

Policy Name	Memorials
Policy Number	CD37
Responsible Section	Community Development
Responsible Department	Community Development
Date Last Adopted	11 July 2023
Date of Next Review	July 2026
Applicable Legislation	Local Government Act 1999 Burial and Cremation Act 2013
Related Governance Documents	Council – Public Art Policy Council – Street Naming Policy Open Space Strategy Placemaking Model Arts and Culture Strategy 2020-2025 Department for Infrastructure and Transport, Operational Instruction – Roadside Memorials Memorials Guidelines
City Plan Theme	Community Leadership

1. PURPOSE/OBJECTIVE

Council recognises that memorials (including monuments) are an important way to commemorate the lives of loved ones, provide a place for remembrance, and create an enduring record of the contribution of individuals, groups and significant community events.

This policy provides a framework for a consistent, transparent and equitable approach to memorialising individuals, groups, events and matters of community significance within the City of Port Adelaide Enfield.

2. SCOPE

This policy applies to:

- new and existing memorials (including monuments) relating to persons, groups or events of significance,
- temporary and roadside memorials,
- funeral and memorial services, and
- the scattering of ashes

on Local Government Land under the care and control of the City of Port Adelaide Enfield.

This policy does not apply to:

- roads under the care and control of the Department for Infrastructure and Transport,
- plaques associated with historical markers,
- heritage recognition programs, or
- Council buildings, infrastructure or public art unless constructed principally as a memorial or monument.

This policy should be read in conjunction with the Memorial Guidelines.

3. PRINCIPLES

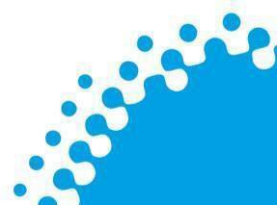
This policy provides a consistent approach to memorials within the City of Port Adelaide by considering the following principles:

- Open space within the City of Port Adelaide Enfield needs to accommodate and respect a diverse range of community needs, views and uses.
- There are limited, appropriate spaces for memorials, hosting of memorial/funeral services and scattering of ashes within the City.
- Memorials will be limited to individuals, group or organisation with an established connection to the City of Port Adelaide Enfield. For infants, children and young people the connection may relate to their parents or other immediate family members.
- Applications for memorials or monuments will generally not be approved where a memorial for that person, group, event or occasion already exists within the City. However, special anniversaries relating to existing memorials or monuments may be acknowledged.
- Applications for memorials or monuments for animals (including pets) will be considered only in exceptional circumstances.
- Memorials and monuments, together with their surrounds, are costly to assess, design, construct, install and maintain. These lifecycle costs must be considered in advance of the construction and installation of any memorial or monument.
- Any existing memorial or monument cannot be taken as a precedent for future approvals.
- Council retains the right to determine and vary from time-to-time the conditions upon which it establishes and maintains a memorial, or to remove a memorial at its discretion.

4. POLICY

4.1 ASSESSMENT, APPROVAL AND OWNERSHIP OF MEMORIALS

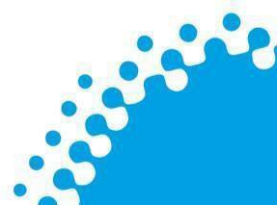
- Criteria for memorials will be set out in the Memorial Guidelines.
- Applications for memorials must be made using an application form designed for this purpose and comply with the format and content requirements set out in the Memorial Guidelines.
- Applications to memorialise individuals will be assessed and approved by the Memorial Panel.
- The Memorial Panel may, at its absolute discretion, make any enquiries it deems necessary in order to assess the application, however it is not bound to do so. This may include family members



