Memorials on Council Land Policy

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Legislation:	*Local Government Act 1999* *Planning, Development and Infrastructure Act 2016* *Road Traffic Act 1961* *Burial and Cremation Act 2013* *Aboriginal Heritage Act 1988*
Related Documents:	Asset Management Policy Community Land Management Plans Relevant Master Plans, Concept Plans and public realm guidelines Public Art Policy and associated processes Annual Fees and Charges Council By-Laws relating to roads and local government land

CITY OF PROSPECT

1. Purpose

1.1 This Policy provides a consistent, respectful and transparent framework for considering, approving, installing, managing, relocating and removing memorials on land owned by, or under the care, control or management of, the City of Prospect.

1.2 Council recognises that people may wish to commemorate a person, animal, organisation, group, place or event that has a genuine connection with the City of Prospect. Council must balance that wish with its responsibility to keep public land safe, accessible, functional, attractive and available for the benefit and enjoyment of the whole community.

1.3 The Policy seeks to:

- provide appropriate opportunities for commemoration while preserving the primary public purpose and character of Council land;
- ensure decisions are consistent, sensitive and appropriate to the location;
- avoid safety, access, operational, maintenance and amenity impacts;
- provide clear responsibilities for costs, ownership, maintenance, duration and end-of-life management; and
- manage temporary and unauthorised memorials sensitively and appropriately.

2. Scope

2.1 This Policy applies to permanent and temporary memorials proposed or placed on Council land, including parks, reserves, community land, civic spaces, road reserves, Council-owned or managed buildings and Council infrastructure.

2.2 The inclusion of a location within the scope of this Policy does not mean that every type of memorial is permitted at that location. The forms of memorial that may be considered are delineated as follows:

Location	Memorials that may be considered	Key limitations
Parks, reserves and civic open spaces	Standard memorial plaques on approved Council assets; memorial benches; memorial trees; approved commemorative artwork; and monuments and other standard forms listed in Clause 4.3.1.	Subject to site suitability, adopted plans, the primary use of the space, public access, safety, asset need and Council approval.
Roads and road reserves	Temporary roadside memorials. A permanent plaque or artwork may only be considered on Council assets through a separately approved streetscape, public art or capital project.	For temporary memorials Clause 4.10 applies. A temporary memorial does not create an entitlement to a permanent memorial at that location. No memorial may interfere with traffic safety, sightlines, road operation, regulatory devices, pedestrian access or utility infrastructure.
Temporary incident locations	Small, temporary tributes for up to 60 days.	The requirements in Clause 4.10 apply. A temporary memorial does not create an entitlement to a permanent memorial at that location.

2.3 This Policy does not apply to:

- memorials in a cemetery, or memorials otherwise managed under cemetery legislation or cemetery rules;
- heritage plaques and interpretive signs;
- the naming of roads, parks, buildings, facilities or other Council assets;
- public art that is not commemorative;
- plaques recognising the opening of a building, facility, public space or capital project;
- war memorials managed through a separate Council or statutory process;
- traffic, regulatory, wayfinding or information signage; or
- memorials on privately owned land.

3. Definitions

Term	Definition
Applicant	A person, family, group or organisation seeking approval for a memorial, or the person Council recognises as the primary contact for an existing memorial.
Commemorative artwork	An artwork or creative treatment intended to commemorate a person, animal, organisation, group, place or event. It may include approved artwork on public infrastructure, including a Stobie pole, where the relevant asset owner has consented.
Council	The City of Prospect.
Council asset	An asset owned by, or under the care, control or management of, Council.
Council land	Land owned by, or under the care, control or management of, Council, including community land, roads and road reserves.
Memorial	An approved object, feature, planting, artwork or structure intended to commemorate a person, animal, organisation, group, place or event.
Memorial plaque	A flat commemorative marker fixed to an approved Council asset in accordance with Council specifications.
Memorial tree	A tree planted and recorded by Council to commemorate an approved subject. A memorial tree does not include a plaque attached to the tree.
Monument	A substantial three-dimensional object, structure, sculpture, landscape feature or similar installation intended to provide enduring commemoration.
Permanent memorial	A memorial approved for a defined period or for the useful life of the supporting asset, subject to this Policy. The term does not mean that Council guarantees retention in perpetuity.
Temporary memorial	A small, non-permanent tribute placed following a death, serious incident or significant event, including a roadside tribute.

