

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/Cubby 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):

Management Protocol for Play Equipment on Street Verges or Attached to Street Trees

- 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.

Our Ref: SUB/3323
Enquiries: Dave Lappan

19 August 2021

The Resident
Cottesloe WA 6011

Dear Resident,

Verge Play Equipment

At the May 2021 Ordinary Meeting, Council adopted a Temporary Management Protocol for Play Equipment on Street Verges and Attached to Street Trees, pending the development of a policy by a Task Force appointed by Council at the July 2021 Ordinary Meeting.

A copy of this document can be found at
<https://www.cottesloe.wa.gov.au/council/committees/committees-and-working-groups/task-force-on-residential-and-recreational-verge-uses.aspx>

The Town has since undertaken an audit of all verges in Cottesloe and wish to inform you that the play equipment on the verge in front of your property is EXEMPT from any further application process **provided it continues to comply with the following requirements:**

- (1) Permissible Street Tree attachments (no permit required) are as follows:
 - a. Swings;
 - b. Ropes/ladders;
 - c. Platforms/structures (ie Tree Houses/Chubby Houses); and
 - d. Any other item (not listed above) may be considered at the discretion of the Director of Engineering Services in accordance with this protocol.
- (2) 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 set back 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.

(3) All materials to be used as part of the installation are to be in good condition.

(4) All ropes or attachments around tree branches should be fitted as to prevent strangulation and eventual decline in the tree's health and vigour.

(5) Platforms/structures are not permitted in street trees located under power lines or above ROW's.

(6) It is the responsibility of Owners/Occupiers to ensure that the street tree remains healthy and attachments are well maintained.

The play equipment located on the Town of Cottesloe verge fronting your property has been placed on a register and we ask that you inform the Town by email at town@cottesloe.wa.gov.au should any circumstances change. As Council has appointed a Task Force to develop a policy for verge play equipment, this exemption is only valid until this position statement is adopted by Council. The Director of Engineering Services will then determine whether the exemption continues to apply depending on the guiding policy at that time.

In addition to the above conditions, the Town of Cottesloe also:

(7) Reserves the right to remove any Street Tree Attachment at any time;

(8) Will not accept responsibility for any loss, injury, damage or impact caused to persons or property as a result of an owners and/or occupiers private installation of a Street Tree attachment;

(9) 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 of Engineering Services, a Street Tree attachment is considered to not meet the requirements of these protocols, then the 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.

Please do not hesitate to contact David Lappan, the Town's Manager of Projects and Assets or alternatively myself on 9285 5000 or email town@cottesloe.wa.gov.au should you require any further information. Thank you.

Yours Sincerely,

Shaun Kan

DIRECTOR ENGINEERING SERVICES

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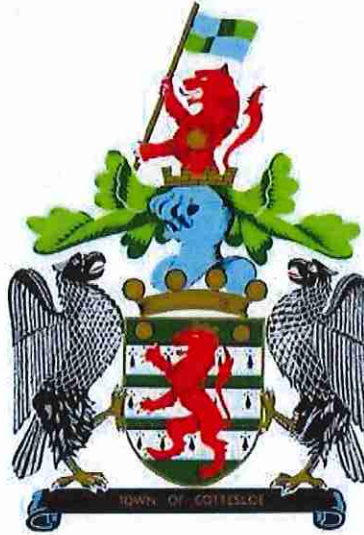
The Town has since undertaken an audit of all verges in Cottesloe and wishes to inform you that based on the criteria in the above mentioned document, the play equipment on the verge in front of your property will require an application (for a permit?) to be completed and lodged with the Town. Applications are to be submitted within 28 days of this letter to the Town of Cottesloe either in person at our Administration Centre at 109 Broome Street or by email at town@cottesloe.wa.gov.au (Marked to the attention of Director Engineering Services). The application form is available at **<INSERT LINK>**.

Please do not hesitate to contact David Lappan, the Town's Manager of Projects and Assets or alternatively myself on 9285 5000 or by email at town@cottesloe.wa.gov.au should you require any further information. Thank you.

Yours Sincerely,

Shaun Kan
DIRECTOR ENGINEERING SERVICES

TOWN OF COTTESLOE



TASK FORCE ON RESIDENTIAL AND RECREATIONAL VERGE USES

MINUTES

TASK FORCE ON RESIDENTIAL AND RECREATIONAL VERGE USES
HELD IN THE

Mayor's Parlour, Cottesloe Civic Centre
109 Broome Street, Cottesloe
4.00pm Thursday, 28 April 2022


MATTHEW SCOTT
Chief Executive Officer

2 May 2022

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 4.05pm.

1.1 ACKNOWLEDGEMENT OF COUNTRY

I would like to begin by acknowledging the Whadjuk Nyoongar people, Traditional Custodians of the land on which we meet today, and pay my respects to their Elders past and present. I extend that respect to Aboriginal and Torres Strait Islander peoples here today.

2 DISCLAIMER

The Presiding Member drew attention to the Town's Disclaimer.

3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member announced that the meeting is being recorded, solely for the purpose of confirming the correctness of the Minutes.

4 ATTENDANCE**Members**

Cr Craig Masarei	Elected Member
Cr Chilla Bulbeck	Elected Member
Cr Kirsty Barrett	Elected Member
Mr John Mengler	Community Representative
Ms Kelly McManus	WALGA Representative

Officers

Mr Matthew Scott	Chief Executive Officer
Ms Freya Ayliffe	Director Regional and Compliance Services
Mr Shaun Kan	Director Engineering Services
Mr Dave Lappan	Manager Projects and Assets
Ms Rachel Cranny	Executive Services Officer
Ms Kelly McManus	WALGA Representative
Mr Damien Gaughan	LGIS

Visitors

Nil

Apologies

Tracy Blaszkow – Kidsafe WA	Kidsafe WA Representative
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matters and the delivery of signed major projects of Council to ensure they are completed to the grant conditions; and

- October 2021 Local Government Elections.

LGIS and WALGA to present different insurance options to the Taskforce for consideration.

8 REPORTS

8.1 REPORTS OF OFFICERS

Nil

8.2 ITEMS FOR DISCUSSION

Discussion on different insurance options for play equipment and structures on Council verges.

Cr Masarei invited Damien from LGIS to speak.

Moved Cr Barrett Seconded Mr Mengler

THE Residential and Recreational Verge Uses Taskforce recommends to Council:

- 1. ADOPTS the existing interim protocol for play equipment on street verges subject to the deletion of point 12 requiring the owner to obtain insurance**
- 2. ASK the committee to refer the protocol to LGIS for their support and advice on the criteria**
- 3. REQUEST the Administration write to the Minister seeking his assistance to promote verge play equipment specifically referencing Regulation 17 (8)(b) asking for an amendment**
- 4. Upon APPROVAL the Administration will implement the interim permit system to the appropriate residents using the attached letters**

Carried 4/0

9 GENERAL BUSINESS

- Cr Barrett raised for discussion, the possibility for two new community representatives to join the Taskforce ?

It was decided following the discussion that the additional members will not be further considered at this time given the remaining time left for the committee to be in place and the need to re-advertise vacant positions for Council to approve appointees. However, this will be reconsidered in the event that the committee's commission is further extended.

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