

IN PLANNING PANELS VICTORIA

AMENDMENT GC81

PLANNING AUTHORITY: Minister for Planning

LANDOWNER: ANZ

SUBJECT LAND: 833 – 839 Collins Street, Docklands

OUTLINE OF SUBMISSIONS

Introduction

1. These submissions are made on behalf of ANZ, in relation to the impact of Amendment GC81 (“the Amendment”) on land at 833 and 839 Collins Street, Docklands (“the Land”).
2. In addition to these submissions, ANZ relies on the expert evidence of Mr David Barnes, Managing Director of Hansen Partnership Pty Ltd, in relation to strategic planning considerations.
3. These submissions are also to be read together with ANZ’s submission to the Amendment (submission 216).

The Land

4. ANZ owns the land at 833 Collins Street, known as the ANZ Centre (“the ANZ Centre”), and has entered into an agreement to lease 12 levels of the adjacent building at 839 Collins Street, known as Building Y3 (“the Y3 Building”), a 21 storey commercial office tower presently under construction.
5. ANZ is concerned about the impacts of the identified tramline on the Land. It has invested substantial monies in establishing its head office in this location (relocating approximately 8,000 staff, with 2,000 additional staff to relocate upon completion

of the Y3 Building), and improving the amenity of the public realm, adjacent to the Yarra River. ANZ has also invested in the installation of public art, which provides for improved pedestrian amenity for visitors to Collins Landing, a high quality landscaped area between the buildings, which provides boating access and passive recreational use on the Yarra River.

6. It is clear from the background work that has been undertaken to date that the extension of the Collins Street tramline is a relatively short-term (5 – 10 year) priority for the Government. That is not to say, however, that the location of the tramline and river crossing is an absolute certainty. Infrastructure planning of this type is always subject to change until such time as the Government has made a clear budgetary commitment.
7. Various options for the precise location of the tramline crossing on the northern bank of the Yarra River have been the subject of feasibility assessments.¹ However, the evolution of this work has revealed significant issues and potential adverse consequences in locating the tramline between the ANZ Centre and the Y3 Building, particularly the most recent 2017 Jacobs study (explored further below).² There is a considerable amount of work yet to be undertaken before the northern river crossing location can be identified with a reasonable level of certainty.
8. Until such time as the Government determines the crossing location, the Framework and planning controls ought make it clear that the northern river crossing location is under consideration and investigations are continuing. The Amendment documentation should not itself lend undue weight or support to a particular crossing location. This is because the Review Panel has not tested the technical aspects of each crossing option to a fault. It may well have satisfied itself about the feasibility of the options explored in the background documents (using unweighted criteria matrix). However, achieving a minimum threshold ought not be the basis of a positive endorsement of any particular location. This is because there are other important considerations that will necessarily inform a final decision.

¹ Generally involving a rudimentary and unweighted ‘multi criteria assessment’. See for example, *Fishermans Bend Public Transport and Active Mode Link*, Background / Feasibility Report, 1 September 2016 at page 52 and Appendix C, and the *Integrated Transport Plan*, October 2017 at pages 29 to 30.

² *Fishermans Bend Public Transport, Active Mode Link and Connectivity Study*, 24 February 2017

9. It is the primary contention of ANZ that it is inappropriate for the Amendment documentation to identify the northern crossing location, in plan form, and that text should be added to the Framework to clarify the current position – which is that the location is not finalised and requires further investigation. It is submitted that this approach is consistent with policy objectives relating to the Yarra River, and will not undermine any objective or outcome sought to be achieved by either the Framework or controls.

The Amendment as it affects the Land

10. The Framework addresses the location of the tram crossing (or related provisions) as follows:

- (a) The proposed extension of the Collins Street tram through the ANZ site is depicted at *Figure 5 – Public Transport*, on page 31 of the Framework, together with text identifying the tramline as the “*Proposed Tram Route*”;

- (b) Objective 1.1 of the Framework relating to *Sustainability Goal 1 – a connected and liveable community*, provides:

Deliver public transport services that connect to the existing Melbourne network and are a ten minute walk from all residences and workplaces.

