market throughout the development of the Precinct and into the future ensuring its viability and status as the heart of Preston.
12. The following plans which are included in the Structure Plan have been updated in accordance with Council's proposal for an alternate framework that retains the market:
 - 12.1 Precinct Map and Existing Conditions (replaces Figure 2 of the Structure Plan);
 - 12.2 Framework Plan (replaces Figure 4 of Structure Plan);
 - 12.3 Land Use and Activation Plan (replaces Figure 5 of the Structure Plan);
 - 12.4 Built Form and Design - Heights Plan (replaces Figure 6 of the Structure Plan);
 - 12.5 Built Form and Design – FAR Plan (additional plan);
 - 12.6 Access, Movement and Carparking Plan (replaces Figure 7 of the Structure Plan).
13. These plans provide for:
 - 13.1 retention of the existing market (13,600 sqm gross floor area), including the existing back of house area;
 - 13.2 redevelopment of the precinct surrounding the existing market to accommodate the following yield (which is consistent with the yield proposed in the Structure Plan):
 - (a) 1,200 dwellings;
 - (b) 5,000 sqm office space;
 - (c) 27,500 sqm of gross floor area retail, entertainment and other commercial floor space;

- 13.3 large pooled basement carparking to the north and south of the existing market.

- ### 3. Heritage

15. The proposed demolition of the market will have an unacceptable impact on the market's heritage significance.
16. The VPA's Structure Plan does not address Council's concern that the heritage significance of the market will be lost under the controls proposed by the Amendment. The 2022 updates to the Amendment mainly address the way heritage is interpreted after demolition of the market and are therefore considered to be inconsequential.
17. The proposed Statement of Significance and Heritage Citation does not reflect the heritage significance of the market due to:
 - 17.1 the exclusion of Criterion E (aesthetic significance);
 - 17.2 the extent of the proposed curtilage of the Heritage Overlay which excludes areas as being of contributory significance;
 - 17.3 the assessment of integrity which provides that 'The fruit and vegetation section (16% of total market area) at the Mary Street end of the central walkway demonstrates the highest level of integrity to the original form of the spaceframe structure'. Council considers there to be no basis for this statement.

18. The Structure Plan and ACZ1 should be amended to:
 - 18.1 provide for the retention of the existing market;

- 18.2 include an application requirement for a Conservation Management Plan for the market to demonstrate how any proposed change to the market is possible without destroying the heritage fabric.
19. The Heritage Overlay should be amended to apply to the whole of the market, independent shops and 10m curtilage.
20. The proposed Statement of Significance should be amended to be consistent with the *Preston Market Heritage Citation and Statement of Significance* (RBA) April 2020.
21. The Heritage Design Guidelines should be amended to reflect the retention of the market.

4. Identity

Issues

22. The Structure Plan, the ACZ1 and heritage provisions do not sufficiently protect or consider the market's identity and the role it plays in the community. Centreway and the Strand have been reinstated in the updated layout but this does not support the role these streets play in relation to the identity or heritage significance of the market and the Precinct more broadly, as they will no longer be market streets.
23. The proposed north-south aligned development of the new market to the east of Mary Street provided for under the Structure Plan severely diminishes Preston Market's valued context, structure and layout that supports its social and cultural functions and dynamics.
24. The risks and complexities of redesigning and building the new market have been poorly understood and underestimated in the VPA plan. Insufficient provisions have been put in place to ensure that the new market in VPA's plans has significant prospects of successfully achieving the objectives outlined in Council's *Heart of Preston* vision document.
25. The best way forward to protect the identity of market is to preserve the market in situ, with the existing streets, easements, title boundaries and land use within the market.

Requested changes

26. The framework underpinning the Amendment must be fundamentally changed to retain the key subdivision and spatial layout of the market, including its current cruciform intersections in accordance with the Council's Alternate Plan.

