

6.1 REVIEW OF MEMORIALS IN PARKS AND PUBLIC RESERVES (2.1.5)

- Attachments:**
1. **Memorials in Public Places and Reserves Policy (2.1.5) - Draft Review**
 2. **Policy 2.1.5 - Memorials in Public Parks and Reserves**

RECOMMENDATION:**That Council:**

1. **APPROVES** the proposed amendments to the Memorials in Public Places and Reserves Policy, at Attachment 1, for the purpose of public notice, which is proposed to replace Policy 2.1.5 Memorials in Parks and Public Reserves, at attachment 2;
2. **AUTHORISES** the Chief Executive Officer to provide local public notice of the proposed policy and invite public comments for a period of at least 21 days; and
3. **NOTES** that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

PURPOSE OF REPORT:

For Council to approve the proposed amendments to the Memorials in Public Places and Reserves Policy (2.1.5) for public notice.

BACKGROUND:

At its 22 August 1997 Meeting, Council adopted the Memorials in Public Places and Reserves Policy (2.1.5) and was last due to be reviewed in February 2015.

The Policy has not been updated since February 2010 therefore is overdue for review.

DETAILS:

The elements set out in clause 1.3 of the Policy Development and Review Policy have been considered as set out below.

Proposed amendment to the policy objective:

The current policy objective addresses the purpose of the policy rather than what it is designed to achieve. Administration is proposing the following draft objectives for this policy:

To:

1. ensure the conservation of commemorative memorials within the City; and
2. to facilitate a consistent approach to the inclusion of commemorative memorials

Requirement for a documented City position (including community need or legislative requirement):

The City receives several enquiries and requests for the placement of plaques and memorials on City owned or maintained land each year. In order for the City to maintain local amenity, ensure the safety of the community and minimise maintenance requirements, this policy consists of guidelines and criteria to assist in regulating the volume of memorial structures placed within the City's Parks and Reserves.

Main Roads WA will approve memorials on State Roads in a similar way to that proposed in this draft policy. The City needs to have a documented approach to roadside memorials to ensure a level of consistency across the network.

The Proposed changes to the policy are:

- a) Include confirmation that costs associated with replacement of lost or vandalised plaques would remain the responsibility of the applicant being clause 1.2(ix);
- b) Exclusion of memorial trees being identified by a plaque or other identification to maintain and enhance the City's public places and reserves, and for the safety of all users of the space being clause 1.2(v);
- c) Not permitting plaques where there is a religious or political affiliation being clause 1.2(vii);
- d) Not permitting plaques if in the opinion of the City the plaque is offensive or has the potential to offend being clause 1.2(viii);
- e) Removing the necessity to report to Council for every memorial request in clause 2(i) as this administratively burdensome and unnecessary, except where there is a disagreement on the City's response. In these instances Council would have final approval, as clause 1.2(i) of the amended policy;
- f) Distinguishing between City owned roads and roads under the control of Main Roads, and advising that all applications must be made to Main Roads should a person wish to erect a memorial on a Main Roads controlled road in clause 1.3.3; and
- g) Not allowing the scattering of ashes in public places and reserves given the availability of specialised facilities operated by the Metropolitan Cemeteries Board being clause 1.4.

CONSULTATION/ADVERTISING:

In accordance with the City's Community and Stakeholder Engagement Policy, public notice of all new and significantly amended policies must be provided for a period exceeding 21 days in the following ways:

- notice published on the City's website;
- notice posted to the City's social media;
- notice published in the local newspapers;
- notice exhibited on the notice board at the City's Administration and Library and Local History Centre; and
- letters distributed to relevant local businesses and community groups

Public notice of this proposed new policy will be provided from 23 November 2021 subject to Council approval.

