

# Hume Local Environmental Plan 2001

[2001-730]



New South Wales

## Status Information

### Currency of version

Historical version for 7 September 2001 to 21 November 2002 (accessed 8 January 2025 at 14:29)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 10 September 2001

# Hume Local Environmental Plan 2001



New South Wales

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# Hume Local Environmental Plan 2001



New South Wales

## Part 1 Preliminary

### 1 Name of plan

This plan is the *Hume Local Environmental Plan 2001*.

**Note—**

The plan is just one component of the *Hume Shire Land Use Plan* and should be read in conjunction with other components and the *Environmental Planning and Assessment Act 1979* in order to fully comprehend its role and influence.

### 2 Purpose of the local environmental plan

The purpose of this plan is:

- (a) to implement the Council's strategic directions for Hume, and
- (b) to provide opportunities for economic and population growth, and
- (c) to recognise the role and influence of Albury-Wodonga and its region in planning for Hume's future, and
- (d) to continue to promote Hume as the "rural living alternative", and
- (e) to encourage the retention of rural land in productive agriculture, and
- (f) to protect, conserve and enhance Hume's natural assets, including areas of hills, Lake Hume and the Murray River riverine land, and
- (g) to identify and protect Hume's heritage and archaeological assets for future generations, and
- (h) to encourage and support growth in townships, and
- (i) to manage land use and development in a manner that reduces local and downstream cumulative environmental effects, and
- (j) to replace existing environmental planning instruments with one comprehensive document that provides clarity in its intentions yet allows flexibility in decision-making,

and

- (k) to provide a planning system for Hume that is fair and equitable to all persons, and
- (l) to introduce changes to environmental planning made by the *Environmental Planning and Assessment Amendment Act 1997*.

### 3 Land to which the local environmental plan applies

This plan applies to all land within the local government area of Hume.

### 4 Impact of the local environmental plan on other environmental planning instruments

This plan repeals the following environmental planning instruments:

- (a) *Hume Local Environmental Plan No 8*,
- (b) *Albury and Hume Designated Area Local Environmental Plan No 1*,
- (c) any other local environmental plan that, immediately before the commencement of this plan, applied to the land to which this plan applies, but only to the extent to which it applied to that land.

#### **Note—**

This plan replaces all previous local environmental plans that applied to Hume.

### 5 Definitions

In this plan:

**animal boarding establishment** means a building or place used for the purpose of boarding animals for fee or reward, and includes a veterinary clinic.

**animal breeding or training establishment** means a building or place used for the purpose of breeding or training animals for fee or reward, otherwise than in the course of agriculture, and includes a building or place used as a riding school, but does not include an animal boarding establishment.

**Consideration of Applications Development Control Plan** means the development control plan of that name adopted by the Council on 16 October 2000.

**heritage item** means a building, work, relic, tree or place identified as a heritage item in the *Consideration of Applications Development Control Plan*.

**intensive agriculture** means the commercial keeping or breeding (or both) of livestock which are substantially dependent upon feed being imported to the property on which the livestock are kept or bred (or both).

**lot** means a parcel of land (except a road, a reserve, or common property) for which a

certificate of title has been issued by the Registrar-General and that is capable of being disposed of independently of other lots.

**multi-unit housing** means more than one dwelling on a single lot.

**subdivision** does not include minor boundary adjustments.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

**the Council** means the Hume Shire Council.

**the map** means the map marked “Hume Local Environmental Plan 2000” deposited in the office of the Council.

**watercourse** means any stream of water, either perennial or intermittent, flowing in a natural channel.

**Note—**

Other definitions are provided in the Model Provisions.

## **6 Adoption of Model Provisions**

The *Environmental Planning and Assessment Model Provisions 1980* are adopted for the purposes of this plan, except for:

- (a) the definition of **map** in clause 4 (1), and
- (b) clauses 15, 16, 17, 23, 24, 28, 29, 31, 33 and 34.

**Note—**

The Model Provisions provide additional definitions of terms used in the LEP and other requirements relating to processes and various land uses.

