

## Memorandum of Advice

---

**Heritage Advice:** Preston Market – Peer Review of Heritage Study Documentation

**Prepared for:** Victorian Planning Authority

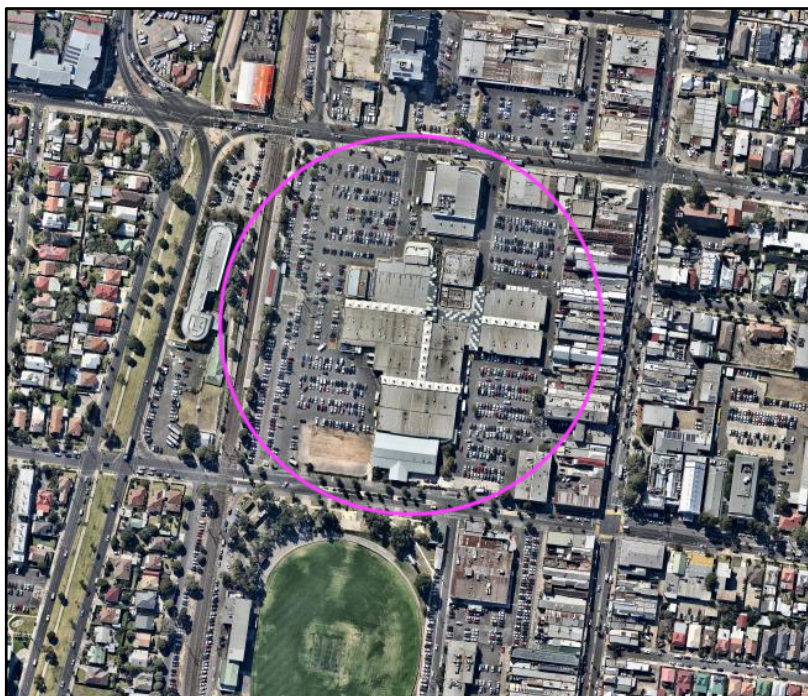
**Date:** 16 August 2018

**File:** 2018-047

---

### 1. Introduction

Preston Market is a privately-owned retail shopping precinct located on approximately 4.6 hectares in the suburb of Preston, in Melbourne's north. It is bound by Murray Road to the north, Cramer Street to the south, the rear of High Street buildings to the east and the Preston Train Station car park to the west.



**Figure 1.** An aerial of the subject site (@nearmap, aerial dated April 2018).

Preston Market was constructed in 1969 on the site of the former Thomas Broadhurst Tannery. Trading commenced in 1970. Preston Market was conceived by a local developer as a contemporary take on a traditional retail market form, and has been in private ownership since its inception.

Today it occupies an expanded footprint comprising 120 retail spaces/stalls, spread over seven sheds and a “market hall”, together with associated car parking.

GJM Heritage has been engaged by the Victorian Planning Authority (VPA) to undertake a peer review of the following documentation prepared in respect of the heritage significance of the Preston Market:

- *Preston Market Heritage Study* (Volumes 1 & 2) by Context, December 2017 (the 2017 heritage study)

- *Preston Market Heritage Study, 2017, Context P/L: Review and Recommendations*, Heritage Revival Pty Ltd, 26 March 2018 (the Heritage Revival peer review).

Specifically, we have been engaged to provide advice on the following matters:

- Whether the methodology, conclusions and recommendations of the 2017 heritage study are reasonable and capable of withstanding testing at a planning panel hearing;
- Whether there is sufficient and confident justification for the introduction of a Heritage Overlay to the site;
- Whether a Heritage Overlay is the best planning tool to protect the social and cultural significance of the subject site;
- Whether a Heritage Overlay will ensure that the existing land use is retained on site;
- Whether alternative options may better achieve the outcomes sought from the community members advocating for a Heritage Overlay.

In summary, our findings in respect of the above matters are:

- The methodology adopted for the 2017 heritage study is broadly reasonable, however we disagree with a number of the conclusions and recommendations. We do not believe that all of the recommendations will withstand testing at a planning panel hearing.
- It is our view that the 2017 heritage study does not provide sufficient justification for the application of the Heritage Overlay.
- It is our view that the Heritage Overlay is not the best tool to protect the social and historical significance of the site.
- The Heritage Overlay is a development control – not a use control. It cannot ensure the existing market use is retained on site.
- Alternative instruments are available to appropriately manage the identified historical and social significance of the site and to ensure a “market form” remains on the site.

