

<b>DONATIONS AND MEMORIALS ON LOCAL GOVERNMENT LAND POLICY</b>	
Council Policy	
TRIM Reference	AR20/64507[v2]
First Issued	24 January 2011
Last Reviewed	14 March 2023
Next Review	January 2027

## 1. POLICY STATEMENT

- 1.1 Council values and recognises the generosity of the community and supports community involvement in developing public places to improve the image of the city, and recognises the sense of pride that is achieved when the community participate in these initiatives.
- 1.2 Council periodically receives requests from the community for the installation of memorials on Local Government land and these requests need to be considered and managed in a consistent and accountable manner.

## 2. PURPOSE

### 2.1 Purpose

To provide clear guidelines for the processing of offers of donations and memorial requests on local government land.

### 2.2 Scope

All requests from members of the public for the installation of donations, artwork and memorials on land that is owned or under the care, control and management of Council.

### 2.3 Strategic Reference

#### 4 Infrastructure

- 4.3 Our City develops and evolves in a planned way, improving the appearance of our City and making efficient use of infrastructure.

#### 5 Governance and Financial Sustainability

- 5.5 We meet or exceed legislative and accreditation requirements for all relevant programs.

## 3. PRINCIPLES

### 3.1 Donations

- 3.1.1 Council encourages collaborative projects between Council and the community, where public places are developed and improved through community involvement and receipt of donations.
- 3.1.2 In considering the offer of donations, Council will ensure that the following issues are taken into account as part of its assessment process:
  - 3.1.2.1 Appropriateness of the donation in regard to its public display and proposed location;
  - 3.1.2.2 Whether the item meets the standards within the Port Augusta Style Guide;
  - 3.1.2.3 Durability to meet the level of use and exposure to weather;
  - 3.1.2.4 Public liability considerations;
  - 3.1.2.5 Risk assessments for compliance against relevant codes and standards;

3.1.2.6 Maintenance implications;

3.1.2.7 Budget implications;

3.1.2.8 Potential asset life of the item being donated.

3.1.3 Council reserves the right to approve the design of any item submitted for installation in public places under its control. Such approval will involve consideration of design elements, features of the site, the public benefit of the works and any risk factors.

### **3.2 Artworks**

3.2.1 Council recognises Port Augusta's diverse cultural resources, experience, and community members who possess artistic ability. Artworks for the purposes of this policy include structures and the creation of art pieces.

3.2.2 Artistic pieces will be assessed as per clause 3.1.2. Arts workers or project developers while working in any public place will be required to provide evidence of public liability insurance prior to commencing the work.

3.2.3 Ownership of materials acquired or produced for the benefit of the public and installed in public places, shall be vested in Port Augusta City Council unless otherwise agreed in writing between the creator and Port Augusta City Council.

3.2.4 Where ownership of structures or materials remains with the creator, they will be installed and removed at no cost to Council.

3.2.5 Artists must also be aware that structural certification from a qualified engineer is necessary for any structure over 1.8m in height. This shall be undertaken at no cost to Council, unless otherwise agreed in writing between the parties.

### **3.3 Memorials**

3.3.1 Pursuant to Clause 9.14.2 of the Local Government Land By-Law, the installation of a memorial on Local Government Land is not permitted without prior approval from Council. Council may grant approval for the installation of a memorial, or naming of a park or facility on Local Government Land, in accordance with this policy.

3.3.2 Requests for the installation of a memorial must be made in writing to the Council, addressed to the Chief Executive Officer. Each application will be assessed on its merits, on a case by case basis.

3.3.3 The memorial must be culturally sensitive and not likely to cause offence.

3.3.4 The design of the memorial must keep with the current aesthetic appeal, use and cultural integrity of the location.

3.3.5 All costs associated with the provision and installation of the memorial will be borne by the applicant.

3.3.6 Landscaping memorials, including garden beds, trees, benches, will be considered upon application according to the following criteria:

3.3.6.1 The materials will be purchased by Council; however, reimbursement of costs must be paid by the applicant. A quoted price will be provided to the applicant prior to purchase and the applicant must provide written advice that the cost is acceptable and that they will cover the costs.

3.3.6.2 A memorial plaque installed on landscaping equipment is to state "In memory of ..." and may include a sentence as to why the person is being commemorated.

- 3.3.7 Council reserves the right to remove any approved memorial if it is considered no longer relevant or appropriate or is beyond repair.
- 3.3.8 Where an application has been received to name a park or similar after a community member and it is located on Crown Land, approval to name the park must be gained from the State Government.
- 3.3.9 Where an application has been received to name a park or similar after a community member and it is located on Council Land, this must be approved by Council.
- 3.3.10 This Policy does not apply to the installation of roadside memorials. Application for a roadside memorial must be submitted in accordance with the Roadside Memorials Policy, available on Council's website.

#### **3.4 Council Rights and Responsibilities**

- 3.4.1 Council reserves the right to decline the offer of any donation for a public place which does not meet Style Guide, safety, aesthetic, structural or durability requirements.
- 3.4.2 Council does not guarantee that an item will be maintained or remain in place indefinitely.
- 3.4.3 If the item becomes unsafe or unsightly over time, Council may remove the work without further reference to the community member who donated the item.
- 3.4.4 Where a donation, artwork or memorial is to be decommissioned, Council will endeavour to contact the relevant artist or family to advise of the process to be undertaken.

### **4. RESPONSIBILITY AND REVIEW**

#### **4.1 Responsible Officer**

Director City Services

#### **4.2 Availability**

This policy will be available on Council's website.

#### **4.3 Review**

This policy will be reviewed within 12 months of a General Election for Local Government, or as required to meet other obligations.

### **5. REFERENCES**

#### **5.1 Legislation**

Local Government Act 1999

#### **5.2 Other References**

Council's By-Law No 3 - Local Government Land  
Roadside Memorials Policy