

***ATTACHMENT F***

***URBAN RELEASE AREAS***

**Draft Hilltops Local  
Environmental Plan**

***22 OCTOBER 2020***



## Contents

Summary .....	2
Background .....	2
Urban Release Area (URA) clause .....	3
Urban Release Area Mapping: .....	8

## Summary

The NSW State government recognised the need for a clause within the NSW Standard Instrument LEP framework to highlight lands identified for future urban growth and the outstanding matters, needs and expectations that have to be addressed prior to development proceeding. This is achieved through the Urban Release Area (URA) clause which councils can choose to include within their LEP for this purpose.

This clause can also be used as an interim measure to stop inappropriate or potential under development (eg. used for rural residential purposes when identified for urban residential or employment use).

## Background

*Hilltops 2040 / LSPS* identifies locations within Boorowa, Harden and Young for future residential and economic development. Some of these locations are currently zoned for this purpose while others have been introduced through *Hilltops 2040*.

While *Hilltops 2040* is a 20 year strategy and identifies lands likely to be required over this period, the *Hilltops Local Environmental Plan (LEP)* is a delivery plan covering 7-10years, so not all lands identified within *Hilltops 2040* will be rezoned for this purpose within the LEP. In addition, *Hilltops 2040* identifies a range of strategic matters which need to be fully addressed in these locations prior to development proceeding.

Despite some of these lands not being required over the life of the *Hilltops LEP* it is recommended that the future intent for lands identified with *Hilltops 2040* is recognized with sufficient direction provided to cater for out of sequence or unforeseen development. In addition, the proposed *Hilltops Development Control Plan (DCP)* include further guidance on all outstanding strategic matters relating to these locations.

Questions have been raised through the consultation on the *Hilltops 2040* by members of the public, and subsequently by councillors and staff in the development of the LEP on how the orderly development of these areas will occur. In addition, how greater certainty can be provided to the community, landowners and Council in relation to expectations during the assessment phase as well as the final product.

*Hilltops 2040* identifies a range of strategic matters that need to be resolved prior to development occurring and the proposed use of master plans to assist in reconciling these. However, to have sufficient weight in future decision making it is integral that these objectives are appropriately reflected in the LEP and other relevant development controls and guidance.

This includes questions raised in Councilor LEP Workshop #1 in September 2020 in relation to options for the progression of potential residential development in the north east area of Young, where officers suggested further consideration of the introduction of the URA clause to provide greater certainty. This was followed up in the material prepared, provided and discussed at Councilor LEP Workshop #2 in October 2020.

## Urban Release Area (URA) clause

Upon review of the limited options available to achieve this that comply with State planning legislation and guidance, it is recommended that the URA clause be utilised for this purpose. In accordance with the intentions and guidance provided by the State government, the URA clause would be used in conjunction with the LSPS, relevant zone and minimum lot size objectives and the Development Control Plan to provide quality and orderly urban development.

The release of each URA for development to occur would be controlled by Part 6 of the draft Hilltops LEP which ensures that the release of land is planned, managed and sequenced to meet the needs of the community in a manner that is economically and environmentally efficient and sustainable.

While usually utilised in areas earmarked for residential development, they can also be used for lands identified for future employment growth subject to State government endorsement. In relation to Hilltops, it is considered that significant benefits can be made by including undeveloped employment precincts which have been identified as 'gateways' to the towns of Young, Harden and Boorowa also be included within URA's.

The introduction of this clause into the *Hilltops LEP* will allow these lands to be identified appropriately, in addition to highlighting the specific outcomes and work required before urban development can occur.

The outcomes and work required will vary depending on location but can cover items such as the resolution and clarification of:

- Urban service network provision, locations and costings.
- Road, access and intersection networks and upgrades.
- Development sequencing
- Scales of development
- Landscaping and built form requirements to achieve 'gateway' objectives
- Watercourses, flooding and overland flows.
- Geology, topography and biodiversity matters.
- Capacity for on site sewer management

The URA clause is utilised by various councils within New South Wales for this purpose in a range of circumstances. In addition, the potential use of URA's within Hilltops and the types of locations proposed has been discussed with Departmental staff who have indicated the recommendation has merit. While usually utilised in areas earmarked for residential development, they can also be used for lands identified for future employment growth subject to State government endorsement.

The new clause is proposed to become a new 'Part 6' of the Hilltops LEP and drafted in accordance with the guidance directions provided by the State in relation to the Standard Planning Instrument (see Attachment A).

