

27/03/2025

The General Manager  
Strathfield Council  
Strathfield NSW 2135

Attention: Planning Department

Dear Sir/ Madam,

**4-10 Albert Rd, Strathfield**

**S4.55 (1A) application – Statement of Environmental Effects**

This Statement of Environmental Effects (SEE) has been prepared for *Redfern Accommodation* to accompany a Section 4.55 application (S4.55) to Strathfield Council (the Council).



**Figure 1. Subject Site 4-10 Albert Rd, Strathfield and surrounding locality (SIX Maps)**

### **The Site: 4-10 Albert Rd, Strathfield, NSW, 2135**

Legally described as Lot 1 DP 433232, known as 4-10 Albert Road, Strathfield. The subject site is a small triangular shaped land parcel, with a frontage to Albert Road, and a site area of 282m<sup>2</sup>. The development site is bordered by a Council car park at ground level to the west and a two-story commercial building to the south. Albert Road separates the site from the Strathfield bus terminal and train station, as shown in the provided aerial map.

the development site is zoned E2 Commercial Centre under the provisions of Strathfield Local Environmental Plan 2012. Pedestrian access is gained through Albert Road.

### **Development Consent History**

DA2017/138 was originally approved by Strathfield Local Planning Panel (SLPP) on the 5th of July 2018 for the following:

*Demolition of existing site structures and construction of a mixed-use development comprised of commercial space, mechanical parking installation entry, lobby and waste storage areas at ground floor level; office accommodation at Levels 2 and 3; twelve (12) x two (2) bedroom serviced apartments at Levels 4, 5 and 6; and car parking for ten (10) vehicles at Mezzanine Level and Level 1.*

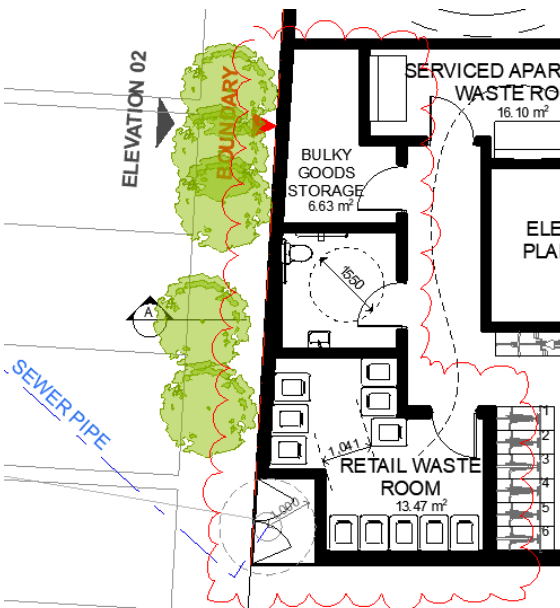
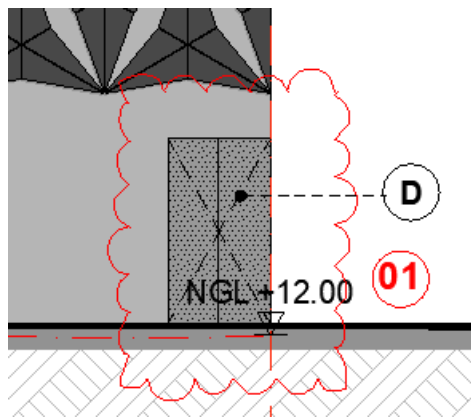
The modification application DA2017.138.3 was subsequently approved by Strathfield Local Planning Panel (SLPP) on the 27th of February 2025 for the following:

*Modification Application for the removal of the mechanical parking system and replacement with ground floor waste/loading bay and upper-level office units, reduced floor RL's throughout and the provision of requisite services.*

### **Section 4.55 (1A) Proposed Amendments**

This SEE has been prepared to accompany the Architectural Plans prepared by *Ghazi Al Ali Architect Pty Ltd.*,  
Project Number 60.16, Issue A, dated 12/03/2025 in respect to **4-10 Albert Rd, Strathfield, NSW, 2135**

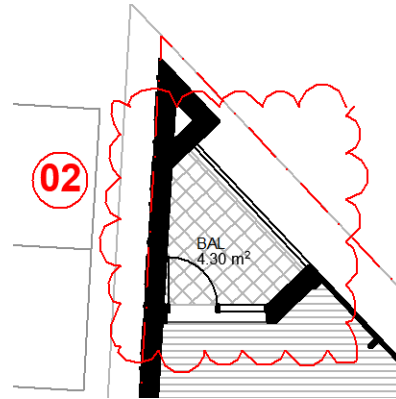
The proposed modifications are demonstrated in details below.

