

# Modification Report

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*301 Kent Street, Sydney*

**Urbis staff responsible for this report were:**

Director                    Jacqueline Parker  
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Project Code            P0042024  
Report Number         Final – 13 March 2025

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Urbis is committed to incorporating our respect for First Nations cultures, peoples and storytelling in our work across the Country. We are proud to have partnered with Darug Nation artist, **Hayley Pigram**, and to profile her artwork – **Sacred River Dreaming**.



*The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.*

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# 1 Introduction

This Modification Report has been prepared by Urbis Ltd on behalf of Romanous Construction (**the Applicant**) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

The application seeks to modify Development Consent SSD-53687734, which was granted for a concept development application establishing a building envelope for a future hotel development at 301 and 305 Kent Street and 35–39 Erskine Street, Sydney (**the site**).

Specifically, the modification seeks to amend the wording of Condition C17, which relates to driveway management and the operation of a Right of Way easement benefiting the adjoining property at 41–45 Erskine Street, Sydney and how it is to be addressed in future detailed development applications. The current condition imposes requirements that extend beyond the terms of the Right of Way and constrain the ability to redevelop the site in accordance with the approved concept consent. The proposed amendment is intended to ensure the condition accurately reflects the legal scope of the Right of Way and does not impose additional obligations on the applicant or the subject site insofar as they relate to the operation of development not subject to this consent.

The proposed modification is limited to changes to condition wording only and does not seek to alter the approved envelope or development outcomes. In particular, the modification does not propose any changes to the following approved parameters:

- Site area
- Building envelope
- Approved land uses

Accordingly, the proposed modification results in a development that is substantially the same as that for which consent was originally granted and is appropriately assessed under section 4.55(1A) of the EP&A Act.

This Modification Report should be read in conjunction with the following appended documents:

- **Appendix A** – Neighbouring Property Consultation
- **Appendix B** – Landowner’s Consent

## 1.1 Applicant Details

The applicant details for the proposed modification are listed in **Table 1**.

*Table 1 Applicant Details*

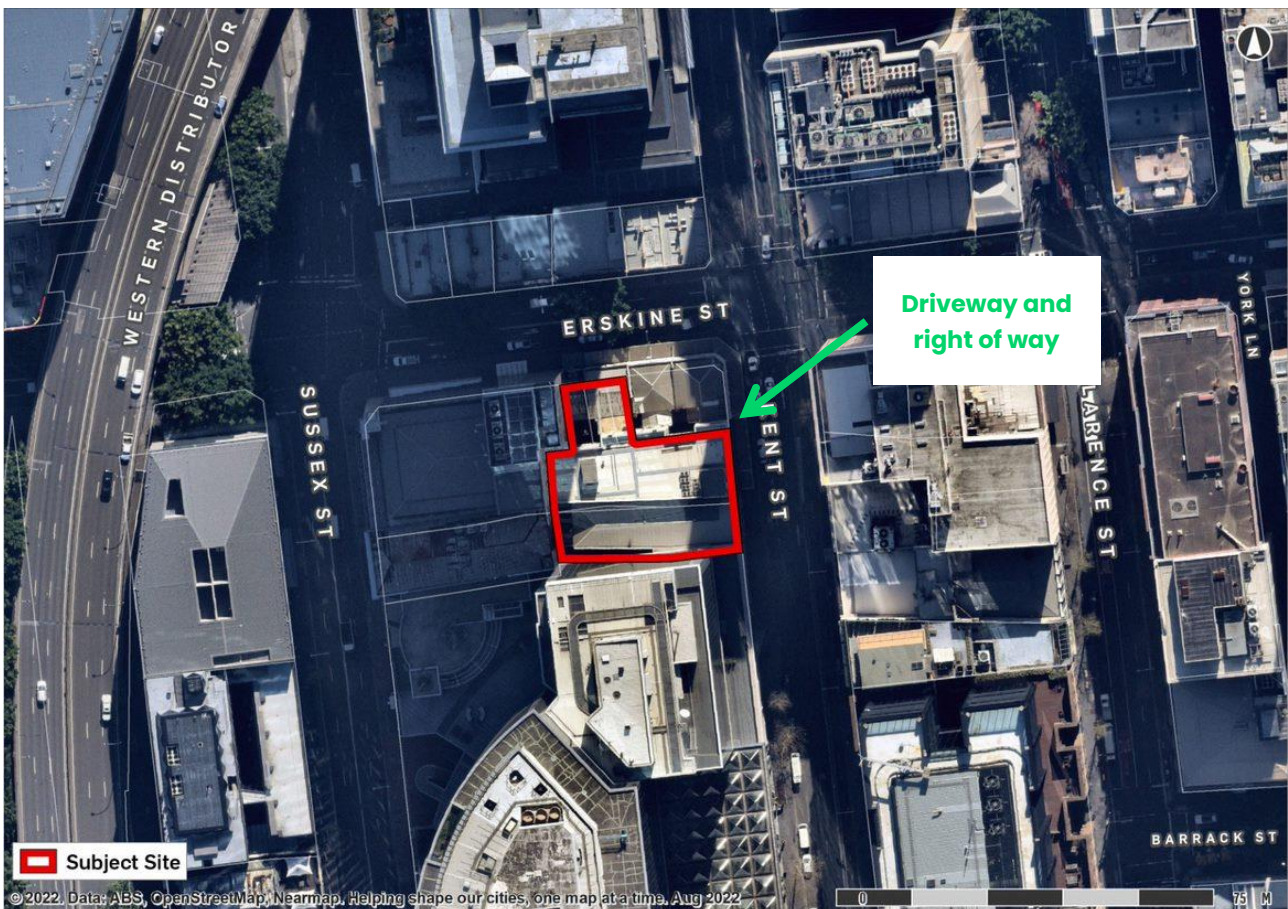
| Descriptor        | Proponent Details  |
|-------------------|--|
| Full Name(s)      | Romanous Developments Pty Ltd  |
| Postal Address    | Level 8, 10 Park Road, Hurstville  |
| ABN               | 78 003 365 633   |
| Nominated Contact | Holly McNamara – Associate Director (Urbis)   Jasmine Foster – Consultant (Urbis)<br>E: <a href="mailto:hmcnamara@urbis.com.au">hmcnamara@urbis.com.au</a>   E: <a href="mailto:jfoster@urbis.com.au">jfoster@urbis.com.au</a><br>P: (02) 8233 9924   (07) 3007 3573 |

