

13 November 2025

2250494

Ms Kiersten Fishburn
Planning Secretary
Department of Planning, Housing and Infrastructure
4 Paramatta Square, 12 Darcy Street
Parramatta NSW 2150

Dear Kiersten,

[Request for Industry- Specific SEARs –Housing 58-64 Pacific Highway, St Leonards](#)

The letter has been prepared by Colliers Urban Planning on behalf of EG Funds Management Pty Ltd (EG) (the Applicant) to request industry-specific Secretary's Environmental Assessment Requirements (SEARs) for the redevelopment of the site at 58-64 Pacific Highway, St Leonards.

This letter provides a description of the site, the proposed development and an outline of statutory planning considerations, including eligibility for the State Significant Development (SSD) and industry-specific SEARs pathways. It should be read in conjunction with the following:

- Preliminary Architectural Plans prepared by Nettleton Tribe (**Attachment A**);
- Formal Correspondence from DPHI regarding affordable housing variation (**Attachment B**)

1.0 Applicant Details

The Applicant's details are presented in **Table 1** below.

Table 1 *Applicants Details*

Applicant	EG Funds Management Pty Ltd
Address	Level 21, Governor Phillip Tower, 1 Farrer Place, Sydney NSW 2000
ABN	22 108 198 492

- In EG's submission on the Crows Nest TOD, two development options were put forward:
 - Option 1 – 30 storey scenario 2% affordable housing contribution
 - Option 2 – 35 storey scenario 5% affordable housing contribution
- Schedule 1 of the Review of affordable housing contributions demonstrates the workings of how the affordable housing contribution was determined.
 - Atlas have assumed a total GFA of 14,289sqm based on a maximum FSR of 9.8:1 and site area of 1,459sqm.
 - The Applicant noted an error whereby the actual site area is 1,312.84sqm and applying a maximum FSR of 9.8:1, the total GFA achieved is 12,865.83sqm'
 - The misuse of the incorrect site area represents a difference of 1423.17sqm

Following discussions and a meeting with Department staff, the DPHI formally acknowledged in a letter dated 17 June 2025 (**Attachment B**), that the site area that informed Atlas's work was greater than that provided in the proponent supplied site survey plan. As a result, the GFA calculations in the Atlas feasibility testing recommended a greater affordable housing rate due to the assumption that the site included a portion of Marshall Lane.

The DPHI proposed and recommended that instead of amending the affordable housing rate, any development application lodged for the site should seek a variation to the rate instead. It further noted that the justification should be based upon the reduced (actual) allotment area i.e. 1,312.84m². Notwithstanding this, the DPHI further advised that the proposed variation to the affordable housing rate should be minor in nature and should be higher than the 3% baseline established for the Crows Nest TOD.

Building Height

- Both the Lane Cove LEP and Urban Design Report identify a maximum height of **104 metres** (this equates to approximately 32 storeys).
- However, it is noted the Department's finalisation report on page 40 confirms the potential number of levels as **35 storeys**, as per the extract below

Post-exhibition amendments
• Planning controls: - Zone: No change - FSR: 9.8:1 - Minimum non-residential FSR: 1.6:1 - HOB: 104m (35 Storeys)

- Whilst some of the supporting TOD documentation notes 30 storeys, the DPHI formally acknowledged in their letter dated 17 June 2025 (**Attachment B**), that the final controls were an FSR of "9.8:1 and 104m (**35 storeys**)" which reflect "the site's intended prominence as a 'gateway' building into the Precinct and ensure no additional overshadowing of open space."

3.0 Site Description

An overview of the key components of the site are described in **Table 2** below.

Table 2 Site Description

Component	Description
Site Address	58-64 Pacific Highway, St Leonards

Legal Description	Lot 1 in DP 791740
Land Ownership	EG Funds Management Pty Ltd (EG)
Zoning	MU1 Mixed Use
Site Area	1,312.84m ²
Street Frontages	• Pacific Highway – approximately 40m • Berry Road – approximately 33m • Marshall Lane – approximately 50m
Existing Development	The site comprises a three storey (3) commercial building and is bounded by Pacific Highway to the north, Berry Road to the west and Marshall Lane to the south.
Site Context	The site occupies a visually prominent location along the Pacific Highway and is directly opposite the main entrance to the Royal North Shore Hospital and associated medical precinct. It forms a western ‘gateway’ into the St Leonards/ Crows Nest Strategic Centre core. The site is located 210m from the St Leonards Train Station and 700m from the Crows Nest Metro Station
Surrounding Development	Surrounding the site, development comprises the following: • North: The site fronts Pacific Highway along its northern site frontage. Further north is commercial office buildings, and the Royal North Shore Hospital. North west of the site is Gore Hill Oval and north east of the site is St Leonards Train Station. • East: To the east of the site comprises a mix of commercial building and residential flat buildings • South: Directly south of the site is Marshall Lane. Beyond Marshall Lane is a 7 storey residential flat building, further south is located the ‘St Leonards South’ renewal area, which is being cleared for re-development • West: Directly west of the site is Berry Road. Beyond Berry Road is a commercial office building, further west is low density residential.

An aerial photograph of the site is included in **Figure 1**.



1 58-64 Pacific Highway, St Leonards Lot 1 DP 791740

 The Site

 NOT TO SCALE

Figure 1 *Site Aerial Map*

Source: Nearmap/Colliers Urban Planning

4.0 Project Description

An overview of the key components of the project are described in **Table 3** below.

