

POLICY NAME: (REVIEW)
MONUMENTS & MEMORIALS ON
PUBLIC LAND

POLICY REF: M02

MEETING ADOPTED: 26 November 2015
Resolution No 261115/31

POLICY HISTORY: 220911/25; 251007/22



1	OBJECTIVE	2
2	POLICY	2
	2.1 Memorials and Monuments Located on Public Land.....	2
	2.2 Seats with Plaques.....	2
	2.3 Plinths and Rocks with Plaques.....	2
	2.4 Trees.....	2
	2.5 Roadside Memorials.....	3
3	BACKGROUND	3
	3.1 Memorials for Family Members.....	3
	3.2 Roadside Memorials.....	3
4	DEFINITIONS	3
5	SCOPE OF POLICY	4
6	RELATED DOCUMENTATION	4
7	REVIEW	4

1 OBJECTIVE

The objectives of this policy are:

- a) to preserve the amenity of [public land](#) by managing the placement of private [memorials and monuments](#); and
- b) to provide guidelines on what memorials and monuments may be placed in public places and the process that needs to be followed to gain approval for them.

2 POLICY

2.1 Memorials and Monuments Located on Public Land

The creation or placement of memorials or monuments on public land is only permitted with the approval of Council, other than for small roadside memorials.

2.2 Seats **with Plaques**

- ~~a) Council will consider applications for the placement of seats with plaques in appropriate locations, such as along paths, and in accordance with any plans of management that may operate for the public land. Applications must be made in writing with a clear description of the proposed location.~~
- ~~b) Delegation for the approval of memorial seats is with the Manager Open Spaces. High profile or highly saturated locations may be refused. Appeals against any determinations made may be referred to the General Manager for final consideration.~~
- ~~c) The seat will be made to Council's specifications, and Council approval will be required for the wording to be placed on a plaque. Council reserves the right to remove seats that are damaged or unsafe.~~
- ~~d) The purchase and placement of the seat will be at the expense of the applicant, and the location of the seat will be agreed with Council. Council is not liable for any replacement or maintenance cost due to vandalism or disrepair of plaques.~~

Such memorials will not be permitted on public land unless the person, event or location is of historical significance and the memorial is approved by resolution of Council.

2.3 [Plinths](#) and Rocks with Plaques

Such memorials will not be permitted on public land unless the person, event or location is of historical significance and the memorial is approved by resolution of Council.

2.4 Trees

- a) Council will consider applications for the planting of trees on public land. The location and species of the trees will be to Council's specifications. Trees will not be

marked with plaques. The cost of trees will be at the expense of ~~Council, the applicant.~~

- b) Applications must be made in writing with a clear description of the proposed location.

2.5 Roadside Memorials

Council approval is not required for the placement or creation of small roadside memorials. However, if a memorial is considered by Council to be a safety risk to the public or if the RMS requires its removal then the memorial will be removed without notification.

3 BACKGROUND

3.1 Memorials for Family Members

The placement of memorials such as rocks with plaques, plinths with plaques, seats with plaques or trees has in the past been carried out by residents without reference to Council. These memorials are generally placed to commemorate the passing or the life of a family member, and are often placed along paths or in locations with views and high scenic amenity and significance.

The placement of rocks, ~~and~~ plinths ~~and seats~~ to commemorate the life of a family member may not have any significance to the broader community. However, the appearance of such memorials may also be offensive to other members of the community and can have the effect of creating a graveyard appearance on public land.

Ballina's public land contains a wealth of biodiversity with high conservation value, especially the coastal reserves. Many individual threatened species exist on these sensitive sites and so too do several endangered ecological communities such as Themeda grasslands and littoral rainforests, all of which are protected under the *Threatened Species and Conservation Act 1995*. A scientific licence under the *National Parks and Wildlife Act 1974* is required to harm or damage threatened species or endangered ecological communities.

3.2 Roadside Memorials

Roadside memorials can take a number of forms, but are generally a cross or rock with the name of the deceased on them, and there are generally flowers placed at the site with photographs.

Such memorials, if safely located, can be a timely reminder to other road users of the need to drive safely. This policy does not seek to require applications for consent to install such memorials, but does allow for the removal of a memorial if it is a safety hazard.

4 DEFINITIONS

Council:	Ballina Shire Council
Memorials and monuments:	Structures made of concrete, marble or timber or the like, which have words inscribed onto them and may

11.5 Policy (Review) - Monuments and Memorials on Public Land.DOC

Ballina Shire Council

(REVIEW) Monuments and Memorials on Public Land Policy

take on a variety of sizes and shapes. Headstones in cemeteries are an example of a memorial or monument.

Plinths:

Structures onto which plaques are attached. They may be made of concrete, marble or timber or the like.

Public land:

Land under the ownership or care and control of Council. This policy does not apply to Council's cemeteries.

