

PLANNING AND ENVIRONMENT COMMITTEE

13 JULY 2022

11**ACKNOWLEDGEMENTS, MEMORIALS AND MONUMENTS GENERAL POLICY REVIEW**

KLG | 79/4/1 | #6743796

RECOMMENDATION:

That Council adopts the revised Acknowledgements, Memorials and Monuments General Policy.

INTERESTED PARTIES:

Nil.

Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.

EXECUTIVE SUMMARY:

Council's current Plaques, Memorials and Monuments General Policy (the Policy) has expired and is due for revision. The intent of the Policy is to provide a compassionate, consistent and effective approach to the management of requests for installations of acknowledgements, memorials and monuments in public spaces.

Officers have reviewed the existing policy and have amended the Policy to incorporate the following overarching principles:

- Applications for memorials and monuments will not result in locations reaching saturation point or interfere with the intended purpose of the region's open spaces and facilities.
- There will be no negative impact on future land use planning or maintenance expenditure of Council.
- Council operations and community access should be able to occur in a safe, secure and efficient manner.
- Adverse impacts to the surrounding environment, businesses and residents are mitigated.
- All requests will be handled in a compassionate manner.

A copy of the new Acknowledgements, Memorials and Monuments General Policy is included at Attachment One.

BACKGROUND:

Council receives requests from the community and organisations for plaques, memorials and monuments to be placed on Council owned and controlled land. Often, these requests are to commemorate the life or honour the memory of a loved one that has passed away. Council requires a Policy position to manage these requests to ensure a

compassionate, transparent and efficient assessment of applications.

The Policy also deals with scattering of ashes, temporary memorials, donation of assets and significant acknowledgements. For the purpose of this report and the amended Policy, the following definitions apply:

- Public Space:** Includes community land, road and operational land owned by Council and other land in Council’s care, control or management.
- Plaque:** A flat tablet of metal, stone or other material which includes text and/or images which commemorates a person or an event and which is affixed to an object, building or pavement. The text may also provide historical text or information relevant to its location.
- Memorial:** A permanent or temporary object, arrangement or activity delivered in memory of a person or event.
- Monument:** A large, permanent statue or structure which is built for commemorative purposes.
- Donated Asset:** A physical asset provided to Council for a community benefit in the form of standard public infrastructure or equipment where no return benefit expected.

COMMENT:

The existing Policy provides for a “Memorials Panel” to manage and assess applications on a case-by-case basis, the proposed Policy gives definitive options for applicants which renders the Memorials Panel redundant. The other proposed amendments to the Policy are summarised below:

1. Plaques are generally not supported on Council owned or controlled land due to the cost and risk associated with their maintenance, administration and management.
2. Adopts a position where Council considers acknowledgements, memorials or monuments within public spaces, in accordance with the overarching principles and acceptable circumstances being:
 - a. Tree Dedications.
 - b. Burials and Scattering of Ashes.
 - c. Temporary Memorials.
 - d. Donated Assets.
3. Applications must address the principles within the Policy, detail the intent, location, and design for the proposal as well as evidence of community support.
4. Applications for a monument to commemorate a person must also meet the criteria of eligibility contained in Council’s Naming of Community Infrastructure Policy.

5. Exceptional circumstances:

Applications for memorials and monuments relating to a significant event or anniversary of an event unique to the region or acknowledgement of a substantial contribution made by an individual, group or organisation may be approved by Council resolution.

6. Commemorations of deceased person will not generally be considered until the individual has been deceased for twelve months.

7. Applications **will not** be considered for:

- a. Plaques.
- b. Memorials for pets.
- c. Memorials or Monuments for persons, groups or events already commemorated elsewhere in the region.
- d. Memorials or Monuments that in the opinion of Council are considered to be offensive or which have potential to offend.
- e. Memorials or Monuments with religious or political affiliation.
- f. Establishment of memorial gardens.

