

0.0 REVIEW OF PLANNING CONTROLS AT PRESTON MARKET**Author:** Coordinator Economic Development**Reviewed By:** General Manager City Sustainability and Strategy

PURPOSE

The purpose of this report is to recommend an integrated, place focused and planning led approach to planning and design in the Preston station and Preston market area that engages with the community. Given the multiple state and local agencies involved, this report recommends Council confirm its commitment to an integrated, place focused approach and also that it seeks formal commitment from the state government to this at a principle level and in regards to some specific outcomes and mechanisms. The recommendation in this report is not intended to impede the facilitation of core rail infrastructure works to be delivered by the Level Crossing Removal Project (LXRP).

EXECUTIVE SUMMARY

There is significant state and local government work in progress in the Preston Station and Preston Market area to review planning controls and in this area the state government has also prioritised (but not yet confirmed) level crossing removals in this area. Planning work in progress includes the Review of the Planning Controls at the Preston Market strategic site which the Victorian Planning Authority (VPA) is leading and working in partnership with Council on, and Council's work reviewing the structure plan (planning controls) for the wider Central Preston area

Council has been advocating for the four level crossings to be removed as a single project and welcomes the prioritisation and delivery of these works. They have the potential to be transformative for the Preston precinct.

In order for this transformative potential and the community benefits to be realised, it is critical that the Level Crossing Removal site, the Preston Market strategic site and the adjacent public and private sites are viewed as an interconnected place, and a place led approach occurs for the planning and design. Collectively this area plays a gateway function in the wider precinct, which is forecast to experience rapid population growth over the next 20 years and beyond.

Any future development in this area has the potential to benefit the wider Central Preston precinct if informed and led by a proper planning process, alternatively if unplanned there is a real risk that future development could prejudice future plans for Central Preston and the Preston Market precinct.

This report recommends that Council confirm its commitment to an integrated approach and that Council also seeks state government commitment to ensuring the Preston Market site, railway land adjacent to the Preston Station and adjoining private land are planned and designed as one. This recommendation is not intended to impede the facilitation of core rail infrastructure works to be delivered by the Level Crossing Removal Project (LXRP).

To achieve an integrated place approach to planning in this area, this report recommends that Council seek specific inclusions in any future planning consideration by the state government relating to the level crossing removals and that Council seeks support for broadening upcoming community engagement at the Preston Market Strategic site.

Recommendation

That Council:

- (1) Writes to the Premier, Local Members of the Victorian Legislative Assembly and Legislative Council, and the Ministers for Planning and Transport Infrastructure to:
 - a) call on the State Government to confirm that it will proceed with the four level crossing removals in Preston within its term of Government.
 - b) indicate Council's continued strong support and advocacy for the level crossing removals in Preston, Council's commitment to an integrated place based approach, and its willingness to work in partnership with state government agencies (including LXR, VPA and VicTrack) in planning the future of this precinct.
 - c) seek a formal confirmation from the State Government that Council will be retained as the Planning Authority and the Responsible Authority for the development of planning controls and facilitation of any potential development sites for surplus railway land, and therefore consideration of this would go through an open, transparent and consultative planning process.
 - d) note that the VPA is currently tasked with reviewing planning controls for the Preston Market site and to request that the Minister for Planning write to the VPA to adjust their scope of work to:
 - a. incorporate integration with any station and urban design outcomes for any integrated rail project and provide advice to Council on future planning for land surrounding the Preston station, through to St George's Road
 - b. broaden the next phase of community engagement planned for the Review of Planning controls at Preston Market to also understand community views on the land surrounding the Preston station, through to St George's Road;
 - e) seek formal confirmation from the State Government to ensure an integrated approach to the planning and design for any of the core rail infrastructure works which includes engagement with the community to inform design on critical urban design elements such as new station buildings, proposed public spaces.
 - f) seek a commitment from the state government that any planning approval exemptions, planning scheme amendments or associated documents it may consider to facilitate the level crossing removal works should:
 - a. require that the Urban Design of the Preston Station Precinct integrates with the Preston Market site and the broader Preston Precinct and is referred to the Responsible Authority (Council) and the Victorian Planning Authority.
 - b. facilitate core rail infrastructure works only
 - c. support the continuous operation of the Preston Market during and throughout construction by ensuring the footprint of the land required for the works at Preston Station is minimised and especially that it maximises retention of car parking currently used by Preston Market customers, business operators and workers
 - d. not allow for development decisions to be locked in that are not related to core rail infrastructure such as sale of public land or development adjacent or in the airspace above