5. Height, built form and shadowing

Residential Development Capacity and FAR

27. The Structure Plan and ACZ1 provide a yield of 1,200 dwellings for the Precinct. Council supports the yield of 1,200 dwellings as it will enable a more positive urban design outcome to be achieved within the Precinct.
28. Council's Alternate Plan has been informed by the proposed 1,200 dwelling yield. The Alternate Plan proposes the application of a mandatory maximum Residential Floor Area Ratio (**FAR**) as the most appropriate tool to manage design quality within the Precinct.

Discretionary/mandatory height controls

29. In principle, Council supports the reduced building heights proposed in the April 2022 Structure Plan and the ACZ1.
30. Council has revised its position on preferred maximum heights. Council's Alternate Plan proposes discretionary heights and a mandatory FAR control for the Precinct.
31. If mandatory FAR controls are implemented, discretionary building height controls are preferred to enable improved urban design outcomes.
32. If mandatory FAR controls are not implemented, then mandatory heights (in accordance with Council's alternate Built Form and Design - Heights Plan) must be implemented to ensure appropriate height and density for development of the Precinct.

Overshadowing

33. The overshadowing requirements at clause 4.4 of the ACZ1 do not go far enough to protect public open space, because:
 - 33.1 it provides for protection of Preston City Oval and 50% of new public open space based on a period of 11am to 2pm on 21 June. This range should be extended to 10am to 3pm on 21 June.
 - 33.2 it focuses on only the playing surface of Preston City Oval which has no rationale. There is more accessible open space fronting Cramer Street that must be protected from overshadowing.

Circulation and access

34. The inclusion of a loop road to the north of the Precinct and the additional pedestrian connections in the Structure Plan assists with activation and is supported in general, with the exception that the market is not retained centrally.
35. The servicing strategy for the market and the Precinct is unclear and may result in buildings needing to be served from their frontages. This is not supported as it is inconsistent with a preference for street activation and should be reviewed.

Character and building typology

36. The Structure Plan does not provide sufficient diversity of building typologies because the dominant typology is podium and tower buildings.
37. The ACZ1 should require that taller buildings are designed to be north south orientated and have maximum floorplates of 750sqm to ensure fast-moving shadows over the market rooftops.
38. The proposed building footprints in Figure 4 (Built Form and Design Plan) of the Structure Plan do not support sustainable and adaptable buildings which would meet the environmentally sustainable design requirements of the ACZ. The Structure Plan and ACZ1 should include a requirement for *maximum floor plate depths* to allow for the delivery of sustainable and adaptable buildings.

Parking in buildings

39. The objective in clause 2 of the ACZ1 to *encourage* carparking to be located underground is inadequate. Above-ground parking in a high-density environment is not supported and should be reflected in the ACZ1.
40. Car parking *must* be located underground (except for use as car park).

Requested changes

41. The Structure Plan and the ACZ1 should be updated to reflect Council's Alternate Plan. In particular:
 - 41.1 Retain the existing market (including market streets) with new development to its surrounds;
 - 41.2 Include mandatory FAR and discretionary height controls. Mandatory height provisions consistent with Council's alternate Built Form and Design -Heights Plan must be included the plan if the FAR approach is not supported.

- 41.3 Require the delivery of sustainable and adaptable buildings which are supported by a requirement for maximum floor plate depths.
- 41.4 Require carparking to be delivered underground to prevent poor urban design and streetscape activation outcomes. This should not include land used for a car park, so that there remains flexibility to provide standalone multi-deck carparking if needed (e.g. for station car parking on VicTrack land).
- 42. The ACZ1 should also be updated to:
 - 42.1 Amend Clause 4.4 (Mandatory requirements for public open space) to provide that development must not overshadow:
 - (a) more than 50% of the public open space within the precinct located along Mary Street between the hours of 10am and 3pm on 21 June.
 - (b) any of Preston City Oval (including open space between the Oval and Cramer Street) when measured between the hours of 10am and 3pm on 21 June;
 - 42.2 Require taller buildings to be designed to be north-south orientated and have maximum floor plates of 750 sqm;
 - 42.3 Require that parking *must* be located underground (except for use as car park);
 - 42.4 Provide a range of housing typologies including 4 storey apartment buildings, rather than just a dominant podium and tower building typology, to support housing diversity.
 - 42.5 Add the Built Form and Design Strategy B2 'Break the precinct into smaller blocks...' of the Structure Plan as a design guideline.
- 43. Further work should be undertaken to ensure the servicing of buildings can occur in a safe and functional manner without comprising street activation.

