

21 November 2025

Keiran Thomas
Director
Department of Planning, Housing and Infrastructure
4 Parramatta Square,
12 Darcy Street, Parramatta NSW 2150
Keiran.Thomas@planning.nsw.gov.au

Dear Keiran

Request for Industry Specific SEARs and Rezoning Requirements – 8-12 George Street, Burwood

This letter has been prepared on behalf of Hyside 8 George Street Pty Ltd for the purposes of requesting a scoping meeting and the issue of Industry Specific Housing Secretary Environmental Assessment Requirements (ISEARs) and rezoning requirements for a State Significant Development Application (SSDA). The request relates to an up to 41-storey shop-top housing development at 8-12 George Street, Burwood (the site).

The proposed development was subject to an Expression of Interest (EOI) application under the Department of Planning, Housing and Infrastructure's (DPHI) Housing Delivery Authority (HDA) program. The application ref. 270786 was successful, with the site formally declared as a State Significant Development (SSD), with concurrent rezoning on 8 September 2025.

This letter provides a description of the site and the existing and future context, an overview of the proposed development, a summary of the Statutory Planning context, and an overview of key factors that will inform the design development of the project. The letter concludes that, in accordance with Planning Circular 21-005, ISEARs should be issued for the development as it is not:

- designated development;
- partly or wholly prohibited; or,
- a concept development application.

The following documents have been prepared to accompany this scoping meeting request:

- Appendix 1 - Statutory Considerations
- Appendix 2 - Architectural Scoping Report, prepared by DKO
- Appendix 3 - Survey Plan, prepared by Survey Plus
- Appendix 4 - Economic Letter, prepared by Solve Property
- Appendix 5- Traffic Note, prepared by Stanbury Traffic Planning

The Proponent

The proponents' details are as follows:

Table 1 Proponent Details

Proponent Name	Hyside 8 George Street Pty Ltd
ACN	692065277
Address	Suite 2, 39 Cooper Street, Strathfield NSW 2135

The Site

The site at 8–12 George Street, Burwood comprises one single-storey detached dwelling and two semi-detached dwellings (see Figure 1).

George Street forms the northern boundary. To the east are 4–6 George Street, a pair of semi-detached Californian bungalows. To the west is 11 Deane Street, a 22-storey mixed-use development approved in 2013 and constructed in 2014–2015; the adjoining circa 1980's/1990's five-storey office building was refurbished as part of the development.

To the south of the site is 7 Deane Street, a 27-storey mixed-use building with ground-floor retail, serviced apartments on levels 1–11, and residential apartments on levels 12–21, constructed in 2020–2021. It should be noted that this development also incorporates 4 George Street, one half of a semi-detached property located to the east of the development. In 2020, Modification DA.2019.040 approved an additional five storeys on the development at 7 Deane Street, using the site area of 4 George Street and allowed its FSR to be applied to that development. This essentially isolated 6 George Street, as any future development would require the partial demolition of a semi-detached property, noting that the roof of the semi-detached houses does not fall uniformly along the central boundary.



Figure 1 Aerial view of subject site, outlined in red (Source: Nearmap)

The site is legally described as:

Table 2 Legal Description of subject site

LOT	DEPOSITED PLAN	ADDRESS	APPROX SITE AREA (SQM)
Y	DP412158	8 GEORGE STREET BURWOOD 2134	243 sqm
X	DP412158	10 GEORGE STREET BURWOOD 2134	268 sqm
1	DP325701	12 GEORGE STREET BURWOOD 2134	270 sqm

Wider and Emerging Context

The site is in Burwood Town Centre, approx. 160m walk north east from Burwood Train Station and bus interchange. The Centre is defined as a Strategic Centre in the *Eastern City District Plan (2018)* and comprises a variety of land uses and built forms. It is characterised by a 'main street', being Burwood Road, which extends from approximately Parramatta Road to the north to Woodside Avenue to the south. Burwood Road is located approximately 140m to the west of the site. Westfields shopping centre is located approx. 150m to the north of the site and will soon be easily accessible following the construction of the recently approved through site link across 21 George Street and 28 Victoria Street.

