
V10. Vehicular Crossings and Layback Openings

Title: Vehicular Crossings and Layback Openings Policy

Policy No: V10

Keywords: Vehicular Crossing /Driveway, Layback

Responsible Officer: Divisional Manager – Civic and Urban Services

1. PURPOSE AND AUTHORITY

The underlying purpose and objective of this policy is to regulate vehicular crossings and layback openings to ensure a certain degree of consistency (subject to consideration of the merits of a particular case---see below), and to ensure that the maximum length of kerbside parking space is retained wherever possible.

2. POLICY STATEMENT

Manly Council's considered and adopted policy position with respect to vehicular crossings, layback openings, and associated matters is as follows:

A. General Policies

- (i) That the maximum length of kerbside parking space should be retained wherever possible.
- (ii) With large residential flat developments, commercial and industrial premises, a slope between 0.5% to 5% from building line to top of kerb should be obtained wherever topography permits on the road reserve
- (iii) Levels relevant to driveway slopes from the layback invert to the property garage slab to follow Australian Standards and Council's driveway specifications and to be approved by the General Manager or such officer delegated by the General Manager.

B. Specific Policies

- (i) Width of back of layback shall not exceed 3 metres for property with less than 15 metres frontage, except in special circumstances, e.g. a two level entry to a commercial premises, or exceptional traffic.
- (ii) Additional width of layback may be permitted at the rate of 0.6 metres per 3 metres of frontage in excess of 15 metres.
- (iii) Additional width of layback may be permitted where angled entry is considered necessary by the General Manager or such officer delegated by the General Manager.
- (iv) Generally the width of layback should not exceed 20% of the property frontage except that the minimum width of layback is 3 metres.
- (v) No layback shall be located within the kerb radius return at an intersection or in a position which in the opinion of the General Manager or such officer delegated by the General Manager will create undue traffic hazard.
- (vi) Width of entry at the building line may be wider but not so wide as to necessitate a layback wider than those calculated in (i) to (vi) above.
- (vii) Maximum width of the vehicle entry or entries at the building line should not exceed:

5	"	"	"	"	"	15	"	"
6	"	"	"	"	"	20	"	"
7	"	"	"	"	"	30	"	"

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- (viii) Where an altered location of layback is required any existing layback which becomes redundant shall be reinstated with kerb at the owner's expense.
 - (ix) No layback should exceed 9 metres in width (e.g. service stations).
 - (x) Approval needs to be obtained for an additional layback if required from Civic & Urban Services for carspace/carport/garage.

(W.C. 13.7.76)
(Confirmed 20.10.97)

The contents of this policy are general guides to administrative decision-making. As such, the policy must not and cannot be automatically or inflexibly applied with a due, proper and genuine consideration of the merits of a particular case. Thus, even if an application or a case falls outside the "four corners" of this policy, but is otherwise legally permissible subject to an approval being given, the application or case must be considered on its merits, despite anything contained in this policy. To that end, any prohibition or restriction in this policy will not apply where a good case is made out that the prohibition or restriction ought not to apply, or ought to apply in a modified way, on the facts and circumstances of a particular case.

3. PRINCIPLES

The principles governing this policy include the following:

- the need to ensure a certain degree of consistency in administrative decision-making in exercise of a statutory function (subject, of course, to the need to consider each case on its merits),
- the need to ensure that roads are used for their primary purpose of the carriage of vehicles and their parking, and
- the need to ensure that crossings, laybacks and associated works are carried out lawfully and in a tradesman-like fashion in order to protect the safety and welfare of users of the road including pedestrians, and to minimise potential risks of actionable liability insofar as Manly Council is concerned.

4. SCOPE

This policy applies to all Council officials (including Councillors and Council staff and consultants engaged by Council) who are involved, directly or indirectly, in decision-making (including preparatory and recommendatory decision-making) with respect to the subject-matter of this policy.

Insofar as land is concerned, this policy applies to all land in the Manly local government area.

5. DEFINITIONS

See the Dictionaries at the end of the Local Government Act 1993 and the Roads Act 1993 for definitions of various terms and expressions used in this policy.

6. IMPLEMENTATION

This policy will be implemented without delay once adopted by Council. Upon adoption this policy will be entered into Council's policy register, made available online and provided to all staff and any other people directly affected by this policy.

Council and/or the General Manager may, during a civil emergency only, set aside any policy terms to ensure public safety.

7. MONITORING AND BREACHES

Regular monitoring of compliance with this policy, relevant legislation and Manly policies and procedures will be undertaken and documented by the responsible officer for this policy.

Breaches of this policy are considered to be breaches of Manly Council's Code of Conduct and therefore invoke the relevant sanctions outlined in that Code. Persons in breach of any legislation may be subject to relevant criminal action.

8. REPORTING

No specific reporting is required by this policy.

9. POLICY REVIEW

This policy is subject to regular review at a maximum interval of two (2) years.

For the purposes of carrying out and giving effect to this policy, the General Manager may from time to time prepare, adopt or vary, and otherwise issue to Council staff, guidelines and directions relating to any aspect of this policy.

Any recognised change to relevant legislation; or directives or guidelines issued by agencies including the NSW Ombudsman and the Division of Local Government; or to Manly Council's related guidelines and procedures will activate an immediate review of this policy to ensure it remains current and aligned to best practice policies.

10. RELEVANT REFERENCES AND LEGISLATION

Roads Act 1993

Roads (General) Regulation 2000

Local Government Act 1993

Local Government (General) Regulation 2005.

11. RELEVANT COUNCIL POLICIES

Nil.

12. REVISION SCHEDULE

Minute No	Date of Issue	Action	Author	Checked by
PS53/11	2 May 2011	Periodic Review	Secretariat, Corporate Services	Manager, Administration
	June 2013	Comprehensive Review		General Counsel
PS16/14	3 March 2014	Periodic Review	OM CSS	Manager Governance