

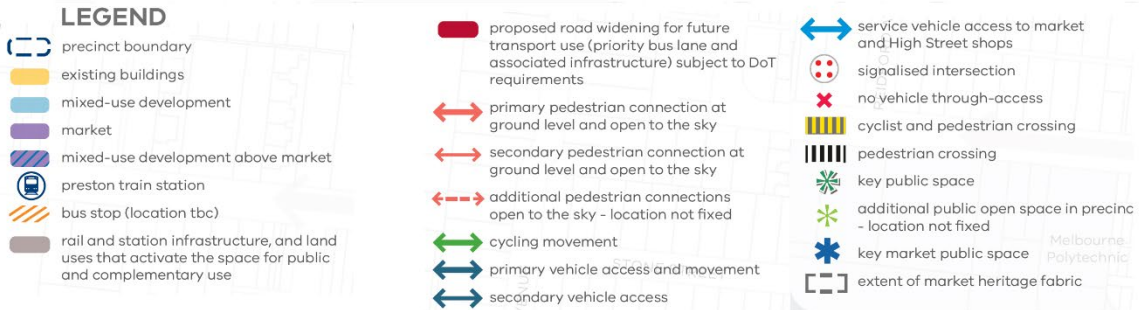
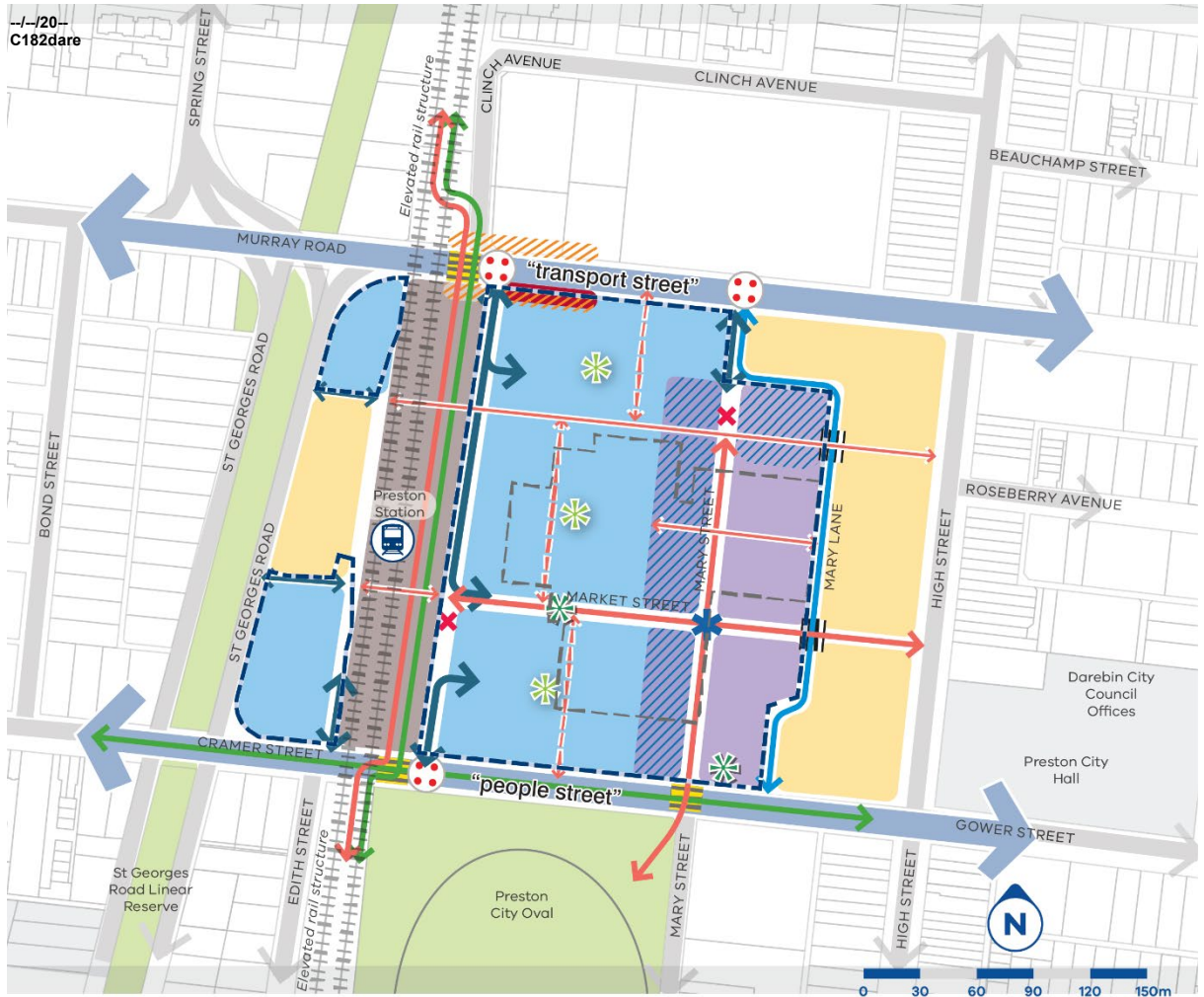
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## SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

