

# **Policy**

## **Public Memorials**



## CONTROLLED DOCUMENT INFORMATION

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<b>Related Legislation*</b>	Nil.
<b>Related Policies</b>	Nil.
<b>Related Documents</b>	The Burra Charter (Australian International Charter for the Conservation of Monuments and Sites) Transport for NSW Guidelines for Roadside Tributes
<p><b>Note:</b> Any reference to Legislation will be updated in this Policy as required. See website <a href="http://www.legislation.nsw.gov.au/">http://www.legislation.nsw.gov.au/</a> for current Acts, Regulations and Environmental Planning Instruments.</p>	

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## 1. Purpose

The purpose of this Public Memorials Policy ("this Policy") is to provide a framework for assessing and approving the placement of memorials on Council-owned land and the naming of public spaces within the Parkes Shire local government area.

## 2. Commencement

This Policy is effective from date of adoption by Council resolution, and shall remain in force until repealed by resolution of Council.

## 3. Scope and Application

This Policy applies to all applications and requests for commemorative naming and placement of memorials in Council-owned land. It does not cover memorials placed in cemeteries (whether Council-owned or otherwise), on private land, or on privately owned buildings.

This Policy does not apply to or include:

- (a) The naming of new parks that are being created as part of a subdivision, which are undertaken as part of the development application process, in accordance with guidelines issued by the Geographic Names Board of NSW;
- (b) The naming of roads within the Parkes Shire, which are named in accordance with the NSW Address Policy and User Manual published by the Geographical Names Board of NSW;
- (c) Directional signage or informational signage; or
- (d) Roadside tributes (refer to *Transport for NSW Guidelines for Roadside Tributes* for further information).

## 4. Policy Statement

Parkes Shire Council ("Council") recognises the need for public amenities, including parks and reserves, across the Parkes Shire local government area. Council's parks and reserves are primarily provided and maintained for recreation or environmental protection.

Council considers local cemeteries to be the most appropriate places for commemorating loved ones. As such, Council does not support the proliferation of visible memorials in its parks and reserves or alongside footpaths.

However, Council recognises that on occasion, it is appropriate to commemorate a deceased person in a more public space. In such circumstances, Council may approve a public memorial in accordance with this Policy.

Memorials will only be approved for a person who is deceased and was a resident of the Parkes Shire. Memorials will:

- (a) Be consistent with, and not interfere with, the intended purpose of the proposed location and the surrounding environment;
- (b) Be consistent with any existing Plan of Management;
- (c) Enhance the landscape, recreation, and cultural value of the park or reserve;
- (d) Build community connections and connect people to place;
- (e) Take into account the number of existing memorials, artworks and other objects in the vicinity; and
- (f) Be designed and located such that they enhance the visual amenity of the park.

Memorials will not be approved if they:

- (a) Duplicate an existing memorial within the Shire, except in exceptional circumstances;
- (b) Create a negative impact on Council's future maintenance expenditure, or present a significant financial burden to Council;
- (c) Pose a safety risk now or in the future; and/or
- (d) Result in a change of use of a park or reserve.

Council does not consider it appropriate to scatter ashes in Council parks and reserves, including at or around memorials placed in accordance with this Policy. Council cemeteries and other cemeteries in the Parkes Shire can accommodate the placement or scattering of ashes.

Requests for memorials will only be approved if they meet the criteria contained in this Policy. This Policy replaces any previous approval or process regarding the installation of a memorial. Existing memorials or plaques cannot be employed as precedent for future approvals.