These findings are detailed fully in this review.

This review has been completed with the assistance of Ms Fiona Whitworth.

## **2. Project Approach & Findings**

It is important to note at the outset that community gathering places – such as market places, shopping centres, pubs, clubs, sporting fields, theatres, churches and other places of worship, schools and other civic places – play a critical role in the fabric of our society. They are places where people connect and develop relationships within their local community. They are places that enable people to feel a sense of belonging to – and engagement with – a community. These places remain important to a community while they continue to be used as gathering places. If these places cease to be used for that purpose, their value may diminish or no longer have meaning to that group.

An important role in municipal and state planning is to provide for, and nurture, these places for the benefit of the wider community. A large suite of urban/regional and community planning tools are available to achieve this outcome.

Not every gathering place that is important to a community warrants the application of the Heritage Overlay. To warrant inclusion in the Heritage Overlay, a place must satisfy at least one of the eight heritage criteria set out in *Planning Practice Note 1: Applying the Heritage Overlay* (PPN1). This includes historic and social value. However, as the Heritage Overlay is a development control (not a use control), it is only appropriate to apply the Heritage Overlay if the values of a place are capable of being managed through a development control (i.e.

where the physical form or expression of the place is important to be able to understand the heritage values of the place). If the importance of a place lies in its use or in the provision of a space for community gathering, then other planning tools are more effective for achieving this outcome (including, for example, an appropriate zone to support a desired range of uses). If the importance of a place lies in the fact that something important occurred within the place, then interpretation of that historical event is appropriate as noted in PPN1.

We have therefore approached this project by reviewing the heritage values of Preston Market (as identified in the 2017 heritage study), considering whether heritage significance at the local level is made out, and then – if appropriate – determining whether the Heritage Overlay is the appropriate tool for managing the identified heritage values of the place. Specifically – and linked to the scope outlined above – we have answered the following questions:

- Is the methodology applied to the 2017 heritage study and the findings in respect of heritage significance sound?
- Is the recommendation to include the Preston Market site in the Heritage Overlay robust and defensible at Panel?
- Are there alternative options for managing and celebrating the identified significance of Preston Market?

In summary, it is our view that:

- There is insufficient evidence provided to support the findings that Preston Market satisfies Criterion D (representativeness), E (aesthetic) and F (technical) of the heritage criteria in PPN1.
- There is sufficient evidence to support the findings that Preston Market satisfies Criterion A (historical) and G (social) of the heritage criteria.
- The application of the Heritage Overlay would not effectively manage the identified historical and social significance of Preston Market and will not ensure the continued use of the site for a market-style retail experience.
- The Schedule to the Priority Development Zone (PDZ) and the Incorporated Plan for Preston Market (or an appropriate equivalent planning instrument) provides a more appropriate and effective mechanism for addressing the historical and social values of the site than the Heritage Overlay. A number of amendments to the PDZ Schedule and the Incorporated Plan are recommended to ensure these values are appropriately managed. These are detailed on p8 of this review.
- Interpretation should be used to communicate and transmit the historical and social values of the Preston Market using techniques that may include oral history, fixed interpretation panels, web-based interpretation and storytelling or mobile applications such as augmented reality.

### 3. Background

Preston Market is subject to a Priority Development Zone (PDZ1) which includes an Incorporated Plan (the *Preston Market Incorporated Plan, 2007*) for the site. The Incorporated Plan specifies that part of the site is to be used for a market.

In February 2017, Council resolved to commence a heritage study of Preston Market. Council specifically sought advice on whether the market held social, historical, or cultural value. The heritage study commenced in July 2017 and some limited community engagement work for the heritage study started in August 2017. The heritage study was finalised in December 2017 with Volume 1 providing historical and social research and Volume 2 providing an assessment of whether the market met the criteria for a Heritage Overlay.

In August 2017, the Minister for Planning directed the VPA to review the current planning controls affecting the site of Preston Market, placing an interim two-storey height limit over part of the site where the market buildings are located. A non-negotiable part of the planning review is that part of the site is to be used for a market.