List of Amendment		Reason of the changes
<p><b>Ground floor</b></p>	<p><b>1-</b> Rearrangement of Bin area and access W/C to accommodate Sewer connection on Natural Ground with associated clearances</p>	<p>The development requires sewer connection to service the site and as advised by the Water Service Coordinator (WSC), the Sewer connection needs to occur on Natural Ground with a clearance of 1000mm radius from the Sewer pit. As a result, the internal arrangements were adjusted to suit the Sydney Water Requirements</p>  <p><b>Figure 1.1</b></p> <p>On the elevation, the Sewer connection zone will be screened and with a door for Sydney Water Personnel to access 24/7 as per Sydney Water requirements.</p>  <p><b>Figure 1.2</b></p>

**Level 01 & Level 02**

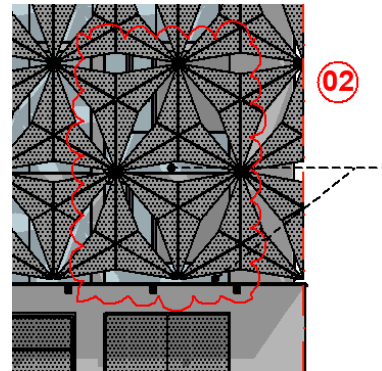
**2- Balcony added to Office 01 & 02**

A balcony is proposed for Office 01 and Office 02, utilising the existing void space to enhance the office environment and provide additional amenity, without increasing the Gross Floor Area (GFA).



**Figure 2.1**

On the elevation, the balconies are proposed to have glass balustrades and will be screened behind the Façade Screens.



**Figure 2.2**

### **Section 4.55 of the Environmental Planning and Assessment Act 1979 (the Act)**

The provisions under S4.55 of the Act allow modifications of consents to be made, provided that the modified proposal is substantially the same development as the development for which the consent was originally granted. The minor changes of this Application are consistent with the provisions and the development will remain substantially the same.

The excerpt of Section 4.55 of the Environmental Planning and Assessment Act 1979 is in the Appendix.

Under Section 4.55 consent authority must be satisfied that the development is substantially the same development as what was approved in the original consent. A number of decisions in the NSW Land and Environment Court provide guidance in determining whether the development is “substantially the same” development.

In *Vacik Pty Ltd v Penrith City Council* 1992 Stein J stated,

*“In my opinion ‘substantially’ when used in this section means essentially or materially or having the same essence”.*

In *Moto Projects (No 2) Pty Ltd v North Sydney* 1999, the principle was established that both “qualitative and quantitative aspects of the development” should be substantially the same.

The amended development will be substantially the same as approved DA2017.138.3 given the following:

- There will be no fundamental changes to the uses and definition of the approved development.
- There will be no fundamental changes to the totality of the development.
- As indicated by the following assessment the environmental planning impacts would be minor and acceptable.

### **Environmental Assessment**

The proposed changes in this application are of insignificant environmental impacts for the following reasons:

1. The proposed modification has no change in building envelope perceived from the public domain. Most of the changes are within the building envelope or screened behind the façade screens and are in no way presented to the streetscape.
2. The proposed sewer connection on Ground Level has no major effect on the environment and enables the development to obtain Construction Certificate approval and should be supported.

According to the above-mentioned environmental assessment, the development is amended application will not have unreasonable environmental impacts, and consequently it warrants an approval.

Yours sincerely

Ghazi Al Ali Architect

## APPENDIX A

### 4.55 Modification of consents—generally

(cf previous s 96)

#### (1) Modifications involving minor error, misdescription or miscalculation

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify a development consent granted by it to correct a minor error, misdescription or miscalculation. Subsections (1A), (2), (3), (5) and (6) and Part 8 do not apply to such a modification.

Note.

Section 380AA of the Mining Act 1992 provides that an application for modification of development consent to mine for coal can only be made by or with the consent of the holder of an authority under that Act in respect of coal and the land concerned.

#### (1A) Modifications involving minimal environmental impact.

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates 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), 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
- (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.

Subsections (1), (2) and (5) do not apply to such a modification.

#### (2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (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
- (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 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

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

(3) 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.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

(5) (Repealed)

(6) Deemed refusals

The regulations may make provision for or with respect to the following:

(a) the period after which a consent authority, that has not determined an application under this section, is taken to have determined the application by refusing consent,

(b) the effect of any such deemed determination on the power of a consent authority to determine any such application,

(c) the effect of a subsequent determination on the power of a consent authority on any appeal sought under this Act.

(6A), (7) (Repealed)

(8) Modifications by the Court

The provisions of this section extend, subject to the regulations, to enable the Court to modify a consent granted by it but, in the extension of those provisions, the functions imposed on a consent authority under subsection (1A) (c) or subsection (2) (b) and (c) are to be exercised by the relevant consent authority and not the Court.