5 SCOPE OF POLICY

This policy applies to:

- a) Council employees
- b) Councillors
- c) Community members.

6 RELATED DOCUMENTATION

Related documents, policies and legislation:

- a) *Local Government Act 1993*
- b) *Crown Lands Act 1989.*

7 REVIEW

The Monuments and Memorials on Public Land policy will be reviewed at least every four years.

11.3 Policy (Review) - Monuments and Memorials on Public Land

11.3 Policy (Review) - Monuments and Memorials on Public Land

Delivery Program Open Spaces and Reserves

Objective To review the Monuments and Memorials On Public Land Policy

Background

All of Council's existing policies are progressively reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to review the Monuments and Memorials on Public Land policy.

Council first adopted the Monuments and Memorials on Public Land policy in 25 October 2007 and was renewed in 22 September 2011 and November 2015.

From the perspective of staff the policy has worked well with the exception for the opportunity and placement of seats with plaques. A change to the policy is suggested in the information section below.

Key Issues

- Whether the policy meets the requirements of Council and current legislation.

Information

Having observed the operation of this policy staff suggest Council change the policy, in respect of memorial seats, from "consideration of seats with a plaque in appropriate places" to "not permitted on public land unless the person, event or location is of historical significance and the memorial is approved by resolution of Council".

This change is due to the following reasons:

- The majority of seat with plaque requests desire placement along pathways in generally iconic locations with coastal and water views and high scenic amenity and significance. This is resulting in an impression of these walkways as a memorial walkway and this is not likely to be supported by all of the community. Whilst Council staff have received positive comments from family and friends of those being remembered, we have also received comments from the public about the number of seat placements in the natural coastal areas.
- The policy is difficult to implement as not all requests can be accommodated in the desired high profile coastal areas and this is a concern to residents making the request because they are aware of previous approvals. Unfortunately the understandable emotions associated with the requests mean the decisions to decline a request are not readily accepted on some occasions.

11.3 Policy (Review) - Monuments and Memorials on Public Land

- The volume of seat placement requests has increased and is beyond Council's replacement program based on the typical life expectancy of furniture. Most coastal locations now have the desired number of seats. Council currently has eight applications for seats with plaques of which their high profile coastal locations cannot be appropriately provided for.
- This change will mean seats will be treated in a consistent policy manner to the remainder of the policy with regards to plinths and rocks with plaques.

The changes have been marked in **yellow** for amended or additional items and shown as **red-strikethrough** for items proposed to be deleted.

Otherwise the policy is still considered to be contemporary and reflects current legislation therefore no further changes are recommended. A copy of the amended policy is attached to the report.

Sustainability Considerations

- **Environment**
Ensure unnecessary and unauthorised disturbance within reserves.
- **Social**
Regulation will assist in ensuring the value and amenity of public open spaces is preserved.
- **Economic**
Ensure efficient and sustainable use of Council resources.

Legal / Resource / Financial Implications

There are eight existing applications for seats with plaques desiring high profile coastal locations. One has recently been consented to by staff. There are no other specific legal, resource or financial implications associated with this report.

Consultation

The recommendation to this report is to place the revised policy on public exhibition.

Options

Council may accept or amend the proposed changes to the policy. The changes are commensurate to public perception, protecting public amenity and efficient use of public resources. It is recommended that the policy be placed on exhibition for public comment.

It is also recommended that if no submissions are received from the exhibition process, the policy be adopted with no further actions required.

11.3 Policy (Review) - Monuments and Memorials on Public Land

RECOMMENDATIONS

1. That Council place the amended Monuments and Memorials on Public Land Policy, as attached to this report, on public exhibition.
2. If no responses are received to the public exhibition, the policy will be considered to be adopted by Council. Any responses received will be the subject of a further report to Council.

Attachment(s)

1. Policy (Review) - M02 Monuments and Memorials on Public Land

11.5 Policy (Review) - Monuments and Memorials on Public Land.DOC

11.3 Policy (Review) - Monuments and Memorials on Public Land.DOC

POLICY NAME: MONUMENTS & MEMORIALS ON
PUBLIC LAND

POLICY REF: M02

MEETING ADOPTED: 26 November 2015
Resolution No 261115/31

POLICY HISTORY: 220911/25; 251007/22



1	OBJECTIVE	2
2	POLICY	2
	2.1 Memorials and Monuments Located on Public Land.....	2
	2.2 Seats with Plaques.....	2
	2.3 Plinths and Rocks with Plaques.....	2
	2.4 Trees.....	3
	2.5 Roadside Memorials.....	4
3	BACKGROUND	4
	3.1 Memorials for Family Members.....	4
	3.2 Roadside Memorials.....	4
4	DEFINITIONS	4
5	SCOPE OF POLICY	5
6	RELATED DOCUMENTATION	5
7	REVIEW	5

11.3 Policy (Review) - Monuments and Memorials on Public Land.DOC

1 OBJECTIVE

The objectives of this policy are:

- a) to preserve the amenity of public land by managing the placement of private memorials and monuments; and
- b) to provide guidelines on what memorials and monuments may be placed in public places and the process that needs to be followed to gain approval for them.