## 1.2 Site Description

The following provides an overview of the site:

- The site is located at 301 and 305 Kent Street and 35–39 Erskine Street, Sydney, within the City of Sydney local government area.
- It comprises six lots, legally described as Lot 1 DP 980369, Lot 305 DP 669166, Lots 1–3 DP 443974 and Lot 1 DP 76374, with a total site area of approximately 1,028 square metres.
- The site has two street frontages, with the primary frontage to Kent Street and a secondary frontage to Erskine Street.
- The site generally falls by approximately 4 metres from east to west, from Kent Street (RL 15.48) to Erskine Street (RL 11.81).
- The site is not a heritage item and is not located within a heritage conservation area, although a number of State and locally listed heritage items are located nearby.
- The site is occupied by a number of existing commercial buildings, including a hotel at 301 Kent Street, a gym and commercial premises at 305 Kent Street, and three-storey commercial terraces at 35–39 Erskine Street.
- The surrounding area is characterised by a mix of commercial, hotel and retail uses, with development of varying heights, ages and architectural styles.
- The site is well serviced by public transport, with access to train, bus, light rail and ferry services, and future metro services including Sydney Metro City & Southwest and Sydney Metro West.

Figure 1 Local Context



Source: Urbis 2025

Figure 2 Images of Existing Development



Picture 1 – Existing Development at 41-45 Erskine Street (Facing Southwest)



Picture 2 – Existing Building at 301 Kent Street (Facing West), including Right of Way

Figure 3 Images of Existing Development

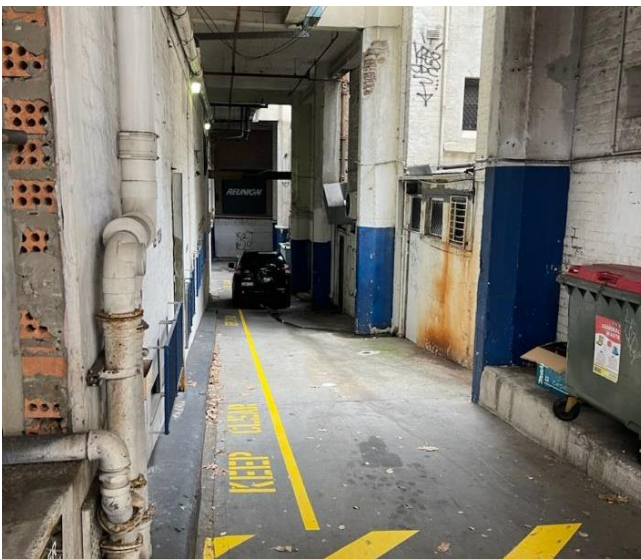


Picture 3 – Existing Buildings at 301 and 305 Kent Street (Facing West) Source: Urbis (2022)

