



# DRAFT Memorials, Naming of Council Facilities and Donations of Park Furniture and Trees Policy

MSC063E

## Authorisation Details

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<b>Community Strategic Plan Goal</b>	5 Effective and efficient infrastructure that is appropriate to the needs of our community		
<b>Community Strategic Plan Strategy</b>	5.1 Construct and maintain well-planned community infrastructure that is safe, reliable, and provides agreed levels of service		
<b>Delivery Program activity</b>	5.1.2 Maintain and continually improve asset management		

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# Table of Contents

1	Policy Objective.....	3
2	Risks being addressed .....	3
3	Scope .....	3
4	Policy Statement .....	3
4.1	Principles .....	4
4.1.1	Major commemorative memorial .....	4
4.1.2	Minor commemorative memorial .....	4
4.2	Exclusions and Responsibilities .....	4
5	Applications .....	5
5.1	Applications for memorials on Council land or land under the care and control of Council .....	5
5.2	Donation of Park Furniture and Trees .....	5
5.3	Application for naming facilities owned by Muswellbrook Shire Council.....	6
5.4	Geographical Names Board .....	7
5.5	Cost .....	7
5.6	Maintenance .....	7
5.7	Applications on Crown Lands.....	7
5.8	Report to Council.....	8
6	Roles, Responsibilities and Delegations .....	8
7	Dispute Resolution .....	8
8	Related Documents.....	8
8.1	Legislation and Guidelines .....	8
8.2	Policies and Procedures .....	8
8.3	Other Supporting Documents.....	8
9	Version History.....	9

# 1 Policy Objective

This Policy sets out the process to be followed when dealing with requests for memorials on Muswellbrook Shire Council (Council) parks and reserves, donation of park furniture and trees, or naming of Council owned or managed land and facilities.

The objective of this Policy is:

- a) To provide Council with a consistent approach to dealing with requests for memorials on Council reserves, requests to donate park furniture and trees, and naming parks and facilities owned or managed by Muswellbrook Shire Council.
- b) To establish criterion against which to assess and respond to requests for the use of the Council reserves by individuals and community groups for the recognition of valued community members.
- c) To define conditions under which Council will accept donations and offers of park furniture, trees and/or other park infrastructure.
- d) To ensure that the naming of Council owned or managed land and facilities is consistent with the Muswellbrook Shire community expectations, relevant legislation and the Geographical Names Board of NSW Guidelines where applicable.
- e) To establish a review process when new information becomes available, and it is identified that an existing memorial or name no longer conforms to this Policy.

# 2 Risks being addressed

This policy sets the framework to provide a consistent and fair process for the naming of Council owned and managed parks and facilities, and the location of donated park furniture and trees across the Muswellbrook Shire Local Government Area.

# 3 Scope

This policy applies to members of the community and community groups who request for memorials on Council reserves, donation of park furniture and trees, or naming of Council owned or managed land and facilities. This policy also guides the Councillors and Council staff in managing the requests.

This policy does not apply to donations of public art. Please see Council's *Public Art Policy* for further information to install public art in a public place.

# 4 Policy Statement

Council will consider written applications for the placement of memorials on public reserves, including community, recreation and road reserves under the care, control and management of Muswellbrook Shire Council.

Council will consider written applications for the donation of park furniture and trees in public reserves.

Council will consider written applications for the naming of Council owned or managed parks and facilities.

The contents of the written application are set out in the Policy Implementation section listed below.

Approval for:

- a) Major memorials; or

b) Naming of Parks, Reserves or Facilities

can only be given by Council Resolution and in response to a completed written application.

A Major Commemorative Memorial would be a structure, plaque or sign that is more than 500 mm x 500 mm in dimension.

A Minor Commemorative Memorial would be a plaque or sign that is less than 100 mm x 100 mm x 100 mm in dimensions and is fixed to or next to a donated item of park furniture or tree.

## 4.1 Principles

### 4.1.1 Major commemorative memorial

A request for a major commemorative memorial will be considered only if the person who is nominated (the nominee) has been deceased for at least six months, was of good repute and not likely to be the subject of controversy and:

- a) was widely known and respected within the local community; or
- b) had a recognised historical link with the locality or is generally acknowledged as having made a significant contribution to the social, economic, sporting and/or cultural development of the community.