The site is in the MU1 Mixed Use zone under the *Burwood Local Environmental Plan 2012* (BLEP 2012). In recent years, the locality has experienced a substantial increase in higher-density residential and mixed-use developments, with several mixed-use and shop-top housing projects delivered in response to ongoing demand for housing close to transport and services.

Recent approvals include 17 and 21 George Street and 28 Victoria Street (SSD-69615996), which approved three towers ranging from 26 to 40 storeys in height. A modification application is currently under assessment by Burwood Council to increase the FSR on this development.

Nearby, the Burwood Place development at 42–60 Railway Parade, to the south-west of the site, has also been approved for a mixed-use scheme reaching up to 42 storeys. There are also several emerging, high density developments proposed in the area, including the Uniting Church HDA SSDA located at Burwood Road and George Street.

This HDA seeks to increase the height and FSR applying to the site, up to 12.1:1 FSR and equivalent height to that in the emerging precinct. These approved and emerging developments reinforce the Town Centre's strategic role as a key growth precinct, consistent with the objectives of the *Greater Sydney Region Plan* and *Eastern City District Plan*, which promote intensified residential uses within walking distance of train and bus stations.

Proposed Planning Proposal and Development

This SEARs request outlines the intention to amend the sites current planning controls set out under the BLEP 2012 to:

- Facilitate the delivery of much-needed residential accommodation in the area;
- Enable the site to come forward in a form that is reflective of the emerging higher-density character within the Burwood Town Centre;
- Provide public benefits, including improvements to the George Street public domain, and infrastructure contributions; and,
- Respond to changes in circumstances since the preparation of the BLEP, including shifts in office market demand following the COVID-19 pandemic, advances in technology, and the significant housing demand facing NSW. This is considered further in the Economics Letter prepared by Solve Property at **Appendix 4.**

The Planning Proposal does not propose to amend the current MU1 Mixed Use Zoning, however, the following amendments to other principal development standards are proposed:

- amend the building height from 70 metres to 134m (approx. 41 storeys) – noting that the scheme will not exceed the Burwood LEP height plane plus 20% infill affordable housing bonus.
- amend the floor space ratio from 6:1 to up to 14:1
- remove the maximum residential floor space controls set out within Clause 4.4A.

The above provisions will facilitate preparation and assessment of a concurrent SSDA for the site, which would allow demolition of the existing structures and construction of a new mixed use housing development, likely a podium-and-tower form of up to 41 storeys, delivering approximately 10,975 sqm of residential and commercial floor space and approx. 110 dwellings, including 10% affordable housing for a 15-year period. As discussed further below, above ground non-residential uses including a rooftop bar and restaurant as also proposed.

As outlined in the HDA expression of interest documentation, the proposed development will have an estimated development cost greater than \$60 million.

Indicative site layout and massing diagrams have been prepared to inform the proposed planning controls, these are extracted in the figure below and provided at **Appendix 2**.

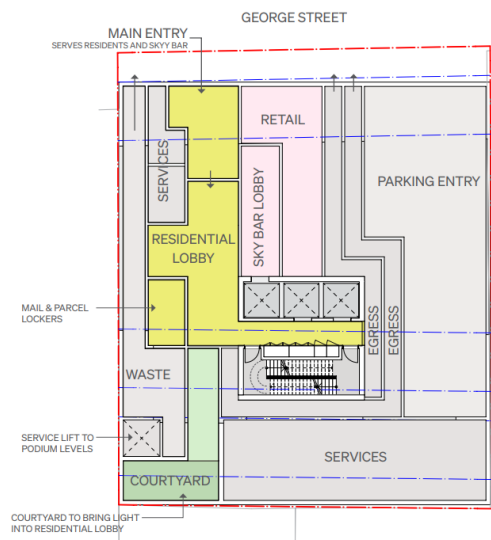


Figure 2 Indicative ground floor arrangement (Source:DKO)

