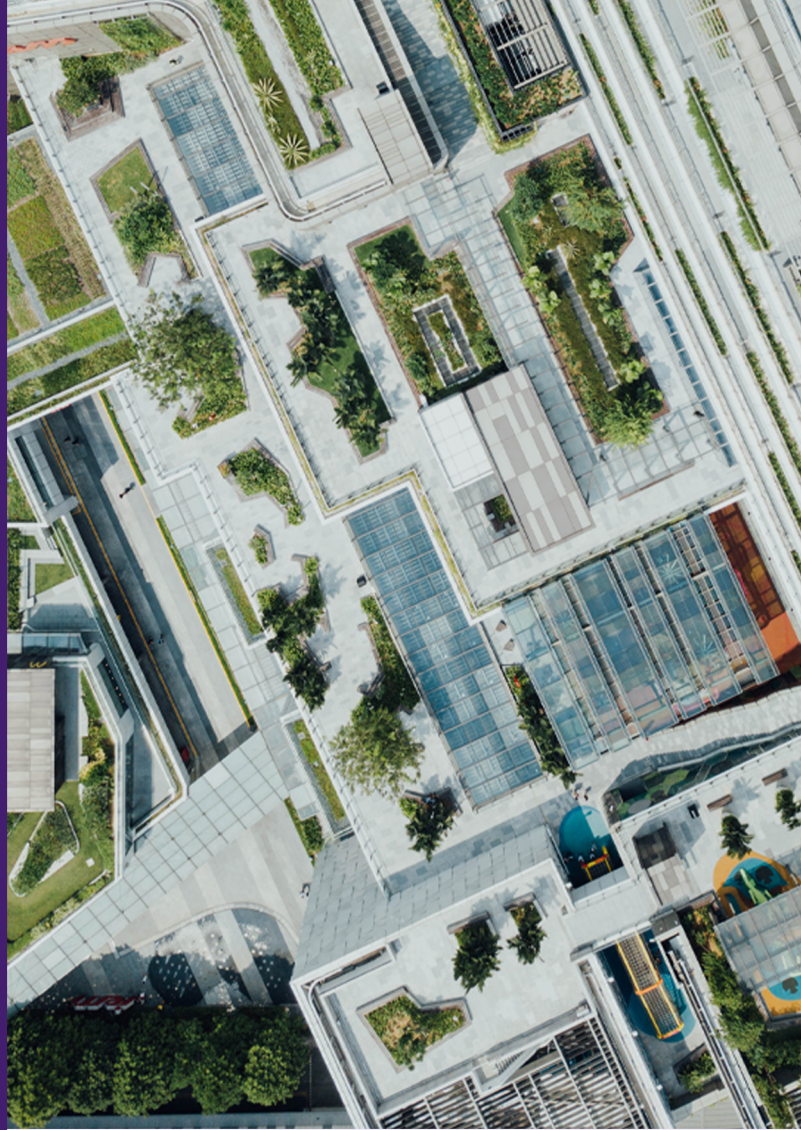




13A Church Avenue, Mascot NSW 2020

Section 4.55(2) Modification to consent for DA-2024/10

On behalf of Iglu No. 216 Pty Ltd

25 March 2025

The Planning Studio acknowledges the traditional custodians of the lands + waters of Australia, particularly the Gadigal People on whose traditional lands our office is located, and pay our respects to Elders past, present + emerging. We deeply respect the enduring Connection to Country + culture of Aboriginal and Torres Strait Islander peoples and are committed to walk alongside, listen + learn with community as we plan for equitable, sustainable, generous, and connected places. Always was, Always will be.

Project Director

Kate Bartlett

Contributors

Kate Bartlett (Director)

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Revision	Revision Date	Status	Authorised	
			Name	Signature
V1	7 March 2025	Draft	Kate Bartlett	
V2	25 March 2025	Final	Kate Bartlett	

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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1 General Information

This Statement of Environmental Effects (SEE) report has been prepared on behalf of Iglu No. 216 Pty Ltd to support a Section 4.55(2) modification of Development Application DA-2024/10 to Bayside Council (Council) for a 13-storey co-living development at 13A Church Avenue, Mascot NSW 2020 (the site).

The application seeks to modify the existing consent:

“Construction of a thirteen (13) storey co-living development, restricted to student accommodation, comprising 305 rooms and associated communal areas.”

This SEE describes the proposed development and surrounding area in the context of the relevant planning controls and policies. In addition, the SEE provides an assessment of those relevant heads of consideration pursuant to Sections 4.15 and 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Specifically, the SEE includes the following information:

- Description of the site in its local and regional context;
- Identification of the proposed works;
- Assessment of the project against Council’s controls and policies;
- Assessment of all environmental impacts of the project; and
- Identification of measures for minimising or managing the potential environmental impacts.

This section 4.55(2) modification application is seeking the following changes:

- South-east terrace on ground and first floor setback increased from 2.9m to 4.5m + 1m planter added around terrace perimeter to satisfy DA condition 22(b);
- Northern facade terrace widened in the north-south direction & ‘work zone’ extended to the eastern facade edge on level 1;
- Former leisure area on level 1 south-west terrace converted into an informal sports court with netting;
- Facade wall thickness increased to accommodate additional insulation; and
- Modify Condition 13 to permit the future café use to have detailed fit out and use approved either through later DA or complying development certificate. Refer to proposed wording in **Section 3.3** below.

As a consequence of these changes – there is a minor increase to the building’s GFA of 9m² from that currently proposed under Modification 1 (under assessment). Essentially, the 12m² increase in GFA from the extension of the study / co-working space, is partially offset by reduced building envelope across the building from the increased wall thickness required for insulation. As a consequence, the net GFA increase of the development is by 9m² to a total of 8201m². Refer to **Section 4.5.1** of the report for further analysis.

The estimated development cost remains largely unchanged, notwithstanding the proposed amendments and therefore, no separate costings are required.



A comprehensive planning and environmental assessment of the proposal is provided in Sections **4** and **5** of this report. This SEE is also accompanied by the following Appendices:

Appendix 1: Architectural Drawings

Appendix 2: Access Statement

Appendix 3: Acoustic Report

Appendix 4: BCA Statement

Appendix 5: Landscape Plans

Appendix 6: Plan of Management

1.1 Proponent and Project Team

The Development Application and SEE Report have been prepared on behalf of the applicant, Iglu No. 216 Pty Ltd.

Table 1 – Project Team	
Item	Consultant
Town Planning	The Planning Studio
Architect	Bates Smart
Access	Architecture & Access
Acoustic / Noise	Acoustic Logic
BCA	Steve Watson and Partners Pty Ltd
Landscape	RPS Group
Pan of Management	Iglu No. 216 Pty Ltd



2 The Site and Planning Background

2.1 Site Location

The subject site of 13A Church Avenue, Mascot NSW 2020 consists of one lot; 1/DP547700, has an approximate area of 2,007m² and is located within Bayside LGA. The site is located in the Mascot Town Centre in close proximity to the Mascot Station Transport Interchange. The site is bounded by Church Avenue to the north, O'Riordan Street to the east, John Street to the south and Bourke Street to the west. Currently, the site has an industrial/warehouse building that is vacant and in disrepair.