2 POLICY

2.1 Memorials and Monuments Located on Public Land

The creation or placement of memorials or monuments on public land is only permitted with the approval of Council, other than for small roadside memorials.

2.2 Seats with Plaques

- ~~a) Council will consider applications for the placement of seats with plaques in appropriate locations, such as along paths, and in accordance with any plans of management that may operate for the public land. Applications must be made in writing with a clear description of the proposed location.~~
- ~~b) Delegation for the approval of memorial seats is with the Manager Open Spaces. High profile or highly saturated locations may be refused. Appeals against any determinations made may be referred to the General Manager for final consideration.~~
- ~~c) The seat will be made to Council's specifications, and Council approval will be required for the wording to be placed on a plaque. Council reserves the right to remove seats that are damaged or unsafe.~~
- ~~d) The purchase and placement of the seat will be at the expense of the applicant, and the location of the seat will be agreed with Council. Council is not liable for any replacement or maintenance cost due to vandalism or disrepair of plaques.~~

Such memorials will not be permitted on public land unless the person, event or location is of historical significance and the memorial is approved by resolution of Council.

2.3 Plinths and Rocks with Plaques

Such memorials will not be permitted on public land unless the person, event or location is of historical significance and the memorial is approved by resolution of Council.

11.5 Policy (Review) - Monuments and Memorials on Public Land.DOC

11.3 Policy (Review) - Monuments and Memorials on Public Land.DOC

Ballina Shire Council

(REVIEW) Monuments and Memorials on Public Land Policy

2.4 Trees

- a) Council will consider applications for the planting of trees on public land. The location and species of the trees will be to Council's specifications. Trees will not be marked with plaques. The cost of trees will be at the expense of the applicant.
- b) Applications must be made in writing with a clear description of the proposed location.

Page 3 of 3

Policy No M02

Attachment 1

Page 6

11.3 Policy (Review) - Monuments and Memorials on Public Land.DOC

2.5 Roadside Memorials

Council approval is not required for the placement or creation of small roadside memorials. However, if a memorial is considered by Council to be a safety risk to the public or if the RMS requires its removal then the memorial will be removed without notification.

3 BACKGROUND

3.1 Memorials for Family Members

The placement of memorials such as rocks with plaques, plinths with plaques, seats with plaques or trees has in the past been carried out by residents without reference to Council. These memorials are generally placed to commemorate the passing or the life of a family member, and are often placed along paths or in locations with views and high scenic amenity and significance.

The placement of rocks, and plinths and seats to commemorate the life of a family member may not have any significance to the broader community. However, the appearance of such memorials may also be offensive to other members of the community and can have the effect of creating a graveyard appearance on public land.

Ballina's public land contains a wealth of biodiversity with high conservation value, especially the coastal reserves. Many individual threatened species exist on these sensitive sites and so too do several endangered ecological communities such as Themeda grasslands and littoral rainforests, all of which are protected under the *Threatened Species and Conservation Act 1995*. A scientific licence under the *National Parks and Wildlife Act 1974* is required to harm or damage threatened species or endangered ecological communities.

3.2 Roadside Memorials

Roadside memorials can take a number of forms, but are generally a cross or rock with the name of the deceased on them, and there are generally flowers placed at the site with photographs.

Such memorials, if safely located, can be a timely reminder to other road users of the need to drive safely. This policy does not seek to require applications for consent to install such memorials, but does allow for the removal of a memorial if it is a safety hazard.

4 DEFINITIONS

Council:	Ballina Shire Council
Memorials and monuments:	Structures made of concrete, marble or timber or the like, which have words inscribed onto them and may take on a variety of sizes and shapes. Headstones in cemeteries are an example of a memorial or monument.
Plinths:	Structures onto which plaques are attached. They may be made of concrete, marble or timber or the like.

11.5 Policy (Review) - Monuments and Memorials on Public Land.DOC

11.3 Policy (Review) - Monuments and Memorials on Public Land.DOC

Ballina Shire Council

Monuments and Memorials on Public Land Policy

Public land: Land under the ownership or care and control of Council.

5 SCOPE OF POLICY

This policy applies to:

- a) Council employees
- b) Councillors
- c) Community members.

6 RELATED DOCUMENTATION

Related documents, policies and legislation:

- a) *Local Government Act 1993*
- b) *Crown Lands Act 1989.*

7 REVIEW

The Monuments and Memorials on Public Land policy will be reviewed at least every four years.