

[DRAFT] MEMORIALS POLICY

1.0 PURPOSE

The Memorials Policy provides guidance for the establishment, maintenance, removal and relocation of memorials, plaques, monuments and the scattering of ashes on land under the care and control of Canterbury-Bankstown Council (Council).

2.0 SCOPE

This Policy applies to land and roads under Council's care and control, including roads maintained by Council under agreement with Roads and Maritime Services (RMS).

This Policy does not apply to State controlled roads. It is recommended that individual families or community groups consult directly with the RMS in this circumstance. Where necessary Council will liaise with the RMS on issues relating to temporary memorials in RMS jurisdiction, if it is in the interest of the community.

This Policy also excludes public art installed throughout the Local Government Area (LGA).

3.0 POLICY STATEMENT

Council recognises the importance that memorials serve as a statement of grief and love from the bereaved and that placing a tribute may assist with this grieving process.

3.1 Placement of memorials, monuments and plaques

Council does not generally accept donations of small infrastructure such as trees, plaques, seats and other park furniture as memorials on public land (nor dedication of existing furniture by assignment of a plaque). Such donations can divert resources from the delivery of outcomes endorsed by Council in its Community Strategic Plan. Existing memorials, monuments and plaques are not considered precedence for Council approval of any future requests.

In exceptional circumstances, Council's Mayor or General Manager has the delegated authority to approve requests for placement of donated small infrastructure, with subsequent reporting to Council.

3.1.1 Establishment of memorials and monuments

Any proposed memorial must be consistent with Council's approved plans for the proposed site or facility, and undergo a public consultation process. Additionally, the proposed memorial and/or monument must not;

- compromise the amenity value, aesthetic integrity or character of the proposed site.
- interfere with existing and proposed usage patterns of the site.
- pose any safety risk to users of the site or the facility.

As with Council's Naming Policy, Council will consider all proposals for Memorials on their individual merits, and take into consideration the following:

- i. Community impact of the proposal.
- ii. Commemoration of a person or a group who made a significant contribution to the Canterbury-Bankstown community.
- iii. Commemoration of an event or an occasion that is important in local, state or national history.
- iv. Reflection of the character, landscape, natural amenity, flora, fauna, and/or function of the site or area.
- v. The proposed memorial is significant to the Aboriginal community in the area.
- vi. The proposed memorial promotes the cultural diversity of Canterbury-Bankstown.

Council must approve the design, size, material, text and graphics to be used for memorials, monuments and plaques. The General Manager has delegated authority to approve or refuse design proposals.

It is the responsibility of Council to commission designers, fabricators, constructors and installers of memorials, monuments and plaques to ensure;

- The character, design, scale and quality is compatible and at a level commensurate with the location or setting of the site and its surroundings.
- It is designed and manufactured a qualified professional or artisan of repute approved by Council.
- A decommissioning plan taking into account the 'design life' of the memorial element is considered in the Artist Contract.

Council must approve the species and location of memorial trees to be planted in parks, reserves or public spaces. Approval for plaques on the tree or on the ground next to the tree will not be granted.

3.2 Removal or relocation of memorials, monuments and plaques

Council reserves the right to remove and/or relocate a memorial, monument, plaque or a memorial tree. This may include when;

- i. The area is to be redeveloped.
- ii. The character and use of the area in which the item is sited has changed significantly and the item is no longer deemed suitable for the site.
- iii. The structure or support on which the item is located is to be removed or altered.
- iv. The item has reached the end of its 'design life' as specified in the decommissioning plan.

Council will make every effort to work cooperatively with the donor to return any physical memorial elements if removal of the memorial is required. If the memorial has been irrevocably damaged or destroyed (including the death of a memorial tree) Council will remove the memorial item, but is under no obligation to replace the infrastructure.

3.3 Temporary roadside memorials

Council recognises the importance that roadside memorials serve as a statement of grief and love from the bereaved and that placing a roadside tribute may assist with this grieving process. Whilst approval from Council is not mandatory, as the 'roads authority' for local roads, Council must ensure that all roadside memorials comply with the *Roads Act 1993* and the RMS guidelines for roadside tributes.

3.3.1 Installation and maintenance of temporary roadside memorials

Council will respect the wishes of bereaved families and individuals who wish to place a temporary roadside memorial and will provide sympathetic advice and information about this Policy and the RMS Guidelines on memorial installation. Council will not install or maintain temporary roadside memorials on the behalf of bereaved families or individuals. The establishment, maintenance and subsequent removal and disposal of temporary roadside memorials remains the responsibility of the bereaved parties.

