

MANAGEMENT PROTOCOL FOR PLAY EQUIPMENT ON STREET VERGES OR ATTACHED TO STREET TREES

Objective

The Town of Cottesloe recognises the environmental, social and aesthetic contribution that street verges and street trees provide to the community. The objective of this Management Protocol is to provide processes which allow for Play Equipment to be placed on or attached to Street Verge and/or Street Trees.

Scope

This protocol applies to all privately owned play or recreational equipment placed on or attached to street verges and Street Trees owned or managed by the Town of Cottesloe. Play Equipment is defined as any material, treatment or apparatus primarily designed for the recreation, enjoyment and/or play of children. This Management Protocol is not to be used for any material, treatment or apparatus placed on or attached to a Street Verge or Street Tree, which is considered by the Town of Cottesloe Administration not to meet the definition of Play Equipment.

These protocols will apply until the Council considers recommendations from the Taskforce for Residential and Recreational use of Verges.

Management Protocol

The Town of Cottesloe (the town) will permit privately owned play equipment to be placed on Town owned or managed Street Verges and Street Trees in the following situations:

1) Street Tree Attachments

An owner or occupier of land which abuts a verge may on a street tree located on the verge directly in front of their residential property, install a permissible street tree attachment in accordance with the following protocols:

- Permissible Street Tree attachments (no permit required) are as follows:
 - a. Swings;
 - b. Ropes/ladders
 - c. Platforms/structures (ie Tree Houses/Chubby Houses)
 - d. Any other item (not listed above) may be considered at the discretion of the Director Engineering Service in accordance with this protocol
- Street Tree attachments:
 - a. Cannot be permanently fixed to Street Trees and must not incorporate sharp objects, protrusions or other elements which, in the town's opinion would present a hazard to people or property;
 - b. Must not, in the Town's opinion, obstruct or interfere with a clear line of sight for pedestrians, cyclists or motorists;

- c. must be setback from and provide clear access to any infrastructure/services located on the verge;
 - d. are to be fitted to tree branches of safe and suitable dimensions;
 - e. must be constructed of durable material, securely installed and so that annual pruning requirements can be undertaken where required;
 - f. must provide a minimum 0.5 metre setback from the face of the kerb, a footpath and/or crossover/driveway;
 - g. shall not swing or protrude into and must not be able to swing or protrude into the space immediately above any road carriageway, footpath and or driveway.
- All materials to be used as part of the installation are to be in good condition.
 - All ropes or attachments around tree branches should be fitted as to prevent strangulation and eventual decline in the tree's health and vigour.
 - Platforms/Structures are not permitted in street trees located under power lines or above ROW's.
 - It is the responsibility of Owners/Occupiers to ensure that the street tree remains healthy and attachments are well maintained.
 - The Town of Cottesloe will maintain a register of Street Tree Attachments identified within the District;
 - Once a Street Tree Attachment has been identified within the district, the owner and/or Occupier of land that abuts the verge the Street Tree is located on will be notified in writing that:
 - a. The Town of Cottesloe reserves the right to remove Street Tree Attachment at any time;
 - b. The Town of Cottesloe will not accept responsibility for any loss, injury, damage or impact caused to persons or property as a result of a the owner and/or occupiers private installation of a Street Tree attachment;
 - c. The Town of Cottesloe will not accept responsibility for any loss, damage or removal that occurs to the street tree attachment as part of the Town's ongoing Street Tree and/or Street Verge maintenance program.
 - If in the opinion of the Director Engineering Services a Street Tree attachment is considered to not meet the requirements of these protocols, then the adjacent Owner and/or Occupier will be required to remove and/or modify all or part of the Street Tree attachment to become acceptable to the Town.

2) Other Play Equipment

An owner and/or occupier of land which abuts a verge may on a Street Verge, or on a Street Tree on the Street Verge directly in front of their residential property, install or attach play equipment that does not meet the requirements of a Permissible Street Tree Attachments in accordance with the following protocols:

- Other Play Equipment (other than Permissible Street Tree Attachment):

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- a. Will be deemed to be Private Works on, over or under public places as defined by the Local Government (Uniform Local Provisions) Regulations 1996;
 - b. Will require a permit to be issued in accordance with:
 - Local Government (Uniform Local Provisions) Regulations 1996; and
 - Town of Cottesloe Residential Verges Policy and these protocols;
 - These protocols;
 - c. Cannot be permanently fixed to the Street Verge or Street Trees and must not incorporate sharp objects, protrusions or other elements which, in the town's opinion would present a hazard to people or property;
 - d. Must not, in the Town's opinion, obstruct or interfere with a clear line of sight for pedestrians, cyclists or motorists;
 - e. must be setback from and provide clear access to any infrastructure/services located on the verge;
 - f. if fitted to tree branches, are to be fitted to tree branches of safe and suitable dimensions;
 - g. must be constructed of durable material, securely installed and so that annual pruning requirements can be undertaken where required;
 - h. must provide a minimum 0.5 metre setback from the face of the kerb, a footpath and/or crossover/driveway;
 - i. shall not swing or protrude into and must not be able to swing or protrude into the space immediately above any road carriageway, footpath and or driveway.
- All materials to be used as part of the installation are to be in good condition.
 - If fitted on a street tree, all ropes or attachments around tree branches should be fitted as to prevent strangulation and eventual decline in the tree's health and vigour.
 - Platforms/Structures are not permitted on the Street Verge or attached to Street Trees located under power lines or above ROW's.
 - It is the responsibility of Owners/Occupiers to ensure that any street tree on the street verge remains healthy;
 - The Owner and/or Occupier of the of land that abuts the Street Verge must obtain from an insurance company approved by the Town of Cottesloe an insurance policy, in joint names of the local government and the person, indemnifying the Town of Cottesloe against any claim for damages which may arise in, or out of, its construction, maintenance or use, in accordance with regulation 17 (8)(b), Local Government (Uniform Local Provisions) Regulations 1996;
 - Owners of existing play equipment that would be dealt with under these protocols will be given 28 days to apply for a permit under these protocols;
 - If in the opinion of the Director Engineering Service play equipment on Street Verges and/or Street Tree pose an identifiable hazard to public safety may have it removed

after reasonable notice has been provided to the owner to make safe and a report is provided to Council.

3) Removal of unsafe or unauthorised Play Equipment on Street Verges or installed on Street Trees

No privately owned Play Equipment on Street Verges or install on Street Trees will be removed unless:

- The owner has had reasonable notice to make it safe and compliant with these protocols; and
- There has been a decision of Council to do so.