

POLICY NAME: MONUMENTS AND MEMORIALS ON PUBLIC LAND
POLICY REF: M02
MEETING ADOPTED: 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, safety, environment and cultural heritage 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 including Monuments, Plinths and Rocks with Plaques Located on Public Land

Such memorials including monuments, plinths and rocks with plaques will not be permitted on public land unless the person, event or location is of exceptional circumstances by the resolution of Council.

Commemorating deceased persons will not be allowed unless exceptional circumstances apply. To demonstrate exceptional circumstances the following criteria must be met:

- The deceased individual was a Ballina Shire community member making a substantial contribution to the community.
- The individual contribution was extraordinary and over and above what might reasonably be expected through paid employment or their voluntary contribution to the community, and that contribution stands out from others who may have also made a valuable contribution.
- There must be a clear association and strong significance to the site proposed.
- The individual has been deceased for at least one year to allow for appropriate development of historical perspective.
- The memorial satisfactorily addresses the sites safety, amenity, environmental, cultural heritage and planning values without causing impact or pollution.
- The Ballina Coastal Reserve will not be considered for these memorials.

2.2 Memorial Seating

Memorial seats with plaques or plaques placed on existing seating not containing a memorial may be installed providing such seating is required and approved by Council.

Such memorial seating will require satisfactory address of the site's safety, amenity, environmental, cultural heritage and planning values without causing impact or pollution.

The Ballina Coastal Reserve will not be considered for memorial seating.

Such memorial seating is to be provided for at cost price to the applicant.

2.3 Trees

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 or non-biodegradable matter. Council will provide for the cost of trees with the applicant planting and maintaining care of the tree.

2.4 Roadside Memorials

Council approval is not required for the placement or creation of small roadside memorials. However, if a memorial is considered by Council or the Roads Authority to negatively impact upon the sites safety, amenity, environmental, cultural heritage or planning values or causing pollution then the memorial will be removed. The memorial may be removed without notification.

2.6 Application Process and Memorial Tenure

Detailed applications must be made in writing with a clear description of the proposed location for assessment. Applications must include information about the person(s) to be the subject of the memorial.

Unauthorised memorials including monuments, plinths, rocks with plaques, memorial seating, trees or pet commemorations will be removed.

Council does not guarantee retention of approved memorials in perpetuity on public land.

Installation of a memorial including monuments, plinths, rocks with plaques or memorial seating is based on a ten year tenure with the following exceptions which may reduce the tenure period:

- The location is to be redeveloped.
- The location's safety, amenity, environmental, cultural heritage or planning values have changed and are negatively impacted.
- The memorial has been vandalised and is no longer viable.

Installation of a roadside memorials is based on a one year tenure.

If memorials are removed due to any of the reasons above all efforts will be made to identify, contact and advise relevant persons associated with the placement. Council cannot guarantee replacement of the memorial.

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, safety, the environment and cultural heritage. 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 environmental and cultural 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 existing aboriginal cultural heritage and can have the effect of creating a cemetery appearance on public land.

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 impacting safety, amenity, environmental, cultural heritage or planning values or causing pollution.

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, rocks, marble or timber or the like.
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.*
- c) *Crown Land Management Act 2016*
- d) *National Parks and Wildlife Act 1974*

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

- e) *Heritage Act 1977*
- f) *Biodiversity Conservation Act 2016*

7 REVIEW

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

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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 Seating and Infrastructure

Memorial plaques may be installed on existing seating not containing a memorial or combined with new seating and infrastructure on public land where required and as approved by Council. Such memorials to be at cost price to the applicant for the plaque, seat and infrastructure.

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.

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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

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