LEGAL/POLICY:

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The City's Policy Development and Review Policy sets out the process for the development and review of the City's policy documents.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to provide public notice on the proposed amended policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Enhanced Environment

Our parks and reserves are maintained, enhanced and well utilised.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*, however the ability to opt for a commemorative tree to be planted within a City owned or managed reserve assists in greening and tree canopy increase.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased mental health and wellbeing

FINANCIAL/BUDGET IMPLICATIONS:

There is negligible financial impact to the City. All associated costs of memorials shall be covered by the applicant.

MEMORIALS IN PUBLIC PLACES AND RESERVES



Legislation / local law requirements	Insert any legislation or local law that is relevant to the policy. Please <i>Italicize</i> legislation only (Acts and Regs). Please do not Italicize local laws, delegation clauses or policy.
Relevant delegations	Please reference the clause and title of any delegations that are relevant to the policy.
Related policies, procedures and supporting documentation	Please reference relevant policies, procedures, guidelines and other supporting documents. Please include CM reference number.

PART 1 – PRELIMINARY

INTRODUCTION

The City of Vincent acknowledges the use of memorials as a means of assisting people to grieve for loved ones and to honour the past contributions of deceased persons within their local community.

Notwithstanding the above, it is also recognised that the installation of memorials within public open space must be managed in a way so as to maintain local amenity, ensure the safety of residents and minimise maintenance requirements.

It is the City’s position that persons be encouraged to install memorials within designated memorial facilities, such as cemeteries or memorial parks. However, applications for the installation of suitable memorials, plaques, trees and furniture in public parks and reserves within the City may be considered in accordance with the conditions of this Policy.

PURPOSE

The purpose of this policy is to provide guidelines for the installation of roadside memorials and memorials in parks and reserves, including planting of commemorative trees, memorial benches and other park furniture

OBJECTIVE

To:

1. ensure the conservation of commemorative memorials within the City; and
2. to facilitate a consistent approach to the inclusion of commemorative memorials

SCOPE

This policy provides guidance for commemorating deceased loved ones and to honour the past contributions of deceased persons through the planting of commemorative trees and park furniture.

MEMORIALS IN PUBLIC PLACES AND RESERVES



PART 2 – POLICY PROVISIONS

1. POLICY

This section should contain a statement of policy principals, values and ideals that guide the organisation. Statements should link to the policy purpose and provide how the objectives are to be achieved

1.1 Memorial Plaques

As the Metropolitan Cemeteries Board is the primary body responsible for the memorialisation of people, applicants that submit a request will initially be informed of the board and their responsibilities.

The installation of memorial plaques in parks and reserves is generally not supported. Persons wishing to commemorate an individual or an organisation are encouraged to donate a suitable piece of furniture (e.g. park seat, drinking fountain) which may include a suitable inscription plaque or apply for the planting of a suitable tree.

1.2 Commemorative Trees or Park Furniture

- (i) Applications for the installation of memorial park furniture in public parks and reserves will be considered on their individual merits and based on the following criteria: Whether the person or event to be commemorated has:
- (a) Made a significant contribution to the development of the City or its community, largely in a voluntary capacity.
 - (b) Made a significant contribution to the long-term improvement of the City; or
 - (c) Provided extensive or distinguished service to the City or its community.

Where disagreement of the City's response, content details, site selection, exact positioning and installation details of any commemorative item arises, Council will have final approval.

- (ii) Wherever appropriate, the views of adjacent residents or specific community groups will be sought prior to approval.
- (iii) The tree shall be planted and maintained by the City.
- (iv) The selection of tree species and planting location will be carefully considered in view of the type of reserve, existing species, history of requests or associated activities in that reserve.
- (v) Memorial trees will not be identified by a plaque or other identification. A record of the commemorative planting will be entered into a memorial register held by the City.
- (vi) Unless otherwise approved all plaques are to be the City of Vincent standard design specifications and requirements.
- (vii) A plaque will not be approved where there is religious or political affiliation.
- (viii) A plaque will not be approved if in the opinion of the City the plaque is considered offensive or has the potential to offend.
- (ix) Should the plaque be lost or vandalised, repair/replacement costs would remain the responsibility of the applicant.
- (x) The applicant shall be required to meet the cost of the purchasing and installation of the plaque, tree or furniture/item.
- (xi) The City shall reserve the right to remove the furniture/item at any time should it be considered necessary.