The immediate and surrounding area is predominantly industrial, mixed use and local centre with low to medium density residential to the east. The site is in close proximity to a number of café's, shops, restaurants, bars and other amenities such as gyms and Officeworks. Iglu have an existing student accommodation building at 13B Church Avenue, & 6-8 John Street, Mascot, which is directly behind the site. There are also a number of recreational opportunities in the area, with Sydney Park less than 1km to the north, and Mascot Oval is less than 250m to the southwest.

In terms of transport, the site is well serviced with Mascot train station less than 200m to the southwest. Mascot Station is two stops from Central Station via the Airport & South Line and providing quick and easy access to Sydney CBD. There are also a number of bus stops along Bourke Street, providing connections to Sydenham Station, Redfern and Sydney CBD.

Photos of the site and its surroundings are provided in the Figures below.

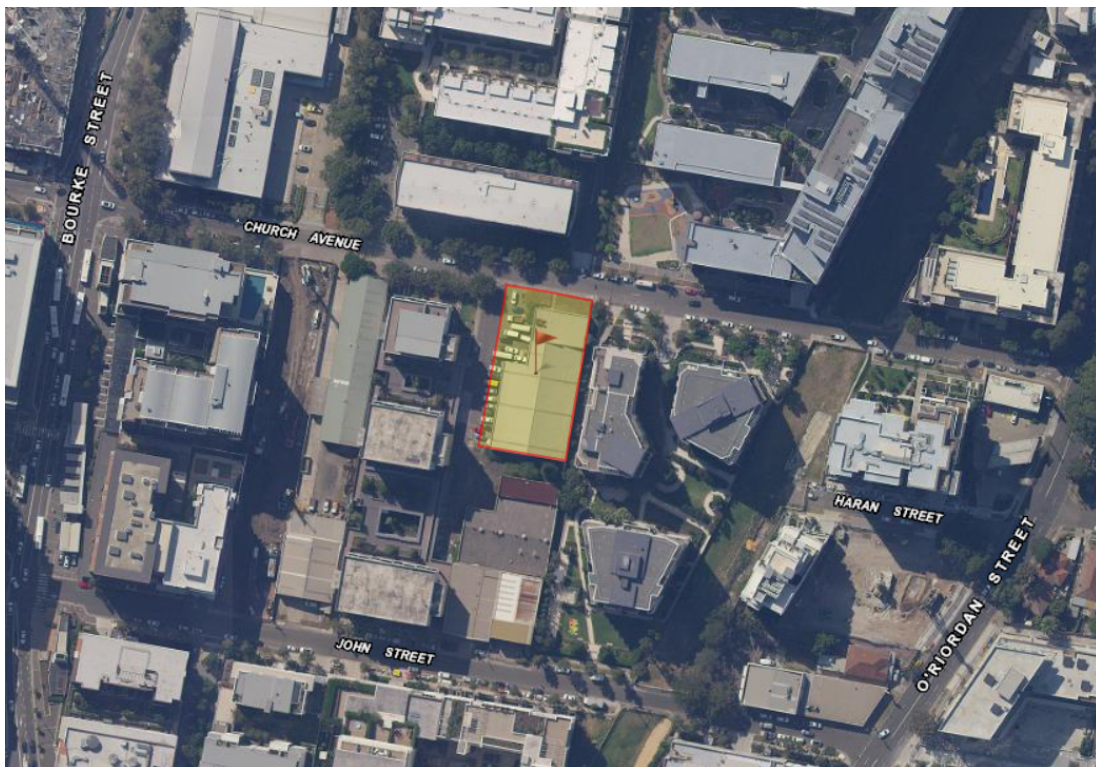


Figure 1: Subject site (SIX Maps)





Figure 2: Context Map (Bates Smart)



Figure 3: Photomontage of approved design from Church Avenue (Bates Smart)



2.2 6-8 John Street and 13B Church Ave Mascot (D/2019/385) – Iglu Mascot 1

Development Consent DA-2019/385 was approved, by the Sydney Eastern City Planning Panel on 16 September 2020, for the demolition of the three existing structures and construction of an architecturally designed building for student accommodation (boarding house), ranging between 7 to 12 storeys in height, and including 435 bedrooms and associated landscaping.

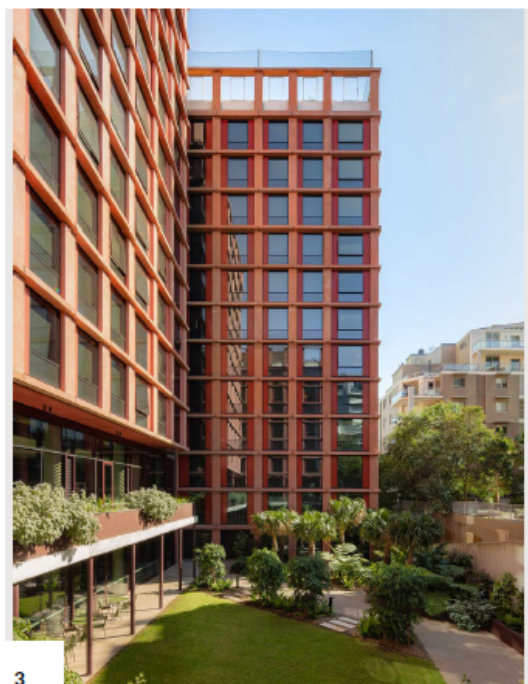
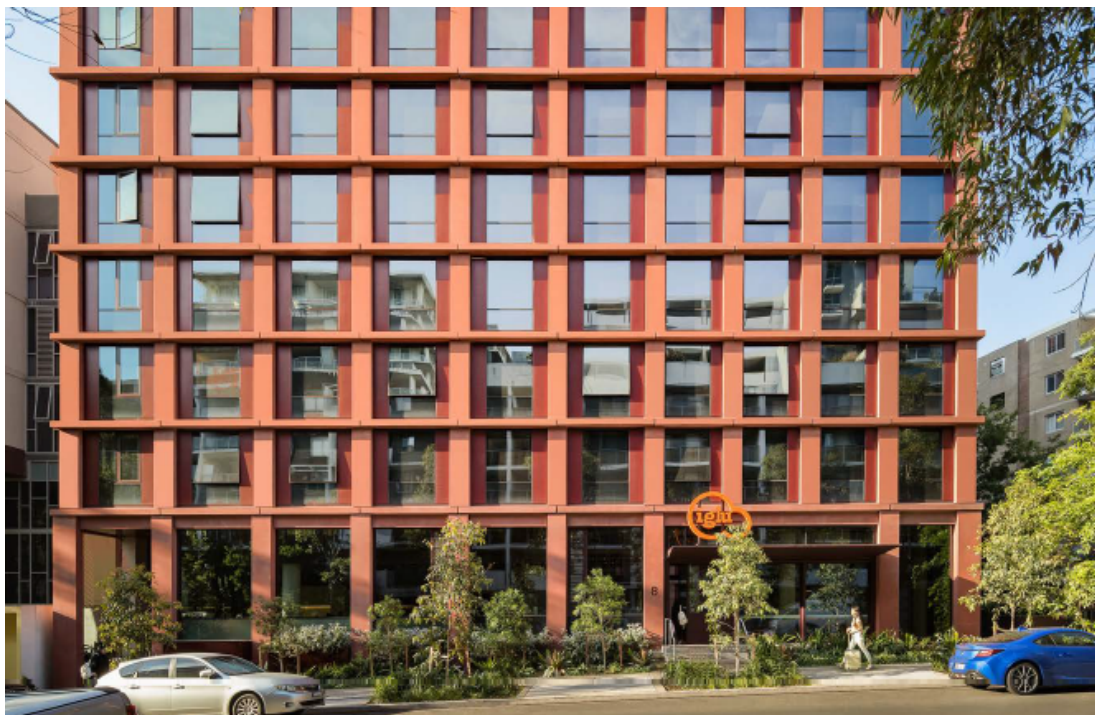