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

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### **Land use and development**

- To support the precinct to perform its role as a vibrant, accessible and attractive destination for the region.
- To support the role of Preston Market as the principal fresh food and variety market in Melbourne's Northern region and a critical element of the Preston-High Street activity centre.
- To provide a diversity of employment opportunities and an integration of mixed uses and activities including approximately 27,500sqm of retail, entertainment, and other commercial floor space and 5,000sqm of office floor space.
- To provide approximately 2,200 dwellings, including social and affordable housing, close to services, facilities and public transport.
- To encourage the provision of affordable tenancies in the redeveloped market.
- To ensure the majority of ground and first storey floorspace is set aside for non-residential uses, with some ground-level townhouses provided on laneway frontages.
- To provide usable and easily accessible areas of public open space with sufficient solar access for use by all community members.
- To provide a diversity of community spaces and facilities that are adaptable for use by all community members.
- To support integration of the site with Preston Railway Station and High Street through improved connectivity, the logical arrangement of land uses and appropriate interface treatments.
- To support the retention of the social significance of the market in that it provides the community with access to fresh, affordable food and a space to gather.

### **Built form**

- To ensure the site maintains a similar sized market building(s), a fine grain of tenancies and an open, light and airy feel.
- To encourage the redevelopment of the precinct as a mid to high rise site with Preston Market generally having a lower built form.
- To ensure all retail space with abuttal to public squares and spaces to provide active frontages and 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 provide built form that responds to and compliments heritage places.
- To ensure an appropriate urban design response to the elevated railway corridor and Preston Railway Station.
- To support opportunities for integrating environmentally sustainable design with development of the site.

### **Access, movement and parking**

- To provide a permeable street and pedestrian network that supports all modes of transport while encouraging a shift in the mode split to walking, cycling and public transport.
- To ensure adequate car parking for the market and other non-residential uses is provided during and after redevelopment, including the provision of adaptable, flexible and future-proofed car parking arrangements.
- To encourage loading, servicing and car parking areas to be located underground away from ground level, prominent pedestrian areas or areas that are visible from the public realm.

