

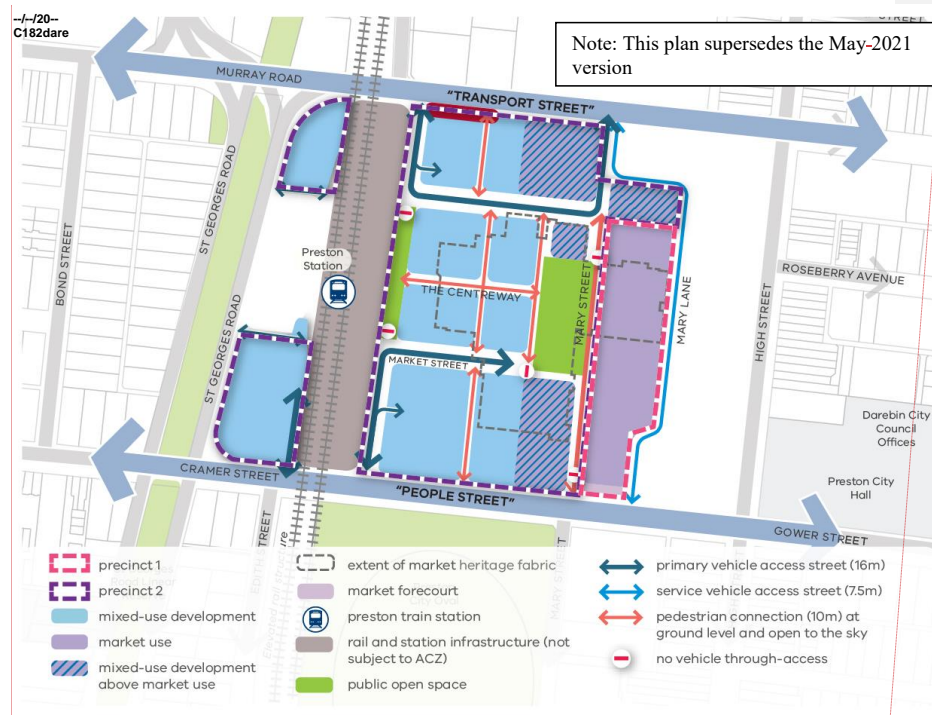
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## SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

Shown on the planning scheme map as **ACZ1**.

### PRESTON MARKET PRECINCT

#### 1.0 Preston Market Framework Plan



Commented [NP(2)]: Updated 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 **by** providing a market use with a minimum floor area of 12,700sqm.
- 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 27,500sqm of retail, entertainment, and other commercial floor space and 5,000sqm of office floor space.
- To provide approximately 1,200 dwellings, including social and affordable housing, close to services, facilities and public transport.

Commented [NP(3)]: grammar

## DAREBIN PLANNING SCHEME

- To ensure the majority of ground and first storey floorspace is set aside for non-residential uses, with some ground-level townhouses provided on public accessway 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 the integration of the site with Preston Railway Station and High Street through improved connectivity, the logical arrangement of land uses with active frontages.
- 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.
- 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 the redevelopment of the precinct in line with state-wide commitments to net zero emissions.

**Commented [NP(4)]:** Added in response to community submissions seeking strengthened heritage - GJM Heritage recommendation, revised by VPA

**Commented [NP(5)]:** Added in response to Council submission.

**Commented [NP(6)]:** Added in response to Council submission.

### 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 create a high level of visibility and address to the market and support its prominence as the focal point of the Preston-High Street activity centre.
- To encourage the redevelopment of the precinct as a medium rise site with the Preston Market generally having a lower built form.
- 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 ensure built form provides a high quality pedestrian environment in relation to human scale and microclimate conditions such as acceptable levels of solar access and wind protection.
- To ensure all uses with abuttal to public open spaces 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 retain and activate heritage fabric as part of the precinct's redevelopment.
- To provide built form that responds to and complements complements heritage places ensure new built form respects, complements and responds to the retained heritage fabric.
- To ensure an appropriate urban design response to the elevated railway corridor and Preston Railway Station.
- To support ensure opportunities for integrating environmentally sustainable design with development of the site.

**Commented [NP(7)]:** Added in response to Council submission.

**Commented [NP(8)]:** Added in response to community submissions seeking strengthened heritage - GJM Heritage recommendation – additional words by VPA

**Commented [NP(9)]:** Added in response to community submissions seeking strengthened heritage - GJM Heritage recommendation

### Access, movement and parking

- To provide publicly accessible spaces that are safe, comfortable and accessible to all through the arrangement of land uses and provision of key connections.
- 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.
- To ensure redevelopment incorporates the traditional cruciform pedestrian movement patterns within the market.

