

SPECIAL COUNCIL AGENDA

Special Council Meeting

Notice is hereby given pursuant to the provisions of the Local Government Act, 1999, that the next Meeting of Unley City Council will be held in the Council Chambers, 181 Unley Road Unley on

Tuesday 4 October 2016 – 6.45pm

for the purpose of considering the items included on the Agenda.

Peter Tsokas
Chief Executive Officer

OUR VISION 2033

Our City is recognised for its vibrant community spirit, quality lifestyle choices, diversity, business strength and innovative leadership.

COUNCIL IS COMMITTED TO

- Ethical, open honest behaviours
- Efficient and effective practices
- Building partnerships
- Fostering an empowered, productive culture – “A Culture of Delivery”
- Encouraging innovation – “A Willingness to Experiment and Learn”

ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

WELCOME

ORDER OF BUSINESS

ITEM NO

PAGE NO

APOLOGIES

Councillor Sangster

CONFLICT OF INTEREST

OFFICER'S REPORT

8 Memorials Policy

1 – 2

DECISION REPORT

REPORT TITLE:	MEMORIALS POLICY
ITEM NUMBER:	8
DATE OF MEETING:	4 OCTOBER 2016
AUTHOR:	PETER TSOKAS
JOB TITLE:	CHIEF EXECUTIVE OFFICER

EXECUTIVE SUMMARY

The Special Council Meeting has been called at the request of Mayor Clyne to consider making some minor amendments to the Memorials Policy which was adopted by Council on 26 September 2016. The amendments allow for further discretion to be shown by Council in relation to the time associated with temporary memorials.

RECOMMENDATION

That:

1. The report be received.
 2. The amended Memorials Policy shown at Attachment 1 to report 8/16 be endorsed.
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1. RELEVANT CORE STRATEGIES/POLICIES

- 1.1 Good governance and legislative framework.

2. DISCUSSION

Council adopted a Memorials Policy on 26 September 2016 (C606/16). The policy drew from other South Australian Council Memorial policies, DPTI's Memorial Policy and the LGA state wide policy which was developed in consultation with the State Government.

The policy has drawn media attention and the Mayor has proposed some minor amendments to page 5 of the policy under clause 5.2, Temporary memorials.

The draft amendments are shown at Attachment 1 to Item 8/16.

Attachment 1.

3. ANALYSIS OF OPTIONS

Option 1 – That Council consider and adopt the amendments to the Memorials Policy.

The policy at Attachment 1 to Item 8/16 is shown with tracked changes made for Council's consideration.

The policy attempts to be sensitive and considerate of all sections of the community while providing guidance to the Elected Members and the Administration in managing both temporary and permanent memorials.

4. RECOMMENDED OPTION

Option 1 is the recommended option.

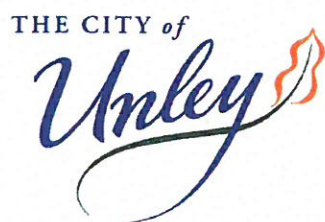
5. POLICY IMPLICATIONS

5.1 *Legislative/Risk Management*

The relevant legislative references are included in the report 606 of the Council Agenda 26 September 2016 and in the policy.

7. ATTACHMENTS

- (1). Memorials policy.



MEMORIALS

Policy Type:	Council Policy
Responsible Department:	City Development
Responsible Officer:	General Manager City Development
Related Policies and Procedures	Naming of roads and Council assets policy Public arts policy
Date Adopted:	26 September 2016; C606/16
Last Council review:	n/a
Next review date:	September 2019
ECM Doc Set ID:	2773022

1. POLICY STATEMENT

The City of Unley recognises the need for commemoration of an historical event or person of significance who has lived in or contributed to the local community.

The 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.

This policy applies to temporary roadside memorials and permanent formal memorials on Council property or community land, or other land under Council's care and control.

The Council has a responsibility to maintain a safe and amenable streetscape.

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. COMMUNITY GOAL

Goal 2.3 - Cultural and artistic diversity .

Goal 5.2 - A customer-centric approach.

Goal 5.3 - Good governance and legislative framework.

3. POLICY OBJECTIVES

The policy provides guidance for the community for the approval, placement, maintenance, and removal of memorials.

4. PRINCIPLES

Council aims to be consistent in its approval and management of memorials.

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 Council area who had an affinity with a particular location such as a park.

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.

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.

Council has the right to remove any object or structure which creates a risk to the public.

Council has authority under the Local Government Act 1999 to remove objects from a road or public place.

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.

Council offers no guarantee that a memorial or monument will be preserved or remain at a site indefinitely.

All memorials existing within the City prior to adoption of this policy will be subject to the provisions of this policy.