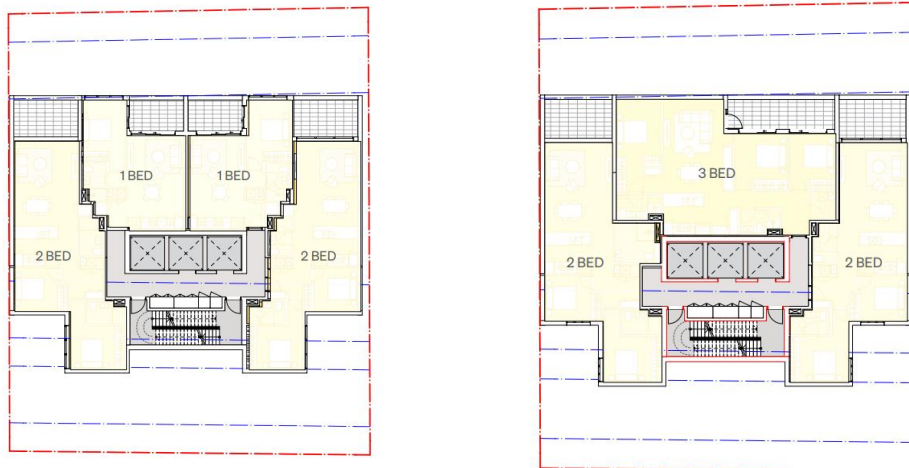


Figure 3 Typical residential floorplan arrangements (Source:DKO)

Statutory Planning Context

An overview of the Statutory Planning Context is provided in **Appendix 1**. By way of summary, on 8th September 2025, State Significant Development Declaration Order (No 13) 2025 was made and the site development declared as a State Significant Development (refer to the following extracts).

- b) development specified in EOI application 270786 dated 16 June 2025 including development for the purpose of shop top housing with provision of affordable housing at 8 George Street, 10 George Street, 12 George Street, Burwood being Lot X/DP412158, Lot Y/DP412158, Lot 1/DP325701

Figure 4 Extract of State Significant Development Declaration Order (No 13) 2025 (Source: DPHI)

Therefore, based on the above, the project is a SSD and in accordance with the HDA recommendation, a concurrent PP and SSDA can be prepared for the site.

The site is zoned MU1 and the development (shop-top housing) is permissible with consent pursuant to the BLEP. Please refer to **Appendix 1** for full statutory summary.

Proposed Assessment of Impacts and Key Site Considerations

In accordance with Planning Circular 21-005, Industry Specific Housing SEARs (ISEARs) should be issued for the development as it is not:

- designated development;
- partly or wholly prohibited; or,
- a concept development application.

Notwithstanding that ISEARs are appropriate for this project, in accordance with Section 1.3 of the *“Preparing a Scoping Report of the SSD Guidelines”*, the following key matters are anticipated to inform the final design of the development and will require more detailed assessment in the EIS and Planning Proposal. The purpose of considering these factors at this stage is to inform the preparation of the SEARs Cover Letter and Guidance for Concurrent Rezoning Proposal, and to guide the initial scoping meeting discussions with DPHI.

Commercial Floor Space

In accordance with the HDA EOI lodged, this concurrent rezoning and SSDA application seeks to increase the residential FSR permitted on the site from the existing 2:1 control. This is in response to changing circumstances since the preparation and publication of the BLEP 2012.

The BLEP 2012 pre-dates the COVID-19 pandemic, which has since led to a substantial downturn in demand for office and commercial floorspace in Sydney. Advancements in remote-working technologies and hybrid work practices have further weakened the office market. According to the latest Property Council of Australia Office Market Report (July 2025), non-CBD office across Australia vacancy was at 17.3%, reflecting the weakest conditions on record for many suburban precincts.

In light of these changed circumstances, the proposed amendments to Clause 4.4 of the LEP (regarding maximum residential FSR) respond directly to evolving market and economic conditions. The amendments will enable the site to come forwards in a viable manner, within a highly accessible location, deliver much-needed homes, while retaining the site's MU1 Mixed Use zoning, ensuring a commercial component is retained. The development will be designed to encourage street activation in accordance with the intended outcomes of the MU1 zoning.