4. Policy

4.1 Policy principles

4.1.1 Council will consider memorial proposals in a manner that:

- respects the subject of the commemoration and the shared nature of public land;
- recognises genuine connections with the City of Prospect;
- protects public safety, access, amenity and the intended use of the location;
- supports consistent design and sound asset management;
- avoids unnecessary financial or maintenance burdens for the community; and
- does not confer private ownership, exclusive use or control over Council land.

4.1.2 Approval is discretionary. Submission of an application, payment of a fee or the existence of another memorial does not guarantee approval or create a precedent.

4.2 Eligibility and connection with Prospect

4.2.1 A memorial may commemorate:

- a person who has or had a genuine connection with Prospect through residence, work, study, volunteering, participation in community life or another demonstrable association;
- an animal that has or had a genuine connection with Prospect, including a companion animal, service animal or an animal of community or historical significance;
- an organisation or group that has made a meaningful contribution to the social, cultural, civic, economic, sporting or community life of Prospect;
- a place with local historical, cultural or community significance; or
- an event with a clear connection to Prospect or to the proposed location.

4.2.2 A person or animal is not required to have made a significant public contribution, provided the applicant demonstrates a genuine connection with Prospect and the proposal is otherwise appropriate under this Policy.

4.2.3 Council will generally not approve duplicate commemoration of the same subject on Council land, unless resolved by the Council.

4.3 Standard forms of permanent memorial

4.3.1 Subject to the location requirements in Clause 2.2 and assessment under this Policy, Council may consider:

- a memorial plaque fixed to an existing approved Council bench or other approved Council asset;
- a new standard Council bench incorporating a memorial plaque, where the bench is operationally required and the location is suitable;
- a memorial tree selected, supplied, planted and managed by Council;
- a paver within existing paving, installed and managed by Council;
- an approved commemorative artwork;
- a monument approved under Clause 4.4; or
- an approved commemorative element incorporated into a Council project, asset or landscape treatment.

4.3.2 Unless approved in association with a monument or commemorative artwork, Council will not permit:

- freestanding boulders, posts, plinths, pavers, bricks or markers;
- plaques attached directly to trees or placed loose on the ground;
- privately supplied furniture, structures or fixtures;
- unapproved items fixed to Stobie poles, signs, services or utility infrastructure;
- burial or interment of human or animal remains;
- a private enclosure, garden, boundary or other treatment that suggests exclusive occupation of public land; or
- ongoing placement of flowers, crosses, toys, photographs or other memorabilia around a permanent memorial.

4.4 Monuments

4.4.1 Monuments will only be considered where the proposal demonstrates enduring civic, cultural, historical or community value and a clear relationship with Prospect or the proposed location.

4.4.2 A monument proposal must address to Council's satisfaction:

- conceptual design quality;
- cultural sensitivity, historical accuracy and community relevance;
- location, public access, accessibility and relationship with the surrounding place;
- structural integrity, durability, risk and public safety;
- environmental and tree impacts;
- development, landowner and other statutory approvals;
- artist or designer involvement where relevant;
- capital cost, whole-of-life cost, maintenance and decommissioning; and
- any consultation considered appropriate by Council.

4.4.3 All monument proposals will be referred to Council for resolution. Council may require a concept plan, technical reports, cost plan, maintenance plan, community engagement and a decommissioning plan before determining an application.

4.5 Commemorative artwork and Stobie pole art

4.5.1 Commemorative artwork may be considered where it is appropriate to the location and consistent with Council's public art, place, infrastructure, safety and maintenance requirements.

4.5.2 Artwork on a Stobie pole or other infrastructure not owned solely by Council requires the prior written consent of the relevant asset owner and any other required authority. Council approval under this Policy does not replace those consents.