OPTIONS:

Option One (Recommended):

That Council adopts the updated Plaques, Memorials and Monuments General Policy.

Option Two:

That Council does not support the recommendation and adopts an alternate course of action.

CONSIDERATIONS:

Risk Management:

The proposed Policy amendments clearly set out a position of Council regarding plaques, memorials and monuments and eliminates the need for case-by-case officer assessment. The proposed Policy provides the public and Council the opportunity to commemorate people and events in such a way that doesn't result in public open space becoming congested.

Council Finance and the Local Economy:

The planting of a tree in line with 2.1. Tree Dedications is an operational cost incurred by Council as a good will gesture.

Community and Cultural Heritage:

The proposed Policy provides opportunities for the community to pay tribute to loved ones on Council controlled land as well as acknowledge the donation of standard assets for a commemorative or community purpose.

Natural Environment:

Open space is important to everyone in the community and as such, it is important that it remains a place for everyone to enjoy. The proposed Policy ensures that open space is managed in accordance with the purpose for which it is dedicated. Council's designated Cemeteries are the most appropriate locations for private memorials.

Corporate and Operational Plans:

The proposed Policy aligns with Council's Corporate Plan Focus Three: Design for Liveability and Focus Four: Community and Culture.

Statutory:

The proposed Policy aligns with Cairns Regional Council Local Law 7 – Human Remains and Cemeteries.

Policy:

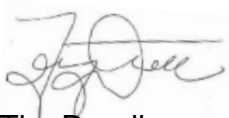
The proposed Policy aligns with the Public Open Space General Policy and Guidelines and the Naming of Community Infrastructure General Policy.

CONSULTATION:

Internal stakeholder consultation with officers and Councillors has been conducted in the preparation of the revised Policy.

ATTACHMENTS:

- Attachment One: Proposed Acknowledgements, Memorials and Monuments General Policy
- Attachment Two: Current Plaques, Memorials and Monuments General Policy



Tim Dendle
Executive Manager Community Spaces



Destry Puia
Director Lifestyle & Community

Attachment 1: *Proposed* Acknowledgments, Memorials and Monuments General Policy

CAIRNS REGIONAL COUNCIL



General Policy

ACKNOWLEDGEMENT, MEMORIALS AND MONUMENTS POLICY

Intent To provide a compassionate, consistent and effective approach to the management of requests for acknowledgement, memorials and monuments in public spaces.

Scope This policy applies to all acknowledgement, memorials and monuments proposed, in various formats, to be installed on Council owned or controlled land.

This policy does not cover:

- Plaques, memorials or monuments in Council-owned cemeteries.
- Naming of places or infrastructure.
- Public Art.
- Interpretive signage, display boards, banners – temporary or permanent; and
- Plaques associated with Council capital works projects.

1. PRINCIPLES:

Council may consider applications for acknowledgement, memorials or monuments within public spaces in accordance with the following principles and provisions:

1. All requests will be handled in a compassionate manner.
2. Proposals do not result in particular locations reaching saturation point or interfere with the intended purpose of the region's parks, gardens, facilities, open spaces or reserves;
3. There is no negative impact on future land use planning or maintenance expenditure of Council;
4. Council operations and community access should be able to occur in a safe, secure and efficient manner; and
5. Adverse impacts to the surrounding environment, businesses and residents are mitigated.

2. PROVISIONS

Circumstances that may be considered acceptable are:

2.1 Tree Dedications:

Upon application, Council may plant a dedication tree of an approved species in an appropriate location. The location will likely be a natural or conservation area nominated by Council officers and must conform to the principles of this policy. A memorial plaque on or near the tree is not permitted, and Council is not responsible for any loss or damage to the tree. Family members would be welcome to have a private ceremony at the site of the newly planted tree.

2.2 Burials and Scattering of Ashes

Burials are not permitted outside of the designated cemeteries within the Local Government Area.

