

COU0018: MEMORIALS POLICY

Policy Type:	Council
Responsible Department:	City Development
Responsible Officer:	Manager City Design
Related Policies and Procedures	<ul style="list-style-type: none"> • Naming of Roads and Council Assets Policy • Public Arts Policy
Community Plan Link	<i>Community Living</i> 1.4 Our Community is proud to be part of our City.
Date Adopted	26 September 2016: C606/16
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Next review date	September 2022
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1. PREAMBLE

- 1.1 Council recognises the need for commemoration of an historical event or person of significance who has lived in or contributed to the local community.
- 1.2 Council also recognises that an event may result in a spontaneous community reaction, which may be one of grief or of celebration and that any associated temporary memorials should be managed appropriately.
- 1.3 This policy applies to temporary roadside memorials and permanent formal memorials on Council property or community land or other land under Council's care, control and management.
- 1.4 Council has a responsibility to maintain a safe and amenable streetscape.
- 1.5 Council has the power under legislation and by-laws to regulate the access to and use of local government land, certain public places and roads or road related areas.

2. SCOPE

- 2.1 To be considered for approval, a memorial or monument should commemorate:
 - an individual who has made a significant contribution to the cultural, political, sporting or social life of the local community; or
 - an incorporated body or group which has made a significant contribution to the cultural, political, sporting, or social life of the local community; or
 - a place or site of an historical event of local, state, or national significance; or

- a resident of or regular visitor to, the City who had an affinity with a particular location such as a park; or
- an event or activity of significance to the community.

3. POLICY PURPOSE

- 3.1 The Policy provides guidance for the community for the approval, placement, maintenance, and removal of memorials.
- 3.2 Council aims to be consistent in its approval and management of memorials.
- 3.3 Council aims to be empathetic to the diverse cultural responses to an event whilst considering the needs of the general community, the impact on adjacent properties and their occupants and any risks to safety at the location of a temporary memorial.
- 3.4 Council has the right to refuse an application to erect a memorial or monument on Council property, local government land, or a road or road related area.
- 3.5 Council has the right to remove any object or structure which creates a risk to the public.
- 3.6 Council has authority under the Local Government Act 1999 to remove objects from a road or public place.
- 3.7 A permanent memorial or monument on Council property, community land, or a road becomes the property of Council, and will be under the care, control and management of Council.
- 3.8 Council offers no guarantee that a memorial or monument will be preserved or remain at a site indefinitely.
- 3.9 All memorials existing within the City prior to adoption of this policy will be subject to the provisions of this policy.
- 3.10 Any proposed memorial should not commemorate a person, event or place that is already memorialised within the City.

4. DEFINITIONS

- 4.1 **Applicant** means the person, group or organisation making the application to Council to install a Memorial.
- 4.2 **Community land** is local government land classified as community land under Chapter 11 of the Local Government Act 1999.
- 4.3 **Council** means the Corporation of the City of Unley.
- 4.4 **DPTI** is Department of Planning, Transport and Infrastructure.
- 4.5 **Local government land** means land owned by Council or under Council's care, control and management.
- 4.6 **Memorial** means serving to preserve the memory of a deceased person(s) or event.
- 4.7 **Monument** means a structure or edifice of stone or other durable material that commemorates an event, action, or person.
- 4.8 **Plaque** means a flat tablet of metal or other durable material which includes text and/or images that commemorate a person, group, association, event or occasion. Such plaque is to be affixed to a building, object, or pavement.

- 4.9 **Road** means a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
- (a) a bridge, viaduct or subway, or
 - (b) an alley, laneway or walkway.
- 4.10 **Road related area** is any of the following as defined by Section 5(1) of the Road Traffic Act 1961:
- (a) an area that divides a road,
 - (b) a footpath or nature strip adjacent to a road,
 - (c) an area that is not a road and that is open to the public and designated for use by cyclists or animals, or
 - (d) any public place that is not a road and on which a vehicle may be driven, whether or not it is lawful to drive a vehicle there.
- 4.11 **SAPOL** is the South Australian Police.

5. ROLES AND RESPONSIBILITIES

- 5.1 This policy will be administered on behalf of Council by the Chief Financial Officer and:
- Manager City Design
 - Manager Strategic Assets
 - General Manager City Development
- 5.2 Decision making in relation to application of this Policy will be in accordance with Clause 7: Policy Delegations.