- (c) Strategy 1.1.1, at page 31 of the Framework, states:

Seek to extend the tram network to Fishermans Bend, including two new dedicated tram routes connecting north and south of the freeway to Docklands, Southern Cross Station and the Hoddle Grid.

- (d) A new tram river crossing is discussed under the heading *Catalyst Projects – Integrated Transport Planning*, at page 32 of the Framework;

- (e) *Figure 20 – Infrastructure Delivery in Lorimer*, at page 73 of the Framework, depicts a tramline off the southern bank of the Yarra River, without identifying the northern crossing location – the tramline is identified as a medium term key infrastructure delivery project at page 72.

Changes sought to the Framework and proposed planning controls

11. ANZ seeks the following changes to the Amendment documentation:
- (a) Removal of 'Proposed tram route' depicted in purple on Figure 5 - 'Public Transport', on page 31 of the Framework;
 - (b) Removal of 'Proposed tram route' depicted crossing the Yarra River in Figure 20 - 'Infrastructure Delivery in Lorimer' at page 73 of the Framework;
 - (c) In draft Clause 22.27 'Fishermans Bend Urban Renewal Area' of Melbourne Planning Scheme at 22.27-3 'Policy' - 'Sustainable transport', amend dot point two as follows:
 - *Facilitating the delivery of future public transport including new trams, train and bus routes which coordinate and integrate with existing development as appropriate.*
 - (d) If the Review Panel considers it necessary to show a proposed tram route crossing the Yarra River, the Framework Plan should include a notation on any plan depicting the tram route as follows:
 - *The location for a tram crossing is yet to be finalised. The location will be subject to detailed investigation and consultation.*
12. ANZ submits that the use of the term 'Proposed Tram Route' in the Amendment documentation implies that the route is a near certainty. It goes beyond acknowledging the tram route as an opportunity, option or aspiration. The changes proposed by ANZ are important to ensure that the Amendment documentation correctly indicates that the location of any tram route has not been resolved, and certainly not to the extent that it could be described in the Amendment documentation as a 'proposed' route. Clarifying and strengthening the terms of the Amendment as suggested will not adversely impact the proposed urban structure, or any other significant element of the Amendment.

Background

13. ANZ has made a substantial investment in Docklands. It has relocated its head office to the ANZ building at 833 Collins Street and has secured substantial, long-term landholding (entering a lease of 12 years) within the Y3 Building. ANZ has also undertaken substantial public realm improvements for the benefit of staff and the local community alike.
14. The area between the ANZ Centre and the Y3 Building comprises a key pedestrian link to the water taxi berth, the Promenade and the Collins Street extension. Public realm art works were a significant element in the approval of the ANZ Centre, which contributes to the vibrancy of the precinct and provides an attractive retail environment. ANZ is concerned to preserve the high level of amenity achieved in this location and is committed to the ongoing maintenance of the public realm and activation of the space.
15. Critical to ANZ is the opportunity to realise a workplace campus between the ANZ Centre and Y3 Building, through pedestrian connectivity and the provision of direct access to shared amenities and facilities. ANZ seeks to facilitate a “one office” culture with employees transiting between the two buildings for shared work opportunities and collaboration. Ironically, ANZ had in 2017, sought to facilitate this relationship via a proposed skybridge linking the buildings but withdrew the associated planning permit in response Council’s advice that the proposal was contrary to its desire for activation at ground level, and protection of the view corridor along the Collins Street extension to the water. The Report to the Future Melbourne (Planning) Committee, dated 21 March 2017, described the skybridge as creating a ‘visual barrier’ to Collins Landing, ‘enclosing the space’ linking the two commercial buildings.
16. ANZ is genuinely committed to Docklands and seeks positive planning outcomes for the broader community. It is actively involved in creating that local community. ANZ has partnered with RMIT University to enable design students to design a ‘link space’ between the ANZ Centre and Y3 Building. Students are due to submit their ideas for the project in late 2018. The partnership with RMIT is intended to

explore new and inventive ways to obtain fresh student ideas to encourage connectivity in a campus-style environment. This demonstrates ANZ's commitment to fostering and creating a cohesive experience for staff in the Docklands precinct regardless of which building they may be in.

