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1. POLICY STATEMENT

The Flinders Ranges Council (the Council) recognises that members of our community may wish to use public open space to commemorate a person or group of people through a memorial which adds to the value of the wellbeing of the community.


This policy has been established to provide guidance for the Council for memorials recognising people or groups of people within Council's public open space on Local Government land.

Memorials must be designed and installed to enhance public spaces and should be positioned to ensure they contribute to the best use of the space for all members of the public. Any person or organisation is able to apply:

- 1.1. for a memorial item of park infrastructure i.e. park bench, seat or picnic setting provided it is consistent with the existing or proposed design standard in that reserve. A plaque may be attached to the backrest of the seat or to the park bench.
- 1.2. for a memorial tree in any reserve provided it is consistent with the existing or proposed planting design in that area. No special care or guarantee of replacement is given. Plaques will not accompany trees.
- 1.3. Applicants must establish a significant link between the person or group being recognised and the Council area in which the memorial is proposed. Applications will only be accepted for memorials to deceased persons i.e. memorials to animals and pets are specifically excluded.
- 1.4. The exact position, and design of each memorial shall be agreed by the party funding the memorial and the Council. Consideration should be given to ensuring that memorials are:
 - a. distributed across locations and not inappropriately clustered;
 - b. positioned to reflect the meaning of the place to the donor family;
 - c. positioned to make a positive contribution to the amenity of park and foreshore areas.

Where difficulties or conflicts arise concerning the position or design of a memorial, the matter should be referred to the Council for resolution.
- 1.5. No additional maintenance will be carried out on memorials, with existing service levels to apply as are applicable to other assets of a similar nature across the Council area.
- 1.6. All costs of supply and installation of the memorial item/s including the plaque will be borne by the applicant/donor.
- 1.7. The ordering, supply and installation of memorial item/s will be undertaken by the Council.

The policy excludes reserve naming or commemorating people for service to the community, monuments or war memorials, signage, display boards, banners or public art works.

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2. DEFINITIONS

Applicant and/or Donor - A person or group who propose the installation of a memorial.

Community Wellbeing - a community with a high degree of wellbeing enjoys a healthy community life.

Local Government Land - Land owned by a council or under council's care, control and management. For the purposes of this policy it does not include operational land.

Memorial – Park furniture (i.e. park bench, seat or picnic setting), tree, stone/rock or etched paving designed to preserve the memory of a person or group.

Plaque – A flat tablet of metal or other durable material which includes text and/or images that commemorate a person or group of people.

Public Open Space – includes community land, road reserve and operational land owned by Council and any other land in Council's care, control and management.

Road – For the purposes of this policy, the definition of a “road” is as per Section 4 of the *Local Government Act 1999*, being:

“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.”

Road-Related Area - For the purpose of this policy, the definition of a “road related area” is as per Section 5 of the *Road Traffic Act 1961*, being:

- “(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;
- (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”.

Sustainable – Maintaining all elements compatibly within an item of infrastructure, in safe operating condition, to deliver their facility in the most economical, maintenance-reduced manner, having regard to amenity, for as long as possible within the limits of acceptable wear and tear, technological best practice, and funding provisions.

3. PRINCIPLES

In relation to the activities associated with Memorials, including the application for, the placement and location, and the costs, the following guidelines have been developed to support Council's strategic directions:

3.1. Application and Approval

Objective.

To provide guidelines for the application and approval of a memorial, enabling a clear and transparent process



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- 3.1.1. All requests for memorials must be made in writing to the Chief Executive Officer.
- 3.1.2. All applications and approvals must be considered in accordance with this policy.
- 3.1.3. Applications for new memorials should include:
- The type of memorial requested;
 - Where possible, three feasible sites/locations for consideration;
 - Explanation of the significance of these sites and the connection to them;
 - Proposed text for the plaque (if appropriate);
 - Any other pertinent information; and
 - Commitment to fund the memorial.
- 3.1.4. Approvals must be sought and granted prior to the installation of memorials/plaques.
- 3.1.5. Approval or refusal of these applications will be made under delegation by the Chief Executive Officer.
- 3.1.6. The applicant must make full payment upon approval of the application.
- 3.1.7. If the application falls outside these policy guidelines, and the applicant wishes to pursue the matter then it shall be referred for consideration by Council.
- 3.1.8. If the application is not approved, reasons for this will be communicated to the applicant.

3.2. Costs

Objective.

To provide for some consistency and clarity in relation to costs associated with the provision of memorials across the Council area.

- 3.2.1. All costs incorporating supply and installation of the memorial are to be borne by the applicant.
- 3.2.2. All ordinary maintenance costs are at Council's expense however no additional maintenance will be undertaken outside of existing service levels.

3.3. Plaques

Objective.

To provide a level of consistency across the Council for plaques to exist on park infrastructure.

- 3.3.1. The size of plaques to be affixed to park infrastructure should fit appropriately on the furniture with the text and size of the plaque to be approved as part of the application process.



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3.3.2. Plaques will of a durable nature and consistent across the Council area. Options available will be dependent on location of the memorial according to reserve hierarchy and other considerations such as exposure to the elements e.g. coastal locations.

3.3.3. Any costs associated with any replacement plaque needed for the memorial item shall be the responsibility of the applicant/requestor.

