



Cumberland City Council

**Shelter NSW objection to
*Draft Westmead South Master Plan
and Planning Proposal***

A secure home for all

4 June 2024



About Shelter NSW

Shelter NSW has been operating since 1975 as the State’s peak housing policy and advocacy body. Our vision is to create a sustainable housing system that provides secure homes for all. We provide systemic advocacy and advice on policy and legislation for the whole NSW housing system to resolve housing inequality.

We are especially concerned for low-income households which struggle to afford good-quality and well-located housing in the private market. We consider a sustainable housing system one that delivers what we call Triple-A housing and Triple-P outcomes.

Affordable and diverse homes	Accessible, well-located housing	Appropriate, high-quality development
Housing supply and demand	Proximity to jobs and services	Amenity and aesthetics
Tenure forms and rights	Access to public transport	Energy and environment
Housing types and sizes	Accessibility and adaptability	Standards and maintenance
Productive cities and regions	Poverty-free communities	Protected neighbourhoods
Access to jobs and services	Housing stress and homelessness	Energy use and consumption
Housing costs and consumption	Physical and mental health	Urban heat
Financial and economic stability	Education access and attainment	Climate resilience and adaptation

At Shelter NSW, we believe that all people deserve to live in housing that delivers these priorities and objectives. We believe the housing system should deliver safe, secure, and affordable living outcomes for all, regardless of tenure type. Ahead of the NSW 2023 State election, Shelter NSW developed a comprehensive policy platform. Central to that platform was our call for a better deal for renters.

Shelter NSW

**2023 - 2027
Priorities for NSW**

A secure home for all

- 1

Restore the social housing safety net to 5% by 2027, 10% by 2040. Build/acquire 5,000 dwellings per year

Includes maintenance, upgrades + 3 youth foyers
- 2

Increase Specialist Homelessness annual funding by 20%

Move beyond crisis. Focus on women, aged and First Nations
- 3

Make the planning system deliver Affordable Rental Housing for lower income people

Rezoning targets: 10 – 30/45%
- 4

Build more accessible & climate ready dwellings

Minimum standards set & met for rental dwellings
- 5

Support Renters and Renting

Remove *No Grounds Evictions*
Create a *Home at Last* service
Create a standing hardship fund & protocol for times of crisis
Get the balance right between housing for tourists and housing for locals



Introduction

The following constitutes a **strong objection** by Shelter NSW to the as drafted affordable housing implementation framework of the Draft Westmead South Master Plan and Planning Proposal¹ (Draft WSMP & WSPP), endorsed by the Cumberland Local Planning Panel (CLPP) on 2 April 2024².

The Draft WSMP & WSPP applies to the area as shown in the **Figure 1** below:

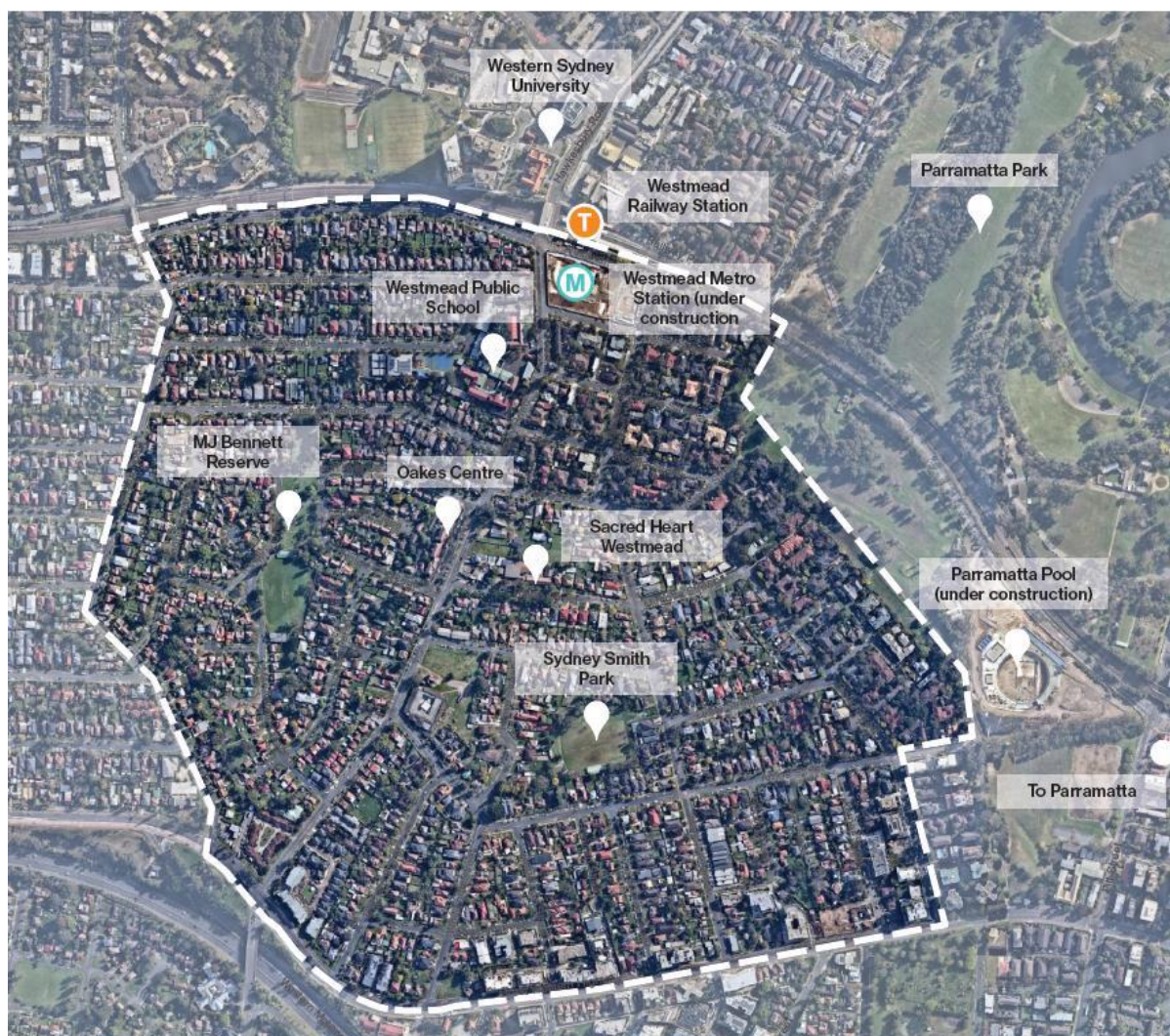


Figure 1: Westmead South Master Plan precinct area. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

¹ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

² Cumberland City Council, 2 April 2024. Draft Westmead South Master Plan & Planning Proposal Determination. Refer to a copy of Cumberland City Council's Determination in Appendix 1.

Background

Cumberland Local Planning Panel meeting – Draft WSMP & WSPP

On the 27 March 2024, Cumberland Council's Local Planning Panel (CLPP) heard from members of the public over the Draft WSMP & WSPP³. John Engeler, CEO Shelter NSW addressed the panel raising concerns with the, as drafted, affordable housing implementation framework of the Draft WSMP & WSPP.

Specifically, John Engeler, CEO, raised objection to the Council initiated scheme which will not require an affordable housing contribution in the A0, A1 and or A2 feasible building areas if a development application is lodged within 12 months from the gazettal date of the Westmead South LEP (AHCS). Shelter asserts there is limited scope, if any, for an affordable housing levy to apply on three (3) of the five (5) affordable housing key sites based on the proposed mechanism, explained in depth below.

Shelter NSW's CEO John Engeler's address of the Draft WSMP & WSPP to the CLPP

John Engeler's public address to the CLPP meeting of 27 March 2024 raised issue with the pre-requisite conditions for affordable housing provision within key site areas within the precinct of the Council initiated Draft WSMP& WSPP⁴.

Mr. Engeler opened his address by welcoming the targeted affordable housing provision to be held in perpetuity within the precinct and noting the introduction of an affordable housing Local Environmental Plan (LEP) clause as a first of its kind for CCC. Further, Mr. Engeler acknowledged the affordable housing key sites are well located to health precinct employment and transport opportunities offered by Westmead as Australia's premier health and innovation district⁵ immediately opposite.

However, in its current form, the exhibited WSMP & WSPP⁶ lacks a viable statutory planning framework to realise Council's vision to address genuine affordable housing need and cannot be viewed as promoting the public interest.

³ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

⁴ Cumberland City Council, 2024. Westmead South Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

⁵ NSW Government, 2024. Westmead – Priority growth areas and precincts. Retrieved from: <https://www.planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/westmead>

⁶ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

Specifically, there is no affordable housing required to be provided within the A0, A2 and A3 identified key site areas for development applications lodged within a 12-month timeframe from the gazettal date of WSMP & WSPP. In effect, the enabling framework for affordable housing provision at a minimum of 5% relies solely on a 12 month calendar date and acts as a direct barrier to affordable housing provision identified as a “high priority” by the WSMP & WSPP⁷ for lower income households including essential workers well located to transport and employment opportunities within the Westmead health and innovation district.

Shelter asserts a viable statutory planning framework should not disproportionately further disadvantage the inequity faced by lower income households. Further, a coherent Council standard is one that realises housing outcomes offered to a mix of income levels, household types and cultural groupings as a genuine material public benefit on all of the A0, A2 and A3 key site areas within the local community. Rather, to embed the envisioned affordable housing outcomes prioritised by the Draft WSMP & WSPP⁸ is one that shifts the onus onto the value uplift associated with the bonus height and FSR provisions within the targeted affordable housing key site areas.

As currently envisaged the WSPP⁹ presents as an administrative barrier to 5% affordable housing provision within the identified A0, A2 and A3 key site building feasibility areas of the WSMP & WSPP¹⁰. Shelter is seeking the creation of a better planning outcome for that envisaged by the Westmead health and innovation precinct as a key priority growth area identified by the NSW Government Westmead Place Strategy¹¹.

CLPP endorsement of the Draft WSMP & WSPP – where to from here?

Minutes of the Extraordinary Cumberland Local Planning Panel meeting¹² conclude the Draft WSMP & WSPP is evidence based and has strategic merit. Further, that Cumberland City

⁷ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

⁸ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

⁹ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

¹⁰ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

¹¹ NSW Government, 2024. Westmead – Priority growth areas and precincts. Retrieved from: <https://www.planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/westmead>

¹² Cumberland City Council, 27 March 2024. Minutes of the Extraordinary Cumberland Local Planning Panel Meeting. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_MIN_3078_EXTRA.PDF

Council (CCC) resolve to adopt the WS Master Plan & WSPP and forward it to the DPH&I for a gateway determination.

On the 2 April 2024, Cumberland City Council communicated its determination to endorse the CLPP's recommendation and to forward the Draft WSMP & WSPP to the Department of Planning, Housing and Infrastructure (DPH&I) for a gateway determination¹³.

Key Recommendation to Council – 5 June 2024

Shelter NSW raises a strong objection to the exhibited Draft WSMP & WSPP¹⁴ as it fails to provide for a comprehensive picture of housing affordability, which delivers certain social and affordable outcomes for lower income households not just a picture based on housing capacity.

The proposed regulatory mechanism envisioned and prioritised by the WSMP & WSPP¹⁵ to leverage affordable housing against development application lodgement dates is a poor planning outcome, at best, which is not in the public interest.

A functional planning framework, which provides affordable housing within the Westmead South precinct will have an enduring material public benefit within the local community of Westmead South for generations to come. Therefore, Shelter is calling on Council for an explicit amendment to the legislative drafting of the WSMP & WSPP to ensure the LEP clause is capable of producing a minimum of 5% affordable housing within the A0, A2, A3 key site areas as envisioned by WSMP & WSPP¹⁶.

To achieve an effective statutory framework response to affordable housing requires:

- Removing the 12 month set deadline as a minimum standard for development applications lodged within the A0, A2 and A3 affordable housing key areas¹⁷ from local planning processes so that Council can exercise its duty of care to promote diverse housing types including affordable housing for essential workers in proximity of the transformation to Westmead, Australia's premier health and innovation district¹⁸

¹³ Cumberland City Council, 2 April 2024. Draft Westmead South Master Plan & Planning Proposal Determination. Refer to a copy of Cumberland City Council's Determination in Appendix 1.

¹⁴ Cumberland City Council, 2 April 2024. Draft Westmead South Master Plan & Planning Proposal Determination. Refer to a copy of Cumberland City Council's Determination in Appendix 1.

¹⁵ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

¹⁶ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

¹⁷ Cumberland City Council, 2 April 2024. Draft Westmead South Master Plan & Planning Proposal Determination. Refer to a copy of Cumberland City Council's Determination in Appendix 1.

¹⁸ NSW Government, 2024. Westmead – Priority growth areas and precincts. Retrieved from: <https://www.planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/westmead>
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envisioned by the NSW Government's Westmead Place Strategy¹⁹ and as prioritised by the Draft WSMP & WSPP²⁰. Such an action promotes a comprehensive view of the housing system and promotes the public interest.