In addition to the changing office market, Burwood has also become a key night-time economy destination, this is reflected in the recent announcement of Burwood's first Special Entertainment Precinct (SEP), located a short distance to the southwest of the site, and Time Out identifying the town centre as the 18th coolest neighbourhood in the world. In recognition of this, the proponent is also exploring opportunities for commercial uses on the site that closely align with the night-time economy. This includes opportunities for restaurant and bar uses at an upper level consistent with Council's newly drafted DCP which encourages such opportunities. This will be subject to further consideration and discussions with Burwood Council.

Traffic and Vehicle Access

Vehicle access to the site will continue to be from George Street. The proposal includes a new 12-level basement to provide car parking consistent with the Housing SEPP (In-Fill Affordable Housing) and relevant DCP requirements. Car parking requirements for the commercial uses, if needed, will be further investigated as part of the SSDA.

Given the constrained size and dimensions of the site, waste and servicing strategies are still being refined. At this stage, waste and servicing are proposed to occur from the street. Off-street options (including a servicing and waste vehicle turntable or basement servicing) were considered; however, the narrow site, single street frontage, and the need to meet fire egress and active frontage requirements mean these options are not feasible.

Waste and servicing arrangements, including the potential for private waste collection using a smaller vehicle than Council's standard, will continue to be explored in consultation with Burwood Council.

A Transport and Accessibility Report, and Waste Management Plan will support the application. An initial Traffic Impact Note has been prepared to accompany this report. This can be found at **Appendix 5**.

Residential Amenity

Setbacks

The development is located in an extremely constrained site, adjacent to a number of developed and approved high density developments. The site is also narrow. To strike the balance between achieving acceptable levels of privacy on site, and to not inhibit the future development of lots to the east and west, small areas of blank facades are proposed along these boundaries. These will be designed in a way to ensure acceptable visual interest.

In some locations, the numerical requirements for separation distance within the ADG may not be achievable. Any numerical non-compliance will be mitigated through the positioning of windows and balconies and screening to avoid direct site lines. With the incorporation of these measures, that the future scheme will be consistent with the overarching design objectives of the ADG.

Design Quality

The requirement for Design Excellence is noted, and the application will be accompanied by a Design Excellence Strategy. We seek clarification from DPHI as to whether the development will be required to go through the State Design Review Panel – noting that the scheme does not trigger any of the requirements set out under NSW State Design Review Panel – Guidelines for Project Teams.

Aviation

Strategic Air have been appointed to provide advice and undertake assessment of any potential impacts of the development on airspace. The key airspace considerations to the site are displayed in the figure below.

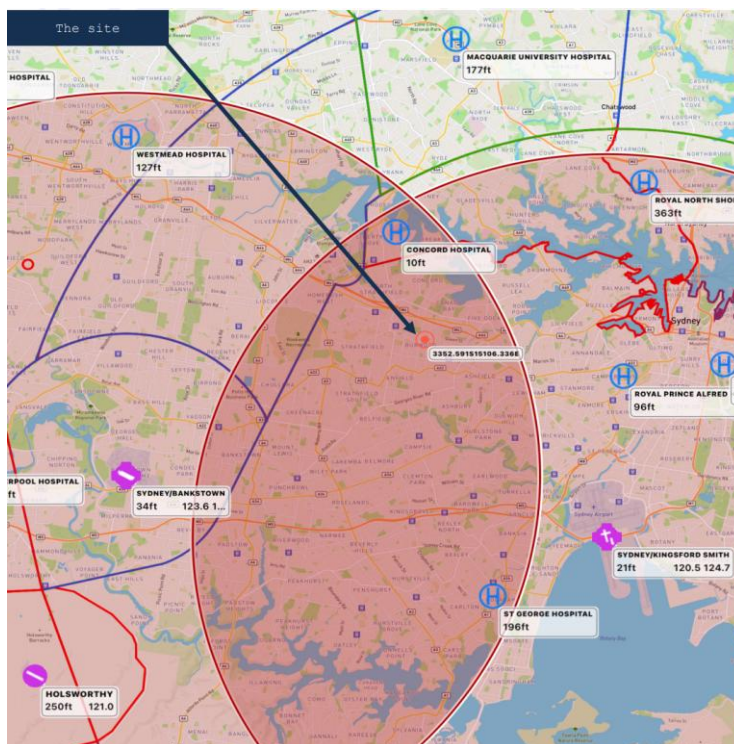


Figure 5 Aviation Infrastructure Overview relative to the site (Source: Strategic Air)

Strategic Air have reviewed the indicative building mass proposed through this SEARs request and concluded that there would be residual clearance of the OLS and PANS-OPS for both Sydney (Kingsford Smith) Airport and Bankstown Airport. There is potential that a construction crane may intrude the OLS, requiring a temporary controlled activity approval. Strategic Air have advised that this is not an unusual matter and that approval can be obtained for the temporary intrusion. This will be considered further through the detailed design and assessment of the development.