### 3.0 Table of uses

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#### Section 1 - Permit not required

Use	Condition
<b>Accommodation (other than Corrective institution, Camping and caravan park, or Host farm)</b>	Must not be located on the ground or first floor excepting building entries. If it is Community care accommodation, must meet the requirements of Clause 52.22-2. If is a Rooming House, must meet the requirements of Clause 52.23-2.
<b>Art and craft centre</b>	
<b>Education centre</b>	
<b>Exhibition centre</b>	
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Library</b>	
<b>Market</b>	Must be located generally in accordance with the Framework Plan in Clause 1.0 of this Schedule. The gross floor area must be at least 12,700sqm.
<b>Office</b>	Must not be located on ground floor on land shown as Market on the Framework Plan in Clause 1.0 of this Schedule.
<b>Place of assembly (other than Carnival, Circus, Drive-in theatre or Library)</b>	Must not be located at ground floor.
<b>Railway</b>	
<b>Retail premises (other than Adult sex product shop or Market)</b>	Must not be located on ground floor on land shown as Market on the Framework Plan in Clause 1.0 of this Schedule. Must not exceed 19,550 sqm in total.
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.

#### Section 2 - Permit required

Use	Condition
<b>Emergency services facility</b>	Must have access to a Road Zone
<b>Industry</b>	Must not be a purpose listed in the table to Clause 53.10.
<b>Leisure and recreation facility (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)</b>	
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Warehouse</b>	Must not be a purpose listed in the table to Clause 53.10.
<b>Any other use not in Section 1 or 3</b>	

**Section 3 – Prohibited****Use**

**Adult sex product shop**  
**Animal production (other than Grazing animal production)**  
**Brothel**  
**Camping and caravan park**  
**Cemetery**  
**Crematorium**  
**Corrective institution**  
**Drive-in theatre**  
**Extractive industry**  
**Major sports and recreation facility**  
**Materials recycling**  
**Motor racing track**  
**Motor repairs**  
**Refuse disposal**  
**Service station**

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**4.0 Centre-wide provisions**

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**4.1 Use of land**

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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.

**4.2 Subdivision**

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**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.

**Provision of affordable housing**

Prior to the issue of a statement of compliance for a subdivision that creates a residential lot, the owner of the land must enter into an agreement with the responsible authority for the provision of affordable housing, which must provide for the following:

- The landowner must make a contribution 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, or any other definition as agreed between the landowner and the responsible authority.
- 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 of up to 10% of the precinct’s total residential yield that is to be made by the landowner by way of one of the following options:

- a) The transfer of land that has the demonstrated capacity to support the development of 10% 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 65m<sup>2</sup>/ unit is proposed to be used to calculate the amount of land to be provided; or
- b) The construction and transfer of title of 3% of dwellings to a Registered Housing Agency at nil consideration for the Agency to rent to eligible households; or
- c) The sale of 6% of completed dwellings by way of:
  - i. Sale of a minimum 3% of completed dwellings to a Registered Housing Agency at an appropriate discount to the market rate, for the Agency to rent to eligible households;
  - ii. Sale of a maximum 3% of completed dwellings to eligible households under an appropriately regulated affordable home purchase arrangement, with the contribution provided by the landowner (the 'social equity contribution') to be appropriately secured, managed and reinvested on future sale or refinancing by the original purchaser; or
- d) Any other delivery arrangement where the landowner demonstrates to the satisfaction of the responsible authority:
  - i. The contribution is of an equivalent value to affordable housing that would otherwise be provided by the landowner under option b) (3% gifting of dwellings) by way of a discount to dwelling sale price and/or to rent over a period of time;
  - ii. That the dwellings will respond to the matters published under the Act and result in dwellings that are appropriate, affordable and allocated to eligible households; and
  - iii. That the dwellings will be retained as affordable housing for a minimum 30 year period, or equivalent period calculated with regards to the number of dwellings to be provided.

Under any of the options, a minimum of 3% of the dwellings must be utilised as rental housing suitable for a very low or low income household as defined under the Act.

### 4.3 Buildings and works

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No permit is required to construct a building or construct or carry out works for the following:

- Construct an awning that projects over a road or public land if it is authorised by the relevant public land manager.
- Install an automatic teller machine.
- Construct or carry out works normal to a dwelling.
- Alter an existing building façade provided:
  - The alteration does not include the installation of an external roller shutter.
  - At least 80 per cent of the building façade at ground level is maintained as an entry or window with clear glazing.