**Commented [NP(10):** Added in response to community submissions seeking strengthened heritage -GJM Heritage recommendation – additional words by VPA

### 3.0

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#### Table of uses

##### Section 1 - Permit not required

Use	Condition
<b>Accommodation (other than Corrective institution, Camping and caravan park, or Host farm)</b>	Must be located in Precinct 2. 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>	Must be located in Precinct 2.
<b>Education centre</b>	Must be located in Precinct 2.
<b>Market</b>	Must be located generally in accordance with the Framework Plan in Section 1.0 of this Schedule.
<b>Minor utility installation</b>	Must be located in Precinct 2.
<b>Office</b>	Must be located in Precinct 2. Must not be located on ground floor. .
<b>Place of assembly (other than Drive-in theatre or Nightclub)</b>	Must be located in Precinct 2.
<b>Retail premises (other than Adult sex product shop or Market)</b>	Must be located in Precinct 2. Must not be located on ground floor of land shown as 'mixed use development above market' on the Framework Plan in Section 1.0 of this Schedule.
<b>Any use listed in Clause 62.01</b>	Must meet requirements of Clause 62.01.

##### Section 2 - Permit required

Use	Condition
<u>Crop raising</u>	
<b>Emergency services facility</b>	Must not be located in Precinct 1. Must have access to a Road Zone.
<b>Gambling premises</b>	Must not be located in Precinct 1. Must not be located on ground floor of land shown as 'mixed use development above market' on the Framework Plan in Section 1.0 of this Schedule.

**Commented [NP(11):** Added in response to Council submission.

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Use	Condition
Hotel	Must not be located in Precinct 1. Must not be located on ground floor of land shown as 'mixed use development above market' on the Framework Plan in Section 1.0 of this Schedule.
<del>Horticulture</del>	
Hospital	Must not be located in Precinct 1.
Industry	Must not be a purpose listed in the table to Clause 53.10.
Leisure and recreation (other than Informal outdoor recreation, Major sports and recreation facility and Motor racing track)	Must not be located in Precinct 1. Must not be located on ground floor of land shown as 'mixed use development above market' on the Framework Plan in Section 1.0 of this Schedule.
Store	
Supermarket	Must not be located in Precinct 1. Must not be located on ground floor of land shown as 'mixed use development above market' on the Framework Plan in Section 1.0 of this Schedule.
Telecommunications facility	

Any other use not in Section 1 or 3

Section 3 – Prohibited

Use
Adult sex product shopAgriculture (other than Apiculture, Aquaculture, <del>Crop raising, Horticulture</del> )
Domestic animal boarding
Brothel
Camping and caravan park
Car park
Cemetery
Crematorium
Corrective institution
Display home centre
Drive-in theatre
Earth and energy resources industry
Extractive industry
Freeway service centre
Funeral parlour
Helicopter landing siteHost farm
<del>Industry (other than Research and development centre, Service industry)</del>
Major sports and recreation facility
Motor racing track
Motor repairs
Natural systems
Recreational boat facility

**Commented [NP(12)]:** Consequential change of including Crop raising at Section 2 (Horticulture is nested under Crop raising).

**Commented [NP(13)]:** Industry at section 3 is inconsistent with it being in section 2.

**Use****Saleyard****Service station****Warehouse (other than Store)****4.0**--/--/20--  
C182dare**Centre-wide provisions****4.1**--/--/20--  
C182dare**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.

**Verification of noise attenuation measures**

Prior to the occupation of a building to be used for accommodation, 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 and Light Spill 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.

**Commented [NP(14)]:** Added in response to EPA submission

**4.2**--/--/20--  
C182dare**Subdivision****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**

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, 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.

**Commented [NP(15)]:** Updates to clarify affordable housing options to be clearer, in response to Council and landowner submissions, and in response to subsequent VPA request to consultant to review requirements in light of reduced yield; submissions; and recent practice.

DAREBIN PLANNING SCHEME

- 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 facilitation of six per cent of dwellings as Affordable Housing as defined by the Planning and Environment Act 1987 by way of:
    - i. Sale of completed dwellings to a Registered Housing Agency at a 30 per cent discount to independent market value; or
    - ii. The leasing of completed dwellings to Eligible Households in need of Affordable Housing at a 30 per cent discount to market rent, to be made available in this way for the life of the building, with rent-setting, housing allocation and assessment of affordability for tenants to be overseen by agreement with a Registered Housing Agency; or
  - c) Any other delivery arrangement where the landowner demonstrates to the satisfaction of the Responsible Authority that:
    - i. The contribution towards Affordable Housing is of an equivalent or greater value than the contribution the landowner would otherwise make under options a or b (whichever is the greater);
    - ii. The dwellings will respond to the Matters published under the Act and result in dwellings that are appropriate, affordable and allocated to Eligible Households in need of Affordable Housing within the City of Darebin;
    - iii. The dwellings will be retained in an Affordable Housing use for the life of the dwelling or if the dwelling is sold, that the original investment made by the landowner (calculated on a proportional basis), is to be reapplied in the City of Darebin under similar terms..