#### **4.1. Memorial Trees**

- 4.1.1. Requests may be made to Council for the planting of a tree in memory of a deceased person. The placement of a tree in a park or reserve is considered to be a private and individual acknowledgement for personal and private remembrance. Requests for the placement of a tree in a particular park or reserve will be considered only where space is available for additional trees. Any such planting may be part of a Council revegetation project.
- 4.1.2. Applicants are liable for all costs associated with the supply, installation and establishment of memorial trees. The location of any planting will be determined by Council, and any trees planted must be in keeping with the function and accepted use of the park or reserve. Council will advise appropriate trees for each park and reserve, and the tree will be planted by Council staff. No physical plaque will be permitted, due to the continued need to maintain plaques.
- 4.1.3. Council does not guarantee the longevity of any memorial tree. Council reserves the right to remove any memorial tree which, in its opinion, poses a public safety risk or develops structural defects. Should the memorial tree be vandalised, replacement costs would remain the responsibility of the applicant, and the applicant must seek Council permission to replace the tree in accordance with this Policy. Council takes no responsibility for contacting the applicant in the event the tree is damaged. Council also reserves the right to remove any memorial tree that no longer aligns with the purpose and function of the park or reserve.
- 4.1.4. Requests for memorial trees will be assessed by Council staff. Applicants will be advised if the request has been approved, and if so, the details of any approval, including the species of tree(s) available for the park or reserve, the approximate location of the tree within the park or reserve, and the expected timing of planting the tree. Applicants who wish to hold a private ceremony following the planting of the tree should consider other users of the public space and safety when planning and conducting any ceremony. No ceremonies will be permitted at the time of planting.
- 4.1.5. If an application to plant a memorial tree is refused as a result of the park or reserve reaching saturation point, alternative sites may be discussed with the applicant.

## **4.2. Plaques on Park Seats**

- 4.2.1. Requests may be made to Council for the installation of a park seat with a memorial plaque in memory of a deceased person who had a close connection to the reserve or public space. For the purpose of this Policy, park seats include seats in road reserves.
- 4.2.2. A plaque placed on a park seat is a public recognition of the significant contribution a person has made to the local area. As such, requests will only be considered for those people who are publicly acknowledged as having made a significant contribution to the local area in a not-for-profit capacity. This may include:
  - (a) people who contributed to the community through sport, arts and culture, education, conservation of the environment, or by providing assistance to the vulnerable; or
  - (b) people who have contributed to the development of the region socially, culturally or economically.
- 4.2.3. Requests for new memorial park seats will only be approved where space is available for additional park/street furniture. The location of the seat will be determined by Council, and any seat must be in keeping with existing facilities in the public space and not conflict with Council's endorsed strategies or any Plan of Management for the area.
- 4.2.4. The text contained on a plaque must be submitted to Council for approval. Council staff will order and install the memorial plaque and the park seat. The Applicant is responsible for all costs associated with the supply and installation of the memorial plaque and park seat.
- 4.2.5. Council does not guarantee the longevity of a park seat. Council reserves the right to remove or relocate any park seat with a memorial plaque which, in its opinion, is damaged or beyond reasonable repair, or no longer aligns with the purpose and function of the park or reserve. Council does not guarantee the replacement of a seat if it is damaged, removed or stolen. Should the seat or plaque be damaged, removed or stolen, repair and replacement costs would remain the responsibility of the applicant, and the applicant must seek Council permission to replace the plaque and/or the park seat in accordance with this Policy. Council takes no responsibility for contacting the applicant if the seat is damaged, removed or stolen.
- 4.2.6. Requests for plaques and park seats will be assessed by Council staff. Applicants will be advised of the details of any approval, including the location of the park seat, and the expected timing of placement of the plaque and seat. Applicants who wish to hold a private ceremony following the installation of the seat or plaque should consider other users of the public space and safety when planning and conducting any ceremony. No ceremonies will be permitted at the time of installation. If an application is refused as a result of a public space reaching saturation point, alternative sites may be discussed with the applicant.

## **4.3. Historical Markers and Commemorative Plaques**

- 4.3.1. Historical markers and commemorative plaques can enhance understanding of the unique history and identity of the place, people and events associated with the site of the marker or plaque. Markers and plaques can also enhance the experience and perceptions of a site, by drawing attention to the unique features associated with the site. Council may, in its discretion, install historical markers or commemorative plaques in relevant places in the public

domain, in acknowledgement of its role in observing and documenting the life of the local community.

- 4.3.2. The person, association or event to be recognised should be:
- (a) an individual or association that has contributed significantly to the local community through sport, arts and culture, education, or the development of the region socially, culturally, or economically; or
  - (b) an individual or association strongly linked to the Shire and its history; or
  - (c) a significant event unique to the Shire's local history and environment.
- 4.3.3. Any historical marker will only commemorate an event that occurred more than 50 years prior so as to avoid the perception of favouritism or partisan perception or changes in community judgement and acceptance, and to avoid situations where historical events have later proven to be unworthy of commemoration.
- 4.3.4. The Applicant is responsible for all costs associated with the supply and installation of historical markers. All requests and applications to install historical markers will be assessed by Council staff in accordance with the above criteria. A report will be prepared for Council, and the responsibility for approving or refusing any request or application will rest with Council, unless delegated by Council to the General Manager.