## **7 Administration of the local environmental plan**

The Hume Shire Council is the consent authority for the purposes of this plan.

## **8 Notes**

The table of contents and notes included in this plan do not form part of it.

## **Part 2 Land use zones and provisions**

### **9 Zones**

For the purposes of this plan, land to which this plan applies is within one of the following zones, as shown on the map:

Rural (Agriculture)

Rural (Environment)

Rural (Living)

Residential (Low Density)

Albury Fringe

Township

Tourist Centre

## **10 Operation of zones**

- (1) Each clause of this plan by which development within a specified zone is controlled contains a statement as to the purpose of the zone. Development should be consistent with the purpose of the zone.
- (2) In a clause of this plan by which development within a specified zone is controlled, the development controls are divided into two sections, as follows:

### **Consent required**

Development specified in this section requires the consent of the Council.

Because development is specified in this section, it does not require or imply that consent should or will be granted. The Council must decide whether the proposal will produce acceptable outcomes in terms of the requirements of the Act and this plan.

### **Prohibited**

Development specified in this section is prohibited.

## **11 Matters for consideration**

The Council must not grant consent to development unless it has made an assessment of the matters included in the Matters for Consideration Section of the *Consideration of Applications Development Control Plan*.

## **12 Exempt and complying development**

- (1) Development of minimal environmental impact listed in the Exempt Development section of the *Consideration of Applications Development Control Plan* is exempt development, despite any other provision of this plan.
- (2) Development listed in the Complying Development section of the *Consideration of Applications Development Control Plan* is complying development if:
  - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and

(b) it is not an existing use, as defined in section 106 of the Act.

- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applicable to the development in the Exempt and Complying sections of the *Consideration of Applications Development Control Plan*.
- (4) A complying development certificate issued for any complying development is subject to the conditions for the development specified in the Complying Development section of the *Consideration of Applications Development Control Plan* as that section is in force when the certificate is issued.

### **13 Heritage**

- (1) A person must not, in respect of a heritage item, except with the consent of the Council:
- (a) demolish or renovate the item, or
  - (b) damage or despoil the item or any part of the item, or
  - (c) carry out any development on land, or in relation to land, on which the item is situated.
- (2) Development consent is not required by this clause if the Council is of the opinion that the proposed development will not adversely affect the heritage significance of the heritage item.
- (3) The Council must not grant consent to an application to demolish a building or work that is a heritage item unless:
- (a) the Council has notified the Heritage Council of its intention to grant consent, and
  - (b) the Council has taken into consideration any objection notified to it by the Heritage Council within 28 days after receiving notice of the Council's intention to grant consent.

### **14 Development of certain land**

Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 1 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.

### **15 Rural (Agriculture) Zone**

- (1) **Purpose** The purpose of the Rural (Agriculture) Zone is:
- (a) to identify land used for agricultural purposes, and
  - (b) to implement the Council's strategic directions for rural land, and



- (c) to encourage the sustainable use of land for agriculture, and
- (d) to avoid fragmentation of agricultural land in areas where large scale independent farm businesses are the predominant land use, and
- (e) to allow for farm restructuring, and
- (f) to encourage the continued use of rural land for agricultural purposes, and
- (g) to encourage protection and enhancement of the bio-diversity of the area, and
- (h) to recognise the complexities of family farm ownership, financing and management, and
- (i) to promote economic development that is compatible with rural activities, and
- (j) to encourage development of new sustainable rural enterprises, and
- (k) to ensure that development does not place an unreasonable burden on Hume's infrastructure and services.