### 4.4 Design and development

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A permit must not be granted to vary a mandatory requirement within this schedule. All other requirements 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.

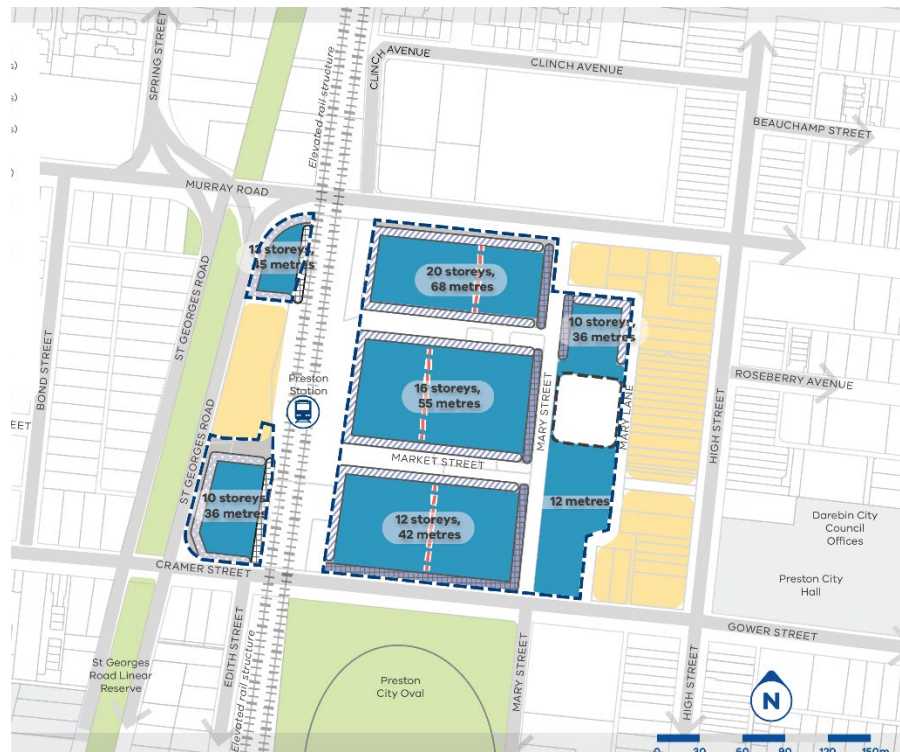
#### General built form guidelines

- Avoid unreasonable visual bulk when viewed from the public realm by ensuring appropriate scale, form and articulation.
- Ensure that projections, such as awnings over footpaths, balcony projections, adjustable screens or windows, or other architectural features, are visually recessive or lightweight.
- 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, to minimise impacts on the public realm.
- Ensure clear separation between visitor access and services by locating service cabinets internal to loading, waste or parking areas to minimise impact on the public realm.
- Activate podium rooftops as accessible spaces offering amenity and landscape.
- All 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.

### Building height requirements

- Buildings should not exceed the maximum building heights as shown on Plan 1 of this Schedule.

Plan 1: Preferred maximum building heights



**LEGEND**

precinct boundary	additional pedestrian connections (laneways) open to the sky - location not fixed	<b>note:</b> building heights are preferred maximum heights and are subject to design controls
podium - 4 storey street wall height (15.9 metres) with 5 metre setback above street wall	existing fruit and vegetable market shed to be retained	
podium - 4 storey street wall height (15.9 metres) with 3 metre setback above street wall	proposed building envelopes - text indicates the number of storeys and height in metres	
podium - 4 storey street wall height (15.9 metres) with 3 metre setback for habitable rooms and balconies above street wall height	existing buildings	
podium - 3 storey street wall height (12.1 metres) with 5 metre setback above street wall	preston train station	

### **Building height guidelines**

- Encourage development at a variety of scales and forms that correspond with the precinct's surrounds and strategic context and complement the precinct's interface with neighbouring areas.
- All buildings should respect, and provide a sensitive built form transition to, nearby lower scale areas.
- Focus taller buildings in the north of the precinct toward Murray Road, to minimise overshadowing to Cramer Street and avoid overshadowing Preston City Oval.