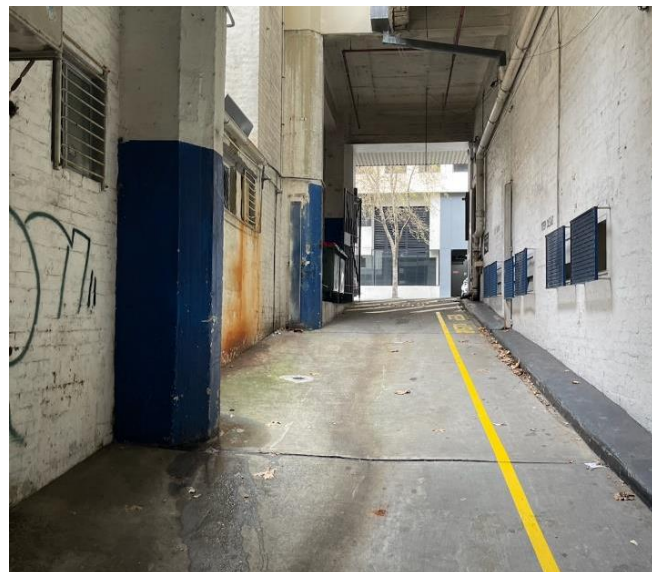


Picture 4 – Existing Commercial Terraces at 35-39 Erskine Street (Facing South Source: Urbis (2022))

Figure 4 Right of Way View



Source: Kent Street Concept Hotel Development State Significant Development Assessment Report (SSD 53687734) June 2025



Source: Kent Street Concept Hotel Development State Significant Development Assessment Report (SSD 53687734) June 2025

## 1.3 Project Background

### 1.3.1 Concept SSDA Consent 2020

On 17 August 2020, the Executive Director, Regions, Industry and Key Sites, acting under delegation from the Minister, granted development consent for a concept SSDA at the site (SSD-9694). The scope of the approval included:

- Establishment of a building envelope with a maximum height of RL 95.9 metres (80 metres).
- Use of the site for hotel accommodation, including ancillary uses.
- Provision of five levels of basement car parking.
- Pedestrian and vehicular access arrangements.
- Refinements to the levels of the existing driveway, including a driveway crest level of RL 16.10 metres.

The concept SSD included an indicative scheme for a 29-storey building (including a lower ground floor), comprising up to 360 hotel rooms, 77 car parking spaces across five basement levels, vehicular access from Kent Street, and a maximum gross floor area of 11,093 square metres (FSR 11:1).

### 1.3.2 Central Sydney Planning Proposal

Since the determination of the earlier concept State Significant Development consent (SSD-9694), the Central Sydney Planning Proposal was finalised, resulting in amendments to the planning controls applying to the site. Relevantly, the amendments included:

- An increase in the maximum permitted building height from 80 metres to 110 metres.
- An increase in the bonus floor space ratio (FSR) for hotel accommodation from 3:1 to 3.5:1, increasing the maximum permissible FSR for the site from 11:1 to 11.5:1.