- Unless there are exceptional circumstances, applications for memorials (including monuments) should relate to a person who has died at least one year ago.
- Applications for monuments will be assessed by the Memorial Panel and a report prepared for decision by Council.
- Memorials to a person or group who has made a significant contribution to a club, group or organisation will generally be installed within the interior of the club's building
- Memorials to individuals or groups on buildings will generally be limited to the building being named after the individual or group. Should the use of the building or lessee subsequently change the decision about whether or not to maintain the name will be at the discretion of Council and the new lessee.
- Approval of a monument will be subject to an agreement between the applicant and the Council which covers design, construction, installation, costs (including all fees and charges payable), maintenance and tenure.
- Approval for a memorial does not include or extend to the placement of photos, flowers, memorabilia or other material adjacent to, on or in the vicinity of the memorial. Council's Administration may remove such items without prior notice to any person, including the applicant. In the case of monuments, flowers or wreaths may be laid at appropriate commemorative days (eg. ANZAC Day or Remembrance Day).
- The Memorials Panel or Council may, in their discretion, refuse applications for memorials or monuments where:
 - there is an overt religious or political affiliation;
 - there is undue promotion of a business or sponsor;
 - the proposed plaque, memorial or monument is considered offensive or has the potential to offend;
 - family members or of the deceased person or close associates, government agencies or other statutory organisations object to the memorial; or
 - for other reasons in line with the intention of the Policy.
- Particular locations within the City may reach a saturation point for memorials or monuments. Where the Memorials Panel deems this to be the case limitations or a moratorium on future installations will be applied, and exceptions to this will be considered on a case-by-case basis.
- All memorials (including monuments) on land under the care and control of the City of Port Adelaide Enfield will be deemed to be under the unconditional control of the Council and managed in accordance with any agreement between the applicant and the Council.

4.2 COSTS AND MAINTENANCE OF MEMORIALS

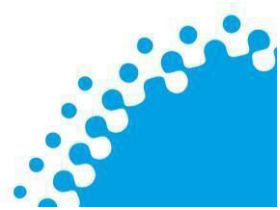
- Applicants must meet all costs associated with the design, construction, supply and installation of a memorial. Such costs, together with any inclusions or exclusions will be set out in the Memorial Guidelines and/ or Council's Schedule of Fees and Charges.
- All costs must be paid in full by the applicant prior to any commencement of works.



- In the case of a Memorial Tree, the fee paid by the applicant will include any costs associated with the purchase, planting and establishment of the tree at the chosen site.
- The ongoing cost of maintaining any tree, seat or other infrastructure to which a memorial is attached to will be borne by The City of Port Adelaide Enfield.
- In the case of a plaque attached to a bench seat, street furniture or other infrastructure specially installed for memorial purposes, the fee paid by the applicant will include all costs associated with the tendering, purchase, supply and installation of the infrastructure, but exclude the cost of the plaque itself.
- Large memorials or monuments can only be supported if sponsorship, donations or community fundraising has or can reasonably be obtained for all costs associated with the monument. This includes design, tendering, manufacture, supply, installation, project management and maintenance.
- Approval for memorials (including monuments) will be valid for one year.
- Council may choose to contribute funds to a memorial or monument which is for a broad community purpose or marks an individual, group, organisation or event that has broadly affected the community.

4.3 REMOVAL OR RELOCATION OF MEMORIALS AND MONUMENTS

- Memorials and monuments have a finite life and while reasonable efforts will be made to extend their life, Council or its Administration cannot guarantee that any memorial or monument (including a tree or plaque) will remain at the designated site indefinitely.
- Council and its Administration reserves the right to remove any memorial it considers is no longer required, appropriate, has deteriorated or requires significant repair, is the subject of damage or graffiti, or poses a risk to community safety.
- In the case of a memorial (including a monument) posing an unacceptable risk to public safety it will be removed immediately and reasonable efforts will be made to contact the applicant post removal. In all other instances, reasonable efforts will be made to contact the applicant prior to removal of the Memorial.
- Any alteration or replacement of a memorial or monument must comply with the Memorial Policy and Guidelines.
- Memorials (including monuments) for which prior approval has not been obtained may be removed by Council's Administration at its sole discretion. If the identity of the person/s responsible for the memorial is known by Council, reasonable efforts will be made to contact such person/s and advise them of this intention.



4.4 TEMPORARY AND ROADSIDE MEMORIALS

- Temporary and roadside memorials generally arise spontaneously as a result of tragic circumstances. Council or its Administration will not unreasonably prevent the installation of such memorials, however controls may be put in place to ensure that such memorials do not cause a distraction or safety hazard to road users, fall into disrepair and become unsightly, or detract from the amenity of an area in the longer-term.
- Council Administration may relocate or remove a temporary or roadside memorial that is the subject of objection or complaint from nearby residents or from road users. Such objection/s may include the activity of visitors to the memorial.
- Council Administration will make reasonable efforts to contact the next of kin or person/s responsible for the memorial and advise them of the need to relocate or remove, however this may not always be possible.
- Council will not be responsible for the maintenance, loss, damage or relocation of temporary or roadside memorials.
- Any matter relating to a temporary or roadside memorial not covered by this Policy will be guided by the Department of Transport Operational Instruction - Roadside Memorials.

