

4 August 2026

Rodger Roppolo
Senior Planning Officer
Department of Planning, Housing and Infrastructure

Dear Rodger,

Response to RFI – 301 Kent Street, Sydney – Concept DA Modification (SSD-53687734)

Introduction

We are writing on behalf of Romanous Developments (**the applicant**) to address the issues raised in your request for information (**RFI**) dated 4 June 2026, and the additional submissions received from the City of Sydney and the neighbouring property owner in response to the applicant's Concept DA modification.

The intent of the modification is to reduce risk associated with the upcoming design competition and to enable flexibility for the competing design teams to explore alternative design ideas (as per the intent of the competition) for vehicular access and the redevelopment of the site. To enable this, the applicant seeks to reduce the prescriptiveness of Condition C17.

Proposed Amendments to Condition C17

We therefore propose an alternative, reduced scope modification as outlined below:

Condition	Discussion
DRIVEWAY MANAGEMENT <i>C17. The detailed development application must:</i> <i>(a) include swept path assessments demonstrating that practical access is provided to the 41-45 Erskine Street car stacker, including demonstrating that a car can egress the lift as a car is waiting on the driveway to enter the lift.</i>	The condition requires swept path assessments demonstrating that a car can egress the 41-45 Erskine Street car lift while another car is waiting on the driveway to enter the lift. This condition pre-supposes a vehicular access arrangement of either a two-way or a widened driveway arrangement into the site to enable the passing of two cars within the site boundary. This is beyond the ability of a Concept DA and restricts the flexibility and design exploration for architects at the design competition stage, who may consider an alternative arrangement an improved design outcome. It is noted the Right of Way is an easement providing the adjoining landowner the right to pass and repass – not to queue on site. The consent should not impose additional requirements on the applicant beyond the scope of the easement terms.

Condition	Discussion
	The applicant will retain access for the adjoining site into the car stacker as per the right of way, however the condition is proposed to be amended to remove prescriptiveness of how this arrangement will be resolved.
<i>(b) demonstrate that the driveway design is able to handle the 98th percentile queue from both buildings (the site and 41-45 Erskine Street) without materially adversely impacting on Kent Street.</i>	The applicant's concerns remain regarding the ability to satisfy Condition C17(b) as the condition refers to the management of vehicles, which the applicant has no control over (both the system approved and the timing / eventuality of the installation). This site also benefits from an existing approval that does not account for the approved concept development of the site and impacts Kent Street via the approved traffic management plan which requires vehicles to traverse around the block in the event there is no clear access into the site. It is therefore proposed to enable some discretion to enable a practical outcome to be achieved.
<i>(c) include consultation with the developer of 41-45 Erskine Street to obtain car lift speed specifications to inform wait times for lifts.</i>	No change.
<i>(d) demonstrate how the traffic signal system will operate, including how the development will modify the signals already approved for the 41-45 Erskine Street development (under Condition 109, D/2022/643, LEC case number 2022/00350725).</i>	No change.

Response to Submissions

We acknowledge the submission received from the City of Sydney, dated 1 May 2026, in response to the proposed modification. The following responses are provided to Council's submission:

Comment	Response
Right of Way easement and Condition C17 The Site is burdened by a Right of Way easement that benefits the adjacent site to the north (41-45 Erskine Street), providing vehicle access to that site. The court approved development application for the adjoining site at 41-45 Erskine Street (D/2022/643) utilises the Right of Way on 301 Kent Street to provide	The applicant acknowledges the importance of Condition C17 as it relates to traffic management considerations. It is, however, clarified that the easement which burdens the subject site provides a right of way for 41-45 Erskine Street, with the terms of the easement not specifying that the right of way is exclusive to