Main features of the WSMP & WSPP

The following provides a review of the main features and issues of the WSMP & WSPP²¹:

By 2036, the WSPP, aligned to its vision as Australia's premier Health and Innovation District²² is expected to generate:

- over 6,600 dwellings
- 44,620m² of non-residential GFA
- new local park and through site links generated based on population benchmarking
- increased densities (to ensure feasibility) near Westmead Train and metro station
- increased height near Westmead Train Station and Westmead Metro Station
- affordable housing contributions ranging from 1% (flat rate) and 5% on key site
- maximum parking requirements
- transition in building heights and sight lines to heritage items
- new heritage conservation area
- site specific flood assessments for development in flood prone area to avoid neighbouring and downstream property impacts
- ESD and resilience initiatives adopted for the precinct and within individual sites.

Importantly, to support affordable housing provision close to job opportunities, the Council initiated WSPP will provide a total of five (5) key sites where bonus height and FSR apply, shown in **Figure 2**.

¹⁹ NSW Government, 2024. Westmead – Westmead Place Strategy. Retrieved from: <https://www.planning.nsw.gov.au/plans-for-your-area/priority-growth-areas-and-precincts/westmead>

²⁰ Cumberland City Council, 2 April 2024. Draft Westmead South Master Plan & Planning Proposal Determination. Refer to a copy of Cumberland City Council's Determination in Appendix 1.

²¹ Cumberland City Council, 2 April 2024. Draft Westmead South Master Plan & Planning Proposal Determination. Refer to a copy of Cumberland City Council's Determination in Appendix 1.



Figure 2: Extract of the affordable housing key sites map within the WS Master Plan precinct highlighting applicable contribution rates. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

A Draft Westmead South Affordable Housing Contribution Scheme (WSAHCS)²³ under State Environmental Planning Policy (SEPP) (Housing) 2021 has been prepared to support the proposed affordable housing LEP clause (Clause 6.25). The WSAHCS sets out how, where, at what rate development contributions will be collected by Council for affordable housing with commencement following gazettal of the WSPP.

The key details of the affordable housing key site areas include feasible building areas, incentive heights of building, FSR, contribution rate indexed to calendar lodgement in the WSPP summarised in the table below:

Area	Height	FSR	AH %	Contribution Rate
A0	25 storeys (83m)	5.9:1	5%	0% of total res GFA if lodged within 12 months 3% of total res GFA if lodged within 13-24mnts

²³ Cumberland City Council (2024). Draft Westmead South Affordable Housing Contribution Scheme Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

				5% of total GFA if lodged within 25 months
A2	20 storeys (67m)	4.5:1	5%	0% of total res GFA if lodged within 12 months 3% of total res GFA if lodged within 13-24mnts 5% of total GFA if lodged within 25 months
A3	25 storeys (67m)	4.2:1	5%	0% of total res GFA if lodged within 12 months 3% of total res GFA if lodged within 13-24mnts 5% of total GFA if lodged within 25 months
B2	15 storeys (51m)	3.6:1	1%	1% of the total res GFA
B4	15 storeys (51m)	3.2:1	1%	1% of the total res GFA
Contributions include dedication of one or more dwellings, monetary contributions or a combination of the two.				
All dwellings for dedication are 50m2				

Key Issues

Targeted affordable housing in key site areas

Shelter notes Council's recognition affordable housing as critical infrastructure to support a sustainable and diverse community and local economy²⁴ and that the Draft WS Master Plan & WSPP, intended to guide growth by allowing high density mixed use and residential

²⁴ Cumberland City Council (2024). Draft Westmead South Affordable Housing Contribution Scheme Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

development in the right places including facilitating affordable housing within 0 – 2 years²⁵, Council’s own regulatory mechanism to achieve this undermines this goal.

Upon investigation, Shelter notes while affordable housing held in perpetuity for those in need including essential workers in the local economy is welcomed, there is limited scope, if any, for a levy to apply on three (3) of the five (5) key sites where up to 5% contribution levy applies (**Figure 2**).

Shelter points to a 5% affordable housing contribution of total residential GFA within the A0, A2 and A3 key sites will only apply to DAs lodged within 25 months, while a 3% levy will apply to DAs lodged within 13 – 24 months (2 years) following gazettal of the Draft WS Masterplan & WSPP. A flat rate of 1% is applicable to the B2 and B4 areas where there is no sliding scale for contributions.

