



BUILDING A HOUSE ON RURAL LAND FACT SHEET

Introduction

Are you interested in knowing if rural vacant land or rural residential property, has “Dwelling Entitlement”? Continue reading this fact sheet to understand the meaning of and the standards contained within “Dwelling Entitlement”.

A Dwelling Entitlement refers to the permissibility of a dwelling under *Glen Innes Severn Council’s Local Environmental Plan (LEP) 2012*. It is recommended that you Contact Council’s Planning and Regulatory Team to confirm if a Lot has dwelling entitlement or not.

Doesn’t every Rural Lot have the permissibility to build a dwelling on?

No. A dwelling can only be built on land where one of the standards identified in the *GISC LEP 2012 Clause 4.2A* can be satisfactorily met.

What are the standards of *GISC LEP 2012 Clause 4.2A*?

- (a) is a lot that is at least the minimum lot size specified for that land by the Lot Size Map, or
- (b) is a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy (attached) was permissible immediately before that commencement, or
- (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy (attached) would have been permissible if the plan of subdivision had been registered before that commencement, or
- (d) (Repealed)
- (e) is within a lot identified as “Dwelling Opportunity” on the Dwelling Opportunity Map, or
- (f) would have been a lot referred to in paragraphs (a)–(c), had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

Note—

A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.

- (4) Development consent may be granted for development to which this clause applies if there is a lawfully erected dwelling house or dual occupancy (attached) on the land and the dwelling house or dual occupancy (attached) to be erected is intended only to replace the existing dwelling house or dual occupancy (attached).

The lot I am enquiring about does not meet the Minimum Lot Size shown on the Lot Size Map, and I'm not sure if it meets any of the other standards under the *GISC LEP 2012 Clause 4.2A*.

If you would like confirmation as to whether a Lot has dwelling entitlement or not, it is recommended that you Contact Council's Planning and Regulatory Team to confirm if it does or not.

Please note that a Lot having Dwelling Entitlement does not grant approval to construct a dwelling and will not preserve any 'entitlement' should the GISC LEP change. To obtain approval for construction of a dwelling, a Development Application (DA) must be submitted to Council for assessment and determination.

Contact Council

You may phone Council's Planning and Regulatory Team on (02) 6730 2350 for information regarding Dwelling Entitlement, or visit the team at 136 Church Street, Glen Innes.