The locations proposed to be identified within the URA clause of the Hilltops LEP are:

Location	Proposed Use	Map Number
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<b>Boorowa East</b>	Urban Residential Semi - Residential Open Space	Attachment 2.A
<b>Boorowa South</b>	Semi – Residential Open Space Industrial (Gateway Precinct)	Attachment 2.B
<b>Harden East</b>	Residential Open Space Recreation (Racecourse) Industrial (Gateway Precinct)	Attachment 2.C
<b>Young North/North-East</b>	Urban Residential Semi – Residential Open Space Industrial (Gateway Precinct)	Attachment 2.D

As noted above, the URA clause will require further support and clarification through the proposed *Hilltops DCP*. This includes the preparation of site specific plans and guidance for each precinct with the DCP which will identify and address all relevant local matters such as:

- Infrastructure provision and sequencing – water and sewer
- Road access and transport movements
- landscaping strategy for:
  - the protection and enhancement of riparian areas and remnant vegetation
  - Gateways / entries to towns.
- stormwater and water quality management controls

The *Hilltops DCP* will also include master plans for each precinct providing greater guidance in relation to:

- road and service networks
- lot layouts
- open space and conservation areas
- location of uses and densities

The Standard Wording from the model clause and proposed to be utilised within the Hilltops LEP is as follows:

#### **6.1 – Arrangements for designated State public infrastructure [local]**

*Not Applicable in Hilltops.*

#### **6.2 Public utility infrastructure [local]**

*(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.*

*(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.*

### **6.3 Development control plan [local]**

*(1) The objective of this clause is to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.*

*(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*

*(3) The development control plan must provide for all of the following:*

*(a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,*

*(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*

*(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*

*(d) a network of passive and active recreational areas,*

*(e) stormwater and water quality management controls,*

*(f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*

*(g) detailed urban design controls for significant development sites,*

*(h) measures to encourage higher density living around transport, open space and service nodes,*

*(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,*

*(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

*(4) Subclause (2) does not apply to any of the following development:*

(a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,

(b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,

(c) a subdivision of land in a zone in which the erection of structures is prohibited,

(d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

#### **6.4 Relationship between Part and remainder of Plan [local]**

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

**Drafting Directions** relating to Clause 6 are as follows:

1. A definition of urban release area must be included in the Dictionary. It may define the area, usually by reference to an area on an urban release area map, or alternatively by description if it is agreed with the Department that a map is not required. For example:

**urban release area** means an area of land shown hatched and lettered "Urban Release Area" on the Urban Release Area Map.

**Urban Release Area Map** means the [Name] Local Environmental Plan 2008 Urban Release Area Map.

2. The following definition must also be included in the Dictionary:

**designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

(a) State and regional roads,

(b) bus interchanges and bus lanes,

(c) land required for regional open space,

(d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

3. Any additional provision that is specific to a particular LEP is to be included after clause 6.4.
4. Section 74D of the Act refers to DCP's.

5. For the purposes of clause 6.2, the following definition must be included in the Dictionary:

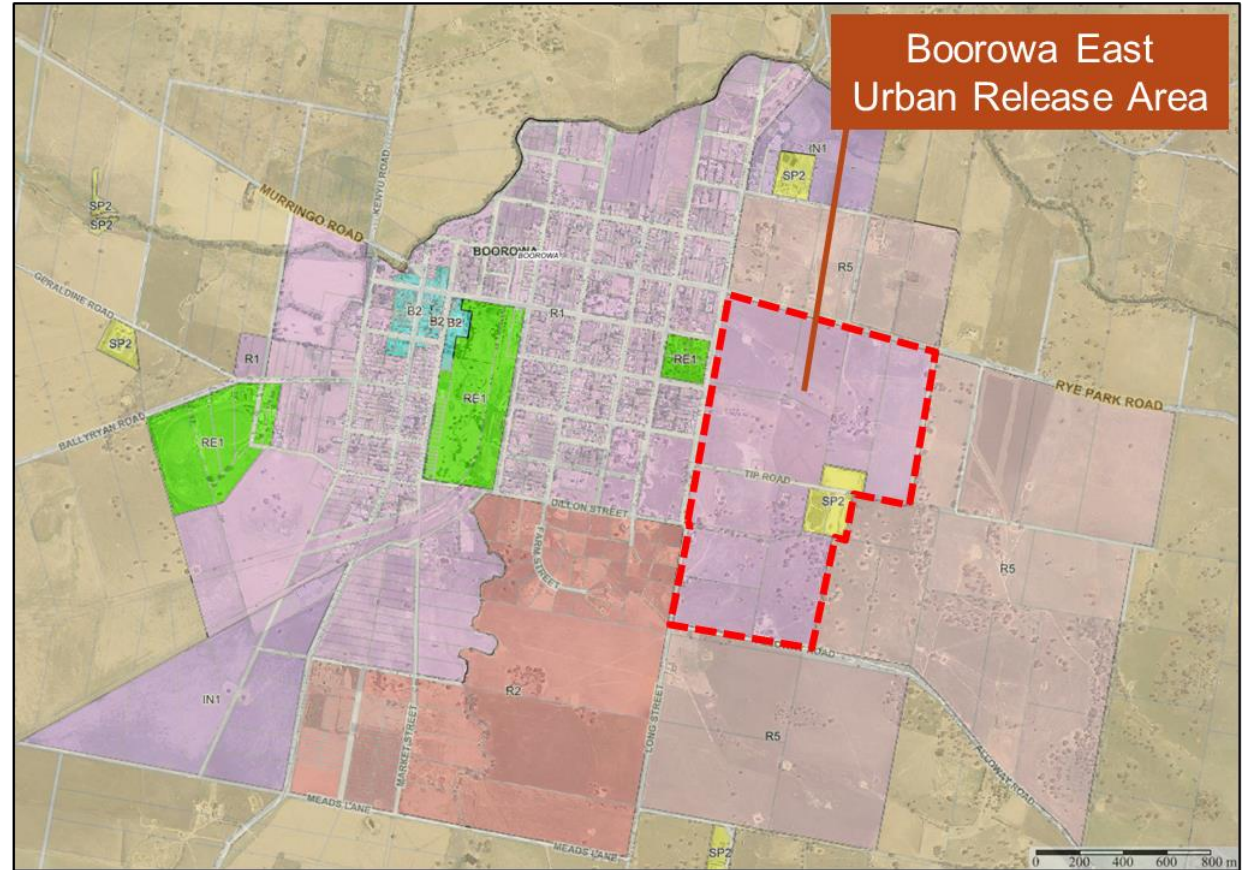
**public utility infrastructure**, in relation to an urban release area, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