6. Housing diversity

Issues

- 44. The Structure Plan does not provide any guidance on dwelling diversity mix.

Requested changes

- ## 7. Environmentally Sustainable Development

46. Council seeks to establish the Precinct as a leader in environmentally sustainable development (**ESD**).
47. The Structure Plan and the ACZ1 address some of Council's concerns in its submission of July 2021, including the following strategies, objectives and application requirements:
 - 47.1 passive design principles;
 - 47.2 urban heat island mitigation through use of vegetation, pervious surfaces and light coloured construction materials;
 - 47.3 provision for car share schemes;
 - 47.4 minimum bicycle parking spaces with charging points; and
 - 47.5 best practice Water Sensitive Urban Design in the drainage strategy.
48. The inclusion of application requirements in the ACZ1 for EV enabled and EV ready infrastructure does not go far enough. All parking should provide for EV charging (as stated in Table 1).
49. A number of aspects from Council's July 2021 submission remain unresolved and require amendments to the Structure Plan and the ACZ1 to ensure that the Precinct is a leader in environmentally sustainable development, as shown in Table 1 below.

50. The Structure Plan and ACZ1 should be updated as set out in the following table:

Table 1 – Proposed ESD updates to Structure Plan and ACZ1

ESD requirement	Structure Plan change	ACZ1 change
Objective – To reduce the energy requirements of the precinct, contribute to a carbon positive society, use renewable energy and eliminate the use of fossil fuels		
Ensure the precinct becomes a renewable energy power hub that maximises onsite renewable energy infrastructure.	Add as Strategy	Add as Objective
Require an 'all electric site' and no new gas connections on the site.	Add as Strategy	Add as Mandatory control
Require current best-practice Green Star certification for precinct development (currently, this is a minimum of 6 Star Green Star - Communities rating).	Add as Strategy	Add Mandatory control for 'current best practice certification'. Remove the wording 'as appropriate' from this set of application requirements.
Require buildings to be certified for current best-practice Green Star (currently this is 6 Star Green Star certified As Built).	Add as Strategy	Add Mandatory control for 'current best practice certification'. Remove the wording 'as appropriate' from this set of application requirements.
Require apartment buildings to be certified for current best practice star rating (currently, a minimum 7 Star NatHERS average rating).	Add as Strategy	Add Mandatory control for 'current best practice certification'. Remove the wording 'as appropriate' from

ESD requirement	Structure Plan change	ACZ1 change
		this set of application requirements.
Encourage appliances in buildings to be within one star of the best available.	Add as Strategy	N/A
Ensure lighting, including street lighting, is LED and solar.	Inclusion as a Strategy (B51) is supported	Add Mandatory control
Minimise the urban heat island effect through maximising vegetation, reduction of impervious surfaces, and using light coloured construction materials	Add as Strategy	Add as Decision Guideline.
Require electric car charging for residents, traders and visitors.	Add as Strategy	Add in the Parking Overlay - All car parking to provide for electric vehicle charging.
Provide secure, undercover, easy to access bike parking for all residents, including bike charging, to support high accessibility of active transport options.	Add as Strategy	Add as Objective
Provide after trip facilities for employees to a greater rate than currently specified in the planning scheme, to support high active transport accessibility.	Add as Strategy	Add as Objective

