



General Local Law (consolidated) Procedures and Protocols Manual

To be read in conjunction with the Yarra City Council
General Local Law (consolidated)



This Procedures and Protocols Manual includes provisions relating to the following local laws, which together are known as the Yarra City Council General Local Law (consolidated).

	General Local Law	General (Consumption of Liquor in Public Places) Amendment Local Law
Adopted	3 August 2016	5 October 2021
Gazetted	1 September 2016	12 October 2021
Sunset Date	1 September 2026	1 September 2026

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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:
 - (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 20A – CONSUMPTION OF LIQUOR IN PUBLIC PLACES

68B. Prescription by the Council

- 68B.3.1 The Council may prescribe a public place (or part of a public place) to be a Prescribed Area under Part 20A only if the Council is satisfied that there is an imminent risk to the safety or welfare of members of the community if the prescription is not made.
- 68B.3.2 Every prescription must specify or otherwise prescribe the public place (or part of the public place) being prescribed as a Prescribed Area, whether by map, plan or other means.

68F Directions by Authorised Officer

This Part of the Local Law is not intended to criminalise social or economic disadvantage or chronic health issues, nor to create barriers to seeking or receiving support from appropriate health and social services.

Before giving any direction under clause 68F, an Authorised Officer should consider whether there are extenuating circumstances in respect of the apparent breach of clause 68C or 68E and whether, given the apparent situation of the person to whom a direction would otherwise be given, the person is vulnerable such that it is preferable to offer support to the person through a local health and outreach service.

People will be vulnerable if they are:

- (i) experiencing homelessness;
- (ii) socially, culturally or economically marginalised; or
- (iii) experiencing chronic physical or mental health issues

For these reasons, in situations in which provisions in this Part of the Local Law would usually apply, Authorised Officers must address the reason for the apparent breach of the provision and first offer the person who is vulnerable the option of support through local health and outreach services and/or considering the non-punitive options.

Possible health and outreach services to which a person can be referred include:

- Launch Housing (homelessness outreach in Yarra) 03 8598 1111
- North Richmond Community Health (alcohol and other drugs support) 03 9418 9811
- Directline (alcohol and other drugs support 24hrs) 1800 888 236
- Lifeline (psychological support) 13 11 14
- Youth Support and Advocacy Service (YSAS) (alcohol and drug, mental health and other support services for young people) 9415 8881

<https://askizzy.org.au/> (for a list of services across a range of social supports based on location)

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.