

POLICY NAME: MONUMENTS AND MEMORIALS ON PUBLIC LAND
POLICY REF: M02
MEETING ADOPTED: 25 May 2017
Resolution No 250517/21
POLICY HISTORY: 261115/31; 220911/25; 251007/22



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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

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.
- 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, 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.

11.1 Policy (Review) - Monuments on Public Land.DOC

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.

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

11.1 Policy (Review) - Monuments on Public Land.DOC

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

11.5 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 being reviewed to ensure they reflect contemporary practices and legislative requirements. The purpose of this report is to represent the Monuments and Memorials on Public Land policy. In response to a report to the last meeting of Council, it was resolved to defer the revised draft policy to a Councillor briefing and this was held on 9 May 2017.

Council first adopted this policy in October 2007 and it was reviewed in September 2011 and again November 2015.

Key Issues

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

Information

The general feedback from the briefing was there is a level of support for the policy direction recommended by staff in the previous report. This direction seeks to recognise that seating memorials are a private benefit on public land and, unfortunately, the increasing demand means that there are a number of issues for Council to manage if it is to provide this as an option to the community. In particular there are concerns in relation to how Council can allocate priority for seats in the locations of high demand such as at iconic coastal and other areas.

The policy direction proposed in the draft policy is to make the placement of seats with plaques consistent with the process for the placement of plinths and rocks which says "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."

A copy of the previous report and the recommended draft policy is attached to this report.

Councillors at the briefing suggested the draft policy be amended to include a requirement for plaques attached to seats to contain wording to recognise the donation rather than a memorial. The purpose of this process is to encourage the recognition of the public nature of the land and not create the perception of the land being used as a site of aggregation of private memorials.

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

There was also some discussion in respect of the opportunities to include memorial seating and other ideas for our cemeteries. As these locations are land specifically dedicated for this purpose, it is preferred to highlight in the policy that cemetery land is excluded from the policy. This will enable cemetery specific considerations to be undertaken and applied at the cemeteries.

Finally, the draft policy has also been amended to include a provision that the Council will provide free memorial trees, for approved areas, for planting on public land rather than the applicant bearing the expense. This is consistent with Council's existing "Urban Vegetation on Public Land" policy.

The briefing also noted that the existing applications before Council will be determined in accordance with the current policy.

Sustainability Considerations

- **Environment**
This policy manages the aggregation of memorials in the natural environment.
- **Social**
This policy seeks to assist those in the community wanting to recognize the memory of a family member or friend.
- **Economic**
Ensure efficient and sustainable use of Council resources.

Legal / Resource / Financial Implications

There are no other specific legal, resource or financial implications associated with this report.

Consultation

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

Options

Council may accept or amend the proposed changes to the policy.

Further to the information discussed above about the recommended policy, the briefing discussed alternate policy options, namely;

1. Amend the existing policy to exclude high profile geographic areas due to their high demand. The advantage of this option is it continues to provide a service that is of interest to some members of the community and it largely deals with the issues reported to Council about the current policy. The disadvantage is the perception or concerns in respect of private benefits being made available on public land.

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

2. Amend the policy to establish community service or some other criteria as a measure to determine the allocation of seats when places become available. The advantage of this approach is it continues to allow asset renewal at no cost to the Council, provides a service and potentially is able manage the supply and demand issue. The disadvantage is the selection of criteria will be subjective and may not be seen to be fair or equitable. If the Council prefers this direction it is recommended that it seek another report to enable staff to consider and present criteria options that are well defined and preferably measurable to ensure the Council can properly determine applications in the future.
3. The Council could adopt a hybrid of these first two options whereby the criteria approach is applied to set geographic areas where there is the high demand and the existing policy apply to the remaining parts of the Shire.
4. The briefing also discussed increasing the fee as a way of generating revenue and managing the supply and demand issue. From the perspective of staff this is not supported as it means those with a greater capacity to pay gain an advantage to benefit from public land. Similarly, the suggestion to provide memorial plaque opportunities as funding raising for community infrastructure (such as a buy a brick type scheme) is not supported as the Council receives rate revenue and grants from Government and it is therefore preferred to leave this type of fundraising as an option to charities and community groups seeking to deliver projects.

For the reasons set out above and in the previous report, and based on the feedback from the briefing, the draft policy attached to this report is recommended for exhibition. It is also recommended that if no submissions are received from the exhibition process, the policy be adopted with no further actions required.

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) - Monuments and Memorials on Public Land
2. Copy of Report from 23 March 2017