Figure 4: Images of Iglu Mascot I (Bates Smart)



2.3 DA-2024/10

On 12 December 2024, the Sydney Eastern City Planning Panel (SECPP) approved the following application at 13A Church Avenue, Mascot NSW 2020:

Construction of a thirteen (13) storey co-living development, restricted to student accommodation, comprising 305 rooms and associated communal areas.

An S4.55(1A) modification application was lodged with Council on 13 February 2025 and was approved on 21 March 2025. The modification application sought the following changes:

- Internal layout modifications to the back-of-house area at the ground floor; and
- Relocation of the internal stair connecting the ground level to Level 1 indoor communal area.



3 The Proposal

3.1 Development Summary

This section 4.55(2) modification application is seeking the following changes to the approved DA for a 13-storey co-living development at 13A Church Avenue, Mascot NSW 2020:

- South-east terrace on ground and first floor setback increased from 2.9m to 4.5m + 1m planter added around terrace perimeter to satisfy DA condition 22(b);
- Northern facade terrace widened in the north-south direction & 'work zone' extended to the eastern facade edge on level 1;
- Former leisure area on level 1 south-west terrace converted into an informal sports court with netting;
- Facade wall thickness increased to accommodate additional insulation; and
- Modify Condition 13 to permit the future café use to have detailed fit out and use approved either through later DA or complying development certificate. Refer to proposed wording in **Section 3.3** below.

Note – the changes proposed in the separate Section 4.55(1A) Modification Application currently under assessment are assumed in the subject drawings prepared by Bates Smart.

3.2 Proposed Physical Modifications

The following architectural drawings prepared by Bates Smart and provided in **Appendix 1: Architectural Drawings** illustrate the proposed changes described above to the approved DA-2024/10.

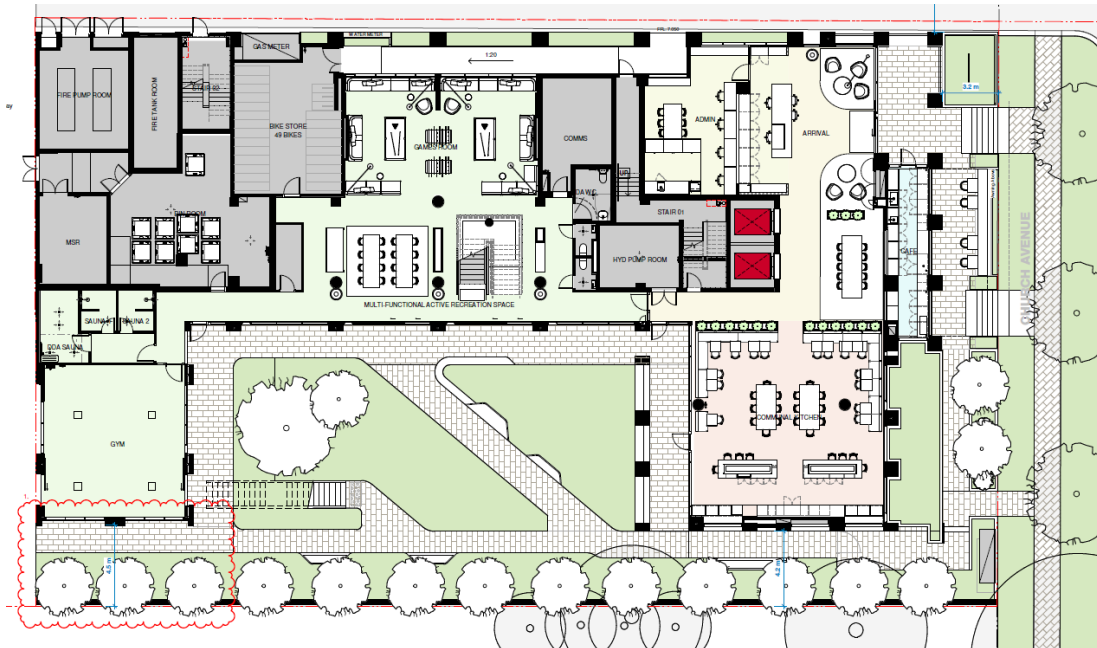


Figure 5: Proposed General Arrangement Plan - Ground (Bates Smart)



