

Chapter E2 – Dual Occupancy in Rural Areas

1.0 Introduction

1.1 Scope of this Chapter

This DCP chapter applies specifically to Dual Occupancies (attached) development within the following zones:

- RU1 – Primary Production;
- RU2 – Rural Landscape;
- RU4 – Primary Production Small Lots;
- R5 – Large Lot Residential;
- E3 – Environmental Management; and
- E4 – Environmental Living.

Dual Occupancies (Attached) means:

2 dwellings on one allotment of land that are attached to each other, but does not include a secondary dwelling.

1.2 Relationship to Other Chapters of this DCP

The provisions of this Chapter override the provisions of any other Chapter of this DCP, to the extent of any inconsistency.

1.3 Purpose of this Chapter

In accordance with the requirements of Kempsey Local Environmental Plan 2013, Dual Occupancies are only permissible in the zones listed in Section 1.1 if they are attached.

This chapter seeks to provide clarification for determining what degree of separation between two dwelling units is possible and still be attached for the purposes of a Dual Occupancy (Attached).

2.0 Chapter Objectives

The objectives of this chapter are:

- a) To provide for affordable conversion of existing dwellings on single rural allotments to accommodate an additional dwelling.
- b) To prevent fragmentation of rural land.
- c) To prevent inappropriate residential development on rural land.
- d) To facilitate development in rural areas consistent with the capabilities of the land.
- e) To ensure that additional dwellings comply with Council's Flood Risk Management Policy.

3.0 Development Requirements

3.1 Attachment to Form Dual Occupancy (Attached) Development

Desired Outcomes

DO1 - That a Dual Occupancy (Attached) development appears to be a single building as viewed from the roads surrounding the property.

Development Requirements

- a) One of the resulting dwellings must be no more than 90 square meters in floor area.
- b) Both dwellings are either:
 - (i) Under one roof; or
 - (ii) Are within 5 metres of each other and joined by a patio or breezeway covered by a roof. The roof shall extend for the full length of one of the two attached dwellings.
- c) Both dwellings share a common driveway crossover at the property frontage. Driveways to each dwelling may diverge within the property boundaries.

3.2 Water and Energy Supply

Desired Outcomes

DO1 - There is sufficient water and energy supply for domestic purposes available to the occupants of both dwellings.

Development Requirements

- a) Both dwellings are capable of being immediately connected to Council's reticulated water supply.
- b) Alternatively, both dwellings are connected to a rainwater tank with a minimum capacity of 20,000 litres per dwelling.
- c) A licensed electrician certifies that both dwellings are capable of immediate connection to the electricity network.
- d) Alternatively, a solar electricity supply with sufficient electricity output is provided for both dwellings.

3.3 Waste Water Disposal (including Sewage Disposal)

Desired Outcomes

DO1 - There is adequate area for long term waste-water disposal (including sewage effluent disposal) from both dwellings.

Development Requirements

- a) Both dwellings are connected individual or shared On-site Sewerage Management Systems that have sufficient capacity to service both dwellings.
- b) The disposal area complies with the controls found in [Chapter B8 - Onsite Sewage and Wastewater Management](#).

4.0 Advice

- a) A separate application and approval under Section 68 of the *Local Government Act 1993* may be required for increasing the capacity of onsite sewerage management systems.
- b) Upgrading of the fire safety measures in the building may be required to achieve compliance with the Building Code of Australia.
- c) Potential applicants are encouraged to discuss proposals with Council at the earliest opportunity when formulating proposals to assist in identifying Council's requirements and any site specific issues.
- d) If the development is located on Bushfire Prone Land, it will trigger assessment against Section 79BA of the *Environmental Planning and Assessment Act 1979*. Consequently, the Development Application will need to be accompanied by a Bushfire Assessment Report prepared by an accredited bushfire consultant.