BACKGROUND / KEY INFORMATION

The site plan (**Appendix B**) shows the precinct being discussed in this paper including:

- Preston station, rail line, and extent of VicTrack land which this runs through,
- The Preston Market strategic site for which the VPA is currently reviewing planning controls. This is in private ownership and mostly held by one owner.
- Nearby land in the same block in other ownership, through to St Georges Road

Level crossing removal at Murray and Cramer streets and relationship to wider area

The state government has committed to removing a further 25 level crossings by 2025, in addition to the 50 already planned, underway or completed. The state government has prioritised removal of the level crossings at Oakover Road, Murray Road, and Cramer Street in the 2018 Victorian Government's *Site Prioritisation Framework*. If confirmed, these would be in addition to the removals already committed at Bell Street in Preston and High Street in Reservoir.

Should the two level crossings removals prioritised at Murray Road (to the north of the site) and Cramer Street (to the south) be confirmed, the state government has indicated that Preston Station would be rebuilt. This station, the track design and potential creation of open space in the area would create a significant opportunity for improving connectivity for pedestrians, cyclists and vehicles through and around the Preston Market strategic site as well as the wider Preston Central precinct.

The station and railway line is contiguous with other parcels of land currently owned by VicTrack, which council officers anticipate may be surplus to public transport delivery requirements. This land is currently in the Public Use Zone and could be potentially made available for private development at some point in future. As it currently stands a full planning scheme amendment process including public consultation and exhibition would need to occur prior to any surplus land being offered for sale.

As it is so close to the Preston Market strategic site, the context, pressures and opportunities are generally the same as for the Preston Market strategic site and officers advise that given how similar the context is, the established principles for the review of Planning Controls at the Preston Market strategic site could be reasonably considered and applied to the wider area shown in the site plan.

Council is currently reviewing the structure plan for Central Preston

Council is currently reviewing the structure plan for Central Preston. This work will review planning controls in the wider Preston precinct outside the Preston Market strategic site including the areas discussed in this report and shown in the site plan. To inform this Council has been consulting with the community and undertaking research to inform urban design and planning work for the whole precinct.

Preston Market strategic site Review of Planning Controls and future opportunities

In July 2017, following advocacy from Council and community, the Minister for Planning tasked the Victorian Planning Authority (VPA) with reviewing the current planning controls for the Preston Market precinct, designating it as a strategic development site of state significance.

Council and the VPA have agreed to work in partnership to undertake the review of the planning controls and future opportunities the Review.

The Minister also designated the VPA as the Planning Authority for the site, meaning that the VPA is responsible for preparing any planning scheme amendments that would alter the planning controls that apply to the site.

Council remains the Responsible Authority for the site, meaning that it has the authority to consider land use and development planning permit applications under existing controls.

Principles for planning controls

The VPA submitted its review of the current planning controls to the Minister for Planning in October 2018. This review was informed in part by Council's guiding principles, the Preston Market Community Reference Group and the two phases of community engagement undertaken in 2018.

The five guiding principles subsequently endorsed by the Minister for Planning which will inform the development of new planning controls are:

- A thriving fresh food market
- A diversity of land uses and vibrant amenity
- Culturally diverse character and adaptable community spaces
- Sustainable, liveable and accessible precinct
- Flexible and efficient car parking and access.

It is noted that these guiding principles are generally aligned with the Council's guiding principles and the Preston Market Community Reference Groups report.

Community engagement

On 3 September 2018 Council resolved to work with the VPA to ensure that the next phase of community engagement in the first half of 2019 includes an in-depth community engagement process including collaborative workshops to develop foundational elements for planning controls and to build strong understanding of opportunities issues and trade-offs amongst a large, diverse segment of the community, involving all key stakeholders.

Council has since been working with VPA to plan the next stage of community engagement, including taking stock of the state government's pre-election commitment to remove the level crossings in Preston. This phase will help develop foundational elements for planning controls and to build a stronger understanding of opportunities, issues and trade-offs amongst a large diverse segment of the community.

It is also an opportunity to engage around non-planning opportunities related to affordable housing, community facilities, retail mix and open space design for the broader Preston precinct. At this stage, it is expected that engagement activities will commence in April.