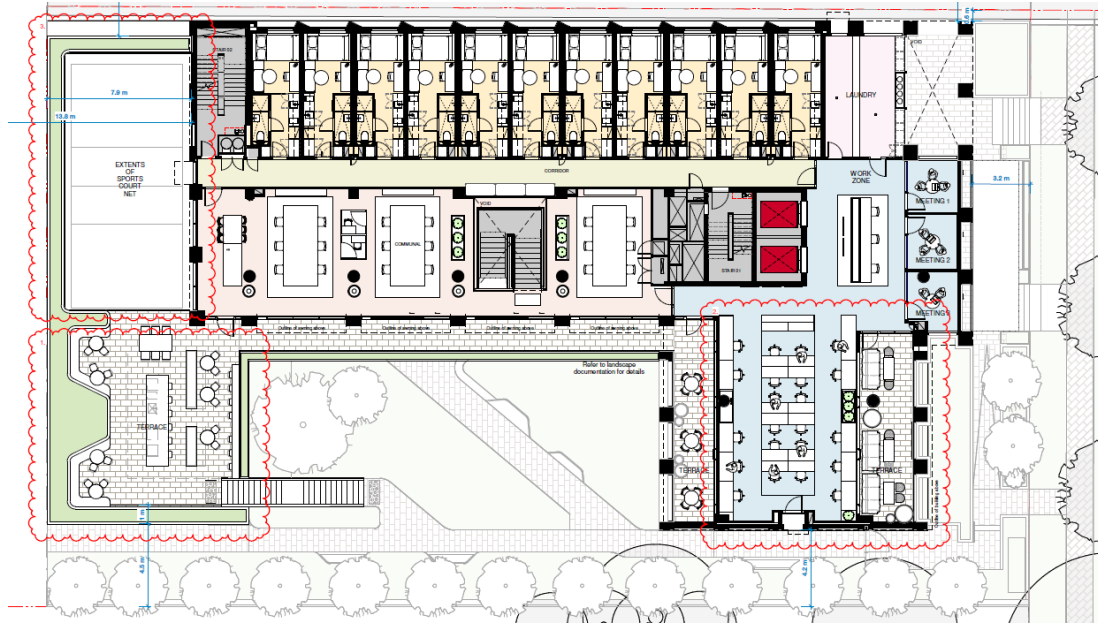


Figure 6: Proposed General Arrangement Plan - Level 01 (Bates Smart)

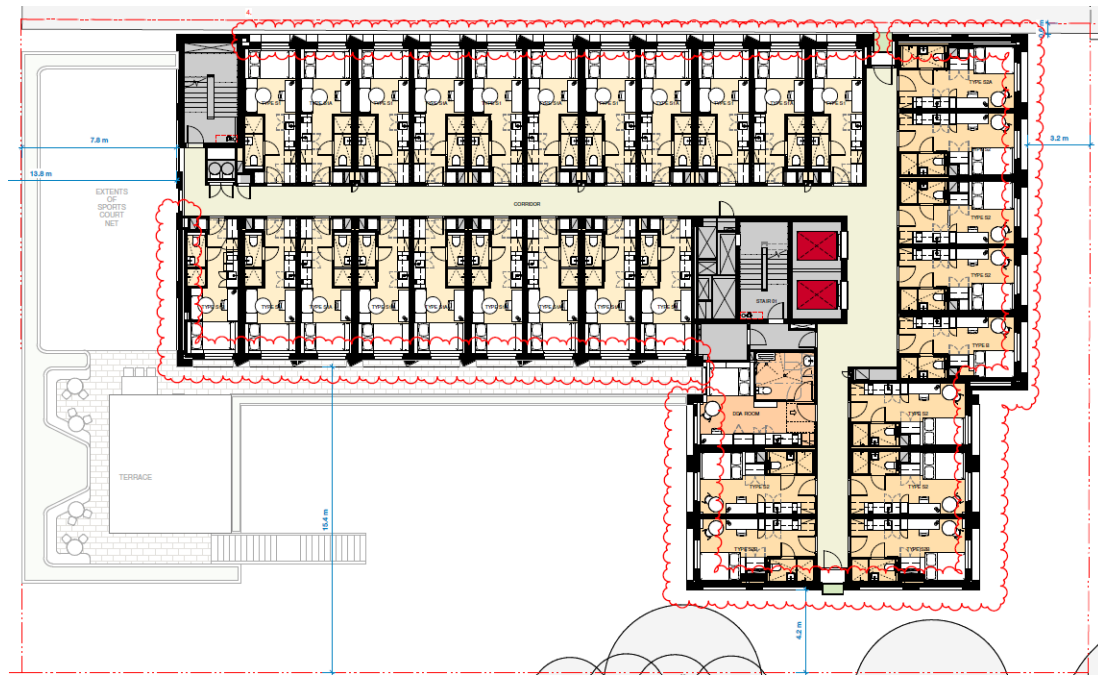


Figure 7: Proposed General Arrangement Plan - Typical Lower Levels - L02 - 05 (Bates Smart)

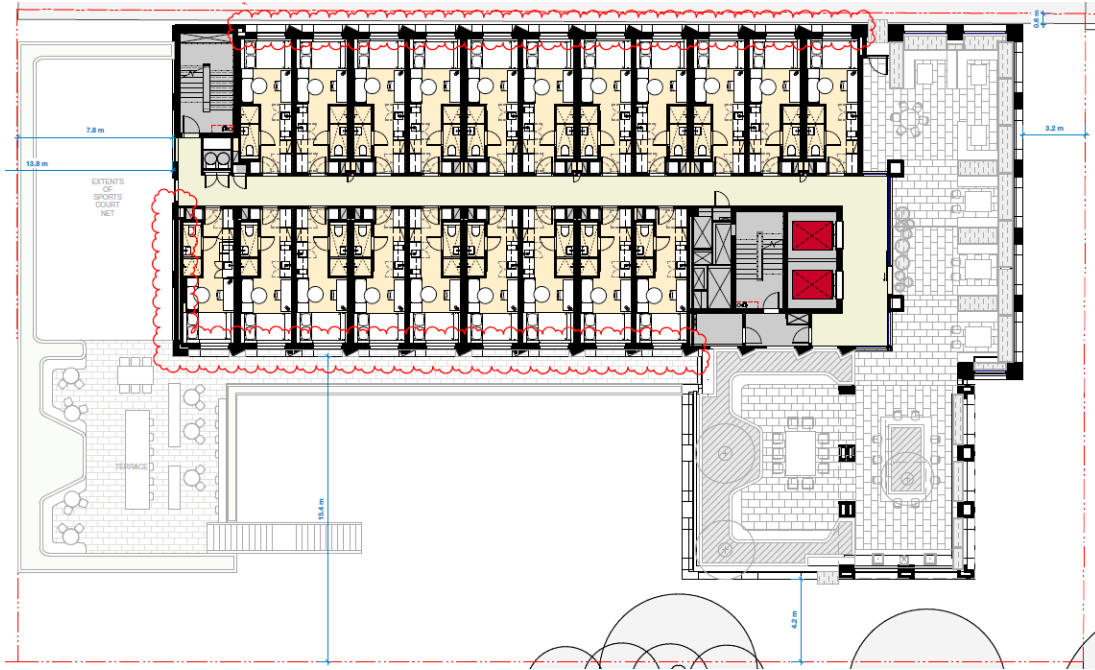


Figure 8: Proposed Level 06 (Bates Smart)