Objective – Reduce potable water use, minimise and reuse stormwater, reduce pollution to the stormwater system and local waterways, and maximise landscaping and permeable areas.		
Encourage all water fixtures and fittings to be within one star of the best rating available.	Add as Strategy	N/A
Ensure all toilets are connected to a water tank and/or recycled water.	Amend B48 Strategy: to state that Water Sensitive Urban Design principles <u>must</u> (not “should”).	Add Mandatory control
Require canopy trees on all streets and laneways within the Preston Market precinct.	Inclusion as a Strategy (B53) is supported	Add as Objective Add as application requirement for landscape plan.
Objective – To work towards zero waste through waste reduction, reuse and recycling and develop a circular economy in construction and operation		
Develop a waste strategy for the whole site including the market to work towards zero waste.	Add as Strategy	Add as Objective
Encourage the use of materials collected from demolished buildings and products that have a recycled content or are sustainably sourced.	Add as Strategy	Add as Objective
Encourage the minimisation of waste and maximise reuse of materials in the redevelopment of, and future operation of, the precinct.	Add as Strategy	Add as Objective

Provide education to contractors, traders and residents on waste management.	Add as Strategy	N/A
Separate residential and commercial waste collection for general waste, glass recycling, hard waste, e-waste, organic and green waste. Public spaces to have separated waste collection for glass recycling, hard waste, and organic waste.	Add as Strategy in relation to residential and commercial waste. The inclusion of B58 relating to public spaces and separation of waste collection is supported.	Add Mandatory controls. Also, remove wording 'as appropriate' from waste management plan requirement.
Provide for residential and commercial composting and/or anaerobic digestion, where amenity can be protected.	Add as Strategy	Add as Mandatory control
Encourage urban agriculture facilities within the precinct, where amenity can be protected.	N/A (inclusion as a Strategy (L24) is supported)	Add as Objective
Provide adequate space, storage, cleaning and refrigeration facilities, and waste and recycling services to all businesses and market traders.	Add as Strategy	Add as Objective

8. Traffic and movement

Issues

Modal shift

51. In principle, Council supports the Structure Plan's objective to encourage a modal shift to more active and public transport usage (see Objective 19 of the Precinct Vision and Objectives at Chapter 5).

52. However, the Amendment does not go far enough to encourage that modal shift, relying solely on reduced parking rates to achieve this. The Amendment needs to provide for improvements to local walking and cycling infrastructure to support a shift to sustainable modes of transport, to achieve Objective 19. The VPA should also identify improvements to the public transport system that will support an increased density at this location.

Parking provision and rates

53. A parking constraint approach is proposed, as part of a shared parking model, which takes into account the amount and location of underground parking that is feasible to be accommodated on the site.
54. At least the same number of spaces as there are currently for the market must be provided within the site - which can be shared with non-market retail uses.
55. The same number of car parking for the market (763 spaces) must be enshrined within a s 173 agreement and provided in basements to the north and south of the market, alongside other new use car parking. The following parking rates are proposed (applied as a maximum rather than minimum):

Use	Rate
Dwellings	1 bedroom – 0.5/dw
	2 bedroom – 0.8/dw
	3 bedroom – 1.0/dw
Office	0.5/100m ²
Other retail	2.5/100m ²
Market	3.5/100m ²
	No less than 763 car spaces for market and other retail combined

Parking Location

56. The Structure Plan does not provide sufficient guidance on how parking areas will be provided in relation to the parking access points off primary shared access streets.
57. The Structure Plan should prevent discrete parking, involving multiple crossovers/entries/exits from being provided for each building, as it is an inefficient use of space and would have an adverse impact on urban design outcomes and the movement of

pedestrians and cyclists around the Precinct. Council's Vehicle Crossing Policy, 2014 prioritises safety of all road users and amenity by minimising the number of crossings permitted, with vehicle access to be provided from a rear laneway if possible.

