

Memorial Management Policy



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| Record number | D19/54870 |
| Responsible Manager | Manager Civil Assets Manager Parks |
| Other key internal stakeholders | Director Assets & Environment Director Community & Cultural Development Supervisor Civil Operations & Depot Services Manager Civil & Water Operations Manager City Safety |
| Last reviewed | Policy and Strategic Development Committee |
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| Legal requirement | Nil |
| Due date next review | 2023 |

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PURPOSE

The purpose of this policy is to provide guidelines for requests for the installation of Memorials on Local Government Land and on a Road under the care and control of the City of Tea Tree Gully.

This Policy does not apply to a Road under the care and control of the Department of Planning Transport and Infrastructure.

The existence of this Policy will assist to ensure that such requests are managed in a consistent and accountable manner.

This Policy is not intended to manage applications for monuments in cemeteries or The Returned and Services League (RSL) Memorial Garden.

POLICY

Requests for the Installation of Memorials

From time to time, Council receives requests from members of the public for the installation of Memorials on land that is managed by Council.

Council may attach conditions to any grant of approval for a Memorial (temporary or permanent), which may be varied at any time in writing by Council.

The following principles apply to requests for:

Permanent Commemorative Memorials

In accordance with paragraph 4.13.2 of the “Local Government Land By-Law 2015” or section 221 of the *Local Government Act 1999*, the installation of permanent commemorative Memorials on Local Government Land or Council Roads are not permitted without prior approval from Council. Council may grant approval for the installation of such Memorials in accordance with the following conditions:

1. Requests for the installation of permanent Memorials must be made in writing and Council will provide a written response whether approved or not.
2. Memorials (e.g. markers, plaques or other indicators depicting sites of personal significance) are not to present a public risk or impediment as determined by Council.
3. All costs associated with the provision and installation of the Memorial are to be borne by the applicant.
4. A new or replacement bench with a memorial plaque attached will be considered upon application according to the following criteria:
 - a. The materials are to be supplied by the applicant, based upon specifications provided by Council
 - b. Applicants are to meet all costs associated with the supply and installation. On-going maintenance thereafter will be at a service level determined by Council, as resources permit. Council will have the right to remove any memorial bench at any time.

5. Any Memorial requests, other than a bench seat, will be referred to Council for consideration.
6. Replacement of the commemorative symbol due to loss/damage or asset depreciation will be at the discretion of Council.
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 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 may be removed by Council.
8. Council reserves the right to remove any approved Memorial if it considers it is no longer required or appropriate (excluding Memorials from cemeteries, which is governed by the Burial and Cremations Act and Regulations). Every effort will be made to contact the applicant (or their descendants as the case may be) of Council's intention to remove the Memorial to provide the applicant with a reasonable opportunity to repair, remove or relocate the Memorial.
9. No fees will apply for applications for Permanent Commemorative Memorials.

Temporary Commemorative Memorials

The installation of temporary commemorative Memorials within land that is managed by Council is not permitted without written approval from Council. Council may grant approval for the installation of such Memorials in accordance with the following conditions:

1. Requests for the installation of temporary Memorials must be made in writing and Council will provide a written response whether approved or not
2. Memorials (e.g. markers, plaques or other indicators depicting sites of personal significance) are not to present a public risk or impediment as determined by Council
3. May only remain on the site for a period of six weeks from the date of the event and anniversary of the event unless alternative arrangements are made with Council
4. The individual or group must remove the items at the end of the six week period, or a period negotiated with Council
5. Any other reasonable condition considered relevant to the application (previous and/or current)
6. All costs associated with the provision and installation of the Memorial to be borne by the applicant
7. No fees will apply for applications for Temporary Commemorative Memorials.

Disposal of Cremated Remains (Ashes)

In accordance with paragraph 4.21 of the By-law, a person must not without permission from Council, bury, inter or spread the ashes of any human or animal remains on Local Government Land.

Council will consider requests for the disposal of cremated remains of deceased persons or animals on Local Government Land on an individual basis, according to the following criteria:

1. Any approvals will consider that the ashes must be spread or scattered rather than being deposited on Local Government Land other than in a dedicated cemetery
2. Any approvals will consider that the spreading or scattering of ashes must not be carried out at a time when the approved location is being actively used (e.g. on a football oval during a game or during a break in the game)
3. Any approvals will be considered with the criteria established under the above section entitled "Temporary Commemorative Memorials".

Register

A register of Memorials and plaques within the City of Tea Tree Gully will be kept in Council's records management system.

LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this policy:

[Local Government Act 1999](#)

Section 221 of this Act states that a person (other than Council or a person acting under some other statutory authority) must not make an alteration to a public Road unless authorised to do so by Council.

Section 221(5) of this Act, states that Council is not liable for injury, damage or loss resulting from anything done under the authority of an authorisation under section 221(2)(b).

Before the Council authorises the installation of a structure on a Road, Council must give consideration to whether the structure will:

- unduly obstruct the use of the Road
- unduly interfere with the construction of the Road
- have an adverse effect on Road safety.

[Burial and Cremations Act 2013](#)

This Act provide for and regulates the identification, handling, storage, transport, disposal and Memorialisation of human remains; to provide for the establishment, administration and closure of cemeteries and natural burial grounds; to provide for the conversion of closed cemeteries into parklands or public parks or gardens; and for other purposes.

Other references

Council's document including:

- Council's By-law No. 3 – "Local Government Land By-Law 2015" - provides for the management and regulation of the use of Local Government Land owned by or under the care, control and management of Council (other than streets and Roads), including the prohibition and regulation of particular activities on such Local Government Land.
- Council's Fees and Charges Register

External document including:

- [The Department of Planning Transport and Infrastructure, Operational Instruction 19.5, Roadside Memorials.](#)

STRATEGIC PLAN/POLICY

Strategic Plan

| Theme | Objective | Comments |
|---------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HEALTHY AND SAFE | <i>A community where people are safe in our public places and spaces.</i> | The policy seeks to manage the physical design, materiality and positioning of any proposed Memorials in the public realm so as to minimise potential dangers to Road users and pedestrians. |
| PROSPEROUS AND CONNECTED | <i>A community that has a say in decisions that affect them.</i> | The policy provides an avenue for people to commemorate local community members in a visual way which may assist families better cope with the outcomes of serious Road accidents and similar events. |

Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The themes most relevant to this report are: People and Leadership; Customers and community relations; Governance; Finance and systems, Continuous improvement

DEFINITIONS

For the purposes of this policy the following definitions apply:

Local Government Land

In accordance with Council's By-law No. 3 – "Local Government Land By-Law 2015" all land owned by Council or under Council's care, control and management (except Roads).

Memorial

Under the Burial and Cremation Act 2013 this means:

- A gravestone, plaque, cenotaph or other monument
- Any other structure or permanent physical object used to Memorialise a deceased person.
- For the purposes of this Policy, this may also include living persons.

Road

In accordance with the Local Government Act 1999 a Road is defined as a public or private street, Road or thoroughfare to which public access is available on a continuous or substantially basis to vehicles or pedestrians or both and includes:

- a) a bridge, viaduct or subway or
- b) an alley, laneway or walkway

POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.

ACCESSIBILITY

This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: www.cttg.sa.gov.au

Hard copies, for a fee, can be provided in accordance with Council's Fees and Charges Register at Council's Civic Centre at 571 Montague Road, Modbury SA 5092.