3.4. Lifespan of a Memorial

Objective.

To provide clarity around the life span of memorials and options for applicants, family members/friends and the Council beyond this life span.

- 3.4.1. The Council cannot guarantee that a memorial will be preserved or remain at the site indefinitely. For park furniture or paving the life span of the memorial will be assumed to be 10 years. At this time, the Council will make every attempt to make contact with the original applicant as recorded in the register to discuss the possibility of a right of renewal.
- 3.4.2. If a reserve is to be redeveloped, then every attempt will be made to contact the applicant or family members to advise the reserve is to be redeveloped. The life of the memorial will cease at the time of the reserve redevelopment no matter what the asset life/memorial age is and the family/applicant will, if appropriate, be given the option to install a new memorial in line with the policy and proposed design standards for the reserve.
- 3.4.3. If a memorial is removed due to reserve redevelopment and contact can be made with next of kin, the family will be offered the removed memorial seat and/or plaque for their use.
- 3.4.4. Should a piece of park furniture being the memorial be vandalised beyond repair it will be deemed to be at the end of its useful life and the Council will make every attempt to make contact with the applicant to inform them of this. If the applicant wishes to renew the memorial, they will need to lodge a new application.
- 3.4.5. Should the applicant wish to renew the memorial and this is acceptable to Council, then the asset and plaque (if required) will be replaced at the applicants cost.
- 3.4.6. In the case of a memorial tree, there will be no right to renewal and should the tree die the applicant will need to lodge a new application for a new memorial tree.
- 3.4.7. Plaques depending on their material will have varying life spans however the applicant / donor will be responsible for their renewal.
- 3.4.8. All reserve development plans will need to consider the memorials that exist within the reserve in redeveloping the reserve as per 3.4.1. above.



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3.5. Maintenance / Vandalism / Replacement

Objective.

To provide clarity of responsibility around maintenance, replacement and instances of vandalism.

- 3.5.1. The costs for the replacement of a plaque will be borne by the applicant if it needs replacement at any time.
- 3.5.2. Upon the completion of 10 years, should the applicant wish to pay for the renewal of a 'like' piece of park furniture and all associated costs, they can discuss this with Council staff at the time if appropriate for the setting.
- 3.5.3. Maintenance service levels in respect to memorials will be the same as the other assets of a similar nature across the Council area.
- 3.5.4. Council reserves the right to remove a memorial if it falls into a state of disrepair or remove a memorial after the expiry of 10 years.

3.6. Memorial Register

Objective.

To enable a greater understanding of the memorials in place and keep a record of contact details of applicants/next of kin in each case.


- 3.6.1. Upon adoption of this policy, the Council will keep a register of memorials including the type and detail of the memorial and contact details for next of kin.
- 3.6.2. It will be the responsibility of the applicant/donor to update their contact details with the Council in order for the Council to make contact regarding the memorial if required.

3.7. Public Safety

Objective.

To ensure that due consideration of public safety is given in assessing applications for memorials to be placed or that already exist in public open space on Local Government land.

- 3.7.1. The design and placement of a memorial should not present a safety risk to pedestrians, cyclists or motorists.
- 3.7.2. Council will conduct a risk assessment where public safety issues are identified.
- 3.7.3. Council reserves the right to relocate memorials to suitable nearby locations where there is deemed to be a safety issue with the location and placement of the memorial. In doing so, every attempt will be made to do this in liaison with the applicant/donor of the memorial.

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3.8. Other

Objective.

To clarify any issues falling outside of other policy areas.

- 3.8.1. In the instances of existing memorials installed prior to the date of this policy, which subsequently require removal, every effort will be made to contact next of kin prior to such removal. Replacement will not occur if contact cannot be made with the initial donor.
- 3.8.2. All memorials existing within the Council area prior to the adoption of this policy will be subject to the provisions of this policy.
- 3.8.3. Memorials should be consistent with the Community Land Management Plan for that location.
- 3.8.4. All memorials and plaques placed in Council owned and managed land are Council assets and therefore are owned and under the care, control and management of Council.
- 3.8.5. Memorials erected on roads or road related areas shall be in accordance with Section 221 of the *Local Government Act 1999* and shall in all regards be the responsibility of the applicants. This in no way denotes any interest in the land by the memorial owner. Memorials on arterial roads will be referred to the Department of Infrastructure and Transport (DIT) for comment. Where DIT object to a memorial on safety grounds, the Council will refuse the application.

4. RESPONSIBILITIES

The Chief Executive Officer will be responsible for this policy

5. REVIEW

To be reviewed within 12 months after a General Election, in line with legislation and any legislative changes or by resolution of Council.

6. LEGISLATION

Local Government Act 1999
Road Traffic Act 1961

7. AVAILABILITY OF POLICY

This Policy will be available for inspection at the Council Offices during ordinary business hours at no charge and a copy may be purchased for a fee as set annually by the Council.

Copies of this policy will also be available from the Council's website www.frc.sa.gov.au



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Adopted by Council 21 February 2017
Resolution 025/2017

Review Date	Version Number	Change	Resolution
20 December 2016	Draft 1	Released for Public Consultation	277/2016
21 February 2017	v1	Adopted by Council	025/2017
19 April 2022	V2	Minor formatting, spelling and grammar amendments and update of State Government Department name	65/2022