**(2) Development with consent and prohibited development**

**Development**

**Condition**

**Consent required**

- Dwelling
- (1) A lot may be used for a dwelling if:
    - (a) it was created by development consent for subdivision under a previous or current environmental planning instrument and is at least 0.4 hectares, or
    - (b) it is at least 100 hectares and is located in that part of the zone shown on the map as “inner”, or
    - (c) it is at least 400 hectares and is located in that part of the zone shown on the map as “outer”, or
    - (d) it is at least 0.4 hectares and exists as a single lot in the same configuration as it was as at 31 July 1987 and no adjoining lot was in the same ownership on that date, or
    - (e) it is at least 0.4 hectares and exists as one of a number of adjoining lots in the same ownership as at 31 July 1987 and no dwelling exists on any other lot, or
    - (f) it is at least 100 hectares, was created before 31 July 1987 and is located in that part of the zone shown on the map as “outer”.
  - (2) A dwelling with on-site effluent treatment and disposal must not be located within:
    - (a) 100 metres of the Murray River, or
    - (b) 100 metres of the full supply level of Lake Hume, or
    - (c) 40 metres of any other watercourse.
- Subdivision
- (1) In areas shown on the map as the “outer” area, each lot created must be at least 400 hectares.
  - (2) In areas shown on the map as the “inner” area, each lot created must be at least 100 hectares.

- (3) Despite subclauses (1) and (2), consent may be granted for the excision of a lot of less than 2 hectares for use by a retired farmer.
- (4) Despite subclauses (1) and (2), consent may be granted to create a lot of any size for:
  - (a) public or community purposes, or
  - (b) the purpose of consolidation with another lot, or
  - (c) the purpose of rearranging lot boundaries and if the number of lots is not increased, or
  - (d) any purpose permissible in the zone (except dwellings).

Any development that:

(a) is designated development, or

(b) is not included elsewhere in this **Note—**  
section of this Table as  
development that requires consent,

but is not development that:

(c) is exempt development, or

(d) is included in the “Prohibited”  
section of this Table as  
development that is prohibited.

This plan provides that designated development (being development that is specified in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*) can only be carried out with development consent. Development does not cease to be designated development because it is ancillary to development that may be carried out without development consent.

### **Prohibited**

Junk yard

Residential flat building, other than to  
accommodate rural workers

Shop, other than a general store

Warehouse, other than in association  
with a rural industry

Any development that is not included  
in the “Consent required” section of  
this Table because it is excluded by a  
condition.

## 16 Rural (Environment) Zone

(1) **Purpose** The purpose of the Rural (Environment) Zone is:

- (a) to identify areas within Hume that are of environmental significance and are sensitive to development, and
- (b) to implement the Council's strategic directions for land in environmentally sensitive areas, and
- (c) to complement *Murray Regional Environmental Plan No 2—Riverine Land*, and
- (d) to ensure development maintains and contributes to the character of the locality and minimises disturbances to the landscape and scenic qualities, and
- (e) to avoid fragmentation of agricultural land in areas where large scale independent farm businesses are the predominant land use, and
- (f) to encourage development that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and bio-diversity of the locality, and
- (g) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.

(2) **Development with consent and prohibited development**

<b>Development</b>	<b>Condition</b>
<b>Consent required</b>	

Dwelling

- (1) A lot may be used for a dwelling if:
  - (a) it was created by development consent for subdivision under a previous or current environmental planning instrument and is at least 0.4 hectares, or
  - (b) it is at least 100 hectares and is located in that part of the zone shown on the map as "inner", or
  - (c) it is at least 400 hectares and is located in that part of the zone shown on the map as "outer", or
  - (d) it is at least 0.4 hectares and exists as a single lot in the same configuration as it was as at 31 July 1987 and no adjoining lot was in the same ownership on that date, or
  - (e) it is at least 0.4 hectares and exists as one of a number of adjoining lots in the same ownership as at 31 July 1987 and no dwelling exists on any other lot, or
  - (f) it is at least 100 hectares, was created before 31 July 1987 and is located in that part of the zone shown on the map as "outer".
- (2) A dwelling must not be erected:
  - (a) below the high water mark of Lake Hume or in a location that may be detrimental to the lake environs or water quality, or
  - (b) below the 1 in 100 year flood level of the Murray River or in a location that may be detrimental to the riverine environment or water quality, or
  - (c) in elevated or steep locations that are highly visible, detract from the rural landscape and may be detrimental to the environment.

