

## 4.7 Subdivision and dwelling entitlements

The minimum lot size will be the primary control used for rural subdivision on rural land which is consistent with the current Mid-Western Interim, Rylstone and Merriwa Local Environmental Plans.

The Mid-Western Regional Interim Local Environmental Plan 2008 and Merriwa Local Environmental Plan 1994 permit subdivision within the Agriculture and Rural 1(a) zones respectively with a 100 ha minimum on which a dwelling house may be considered. Rylstone Local Environmental Plan 1996 also permits subdivision within the Rural zone to 40ha but only on land that is not identified as "prime crop and pasture land". Subdivision on prime crop and pasture land is prohibited. These provisions are to be maintained.

Subdivision is permitted in the Intensive Agriculture zone in the former Mudgee local government area, where Council is satisfied that the land is to be used for its intended purpose and the resulting lots are greater than the minimum lot size (20ha) applying to this zone. There are other provisions applying to subdivision within this zone for other purposes. These provisions are to be maintained.

All "dwelling entitlements" which would have been recognised by a previous planning instrument will be retained. It is also proposed to have a provision which makes it clear that lawfully created allotments on which a dwelling house could have been erected will retain that entitlement. Further, Council's former policy where land could be consolidated to achieve the minimum lot size (without consent) should be acknowledged by recognising these lots as would be the case had consent been required and granted subject to the parcel achieving the minimum lot size.

To provide transparency in decision making consideration should be given to the preparation of a map depicting the spatial extent of existing holdings as defined by the various current and where applicable previous LEP's. This map would form the basis of dwelling approvals pursuant to existing holding entitlements which would be recognised by the Comprehensive LEP.

In addition, where a dwelling currently exists, future subdivisions are not encouraged where this would result in a dwelling on an allotment below the minimum size. However, support may be given to farm adjustments in accordance with the Rural Lands SEPP.

The Comprehensive LEP should maintain the status quo in terms of the existing rural minimum lot size (RMLS) contained within each of the applicable LEPs Mid-Western Interim Local Environmental Plan 2008, Rylstone Local Environmental Plan 1996 and Merriwa Local Environmental Plan 1992. After the Comprehensive LEP has been implemented Council should take the opportunity to review the RMLS in accordance with the Rural SEPP (or the equivalent of the day) to establish an appropriate RMLS that is equitable across the Local Government Area and consistent with sound planning principles.

## 4.8 Rural lifestyle landuse

It is to be noted that there is a clear distinction between rural lifestyle/ living and smaller lots used for primary production purposes. This section will discuss the lots used for rural lifestyle and living purposes.