Table 3 *Project Details*

Component	Description
Site Area/ Project Area	1,312.84m ²
Land Use/s	Mixed use development - retail, office premises and residential flat building, including affordable housing
Project Description	The proposed development will be generally in accordance with the Preliminary Architectural Plans prepared by Nettleton Tribe provided at Attachment A and seek consent for: • Site preparation and excavation works, including demolition of existing structures; • Construction of a 35 storey mixed use development comprising: - 2,101m² (1.6:1) of non-residential GFA at ground and levels 1-2 including retail and commercial office uses; - 12,770m² of residential GFA including 102 market housing apartments and 8 affordable housing apartments - 7 levels of basement carparking, comprising 160 spaces • Associated landscaping and public domain works • Augmentation and connection to existing utilities as required. • In addition to affordable housing, significant public benefits are proposed including: - ground plane activation, - a pedestrian colonnade along the Pacific Highway and Berry Road frontages, - street tree plantings, - a potential through link (between the highway and rear laneway), - communal space for on-site residents and external groups, - high-quality external architectural design and materiality befitting a prominent 'gateway' building into the St Leonards - Crows Nest Strategic Centre, and - public domain improvement contribution to Marshall Lane, improving pedestrian connectivity and amenity to <i>Wandangari Park</i> (plaza) to the east.
Estimated Development Cost	\$136,000,000
Affordable housing provision	Approximately 5% or 8 affordable housing apartments, noting a variation request will be provided to justify the reduced provision from that mentioned in the Lane Cove LEP 'Affordable Housing Map', consistent with DPHI's advice.

5.0 Statutory Planning Considerations

The relevant statutory considerations at this stage of the project, including eligibility for the SSD and industry-specific SEARs pathways are outlined in **Table 4** below.

Table 4 *Statutory Planning Considerations*

Component	Description
SSD Qualification	The proposed development is located within the Crows Nest Accelerated Transit Oriented Development (TOD) Precinct. The proposal is for the purpose of a mixed-use development, comprising retail and commercial office uses at the ground level and Levels 1-2, with residential uses above from Level 3 to 34. The residential component of the development has an EDC of more than \$60 million and therefore, it is State Significant Development pursuant to Section 19 of Schedule 2 of the Planning Systems SEPP relating to Accelerated TOD Precincts. The Minister for Planning and Public Spaces (or the Minister's delegate) is the consent authority pursuant to Section 4.5(a) of the EP&A Act
Permissibility	The proposal is located on land which is subject to the <i>Lane Cove Local Environmental Plan 2009</i> (Lane Cove LEP 2009) and is zoned MU1 Mixed Use. The following uses are permitted: - Commercial premises which encompasses retail premises and office premises - Residential flat buildings As such the proposed development is entirely permissible with consent under the Lane Cove LEP 2009.
Eligibility for Industry Specific SEARs	The residential component of the development has an EDC of more than \$60 million and therefore, it is State Significant Development pursuant to Section 19 of Schedule 2 of the Planning Systems SEPP relating to Accelerated TOD Precincts. The Minister for Planning and Public Spaces (or the Minister's delegate) is the consent authority pursuant to Section 4.5(a) of the EP&A Act
Estimated Development Cost	Industry-specific SEARs only apply to SSD applications other than those that: - would be designated development but for the Act, section 4.10(2), or - are partly prohibited by an environmental planning instrument (EPI), or - are wholly prohibited by an EPI, to the extent permitted by the Act, section 4.38(5), or - are a concept DA for SSD. None of the above will apply to the proposed development, hence the industry-specific SEARs request.
Key development standards	Under the Lane Cove LEP 2009, the following are the key development standards applicable to the site: - Maximum building height: 104m - Maximum floor space ratio: 9.8:1 - Minimum non-residential FSR: 1.6:1 - Affordable housing contribution: 8% The proposal has an approximate height of 117m, an approximate total FSR of 11.3:1 and seeks to provide approximately 5% affordable housing. It is anticipated the additional height, FSR and variation to the affordable housing rate is to be sought pursuant to Clause 4.6 Variation Requests. A minor increase in FSR and building height is therefore proposed, with the following justification: - The proposal however remains entirely consistent with the land-use, built form and height (35-storey) outcomes contained in the final recommended Crows Nest TOD Precinct documentation. - The proposed tower form does <u>not</u> give rise to any material or adverse environmental impacts particularly in terms of overshadowing.



Component	Description
	The affordable housing contribution (5%) is greater than the 'base' affordable housing rate of 3% noted in the DPHI's letter dated 17 June 2025. We note however the final rate is to be negotiated and agreed with the Department, given the rate anomalies in the final TOD documentation.
EPBC Act / Biodiversity Conservation Act	A BDAR waiver will be sought as part of this SSDA application, given the site is located in a highly urbanised area, making it unlikely for future development to have any significant impact on biodiversity values.
Other approvals	Consistent approvals Roads Act 1993

6.0 Conclusion

As outlined in this letter, the Proposal is declared SSD under Schedule 2, Section 19 of the Planning Systems SEPP and is eligible for industry-specific SEARs.

We trust that the information provided is sufficient to enable the Secretary to issue SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact the undersigned.

Sincerely,

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