58. Instead of discrete parking for each building, shared parking should be provided in dedicated underground parking stations (approximately 3 levels of basement) both to the north and to the south of the market in accordance with Council's alternate Access, Movement and Carparking Plan. These basement car parks:

58.1 include well-designed pedestrian connections, including DDA compliant vertical transport, into the Market and the new buildings above the underground car park;

58.2 are to be accessed via dedicated 'shared zone' accessways from Murray Road and Cramer Street, with entrances into the car parks at similar locations to those shown in the April 2022 Structure Plan.

59. Parking for development to the west of the railway could be provided in a more traditional format - in basement car parks within individual buildings.

Electric vehicles

60. The application requirement under clause 6 of the ACZ1 for a Transport and Parking Report that specifies the location and provision of car share spaces and Electric Vehicle (**EV**) infrastructure is supported. Add in the Parking Overlay -Schedule 2 (**PO2**) -all car parking to provide for electric vehicle charging.

Bicycle parking

61. Council supports the principle at clause 4.4 of the ACZ1 to encourage bicycle parking rates above the clause 52.34 rates. However, the ACZ1 should go further and mandate minimum bicycle parking rates higher than clause 52.34 linked to the main land uses on the site to provide better outcomes and to avoid uncertainty.

62. The following bicycle parking rates are proposed (applied as a minimum):

Use	Employee / resident	Visitor
Residential	1/bedroom	2 /five dwellings
Office	1/100m2 NFA	4 plus 1/100m2 NFA
Market	1/100m2 NFA	8 plus 1/100m2 NFA

Non-market retail & other uses	1/100m2 NFA	4 plus 1/100m2 NFA
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63. Alter the application requirements to also require the Transport and Parking report to include the 'Environmentally sustainable design requirements' for bicycle charging.

Access and servicing

64. Access throughout the Precinct should reflect the Council's alternate Access, Movement and Carparking Plan, which provides for:
- 64.1 a pedestrian connection through the market, with a strong east-west spine between the station and High Street, through The Centreway, and two north-south market walkways between Cramer Street and Murray Road (current market cruciform intersections and layout);
 - 64.2 service and delivery vehicle access primarily via Mary Lane in accordance with the VPA's Structure Plan
 - 64.3 an additional service vehicle access from Cramer Street to the back of house facilities at the south west corner of the Market utilising the 'primary shared access' street;
 - 64.4 an additional primary loading bay to the north-west corner of the current market. The existing south-west loading bay retained to service the delis, however time-limited to avoid shopping peaks and pedestrian clashes.
 - 64.5 pedestrian access under the elevated railway tracks to connect the western sites to the east, in accordance with the VPA's Structure Plan;
 - 64.6 a loop road to the north of the Precinct, in accordance with the VPA's Structure Plan; and
 - 64.7 additional pedestrian-only connections as per the Council's Alternate Plan.
65. Council's Alternate Plan is premised on all vehicle accessways in the Precinct east of the railway line being pedestrian priority 'shared zones', with 10 km/h speed limits, motorised traffic giving way to all other users, gutterless cross sections, high-quality public realm features such as canopy cover for shade, quality paving and no vehicle parking unless absolutely necessary, e.g. for disabled access, emergency vehicles and service vehicles.

- ### Transfer of roads

- ### Requested changes

- 18

- (a) the ACZ 'Environmentally sustainable design requirements' for bicycle charging; and
 - (b) sufficient and well-located bicycle parking and end-of-trip facilities, as well as clear and well-marked links to adjacent bicycle routes, to actively encourage bicycle riding to and from the Precinct.
- 69.3 Provide a requirement in relation to subdivision to ensure that roads and accessways are managed as public roads by Council.
- 69.4 Include a mandatory requirement to provide bicycle parking at the rates set out at paragraph 62 (applied as a minimum).
- 70. The PO2 should be updated to reflect car parking rates set out at paragraph 55 (applied as a maximum).
- 71. Further work should be undertaken to establish improvements to the Public Transport and active transport network, designed to accommodate and encourage use of these modes to the extent required to keep vehicle traffic levels within acceptable limits related to the parking controls.