Summary of position

17. ANZ acknowledges the public benefit associated with the extension of the Collins Street tramline to Fishermans Bend and is supportive of this new public transport infrastructure, in the appropriate location. Moreover, ANZ does not dispute the technical analysis in background material presented to the Review Panel in relation to public transport planning for Fishermans Bend (subject to an acknowledgement of the limitations of unweighted criteria matrix).
18. However, the Framework should not identify the northern crossing location at this time:
 - (a) The material before the Review Panel merely identifies the proposed tramline as a feasible option – the achievement of this threshold status should not be elevated by nominating the precise location in the Framework;
 - (b) Nominating the location of the northern river crossing is likely to give the impression that the Review Panel has tested the merit of the location and expressly endorsed it, compared to other options;
 - (c) A decision about the most suitable location for the northern crossing will ultimately be influenced by a range of factors that are broader than the considerations set out in the various studies undertaken to date, including strategic planning considerations such as those raised by Mr Barnes; and
 - (d) It is appropriate to ensure that the Framework accurately reflects the current position, which is that further work is required before a decision can be reliably made about the precise location of the northern river crossing.

19. The technical difficulties associated with locating the extended tramline between the ANZ Centre and the Y3 Building are complex and substantive, as revealed by the key background documents. Moreover, the material before the Review Panel makes it clear that there is more than one feasible option available for the future tramline.³ Whatever preference may be expressed by the Minister in this process, the Amendment documentation should fairly and accurately acknowledge that the ultimate location of the northern crossing remains uncertain.

More than feasibility

20. The Review Panel has before it substantive information in relation to various options for the tramline, and other proposed transport infrastructure, much of which points to possibilities and preferences, rather than determined outcomes. The feasibility reports only take the matter of the location of the tramline so far, given that the matters that influence the ultimate decision encompass broader considerations.
21. The need to carefully manage the relationship between urban renewal and the Yarra River has been canvassed in Mr Barne's evidence, and the submissions of other stakeholders such as the Yarra River Business Association (submission 15), the Yarra Riverkeeper Association (submission 214), the Docklands Chamber of Commerce (submission 166), Sail and Adventure Ltd (submission 114), and Victorian Yacht Charters (submission 98).
22. The progressive blight of Yarra River by bridges that diminish the capacity of boats to travel up-river and river based tourism activity is a serious consideration that must weigh into an assessment of the appropriate location for the tramline.
23. This contention is supported by planning policy at both the State and local levels. Clause 11.06-8 Open Space Network in Metropolitan Melbourne seeks to *strengthen the integrated metropolitan open space network* by (amongst other matters):

³ See the discussion of the Charles Grimes Bridge options at page 30, where the limitation identified is limited to the cost associated with the need to provide a separate pedestrian / bicycle bridge.

- *Ensuring development does not compromise the Yarra River and Maribyrnong River corridors and other waterways as significant open space, recreation, aesthetic, conservation and tourism assets.*
- *Continuing the development of the lower Yarra River as a focus for sport, entertainment and leisure.*

24. Clause 12.05-2 relates to the protection of the Yarra River and seeks to:

Maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public.

25. Related strategies include:

Retain and enhance people's enjoyment of the river and its environment by:

- *Planning for the river and its environs as a recreation and tourism resource.*
- *Ensuring linkages and public access to the river and its parklands are maintained, enhanced and new links created where appropriate.*
- *Avoiding overshadowing of the river, its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year round.*

26. The Docklands urban renewal area is described at clause 21.04-1.2 as follows:

Once one of Victoria's main ports, by the 1990s it was an industrial wasteland. Around 2000 Docklands urban renewal began its transformation into a new residential, commercial and visitor destination providing housing, office, industry, research, institutional, business, education, entertainment/leisure, marina and sporting uses and public spaces. Docklands is an extension of the Central City and it is intended that leisure-related retailing complementary to retailing in the Retail Core is also be provided.