### 1.3.3 Concept Development Application 2025

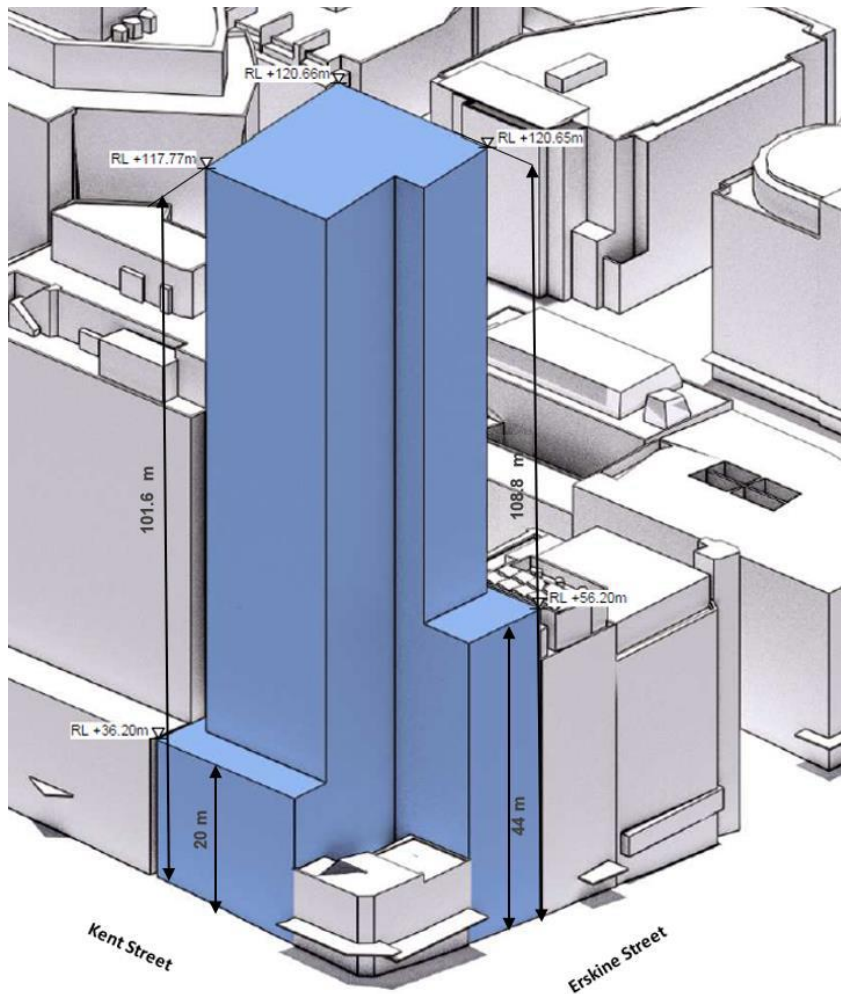
Following the concept SSDA and implementation of the Central Sydney Planning Proposal, the Proponent submitted a subsequent concept proposal for the hotel development to utilise the additional development potential associated with the amended controls (SSD-53687734).

Specifically, on 30 June 2025, the Department of Planning, Housing and Infrastructure (**Department**) granted consent for:

- Establishment of a building envelope with a maximum height of RL 120.66 metres (108.8 metres), provided as three distinct forms:
  - a lower podium to Kent Street up to RL 36.2 m (approximately 20 m above street level)
  - an upper podium to Erskine Street up to 56.2 m (approximately 44 m above street level)
  - a tower above ranging from RL 117.76 m to RL 120.66 m (108.8 m)
- Use of the site for hotel accommodation, including ancillary uses.
- Basement car parking.
- Pedestrian and vehicular access arrangements.

This application represents the first modification to SSD-53687734 and seeks to amend the wording of Condition C17. Complete details on the proposed changes are provided in **Section 3** below.