	<p>(4) A dwelling with on-site effluent treatment and disposal must not be located within:</p> <p>(a) 100 metres of the Murray River, or</p> <p>(b) 100 metres of the full supply level of Lake Hume, or</p> <p>(c) 40 metres of any other watercourse.</p>
Subdivision	<p>(1) In areas shown on the map as the “outer” area, each lot created must be at least 400 hectares.</p> <p>(2) In areas shown on the map as the “inner” area, each lot created must be at least 100 hectares.</p> <p>(3) Despite subclauses (1) and (2), consent may be granted for the excision of a lot of less than 2 hectares containing a dwelling for use by a retired farmer.</p> <p>(4) Despite subclauses (1) and (2), consent may be granted to create a lot of any size for:</p> <p>(a) public or community purposes, or</p> <p>(b) the purposes of consolidation with another lot, or</p> <p>(c) the purposes of rearranging lot boundaries and the number of lots is not increased, or</p> <p>(d) any purpose permissible in the zone (except dwellings).</p>
Any development that:	
(a) is designated development, or	
(b) is not included elsewhere in this section of this Table as development that requires consent,	<b>Note—</b> This plan provides that designated development (being development that is specified in Schedule 3 to the <i>Environmental Planning and Assessment Regulation 2000</i> ) can only be carried out with development consent. Development does not cease to be designated development because it is ancillary to development that may be carried out without development consent.
but is not development that:	
(c) is exempt development, or	
(d) is included in the “Prohibited” section of this Table as development that is prohibited.	

## **Prohibited**

Commercial premises, including, but not limited to, a bulk store, car repair station, junk yard, or motor showroom

Industry, including, but not limited to, a rural industry, sawmill, abattoir, light industry, or offensive and hazardous industry

Intensive agriculture, including, but not limited to, an animal boarding establishment or an animal breeding or training establishment

Landfill

Liquid fuel depot

Manufactured homes estate

Residential flat building, including, but not limited to, a boarding house, but not including a building to accommodate rural workers.

Stock and saleyard

Transport terminal, including, but not limited to, an airline terminal and road transport terminal

Recreation vehicle area, as defined in the [Recreation Vehicles Act 1983](#)

Any development:

- (a) that is not included in the "Consent required" section of this Table because it is excluded by a condition, or
- (b) that is prohibited by [Murray Regional Environmental Plan No 2](#).

## **17 Rural (Living) Zone**

(1) **Purpose** The purpose of the Rural (Living) Zone is:

- (a) to identify areas in Hume that are suitable for rural living and that avoid productive agricultural land, ecological resources and hazards, and

- (b) to identify areas in Hume where the lot sizes no longer permit the land to be used for farming on a commercial scale, and
- (c) to encourage the continued use of the land for agricultural purposes within a rural living environment, and
- (d) to provide for residential lifestyle in a rural environment, and
- (e) to implement the Council's strategic directions for rural living areas, and
- (f) to ensure development maintains and contributes to the rural character of the locality and minimises disturbances to the landscape and scenic qualities, and
- (g) to avoid land use and management conflicts with adjoining land zoned Rural (Agriculture) and Rural (Environment), and
- (h) to encourage the development of land that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and bio-diversity of the locality, and
- (i) to ensure that development does not create unreasonable or uneconomic demands for the provision, maintenance, augmentation or extension of infrastructure and services.

