

7.11 Development Adjoining Laneways

Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Details
1	27/6/2017	10/7/2017	New

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land within which residential accommodation is permissible with consent under Newcastle Local Environmental Plan 2012 and which adjoins a laneway.

Development (type/s) to which this control applies

This control applies to all development consisting:

- commercial premises
- industry
- residential accommodation and ancillary development.

Note: Residential accommodation is defined in the Newcastle Local Environmental Plan 2012

Residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- attached dwellings,
- boarding houses,
- dual occupancies,
- dwelling houses,
- group homes,
- hostels,
- multi dwelling housing,
- residential flat buildings,
- rural workers' dwellings,
- secondary dwellings,
- semi-detached dwellings,
- seniors housing,
- shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

Related sections

The following sections of this DCP **will** also apply to development to which this section applies:

- 7.03 Traffic, Parking and Access
- 7.04 Movement Networks

The following sections of this DCP **may** also apply to development to which this section applies:

- 3.01 Subdivision
- 3.02 Single Dwellings and Ancillary Development
- 3.03 Residential Development
- 3.10 Commercial Uses
- 3.13 Industrial Development

Applicable environmental planning instruments and legislation

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above listed environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Associated technical manual/s

- *Guide to Road Design 2009*, Austroads Standards Australia
- *Guide to Road Safety 2009*, Austroads Standards Australia
- *House Numbering Policy*, 2009, Newcastle City Council
- *Standard Drawings*, Newcastle City Council

Additional information

Nil

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Section 9.0 Glossary, of this plan, and include:

- **Carriageway** - that portion of a road or bridge devoted to the use of vehicles, inclusive of shoulders and auxiliary lanes.
- **Footpath** - the paved area in a footway.
- **Footway** - that part of the road reserve between the carriageway and the road reserve boundary, reserved for the movement of pedestrians and cyclists. It may also accommodate utilities, footpaths, stormwater flows, street lighting poles and plantings.

- **Laneway** – means a narrow road and is either a:
 - (i) **Council Laneway** - a laneway that has been dedicated as public road or one which Council has resolved to accept responsibility for 'care and control'.
 - (ii) **Private Laneway** - a laneway that is not a council laneway.
- **Road/street reserve** - the land incorporating the full width from property line to opposite property line.

Aims of this section

1. To define the various types of laneways found within the Newcastle Local Government Area (LGA).
2. To ensure new development has safe, useable access to streets and services by defining the circumstances where a laneway is suitable for use as the primary street frontage.
3. To provide guidelines for the consistent design and setbacks of development adjoining laneways.
4. To ensure that laneways are developed in a consistent manner and function as serviced roads.
5. To encourage natural surveillance, and suitable street lighting to improve the safety of laneways that are suitable for use as a primary street frontage.

7.11.01 Laneway types

Laneways across Newcastle LGA are categorised into three (3) types as listed in Table 1 below:

Table 1: Laneway types

Type	Road Reserve Width	Potential Use
Type A	Less than 3m	Pedestrian use only
Type B	3m - 6m	Vehicular (light vehicle) only
Type C	Greater than 6m	Pedestrian and vehicular use

Note: Refer to Council's website for construction standards for each laneway type

7.11.02 Design criteria

Performance criteria

1. Development has safe, useable access to streets and services.
2. Development has demonstrated legal access to laneways.
3. Laneways are consistent with public laneway standards.
4. Laneways are suitable for their intended function.

5. Development adjoining a Type A or B laneway has a setback and design that reinforces the function of the laneway as a secondary frontage and reinforces the primary street frontage as the principal street address.
6. Development adjoining a Type C laneway has setbacks compatible with the intended local streetscape, and provides natural surveillance of the street.
7. Street lighting is appropriate to the scale and use of the laneway, and provides opportunity for natural surveillance from adjoining developments.

Acceptable solutions

1. The laneway has been dedicated to Council and meets, or is capable of being upgraded at *no cost to Council*, the relevant construction standard.

Note: A person may seek the dedication of a laneway in accordance with Council's Lanes, Roads and Footway Ownership Policy.

2. For private laneways, the written consent of the laneway owner is provided for its use and upgrading.
3. Laneways may be used for stormwater disposal, where a connection to an existing drainage system is available.
4. Residential accommodation on a lot with a boundary to a Type A or Type B laneway:
 - (a) is setback a minimum of 3m from the boundary with the laneway. Where the laneway forms a side boundary, the minimum setback is 2m.

Note: Refer to Section 3.02 of this DCP for setbacks for ancillary development.

- (b) ensures the side of the building fronting the laneway does not contain the principal entrance to a dwelling and has the appearance of a side or rear facade.
 - (c) has an access handle to the primary street frontage that is:
 - (i) at least 3m wide where vehicular and pedestrian access is required; or
 - (ii) at least 1m wide where pedestrian access only is required.
 - (d) makes suitable provision for waste collection and mail delivery from the primary street frontage.
5. Residential accommodation on a lot with a boundary to a Type C laneway:
 - (a) is setback 3m from the boundary with the laneway. Where the laneway forms a side boundary the minimum setback is 2m.

Note: Activation zones (as defined in Section 3 of this DCP) may only be considered for developments with front setbacks 4.5m or greater.

- (b) has garages or carports setback a minimum of 5.5m from the boundary with the laneway

- (c) ensures dwellings have a covered front door and a window to a habitable room facing the laneway.
- (d) has provision for vehicular and pedestrian access; waste collection; and mail delivery from the laneway, where it meets the minimum construction standards for a Type C laneway (see Council's website for construction standards).

Note: If the laneway cannot satisfy Type C construction standards an access handle to the primary road frontage will be required compliant with widths specified in 4 (c) above.

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