

Request to be heard?: No

Precinct: General

Full Name: Craig Downsborough

Organisation: Commonwealth Department of Infrastructure and Regional Development

Affected property:

Attachment 1:

Attachment 2:

Attachment 3:

Comments: Thank you for the opportunity to provide comments on the draft Fishermans Bend Framework. The Department of Infrastructure and Regional Development (the Department) has some concerns with the proposed unrestricted building heights with respect to potential penetration of airspace and risk to aircraft. The Department notes that the proposed amendment to Schedule 67 to Clause 43.02 of the Melbourne Planning Scheme increases the maximum height limit for the Lorimer Precinct from 40 storeys to unrestricted, and the proposed amendment to Schedule 30 to Clause 43.02 of the Port Phillip Planning Scheme increases the maximum height limits for the Sandridge and Montague Precincts from 18 storeys and 40 storeys respectively, to unrestricted. The proposed site lies below the protected airspace of Melbourne Airport (PANS-OPS) and Essendon Airport (Obstacle Limitation Surface (OLS) and PANS-OPS). The Essendon OLS outer horizontal surface is around 228.5m (AHD) across the proposed site and construction of any buildings above the OLS would require approval under the Airports (Protection of Airspace) Regulations 1996 (the Regulations), including assessment by the Civil Aviation Safety Authority and Airservices. Permanent obstacles, such as buildings, in the PANS-OPS are NOT PERMITTED under the Regulations and would limit any final building heights. Temporary obstacles, such as construction cranes, in the PANS-OPS are also subject to restrictions under the Regulations, and this may impose practical and/or economic limitations on the final buildable height close to the PANS-OPS. In particular, under Regulation 14 (5) cranes are effectively limited to three months in the PANSOPS, and the Department understands there are limits on the heights that could be built to while still meeting the requirements in the regulations. The Department understands that Essendon Airport proposes to provide comments on the proposal. Essendon airport would also be able to confirm the specific details of airspace, including PANS-OPS, above the site. The Department recommends that the planning for the Fishermans Bend precincts seek to have building height limits that align with the protected airspace of Melbourne and Essendon Airports in order to prevent unacceptable penetrations into protected airspace and to provide appropriate certainty to developers and the community. It is also important that proponents of tall buildings in this area advise Melbourne and Essendon Airports of the planned final height of the building as well as any associated crane activities to ensure that any approvals required under the Airports (Protection of Airspace) Regulations 1996 are obtained. Thank you for the opportunity to comment. In considering the proposal, I urge DELWP to consider closely the issues raised.