

2 July 2026

Brent Devine
Team Leader, Key Sites & TOD Assessments
Department of Planning, Housing and Infrastructure
4 Parramatta Square,
12 Darcy Street,
Parramatta NSW 2150

Dear Brent,

SEARs Request | 378–398 Pacific Highway, Crows Nest

1 Introduction

This SEARs request letter has been prepared by Urbis Ltd (Urbis) on behalf of Freecity Crows Nest Development Pty Ltd (the Applicant) in support of a State Significant Development Application (SSDA) for a 42-storey mixed use, vertical seniors living community at 378–398 Pacific Highway, Crows Nest (the site).

The site is located within the Crows Nest Accelerated Transport Oriented Development (TOD) Precinct and the SSDA is being prepared pursuant to Section 19 of Schedule 2 of the *State Environmental Planning Policy (Planning Systems) 2021*. The proposed development is classified as State Significant Development as it is:

- Development for the purpose of a mixed use development on land identified as an 'Accelerated TOD Precinct' that includes residential accommodation that has an estimated development cost of more than \$60 million. Seniors housing is defined as a type of residential accommodation.

Industry-specific Secretary's Environmental Assessment Requirements (SEARs) are sought for the preparation of an Environmental Impact Statement (EIS) that will accompany the SSDA.

The site is located within the North Sydney Local Government Area (LGA) and is zoned MUI Mixed Use under the North Sydney Local Environmental Plan (LEP) 2013. Development for the purpose of 'shop top housing' is permissible with consent within the MUI zone.

The proposed land use represents an ideal option for this site, noting the catchment area includes a number of health related services, including the Mater Hospital and Royal North Shore Hospital. The emerging residential environment includes a strong focus on key worker housing to support the health precinct. The site is directly adjacent to the Crows Nest Metro and broader Crows Nest Village, which is at an appropriate and relatively accessible grade, being ideal for users of the site.

A scoping meeting was held with DPHI on 4th June and 2nd July 2026. This letter has taken into account feedback from the scoping meetings and provides a brief overview of the proposed development and the relevant planning framework to enable the issuance of the SEARs, which will guide the preparation of a formal EIS for the future development of the site.

The letter is supported by concept design package prepared by COX Architecture.

The letter has been prepared in accordance with the *Scoping Meeting Requirements – for Applicants* issued by the Department of Planning Housing and Infrastructure (DPHI).

The applicant details for the proposed development are listed in the following table.

Table 1 Applicant Details

Descriptor	Proponent Details
Full Name(s)	Freecity Crows Nest Development Pty Ltd
Postal Address	Level 1, 8 Khartoum Road, Macquarie Park NSW 2113
Nominated Contact	Sarah Noone – Senior Planner (Urbis)
Contact Details	P: (02) 8233 7694 E: snoone@urbis.com.au

2 Subject Site

The site is located at 378–398 Pacific Highway, Crows Nest and is made up of the following lots:

Lot	Address	Site Area
Lot 1/DP577047	378 Pacific Highway	335.93m ²
Lot 5/32/DP4320	382 Pacific Highway	331.13m ²
Lot 1/DP573543	–	81.65m ²
Lot 4/DP663560	388 Pacific Highway	250.37m ²
Lot 1/DPI77051	390 Pacific Highway	310.77m ²
Lot 1/DP724930	–	4.77m ²
Lot 1/DPI258791	398 Pacific Highway	660.72m ²

The total surveyed site area is 1,980m² with a frontage to Pacific Highway of approximately 57m. The site is approximately 32m deep. The site is shown on the aerial image below.

4 Proposal

The new application will retain the same design philosophy that was supported under the previous approval.

Broadly, the proposed development will comprise construction of a new 42-storey mixed use development which will include seniors living residential uses and non-residential uses.

The development will include:

- An 8-level basement to accommodate approximately 160 car spaces.
- A 4-storey podium comprising ground floor retail space fronting Pacific Highway, a porte-cochere fronting Hume Street, vehicular access to the basement and servicing, two levels of Residential Aged Care Facilities (RACF) on Level 1 and 2 and non-residential floor space on Level 3.
- Level 4 will include non-residential uses including wellness uses and communal open space for residents of the building.
- Level 5 will include ILUs to the north and non-residential uses to the south.
- Level 6-15 and Level 17 – 41 will be dedicated to Independent Living Units (ILUs).
- Level 16 is proposed to be non-residential such as a hospitality use.
- Level 10 upwards the tower cantilevers 3m over the existing retained development at 398 Pacific Highway (maintaining ADG separation to the north).
- Roof top plant

The proposed yield includes approximately 174 ILU units and 24 RAC units.