Guiding Principles

On 3 September, Council reaffirmed principles it established on 21 May, 2018 to guide Council's participation in the current the Review:

- Council loves the market and is committed to seeing the market thrive into the future.
- It's important to Council that the community engagement process undertaken is extensive, inclusive and open to ideas.
- The market needs to remain accessible to all traders and the community during and post construction and the new development.
- The built form of the site needs to continue to support and encourage the market as a desirable community meeting place.
- The site will consistently provide a hub of vibrant activity, with varied uses for residents, businesses and visitors.

- Any future development of the site should incorporate environmentally sustainable design and include affordable housing.
- The location of the site is good for meeting Darebin's growing population's needs, as it is strategically located near transport, services and jobs.
- Any future development must integrate well with the wider neighbourhood and contribute to connectivity and accessibility for pedestrians and active transport users with Central Preston as a whole.
- Parking needs must be sufficiently addressed.

Council also endorsed further guiding principles to support and inform Council's participation in the next stage of the review noting that Council may refine or update these in future when it considers further technical advice and future community engagement. These are in full in **Appendix A**.

Previous Council Resolution

At its meeting held on 7 November 2018, Council resolved in part:

"That Council as a matter of urgency writes to the Minister for Planning requesting that the interim height controls which apply a maximum mandatory height control of 9 metres to the existing footprint of the Preston Market remain in place until after the current Review of Planning controls at the Preston Market site is completed and any changes to the planning controls arising from the review have been made".

Council wrote to the Minister regarding the above and also reiterated its decision on 13 August. The Minister replied to Council and advised that at this stage he will not intervene and noted that the Victorian Planning Authority is currently drafting revised planning controls for the site, and a request for an amendment is anticipated in the coming months.

At its meeting held on 3 September 2018, Council resolved in part:

That Council:

- (1) *Notes the rich social heritage and importance of the market to the community, and reiterates Council's commitment to working to preserve the long term viability of the market.*
- (2) *Reiterates its commitment to working in partnership with the VPA to review the planning controls and future opportunities for the site and to engagement with the community, key stakeholders and the owners of the Preston Market as an important part of this review.*
- (3) *Thanks community members for their feedback and participation in Phase Two community engagement.*
- (4) *Endorses community engagement proposed in Option One of this report and works with the VPA to progress this.*
- (2) *Endorses the community vision as a guide for the future of the market at the site.*
- (3) *Reaffirms Council's endorsement of the following principles adopted by Council on 21 May, 2108 to guide Council's participation in the current the Review.*
- (4) *Endorses the following further guiding principles to support and inform Council's participation in the next stage of the Review noting that Council may refine or update these in future when it considers further technical advice and future community engagement (**Appendix A**)*

At its meeting held on 13 August 2018, Council resolved:

'That Council:

- (1) *Notes that while the Planning Minister has introduced interim height controls over the footprint of the market, there are NO demolition controls over the existing market building structures which reputed heritage experts have identified that certain structures could have having grounds for future heritage protection.*
- (2) *Notes that there is currently in course a community sponsored heritage listing application being considered by Heritage Victoria.*
- (3) *Accordingly, notes that under the above circumstances Preston Market potentially remains exposed to demolition by the owner/developers before Heritage Victoria makes its final determination.*
- (4) *Write to the Minister for Planning requesting a demolition control be added by amending the Priority Development Zone.'*

In line with the resolution, the Mayor wrote to the Minister for Planning.

COMMUNICATIONS AND ENGAGEMENT

Consultation

The VPA submitted its review of the current planning controls to the Minister for Planning in October 2018. This review was informed by two phases of community engagement undertaken in 2018.

Since then in late 2018, as part of Council's ongoing commitment to ensure that members of our CALD communities build their understanding of the opportunities and issues identified in phase two community engagement, officers have continued to reach out to community groups and stakeholders. This has included discussions with Darebin's Youth Citizen Jury, representatives from various Advisory Groups, local business operators, mothers groups and attendance at several Conversation Café classes (English classes) and local library user groups in order to reach a broader range of culturally diverse and younger people.

Communications

A recent community update has gone up on Council's Preston Market Yoursay page and the VPA's website. The key main messages:

- Council and the VPA are currently focusing on finalising community engagement plans
- We've been taking stock of the pre-election announcement late last year to remove the level crossing if re-elected and have been factoring this into planning for community engagement.
- An update will be provided to community with next steps and timing shortly.

Officers also communicate with stakeholders regularly.

ANALYSIS

Alignment to Council Plan / Council policy

Goal 3 - A liveable city

Environmental Sustainability Considerations

Council has established in its principles that guide its work in relation to the Preston Market site that "any future development of the site should incorporate environmental sustainability

design". Any future development must integrate well with the wider neighbourhood and contribute to connectivity and accessibility for pedestrians and active transport users with Central Preston.