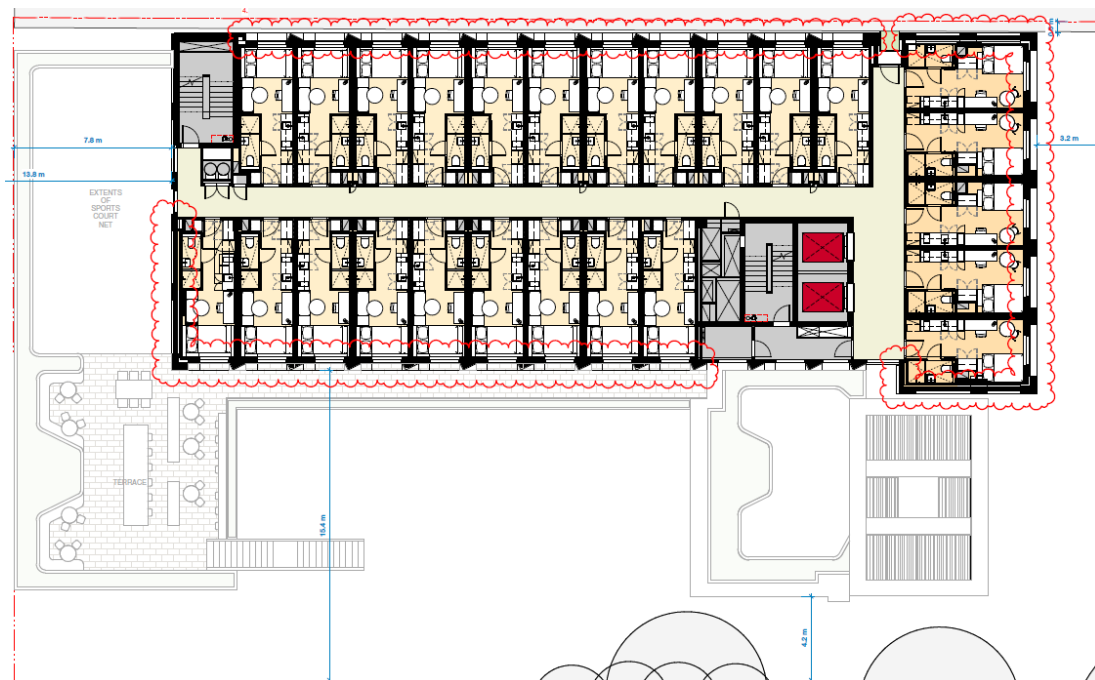


Figure 9: Proposed General Arrangement Plan - Typical Lower Levels - L07 - L11 (Bates Smart)



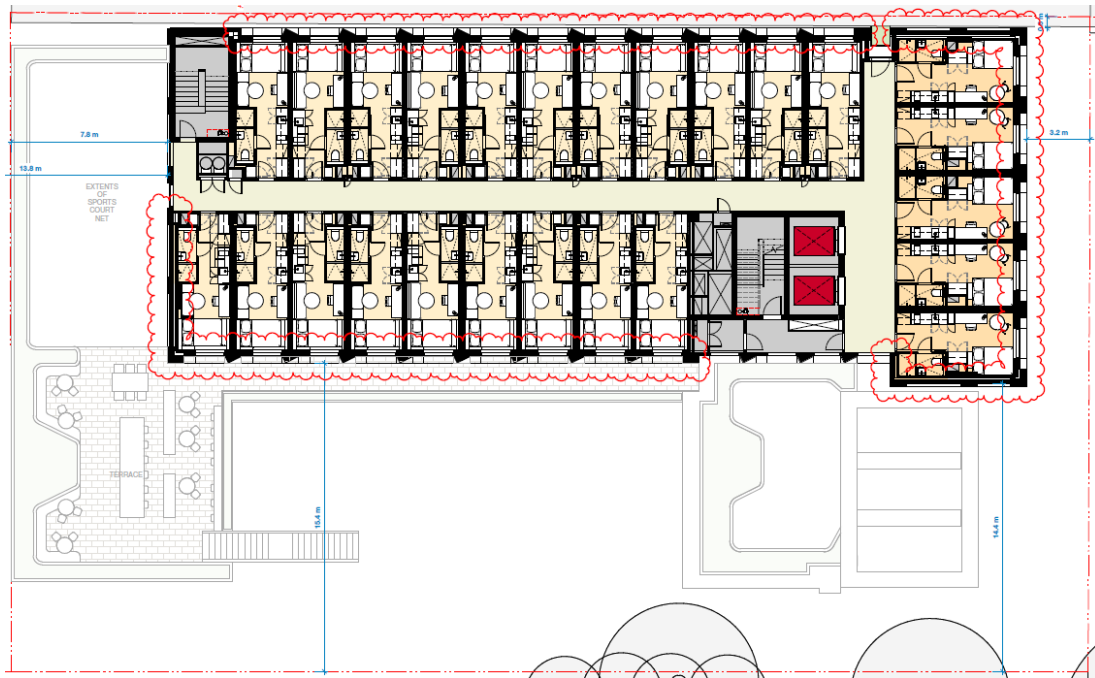


Figure 10: Proposed General Arrangement Plan - Level 12 (Bates Smart)



Figure 11: Proposed South Elevation (Bates Smart)





Figure 12: Proposed West Elevation (Bates Smart)

3.2.1 Landscaping

The application is seeking the following changes to the approved landscape design including:

- Ground Level:
 - Soft landscape and paving area around stair to Level 1
 - Café entry walkway and stair locations along Church Avenue
- Level 1:
 - Informal sports surfacing and netting in lieu of seating area
 - Seating and planter layouts in relation to stair location
- Planting palette:
 - Substitution of Jacaranda mimosifolia due to light level assessment
 - Inclusion of Ulmus parvifolia
 - Planting palette to include additional shrubs
 - Planting numbers in relation to planting bed adjustments



3.3 Administrative Modifications

The subject application also seeks to modify the following conditions of consent in DA-141/2024. Additions are shown in **bold/italics** and deletions are shown in ~~strikethrough~~.

2. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Table 2 – Approved Plans				
Plan No.	Rev	Plan Title	Prepared By	Plan Dated
A01.001	D <i>E</i>	Site and Analysis Plan	Bates Smart	07.02.2025 <i>28.02.2025</i>
A01.004	E <i>F</i>	Site Laneway Access to 8 John Street	Bates Smart	07.02.2025 <i>28.02.2025</i>
A03.000	H <i>I</i>	General Arrangement Plan - Ground	Bates Smart	07.02.2025 <i>28.02.2025</i>
A03.001	H <i>I</i>	General Arrangement Plan - Level 01	Bates Smart	07.02.2025 <i>28.02.2025</i>
A03.002	D <i>E</i>	General Arrangement Plan Typical Lower Levels - L02-05	Bates Smart	07.02.2025 <i>28.02.2025</i>
A03.006	E <i>F</i>	Level 06	Bates Smart	07.02.2025 <i>28.02.2025</i>
A03.007	D <i>E</i>	General Arrangement Plan Typical Upper Levels - L07-L11	Bates Smart	07.02.2025 <i>28.02.2025</i>
A03.012	D <i>E</i>	General Arrangement Plan - Level 12	Bates Smart	07.02.2025 <i>28.02.2025</i>
A03.013	D <i>E</i>	General Arrangement Plan - Roof Level	Bates Smart	07.02.2025 <i>28.02.2025</i>
A09.001	D <i>E</i>	North Elevation (Church Ave)	Bates Smart	07.02.2025