Planning Agreement

Initial discussions with Burwood Council regarding a planning agreement to facilitate the additional infrastructure as a result of the uplift and type of development on the site have been undertaken. These discussions will continue prior to the lodgement of the application, which will be accompanied by a draft Planning Agreement.

Other matters

The EIS will also address other ISEARs items.

Conclusion

The ISEARs capture a range of environmental, planning, and social consideration. This scoping letter has outlined preliminary information regarding the site, the proposal and its statutory context, to assist DPHI with the preparation of the Industry Specific SEARs and the rezoning requirements for the proposed development.

Should you wish to discuss the content of this letter, please do not hesitate to contact Rebecca Sladen (Associate Director) on rebeccas@gyde.com.au or 02 9071 1862.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Susan E Francis', written in a cursive style.

Susan E Francis
Executive Director
suef@gyde.com.au
0404 011 469

Appendix A

Statutory Compliance

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Statutory Planning Context

Pre-Conditions to Exercising Power to Grant Approval

The table below identifies pre-conditions to be fulfilled by the consent authority before exercising their power to grant development consent.

Table 3 Pre-Conditions to Exercising Power to Grant Approval

Instrument	Pre-Conditions	Response
<i>Biodiversity Conservation Act 2016</i>	Pursuant to Section 7.9 of this instrument, SSDAs must be accompanied by a Biodiversity Development Application Assessment Report (BDAR) unless the Planning Agency Head, and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. This determination is referred to as a BDAR Waiver.	The Site has previously been developed and is not identified as containing any areas of diversity values. A BDAR Waiver will be sought for the project.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Division 17, Section 2.122 requires the consent authority to provide Transport for NSW (TfNSW) with written notice of the development application for 'traffic-generating development' within the meaning of the SEPP, as set out in Schedule 3 of the SEPP.	In accordance with schedule 3 of the Transport and Infrastructure SEPP, the development will not constitute traffic generating development as less than 300 dwellings will be delivered on a site with access to a road (generally).
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Section 4.6 of the Resilience and Hazards SEPP sets out that a consent authority must not consent to the carrying out of any development on land unless: - It has considered whether the land is contaminated; - If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be after remediation); and - If the land requires remediation to make it suitable for the use, it is satisfied that the land will be remediated before the land is used for that purpose.	A Preliminary Site Investigation (PSI) and if required, a Detailed Site Investigation (DSI) will be prepared for the EIS. Should it be identified in the DSI that a Remediation Action Plan is required, one will be prepared and accompany the EIS.
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	Chapter 6, Section 6.6(2) and 6.7(2), 6.9(2) note that development consent must not be granted for development on land in a regulated catchment unless the consent authority is satisfied that the development satisfies the matters set out with respect to water quality, impacts on biodiversity, availability of recreation uses.	The development is located in the Sydney Harbour Catchment, a regulated catchment. The matters referenced will be addressed in the EIS.

Instrument	Pre-Conditions	Response
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	Chapter 2 Section 2.1 notes that development consent must not be granted to certain BASIX development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.	The development is defined as BASIX Development under the EP&A Regs and this Section applied. The embodied emissions will be quantified as part of the EIS.
<i>Burwood Local Environmental Plan 2012</i>	Clause 6.5 - Design excellence in Zones E1 and MU1 - (3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.	The development will achieve Design Excellence and will be accompanied by a Design Excellence Report.

Mandatory Matters for Consideration

The table below identifies key matters that the consent authority will be required to consider in deciding whether to grant consent to an SSDA. A full assessment of mandatory matters for consideration will be provided in the EIS.