The Section 173 Agreement should subsequently set out further details including:

- Dwelling mix;
- Timeframes for delivering the obligation; and
- Requirements on the landowner should option c) be pursued.

~~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.~~

#### **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 the precinct has been prepared to the satisfaction of the responsible authority and the relevant drainage authority.

The Drainage Strategy must ensure that development of the precinct can meet the following requirements:

- No increase in flooding either upstream or downstream of the development site for the 1% 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% AEP-(1 in 5yr ARI) storm event.

**Commented [NP(16)]:** Added in response to Melbourne Water submission.

- Implement a precinct-wide approach to flood storage to mitigate the impacts of the development outcomes proposed within this precinct 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 this precinct. 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 (e.g. Preston City Oval), 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 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.

**Commented [N(17)]:** Added in response to follow up email from Melbourne Water (29.03.22)

### 4.3

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### Buildings and works

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.

### Drainage Strategy

Unless otherwise agreed to by the responsible authority and the relevant drainage authority, a permit must not be granted to construct a building or construct or carry out works until a Drainage Strategy for all land within the precinct has been prepared to the satisfaction of the responsible authority and the relevant drainage authority.

The Drainage Strategy must ensure that development of the precinct can meet the following requirements:

- No increase in flooding either upstream or downstream of the development site for the 1% AEP storm event taking into account predicted climate change to the year 2100.

**Commented [NP(18)]:** Added in response to Melbourne Water submission.



## DAREBIN PLANNING SCHEME

- 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% AEP-(1 in 5yr ARI) storm event.
- Implement a precinct-wide approach to flood storage to mitigate the impacts of the development outcomes proposed within this precinct 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 this precinct. 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 (e.g. Preston City Oval), 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 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 subdivision permit pursuant to Clause 37.08-4 and under this schedule.

**Commented [N(19):** words added in response to follow up email from Melbourne Water (29.03.22)

### 4.4

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### Design and development

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

#### DAREBIN PLANNING SCHEME

- Avoid unreasonable visual bulk when viewed from the public realm by ensuring appropriate human 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 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.

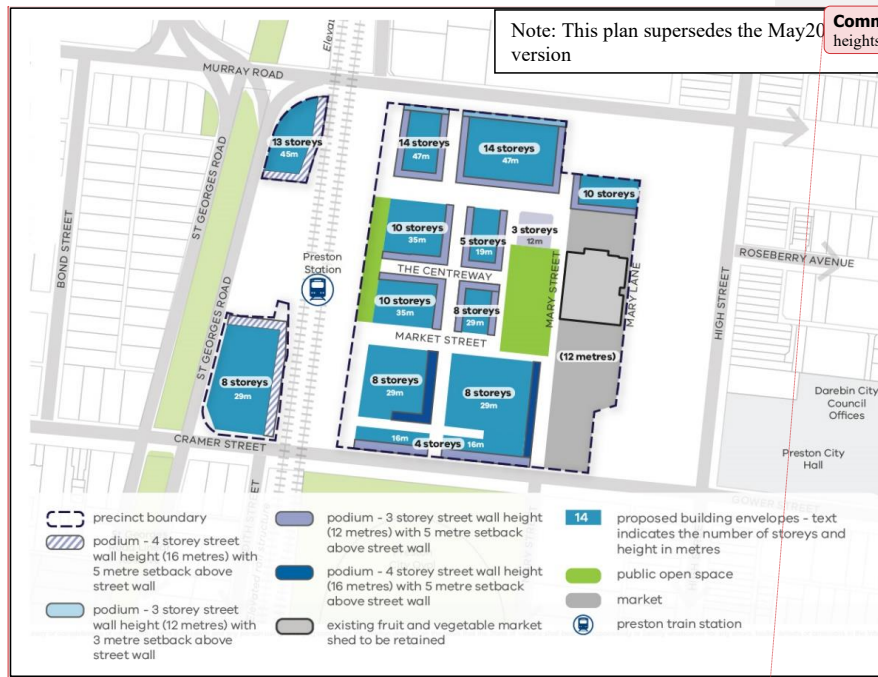
**Commented [NP(20):** Added in response to community submissions seeking strengthened heritage - GJM Heritage recommendation

**Commented [NP(21):** Moved from 'active frontage guidelines'

#### **Building heights, street wall height and setback requirements**

- Buildings heights, street wall heights and setbacks above the street wall must not exceed the maximum measurements shown on Plan 1 of this Schedule.
- Buildings along Cramer Street must be setback a minimum of 4m.