Figure 5 Approved Concept Envelope



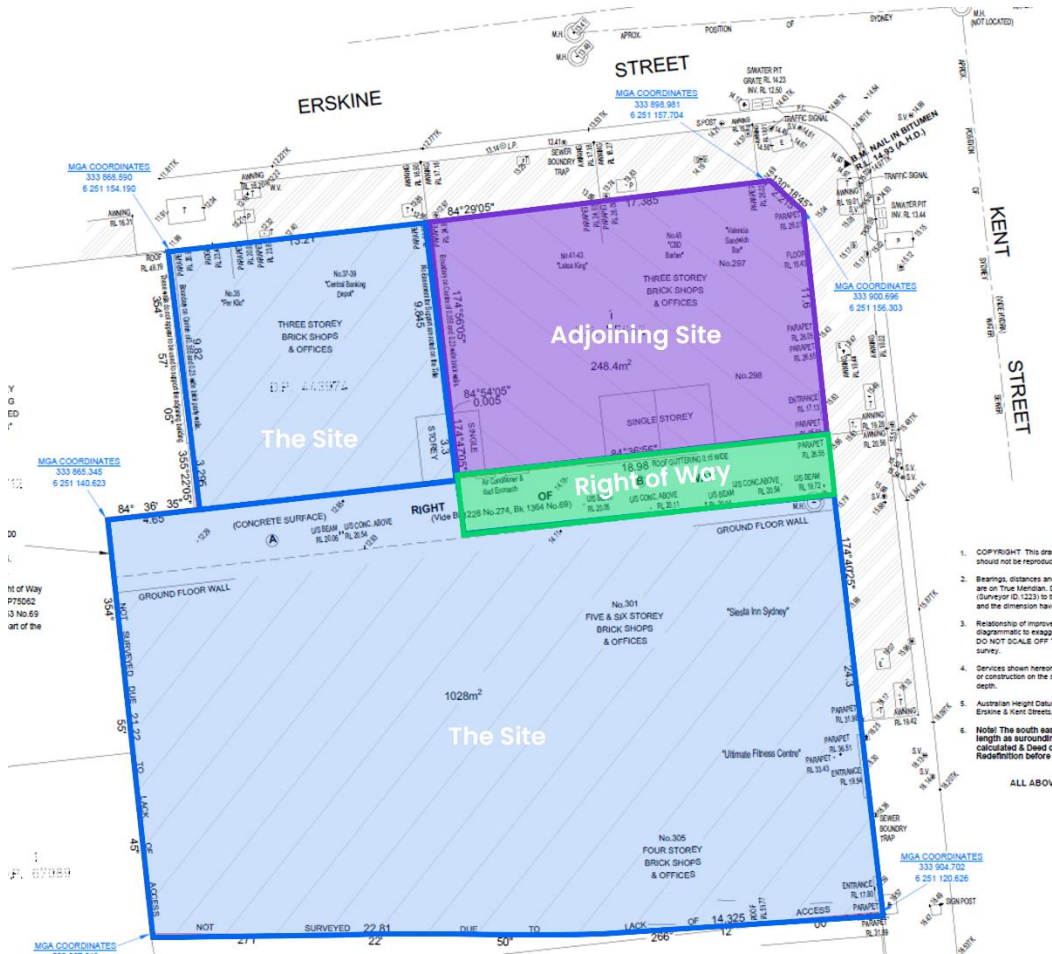
Source: Approved Concept Envelope (SSD-53687734)

### 1.3.4 Historical Easement and Neighbouring Development

The site is burdened by a Right of Way easement that benefits the adjoining property to the north at 41–45 Erskine Street, Sydney. The easement provides right of carriageway to the benefitting land and was originally created in 1920, with a subsequent variation recorded in 1924.

The Right of Way applies to a strip of land 10 feet wide, as shown on Registered Plan 76374. It is located along the northern boundary of the site and is illustrated in the extract of the Survey Plan provided below.

Figure 6 Right of Way Easement



Source: Harrison Friedmann & Associates Pty Ltd (Annotated by Urbis)

A development application for the adjoining site at 41–45 Erskine Street (D/2022/643) was lodged with the City of Sydney Council on 28 June 2022. The application sought consent for the demolition of the existing buildings and the construction of a seventeen-storey residential flat building comprising 14 apartments and nine basement levels.

The application was the subject of a deemed refusal appeal and was heard in the NSW Land and Environment Court in September and October 2023. Development consent was granted by the Court on 19 October 2023.

The approved development assumes the use of the Right of Way on 301 Kent Street to provide vehicular access to a car lift.

## 2 Description of Modifications

This Section 4.55(1A) Modification Application seeks consent to amend the wording of Condition C17 of Development Consent SSD-53687734, which relates to driveway management and vehicular access associated with the existing Right of Way easement. The modification is limited to changes to condition wording only and does not propose any amendments to the approved drawings or the built form envelope.

### 2.1 Overview of Amendment

The proposed modification seeks to amend Condition C17 of the development consent. The changes to the condition wording are identified by ~~strikethrough~~ text to denote deletions and **red** text to denote proposed new wording.

**C17.** The detailed development application must:

- a. include swept path assessments demonstrating that practical access is provided to the **site for the development the subject of this consent, without restricting the ability for 41-45 Erskine St to use the existing right of way as set out in the terms of the right of way.** ~~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.~~
- b. demonstrate that the driveway design is able to handle the 98th percentile queue **for the site for the development the subject of this consent** ~~from both buildings (the site and 41-45 Erskine Street)~~ without impacting on Kent Street.
- c. ~~include consultation with the developer of 41-45 Erskine Street to obtain car lift speed specifications to inform wait times for lifts.~~
- d. demonstrate how **a traffic signal system for the site will operate if required to manage traffic movements generated by the development the subject of this consent, including how the development will modify the signals already approved for the 41-45 Erskine Street development (under condition 109, D/2022/643, LEC ease number 2022/00350725).**

There is no change to the approved numerical figures or building envelope proposed as part of the application.