4.5.3 Council will refer a proposal through its City Wide Public Art Roundtable (CWPAR) or appropriate public art and/or place-management process where the proposal is primarily an artwork or forms part of a broader public realm project.

4.6 Assessment criteria

4.6.1 In assessing a permanent memorial, Council will consider:

- the subject's connection with Prospect and the relationship between the memorial and the proposed location;
- whether the subject is already commemorated on Council land;
- the public benefit and appropriateness of using public land for the proposal;
- the purpose, design, character and practical capacity of the location, including the presence of other memorials;
- public safety, accessibility, pedestrian and cyclist movement, traffic safety and sightlines;
- impact on recreation, events, public use, neighbouring properties, maintenance and Council operations;
- utility, irrigation, drainage, biodiversity, tree and environmental constraints;
- planned renewal, redevelopment or changed use of the location;
- consistency with Community Land Management Plans, master plans, concept plans, asset plans and other Council policies;
- design, scale, materials, durability, wording and cultural sensitivity;
- capital cost, maintenance implications and whole-of-life cost; and
- any statutory approval, landowner consent or specialist advice required.

4.6.2 Council may decline or negotiate an alternative to a proposal where the location is unsuitable, has limited practical capacity, is required for another public purpose, or the memorial would adversely affect the character, function, safety or amenity of the place.

4.7 Design, wording and installation

4.7.1 Council will determine or approve the design, dimensions, materials, colour, wording, fixing method and installation requirements for each memorial.

4.7.2 Plaque wording must be concise, respectful, factually supportable and directly related to the commemoration. Wording must not be discriminatory, defamatory, offensive, party-political, commercially promotional or otherwise inconsistent with Council's values and the public nature of the location.

4.7.3 Technical specifications, including plaque dimensions, materials, character limits, furniture selection, planting specifications and approved suppliers, may be set by the Council's Administration and updated without amendment to this Policy.

4.7.4 Procurement and installation will be undertaken or arranged by Council; an applicant must not install or alter a memorial.

4.8 Ownership and public use

4.8.1 On installation, the memorial and any supporting asset become Council property.

4.8.2 Approval does not provide the applicant or any other person with ownership, naming rights, exclusive use or any other interest in Council land or the supporting asset.

4.8.3 Memorial benches, trees and other public assets remain available for ordinary community use. Council may approve more than one memorial at a location or on an asset where appropriate.

4.8.4 Council may use, alter, redevelop or manage the land and supporting asset in accordance with its ordinary statutory and operational responsibilities.

4.9 Alternative memorial settings

4.9.1 Council may encourage applicants to consider a nearby cemetery, established memorial garden or other formally managed memorial setting where that setting may better provide the permanence, dignity or type of commemoration sought.

4.9.2 Council may provide general information or refer an applicant to the relevant authority but does not make decisions on behalf of another landowner or service provider.

4.10 Temporary and roadside memorials

4.10.1 Council recognises that people may wish to place a temporary tribute at or near the location of a death, serious incident or significant event. A small temporary memorial may remain for up to 60 days, subject to the requirements of this clause being met.

4.10.2 Prior approval is not required for a small and short-term tribute; however, a family or group representative should notify Council as soon as practicable. Council may provide guidance about an appropriate location, size, scale and form.

4.10.3 A temporary memorial must:

- be modest in size and proportionate to the location;
- not obstruct a footpath, road, driveway, access point, traffic-control device, sightline, utility or maintenance activity;
- not create a traffic, pedestrian, cyclist, fire, electrical or other safety risk;
- not damage a tree, vegetation, Council asset, utility infrastructure or private property;
- not include glass, sharp objects, loose items likely to become litter, food or material likely to deteriorate;
- not include a naked flame, flashing light, sound-producing device or lighting that may distract road users or unreasonably affect nearby residents; and
- not be concreted, glued or otherwise permanently fixed to the ground, a tree, a Council asset or utility infrastructure.

4.10.4 Council may remove any item immediately where it presents a safety, access, operational or environmental risk. Council may also remove deteriorated, offensive, abandoned or non-compliant items.