5 Statutory Context

5.1 SSD Qualification

The proposed seniors living (residential) component of the mixed use development has an EDC of more than \$60 million, and accordingly it is SSD pursuant to Section 19 of Schedule 2 of the SEPP (Planning Systems) 2021.

5.2 Permissibility

The site is located within the North Sydney LGA and is zoned MUI Mixed Use under the North Sydney LEP 2013.

In accordance with the Housing SEPP, development for the purposes of seniors housing can be carried out in the MUI zone.

Non-residential uses including commercial uses, retail uses, community facilities, respite day care centres, and indoor recreation facilities are permissible with consent in the MUI zone.

5.3 Statutory Considerations

The site is located in the North Sydney LGA. As such, the relevant Acts and environmental planning instruments (EPIs) relating to the site and relevant considerations for the SSDA are as follows:

- *Environmental Planning and Assessment Act 1979 (EP&A Act).*
- *Biodiversity Conservation Act 2016 (BC Act).*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *North Sydney Local Environmental Plan 2013*
- *Crows Nest Precinct Design Guideline*
- *Apartment Design Guide*
- *Seniors Housing Design Guide*

A full assessment of all relevant statutory considerations will be provided in the EIS.

While the design of the scheme is still being development, a high-level assessment of the concept scheme against key planning controls is provided below:

Clause	Control	Assessment
North Sydney LEP 2013		
4.3 Height of Buildings	135m	Refer to SEPP (Housing) assessment
4.4 Floor Space Ratio	12:1	Refer to SEPP (Housing) assessment
4.4A Non-residential floor space ratio	Minimum 1.5:1 for Pacific Highway (2,970sqm required)	Variation proposed, consistent with previous SSD approval 1.39:1 2,752.2sqm (including 379sqm existing at 398 Pacific Highway)
Crows Nest Precinct Design Guide		
Built Form	Maximum floor heights: - Ground Floor – 5m	Capable of complying

	- Above ground floor (residential) – 3.2m - Above ground floor (commercial) – 3.8m - Rooftop service zone (21-40 storeys) – 4.5m	Note these are maximums and therefore the proposed floor to floor heights achieve this.
Solar Amenity and Overshadowing	No additional overshadowing to Newlands Park between 10am and 3pm on June 21st. Low density areas outside the TOD Precinct boundary should not be overshadowed by more than 3 hours on June 21st.	Capable of comply Overshadowing plans not provided but based on historic plans, the tower envelope up to the proposed height complied with these controls.
Minimum Lot Size	1,500sqm	Complies The site has a combined area of 1,980m²
Landscape and Environment	For mixed use sites, development should be assessed on case-by-case basis, considering both the Apartment Design Guidelines and proposed setbacks. At a minimum, proponents should demonstrate maximised tree planting in deep soil zones, a no-net loss of canopy, and a contribution to strategic canopy targets	Alternative solution The site is largely built-to-boundary and will require a range of landscaping measures to achieve the objectives of the control. Street tree planting is proposed.
Setbacks	0m street setback to Pacific Highway and Hume Street required from 378-398 Pacific Highway. *North Sydney DCP requires a 6m rear setback to the residential zone	Complies The concept design complies with the relevant street setbacks. The concept design complies with the approved envelope in relation to the rear setback.

Street Wall Heights	4-storey street wall height required to Pacific Highway and Hume Street *North Sydney DCP requires a minimum above podium setback of 3m	Complies 4 storey street wall height is proposed. 3m above podium setback is proposed.
Car Parking	Residential car parking to be provided at the following maximum rates per dwelling: 1-bedroom: 0.4 spaces 2-bedroom: 0.7 spaces 3+ bedroom: 1 space	Refer to Housing SEPP The car parking rates and design for car parking spaces under Part 4 of the Housing SEPP are more specific to the seniors housing typology and should prevail of the parking rates in the Crows Nest TOD parking rates.
Housing SEPP 2021 (Section 87 and 93)		
Maximum building height	378-398 Pacific Highway: 138.8m (135m + 3.8m)	Complies Proposed height is 138.8m (RL229.8), as per development schedule.
Floor Space Ratio	378-398 Pacific Highway: 12:1 + 25% = 15:1 (29,700sqm)	Complies 29,168sqm proposed (including 1,806m² existing at 398 Pacific Highway and 27,362sqm proposed on 378-390 Pacific Highway)
Suitable access pathway	The overall average gradient must be not more than 1:14 and the gradients along the pathway must be not more than: 1:12 for a maximum length of 15m at a time, or	Capable of complying