Together, Places Victoria, the City of Melbourne and the Docklands community have been assessing the first decade of development and planning for the second. Where the first decade focussed on creating buildings and attracting investment, the second decade is now being planned to be a place where people want to work, live and visit with a diversity of businesses, activities, residents, public spaces and community infrastructure.

27. The objectives of the urban design policy at clause 21.06-1 seek to (amongst other matters) maintain the designated Yarra River Corridor as a continuous, high pedestrian amenity focus for the city by promoting *active land uses such as cafes, restaurants and leisure venues in buildings along the waterfront, particularly those with a northern orientation and encourage uses with high levels of activity at the waterfront.*

28. Economic policy for Docklands at 21.13-2 seeks to (relevantly):
- *Encourage active uses in the areas fronting the waterfront to promote maximum usage and activity at the waterfront.*
 - *Support Victoria Harbour waterfront and Waterfront City as the primary retail precinct for Docklands that complements retailing in the Hoddle Grid.*
 - *Limit the impact of marina development on public access to the waterfront.*
 - *Encourage local industries and uses such as recreational boating, marinas, fish markets, and port services, particularly where access to the waterfront is available.*
 - *Ensure safe, wide and attractive public promenades are provided along the Docklands waterfront as an integrated part of the development of each precinct.*
 - *Ensure continuous pedestrian and cycle promenades along the waterfront in Docklands.*
 - *Strengthen Harbour Esplanade as a civic spine for the Docklands.*
29. The evidence of Mr Barnes is consistent with these policy imperatives. Mr Barnes acknowledges the importance of providing effective and direct public transport to Fishermans Bend that:
- (a) Utilises an existing transport corridor if possible; and
 - (b) Avoids adversely impacting the navigable extent of the Yarra River.
30. Mr Barnes does not support the nomination of the proposed tramline in the Amendment documents until such time as the Government has made a decision about its location.

More work needs to be done

31. Despite extensive work undertaken to assess the feasibility of various tram routes to date, questions about the practical implications of the proposed tramline remain unanswered. A review of some of the key documents before the Review Panel is informative.

The 2016 Jacobs Report

32. The *Fishermans Bend Public Transport and Active Mode Link, Background / Feasibility Report*, September 2016 was prepared by Jacobs in response to a request by VicRoads (“the 2016 Jacobs Report”).
33. The 2016 Jacobs Report was used by VicRoads and DEDJTR and PTV to provide advice to the Taskforce. It assessed the feasibility of a range of options for the provision of a new tramline from the CBD to Fishermans Bend.
34. The 2016 Jacobs Report explored the capacity of the Charles Grimes Bridge (“the Bridge”) to accommodate a two way tramline, concluding that:
 - (a) The Bridge would have adequate strength given its substantial load design;
 - (b) The Bridge deck could be reconfigured to suit tram tracks and could be regraded with concrete (with the additional concrete load to be confirmed);
 - (c) There is sufficient space to accommodate two trams without any additional widening, excluding the requirements for the active transport connection (a cantilevered outer edge structure could be accommodated to provide a shared path);
 - (d) The vertical geometry of the bridge indicated that it would suit a maximum grade of 6.7% for trams; and
 - (e) Overhead structures required for tram line equipment could be mounted on the existing bridge structure or mounted to the side of the existing piers.⁴
35. The 2016 Jacobs Report found that overall, *the existing bridge appeared to be capable of modification for use as a dedicated tram and / or bus bridge with relatively minor modifications to the deck without any strengthening.*⁵ The report also examined geotechnical issues

⁴ See pages 18 to 20.