4.10.5 At the end of 60 days, the representative must remove the temporary memorial. After 60 days where practical, Council will attempt to contact an identifiable representative before removal. Recoverable personal items will be retained for a further 21-day collection period before being disposed of.

4.10.6 A temporary memorial does not approve, or create an expectation or entitlement to, a permanent memorial at that location. Any permanent proposal must be separately assessed under this Policy.

4.11 Scattering of ashes

4.11.1 Anyone considering scattering human or animal ashes on Council land is asked to contact Council's City Maintenance team through admin@prospect.sa.gov.au or on 8269 5355 before proceeding. Council can discuss the proposed location and provide practical advice and direction about respectful use of the site, other users, scheduled activities and operational constraints.

4.11.2 Scattering ashes does not create a memorial site, private right, exclusive use or restriction on Council's future use or development of the land. No plaque, marker or other memorial may be installed merely because ashes have been scattered.

4.11.3 Where scattering is permitted, it must be undertaken discreetly and respectfully and must not create a nuisance, disrupt other users or interfere with the operation and functional use of the location.

4.11.4 Ashes must not be scattered on a synthetic playing surface, playground, cricket pitch, formal sports playing area while in use, or another location identified by Council as unsuitable.

4.11.5 Burial or interment of human or animal remains on Council land is not permitted.

4.12 Application and decision process

4.12.1 An application for a permanent memorial must be made in the form required by Council and include sufficient information to assess the proposal, including:

- applicant and contact details;
- details of the person, animal, organisation, group, place or event to be commemorated;
- an explanation of the connection with Prospect and, where relevant, the proposed location;
- the preferred memorial type and location;
- proposed wording and any concept design;
- information about existing commemoration of the same subject;
- evidence of relevant family, custodian or organisational support where requested; and
- acknowledgement of applicable costs and conditions.

4.12.2 Council may request further information, technical advice, landowner consent or consultation before determining an application.

4.12.3 Council will advise the applicant in writing of the decision and any conditions. Approval is not effective until all conditions are satisfied, required fees are paid, and any necessary external approvals are obtained.

4.12.4 Approval may be subject to conditions about design, wording, location, installation, duration, maintenance, insurance, statutory approvals, relocation, removal and other matters reasonably required to manage Council land and risk.

4.13 Approval authority

4.13.1 The Manager Assets and Maintenance, or delegate, may approve a standard memorial plaque, memorial bench, memorial tree or other standard proposal that fully complies with this Policy and is within an approved budget and delegation.

4.13.2 Authorised Council officers may administer temporary memorials, scattering-of-ashes enquiries, unauthorised installations and routine relocation or removal in accordance with this Policy and relevant delegations.

4.13.3 The following will be referred to Council for decision:

- a monument;
- a proposal at Prospect Memorial Gardens;

- a proposal that materially departs from this Policy or is of unusual scale, complexity, sensitivity or cost;
- a duplicate memorial where an exception is sought;
- a proposal requiring an unbudgeted Council contribution; or
- an application the Chief Executive Officer or relevant Director considers should be determined by Council.

4.14 Costs and maintenance

4.14.1 The applicant is responsible for all costs associated with the design, assessment, specialist advice, procurement, manufacture and installation of an approved memorial, unless Council expressly resolves or agrees otherwise.

4.14.2 Fees and cost-recovery charges will be set through Council's Annual Fees and Charges Register. Payment is required before Council commits to procurement or installation.

4.14.3 Council may, at its discretion and subject to budget and delegation, contribute funding or services in kind where the memorial has broader civic or community value.

4.14.4 Council will maintain an approved memorial only to the ordinary service level applicable to comparable Council assets and the location. No special level of care or replacement is guaranteed.

4.14.5 Unless Council agrees otherwise, the applicant bears the cost of replacement following theft, vandalism, accidental damage, deterioration or end of useful life. Where damage results directly from Council action, Council will determine an appropriate response having regard to the circumstances.

4.14.6 A monument must have an approved whole-of-life funding, maintenance and decommissioning arrangement before installation.

