

10.1 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS TO MEMORIALS IN PUBLIC PLACES AND RESERVES POLICY

Attachments: 1. Memorials in Public Places and Reserves Policy (2.1.5)

RECOMMENDATION:

That Council ADOPTS the Memorials in Public Places and Reserves Policy as per Attachment 1.

PURPOSE OF REPORT:

To present the outcome of community consultation and seek approval of the proposed Memorials in Public Places and Reserves Policy as per **Attachment 1**.

BACKGROUND:

At the 16 November 2022 Ordinary Council Meeting, Council approved conducting community consultation of its intention to amend the Memorials in Public Places and Reserves Policy

In accordance with the City's Community and Stakeholder Engagement Policy, community consultation was undertaken between 7 December 2021 until 7 January 2022 which is in excess of the 21 days required due to the Christmas holiday period.

The policy was advertised on the City of Vincent website, social media and local print media.

At the end of the consultation period no public submissions were received.

DETAILS:

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.

Administration proposed the following changes to the policy:

- Include confirmation that costs associated with replacement of lost or vandalised plaques would remain the responsibility of the applicant being clause 1.2(ix);
- 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);
- Not permitting plaques where there is a religious or political affiliation being clause 1.2(vii);
- 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);
- 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;
- 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
- 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.

At the Ordinary Meeting of Council 16 November 2021 Council approved the proposed amendments for the purpose of public notice with the following changes:

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.
- (c) Where approval is granted, the ashes are to be distributed at a time and in a manner which causes minimal attention or disruption.

The above changes were made to draft policy which was then advertised for public comment on 7 December 2021 until 7 January 2022.

At conclusion of the consultation period no comments were received.

CONSULTATION/ADVERTISING:

No further consultation is required.

LEGAL/POLICY:

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

The City's Policy Development and Review Policy sets out the process for repealing and adopting policies.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to adopt the proposed Policy.

STRATEGIC IMPLICATIONS:

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

Enhanced Environment (select the priority outcome below or delete if not applicable)

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

SUSTAINABILITY IMPLICATIONS:

This is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

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

- (i) 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.
- (ii) The Chief Executive Officer shall consider each application on its merits, taking into consideration the above criteria.
- (ii) Where approval is granted, the ashes are to be distributed at a time and in a manner which causes minimal attention or disruption.

2. DEFINITIONS

“The City” refers to the City of Vincent.

MEMORIALS IN PUBLIC PLACES AND RESERVES



“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	
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