# 3 Statutory Context

This section of the report provides an overview of the key statutory requirements relevant to the site and the project as proposed to be modified.

## 3.1 No or Minimal Environmental Impact

Section 4.55(1A)(a) of the EP&A Act requires the consent authority to be satisfied that a proposed modification is of no or minimal environmental impact.

The proposed modification seeks to amend the wording of Condition C17 of the Development Consent to clarify driveway management and vehicular access arrangements. It seeks to ensure that the future development on the site maintains the required access to the right of way for the neighbouring property but is responsible only for traffic management from the future hotel development, given that development consent has already been granted for traffic management via the right of way to the rear of 41-45 Erskine Street. The amendment is limited to condition wording only and does not involve any physical works or changes to the approved development.

The modification does not alter the approved intensity, envelope or scale of the development, nor does it change the approved land use approved under the Concept Plan. It is noted that the future building design and operational parameters of the site are to be resolved through a Design Competition and will be assessed as part of a future detailed stage development application to the City of Sydney.

Overall, the proposed modification does not introduce any additional environmental impacts beyond those previously assessed under the approved SSDA. For these reasons, the modification is considered to result in no environmental impact and is appropriately assessed under section 4.55(1A) of the EP&A Act.

## 3.2 The Same or Substantially the Same Development

Section 4.55(1A)(b) of the EP&A Act requires the consent authority to be “satisfied that the development to which the consent as modified relates is the same or 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)”.

Based on the nature of the proposed modification, the development is considered to be the same as that for which consent was originally granted. The key principles of the approved development remain unchanged. The proposed modification is limited to an amendment to the wording of Condition C17, which must be satisfied in future development applications. It does not result in any physical changes to the approved development, however does amend the way in which future driveway management is to occur, which will be the subject of a future development application.

In particular:

- There is no change to the approved building envelope or land use.
- There is no change to the scale, use or density of the development.
- The approved planning pathway remains unchanged and will be followed by a future detailed development application which addresses detailed design matters.

Accordingly, the proposed modification does not substantially change the development approved under SSD-53687734 and satisfies the ‘substantially the same development’ test for the purposes of section 4.55(1A) of the EP&A Act.

### 3.3 Public Notification and Submissions

Section 4.55(1A)(c) of the EP&A Act requires that a modification application be notified in accordance with the relevant regulations or applicable notification requirements. The Department will undertake notification of the application, if required.

Section 4.55(1A)(d) of the EP&A Act requires the consent authority to consider any submissions received in response to the notification of the application. Any submissions received will be considered as part of the assessment process.

### 3.4 Environmental Planning Instruments

This section considers the consistency of the development, as proposed to be modified, with the relevant legislation and environmental planning instruments (EPs).

Table 2 Consistency with Applicable Legislation and Environmental Planning Instruments

| Legislation / Instrument  | Consistency  |
|---|--|
| Biodiversity Conservation Act 2016  | There are no additional biodiversity impacts arising, beyond what was originally approved under the BDAR Waiver granted with the original consent on 30 June 2025.<br><br>The application is for condition amendment only.                         |
| State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)                           | The proposal remains appropriately classified as SSD as it proposes a modification to a consent issued under that framework  |
| State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)                                  | The modification does not give rise to any additional impacts to soil contamination. The site remains negligible from a contamination perspective in the context of the proposed use of the site. The application is for condition amendment only. |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)                            | The proposed modification does not alter the approved development's consistency with this SEPP. The conclusions of the original assessment regarding traffic generation remain unchanged. The application is for condition amendment only.         |
| State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) | The proposed modification maintains consistency with this SEPP and will not alter the potential impacts to water quality and quantity, aquatic ecology, or flooding. The application is for condition amendment only.                              |

#### 3.4.1 Sydney Local Environmental Plan 2012

The Sydney Local Environmental 2012 (Sydney LEP 2012) is the principal environmental planning instrument applicable to the site and the proposed development. The site is zoned SP5 Metropolitan Centre under the Sydney LEP 2012. The modification does not propose any changes to the approved land uses, all of which remain permissible with development consent within the SP5 zone.

The table below provides an assessment of the proposed modification against other relevant clauses of the Sydney LEP 2012.