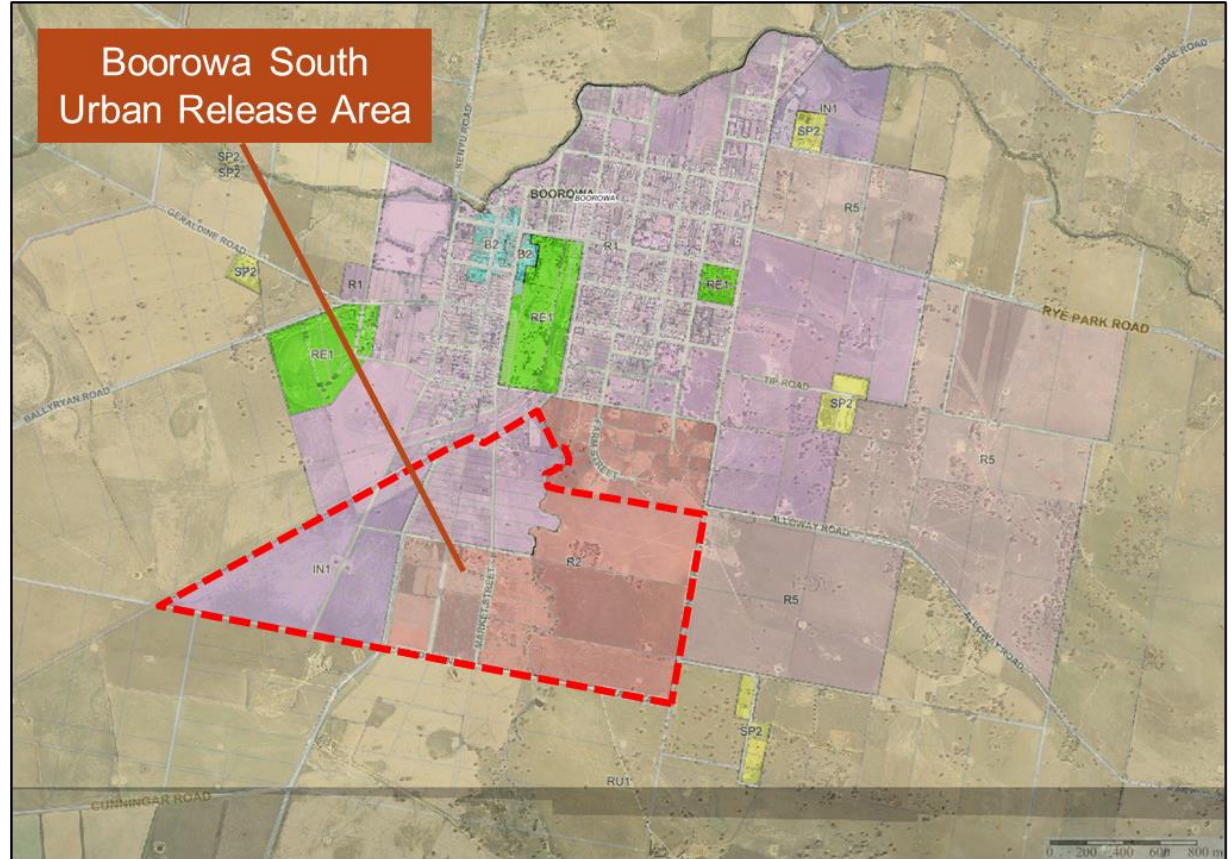


Urban Release Area Mapping:

Boorowa East URA Map	
Location	Boorowa East
Proposed Use	Urban Residential Semi-Residential Open Space
Map No.	Attachment 2.A

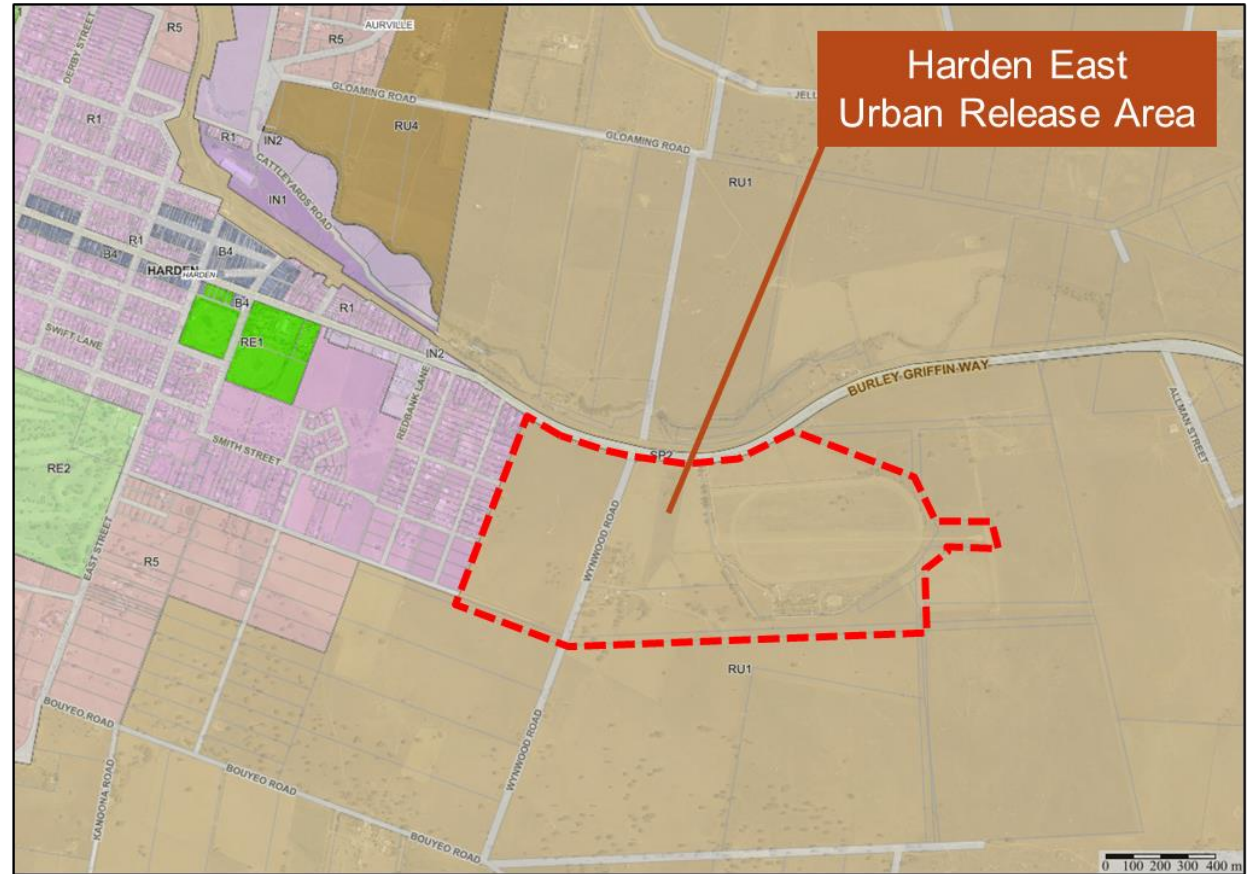


Boorowa South URA Map	
Location	Boorowa South
Proposed Use	Semi-Residential Open Space Industrial (Gateway Precinct)
Map No.	Attachment 2.B





Harden East URA Map	
Location	Harden East
Proposed Use	Residential Open Space Recreation (Racecourse) Industrial (Gateway Precinct)
Map No.	Attachment 2.C



Young North/Northeast URA Map	
Location	Young North & Northeast
Proposed Use	Urban Residential Semi-Residential Open Space Industrial (Gateway Precinct)
Map No.	Attachment 2.D