6. POLICY STATEMENT

Permanent Memorials and Monuments

6.1 *Type of Memorial*

- 6.1.1 Council may allow the placement of memorials and monuments including plinths, pillars, arches, cenotaphs, flagpoles, urns, avenues of honour or other memorial structures on community land or other land under Council's care, control and management.
- 6.1.2 Council may allow the placement of memorial plaques on furniture on community land or other land under Council's care, control and management. Only one (1) plaque will be permitted per bench or similar, unless the request for an additional plaque is made by the original commissioning family or organisation.
- 6.1.3 If appropriate to the location, a plaque may also be placed adjacent to a tree on community land or a road verge under Council's "Adopt a tree" program, street tree strategy and other relevant greening strategies and associated programs.
- 6.1.4 Furniture plaques are to be the standard size and design in use by Council at the time of application.

- 6.1.5 Park furniture is to be selected from the range of styles in use by Council at the time of the application.
- 6.1.6 Any proposal outside of the above will be considered by Council on a case by case basis.
- 6.1.7 After installation, the addition or temporary placement of any other memorabilia, photographs, or religious symbols or artefacts is prohibited at the site, except for during the six (6) weeks following the anniversary of the event being commemorated. At the end of that period, if not already removed by the family or responsible organisation, the objects will be removed by Council staff.

6.2 **Application and Approval**

- 6.2.1 Council approval must be sought and obtained before erection of a permanent memorial or monument on Council property or community land.
- 6.2.2 The application should be in writing and addressed to the Chief Executive Officer and include:
 - details of the proposal; and
 - information about the person, organisation, event or historic site, and the relationship or relevance to the Council area.
- 6.2.3 The proposed memorial should;
 - be in keeping with any current or proposed Community Land Management Plan;
 - not adversely impact on the site or users of that site; and
 - be sympathetic to the aesthetic and/or cultural integrity and functionality of the site.
- 6.2.4 Council Administration will;
 - assess the application and may issue approval for memorial plaques; and
 - liaise with the Applicant(s) to select an appropriate plaque and wording.
- 6.2.5 Council Administration will manage the design, manufacture, installation and maintenance of a memorial plaque.
- 6.2.6 Depending on the nature of the request, other applications may be referred to Council for decision.
- 6.2.7 Any proposed structure must meet relevant Australian Standards for construction and Council's associated policies.
- 6.2.8 Any proposed structure must not present a risk to the safety of persons using the facility or site.

6.3 **Costs and Maintenance**

- 6.3.1 The cost of memorials, park furniture, trees, any plaque attached, and installation will be borne by the Applicant.
- 6.3.2 Council will maintain memorial furniture or other plaques as part of its routine asset management plan. However, replacement of a plaque which has been damaged or lost as a result of theft or vandalism is at the Applicant's cost.

- 6.3.3 Other memorials or monuments will be at cost to the Applicant, or at a fee as set by Council, or as negotiated with Council according to the nature of the request.

6.4 Decommissioning

- 6.4.1 For purposes of this policy, the estimated lifespan of a memorial plaque on park furniture is estimated to be fifteen (15) years.
- 6.4.2 Other permanent memorials or monuments such as a fountain or ornamental feature may have a longer lifespan depending upon construction materials, and location.
- 6.4.3 At the end of that period, the condition of the plaque and structure to which it is affixed will be assessed. If beyond repair, then Council will endeavour to contact the Applicant. The options are to renew the plaque or return the original (i.e. the damaged item) to the Applicant. If the condition of the plaque is suitable for reuse, then the Applicant may wish to purchase a new bench or keep the plaque. Unclaimed plaques will be held by Council for three (3) years from the time of decommissioning and then destroyed.
- 6.4.4 Where maintenance or redesign of the site necessitates the removal or relocation of a memorial or monument, Council will endeavour to contact the Applicant.
- 6.4.5 Where the memorial or monument has deteriorated beyond repair, Council reserves the right to remove the object. Prior to removal, Council will make a reasonable attempt to contact the Applicant to discuss options.
- 6.4.6 Requests by the public to take possession of decommissioned items (such as benches) will be assessed on a case by case basis.

6.5 Memorial or Commemorative Trees & Plantings

- 6.5.1 An application for a memorial or commemorative tree may be considered and assessed on the following criteria:
- does the request comply with the existing master plan or planting design for the park or streetscape?
 - the number of existing trees, plaques, and memorials in the vicinity.
- 6.5.2 If approved, Council will source the tree or plantings to ensure a suitable nursery standard.
- 6.5.3 A plaque, complying with Council's standard size and design, may be installed at the base of the tree or in the pavement adjacent to the tree. The fixing of any object to a tree is not permitted.
- 6.5.4 The memorial tree or planting will be included in Council's parks and tree maintenance program.
- 6.5.5 Council cannot guarantee the good health or longevity of a tree or planting or that it will be replaced at the end of its lifespan or after damage by a weather event or vandalism.
- 6.5.6 In the event of a memorial tree being replaced, Council will endeavour to contact the Applicant or related community group to inform them of the change. Where the species or provenance is of importance to the memorial nature, Council will endeavour to maintain the integrity of the original memorial intent.