Table 3 Consistency with the Sydney LEP 2012

| Provision                                     | Proposal  | Compliance |
|---|---|------------|
| Clause 2.3 Zone Objectives and Land Use Table | The proposal remains permissible with consent and meets the objectives of the zone. | Complies   |

|   |   |                |
|---|---|----------------|
| Clause 4.3 Height of Buildings  | The proposed modification seeks only to revise the wording of condition C17. There are no changes to the approved building height of the concept envelope.  | Complies       |
| Clause 4.4 Floor Space Ratio  | The proposed modification seeks only to revise the wording of condition C17. There are no changes to the approved FSR of the concept envelope.  | Complies       |
| Clause 5.10 Heritage Conservation   | The site is not identified as a heritage item, nor is it located within a heritage conservation area or special character area. However, the site is located near several State and local heritage-listed items. The proposed modification seeks only to revise condition wording relating to the Right of Way easement and the way that future traffic generation impacts are delineated and managed. In this, there are no impacts on the surrounding heritage context. | Complies       |
| Clause 5.21 Flood Planning  | The proposed modification seeks only to amend the wording of Condition C17 and does not propose any changes to the approved design, levels or access arrangements relevant to flood planning.   | Not Applicable |
| Clause 6.11 Utilisation of Certain Additional Floor Space Requires Allocation of Heritage Floor Space | The proposed modification relates only to condition wording changes and does not seek to alter any element of the approved concept envelope. Therefore, the amount of heritage floor space (HFS) is not applicable in this instance.  | Not Applicable |
| Clause 6.16(3)(a) Erection of Tall Buildings in Central Sydney  | The proposed modification relates only to condition wording changes and does not seek to alter any element of the approved concept envelope. Therefore, there will be no impact to the outcomes of the technical reporting approved under the concept application. This includes matters such as wind, view, heritage, or the movement of air.  | Not Applicable |
| Clause 6.16(3)(b) Erection of Tall Buildings in Central Sydney  | The proposed modification relates only to condition wording changes and does not seek to alter any element of the approved concept envelope. Therefore, there will be no impact to the outcomes of the amenity including sun and daylight access to public places, outlook or height transition.  | Not Applicable |
| Clause 6.16(4) Erection of Tall Buildings in Central Sydney   | The site area continues to exceed 1,000 sqm in accordance with the requirements of this clause.   | Complies       |
| 6.19 View Planes  | The site is subject to two view protection planes, including: <ul style="list-style-type: none"> <li>▪ Martin Place view of western sky view protection plane</li> <li>▪ Martin Place view of Sydney GPO clock tower and western sky view protection plane</li> </ul> As the proposal seeks only to amend condition wording. The approved building envelope remains compliant with the two Martin Place view protection planes.   | Complies       |
| 6.21C Design Excellence   | The proposed development seeks only revisions to the approved condition wording and has no impact on the approved concept envelope. Moreover, this condition will be addressed during the subsequent detailed development application. The proposed modification will have no impact on the ability to demonstrate Design Excellence in the future application.   | Complies       |
| Clause 6.21D(1) Competitive Design Process  | The proposed modification seeks only to revise condition wording. As such, there is no change proposed to the development height (in metres) or the capital investment value (CIV). Therefore, any subsequent detailed application will be required to undertake a Competitive Design Process as per the Concept Approval.  | Complies       |
| Clause 6.21D(3) Competitive Design Process  | As above. This modification does not alter the requirement for a Competitive Design Process. Any future detailed application will be informed by this process as prescribed in the Concept Approval.  | Complies       |

|  |   |                |
|--|---|----------------|
| Clause 7.3 Car Parking Spaces not to Exceed Maximum set out in this Division               | This application seeks only to modify condition wording in relation to the future development' interface with the Right of Way easement and how traffic impact is managed from the site. No car parking spaces have been approved. This will be assessed as part of the subsequent detailed application.  | Complies       |
| Clause 7.13 Contribution for Purpose of Affordable Housing                                 | The site is located within the Central Sydney affordable housing contribution area. However, the proposed modification is only to revise condition wording. Moreover, the concept approval did not result in the creation of any GFA. Therefore, an affordable housing contribution is not required in relation to the proposed concept SSDA or modification. This clause will be addressed as a part of the subsequent detailed application. | Not Applicable |
| Clause 7.14 Acid Sulfate Soils   | This application seeks changes only to condition wording and does not change the outcomes of the Detailed Site Investigation submitted to inform the Concept with the approved concept envelope.  | Complies       |
| Clause 7.20 Development requiring or authorising preparation of a development control plan | This application seeks changes only to condition wording and does not relate to the preparation of a DCP.   | Not Applicable |

# 4 Engagement

## 4.1 Department of Planning, Housing and Infrastructure

Pre-lodgement engagement was undertaken with the Department prior to the lodgement of this modification application. An on-site meeting was held on 5 February 2026, attended by representatives from the Department, Urbis and Romanous Construction.