*Plan 1: Mandatory maximum building and street wall heights*



### 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 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:

## DAREBIN PLANNING SCHEME

- 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

- Building facades above street wall height must 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.

### 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 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 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 50% of the public open space within the precinct located along Mary Street between the hours of 11am and 2pm on 21 June.
  - 100% of 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, pedestrian connections, and public open spaces as per the 'Land use and activation plan' in the *Preston Market Precinct Structure Plan, November April 2022*.
- 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.

Commented [NP(23)]: Reflects new date of document

- 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.

**Commented [NP(24)]:** Moved to built form guidelines

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

- Primary vehicle connection access street must be a minimum width of 16m.
- Pedestrian connections must be a minimum width of 10m.
- 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 street and pedestrian connections (where suitable) are 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.
- Vehicle movement should be limited to primary vehicle access streets and service vehicle access streets.
- Encourage the provision of bicycle parking above the rates included at clause 52.34 of the scheme.

**Commented [NP(25)]:** Added in response to Council submission.

**Commented [NP(26)]:** Recommendation from Ratio parking report.

#### **Public open space requirements**

- Public open space adjacent to Preston railway station must have a minimum width of 12m and length of 90m.
- Public open space located along Mary Street must have a minimum width of 35m and length of 78m.

#### **Standard of open space on transfer to municipal council**

- 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
  - Levelled, topsoiled and grassed with warm climate grass
  - Clearing of rubbish, environmental weeds and rocks
  - Removal of all existing, disused structures, foundations, pipelines and stockpiles
  - Provision of water tapping, potable, and where available recycled water connection point.
  - Sewer, gas and electricity connection points
  - An environmental audit statement in accordance with section 210 of the Environment Protection Act 2017, stating that the land is suitable for the

proposed use or that provides recommendations which, if complied with, will render the land suitable for the proposed use if those recommendations do not result in undue burden to Council, to the satisfaction of the responsible authority.

**Commented [NP(27)]:** Added in response to Council submission.

#### 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*.
- 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.

**Commented [NP(28)]:** Added in response to community submissions seeking strengthened heritage - GJM Heritage recommendation

#### 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.
- A minimum of 25% of bicycle parking spaces must have electric charging points accessible to residents and traders.

**Commented [NP(29)]:** Added in response to Council submission.

### 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, ~~November~~ April May 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 and written statement explaining how the design of the ground

**Commented [NP(30)]:** Reflects new date of document

**Commented [NP(31)]:** Added in response to Council submission.

floor façade encourages pedestrian activity and informal surveillance of the street from within the building.

- 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 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, 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:

# DAREBIN PLANNING SCHEME

- 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.
- 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.
- Details of electric vehicle infrastructure, demonstrating:
  - 25% EV Enabled (car spaces that have all infrastructure including Electric Vehicle Supply Equipment to support Electric Vehicle charging)
  - 75% 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)
- 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 car parks.
  - 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;

**Commented [NP(32)]:** Added in response to Council submission.

**Commented [NP(33)]:** Added in response to Council submission.

**Commented [NP(34)]:** THE IWMP requirement has been superseded by the Drainage Strategy requirement as per Melbourne Water submission and email (14.02.22)



- 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 the development of the Preston Market Precinct 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 the development of the Preston Market Precinct 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 43.01.
- 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);

**Commented [NP35]:** Added in response to community submissions seeking strengthened heritage - GJM Heritage recommendation (minor VPA revisions)

**Commented [NP36]:** Added in response to EPA submission and subsequent email dated 22/03/22

- ~~noise with high energy in the low frequency range; and~~
  - ~~transient or variable noise.~~
- ~~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, 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 and Light Spill 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.~~
      - ~~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 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 (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.

**Commented [NP(37)]:** Added in response to EPA submission and subsequent email dated 22/03/22

- 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 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.

**Commented [NP(38)]:** Added in response to Council submission.

## 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 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* NovemberApril 2022.
- 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.
- Whether the cumulative effect of the proposed development in association with adjoining existing and potential development supports a high quality of pedestrian amenity in the public realm (footpaths and key pedestrian routes), in relation to human scale and microclimate conditions including overshadowing and wind impacts.

**Commented [NP(39)]:** Reflects new date of document

### 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, ~~November~~April 2022~~21~~)  
*Preston Market Heritage Interpretation Strategy* (Lookear, 2020)

Commented [NP(40)]: Reflects new date of document