### **Street wall height and setback requirements**

- Street wall heights must not exceed:
  - 3 storeys fronting the precinct's key public spaces.
  - 3 storeys in areas adjacent to market uses and fronting Cramer Street (as defined in Plan 1).
  - 3 storeys in areas adjacent and proximate to market uses, Cramer Street and central areas of the precinct (as defined in Plan 1).
  - A maximum of 4 storeys along all other areas of the precinct.
- Above the street wall height, buildings must be set back a minimum of:
  - 5 metres above the street wall height when abutting a designated street (as defined in Plan 2).
  - 3 metres above the street wall height when abutting a designated laneway and St Georges Road interface (as defined in Plan 2).
  - 3 metres above the street wall height for habital rooms and balconies when abutting a designated rail interface (as defined in Plan 2).

### **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.
  - Enable adequate daylight and sunlight in streets and laneways.
  - Allow for views to the sky from the street or laneway.
- Setbacks above street walls should:
  - Deliver comfortable wind conditions in the public realm.
  - Enable adequate daylight and sunlight in streets and laneways.
  - 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 requirements**

- Buildings above street wall height must be set back:
  - 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.

### **Building separation guidelines**

- Ensure buildings allow for adequate access to daylight, sunlight and ventilation.
- 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 street wall 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 mandatory requirements for public open space**

A permit must not be granted to construct a building or construct or carry out works which exceed the mandatory overshadowing measure of this schedule.

- Development must not overshadow:
  - more than 75% of the key public spaces within the precinct between the hours of 11am and 2pm on 21 June.
  - remainder of public spaces within the precinct between 11am and 2pm on the 22 September.
  - the playing surface of the Preston City Oval when measured 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 and public spaces.
- Building podiums should be designed to provide a human scaled street interface, detailing and articulation, and active uses engaging with the street.
- Avoid locating vehicle access points, service areas and loading zones on main streets.
- Provide appropriate protection from the adverse impacts of sun, wind and rain for pedestrian priority streets and public spaces.
- Orient large buildings and detail building façades to minimise adverse wind effects on streets and public spaces.
- Encourage the provision of an appropriate area/s for new large-format mural/s at ground level on or in proximity to the market use.

### **Circulation, transport and parking requirements**

- 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.



- Prevent through-traffic by limiting the amount of direct north-south connectivity between Cramer Street and Murray Road.
- Ensure laneways are at least 6 metres wide and where suitable lined by active frontages.

### **Circulation, transport and parking guidelines**

- Car parking should be located below the ground floor. Where this is not possible, parking should be within buildings or sleeved by residential, commercial or other appropriate land uses when located above ground.

### **Heritage and interpretation guidelines**

- The 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 *Preston Market Heritage Interpretation Strategy, July 2020 Lookear*.

### **Environmentally Sustainable Design requirements**

- Development must capitalise on precinct-level considerations to implement sustainability outcomes by including a Green Star – ‘Communities’ assessment with a certified rating of 6 Star to the satisfaction of the responsible authority.
- Applications for site specific development must 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 must achieve an average 7 Star NatHERS accreditation for each building.

## **5.0**

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### **Precinct provisions**

None specified.