**(2) Development with consent and prohibited development**

**Development**

**Condition**

**Consent required**

Dwelling	<p>A dwelling with on-site effluent treatment and disposal must not be located within:</p> <ul style="list-style-type: none"><li>(a) 100 metres of the Murray River, or</li><li>(b) 100 metres of the full supply level of Lake Hume, or</li><li>(c) 40 metres of any other watercourse.</li></ul>
Subdivision	<ul style="list-style-type: none"><li>(1) The lot to be subdivided must exist:<ul style="list-style-type: none"><li>(a) in the same configuration as it was prior to the date on which this plan took effect, or</li><li>(b) as a result of part of the lot being acquired for a public purpose.</li></ul></li><li>(2) If only one additional lot is proposed, all lots created must be greater than 2 hectares.</li></ul>



- (3) If more than one additional lot is proposed:
  - (a) all lots resulting must be greater than 2 hectares, and
  - (b) the average size of all lots resulting must be greater than 8 hectares, and
  - (c) at least half of the resulting lots must be larger than 8 hectares.
- (4) Despite subclause (1), (2) or (3), consent may be granted to create a lot of any size for:
  - (a) public or community purposes, or
  - (b) the purpose of consolidation with another lot, or
  - (c) the purpose of rearranging lot boundaries if the number of lots is not increased, or
  - (d) any purpose permissible in the zone (except dwellings).
- (5) The total number of lots created in this zone in any consecutive 12 month period must not exceed 30 and cannot be varied as a development standard under *State Environmental Planning Policy No 1—Development Standards*.
- (6) Where the Rural (Living Area) abuts Lake Hume, only that land that is above the high water mark may be taken into account in determining the subdivision potential of the land.

Any development that:

(a) is designated development, or

(b) is not included elsewhere in this **Note—**

section of this Table as development that requires consent,

but is not development that:

(c) is exempt development, or

(d) is included in the “Prohibited” section of this Table as development that is prohibited.

This plan provides that designated development (being development that is specified in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*) can only be carried out with development consent. Development does not cease to be designated development because it is ancillary to development that may be carried out without development consent.

### **Prohibited**

Commercial premises, including, but not limited to, a bulk store, car repair station, junk yard and motor showroom

Industry, including, but not limited to, a sawmill, abattoir, light industry, extractive industry and offensive and hazardous industry

Intensive agriculture, including, but not limited to, an animal boarding establishment and animal breeding or training establishment

Liquid fuel depot

Residential flat building, including, but not limited to, a boarding house

Stock and saleyard

Transport terminal

Any development that is not included in the “Consent required” section of this Table because it is excluded by a condition.

## **18 Low Density Residential Zone**

(1) **Purpose** The purpose of the Low Density Residential Zone is:

(a) to identify areas in Hume that have been, or are proposed to be, developed for low density residential purposes, and

- (b) to provide choice in living environments in Hume, and
- (c) to provide for low density residential development on lots that, in the absence of reticulated sewerage, can satisfactorily treat and retain all wastewater, and
- (d) to provide residential environments on large lots in proximity to urban areas and services, and
- (e) not to hinder the orderly growth of urban areas, and
- (f) to implement the Council's strategic directions for low density residential development, and
- (g) to avoid land use and management conflicts with adjoining land uses, and
- (h) to encourage development of land that is in accordance with sound management and land capability practices, and that takes into account the environmental sensitivity and bio-diversity of the locality, and
- (i) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.

**(2) Consent requirements for development**

**Development**

**Condition**

**Consent required**

Dwelling

Subdivision

(1) If off-site effluent treatment and disposal is proposed and reticulated water is available, the minimum lot size must be 4,000 m<sup>2</sup>.

(2) If on-site effluent treatment and disposal is proposed:

(a) no lot must be less than 5,000 m<sup>2</sup> in area, and

(b) the average size of all lots created must be greater than 2 hectares, and

(c) at least half of the lots in the subdivision must be larger than 2 hectares, and

(d) the applicant must demonstrate to the Council that the proposed lots are suitable for this process.

Any development that:

(a) is designated development, or

(b) is not included elsewhere in this **Note—**

section of this Table as  
development that requires consent,

but is not development that:

(c) is exempt development, or

(d) is included in the “Prohibited”  
section of this Table as  
development that is prohibited.

This plan provides that designated development (being development that is specified in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*) can only be carried out with development consent. Development does not cease to be designated development because it is ancillary to development that may be carried out without development consent.