In March 2018, a peer review of the 2017 heritage study was undertaken by Council's heritage advisor (Heritage Revival) to understand if the methodology and conclusions of the heritage study were sufficiently robust to withstand the scrutiny and testing at a planning hearing. The Heritage Revival peer review raised a number of questions around the appropriateness of including the Preston Market site within the Heritage Overlay.

On 21 May 2018, Council resolved to release the 2017 heritage study and the Heritage Revival peer review to the public and request the VPA that the heritage study be considered as part of the current review of planning controls for the market site.

## 4. Peer Review

### 4.1 Is the methodology applied to the heritage study and the findings in respect of heritage significance sound?

#### Methodology

We broadly agree with the view expressed in the Heritage Revival peer review that the methodological approach to the 2017 heritage study is reasonable and is consistent with the guidance set out in PPN1.

We share the view that quantifying social significance is a difficult exercise, particularly as there is limited guidance currently available on how best to undertake this assessment. The combination of utilising existing data and supplementing this with additional survey and interview data is considered to be reasonable and appropriate.

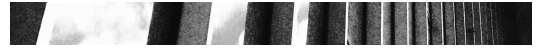
#### Findings

The heritage study has found that Preston Market has historical, architectural, aesthetic, technological and social significance to the City of Darebin and satisfies Criterion A, D, E, F and G of the heritage criteria in PPN1 at the local level.

Having reviewed the 2017 heritage study, it is our view that Preston Market is of historical and social significance to the City of Darebin, satisfying Criterion A and G of the heritage criteria. We disagree with the 2017 heritage study findings that Preston Market satisfies Criterion D, E and F. Our reasons are set out in the following table which provides commentary against each of the stated elements of significance in the Statement of Significance contained at section 2.4 (p12) of Volume 2 of the 2017 heritage study:

Criterion	Stated Significance (Heritage Study)	GJM Opinion & Commentary
Criterion A	Preston Market is historically significant as the first post-war market to be created in Melbourne designed to support a growing local population and to offer the diversity of culturally relevant foods and social experiences desired by a post-war migrant community.	<i>Agree - with qualification</i> No evidence is provided in the assessment to confirm that Preston was the first post-war market developed. Other markets were developed at a similar time in outer Melbourne suburbs (including Oakleigh for example) and these have not been analysed. In addition, a number of existing markets were revived or revitalised as a result of the influences of post-war migration. It also needs to be clarified that this historical consideration relates only to what the heritage study defines as "retail markets". In this regard we note that Preston Market is not a "traditional" retail market with municipal or community-based origins. It is a private retail enterprise that deliberately adopted a traditional market form to appeal to the community in which it was established. It is also noted that another important market – the Footscray wholesale market – opened in 1969. Notwithstanding the above issues, it appears reasonable to conclude that





		Preston Market was the first post-war “retail market” created in what is now the City of Darebin and that it therefore has <u>local</u> historical significance on that basis.
Criterion A	Preston Market is historically significant for its ability to demonstrate key historical phases in the development of Preston, particularly development of a civic, commercial and community hub (at precinct level) following the closure of the local tanning business Broadhurst’s which made extensive areas of land available for new uses and activities.	<i>Disagree</i> Preston Market does not demonstrate the use of the site as a tannery until 1960 as no fabric of the earlier structures on the site remain. Every place that occupies a site which had an earlier use can equally demonstrate this type of history.
Criterion A	Preston Market is historically significant for its ability to demonstrate the social and cultural changes that resulted from post-war migration in terms of food and cuisine, and demonstrates a remarkable continuity in its adaptability to an ongoing process of migrant-related social change.	<i>Agree</i> It is agreed that the market is an important expression of post-war, migrant-led cultural change in the municipality.
Criterion A	Preston Market demonstrates, at a local level, the influence of post-war migration on the cultural and social life of Victorian communities in the latter half of the twentieth century. The market is historically significant for its ability to demonstrate cultural adaptability, diversity and inclusion, characteristics that are markers of local identity in the City of Darebin.	<i>Agree – a re-statement of the point above</i>
Criterion D	Preston Market is significant as a representative example of a post-war market form, combining the traditional elements of stall within a pedestrian space, while also providing the car parking sought in the post-war years as car ownership expanded. The key characteristics include the market-style retailing (stalls, individual owners), the number and diversity of traders offering specific types of products (rather than a single retailer per product), pedestrian spaces, gathering and mingling spaces, open-air (although with shelter added subsequently), conceptually a ‘public space’ (noting that in fact it is privately owned but reads as a public place), and permeability in terms of access to and through the market area.	<i>Disagree</i> Preston Market adopts what is largely a “traditional” market form at a time when shopping centres – such as Northland – were being developed. It is these shopping centres that are more accurately described as being representative of a “post-war market form”, not Preston Market. The adoption of a traditional market form for Preston Market was a strategic decision by the developer to respond to the community in which the retail precinct was established. This choice of a traditional market form makes Preston Market an anomaly rather than a significant representative example. The provision of car-parking around the market does not in any way elevate the significance of the market as this was the result of a confluence of space availability and transport preferences of the time.
Criterion E	Preston Market is of aesthetic significance based (sic) the design concept and its realisation. It reflects a contemporary industrial aesthetic through the rhythm of the structural forms and repeated web-like structure of the space frame steel trusses.	<i>Disagree</i> From the limited material provided on the market design in the 2017 heritage study, it appears that the design was driven principally by functional requirements for the market layout. The heritage study does not identify any secondary sources in which the design of the market was critiqued (beyond a consideration of the flexibility of the space) or if architectural or design industry