Council will not approve requests to commemorate a living person, except in special circumstances, such as providing recognition to a local citizen who has made outstanding contributions to the community over a period of greater than 10 years.

Council will not approve requests for the naming of Council owned or managed reserves, reserve infrastructure or facilities after a person still holding public office.

Apart from historical persons of distant past, naming after a person shall only be approved with the written consent of their immediate family.

### 4.1.2 Minor commemorative memorial

Apart from historical persons of distant past, naming after a deceased person shall only be approved with the written consent of their immediate family.

Requests to commemorate a living person will be considered when an item of park furniture or tree is being donated.

## 4.2 Exclusions and Responsibilities

Requests for major or minor commemorative memorials or the naming of parks and facilities will be declined where:

- a) The names are considered offensive or likely to give offence,
- b) The names commemorate people who are linked to acts of violence (other than participation in a War sanctioned by the Australian Federal Government); or
- c) The names commemorate people who have acted unreasonably toward other people.

Notwithstanding an approval by the Council under this Policy, Council reserves the right to alter or rescind such approval by resolution of the Council.

This Policy should be read in conjunction with Council's Code of Conduct and align with Council's Community Strategic Plan, Operational Plan and any relevant master plans.

Council will be responsible for the ongoing maintenance of all approved furniture and trees, unless otherwise agreed.

All naming and naming rights will be for a period of 10 years and reapplication may be applicable.

## 5 Applications

### 5.1 Applications for memorials on Council land or land under the care and control of Council

Applications must be in writing and addressed to the General Manager marked for the attention of Council's Property and Building Services.

Applications must include a supporting statement for the nominee detailing how the nominee meets the principles as stated in the Policy.

All applications must include a site plan indicating the proposed location of the requested donated park furniture, tree/s, and/or naming memorial plaque.

The application must be supported in writing by a minimum of three third parties, one of which must be a local community group.

Applications must describe how the proposal benefits the Muswellbrook Shire Council community and explain any community engagement or consultation undertaken (if applicable).

The documentation must be validated by Statutory Declaration.

In circumstances as determined by Council's Property and Building Services where an application is potentially controversial or questionable, the application will be advertised for a period of 28 days to provide opportunity for community comment and feedback for consideration by Council.

For park furniture, plaque size will be limited to 150 mm by 100 mm. Wording should follow a simple and standard format and avoid terminology used in the cemeteries. The wording will recognise the nominee and their qualities/attributes or an appropriate phrase outlined in the application. All plaques will need written approval from Council's Property and Building Services section.

Evaluation of the appropriateness of the memorial plaque will be made by Council's Property and Building Services section in close consultation with the relevant Council asset user(s) and the Governance Unit.

All applications and any community feedback received will be given careful consideration by Council's Property and Building Services prior to being presented to Council.

### 5.2 Donation of Park Furniture and Trees

Applications must be in writing and addressed to the General Manager marked for the attention of Council's Property and Building Services.

Council will permit the donation of park furniture and trees subject to Council's direction with respect to appropriateness, location, standards of park furniture type and style, maintenance requirements, or tree species choice.

Consideration will need to be given to:

- a) infrastructure already at the location;
- b) maintaining safe passage for pedestrians and other park users;
- c) avoidance of any damage to the natural environment; and

- d) ensuring the donation meets with general community expectations for the area.

Due consideration of any Aboriginal connection with the site will also be required to be undertaken by Council.

Evaluation of the appropriateness of the donation will be made by Council's Property and Building Services in close consultation with the relevant Council asset user(s) and Governance.

In those circumstances where an application to donate park furniture or trees is potentially controversial as determined by Council's Property and Building Services, the application will be advertised for a period of 28 days to provide opportunity for community comment and feedback for consideration by Council.

All applications and any submissions received will be given careful consideration by Council's Property and Building Services prior to being presented to Council.

### 5.3 Application for naming facilities owned by Muswellbrook Shire Council

All proposals to name or re-name a facility must be submitted in writing and addressed to the General Manager marked for the attention of Council's Property and Building Services.

Applications must contain the following details:

- a) Name and address of the requester;
- b) Sufficient information to clearly identify the facility (description, maps, drawing and any other relevant details); and
- c) Reason for the choice of facility, including discussing the origin and significance of the current name to the facility.