Table 4 Matters for Consideration

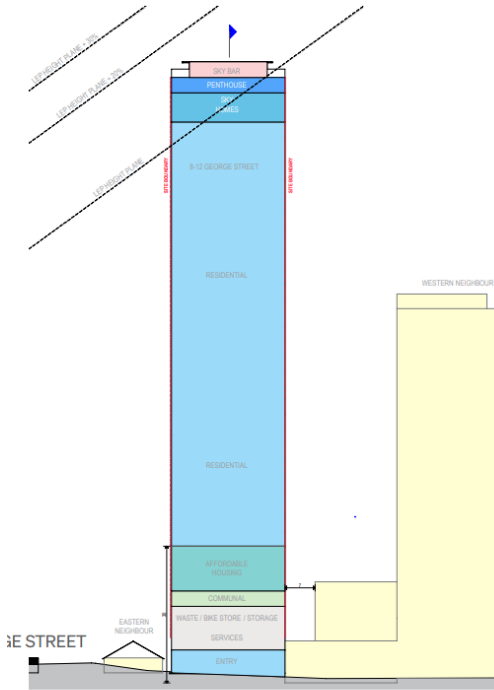
Legislation	Matters for Consideration	Comment
<i>Environmental Planning and Assessment Act 1979</i>		
Section 1.3	Objects of the Act	An assessment against the objects of the Act will be undertaken in the EIS.
Section 4.15	a) the provisions of: i) relevant environmental planning instruments ii) any proposed instrument that is or has been subject of public consultation under the Act iii) any development control plan iv) any planning agreement v) the regulations b) likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality c) suitability of the site for the development d) any submissions made in accordance with the Act or Regulations e) the public interest.	Section 4.15 of the Act will be addressed in detail in the EIS and supporting documentation for the SSD.
<i>Environmental Planning and Assessment Regulations 2021</i>		
Section 61	(1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: <i>The Demolition of Structures</i> .	Noted.

Legislation	Matters for Consideration	Comment
State Environmental Planning Policy (Housing) 2021		
Chapter 4, Design of Residential Apartment Development	142 Aims of chapter – 149 Apartment Design Guide prevails over development control plans	Compliance with the ADG will be demonstrated in the EIS and supporting documentation.
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 6, Section 6.6(2) and 6.7(2), 6.9(2)	Chapter 6, Section 6.6(1) and 6.7(1), 6.9(1) note the matters that the consent authority must consider in deciding whether to grant consent to development in a regulated catchment unless the consent authority is satisfied that the development satisfies the matters set out with respect to water quality, impacts on biodiversity, availability of recreation uses.	The development is located in the Sydney Harbour Catchment, a regulated catchment. The matters referenced will be addressed in the EIS.

The below table provides a summary of the key LEP Controls relevant to the site.

Table 5 Burwood Local Environmental Plan 2012 Compliance Summary

Clause	Proposed	Compliance
2.2 Zoning of land to which plan applies	The subject site is within land use zone MU1 – Mixed Use	N/A
2.3 Zone objectives and Land Use Table	Shop-top-housing is permissible within the subject MU1 zone, with consent.	Yes, Proposal is permissible and satisfies the zone objectives.
4.3 Height of buildings (2) The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u> .	The maximum building height for the site is 70 m.	The planning proposal seeks to amend this standard. The SSDA will be compliant with the as amended standard.