	▪ 1:10 for a maximum length of 5m at a time, or ▪ 1:8 for a maximum length of 1.5m at a time.	
Housing SEPP 2021 (Section 107 and 108)		
Building height	9.5m, excluding servicing equipment on the roof of a building	N/A – refer to Housing SEPP 2021 Section 87 response to building height.
Maximum density and Scale	Residential Care Facilities: 1:1 Independent Living Units: 0.5:1	N/A – refer to Housing SEPP 2021 Section 87 response to floor space ratio.
Internal and external communal open spaces	Residential Care Facilities: 10m ² for every bed	Capable of complying Further detail required to confirm compliance.
Minimum landscaped area	Residential Care Facilities: 15m ² for every bed Independent Living Units: ▪ 35m² per dwelling, or ▪ 30% of the site area	Alternative solution Podium level landscaping provided and street tree planting. Further detail required to confirm proposed landscaping.
Minimum deep soil zone	Residential Care Facilities: 15% of the site area, where each deep soil zone has minimum dimensions of 6m Independent Living Units: 15% of the site area, where each deep soil zone has minimum dimensions of 3m	Alternative Solution Existing approval has nominal deep soil provided, consistent with high density developments in mixed-use zones.
Solar access	Independent Living Units:	Alternative Solution

	At least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces	Solar access not provided however compliance with ILU' component should be capable of achieving 65%+ solar access which is generally consistent with the current SSDA.
Private open space	Independent Living Units: For a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and: - an area of at least 10m², or - for each dwelling containing 1 bedroom—an area of at least 6m²	Complies Each ILU is provided with direct balcony access. Further detail will be provided with EIS to confirm compliance with minimum dimension requirements.
Minimum car parking provision	Residential Care Facilities: 1 parking space for every 15 beds in the facility 1 parking space for every 2 employees who are on duty at the same time 1 parking space for the purpose of ambulance parking Independent Living Units: 1 parking space for every 5 dwellings (if development application made by, or made by a person jointly with, a social housing provider or Landcom) 0.5 parking spaces for each bedroom	Approximately 160 spaces proposed which is less than 193 required by the SEPP, but more consistent with the objectives of the TOD controls to reduce parking provision, noting the site's location next to Crows Nest Metro Station.

Apartment Design Guidelines (Objective 3f-1)		
Building Separation	Up to 12m (4 storeys)	Complies
	6m (habitable room) 3m (non-habitable room)	
	Up to 25m (5-8 storeys)	
	9m (habitable room) 4.5m (non-habitable room)	
	Over 25m (9+ storeys)	
	12m (habitable room) 6m (non-habitable room)	
The site adjoins Pacific Highway to the east and Hume Street to the west. The roads, and podium setbacks combine to achieve compliance. The northern face of the tower has a 17m-20m setback, secured by the purchase of the air rights above 398 Pacific Highway. The RACF component of the development is not subject to ADG requirements and therefore forms a merit based assessment. The setback to the west / rear is consistent with the approved setback and is therefore reasonable and appropriate. Adequate privacy screens or demonstration of privacy impacts would need to be provided for the private terraces at the podium level.		

6 Conclusion

The purpose of this letter is to request SEARs for the preparation of an EIS for a mixed use vertical seniors living development at 378-398 Pacific Highway, Crows Nest. The proposal meets the requirements for SSD per Schedule 2, Section 19.

The proposal represents an excellent opportunity to contribute to housing diversity within the Crows Nest TOD precinct, which already includes a number of approvals for market apartments, Build-to-Rent and infill affordable housing.

An affordable housing contribution equivalent to 10% of the proposed residential floor space will also be provided in accordance with NSLEP 2012.

The Applicant is committed to working with key stakeholders, including State government agencies and North Sydney Council to deliver a high-quality development.

The EIS will demonstrate how the proposal is suitable for the site and the potential environmental impacts can be appropriately mitigated, minimised or managed to avoid any unacceptable impacts.

We trust that the information detailed in this letter is sufficient to enable the Department to issue the SEARs to guide the preparation of the EIS.

Kind regards,

A handwritten signature in black ink that reads "S Noone". The signature is stylized with a large, looped 'S' and a cursive 'Noone'.

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