6.6 **Register of Memorials**

6.6.1 Council will maintain a Register of permanent memorial plaques and monuments. The Register will include the following information:

- name of Applicant;
- Applicant's postal address;
- Applicant's street address;
- telephone number and/or email address;
- name of person, organisation, or event to be memorialised;
- relationship to person, organisation, or event to be memorialised;
- type of memorial;
- site of memorial;
- designer, artist or architect; and
- manufacturer.

6.6.2 It is the Applicant's responsibility to ensure relevant contact details are kept up to date.

6.7 **Temporary Memorials**

6.7.1 Council recognises that members of the community may wish to mark the location of an incident with the placement of a temporary memorial or roadside vigil or to celebrate a significant community or cultural event.

6.7.2 Given the spontaneous nature of this type of memorial, Council permission is not required before placement of objects. However, a family or group representative should notify Council as soon as possible of the installation of the temporary memorial and provide their name and contact details. This will enable Council to liaise with the family or group representative.

6.7.3 An Applicant wishing to install a temporary memorial or hold a vigil or celebration on local government land, a road, or road related area, must acknowledge that the memorial or vigil or celebration:

- is temporary in nature;
- may only remain on the site for a period of six (6) weeks from the date of the event and anniversary of the event unless alternative arrangements are made with Council;
- must be maintained by that individual or group;
- be considerate and respectful of the impact on adjacent property owners and occupants;
- the individual or group must remove the items at the end of the six (6) week period, or a period negotiated with Council; and
- will remain at Council's discretion or as otherwise directed by SAPOL or DPTI.

6.7.4 The temporary memorial **must not**:

- present a risk to the public;
- be hazardous or impede users of a footpath or road;

- be attached to, damage or mark Council infrastructure or trees;
- distract drivers in any way;
- restrict access for utility and emergency services;
- alter or prevent maintenance of the road or road related area, or Council property or infrastructure;
- include flashing lights; and
- include music.

6.7.5 Council will remove a roadside memorial where it does not comply with the above criteria and no further placement of memorial items will be allowed at that location.

6.7.6 If the owner of the items can be identified, Council will attempt to contact the owner and return those items.

6.8 **Spreading of Ashes**

6.8.1 In accordance with *By-Law 3, Local Government Land*, Council will consider requests to scatter ashes of deceased persons or animals on local government land on a case by case basis. Where approval is granted, the ashes are to be distributed at a time and in a manner which does not create a nuisance or disruption to other users or the operation and functional use of the site.

6.8.2 Ashes are not permitted to be scattered on the centre square, goal square or cricket pitch of an oval.

6.8.3 No plaque or other memorial object is permitted at the site where the ashes have been scattered unless approved by Council.

6.8.4 The burial or interment of human remains is prohibited except in a cemetery as defined by the *Burial and Cremation Act 2013*.

6.9 **Peter Motley Oval (Unley Oval) Fence Pickets**

6.9.1 Council has approved a permanent fence being erected around the playing field of Peter Motley Oval.

6.9.2 Fence pickets can be purchased as a memorial, with each picket individually numbered and personalised with the nominated name and/or family name.

6.9.3 Memorial fence pickets are administered by the Sturt Football Club.

7 **POLICY DELEGATIONS**

7.1 Full information about the sub-delegated powers and duties is contained in the Council Delegations Register.

7.2 The Chief Executive Officer or their delegate is delegated to approve:

- the installation of any memorial plaque and wording on same; and
- the scattering of ashes on local government land.

8 LEGISLATION

- *Local Government Act 1999*
- *Council By-laws: No. 2 – Roads, No. 3 – Local government land*
- *Road Traffic Act 1961*
- *Burial and Cremation Act 2013*
- *State Records Act 1997*
- *“Adopt a Tree” Program*

9 AVAILABILITY OF POLICY

9.1 The Policy is available for public inspection during normal office hours at:

The Civic Centre,
181 Unley Road, Unley SA 5061.

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from the Council’s website www.unley.sa.gov.au.

10 DOCUMENT HISTORY

Date	Ref/Version No.	Comment
26 September 2016	C606/16: V1	
04 October 2016	SC008/16: V2	
23 September 2019	C106/19: V3	