Table 2 – Approved Plans				
Plan No.	Rev	Plan Title	Prepared By	Plan Dated
				28.02.2025
A09.002	Ð E	East Elevation	Bates Smart	07.02.2025 28.02.2025
A09.003	Ð E	South Elevation	Bates Smart	07.02.2025 28.02.2025
A09.004	Ð E	West Elevation	Bates Smart	07.02.2025 28.02.2025
A10.001	Ð E	Section AA	Bates Smart	07.02.2025 28.02.2025
A10.002	Ð E	Section BB	Bates Smart	07.02.2025 28.02.2025
A13.101	€ D	Typical Room Modules	Bates Smart	07.02.2025 28.02.2025
A21.001	Ð E	Shadow analysis diagrams - Winter Solstice	Bates Smart	07.02.2025 28.02.2025
A21.002	Ð E	Shadow analysis diagrams - Equinox	Bates Smart	07.02.2025 28.02.2025
A21.003	Ð E	Views from the sun - Winter Solstice	Bates Smart	07.02.2025 28.02.2025
A21.004	Ð E	Views from the sun - Equinox	Bates Smart	07.02.2025 28.02.2025
A22.001	Ð E	Gross Floor Area Calculation Plans	Bates Smart	07.02.2025 28.02.2025
A23.001	€ D	Render 1	Bates Smart	07.02.2025



Table 2 – Approved Plans				
Plan No.	Rev	Plan Title	Prepared By	Plan Dated
				28.02.2025
A23.002	€ D	Render 2	Bates Smart	07.02.2025 28.02.2025

13. Preparation of Food

No handling or preparation of food shall take place on the premises. No intensification of activities of the food premises shall occur without the prior consent from Council, **or through approval under the exempt and complying provisions in SEPP (Exempt and Complying Development Codes) 2008.**

Condition reason: To ensure compliance with relevant standards and legislation **and to enable the future café use to be approved through a CDC if permitted under the SEPP.**

22. Design Amendments

Before the issue of any Construction Certificate, the Certifier must ensure the approved Construction Certificate plans and specifications detail the following required amendments to the approved plans and documents:

- a) All rainwater pipes and mechanical services are to be concealed within the fabric of the building. No rainwater pipes or mechanical services are to be visible on the external face of the building.
- ~~b) The setbacks to the rear first floor terrace/BBQ Zone are to be amended from 2.9m to 4.5m. A 1m planter box is to be located along the eastern elevation. Therefore, the steps access the ground floor open spaces will be setback at 5.5m from the boundary property.~~

Reason: condition now satisfied.

- c) The internal laundry shall be designed to ensure:
 - A minimum of 12 x 5kg capacity automatic washing machines and 12 domestic dryers
 - a minimum of 1 large laundry tub with hot and cold running water
 - that adequate drying facilities are provided to ensure that outdoor clothes drying facilities are not visible from the public domain
- d) External lighting shall be provided along the western elevation towards the easement to enable causal surveillance of the shared space.
- e) The bicycle storage is to be designed to accommodate 49 bicycle spaces. Plans demonstrating compliance with this condition must be submitted for approval by the Certifier prior to the issue of any Construction Certificate.

Condition reason: To require minor amendments to the plans endorsed by the consent following assessment of the development.



23. Plan of Management

The Plan of Management (PoM) is required to be amended as follows:

- a) ~~Identify that the occupants are students only.~~
- b) ~~Document should detail procedures for handling complaints related to the operation of the premises. At a minimum the revised documents should require~~
 - i. ~~Complaint date and time,~~
 - ii. ~~Name, contact, and address details of the complainant,~~
 - iii. ~~Nature of the complaint,~~
 - iv. ~~Name of staff on duty; and~~
 - v. ~~Actions taken by the premises to resolve the complaint.~~

The revised POM must be submitted for approval to Council's Director City Futures prior to the issue of any Construction Certificate.

Condition reason: ~~To require minor amendments to the plans endorsed by the consent following assessment of the development.~~

Reason: *Condition now satisfied through amended PoM in Appendix 6: Plan of Management dated 6 February 2025*



4 Planning Assessment

This Section provides an assessment of the proposal against the relevant legislation and environmental planning instruments (EPIs) as is required in accordance with 4.15 and 4.55 of the EP&A Act, in particular the test of 'substantially the same development'.

This Chapter of the SEE assesses the modification application against the now relevant state and local planning instruments below.

4.1 Substantially the Same Development

Section 4.55(2) of the EP&A Act states that a consent authority may modify a development consent if 'it is satisfied that the development to which the consent as modified is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)'.

Whilst there is no definitive approach to determining what constitutes 'substantially the same development', the LEC case of *Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280* established some key principles to be considered when determining if a modification request satisfies the substantially the same development test. These principles include:

- The verb 'modify' means to alter without radical transformation;
- The word 'substantially' means essentially, materially or as having the same essence;
- For a modified development to be 'substantially' the same it is not required to be exactly the same as that for which consent was originally granted;
- When determining whether a modified development is substantially the same, a consideration of both the quantitative and qualitative amendments is required;
- Although a comparative task is required to be undertaken to satisfy the requirement of s 4.55(2) and involves a comparison of the whole of the developments being compared, the fact does not eclipse or cause to be eclipsed a particular feature of the development, particularly if that feature is found to be important, material or essential;
- Environmental impacts associated with the proposed modifications are relevant to the assessment of the modification; and
- Material changes such as amendments to the height, floor space, facades and building profile can be considered provided that the development as modified is essentially or materially the same in essence.

An assessment of the proposed modifications against these key principles is set out below.

Material and Essential Features

The key question that is to be answered is whether the application, as modifieds, 'material and essential features' are substantially the same as that already approved. The subject development can meet this test as:

- The building uses, FSR, height, envelope, landscaping and other planning controls continue to generally comply with the approved development and maximum



controls. Where changes occur, they are minimal and have negligible environmental impacts;

- The key DCP features also continue to be retained in essence, including building envelope, setbacks, public domain, solar access, sustainability and design.

Further assessment of the proposal's consistency with the material and essential features of the development proposed is below.

Quantitative Assessment

The numeric features of the development largely remain unchanged, with variations considered minimal in the context of the overall development and key metrics. No changes are proposed to base land uses and does not result in any non-compliances.

Minimal changes are proposed to building envelopes, setbacks, public and private open space allocation. Generally, these proposed amendments retain largely the same degree of compliance with the relevant state and local planning controls, with the exception of those identified below.

Refer to discussion below in **Section 4.5.1** regarding modest increase to GFA of the development of 9m². This additional GFA creates no additional amenity impacts and does not increase the intensity of the land use of the development. It simply enables a modest change the building envelope on level 1 to permit a greater area for study/co-working for student residents.

Qualitative Assessment

A qualitative assessment of the proposed modifications demonstrates that the essential elements of the approved development will be substantially the same despite the modifications sought by this application. Given the overall size and scale of the approved the development, the changes would be considered generally modest and will qualitatively improve the amenity of the development.