Comment	Response
vehicular access to a car lift for the approved residential development. The reference scheme lodged with the concept application for the Site SSD-53687734 indicated a shared vehicular access point with 41-45 Erskine Street over the Right of Way easement. It is understood that Condition C17 was included on the concept consent to ensure outstanding issues regarding access between the two sites were resolved at the detailed design stage. This included issues with both sites using the same ingress and egress driveway, waiting bay clearance widths, car lift speed, queuing issues and required traffic signalling systems. These issues have not yet been resolved.	vehicles. A Certificate of Title for Lot 1 / DP 76374 has been attached to this response, confirming this. Notwithstanding, it is acknowledged that the approval for D/2022/643 has allowed for the 14 basement parking spaces within 41-45 Erskine Street to be accessed via this right of way. It is additionally noted that the Transport Impact Assessment which was included with D/2022/643 identified that this neighbouring development was estimated to generate two vehicle movements per hour at morning and evening peaks, resulting in no discernible impact on the surrounding local road network. To this end, while it is accepted that the future hotel at 301-305 Kent Street will result in some additional traffic generation as a result of the intensification of the site's land, this will nonetheless remain a matter to be resolved and managed as part of the Stage 2 detailed design application.
Proposed alternative access on Kent Street The submitted information states that Romanous intends to proceed with a design scheme that relies on an independent driveway on Kent Street, which provides separate access to the site from 41-45 Erskine Street and the approved access way under D/2022/643. No detailed plans have been included with the modification to demonstrate an appropriate alternative access solution or resolution of the above access issues. The City considers this modification premature to approve, prior to the lodgement of a detailed design application which outlines a workable vehicular access solution for the Site. Premature approval may present downstream complications. Further, a design solution that relies on an independent driveway on Kent Street will increase the proportion of the street frontage occupied by vehicle crossovers which is likely to have urban design, active frontage and pedestrian implications. These issues cannot be assessed until a detailed design application is submitted outlining: ▪ development yields	The Modification application did not specifically refer to the applicant's intention to proceed with a design scheme that relies on an independent driveway on Kent Street that would provide access to the site which is separate from the approved driveway at 41-45 Erskine Street. No detailed plans are therefore required. Rather, the purpose of this Modification is to enable flexibility in the future design excellence competition for the detailed Stage 2 design and application. Condition C17, as currently worded, is considered highly prescriptive and would restrict the competitors' ability to explore feasible alternative solutions to site access. To this end, the detailed Stage 2 development application will include consideration of the future development's traffic and access impacts, including any impacts on the right of way for 41-45 Erskine Street that may arise, and will provide a detailed assessment of these matters to a level that is commensurate with a detailed application. The proposed Modification to Condition C17 is therefore not considered premature, noting the conceptual nature of the subject SSD approval.

Comment	Response
▪ parking provision and associated traffic generation profile of the driveway ▪ loading dock provision, vehicle generation profile, design, and interface with driveway ▪ further information about 41-45 Erskine St development information as requested in condition C17	

We also acknowledge the submission received from the neighbouring landowner, published on the NSW Major Projects Portal. The applicant would expect that any conditions of consent imposed by a consent authority with respect to the right of way remain consistent with the legal instrument to which the easement is subject. The applicant is also cognisant of the need to undertake detailed assessments (e.g., preparation of swept paths assessments, etc.) as part of the future detailed Stage 2 development application, which will be assessed by the City of Sydney under a separate approval pathway.

Conclusion

The proposed amendments to the Modification, as now proposed, have considered the submissions received from the City of Sydney and the neighbouring property owner, and the need to balance the conceptual nature of the SSD approval, the approved site access arrangements to 41-45 Erskine Street, and the need to maintain flexibility in the future design excellence competition for the detailed Stage 2 application.

We trust the response provided will be sufficient to enable DPHI to finalise this Modification. Should you have any questions or wish to discuss further, please do not hesitate to contact me.

Kind regards,



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NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/76374

SEARCH DATE	TIME	EDITION NO	DATE
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17/10/2024	5:11 PM	10	3/3/2023

LAND

LOT 1 IN DEPOSITED PLAN 76374
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ST PHILIP COUNTY OF CUMBERLAND
TITLE DIAGRAM DP76374

FIRST SCHEDULE

ROMANOUS DEVELOPMENTS PTY LIMITED (T AB543782)

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 BK 1211 NO 814 RIGHT OF WAY AFFECTING THE PART OF THE LAND ABOVE
DESCRIBED SHOWN SO BURDENED IN VOL 3984 FOL 178
AE234056 RELEASED AS IT BENEFITS LOT 100 IN DP619712
- 3 BK 1215 NO 420 RIGHT OF WAY AFFECTING THE PART OF THE LAND ABOVE
DESCRIBED SHOWN SO BURDENED IN VOL 3984 FOL 178
- 4 BK 1228 NO 274 RIGHT OF WAY AFFECTING THE PART OF THE LAND ABOVE
DESCRIBED SHOWN SO BURDENED IN VOL 3984 FOL 178
- 5 BK 1363 NO 69 RIGHT OF WAY AFFECTING THE PART OF THE LAND ABOVE
DESCRIBED SHOWN SO BURDENED IN VOL 3984 FOL 178

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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