#### **4.4. Monuments, Statues and other Memorials**

- 4.4.1. Requests may be made to Council for the installation of monuments, statues and other memorials (collectively called large memorials) in public spaces owned by Council.
- 4.4.2. Any new large memorial must be demonstrated to be of lasting value to the community for social, cultural, historical, educational or aesthetic reasons, and must add to the existing community amenity of the proposed location within the context of the current and future use of the area. Monuments, statues and other memorials will only be considered for a person who is deceased.
- 4.4.3. Subjects for a large memorial will only be considered appropriate if they meet one or more of the following criteria:
- (a) the subject is or was an individual or association that has contributed significantly to the cultural or social aspects of the development of the region, including:
    - more than 20 years dedicated to the development of the Parkes Shire, or
    - more than 20 year not-for-profit work on a community or social cause, such as arts, culture, education or sports, or providing assistance to the vulnerable; or
  - (b) the large memorial commemorates a significant anniversary of an event unique to the region's history and development.
- 4.4.4. In addition, the subject of the memorial must have a strong connection to the proposed site of the memorial. Large memorials for political or religious figures will only be considered if that person has also contributed to the community outside of their political or religious life, in accordance with the criteria outlined above.
- 4.4.5. Approval will only be granted for a new large memorial if it is consistent with Council's Master Plan or strategic development framework for the site.

- 4.4.6. Any request for a large memorial should include evidence of community consultation on the memorial's purpose, location and design, in the form of at least three letters of support from relevant or affected interest groups and/or organisations. Council reserves the right to undertake further consultation or direct the applicant to undertake further consultation if it is considered necessary.
- 4.4.7. Applicants for a large memorial must meet all costs associated with the design, manufacture and installation of the memorial. Council will oversee the installation of any large memorial and may require specialist contractors to advise on and/or install the memorial. Should the memorial be damaged, lost or vandalised, repair and replacement costs would remain the responsibility of the applicant.
- 4.4.8. No new memorial will be considered which commemorates a person, event or occasion that is already the subject of a memorial in the Parkes Shire unless there are exceptional circumstances, such as the commemoration of people or events with immense national or international significance.
- 4.4.9. Council reserves the right to refuse an application for a large memorial if it has the potential to cause offence.
- 4.4.10. All requests and applications to install a large memorial will be assessed by Council staff in accordance with the above criteria. Staff will produce a report to Council, including recommendations for the approval or refusal of the application. The report and the original request will be placed on public exhibition for a period to be determined by Council. The responsibility for approving or refusing any request or application will rest with Council, unless delegated by Council to the General Manager.

#### **4.5. Naming of Public Places and Buildings**

- 4.5.1. Unambiguous and recognised place names are essential for emergency services, postal and service delivery as well as professional and personal navigation. Place names become a tool for the general public to locate themselves within the Shire, and soon become part of the language of the region in terms of wayfinding and pinpointing locations.
- 4.5.2. Council defines a public place as being any Council-owned or managed indoor or outdoor area, to which the public have access by right or by invitation, expressed or implied.
- 4.5.3. From time to time, Council receives requests to name public places or buildings after a significant person in the Parkes Shire. Council will only consider requests to name or rename a public place or building in exceptional circumstances. Any such request will be assessed based on the following criteria:
  - (a) places or buildings will only be named after a person who has been deceased for more than one year; and
  - (b) the person commemorated must have had a long-term association of more than twenty years with the area around the place or building to be named, and
  - (c) the person commemorated must have had a long-term association with the Parkes Shire of more than 20 years, and
  - (d) the person commemorated must have contributed significantly to the cultural or social aspects of the Parkes Shire, such as 20 or more years of service:



- for a local community group or service club, or
  - for a local organisation, or
  - to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community, and
- (e) the person commemorated should be well-known, both in the area of their contribution to the community and more widely within the community.
- 4.5.4. The multiplication of names for different parts of the same reserve may cause confusion with wayfinding and therefore will not be approved.
- 4.5.5. It is the responsibility of the applicant to provide proof of how the above criteria are met. Acceptable proof may include:
- evidence of membership to appropriate clubs or associations,
  - records of service in an appropriate field, and/or
  - letters of support from both appropriate organisations and the broader community.
- 4.5.6. Further proof of a broad reputation within the community may also consist of newspaper articles or other media sources acknowledging the person's contribution to the community.
- 4.5.7. Council reserves the right to refuse to name a place or building after a person if to do so would have the potential to cause offence.
- 4.5.8. All requests and applications to name a public place or building will be assessed by Council staff in accordance with the above criteria. If the criteria have been met, staff will produce a report to Council, including recommendations for the approval or refusal of the application. Subject to Council approval, the request will be placed on public exhibition for a period to be determined by Council. The responsibility for approving or refusing any complying request or application will rest with Council, unless delegated by Council to the General Manager. Where required, Council will refer its decision to the Geographical Names Board of NSW for final approval.

## **5.6. Other Information**

- 4.6.1. Any request for a memorial must be made in writing. Any request must be made by an appropriate person, such as the next of kin or a near relative of the deceased. An appropriate person may also include the representative of an organisation closely associated with the deceased, where that association is the basis for the request. All applications, whether made by a person, an association or organisation, or an elected representative of any level of government, will be assessed in accordance with this Policy. Where a request for a memorial or a commemorative naming has been made by an organisation, it should be accompanied wherever possible by a letter of permission from a relative of the person being honoured.
- 4.6.2. Council will maintain public spaces containing tree or seat memorials in accordance with its usual maintenance schedule appropriate for the location. No additional maintenance of the memorial will be undertaken by Council. Council will maintain large memorials, and places and buildings named under this Policy, in accordance with maintenance and management schedules appropriate for the large memorial, place or building.
- 4.6.3. Council accepts no responsibility for any loss or damage to a memorial through vandalism or other actions. Applications for the replacement of memorials will be considered in accordance with this Policy as if it were a new

request. If an applicant wishes to replace a memorial and their application is approved, the cost of replacement will be the responsibility of the applicant.

- 4.6.4. In cases where the memorial sought is on or near a heritage item, heritage exemption or development consent may be required and Council staff will advise applicants if this applies. It is the applicant's responsibility to seek any required exemption or development consent and, in these cases, the assessment will not proceed until this is obtained. All costs associated with DA approval will be the responsibility of the applicant.
- 4.6.5. Applicants are liable for any costs associated with the supply and installation of memorials including signage. Council will supply applicants with a quotation based on Council's adopted Fees and Charges or direct contractor costs at the time of any approval.
- 4.6.6. Council will not create a waiting list for any memorial. If a particular public space is considered to have reached saturation point, alternative locations may be discussed with the applicant.
- 4.6.7. Members of the community wanting to place a roadside tribute following a death caused by a road incident should follow the *Transport for NSW Guidelines for Roadside Tributes*.

## **5. Review**

As part of Council's commitment to good governance and continuous improvement, this Policy must be reviewed and re-adopted by Council not less than once every four years or as Council otherwise determines in line with legislative requirements and policy changes.

## 6. Schedules

### Schedule 1: Definitions

In this Policy, the following terms shall be interpreted as having the following meanings:

Term	Definition
<b>Council</b>	means Parkes Shire Council.
<b>General Manager</b>	means the General Manager of Parkes Shire Council appointed pursuant to section 334 of the <i>Local Government Act 1993</i> .
<b>Memorials</b>	<p>means an object established in memory of a person, organisation or event, including:</p> <ul style="list-style-type: none"> <li>• Planting of memorial trees;</li> <li>• Park seats including plaques;</li> <li>• Historical markers and commemorative plaques;</li> <li>• Monuments, statues and other memorials;</li> <li>• Interpretative signage; and</li> <li>• Naming of public places.</li> </ul>
<b>Plaque</b>	means a flat tablet of metal, stone or other material which includes text and/or images which commemorate a person or an event and which is affixed to an object, building or pavement.
<b>Public place</b>	means any Council-owned or managed indoor or outdoor area to which the public have access by right or by invitation, express or implied.