The changes proposed result in an improved design outcome that better aligns with the surrounding character of the area, whilst improving the amenity to be enjoyed the residents.

The proposal is substantially the same development as that originally approved in that:

- A comprehensive comparison of the whole of the developments being compared demonstrates that the overall development, in essence, is unchanged with key quantitative and qualitative criteria showing the consistency of the modified scheme;
- The proposed modifications do not incorporate any changes to important or material development features such as maximum building height control, mix of land uses, or intensity of the development; and
- The proposed amendments do not create additional amenity impacts such as overshadowing or privacy. The extension of the working space at the north-east corner of the site on level 1 does not extend past the existing building setback for the rooms above, and presents as a blank façade to the neighbouring property to prevent any overlooking.



Based on the above, it is considered that from a quantitative and qualitative perspective, the development as proposed to be modified is substantially the same as the approved scheme.

4.2 Planning Instrument Compliance

The initial application was assessed against the following local and state planning legislation:

- Environmental Planning & Assessment Act 1979
- Bayside Local Environmental Plan 2021 (BLEP2021)
- Bayside Development Control Plan 2022
- Botany Development Contributions Plan 2016
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2021

An assessment against the relevant provisions requiring re-assessment under planning instruments for the subject modification is provided below. Where no element of the development is changing beyond that already deemed acceptable in the original consent, no commentary is provided.

4.3 Section 4.55(2) of EP&A Act

Under Section 4.55 of the Act, the requirements for assessment are outlined as follows:

Table 3 – Section 4.55 (2) Assessment Summary		
Clause No.	Clause	Assessment
(a)	it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	Complies See discussion above.
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21	Able to Comply The application can be referred to the Sydney East Planning Panel for determination if deemed appropriate.



Table 3 – Section 4.55 (2) Assessment Summary

Clause No.	Clause	Assessment
	days after being consulted, objected to the modification of that consent, and	
(c)	it has notified the application in accordance with-- (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	To be determined during assessment
(d)	it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	To be determined during assessment

4.4 SEPP Housing (2021) Building Separation: Clause 69(2)(b)

The modification to the north-east terrace on level 1 does not affect the overall development's building separation, but does in-fill part of that setback just for level 1. This additional enclosed area does not create any visual privacy impacts as it has the same 'blank wall' treatment as the communal kitchen below it and rooms above it. The submitted shadow diagrams also demonstrate it does not create any additional overshadowing to the eastern neighbour.

4.5 Bayside LEP 2021

The site is zoned as MU1 Mixed Use, approval of the modification creates no additional impacts relevant to the provisions within the BLEP2021.

4.5.1 Floor Space Ratio

The overall development was approved with a maximum Floor Space Ratio of 4.06:1 (GFA of 8,154m²), which represents 1,089.54m² or a 15.44% variation to the maximum FSR of 3.52:1.

It is noted, that under DA-2013/10056/D, the Bayside Planning Panel also approved an FSR of 4.18:1 (total GFA of 8,381.96m²) for the site on 26 November 2019 for a previous residential apartment development scheme.



As a consequence of the increasing of the waste room size and the relocation of the internal stairs between the ground-floor and level 1, the overall development's GFA is increased by 38m² or 0.047% to a maximum of 8,192m² or FSR of 4.081:1 under Modification 1 currently being assessed.

This subject modification proposes a further, very modest, increase in GFA of 9m², which will enable the study/co-working space on level 1 of the development to extend out to match the building footprint of the levels above and below. Whilst the study area will increase in size by 12m², the increased thickness of the façade to provide additional insulation has slightly reduced the GFA on all storeys, which means the net GFA increase is 9m². This represents a further FSR increase of 0.011%, to an overall maximum GFA of 8,201m² FSR of 4.086:1.

Accordingly, the modification results in a minor additional increase to the proposed FSR, despite the changes having no impact on the building footprint (except to infill level 1 to reflect the footprint of other levels), envelope or land use intensity. The additional GFA does not enable any additional persons to be accommodated on site, nor does it have any impact on the building footprint or envelope, and therefore has no environmental impact. The minor reduction in size of the level 1 terrace does not affect the development's overall exceedance of the minimum internal and external communal space requirements in the Housing SEPP.

Whilst Clause 4.6 Variations are not required to be submitted for Section 4.55(2) Modification Applications, an assessment has been provided below against the two tests outlined in Clause 4.6 of the BLEP 2021, namely:

Compliance with the standard is unreasonable or unnecessary in the circumstances

As discussed above, compliance with the standard is unreasonable or unnecessary in the circumstances of the development for the following reasons:

- The additional GFA largely comes through a minor adjustment to the level 1 terrace, to convert an area of external communal space into internal communal space. The approved development will continue to exceed the communal indoor and outdoor space requirements in the Housing SEPP. The conversion of part of the terrace to an additional study/co-working area is in response to student feedback about what communal spaces they find most valuable within Iglu's wider portfolio of assets.
- The changes simply convert some outdoor communal space to indoor communal space so that there are more areas for the amenity of student residents. The portion of the building being 'filled in' will now align with the footprint of the floors above and below, which will improve the presentation of the development to the street.
- The additional FSR creates no additional density or intensity of land use as it is simply providing more communal facilities for the existing number of rooms, which is not changing.

Environmental Planning Grounds

There are sufficient environmental planning grounds to vary the standard for the following reasons:



- The increase in floor space creates no additional environmental amenity impacts to surrounding properties such as acoustic or visual privacy impacts or overshadowing.
- In contrast, the infilling of part of the level 1 terrace will reduce any risk of noise or overlooking to the neighbours to the east of the subject site.
- The changes create no additional land intensity pressures as they do not cause the development to be able to accommodate any additional residents.
- The additional GFA represents such a modest increase to the development as to be imperceptible to any person viewing the site from its surrounds.

4.6 Bayside DCP 2022

The original DA provided an assessment of the application against the relevant DCP controls and was accepted by Council to be consistent with the relevant provisions of the Bayside DCP 2022.

Where the proposed amendments result in minor departures from the previously considered DCP provisions, they are considered below.

4.6.1 Section 3.14 – Noise and Vibration (Sports Court)

Acoustic Logic have prepared a noise impact assessment, which is provided at **Appendix 3: Acoustic Report**. Their report specifically assessed the potential noise impacts from the proposed external pickleball / badminton court located on level 1 south-west corner. The court is intended to be a recreation area for the students available between 9:00am and 8:00pm.

The noise assessment from students using the court was conducted assuming the following:

- Maximum 4 people are playing at one time with maximum 1 in 2 people talking.
- The sound power level of a student playing on a court when speaking is 77dB(A) Leq.
- Talking only occurs between rallies.
- The court will only be open between the hours of 9:00am and 8:00pm.
- Recommendations outlined in section 6.3.1 have been implemented.
- Predicted noise levels at identified most affected receivers assessed against criteria in Table 15.