MEMORIALS IN PUBLIC PLACES AND RESERVES



1.3 ROADSIDE MEMORIALS

A Roadside Memorial is a marker that commemorates a site where a person has died, usually as a result of a motor vehicle accident.

The City of Vincent respects the need and benefits for people to erect roadside memorials, however the City must also ensure that the road/verge/reserve environment remains safe and free from hazards for all other users.

1.3.1 A Roadside Memorial may include a:

- a. grey concrete paver, painted with a white cross; and
- b. white wooden cross with the deceased's name, details, etc.
- c. decal (adhesive label) with a white cross on a black background.

The above may also be accompanied by flowers (real or artificial), toys and accompanying notes/messages.

1.3.2 Roadside memorials may:

- a. only be installed in Crown Land that is under the care, control and management of the City of Vincent and is reserved for the purposes of recreation, public open space or road reserve; and
- b. only be installed where there is minimal impact on the local amenity and/or surrounding residents and must not present a risk or hazard to the public.

1.3.3 Memorials on Main Roads Controlled Roads

Applications for Memorials along roads that are under the care, control and maintenance of Main Roads must be submitted to Main Roads Western Australia.

1.4 BURIAL OR DISTRIBUTION OF ASHES

The City will not permit the scattering, burial or interment of ashes of a deceased person on Council owned or managed property given the availability of specialised facilities operated by the Metropolitan Cemeteries Board.

2. DEFINITIONS

“The City” refers to the City of Vincent.

“**Main Roads Controlled Road**” Any main road or highway (also collectively known as state roads) as defined under the *Main Roads Act 1930*. These roads are provided and managed by the Commissioner of Main Roads.

“**Roadside Memorial**” A marker that commemorates a site where a person has died, usually as a result of a motor vehicle accident.

OFFICE USE ONLY

MEMORIALS IN PUBLIC PLACES AND RESERVES



Responsible Officer	Please use title only
Initial Council Adoption	DD/MM/YYYY
Previous Title	Applicable if the policy has been renamed
Reviewed / Amended	DD/MM/YYYY
Next Review Date	MM/YYYY

POLICY NO: 2.1.5**MEMORIALS IN PUBLIC PARKS AND RESERVES****OBJECTIVES**

To provide guidance on the installation of memorials in public parks and reserves (including Roadside Memorials) within the City of Vincent and the criteria to be taken into account in relation to requests received for planting of commemorative trees, erection of memorial plaques and distribution of ashes in public parks and reserves.

POLICY STATEMENT

The City acknowledges the use of memorials as a means of assisting people to grieve for loved ones and to honour the past contributions of deceased persons within their local community.

Notwithstanding the above, it is also recognised that the installation of memorials within public open spaces must be managed in a way so as to maintain local amenity, ensure the safety of residents and minimise maintenance requirements.

It is the City's position that persons be encouraged to install memorials within designated memorial facilities (e.g. cemeteries). However, applications for the installation of suitable memorials, plaques, trees and furniture in public parks and reserves within the City may be considered in accordance with the conditions of this Policy.

1. MEMORIAL PLAQUES

The installation or erection of memorial plaques in parks and reserves is not supported. Persons wishing to commemorate an individual or an organization are encouraged to donate a suitable piece of park furniture (eg park seat, drinking fountain) which may contain a suitable inscription plaque on it or arrange for the planting of a suitable tree.