9. Community infrastructure and development contributions

Issues

Community infrastructure

- 72. The shift in location of the proposed community facility from the Precinct to Council land is supported and reflects the request made in Council's submission of July 2021.
- 73. The revised apportionment to the developer downwards from 100% for the community facility is not disputed due to the decreased yield. However, the project costs are significantly underestimated and incorrectly costed.
- 74. The project cost of the community facility in the DCP is an estimated construction cost for fit-out of an existing building only, and must also include land and delivery costs. The construction cost appears low for an 1,800 sqm community facility and must be reviewed. As it stands, Council would be required to fund the shortfall for the majority of the costs of the community centre which is triggered as a result of this development.

Intersection works

75. The proposed intersections in the DCP are works on or abutting the Precinct and required directly as a result of the proposed development of the Precinct. It is accepted these works are required and should be delivered as works in kind by the majority developer of the Precinct. The northern pedestrian crossing on Mary Lane is not necessarily needed in Council's opinion, as there is no public link through to High Street.

DCP vs s 173 agreement

76. Use of the DCP as the basis of the provision of infrastructure is questioned. It places an administrative burden on Council as Collecting Agency and exposes Council to the risk of funding shortfalls and risks associated with being nominated the Development Agency.
77. As the site is substantially in single ownership, it would be more appropriate to use s 173 agreements with the owners of the development precincts within the study area to secure the delivery of community and development infrastructure.
78. The DCP should be used (with changes as necessary) as the basis of the s 173 agreements.

Requested changes

79. Instead of a DCP, include a requirement in the planning scheme for the developer to enter into a s 173 agreement for the cash contribution to community infrastructure and works in kind delivery of other infrastructure works. Or otherwise ensure the developer enters into a s 173 agreement prior to gazettal of the amendment.
80. Use the DCP as a basis for making section 173 agreements for provision of infrastructure with the owners of development precincts within the study area with updates in relation to the community infrastructure to update the costing of the community infrastructure to include land and delivery costs.

10. Open Space contribution

Issues

Requirement for 10% contribution

81. The requirement at Land Use Strategy L21 of the Structure Plan to provide for a 10% public open space contribution to be provided is supported. This requirement must be secured as a mandatory requirement in the Clause 53.01.

82. The public open space contribution should be wholly provided on site (rather than a minimum of 8% as set out in Land Use Strategy L21) because:

- 82.1 there is a significant shortfall of public open space in Central Preston, with the lowest rate of open space per capita in the municipality, as identified in Council's *Breathing Space Open Space Strategy*;
- 82.2 the site can support 10% of land provided as open space with the same yield and retention of the market, as per Council's alternate Framework Plan in **Attachment A**.

Proposed location of open space

83. The location of the proposed open space in the Figure 2 – Framework Plan on Mary Street is unsupported because it requires the demolition of the existing market. It is incomprehensible that the historical market be demolished to make way for open space, trading off one public good for another.

Design requirements

84. The new requirement at clause 4.4 of the ACZ1 in relation to the standard of open space required on transfer to Council is supported. The design and planting schedule should be incorporated into the landscape plan assessment for the Precinct, and agreed to by Council during permit stage.

Requested changes

85. The Structure Plan should be updated:

- 85.1 at Land Use Strategy L21 to require all of the 10% of the public open space contribution be provided within the Precinct;
- 85.2 to change the location of the large public open space within the centre of the VPA's Structure Plan so that it does not supplant the existing Preston Market, in accordance with Council's Alternate Plan.

86. The Schedule to Clause 53.03 should require a mandatory 10% public open space land contribution.

87. The application requirements at clause 6 of the ACZ1 should be updated to require that the Landscape and Urban Design Concept Plans include the design and planting schedule required for open space under clause 4.4.