The potentially most affected receiver with regards to this noise source are:

- Receiver 1: 19-21 Church Avenue
- Receiver 3: Iglu Mascot I at 8 John Street

Based on their assessment, Acoustic Logic's report concludes that compliance with criteria will be achieved provided the following recommendations are implemented:

1. Max 4 players are to use the court at one time,
2. The court to only open between the hours of 9:00am and 8:00pm.



3. Recommendations outlined in section 6.3.1 are implemented.

4.7 Environmental Assessment

An assessment of the proposal against the relevant environmental consideration and guidelines to identify potential environmental impacts and mitigation measures is provided in the subject section. The potential environmental impacts and their mitigation measures are discussed below.

This Section provides an assessment of the proposal against potential environmental impacts, site suitability and the public interest in accordance with Section 4.15 of the EP&A Act 1979. The potential environmental impacts and their mitigation measures are discussed below.

4.7.1 Landscape

RPS have prepared the landscape design for the modification application, which is provided in **Appendix 5: Landscape Plans**.

4.7.2 Acoustic

Acoustic Logic have prepared a noise impact assessment, which is provided at **Appendix 3: Acoustic Report**. Their report specifically assessed the potential noise impacts from the proposed external pickleball / badminton court located on level 1 south-west corner. The court is intended to be a recreation area for the students available between 9:00am and 8:00pm.

The noise assessment from students using the court was conducted assuming the following:

- Maximum 4 people are playing at one time with maximum 1 in 2 people talking.
- The sound power level of a student playing on a court when speaking is 77dB(A) Leq.
- Talking only occurs between rallies.
- The court will only be open between the hours of 9:00am and 8:00pm.
- Recommendations outlined in section 6.3.1 have been implemented.
- Predicted noise levels at identified most affected receivers assessed against criteria in Table 15.

The potentially most affected receiver with regards to this noise source are:

- Receiver 1: 19-21 Church Avenue
- Receiver 3: Iglu Mascot I at 8 John Street

Predicted noise levels for these receivers are presented in the figure below. If a compliant noise level is achieved at this receiver, compliant noise levels will be achieved at all remaining residential receivers.



Receiver	Predicted Noise Level dB(A) _{Leq,15min}	Criteria dB(A) _{Leq,15min}	Complies
Receiver 1 (19-21 Church Avenue)	< 53	≤ 53 (Daytime)	Yes
	< 50	≤ 50 (Evening)	Yes
	(Not in operation)	≤ 44 (Night)	Yes
Receiver 3 (Iglu Mascot I at 8 John Street)	< 53	≤ 53 (Daytime)	Yes
	< 50	≤ 50 (Evening)	Yes
	(Not in operation)	≤ 44 (Night)	Yes

Figure 13: Noise Source Emission Levels (Acoustic Logic)

Based on their assessment, Acoustic Logic's report concludes that compliance with criteria will be achieved provided the following recommendations are implemented:

4. Max 4 players are to use the court at one time,
5. The court to only open between the hours of 9:00am and 8:00pm.
6. Recommendations outlined in section 6.3.1 are implemented.

The applicant raises no objection to the inclusion of the above recommendations as conditions of consent.

4.7.3 Access

Architecture & Access have prepared advice on the accessibility compliance of the proposed modification, which is provided in **Appendix 2: Access Statement**.

Architecture & Access have reviewed the proposed documentation and confirm that the proposed scheme as amended is still capable of meeting the legislative requirements inclusive of the spirit and intent of the Disability Discrimination Act 1992, Disability (Access to Premises) Standards 2010, and the National Construction Code inclusive of the relevant Australian Standards as they relate to access for people with disability.

Further accessibility reviews of the designs and documentation will be completed to ensure the access requirements are implemented across the whole project during the design and construction phases.

4.7.4 BCA

Steve Watson & Partners have prepared advice on the BCA compliance of the proposed modification, which is provided in **Appendix 4: BCA Statement**.

Their statement confirms that the design as shown on the drawings referenced in **Appendix 1: Architectural Drawings** can achieve compliance with the BCA subject to further detail at the design development stage. The design will be subject to a Construction Certificate to ensure all aspects of the design will comply with BCA requirements including any performance-based determinations.



4.7.5 Plan of Management

An updated Plan of Management, addressing the requirements outlined in Condition 23 prepared by Iglu No. 216 Pty Ltd is provided in **Appendix 6: Plan of Management**.

4.7.6 Site Suitability and Public Interest

The site continues to be suitable for the proposed development in the following respects:

- The proposal is permissible within the zone, and consistent with the relevant objectives and consent of DA-2024/10;
- The proposal will not result in any adverse impacts on the environment beyond those considered in the original approval, and will facilitate progress of the overall development of the site; and
- The site is suitable for a high-quality redevelopment that is consistent with the objectives and controls and compatible with the local character.



5 Summary and Conclusion

5.1 Section 4.15 Assessment Summary

Section 4.55(2)(3) of the Act states: “In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.”

The Table below provides an overview of the proposal’s consistency with the requirements of Section 4.15 (Evaluation) of the Act.

Table 4 – Section 4.15 Assessment Summary		
Clause No.	Clause	Assessment
(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of: Any environmental planning instrument, and	Complies The development is consistent with the principles outlined in the Bayside LEP 2021 and relevant SEPPs.
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not Applicable No draft LEP applies to the site.
(iii)	Any development control plan, and	Complies The development is consistent with the principles outlined in the Bayside DCP 2022.
(iii)	Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4, and	Complies



Table 4 – Section 4.15 Assessment Summary

Clause No.	Clause	Assessment
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Complies
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,	Not Applicable
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Complies
(c)	The suitability of the site for the development,	Complies
(d)	Any submissions made in accordance with this Act or the regulations,	To be determined during assessment period
(e)	The public interest.	Complies

5.2 Conclusion

This SEE report has been prepared on behalf of Iglu No. 216 Pty Ltd to support a Section 4.55(2) modification of Development Application DA-2024/10 to Bayside Council for a 13-storey co-living development at 13A Church Avenue, Mascot NSW 2020.

The likely environmental effects of the proposal have been considered in Section 6 of this report, supported by additional information requested by Council. The environmental assessment found that the likely effects of the proposal will be minimal and manageable.

In conclusion, the proposal:

- Meets the test of ‘substantially the same development’ under Section 4.55(2) of the Act;
- Is a suitable development for the site and responds to the desired built form;
- Continues to comply with the applicable SEPPs, BLEP2021 and BDCP2022. Where variations are sought they are suitably justified;
- Does not have any other significant environmental impacts; and
- Is in the public interest.

Therefore, we request that Council approve the proposal in accordance with Sections 4.15 and 4.55(2) of the EP&A Act for the development.



6 Appendices

Appendix 1: Architectural Drawings

Appendix 2: Access Statement

Appendix 3: Acoustic Report

Appendix 4: BCA Statement

Appendix 5: Landscape Plans

Appendix 6: Plan of Management