Further, Shelter notes generous height and FSR provisions apply to the A0, A2, A3 affordable housing key site areas²⁶. However, without potentially generating any public benefit in the form of affordable housing (either on individual sites and or collectively on the feasible building areas to the A0, A2 and A3 areas) to the local community in return. This leaves only those areas where a 1% flat rate levy applies (Area B2 and B4) to generate affordable housing.

Shelter asserts adequate regulatory arrangements are critical to provide the, as targeted areas, with sufficient means to generate affordable housing. The proposal which relies on an administrative standard can only produce a very poor planning outcome, at best.

Undesirable Regulatory Precedent

Shelter strongly objects to the WSPP as made²⁷ in recognition that the CCC initiated WSPP does not, in itself, generate a functional planning framework to compel affordable housing

²⁵ Extraordinary Cumberland Local Planning Meeting 27 March 2024. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

²⁶ Extraordinary Cumberland Local Planning Meeting 27 March 2024. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

²⁷ Cumberland City Council, 2 April 2024. Minutes of the Extraordinary Cumberland Local Planning Panel Meeting on Wednesday 27 March 2024. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_MIN_3078_EXTRA.PDF

growth within the A0, A2 and A3 key sites areas²⁸ but leaves the way open to gift bonus height and FSR for developments within those identified key areas if a DA is lodged within 12 months of the gazettal date of the WSPP.

Without redressing the administrative barrier to incentivise supply of adequate and appropriate levels of affordable housing as envisioned²⁹ in Cumberland Council's first of its kind affordable housing LEP clause, the WSPP has the potential to create an undesirable regulatory precedent for the wider local government area and or between Council areas if the WSPP receives Gateway determination.

Public Interest

Shelter NSW asserts the Council initiated implementation framework for the WS Master Plan & WSPP fails to adequately resolve to the need for the scheme to effectively generate and maintain affordable housing at the targeted A0, A2 and A3 key sites.

Affordable housing is in the public interest. Affordable housing creates a socially diverse residential population representative of all income groups, when created through well considered government intervention, and, is held in perpetuity. Such a critical action embeds a sustainable future for all within communities. It is therefore incumbent that minimum standards (a negotiated planning agreement) to acquire affordable housing as a public benefit is part of the Draft Westmead South Master Plan & Planning Proposal through the development approval process.

Specifically, Shelter notes an effective response to affordable housing is achievable. Shelter observes affordable housing is recognised as a priority by Cumberland City Council with 8 affordable housing units acquired through Voluntary Planning Agreement³⁰ and is central to the vision and principles of the Draft Westmead South Masterplan Strategy (Attachment 5 in the documents associated with report ELPP008/24) where it appears as Priority Number 1³¹.

²⁸ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

²⁹ Cumberland City Council, 27 March 2024. Draft Westmead South Master Plan & Planning Proposal. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

³⁰ Cumberland City Council, 2024. Voluntary Planning Agreement register. Retrieved from: <https://www.cumberland.nsw.gov.au/voluntary-planning-agreements>

³¹ Cumberland City Council, February 2024. Attachment 5 Draft Westmead South Master Plan. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF

However, Shelter notes the Draft Master Plan and Planning Proposal has been endorsed by the CLPP³² without amendment³³. Shelter therefore calls on Council to leverage for housing affordability which effectively responds to evidence based need as reported by the WSMP & WSPP³⁴.

In effect, using DA lodgement dates to vary the need for affordable housing provision cannot have an effective or enduring impact for those most in need including essential workers as mapped within the Draft Master Plan & Planning Proposal without the DPH&I leveraging for effective implementation of affordable housing (held in perpetuity).

Thank you

³² Cumberland City Council. 2 May 2024. Determination by the CLPP on the Draft Westmead South Master Plan and Planning Proposal. Copy attached in Appendix A.

³³ Cumberland City Council, 27 March 2024. Minutes of the Extraordinary Cumberland Local Planning Panel Meeting. Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_MIN_3078_EXTRA.PDF & Council Determination (Appendix A)

³⁴ Cumberland City Council (2024). Draft Westmead South Affordable Housing Contribution Scheme Retrieved from: https://cumberland.infocouncil.biz/Open/2024/03/LPP_27032024_AGN_3078_AT_EXTRA.PDF