11. Affordable housing

Issues

- 87.1 The revised affordable housing provisions in the ACZ1 are equivalent to an expectation that proponents will transfer 1.8 per cent of dwellings at nil consideration, reduced from 3 per cent in the May 2021 version of the ACZ1.
- 87.2 This falls drastically short of affordable housing need in Victoria of 14 per cent across the state. Social and affordable housing is an essential infrastructure need, just like roads, parks and schools. And this provision is a shared responsibility between the Federal and State Governments and land developers. An equitable approach is that each party should provide one third of the costs of providing this infrastructure each (or 4.7 per cent).
88. Council agrees that the delivery model and overall quantum of housing to be delivered as social and affordable housing should remain flexible, however the value of the contribution should not change with the delivery method.

Requested changes

89. The provision of affordable housing requirements in clause 4.2 (Subdivision) of the ACZ1 should be amended to increase the value of the social and affordable housing contribution to be provided at nil consideration from 1.8% to 4.7%. The overall quantum of housing and delivery may remain flexible as long as the value of the contribution is reached.

12. Other impacts on the market

Issues

90. This section focuses on the other impacts of the Amendment on other aspects of the market.

Market use, traders and operation

91. The Amendment does not go far enough to protect and support the continuation of a market use, existing traders or market affordability.
92. The ACZ1 should include requirements to prohibit non-market uses from locating within the market footprint, and requirements for a minimum market area to be maintained as a mandatory control.
93. Preston Market Development Pty Ltd (**PMD**) must commit to maintaining the ongoing market use, its diversity and affordability on the site, in line with the requirements in the Charter of

Community Expectations. This should be enshrined in a s 173 agreement entered into before the Amendment is gazetted.

Competition with increased retail floorspace

94. The loss of heritage significance and identity of the market through the demolition of 84% of the market will destroy qualities and conditions that create the unique character and overall appeal of the market.
95. The new gentrified market proposed under the Structure Plan will compete with other new or existing retail on site, without the unique appeal of the existing market, placing the overall viability of a market at risk.
96. The additional retail floorspace in the Precinct proposed by the Amendment can be supported, but only if the existing market is retained, to ensure that the overall appeal of the market remains and allows the market to continue to be viable in the context of increased retail competition in the Precinct.

Loss of existing public spaces

97. The existing 12m wide public walkways and intersections act as public spaces (enshrined in public easements on title) within the market provide an important contribution to recreational urban space in the community, with the centre of the market being a popular location for concerts and performances. The development of the market in accordance with the Structure Plan will result in the loss of these important existing public spaces and is not supported.

Requested changes

98. The framework underlying the Amendment should be updated to provide for the retention of the existing market, in accordance with Council's Alternate Plan.
99. The ACZ1 should be updated to:
 - 99.1.1 Amend the Table of Uses to prohibit non-market uses from locating within the market footprint, with the exception of areas nominated as 'Contributory' in the *Preston Market Heritage Citation and Statement of Significance* (RBA) April 2020 which may have non-market uses on upper floors, provided that the market use is retained at the ground floor. Services associated with upper floor uses may be located on within the ground floor of the market.
 - 99.1.2 Amend the Application Requirements at Clause 6 of the ACZ1 to make the requirement for a retail risk analysis mandatory (rather than 'as appropriate').

- 99.1.3 Include a minimum market area of 13,600sqm as a mandatory control (not as an objective) and to be at least the same size (with servicing areas) and to include a similar number, mix and size of stalls.
- 100. PMD must agree to the Charter of Community Expectations to ensure a commitment is made in relation to:
 - 100.1 security and affordability for existing traders;
 - 100.2 rental adjustments for traders where trading is disrupted by development;
 - 100.3 retaining a diversity of independent businesses;
 - 100.4 no franchises/chains; and
 - 100.5 meaningfully involve migrant communities in precinct design and creation of new open spaces.
- 101. PMD must enter into a s 173 agreement to enforce the requirements of the Charter of Community Expectations before the Amendment is gazetted.