		recognition was received for the design. There is insufficient evidence to support a claim of aesthetic significance.
Criterion F	Preston Market is of creative and technical significance for its adoption of new architectural concepts that espoused flexibility and adaptability in buildings as a response to rapid social change experienced in the post-war period.	<p><i>Disagree</i></p> <p>The 2017 heritage study states that '<i>The Preston Market was the site of the first application of space frame technology in Victoria</i>'; however, this claim is not referenced and no evidence to substantiate the claim is provided in the study. Additional desktop research has not revealed any evidence to confirm this statement. The heritage study states that space frame technology was applied to the architectural industry in the 1960s and was popular until the 1980s but no references or examples are provided. Desktop research has not been able to identify whether the use of this structural technology at Preston Market had an impact on the development of space frame technology in Victoria.</p> <p>Despite comments made about the popularity of the space frame until the 1980s, only one notable example has been readily identified – Collins Place, designed c1970 by I.M. Pei and Partners, and finally completed in 1981. I.M. Pei had used space frame structural systems in other projects internationally and the design of Collins Place was not influenced by Preston Market.</p> <p>On the information provided in the heritage study, there is no evidence to conclude that the space frame at Preston Market was technologically or creatively influential or significant.</p>
Criterion G	Preston Market has social significance for its strong and special associations with Preston as wider communities who shop at the market, with stallholders, many of whom have been a part of the market for many years, and sometimes are second generation traders.	<i>Broadly agree – although this is true of many commercial premises that have long-term owners</i>
Criterion G	Preston Market has social significance to the Preston community and wider communities as (sic) important social and cultural landmark within the inner northern suburbs. It signifies the particular history of the post-war period in serving as a focus for social exchange is intimately connected to the daily life of Preston.	<i>Broadly agree – historical and social values are conflated and the expression of the statement could be clearer</i>
Criterion G	Preston Market is of social significance as a place that sustains important community ideas about cultural diversity and inclusiveness. These form a significant element in community identity across the City of Darebin and are actively celebrated.	<i>Agree</i>
Criterion G	Preston Market is of social significance as a place that creates and sustains opportunities for cultural practices and traditions associated with food and cuisine to continue. The market	<i>Agree</i>

	symbolically connects people to their own cultural pasts and those of the wider community.	
Criterion G	Preston Market is of social significance as a place where strong and special attachments have been created and continue, and that go beyond the simple utility of the market as a shopping venue, These attachments are linked to the place, the function and interpersonal relationships.	<i>Agree – although this is true of many commercial premises that have long-term owners</i>

#### 4.2 Is the recommendation to include Preston Market in the Heritage Overlay robust and defensible at Panel?

Having identified that Preston Market satisfies heritage criteria A, D, E, F and G, the 2017 heritage study recommends that the place should be included in the Heritage Overlay of the Darebin Planning Scheme.

On the basis of the material contained in the 2017 heritage study, it is our view that only Criterion A (historical significance) and Criterion G (social significance) are satisfied at the local level.