⁵ At page 20.

associated with any new foundations required for a widened Bridge and finds no impediment to construction of such a structure.⁶

36. In relation to existing structures at North Wharf, the 2016 Jacobs Report observed further that a review of the *Robert Bird Group (RBG) Report Structure Report of North Wharf - Collins Street Remediation* (“the RGBG Report”) had been completed in November 2014, to understand whether the North Wharf structure was proposed to be strengthened as part of the Victoria Harbour Collins Wharf Development and if it was, whether it could cater for tram and / or bus loadings.⁷ The RBG report found that the wharf would not be capable of supporting tram loadings in the future and would need to be strengthened, including providing additional piles and deck slab strengthening.⁸

The 2017 Jacobs Report

37. More recently, Jacobs prepared a report titled *Fishermans Bend Public Transport, Active Mode Link and Connectivity Study*, 24 February 2017, which built on the 2016 Jacobs Report, and covered the third phase of work comprising the broader Study (“the 2017 Jacobs Report”).
38. The 2017 Jacobs Report analysed in detail, options for providing a new tram connection between Fishermans Bend and the CBD, and routes from the Yarra River heading into the Employment Precinct and Sandridge / Wirraway Precincts. The report assessed the feasible design of different routes, and detailed the costs and benefits associated with the options discussed. More particularly, the 2017 Jacobs Report assessed:
- (a) The concept design for feasible designs;
 - (b) Factors limiting feasible design;
 - (c) Structural considerations;

⁶ At page 26.

⁷ At pages 28 and 29.

⁸ At page 29.

- (d) Clearances required and / or provided for;
 - (e) Necessary grade transitions to maintain reasonable grades for public transport, pedestrian and bike riders;
 - (f) Urban design considerations including the impact on existing property boundaries and opportunities to support development; and
 - (g) Indicative cost of feasible options.
39. In relation to the proposed tramline across the Yarra River, the assessment focused on 6m and 9m crossing options. It found significant factors limiting feasible design:

- *The available width between the existing building at 833 Collins Street and proposed building at 839 Collins Street is a key limiting factor of the level of connectivity which could be provided via this route as it is considered impractical to fit access for public transport dual bicycle and footpath corridors. Future development of alignment would be required once exact extent of existing and proposed buildings are confirmed.*
- *Impact on DDO (Disability Discrimination Act) accessibility due to bridge gradients;*
- *Visual impacts on elevated public transport corridor on close proximity to existing and proposed buildings.⁹*

40. In relation to urban design considerations (including impact on existing property boundaries and opportunities to support development), the assessment found:

The 6m bridge urban impact to Collins Street on the north bank occurs in the restrictive open space between the two mixed use Land Lease developments of 833 Collins Street (an ANZ building) and 839 Collins Street (Currently under construction). A revised stepped landscape plaza could be designed to interface with the bridge slope to reduce impact but because of limited space the urban design quality of existing buildings ground level could be affected. A further more detailed urban study is required with stakeholders to confirm the bridges impact. North Bank active access along riverbank under the proposed bridge will be maintained.

The asymmetrical suspension bridge structural option for the Yarra crossing enabled better visibility along the river corridor at eye height with a potential reduction in bridge deck depth and number of support columns required. Amore conventional bridge

⁹ Page 10.

structure will have an adverse impact of (sic) river view corridor increase structural members if required.

If this bridge option is considered viable it is suggested that the Government run an open architectural design competition run by the OVGA (Office of the Victorian Government Architect) and Architects institute to maximise the bridge projects design outcome which will enhance to (sic) the urban amenity of the Yarra.

The impact on the south bank of the Yarra River edge and the proposed bridge interface to the open space and proposed Mirvac developments is that space is potentially tight. Currently there is a proposal of a Mirvac new apartment tower on the eastern side of the existing townhouses on Wharf Drive next to the river. A further urban study is required with stakeholders to confirm in detail the layout of the ground floor of the proposed tower ad its interface and clearances with the proposed tram on the southern end of the Yarra River and active link corridor.¹⁰

41. In relation to the 9m bridge option, the 2017 Jacobs Report found in respect of Urban Design Considerations (including impact on existing property boundaries and opportunities to support the development):

The 9m bridge option has a significant urban impact to Collins Street on the north bank with the elevated bridge slope negatively affecting the amenity of the streetscape between Merchant Street and Navigation Drive. The elevated bridge height also have a very large impact to the urban quality of the open landscaped space between the mixed use Lend Lease developments of 833 Collins Street (an ANZ building) and 839 Collins Street (currently under construction).