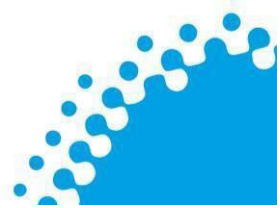
4.5 FUNERALS AND SCATTERING OF ASHES

- Council recognises the increasing desire of community members to hold a funeral, memorial or other service commemorating an individual's life in a public space, such as a reserve, hall, beach or foreshore area.
- Applications may be made to host funeral, memorial or other such service in a building or on land owned by Council. Such requests will not unreasonably be denied, however applicants are expected to adhere to the Memorial Guidelines, seek all necessary permits and pay all applicable fees and charges.
- Following a person's cremation, scattering of their ashes may be permitted at appropriate public spaces within the City.
- Burials are not permitted outside of cemeteries unless approved by Council and the relevant government authorities. All requests must comply with all the requirements of the *Burial and Cremation Act 2013*.

5. ROLES AND RESPONSIBILITIES

Council is responsible for:

- endorsing a Memorials Policy;
- endorsing changes to the Memorials Policy or Guidelines which significantly alter the intent or operations;
- deciding whether or not to approve a request for a monuments;
- deciding whether or not Council will contribute toward the costs of a memorial or monument; and
- deciding whether or not to remove a monument.



The Memorials Panel is responsible for:

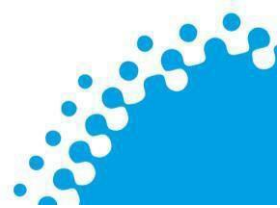
- convening at such times as required;
- developing and updating Memorial Guidelines;
- developing operating procedures, forms, and other such information as to give effect to the Memorial Policy;
- applying the Policy and Guidelines to each application, and carrying out follow-up actions as required, including seeking expert advice or community feedback;
- giving timely information about the progress of an application to the applicant;
- reaching a decision as to whether or not an application for a memorial is accepted or declined and communicating this decision to the applicant;
- considering requests to replace existing memorials and monuments damaged or otherwise degraded or requiring alteration;
- identifying and publishing sites which have become overly saturated with memorials together with possible new sites for memorials;
- deciding whether or not to remove a memorial for an individual, in keeping with the policy and guidelines; and
- preparing reports to Council as required by the Policy and Guidelines.

This Panel shall comprise of:

- the Manager Parks and Gardens or his/her delegate;
- the Manager Community Development or his/ her delegate;
- at least one other Council staff member with skills and experience relevant to the Panel's business; and
- an administrative officer charged with maintaining minutes, correspondence and other records as necessary.

Any appeal to a decision of the Memorials Panel must be made in writing to the Chief Executive Officer.

The Community Development Manager is responsible for the oversight and review of this Policy.



5. DEFINITIONS

Applicant – means the person, group or organisation submitting a proposal for a plaque, memorial or monument.

Council – means the City of Port Adelaide Enfield, its Elected Members and staff acting in accordance with any powers conferred to them by delegation or duties assigned to them.

Council Administration – means staff employed by the City of Port Adelaide Enfield.

Memorial – a two or three-dimensional object or feature designed and established specifically in memory of an individual, organisation, anniversary or event. Memorials are limited to plaques, memorial trees and inscriptions on public art (or similar items) designed for this purpose.

Monument – a two or three-dimensional object or architectural structure or statue which has or is expected to have enduring significance and has a significant impact on a public space. It may or may not have a memorial function, but is generally intended to recognise a person, group of persons or event of broad and lasting significance to the community or region. In general, it will be larger and hold more gravitas than a memorial. Examples might include life size granite, bronze or other metal statues or busts mounted on a plinth or other staging, fountains of significant scale, or large sculptural works dedicated to or in likeness of a person, group, event or other matter of significance.

Plaque – a form of memorial generally consisting of a flat piece of metal, stone or other durable material with a two-dimensional face that can be fixed to an object, pavement or building. It includes text and/or images to recognise a person, group, place or event.

Public Open Space – means land available to the public for recreation or sport or has a conservation or aesthetic purpose. Open space includes reserves, parks, trails, sportsgrounds, civic areas, play spaces and streetscapes.

Road – Means a Public Road as defined by the *Local Government Act 1999*.

Roadside or Temporary Memorial – a temporary memorial constructed following the death of a person resulting from or in connection with a motor vehicle accident, or as a result of a tragic accident or event in a public place.