PPN1 notes the following in respect of ‘Places of significance for historical or social reasons’:

*Planning is about managing the environment and changes to it. An appropriate test for a potential heritage place to pass in order to apply the Heritage Overlay is that it has ‘something’ to be managed. This ‘something’ is usually tangible but it may, for example, be an absence of built form or the presence of some other special characteristic. If such things are present, there will be something to manage and the Heritage Overlay may be applied.*

*If not, a commemorative plaque is an appropriate way of signifying the importance of the place to the local community.*

A high-level reading of the above would lead to a conclusion that because Preston Market exists, its inclusion in the Heritage Overlay can be supported. However, it is our view that the ‘something’ to be managed has to relate to the reasons why a place is significant. Therefore, it is only reasonable to apply the Heritage Overlay if the values for which a place is significant can be managed through the Heritage Overlay.

It is our position that Preston Market is of historical and social significance to the City of Darebin for its use as a market-style retail space. Without that use, the built fabric would be rendered meaningless to the community. Equally, the built fabric could be replaced or substantially altered (as has already occurred throughout the majority of the market) and the social and historical significance of the market would remain.

As the Heritage Overlay is a development control – not a use control – its ability to manage the significance of Preston Market is of limited utility. While the Heritage Overlay may be able to assist in managing the arrangement of some of the spaces to encourage connection between people and to provide a mix of open space and shelter, it is not the only planning tool capable of achieving this outcome. Arguably, in the absence of a use which encourages community gathering, the ability to manage these matters is of limited assistance.

Consistent with the Heritage Revival peer review, it is our view that the recommendation to include Preston Market in the Heritage Overlay is not sufficiently robust to be successfully defended at Panel.

#### 4.3 Are there alternative options to better manage the significance of the Preston Market?

As identified above, Preston Market is currently included within PDZ1, which is supported by the *Preston Market Incorporated Plan* (2007) (the Incorporated Plan).

Managing the significance of Preston Market through a planning instrument which provides a framework for both use and development in a cohesive manner is considered to be an appropriate outcome in this instance.

In addition to the recommendation to include Preston Market in the Heritage Overlay, the 2017 heritage study identifies recommendations related to the Incorporated Plan that we consider have some merit for managing the historical and social significance of the market (see ppvi-vii, Vol 2).

Drawing from these recommendations, but modifying them to specifically address the historical and social significance of the market, we make a number of recommendations that are set out below. At the time of preparing this advice we understand that the PDZ may be removed from the Victorian Planning Provisions through Amendment VC148. Therefore, while the PDZ is referred to in the recommendations below, it would also be appropriate to address these issues through another equivalent planning instrument or legal agreement (i.e. a s.173 agreement).

- 1) Update the Objectives of PDZ1 to include: 'To provide for a retail market use on the site'.
- 2) Update the Application Requirements under Clause 4.0 (Buildings and Works) to include: 'A report demonstrating how broad-based community consultation (including through the use of human-centred design or similar) has informed the design of buildings and works related to the creation, expansion or contraction of the market'.
- 3) Update the 'Management Plans' requirements under Clause 2.0 (Use of land) to include: 'Land must not be used for the purpose of market until a Management Plan has been approved by the Responsible Authority. The Management Plan must include detail on how:
  - Local business will be supported
  - A low entry barrier to retail formats will be incorporated, such as through pop-ups or subsidised rent to encourage diversity
  - Tenure for multi-generational businesses that play a role in the community will be supported
  - Protection against inclusion of franchises and multi-national traders will be achieved
  - Owner-operators, independents and entrepreneurs will be supported
  - Cultural diversity and inclusion will be supported
  - Civic spaces and the public realm are programmed or activated.
- 4) Update the Incorporated Plan to:
  - i. Include under Section 3 (Use and Development Objectives): 'To provide a retail market that respects the historical and social significance of Preston Market, as identified in the Statement of Significance for the market'.
  - ii. Include the Statement of Significance for Preston Market, identifying the historical and social values of the place.
  - iii. Under Section 4 (Built Form and Design), include a sub-heading 'Heritage' with the following:
 

'Provide a retail market space that includes the following:

    - Wide pedestrian streets that intersect with each other to offer a stage for activities and encounters.
    - Crossing places that sustain social engagement.
    - Permeable edges that promote public access.
    - Natural light and a sense of being open to the outside when within the market.
    - Fixed heritage interpretation that celebrates the history and stories of the market (this may also potentially include markers for digitally-based heritage interpretation tools or augmented reality experiences)'.