### **Prohibited**

Commercial premises, including, but not limited to, a bulk store, car repair station, junk yard and motor showroom

Generating works

Industry, including, but not limited to, a sawmill, abattoir, light industry, extractive industry and offensive and hazardous industry

Intensive agriculture, including, but not limited to, an animal boarding establishment and animal breeding or training establishment

Liquid fuel depot

Residential flat building, including, but not limited to, a boarding house

Stock and saleyard

Transport terminal

Any development that is not included in the “Consent required” section of this Table because it is excluded by a condition.

## **19 Albury Fringe Zone**

(1) **Purpose** The purpose of the Albury Fringe Zone is:

(a) to identify land for current and future urban residential development, and

- (b) to implement the Council’s and the Albury City Council’s strategic directions for the future growth of the region, and
- (c) not to allow inappropriate development (including subdivision) that will prejudice the orderly expansion of the urban area, and
- (d) to provide for residential development at a range of densities with a variety of dwelling types to meet the housing needs of the community, and
- (e) to encourage urban design that provides for a highly functional, efficient and attractive residential environment, and
- (f) to allow in appropriate locations, educational, recreational, religious and community uses, and a limited range of non-residential uses, and
- (g) to protect the amenity of all residents.

**(2) Development with consent and prohibited development**

**Development**

**Condition**

**Consent required**

Subdivision

(1) If connection to a reticulated sewerage and potable water supply is proposed, the minimum lot size must be:

(a) 450 square metres for single dwelling-houses, or

(b) 232 square metres for multi-unit housing involving five or more dwellings.

(2) If reticulated sewerage and potable water are not available, the subdivision provisions of the Rural (Living) Zone apply.

Any development that:

(a) is designated development, or

(b) is not included elsewhere in this section of this Table as development that requires consent,

but is not development that:

(c) is exempt development, or

(d) is included in the “Prohibited” section of this Table as development that is prohibited.

**Note—**

This plan provides that designated development (being development that is specified in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*) can only be carried out with development consent. Development does not cease to be designated development because it is ancillary to development that may be carried out without development consent.

## **Prohibited**

Generating works

Industry, including, but not limited to, a rural industry, sawmill, abattoir, light industry, extractive industry, and offensive and hazardous industry

Intensive agriculture, including, but not limited to, an animal boarding establishment and animal breeding or training establishment

Junk yard

Liquid fuel depot

Stock and saleyard

Transport terminal, including, but not limited to, a helipad, heliport, airline terminal and road transport terminal

Any development that is not included in the "Consent required" section of this Table because it is excluded by a condition.

## **20 Township Zone**

(1) **Purpose** The purpose of the Township Zone is:

- (a) to define the town boundaries of Howlong, Jindera, Burrumbuttock, Gerogery and Brocklesby, and
- (b) to maintain flexibility in land use controls, and
- (c) to encourage and provide opportunities for population and local employment growth in the townships, and
- (d) to implement the Council's strategic directions for townships, and
- (e) to ensure development maintains and contributes to the character of townships, and
- (f) to protect the amenity of all residents, and
- (g) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.

**(2) Development with consent requirements and prohibited development**

**Development**

**Condition**

**Consent required**

Dwelling, if reticulated sewerage and potable water are not available.

The applicant must demonstrate to the Council that the lot is suitable for on-site treatment and disposal of effluent.

Subdivision

(1) If connection to a reticulated sewerage and potable water supply is proposed, the minimum lot size must be:

(a) 600 m<sup>2</sup>, or

(b) 450 m<sup>2</sup> for multi-unit housing.

(2) If reticulated sewerage and potable water are not available:

(a) the minimum lot size must be 1,200 m<sup>2</sup>, and

(b) the applicant must demonstrate to the Council that the proposed lots are suitable for on-site treatment and disposal of effluent.

Any development that:

(a) is designated development, or

(b) is not included elsewhere in this **Note—** section of this Table as development that requires consent,

but is not development that:

(c) is exempt development, or

(d) is included in the “Prohibited” section of this Table as development that is prohibited.