In accordance with RMS guidelines, temporary roadside memorials;

- must not be more than 50cm high, 40cm wide and 40cm in depth in the ground.
- should not create a distraction to drivers (eg not be made of fluorescent, reflective or illuminative materials).
- should be placed in a safe location (eg not on a sharp bend, well clear of passing traffic, not on traffic islands, away from road structures such as traffic signals or regulatory signage).
- should consider property access, visual impact and the wishes of property owners.

Roadside memorials should not cause a distraction, pose a hazard to roads users, adversely affect nearby residents, or fall into disrepair and become unsightly.

Council will allow temporary roadside memorials for a maximum of three (3) months. In exceptional circumstances Council may allow an extended period of up to a maximum of 12 months beyond the initial three (3) month period. Additionally, the placement of a temporary memorial again for one (1) month on an anniversary may be allowed.

Memorials that are permanent, fixed or are substantially sized objects are not permitted. Only one (1) memorial per fatality is permitted.

3.3.2 Removal or relocation of temporary roadside memorials

The General Manager has delegated authority to approve, remove or relocate a temporary roadside memorial on or along a Council controlled road. Council reserves the right to remove or relocate temporary roadside memorials without notice if they do not comply with this Policy or the RMS guidelines. Council may also remove or relocate temporary roadside memorials if it;

- appears neglected or unsightly.
- adversely impacts surrounding residents or the community.
- exposes Council to a public liability risk.

- compromises the amenity value, aesthetic integrity or character of the site.
- has been there for more than the generally allowed period and neither Council has been contacted for an extension, nor the remains of the memorial been removed from the site.

Council will make every effort to work cooperatively with the bereaved to return the memorial if removal is required.

During roadworks and maintenance Council may need to move a temporary roadside memorial. In this instance Council will endeavor to contact the bereaved, if known, and advise them about the proposed roadwork or maintenance and the need to relocate the temporary roadside memorials.

People visiting or establishing the temporary roadside memorial do so at their own risk. Council will not take any responsibility for the maintenance, vandalism, loss or damage to a memorial.

3.4 Scattering of Cremated Ashes

Members of the public who wish to scatter cremated ashes of a deceased family member or a friend on a Council reserve or road reserve should consider the location carefully before doing so. When ashes are scattered or placed in parks or a public place, access to the area may be restricted for some reason in the future, undeveloped land may be developed, or many other conditions may arise that could make it difficult for you to visit the site to remember the deceased.

4.0 RELATED RESOURCES

4.1 Legislation

- *Local Government Act 1993*
- *Roads Act 1993*
- *Protection of the Environment Operations Act 1997*

4.2 Associated Documents

- Naming Policy
- Roads and Maritime Services, Roadside Tributes (2016)
- Community Engagement Policy
- Plans of Management (site specific)

4.3 Definitions

Cremated Ashes Cremated body ashes of a deceased person.

Memorial An object or feature intended to preserve the memory of a person, event or place.

<i>Monument</i>	A structure or a three dimensional physical object (eg a sculpture) created in memory of a person, group, event or place.
<i>Plaque</i>	A plate, tablet or slab made of metal, stone or any other appropriate material with text and/or graphics displayed on it and fixed on, applied to, or inserted into a surface.
<i>Private Road</i>	A private road is any road that is not a public road. For the purposes of this Policy, a private road means a road that is on private property and is not under the control of Council.
<i>Public Art</i>	Art installed as part of a town centre or public space improvement program.
<i>Public Road</i>	A public road is any road that is opened, dedicated or declared to be a public road, whether under the <i>Roads Act 1993</i> or any other Act. For the purposes of this Policy, a public road means a Council-controlled road, for which Council is the roads authority and does not include state controlled roads.
<i>Small Infrastructure</i>	Refers to seats, park/ play equipment.
<i>Temporary Roadside Memorial</i>	Any object temporarily placed within the road reserve to commemorate a death or indicate the site of a road fatality. Memorials may include religious items, flowers or other gestures.

5.0 POLICY OWNER

Manager Roads and Manager Leisure and Recreation.

6.0 AUTHORISATION

Adopted by Canterbury-Bankstown Council on [INSERT DATE].