North Bank active access along riverbank under proposed bridge will be maintained.

The asymmetrical suspension bridge structural option for the Yarra crossing enabled better visibility along the river corridor at eye height with a potential reduction in bridge deck depth and the number of support columns required. A more conventional bridge structure will have an adverse effect of river view corridor with an increase in structural members required. ...

The impact on the south bank of the Yarra River edge and the proposed bridge interface to the open space and proposed Mirvac developments is that space is potentially tight...¹¹

42. The difficulties acknowledged by these comments are not confined to urban design considerations. They demonstrate that much remains unresolved in relation to simple but important matters, such as whether the dimensions of the proposed tramline can actually be accommodated between the ANZ Centre and Y3 Building.

¹⁰ At page 11.

¹¹ At page 12.

43. The indicative concept designs for the 6m bridge are depicted at Figure 4.1 and they demonstrate just how tight the fit is. The concept design for the 9m option depicts an elevated tramline extending within the Collins Street reserve. The 2017 Jacobs Report settles on the 6m bridge option, however it is unclear from the indicative layout plan whether the tramline will require building modifications. The 6m proposal contemplates:
- (a) A building offset of only 0.5m from the ANZ Centre;
 - (b) An elevated bridge that commences at the Collins Street footpath and rises between the buildings to approximately 1.6m (in the centre of the open space);
 - (c) A substantial elevated ramp structure for bikes and pedestrians;
 - (d) A pier and beam bridge construction, with a bridge width of approximately 15m (including bike and pedestrian paths); and
 - (e) Overhead supporting infrastructure.
44. Aside from a lack of detail about the treatment of the elevated structure within the open space area, ANZ is concerned about safety impacts arising from the construction of a transport corridor with elevated bridge structure in such a confined space.
45. Collins Landing was conceived as a public park / urban space that not only complemented the wharf but also protected the primary viewshed down the Collins Street axis, which was intended to terminate at the waters edge. The Collins Street view corridor was regarded as sufficiently important in planning for Victoria Harbour, that the ANZ Centre and Y3 Building were designed to avoid any incursion into it.
46. The Victoria Harbour Development Plan 2010 (“the Development Plan”) identifies the Y3 Building as a Landmark building, *which enjoys a prominent position at the axis of*

*the realignment of Collins Street.*¹² The Development Plan emphasises the value of the long distance view to the water down Collins Street,¹³ and nominates Collins Street (along with Bourke Street) as the two Primary View Axes.¹⁴

47. The ANZ Centre and Y3 Building were designed to address Collins Landing, with a focus on the outlook to the Yarra River. At no stage was Collins Landing contemplated as a transport corridor with an elevated tram bridge. Had it been known that Collins Landing would be utilised for a transport corridor, the design of the buildings would have, in all likelihood, taken a different form in terms of their address and outlook.
48. Much has been made of the need to provide public transport to Fishermans Bend as a key Government priority. This is clearly an appropriate planning objective. However, at no stage has the impact on the achievement of planning objectives for Docklands (or the Yarra River more generally) been raised by any party to this proceeding. ANZ contends that these are important planning considerations that should be given substantial weight in the Review Panel's consideration of how it addresses the additional tramline in the Amendment documentation.

Conclusion

49. ANZ submits that having regard to the matters set out herein, the Review Panel should make the recommendations sought by ANZ and supported by Mr Barnes.

Nicola Collingwood

Instructed by Rigby Cooke Lawyers

Date: 18 May 2018

¹² At page 90 of the Victoria Harbour Development Plan.

¹³ At page 90.

¹⁴ At page 91.