Equity, Inclusion and Wellbeing Considerations

Council recognises the cultural importance of the Preston Market to Darebin and at the heart of the principles Council has established to guide this work are equity, inclusion and wellbeing considerations. The next steps for community engagement include ensuring that CALD communities, young people, older people and those with mobility issues get a voice

Cultural Considerations

Council recognises the social and cultural significance of the Preston Market to Darebin. It is beloved by its many visitors and traders and has been a place where old and new communities come together in the heart of the Preston Central activity centre.

The findings from the Heritage Study undertaken by Council articulate the social value of the Preston Market and the attributes of the market built form that contributes to this (such as the layout and open air feel).

Economic Development Considerations

Central Preston is a strategic location for economic development in Darebin. The Preston Market plays an important role in this and this area is a strategic priority for stimulating future economic development and employment opportunities. The market also plays a significant role in the local economy as an anchor and attractor for visitors from Darebin and wider Melbourne. Although it is a privately owned site, the market site also currently functions as a civic space that many people experience as a public space. The Preston Station and rail line play a key role in urban design including in how people move around and therefore in facilitating economic development in the local area.

Financial and Resource Implications

Implementing any of the options is achievable within operating budgets.

Legal and Risk Implications

The purpose of this report is to maximise benefit and reduce risk by ensuring planning for precinct is integrated and prioritises a place approach to maximise community benefit.

DISCUSSION

Need for Level Crossing removals to be integrated with planning for the strategic site and wider precinct

Council welcomes the state government's announcement that it will remove 75 level crossing and it's prioritisation of three additional crossings in Preston including Cramer Street, Murray Road and Oakover Road in the 2018 Victorian Government's *Site Prioritisation Framework*. If confirmed, these would be in addition to the removals already committed at Bell Street in Preston and started at High Street in Reservoir.

Council has been advocating for four level crossings at Oakover Road, Bell Street, Cramer Street and Murray Road to be removed as a single project and welcomes the prioritisation of these.

This is a once in a generation infrastructure project with significant opportunity to strengthen access linkages between, and access to the market site, High Street, the civic precinct, the Arts Centre, Smart Bus routes, and the wider Preston precinct as well as improve safety and amenity in the area.

In order for these broader place benefits to be realised, it is critical that the Level Crossing Removal site, the Preston Market strategic site and the adjacent public and private sites are viewed interconnected place, and a place led approach occurs for the planning and design. Collectively this area also plays a gateway function in the wider precinct, which is forecast to experience rapid population growth over the next 20 years and beyond.

Any future development has the potential to benefit the wider Central Preston precinct if informed and led by a proper planning process, alternatively if unplanned there is a real risk that future development could prejudice future plans for Central Preston and the Preston Market precinct. Benefits that could be realised as part of an integrated planning process include meeting the housing and community needs, providing open space and enhancing local employment and economic development opportunities. It would also improve local walking, cycling and transport improvements.

Any exemption from planning permits, planning scheme amendments or associated documents for level crossing removal purposes must require effective integration and focus on core rail infrastructure

The process that the state government has used for other level crossing removals to make decisions about delivery of level crossing removal projects has been to exempt the projects from requiring a planning permit. This has been actioned through ministerial (Minister for Planning) intervention in accordance with section 20(4) of the *Planning and Environment Act* (1987). This has resulted in changes to the Darebin Planning Scheme through clause 51.01 which currently provides specific exclusions for the level crossing removal projects at Grange Road in Alphington and High Street in Reservoir based on an incorporated document which provides a description of the project, exempt works and broad expectations in terms of environmental outcomes, design and consultation. The incorporated documents for the Reservoir and Alphington projects provide planning permit exemptions that are strictly limited to the delivery of the rail infrastructure project and related public and civil works.

The approach the state government has taken in Reservoir and Alphington has been to only exempt core rail infrastructure works from standard planning permit requirements. Officers recommends this approach as it ensures that any other proposed development would have to follow standard Planning Permit assessment process.

Planning controls would be reviewed through a full public consultation process to guide and inform preferred development scenarios. This is particularly important on a site like Preston where integration is so important to the long term betterment of the activity centre.

Integrating rail infrastructure with precinct

To ensure that the Preston Station integrates effectively with the Market and surrounding precincts, it is considered that the station building and pedestrian movement to and from the station, are the most critical design elements which could impact the future viability of Preston Precinct and allow it to thrive into the future.