Upon application, the scattering of ashes may be permitted in public places. Family members are welcome to have a private ceremony at the site.

2.3 Temporary Memorials

Members of the community may apply to Council to place temporary memorials in roads or public spaces as part of the grieving process following the loss of life. Commonly these memorials are roadside arrangements and can also serve as a road safety message. While Council does not discourage the establishment of such memorials, it has an obligation to manage the road and/or public space to ensure such memorials do not cause a distraction to road users, present a hazard, fall into disrepair or become unsightly.

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Decisions regarding the placement and lifespan of an approved temporary memorial will be made on a case by case basis in accordance with the principles within this policy and their location, construction and circumstances:

2.3.1 Location

An approved temporary memorial should be located in a position:

- That does not present a risk to the general public, distract drivers' attention or interfere with the role of any traffic control item.
- Enables appropriate repair and maintenance of the road or public space to occur
- Applicants must be aware of potential risks in visiting roadside memorials and should be aware of safe practices in this regard e.g. stopping clear of the traffic.

2.3.2 Construction

A temporary memorial must be constructed with appropriate material and installed in a way that it will not cause injury if struck by a vehicle or person. The memorial size should not exceed more than one cubic meter which is consistent with the Department of Transport and Main Roads requirements.

2.3.3 Roles and Responsibilities

Council does not accept responsibility for the maintenance of memorials, or any loss, damage, removal or relocation of memorials that may occur due to operations, maintenance or construction activities.

Memorials presenting a safety hazard will immediately be removed by Council.

Any objection or complaint from nearby residents or from road users regarding an aspect of a memorial, including the activity of visitors to the memorial, will be carefully considered and if necessary, the memorial will be relocated or removed by Council.

Should Council be required to remove an installation in accordance with this policy, every reasonable effort will be made to contact the person/s responsible for the memorial

2.4 Resolution:

Following formal assessment by Council officers, written applications for memorials and monuments maybe approved by Council resolution in the following exceptional circumstances:

- A significant anniversary of an event unique to the region's history, culture or development.
- Acknowledgement of the substantial contribution made by an individual, community group, association or charitable organisation to community life or the public domain. The name must not identify a corporate, commercial or business entity and financial contribution alone is not grounds for recognition.
- Any other reason deemed significant or worthy by Council.

Generally new memorials or monuments will not be supported at:

- Esplanades within the local government area, including the Cairns Esplanade and Northern Beaches.
- the Cairns Botanic Gardens, including Flecker Gardens, Centenary Lakes, Visitors Centre, Tanks Arts Centre, Munro Martin Park and Mount Whitfield Conservation Park.

All applications must address the principles within this policy, detail the intent, location and design for the proposal as well as provide evidence of community support.

Commemorations of deceased persons will not generally be considered until an individual has been deceased for a period of at least twelve (12) months to allow for historical perspective to be gained.

Applications for the following will not be considered.

- Plaques.
- Memorials for pets.

- Memorials or Monuments for persons, groups or events already commemorate elsewhere in the region.
- Memorials or Monuments that in the opinion of Council are considered to be offensive or which have potential to offend.
- Memorials or Monuments with religious or political affiliation.
- Establishment of memorial gardens.

Where an application is made to install a monument to commemorate a person, the proponent must also meet the requirements of Council's Naming of Community Infrastructure Policy.

Council may impose certain conditions on any approval upon assessment and consideration of the application.

2.5 Donated Assets

From time to time, Council may consider proposals for donated assets that serve a commemorative and/or community purpose. Such proposals will be considered in the following circumstances:

- Upon receipt of a thorough application that includes the suggested purpose, location and justification for the donated asset.
- Alignment with Council's service standards, strategies, plans and policies.
- The provision and installation presents no cost to Council.
- The location is to be determined at Council's sole discretion having regard for the circumstances and intent of the proposal.
- The asset is acceptable for inclusion in Council's asset management processes and system.

