

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: HPE CM: Pemulwuy Project, Redfern  
**Date:** Monday, 26 November 2018 9:36:09 AM  
**Attachments:** [image005.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[Department Response to IPC Questions.pdf](#)  
[Additional Council Information.pdf](#)  
[Court Judgement.pdf](#)

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Hi Matthew

Many thanks for your email.

Please find below and attached the Department's response to the Questions on Notice and the Commission's request for advice:

### **Questions on Notice**

1. What happens if there is a shortfall in ATSI students wanting to take up the 110 subsidised student beds (transcript page 9)? In the event not all subsidised beds are taken up they would return to normal market rented student beds/rooms.
2. There is no condition about the location of the 110 subsidised student beds/rooms within the building (transcript page 12)? While the Department's assessment considers the 70 (of the 596) student rooms that have no natural ventilation to be minor and acceptable, the assessment considers that all student rooms achieve a high standard of amenity in terms of space standards and layout, solar access and access to communal student amenities and open space (**Section 6.3.4**). The Department also considers that specifying a particular location or room type (such as studio, twin or larger rooms) available to ATSI students, without knowing demand for spaces from ATSI students at this stage, may restrict availability to this group.

### **Airspace Protection**

As noted below and during the Commission briefing, the Commonwealth Department of Infrastructure, Regional Development and have approved the application to penetrate the airspace (**Section 6.3.8**). The Commission may therefore consider deleting Conditions B54 and B55 (of SSD 8135) and adding new conditions A30, C25 and E20A as follows:

#### **Part A – Administrative Conditions**

- A30 For the purposes of controlled activities within the protected airspace of Sydney Airport, the building must not exceed a maximum height of 96.57 Australian Height Datum (AHD), inclusive of lift over-runs, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings, exhaust fumes etc.

#### **Part C – Prior to Commencement of Works**

C25 Prior to the commencement of any construction works on site the Applicant shall seek separate approval under the *Airports (Protection of Airspace) Regulations 1996* for any cranes required to construct the building that are to operate at a height higher than that of the approved controlled activity (96.57 AHD).

#### **Part E – Prior to Occupation or Commencement of Use**

E20A Prior to the issue of an Occupation Certificate, the Applicant shall submit a written report from a certified surveyor to the Sydney Airport Corporation Ltd airfield design manager confirming the finished height of the building.

#### **BASIX requirements**

The Department notes the advice from Council (and the attached Court Judgement), and agrees that the proposed development is a 'BASIX affected development' requiring a BASIX certificate. The Commission may therefore consider including a deferred commencement condition to SSD 8135 (as page 7 of the Court Judgement).

#### **Comments from Council**

Please see attached responses to the comments from Council.

Please feel free to contact me should the Commission have any further questions.

Regards

#### **Matthew Rosel**

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**From:** Matthew Todd-Jones  
**Sent:** Friday, 16 November 2018 4:44 PM  
**To:** [REDACTED]  
**Subject:** HPE CM: Pemulwuy Project, Redfern

Good afternoon Matthew,

Thank you for meeting with the Commission on Tuesday. Further to the meeting, the Commissioners have requested the following additional information:

updated conditions B54 and B55 (in relation to SSD 8135) based on the recent information from the Commonwealth Department of Infrastructure, Regional Development and Cities (provided to the Commission on 1 November 2018); and

- clarification as to whether a BASIX certificate is required for Precinct 3. The Commission notes that City of Sydney Council has provided it with a Court Judgement in relation to the requirements for BASIX certificates, which I have attached for your information.

I would be grateful for this information by **Friday 23 November 2018**.

Please also see attached a document provided to the Commission by City of Sydney Council outlining its comments on the Department's recommended conditions. If you have any comments on this document please also provide them to the Commission by **Friday 23 November 2018**.

Just to note, I will be away from the office from Monday but will be back in on Thursday and contactable by email on Wednesday afternoon.

Regards,  
Matthew

**Matthew Todd-Jones | Team Leader**

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