

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-76555711 Mixed use with infill affordable housing - 3-5 Help Street, Chatswood
Applicant	Loftex Chatswood PTY LTD
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to conditions.

A copy of the development consent and conditions [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

28 November 2025

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the department during the assessment of the development application;
- the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including affordable housing dedicated to Council in perpetuity, affordable housing managed by a Community Housing Provider for at least 15 years, publicly accessible pocket park and contributions to local and State infrastructure;
- the project is permissible with development consent, and is consistent with NSW Government policies including the SEPP (Housing) 2021;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the department it was placed on exhibition from 17 June 2025 until 16 July 2025 (28 days). 13 submissions were received and all were objections to the project.

The department also undertook a site visit and engaged with the Applicant throughout the process.

The key issues raised by the community (including in submissions) and considered in the department's assessment report and by the decision maker include built form, residential amenity and non-residential floor space. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
Car parking, traffic, demand on local infrastructure and services (Council and Public)	Assessment: The proposal meets the non-discretionary development standards for car parking under the Housing SEPP for residential development and is consistent with Council's development control plan for non-residential uses. Traffic modelling concluded additional traffic generated by the proposal is not anticipated to compromise the safety or function of the road network. The proposal is not expected to generate demand for on-street parking due to its highly accessible location within walking distance of public transport, services and employment opportunities. Recommended conditions/response: Conditions are recommended in relation to maximum car parking provision and preparation of a Green Travel Plan prior to occupation of the development. The Department has recommended a condition requiring the payment of local section 7.11 development contributions for the provision of local amenities and the payment of Housing and Productivity Contributions towards the cost of providing regional amenities.
Overshadowing (Public)	Assessment: The proposal has no shadow impact on Victoria Avenue during mid-winter. The overshadowing impacts of the proposal are considered acceptable as they result from a built form that is compliant with the applicable controls and could not be comprehensively minimised by an alternative design or through revised siting of the buildings (see Section 5.2.3 for further details). Recommended conditions/response: No conditions are recommended.
Construction impacts (Public)	Assessment: The Department has recommended conditions to ensure the construction of the development does not have an unreasonable impact on the amenity (traffic, noise, vibration, air quality, etc.) of nearby residents or result in any damage to neighbouring development and public domain. Recommended conditions/response: Recommended conditions include the preparation of a detailed Construction Pedestrian and Traffic Management Plan (CPTMP) including sub-plans for management of noise, air quality, traffic and waste.
Overdevelopment and density (Council and Public)	Assessment: The proposal complies with the applicable height and FSR controls and is well located for high density residential development being near to services, jobs and public transport. The development would not significantly impact the amenity of surrounding properties and has an acceptable bulk and scale for the site, particularly when considered as an extension of the form of the approved Local DA. Recommended conditions/response: No conditions are recommended.
Neighbourhood character and building mass (Council and Public)	Assessment: The Chatswood CBD Strategy envisions a substantial increase in height and density in and around the CBD. The development is consistent with the applicable built form controls and with the intended future character of the Chatswood CBD. The Applicant submitted a Bridging Design Excellence Strategy confirming that the Design Integrity Panel supports the amended

	scheme presented by EMBECE as it is consistent with the design and quality of the Design Excellence Competition proposal. Recommended conditions/response: No conditions are recommended.
View loss (Council and Public)	Assessment: The Applicant has provided an Visual Impact Assessment that includes an assessment of view loss of public views around Chatswood. The Applicant was not requested to prepare an additional view loss impacts from objector's apartments looking east from 7 Railway Street and 1 Cambridge Street, due to the site already has been approved for a 25 storey building and the proposed SSD is compliant with height and FSR. The Department acknowledges that general district views from some surrounding properties will be affected. However, the development complies with the maximum building height and FSR controls and is suitable separated from the affected buildings. The Department therefore is satisfied that view impacts associated with the proposal are reasonable and acceptable in this case. Recommended conditions/response: No conditions are recommended.
Wind impacts (Public)	Assessment: The Applicant has provided an Environment Wind Assessment Report (EWAR) which includes desktop analysis that finds the proposal will have acceptable wind impacts on the public domain and surrounding private property. Wind mitigation measures were proposed to minimise impacts on the public domain and improve comfort within the development. The Department has recommended a condition requiring the wind mitigation measures set out in the EWAR are included as part of the development. Recommended conditions/response: Recommended conditions requiring compliance with the recommendations of the EWAR.
Tree removal (Public)	Assessment: The proposal involves the removal of 23 trees planting of 26 new trees. The Department considers the proposed new tree plantings to be suitable as it will result in a tree canopy coverage of 558.75m² for the site. Recommended conditions/response: Recommended conditions requiring compliance with the recommendations of the Arboricultural Impact Assessment Report (AIAR).
Building separation and privacy (Public)	Assessment: The building separation is compliant up to the 8 storey but provides insufficient building separation of 16m from storeys 9 and above from 1 Cambridge Lane to the west (22 storeys in height). This is due to neighbouring building facing Cambridge Lane did not provide sufficient setbacks the lane. The proposal has orientated habitable room windows away from neighbouring properties where possible and would further mitigate potential privacy concerns with measures such as screening and obscured glazing. The Department is satisfied that the proposal would maintain reasonable privacy with neighbouring properties. Recommended conditions/response: No conditions are recommended.
Operational noise (Public)	Assessment: The proposal included a Noise Vibration Impacts Assessment which concluded the development can achieve satisfactory amenity, subject to recommendations related to building design and operational requirements for the outdoor common areas. Recommended conditions/response: Recommended conditions requiring the implementation of the recommended NVIA.
Waste and safety issues (Council and Public)	Assessment: The proposal implements design initiatives to ensure safety and security within the development and public domain, including clear and secure entrances to the building and car park, well-lit communal spaces, passive surveillance opportunities from balconies and common areas, and a basement design with clear sight lines. The Department has no reason to believe additional rubbish and trolleys or increased illegal car parking would occur as a result of the proposal. Recommended conditions/response: The Department recommends standard conditions of consent in relation to construction management including preparation of a CEMP and associated sub-plans in relation to noise, air quality, traffic and waste. A condition requiring

	payment of section 7.11 development contributions in accordance with the WLCP is included.
Affordable housing devaluing land values (Public)	Assessment: The proposal supports the NSW Government's priorities to deliver well-located housing in a highly accessible location. Land values is not a planning matter. Recommended conditions/response: No conditions are recommended.
Non-residential gross floor area non-compliance (Council and Public)	Assessment: The Department acknowledges that the proposal allocates approximately 13% of the building's total GFA as non-residential floor space (NRFS), which is a 3.7 % shortfall (643.88 m²) of the minimum 17% required under clause 6.25 of the WLEP. The Department has considered the clause 4.6 variation request in detail in Appendix D. Overall, the Department is satisfied that there are sufficient environmental planning grounds to justify the minor variation. Recommended conditions/response: No conditions are recommended.
Cumulative development/construction impacts (Public)	Assessment: The Department recommends standard conditions of consent in relation to construction management including preparation of a Construction and Environmental Management Plan and associated sub-plans in relation to noise, air quality, traffic and waste. The Department notes that contributions to local and State infrastructure are required. Recommended conditions/response: Recommended conditions for CEMP and associated sub-plans.