The purpose of the meeting was to:

- Review the site context, existing driveway and easement and the approved concept development.
- Discuss the planning pathway for the proposed modification.
- Explain the rationale for the proposed amendment to Condition C17, including the operation of the existing driveway and Right of Way easement.
- Explain the intent for the development to operate independently, with responsibility limited to site-specific impacts arising from the development the subject of the consent, noting that the adjoining site has been approved and is subject to its own consent framework.
- Confirm the scope and content of the proposed Section 4.55(1A) modification application.

During the meeting, Department officers reviewed the existing driveway arrangement and discussed the proposed approach to clarifying responsibilities for driveway management under the consent. The Department advised that engagement with the adjoining landowner should be undertaken prior to lodgement and that evidence of such engagement should be included with the modification application.

## 4.2 Adjoining Landowner Engagement

Consistent with the Department's advice, the Applicant undertook engagement with the adjoining landowner at 41–45 Erskine Street in relation to the proposed amendment to Condition C17.

The purpose of this engagement was to inform the adjoining landowner of the proposed modification and provide an opportunity to review and comment on the proposed changes prior to lodgement. Engagement was undertaken over a three-week period and included:

- Email correspondence issued on 17 February and 26 February 2026.
- Telephone discussions on 26 February and 2 March 2026.
- A follow-up written communication issued on 6 March 2026 seeking to confirm whether any comments or concerns remained.

Following the engagement undertaken, the Applicant received written correspondence from the adjoining landowner dated 12 March 2026. The correspondence confirms that notice of the proposed amendment application was received and indicates the adjoining landowner's support, specifically in relation to the operational separation between the two sites. The adjoining landowner has requested to be consulted during the detailed design and development stages. The Applicant has confirmed its commitment to ongoing consultation in accordance with standard consultation practices.

# 5 Assessment of Impacts

Section 4.55(3) of the EP&A Act 1979 requires the consent authority to “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 original DPHI assessment considered:

- The provisions of all relevant environmental planning instruments;
- The likely environmental, social, and economic impacts of the development;
- The suitability of the site for the development; and
- The broader public interest.

The assessment of the development, as modified, remains consistent with the previous conclusions for the following reasons:

- The requirement to consider traffic generation and impacts as part of future design development and development applications is retained within the consent conditions.
- Transport and access impacts associated with the adjoining site at 41–45 Erskine Street have been assessed and approved under that site’s separate development consent and are regulated independently under the relevant approval.
- The proposed modification does not alter the requirement for future detailed development applications to assess impacts arising from the development the subject of this consent.
- The proposed amendment clarifies the scope of responsibilities under the consent to ensure that impacts are assessed and managed on a site-specific basis. This approach is consistent with established planning practice and does not give rise to any adverse environmental, social or economic impacts.

Accordingly, the impacts of the development, as modified, remain consistent with those previously assessed and approved, and no additional or unacceptable impacts are anticipated.

## 6 Justification of Modified Project

This Modification Report has been prepared on behalf of Romanous Construction in support of an application to modify Development Consent SSD-53687734 for the site at 301–305 Kent Street and 35–39 Erskine Street, Sydney.

The modification seeks to amend the wording of Condition C17, which relates to driveway management and vehicular access associated with the subject development and in light of the existing Right of Way easement. The proposed amendment is limited to condition wording only and does not involve any physical changes to the approved development.

The proposed modification does not alter any key approved parameters of the development, including the approved building envelope or land use. The development, as modified, remains substantially the same as that for which consent was originally granted.

The assessment contained within this report demonstrates that the proposed modification will not result in any additional environmental impacts and remains consistent with the approved concept development and the relevant provisions of the EP&A Act.

Having regard to the above, the proposed modification is considered appropriate for the site and approval is recommended pursuant to section 4.55(1A) of the EP&A Act.

# Disclaimer

This report is dated 13 March 2026 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of University of Notre Dame (**Instructing Party**) for the purpose of SSDA Application (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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**Shaping cities  
and communities  
for a better future.**