This plan provides that designated development (being development that is specified in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*) can only be carried out with development consent. Development does not cease to be designated development because it is ancillary to development that may be carried out without development consent.

**Prohibited**

Abattoir

Extractive industry

Offensive and hazardous industry

Intensive agriculture, including, but not limited to, an animal boarding establishment and animal breeding or training establishment

Any development that is not included in the "Consent required" section of this Table because it is excluded by a condition.

## 21 Tourist Centre Zone

(1) **Purpose** The purpose of the Tourist Centre Zone is:

- (a) to identify locations in Hume that have a tourism focus, and
- (b) to implement the Council's strategic directions for tourism, and
- (c) to maintain flexibility in land use controls for a wide variety of tourism activities, and
- (d) to encourage and provide opportunities for growth and employment in tourism, and
- (e) to ensure tourism development is environmentally sustainable, and
- (f) to ensure a high standard of tourist development is undertaken, and
- (g) to protect the natural and built assets upon which tourism is based, and
- (h) to ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.

(2) **Development with consent and prohibited development**

### Development

### Condition

#### Consent required

Dwelling, if reticulated sewerage and potable water are not available

The applicant must demonstrate to the Council that the lot is suitable for on-site treatment and disposal of effluent.

Subdivision

- (1) If connection to a reticulated sewerage and potable water supply is proposed, the minimum lot size must be:
- (a) 600 m<sup>2</sup>, or
  - (b) 450 m<sup>2</sup> for multi-unit housing.



- (2) If reticulated sewerage and potable water are not available:
- (a) the minimum lot size must be 1,200 m<sup>2</sup>, and
  - (b) the applicant must demonstrate to the Council that the proposed lots are suitable for on-site treatment and disposal of effluent.

Any development that:

(a) is designated development, or

(b) is not included elsewhere in this **Note—**  
section of this Table as  
development that requires consent,

but is not development that:

(c) is exempt development, or

(d) is included in the “Prohibited”  
section of this Table as  
development that is prohibited.

This plan provides that designated development (being development that is specified in Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*) can only be carried out with development consent. Development does not cease to be designated development because it is ancillary to development that may be carried out without development consent.

## **Prohibited**

Generating works

Industry, including, but not limited to, a rural industry, sawmill, abattoir, light industry, extractive industry, and offensive and hazardous industry

Intensive livestock keeping establishment, including, but not limited to, an animal boarding establishment and animal breeding or training establishment

Junk yard

Liquid fuel depot

Stock and saleyard

Transport terminal, including, but not limited to, a helipad, heliport, airline terminal and road transport terminal unless for the principal use of visitors to a tourist facility

Warehouse, including, but not limited to a bulk store

Any development that is not included in the "Consent required" section of this Table because it is excluded by a condition.

## **Schedule 1 Development of certain land**

(Clause 14)

- (1)** Lot 22, DP 776036, Parish of Jindera in Walla Road, Jindera, for subdivision in accordance with the provisions of the Residential (Low Density) Zone within 2 years after the commencement of this plan. If title to any lots approved in the subdivision have not been issued within the 2-year period, the provisions of the Residential (Low Density) Zone will cease to apply to the land and the provisions of the Rural (Living) Zone will apply in their place.
- (2)** That part of Lot 8, DP 872808, Parish of Burrumbuttock in Beatrice Drive, Burrumbuttock, shown as Residential (Low Density) on the map, for subdivision in accordance with the provisions of the Residential (Low Density) Zone within 2 years after the commencement of this plan. If title to any lots approved in the subdivision have not been issued within the 2-year period, the provisions of the Residential (Low Density) Zone will cease to apply to the land and the provisions of the Rural (Agricultural) Zone will apply in their place.
- (3)** Lot 13, DP 602423, in Dellven Drive, Table Top, for subdivision into no more than 2 lots within 2 years after the commencement of this plan. If title to any lots approved in the subdivision have not been issued within the 2-year period, the provisions of the Residential (Low Density) Zone will cease to apply to the land and the provisions of the inner Rural (Environment) Zone will apply in their place.