2. COMMEMORATIVE TREES OR PARK FURNITURE/ITEMS

(i) Applications for the planting of memorial or commemorative trees park furniture/items in public parks and reserves will be considered on their individual merits. A report will be submitted to the Council and will consider the following criteria:

whether the person or event has:

- (a) made a significant contribution to the development of the City or its community, largely in a voluntary capacity;
- (b) made a significant contribution to the long term betterment or improvement of the City;
- (c) provided extensive or distinguished service to the City or its community;

- (ii) wherever appropriate, the views of adjacent residents or specific community groups be sought prior to Council approval;
- (iii) the tree shall be planted and maintained by the City;
- (iv) the selection of tree species and planting location will be carefully considered in view of the type of reserve, existing species, history of requests or associated activities in that reserve.
- (v) The location of the tree or park furniture shall be at the discretion of the City.
- (vi) The inscription plaque on the furniture/item shall be no larger than 100mm x 100mm and made of brass bronze or other approved material and of such design approved by the City from time to time.
- (vii) The applicant shall be required to meet the cost of the purchasing and/or erection/installation of the donated tree or furniture/item.
- (viii) The City shall reserve the right to remove the furniture/item at any time should it be considered necessary.

3. **ROADSIDE MEMORIALS**

A Roadside Memorial is a marker that commemorates a site where a person has died, usually as a result of a motor vehicle accident.

The City of Vincent respects the need and benefits for people to erect roadside memorials however, the City must also ensure that the road/verge/reserve environment is safe for all other users.

3.1 A Roadside Memorial may include:

- (a) a white wooden cross (with the deceased's name, details etc.);
- (b) a grey, concrete paver, painted with a white cross; and
- (c) a decal (adhesive label) with a white cross on a black background.

The above may also include flowers (real or artificial), toys and accompanying notes/messages.

3.2 Roadside Memorials may:

- (a) only be installed in Crown Land that is under the care control and management of the City and is reserved for the purposes of recreation, public open space or road reserve; and
- (b) only be installed where there is minimal impact on the local amenity and/or surrounding residents and must not present a risk or hazard to the public.

3.3 The deceased's family/friends are responsible for the ongoing maintenance of their Memorial including, but not limited to, graffiti and weed removal.

4. Memorial Removal

- (a) Should for any reason an installed Memorial becomes disturbed or damaged through works, either by the City or its contractors or by external contractors working for another Government Department or Agency, the Memorial shall be removed at the expense of the party undertaking the works and returned to the family of the deceased (if known). Subject to the Chief Executive Officer's approval, the Memorial may be reinstalled, if appropriate, in the same location or installed in another location nearby at the expense of the applicant.
- (b) Should the ongoing maintenance of an installed Memorial become neglected, the City reserves the right to remove the Memorial and return it to the family of the deceased (if known).
- (c) The City will contact the deceased's family prior to the completion of the agreed period of installation to arrange for the Memorial's removal or transfer.

5. DISTRIBUTION OF ASHES

- (a) Persons wishing to distribute the ashes of a deceased person on a public park or reserve may make application to the Chief Executive Officer for approval.
- (b) The Chief Executive Officer shall consider each application on its merits (taking into consideration the above criteria).
- (c) Where approval is granted, the ashes are to be distributed at a time and in a manner which causes minimal attention or disruption.

Additional information maybe obtained from:

Main Roads Western Australia
Customer Contact Centre
Phone: 138 138
TTY: (08) 9428 2230
Email: enquiries@mainroads.wa.gov.au
Website: www.mainroads.wa.gov.au

Support Groups:

Lifeline Counselling Service
Phone: 13 11 14
Website: www.lifeline.com.au

The Compassionate Friends

A self-help group open to bereaved parents, siblings and grandparents

Phone: (08) 9486 8711 or 1800 628 117 (country freecall)

Website: www.compassionatefriendswa.org.au

Solace

Grief support for those grieving over the death of their partner

Phone: (08) 9381 1389

Website: www.solace.org.au

Healing Hearts Foundation

Encouragement for bereaved parents, siblings, families and friends suffering the loss of a child

Phone: 0417 217 255

Website: www.healingheartsfoundation.org

Date Adopted:	22 August 1997
Date Amended:	7 October 2003, 9 February 2010
Date Reviewed:	7 October 2003, 22 April 2008, 9 February 2010
Date of Next Review:	February 2015