If the state were to use a similar approach to the approval process as they have for Reservoir and Grange Road level crossing removal, officers recommend that council seek that any proposed incorporated document for the Preston Rail project should also specify that key Urban Design elements of design including the station design, pedestrian access and connectivity should be referred to Council as the Responsible Authority and in this instance also the VPA because of the need to integrate this with the Preston Market Strategic Site.

Future development of surplus railway land where not related to the level crossing removal project must be led and informed by a planning process inclusive of meaningful community engagement.

For this reason it is recommended that Council publicly state that it would oppose development sites being given a facilitated approval process as part of any planning scheme amendment or exemption to facilitate level crossing removals. The consideration of future development options for surplus government land must sit independent of the delivery mechanisms in the planning scheme for the level crossing removal project in the interest of orderly and proper planning and good governance.

Upcoming Community Engagement

The next phase of community engagement for the Review of the planning controls and future opportunities at the Preston Market strategic site is at this stage expected to commence in April 2019.

It is an ideal opportunity for the community to provide integrated feedback, participating in and driving decision making for the future planning of the adjacent Preston station area and surrounds as shown on the site plan.

This report recommends that Council seek support from VPA to broaden the next phase of community engagement planned for the Preston Market site to seek community views on the land surrounding the Preston Station area, through to St George's Road as part of an integrated approach to place creation. This will require the VPA's Terms of Reference for the Preston Market Review of the Planning Controls Project be updated.

OPTIONS FOR CONSIDERATION

Seeking commitment to integrated approach to planning and design

Council can choose not to, in whole or in part, seek the state government commitments recommended in this report

Approach to community engagement

Recommendation – broaden upcoming community engagement

In regards to progressing with community engagement, this report recommends working with the VPA to broaden out upcoming community engagement to seek community views on the land surrounding the level crossing removal, through to St George's Road, as well as on the Preston Market site.

The main benefits are:

- Maximise opportunities and community benefits by undertaking a precinct based approach to the community engagement.
- Darebin's community would be able to provide feedback on the whole area including how it could work as a whole making for the future planning of a broader market and railway precinct.
- It would allow the state government and Council to understand community feedback on this area in the very near future and to take account of these in all the planning and design work that happens in the area.
- Minimises risk of consultation fatigue

The main considerations are that although the level crossing removals here have been prioritised, they have not been confirmed and timing of any works is not known. If this were not confirmed by the time engagement started, engagement would have to make a number of assumptions.

Option – continue to progress community engagement as currently planned

Council could also consider progressing community engagement as initially intended focused on the Preston Market strategic site. Note that the engagement would still be informed by what's expected in the wider precinct, but it would not discover what the community is seeking in that wider precinct.

The main benefits are:

- The community are already familiar with the Preston Market project boundaries.
- Avoids complications of the level crossing removal.

Considerations are:

- Further community engagement in regards to Preston Station area and surrounds is likely to be needed at a later date and there is some risk of consultation fatigue and/or confusion.
- It would delay developing an understanding of what's important to community in the wider area

IMPLEMENTATION STRATEGY

Details

- Council would write to Premier, Local Members of the Victorian Legislative Assembly and Legislative Council, and the Ministers for Planning and Transport Infrastructure in line with the decision of Council.
- Officers would seek support from the VPA to broaden community engagement.
- Council would continue to progress work to review planning controls for the area

Communication

- Council's decision would be communicated with stakeholders and to the community including through email, meetings, social and print media.
- To support the upcoming community engagement a communications plan will be developed and implemented.
- Officers would continue to meet with relevant authorities, agencies and key stakeholders.
- Council's decision will be communicated with stakeholders and to the community.

Timeline

In the forthcoming weeks the following general priorities are as follows:

- Finalise the next phase of community engagement and promote these opportunities this to the community.
- Continue to undertake stakeholder engagement based on Council's decisions and principles
- Progress technical work as part of the Review of Planning Controls.

RELATED DOCUMENTS

- Preston Market Incorporated Plan 2007
- Preston Central Structure Plan 2006
- Council Minutes 21 May, 13 August, 3 September and 17 December 2018

Attachments

- Guiding Principles (**Appendix A**)
- Site Map Preston Market (**Appendix B**)

DISCLOSURE OF INTEREST

Section 80C of the *Local Government Act 1989* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any direct or indirect interest in a matter to which the advice relates.

The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.