Clause	Proposed	Compliance
4.3A Exceptions to height of buildings Building height permitted up to the building height plane (BHP)	 NOTES & COMMENTS: The dashed lines above indicate the LEP height plane, as well as the LEP height plane plus 20% and 30%. These represent the maximum permissible heights applicable to the site under the Housing SEPP (infill affordable housing pathway). This scheme proposes 10% affordable housing, and therefore the 20% dashed line reflects the maximum height permissible for the development under the LEP and the Housing SEPP.	The development exceeds the base LEP height plane. However, it does not exceed the LEP height plane plus 20% bonus permitted under the Housing SEPP (enabled through the delivery of 10% affordable housing).
4.4 Floor space ratio (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <i>Floor Space Ratio Map</i>.	The maximum floor space ratio for the site is 6:1.	The planning proposal seeks to amend this standard. The SSDA will be compliant with the as amended standard.
4.4A Exceptions to floor space ratio Subclause 5 permits an FSR of 6.6:1 for the entire site, subject to 40% of all floor space being provided for residential purposes (ii) and the provisions of community infrastructure (subclause 6).	The maximum floor space ratio for the site is 6.6:1, subject to the provisions set out being achieved.	The planning proposal seeks to amend this standard. The SSDA will be compliant with the as amended standard.
5.1A Development on land intended to be acquired for public purpose (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose. (2) This clause applies to land shown on the <i>Land Reservation Acquisition Map</i> and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for the land in clause 5.1. (3) Development consent must not be granted to any development on land to which this clause applies other than	The frontage of the site is identified for public acquisition for road widening, as shown in yellow in the figure below.	Yes. The development will not extend beyond the area identified for acquisition.

Clause	Proposed	Compliance
development for a purpose specified opposite that land in Column 2 of that Table.		
6.1 Acid sulfate soils The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	The site is identified as Class 5 acid sulfate soils and is not within 500m of any other class of acid sulfate soils.	n/a
6.5 Design excellence in Zones E1 and MU1 (2) This clause applies to development involving the erection of a new building of 3 or more storeys on land in Zone E1 Local Centre or Zone MU1 Mixed Use. (3) Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that the development exhibits design excellence.	The development will be required to achieve design excellence.	The SSDA will be accompanied by a Design Excellence Strategy.

Table 5 sets out some of the key DCP controls relevant to the site. It should be noted that DCPs are not applicable to SSDAs, in accordance with Clause 2.10 of the State Environmental Planning Policy (Planning Systems) 2021, which states that Development Control Plans do not apply to State significant development. Notwithstanding this, the DCP can provide a helpful guide for design development, and therefore the key controls have been considered.

Table 6 Burwood Development Control Plan Compliance Summary

Clause	Proposed
Podium Height Development in the Commercial Core and Middle Ring Areas built to the street front must not have a podium height greater than 15 metres.	The development is located within the Commercial Core. The final podium height will be agreed through detailed design, however, the intention is that the podium height does not exceed 15m.

Clause	Proposed
Street Front Setbacks Development must be built to the street front boundary except where a minimum of 3 metre, 6 metre or 8 metre setback is required as indicated in Figure 25. These measurements are taken from the street boundary after any land acquisition required by BLEP 2012 has been completed.	 re 25. Commercial Core and Middle Ring Areas: Street front setbacks The development must be built to the street front boundary. The development will be built to the street frontage, noting the site frontage is identified for acquisition.
Side and Rear Setbacks For residential development refer to the building separation setback provisions of the ADG which supplements SEPP 65 - Design Quality of Residential Flat Development.	An assessment against the relevant provisions of the Apartment Design Guide will be provided in the EIS.
Communal Open Space P1 Podium areas must be made accessible as communal open space. P2 Landscaping must be provided in communal open space. A minimum 0.6 metre soil depth must be provided over 50% of the area to support planting or soft landscaping. <i>Roof Tops</i> P3 Accessible communal open space may be provided on roof tops of development. P4 The design of roof top communal open space must also have regard to its visual and acoustic impact and effects of wind. P5 For residential development refer to the communal open space provisions of the ADG which supplements SEPP 65 – Design Quality of Residential Flat Development.	An assessment against this provision will be provided for the SSD.
3.9.2 Burwood Town Centre and Strathfield Town Centre	The development proposes to utilise the Housing SEPP parking provisions for residential uses, set out under Section 19.

Clause	Proposed
<u>Shop-top Housing</u> Parking for residents • 0.5 spaces per studio or bed-sitter unit. • 1 space per 1 and 2 bedroom unit. • 1.5 spaces per 3 bedroom unit. Parking for visitors to residents of the development (Visitors Parking) • 1 space per 5 units.	
<u>Restaurants or cafés other food and drink premises not defined</u> • 1 space for the first 400 sqm or part thereof, plus • 1 space per 40 sqm or part thereof additional to the first 400 sqm.	Noted, the car parking rates will be compliant.