If the proposal is to commemorate a person, then additional information is required:

- a) Dates of birth and death;
- b) Association of the person with the facility to be named;
- c) Person's association and contribution to the local community;
- d) Source of the above information; and
- e) Any other relevant supporting documentation.

Applications must include a supporting statement for the nominee which detail how the nominee meets the conditions as stated in the Policy.

The application must be supported in writing by a minimum of three third parties, one of which must be a local community group.

The documentation must be validated by Statutory Declaration and signed by a Justice of the Peace, Legal Practitioner or Commissioner of Declarations.

Proposed use of Aboriginal names for a major commemorative memorial, park or facility name must demonstrate consultation with the Local Aboriginal Land Council and Council's Community Services Section

All applications to name or re-name a major commemorative memorial, park or facility will be advertised for a period of 28 days to provide opportunity for community comment and feedback for consideration by Council.

Evaluation of the appropriateness of the naming or re-naming of a facility will be made by Council's Property and Building Services in close consultation with the relevant Council asset user(s) and Governance.

All applications and submissions received will be given careful consideration by Council's Property and Building Services prior to being presented to Council for endorsement.

## 5.4 Geographical Names Board

When considering a name proposal for a park, reserve or facility Council must assess whether the proposed name needs to be registered with the Geographical Names Board under the Geographical Names Act 1966.

If Council registers the name with the Geographical Names Board, it will follow the relevant guidelines of the Board and, prior to forwarding a request for naming determination, Council's Property and Building Services will ensure that:

- a) The community was consulted on the proposed name;
- b) The proposed name is widely supported by the community; and
- c) The proposed name has been formally endorsed by Council.

All applications and submissions received will be given careful consideration by Council's Property and Building Services prior to being presented to Council.

## 5.5 Cost

The applicant is required to meet all costs associated with the purchase, advertisement, delivery, installation and maintenance of the approved park furniture, tree(s) and/or the Council approved plaque.

Council's Property and Building Services will contact each applicant and provide an estimate of the costs, which will also be included in the Council Report.

Works will only commence once:

- a) a Council Resolution has approved the application; and
- b) the complete costs of the donation/memorial has been received by Council.

All works are to be carried out by Council employees or Council approved contractors.

Council's Property and Building Services will co-ordinate the purchase of the park furniture, tree(s) and plaque, if required.

## 5.6 Maintenance

The donated park furniture or tree(s) will be subject to the same level of maintenance as other infrastructure.

The donation will remain in place as long as it remains in good working condition and complies with Council standards.

Council accepts no responsibility or obligation for repair of damage to, or theft of, the structure.

Applicants may re-apply should the park furniture or tree(s) need to be replaced.

## 5.7 Applications on Crown Lands

Where the request is located on Crown Lands Managed by Council, a formal request is required to be submitted to the Regional Office of Crown Lands. The request shall include evidence of public consultation. Formal consent from Crown Lands is required prior to any proposal being submitted to the Geographical Names Board. Consent from Crown Land should be received before the request is reported to Council.



Requests for the naming of other Crown lands (not managed by Council) will be referred back to the applicant with the advice they should contact the relevant Crown office directly.

## 5.8 Report to Council

Any requests received for a major commemorative memorial or naming of a park, reserve or facility, will be subject to a report to Council.

Council's Property and Building Services is responsible for the co-ordination of requests, actions under this Policy and for the preparation of the report to Council.

## 6 Roles, Responsibilities and Delegations

Role	Responsibility
Property and Building Services section	Manage and update this policy as required. Assess and provide advice to applicants. Arrange public exhibition of proposals as required. Obtain quotes, installation fees and invoices. Manage the installation.
Governance	Provide advice where required.
General Manager	Approve the Council reports.
Councillors	Endorse the application by way of resolution.

## 7 Dispute Resolution

Any disputes should be directed to the Director Infrastructure and Property, Muswellbrook Shire Council.

## 8 Related Documents

### 8.1 Legislation and Guidelines

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Geographical Names Act 1966

### 8.2 Policies and Procedures

- Council's Code of Conduct
- Management of Trees on Roads and Public Land Policy - MSC27E
- Public Art Policy - MSC068E

### 8.3 Other Supporting Documents

- Application form



## 9 Version History

This section identifies authors who reviewed the Policy and the date that it became effective.

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	24/06/2024	Technical Officer - Recreation & Property	First draft for consultation