Any proposed memorial should not commemorate a person, event or place that is already memorialised within the City of Unley.

5. POLICY

5.1 Permanent memorials and monuments

Type of memorial

Council may allow the placement of memorial plaques on benches, seats or picnic settings on community land or other land under Council's care, control and management. Only one plaque will be permitted per bench or similar, unless the request for an additional plaque is made by the original commissioning family or organisation.

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.

The plaque is to be the standard size and design in use by Council at the time of application.

Park furniture is to be selected from the range of styles in use by Council at the time of the application.

Any proposal outside of the above will be considered by Council on a case by case basis.

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 will be removed by Council staff.

Application and Approval

Council approval must be sought and obtained before erection of a permanent memorial or monument on Council property or community land.

The application should be in writing and addressed to the Chief Executive Officer and include:

- Details of the proposal
- Information about the person, organisation, event or historic site, and the relationship or relevance to the Council area.

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
- Be sympathetic to the aesthetic and/or cultural integrity and functionality of the site.

The Council Administration will;

- Assess the application and may issue approval for memorial plaques
- Liaise with the applicant(s) to select an appropriate plaque and wording.

The Council Administration will manage the design, manufacture, installation and maintenance of a memorial plaque.

Depending on the nature of the request, other applications may be referred to Council for decision.

Any proposed structure must meet relevant Australian Standards for construction and Council's associated policies.

Any proposed structure must not present a risk to the safety of persons using the facility or site.

Costs and maintenance

The cost of a park bench, seat or picnic setting, any plaque attached, and installation will be borne by the applicant.

Council will maintain memorial benches, seats or picnic settings 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.

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.

Decommissioning

For purposes of this policy, the estimated lifespan of a memorial plaque on a park bench, seat or picnic setting is estimated to be 15 (fifteen) years.

Other permanent memorials or monuments such as a fountain or ornamental feature may have a longer lifespan depending upon construction materials, location etc.

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 (ie. 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 5 (five) years from time of decommissioning and then destroyed.

Where maintenance or redesign of the site necessitates the removal or relocation of a memorial or monument, Council will endeavour to contact the applicant.

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.

Requests by the public to take possession of decommissioned items (such as benches) will be assessed on a case by case basis.

Memorial or commemorative trees and plantings

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.

If approved, Council will source the tree or plantings to ensure a suitable nursery standard.

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.

The memorial tree or planting will be included in Council's routine parks and tree maintenance program.

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.

Register

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
- Manufacturer.

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

5.2 Temporary memorials

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

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 the Council to liaise with the family or group representative.

Deleted: where necessary

An individual or group 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 weeks from the date of the event or 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 week period, **or a period negotiated with Council.**
 - Will remain at Council's discretion or as otherwise directed by SAPOL or the Department for Planning, Transport and Infrastructure.
- AND
- Must not present a risk to the public
 - Must not be hazardous or impede users of a footpath or road

- Must not be attached to, damage or mark Council infrastructure or trees
- Must not distract drivers in any way
- Must not restrict access for utility and emergency services
- Must not alter or prevent maintenance of the road or road related area, or Council property or infrastructure.
- Must not include flashing lights
- Must not include music.

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.

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

5.3 Spreading of ashes

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 attention or disruption.

No plaque or other memorial object is permitted at the site where the ashes have been scattered.

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

6. DEFINITIONS

"Community land" means local government land classified as community land under Chapter 11 of the Local Government Act 1999.

"Council" means the Corporation of the City of Unley.

"Local government land" means land owned by a council or under a council's care, control and management.

"Memorial" means serving to preserve the memory of a deceased person(s) or event.

"Monument" means a structure or edifice of stone or other durable material that commemorates an event, action, or person.

"Plaque" means a flat tablet of metal or other durable material and 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.

"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.

"Road related area" means 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
- (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.

7. LEGISLATION / REFERENCES

Local Government Act 1999
 Council By-laws: No. 2 – Roads, No. 3 – Local government land
 Road Traffic Act 1961
 Burial and Cremation Act 2013
 "Adopt a tree" program.

8. POLICY DELEGATIONS

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

The Chief Executive Officer or his/her delegate is delegated to approve:

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

9. ROLES / RESPONSIBILITIES

The General Manager City Development and Recreation Planner will administer the application process for memorial plaques, maintain the Register of Memorials and Monuments. Regulatory Services will manage compliance in relation to temporary memorials.

The Manager Depot Operations and Manager Strategic Assets will manage the installation and maintenance of memorial benches, seats or picnic settings and monuments.

10. AVAILABILITY

The policy is available for public inspection during normal office hours from:

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

11. DOCUMENT HISTORY

Date:	Council/Committee/Internal	Comment:
26 Sept 2016	Council; C606/16	New policy