## **6.0**

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### **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, May 2021* 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.
- Elevations detailing façade articulation, and indicative concepts for external materials, colours and finishes.
- 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 and indicative concepts for landscaped areas.
  - 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 2,200 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, a 3D massing model 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 ‘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.
  - A Transport and Parking Report which includes details on:
    - Existing traffic conditions
    - Anticipated traffic generation and distribution as a consequence 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.
  - 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.
- An Integrated Water Management Plan (IWMP) which:
    - Manages stormwater runoff to restrict proposed discharge rates to be equal or less than pre-development conditions, in order to minimise flood risks within the broader catchment.
    - Responds to designated 1 in 100 year flood levels (where applicable) including heights of floor levels and access into basement carparks.
    - Demonstrates the application of Australian best practice to manage stormwater runoff, sediment and erosion during construction.
    - Demonstrates the application of Australian best practice to achieve water sensitive urban design (WSUD) and potable water conservation objectives.

The individual components of the IWMP should address:

- Special Building Overlay conditions.
  - Stormwater discharge and overland flow paths for both major and minor storm events.
  - Comparison against best practice pollution reduction targets.
  - Stormwater harvesting for internal and external reuse (e.g. Preston City Oval).
  - Sites of 1,000 sqm or more require the submission of a MUSIC report (Model for Urban Stormwater Improvement Conceptualisation) or approved alternative.
- A Development Staging Plan which identifies the staging and anticipated timing of the development of the land, specifically:
    - How the Preston Market will form part of the early stages of development;
    - 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; and
    - The treatment of areas not required for immediate use.
  - 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 subdivision 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 the development of the Preston Market Precinct must be accompanied by a Market Continuity and Transition Plan which sets out how the market can continue to trade whilst works are underway. It must also detail what support will be provided to traders during and after development and how customer access and parking arrangements will be maintained and ensured through all phases of development.
- An application for use or development for accommodation above or immediately adjoining the market must be accompanied by a Noise Report prepared by a suitably qualified acoustic engineer. The report must consider potential amenity impacts from the market operations and recommend mitigation measures. The application must demonstrate how it complies with the recommendations of the Noise Report.
- An application for use or development for accommodation adjacent to the Mernda Rail Line or a Road Zone Category 1 must be accompanied by a Noise, Vibration and Light Spill Report prepared by a suitably qualified acoustic engineer. The report must detail recommended treatments of the development and/or the adoption of appropriate noise attenuation measures to ensure that:
  - Noise, vibration and light spill emissions associated with the operation of surrounding and nearby train lines and/or road traffic do not adversely impact on the amenity of the dwellings;
  - Internal noise levels in accommodation are:
    - Not greater than 40dB(A) for living areas, assessed LAeq,16h from 6am to 10pm; and
    - Not greater than 35dB(A) for bedrooms, assessed as an LAeq,8h from 10pm to 6am.
- A Wind Assessment Report which addresses:
  - Short term stationary wind exposure for any outdoor cafes and restaurants (should they be proposed) 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 and ensure that adverse wind effects over and above the conditions that are currently experienced at present are not created.
- A Waste 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 should demonstrate how it is providing affordable housing by submitting an Affordable

Housing Delivery Plan that demonstrates how the agreed affordable housing outcome is to be achieved.

## 7.0 Notice and review

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An application to construct a building or construct or carry out works is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act in accordance with Clause 37.08-8 of the Activity Centre Zone if:

- The proposed buildings and works exceeds the preferred building heights within schedule sub-section 4.4 of this Schedule; or
- The proposed development does not meet the requirements and guidelines of schedule sub-section 4.4 of this Schedule.

## 8.0 Decision guidelines

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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*.
- The contribution made through the provision of affordable housing and community benefits.
- The manner in which 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 are 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 effect that existing uses may have on the proposed use.
- The mixture of uses on the land and the primacy of non-residential uses.
- The complementary but limited role of shop, other associated retail uses, food and drink premises, place of assembly and place of worship uses in the area.
- 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 is complementary and appropriate to the area and does not undermine 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**

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None specified.

**10.0 Other provisions of the scheme**

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None specified

**11.0 Reference documents**

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*Preston Market Precinct Structure Plan (Victorian Planning Authority, May 2021)*  
*Preston Market Heritage Interpretation Strategy (Lookear, 2020)*