

Procedure and Protocol Manual - Yarra City Council General Local Law 2016

Part 6 - Council Assets

25. Asset Protection Permits

25.1.7 Asset Protection Permit Bonds are determined by Council from time to time.

Where, in the opinion of an Authorised officer, an existing driveway crossing, footpath, road, street tree, kerb or other part of Council's asset may be damaged, the person responsible for the building work must pay to Council a bond.

The bond amount will be determined during the assessment of the application and will be proportionate to the likely cost of repairing any damage. The bond must be paid to Council before the permit is issued.

If after issuing a permit, with or without the requirement of a bond, further information is received and an Authorised Officer is of the opinion that damage or further damage may occur the person responsible must pay to Council a bond or further bond.

The bond will be refunded after the final inspection of Council assets if there has not been any damage to Council's assets as a result of the building works. If damage to Council's assets has occurred the bond will be retained by the Council to offset the cost of repairing any damage.

Part 14 - Tree Protection

39. Significant Trees

- 39.2 In assessing an application for a permit in relation to significant tree an authorised Officer must take into consideration the Significant tree Policy adopted by Council;

Reasons for Approving an Application for Removal of a Significant Tree	
1.	The tree is damaged, diseased, dead or in decline and further remedial action is unlikely to be effective in saving the tree.
2.	The tree has a significant structural fault, identified by a qualified arborist that cannot be remedied by appropriate techniques.
3.	The tree is an immediate threat to the health or safety of any person, or poses a serious, documented health risk that cannot be rectified by pruning or other methods.
4.	The tree has caused, is causing, or is likely to cause, substantial damage to property (including that of public utilities) and the estimated cost of ongoing repairs outweighs the value of the tree, and there is no reasonable alternative to solve the problem.
5.	The works must be carried out in order to comply with any obligation imposed at law (e.g. an Act, Court order, etc.).
6.	The tree has been identified in a property development plan approved by the Council as requiring removal in order to implement that plan.
7.	Construction of one or more new buildings on a site where the applicant can demonstrate to the Council's satisfaction that: <ol style="list-style-type: none"> (a) the proposed works cannot be redesigned, or the use of particular building techniques are not feasible in order to protect the buildings; and (b) that appropriate arboriculture techniques as detailed in the submission of an Arborist report cannot be employed, in order to retain the tree.

Part 16 - Building Works and Asset Protection

49. Building works

49.14.4 Crane operation and noise must be in accordance with the following:

- (a) Noise emitted from a Crane must not exceed 69db (A) Leq at 30 metres from the crane engine or as required at a corrected distance back to a reference distance of 30m.

Part 17 - Waste and Commercial Activities

51. Household Waste Collection and Storage

51.10 An approved waste receptacle on private land must:

- (a) be placed so that it does not detrimentally affect the surrounding area by its presence, appearance or odour; and
- (b) not be placed so that it creates an obstruction or other safety related issue.

54. Storage of Trade Waste

54.1 All trade waste hoppers must:

- (a) be kept in a clean and sanitary condition at all times;
- (b) be kept free of graffiti;
- (c) be maintained in a condition fit for its purpose;
- (d) be replaced if damaged;
- (e) be kept in a manner to ensure easy movement and not to damage Council assets; and
- (f) clearly identify the owner of the Hopper.

Part 21 – Administration and Enforcement

74. Exemptions

74.2 Council exempt the following persons or groups of persons from obtaining a permit under the General Local Law:

(a) Camping:

The following people are exempt from obtaining a permit under this section:

- (i) any person deemed vulnerable, homeless, or suffering a mental illness; and
- (ii) any person or group at the discretion of an authorised officer.

(b) Asset Protection Permit:

Council Authorised officers have discretion in applying the provision to obtain asset protection permits based on the identified scope of works.

Building works less than \$10,000 requires a permit but no application fee applies.

Considerations for discretion may include but will not be limited to:

- (i) Essential safety measures - fire service upgrade, fire hose reels & smoke alarms;
- (ii) DHHS - public housing covered by Department of Health & Human Services;
- (iii) Internal fit outs within established hospitals, shopping centres & universities;
- (iv) Unit fit outs within multi storey buildings;
- (v) Pool safety barriers;
- (vi) Internal stairways, awning, balustrades;
- (vii) Fitouts within established business parks with no impact to Council asset; and
- (viii) Access – where all associated vehicles and equipment is located on private property using an existing vehicle crossing and no occupation of Council land. This does not apply to building structures that are built on boundary or in close proximity to Council Assets.

(c) Deliveries to Commercial Premises

A person:

- (i) who delivers goods such as bread, milk, papers or similar goods to a commercial premises; and
- (ii) the goods are required by the proprietor of the commercial premises as part of preparation prior to the opening of the premises.