4.15 Duration, renewal and end of useful life

4.15.1 A standard permanent memorial is approved for a period of 10 years. It may remain beyond that period while the memorial and supporting asset remain safe, serviceable, appropriate and compatible with Council's plans; however, Council does not guarantee retention beyond 10 years or in perpetuity.

4.15.2 There is no automatic right to renew, replace or relocate a memorial. Any replacement, substantial alteration or relocation requested by an applicant will be assessed under the Policy and Council requirements applying at that time.

4.15.3 A memorial tree will remain for its useful life as determined by Council. Council may replace a tree during its initial establishment period where the tree fails for reasons not caused by the applicant. A plaque will not be attached to a memorial tree.

4.15.4 The approved duration and decommissioning arrangements for a monument will be determined as part of Council's approval of that monument.

4.16 Relocation, removal and decommissioning

4.16.1 Council may temporarily or permanently alter, relocate, remove or decommission a memorial where:

- it is unsafe, damaged, stolen, deteriorated, redundant or beyond economic repair;
- the land or supporting asset is being maintained, renewed, redeveloped, replaced or removed;
- the purpose, use or character of the location changes;
- it interferes with safety, access, utilities, maintenance, public use or Council operations;
- it was installed or altered without approval;
- information or wording is materially inaccurate, unlawful or inappropriate;
- the approval period has ended;
- it is determined that commemorating the person, animal, organisation, group, place or event would bring the Council into disrepute;
- it is inconsistent with legislation, an adopted Council plan or policy; or
- Council otherwise resolves to relocate or remove it.

4.16.2 Where practical, Council will make reasonable efforts to contact the applicant before permanent relocation or removal and may offer return of a removable plaque or item.

4.16.3 Unclaimed items may be retained for a 21-day collection period and then disposed of.

4.16.4 Council is not required to reproduce, replace or reinstall a memorial.

4.17 Unauthorised memorials

4.17.1 Council may immediately remove an unauthorised memorial that presents a safety, traffic, access, fire, infrastructure, operational or environmental risk.

4.17.2 Where there is no immediate risk, Council will, where practical:

1. attempt to identify and contact the person responsible;
2. explain the applicable requirements and provide a reasonable opportunity to remove the installation or, where a compliant pathway may be available, apply;
3. remove the installation if no action is taken within the period specified by Council; and
4. retain recoverable personal items for a 21-day collection period before disposing of them.

4.17.3 Council reserves the right to recover removal, storage, repair or reinstatement costs where it is reasonable to do so.

4.18 Existing memorials and transition

4.18.1 An existing approved memorial may remain until the end of the useful life of the memorial or supporting asset, unless relocation or removal is required under this Policy.

4.18.2 This Policy applies to any proposed renewal, replacement, substantial alteration or relocation of an existing memorial.

4.18.3 Adoption of this Policy does not of itself require the removal of existing approved memorials.

4.19 Roles and responsibilities

Role	Responsibility
Council	Adopts and reviews the Policy; determines monuments and other matters referred to under Clause 4.13.3; and may approve exceptions or Council contributions.
Chief Executive Officer / relevant Director	Ensures the Policy is administered through appropriate delegations and procedures and may refer an application to Council.
Manager Assets and Maintenance	Acts as Lead Reviewer; assesses and determines standard applications within delegation; coordinates technical assessment, written approvals, installation and the memorial register.
Authorised Council officers	Provide advice; manage temporary and unauthorised memorials; coordinate maintenance, relocation and removal; and administer matters within delegation.
Applicant	Provides complete and accurate information; obtains requested consents; pays applicable costs; complies with approval conditions; does not undertake unauthorised work.

5. Review

5.1 This Policy will be reviewed once per Council term, or earlier where required by legislation, a Council decision or a material change in operational circumstances.

5.2 Fees and charges associated with this Policy will be reviewed annually through Council's Fees and Charges process.

5.3 Administrative specifications, forms and procedures supporting this Policy may be updated by the Chief Executive Officer or delegate, provided the update does not materially alter the intent of the Policy.

6. Further Information

For further information about this Policy, please contact:

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