Council may choose to refuse any proposal due to the whole of life costs associated with provision of the asset.

Approval will be considered in accordance with Council's delegations register based on the financial value of the asset.

An appropriate acknowledgement maybe included on the donated asset.

Council reserves the right to remove or relocate an asset should the site be redeveloped or change in character or use. Council does not guarantee the retention of any asset beyond its serviceable life.

2.6 Maintenance, restoration, retention and removal of plaques and memorials

Council will keep and maintain a record of all approved memorials and monuments.

It is recognised that plaques and memorials have a limited lifespan.

Council may at any time temporarily remove an approved installation for works or maintenance.

Approved plaques, memorials or monuments may be permanently removed due to:

- Poor condition, vandalism, theft or other malicious acts.
- The asset which the plaque or memorial is attached to has reached the end of its useful life.
- Ongoing maintenance or restoration costs have become prohibitive.
- The use of the overall site has changed significantly.
- The person/body/entity being commemorated has been discredited or dishonored.
- There is very strong community desire to remove.
- The acknowledgement is duplicated elsewhere in the local government area.
- Historical or geographical relevance.
- Any other reason deemed appropriate at Council's discretion.

Where possible, Council will make reasonable effort to identify, contact and advise relevant stakeholders if a plaque or memorial is to be removed or relocated

Existing war memorials and monuments will generally be retained and maintained in perpetuity in cooperation with the relevant RSL Subbranch group.

3. DEFINITIONS:

For the purposes of this policy, the following definitions will apply:

Public Space:	Includes community land, road and operational land owned by Council and other land in Council's care, control, or management.
Plaque:	A flat tablet of metal, stone or other material which includes text and/or images which commemorates a person or an event and which is affixed to an object, building or pavement. The text may also provide historical text or information relevant to its location.
Memorial:	A temporary object, arrangement or activity delivered in memory of a person or event.
Monument:	A permanent statue or structure which is built for commemorative purposes.
Donated Asset	A physical asset provided to Council for a community benefit in the form of standard public infrastructure or equipment where no return benefit expected.

4. RELATED LEGISLATION, POLICIES AND CONSIDERATIONS:

This policy should be read in conjunction with other Council policies relating to public open space and its use, including but not limited to:

- Cairns Plan
- Local Laws
- Naming of Community Infrastructure General Policy
- Public Open Space General Policy

If there is an inconsistency in Council policy relating to the management of Plaques, Memorials and Monuments, this Policy shall take precedence.

This policy is to remain in force until otherwise determined by Council.

Director Responsible for Review:

Lifestyle and Community

ADOPTED: 10/11/2010

CURRENT ADOPTION: {Enter Date}

DUE FOR REVISION: {Enter Date}

REVOKED/SUPERSEDED:

Mica Martin
Chief Executive Officer

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Attachment 2: *Current* Plaques, Memorials and Monuments General Policy

CAIRNS REGIONAL COUNCIL



General Policy

PLAQUES, MEMORIALS & MONUMENTS POLICY

Intent	<p>To advise Council's approach to the management of requests for the installation of commemorative plaques, memorials and monuments in public spaces in the Cairns Regional Council, avoiding duplication of the memorial facilities and services provided by cemeteries in the region.</p> <ul style="list-style-type: none"> • To ensure the design and placement of memorials and plaques is consistent with the community interest. • To ensure the placement of memorials and plaques does not result in particular locations reaching saturation point, or interfere with the intended purposes of the region's parks, gardens and open spaces. • To ensure that memorials and plaques do not impact negatively on the future maintenance expenditure of Council. • To ensure the placement of any memorials and plaques does not present a safety risk now or in the future. • To provide a compassionate and consistent approach to the placement of temporary road-side memorials on local government-owned land.
Scope	<p>This policy covers all plaques, memorials and monuments proposed for any public space within the Cairns Regional Council area, including temporary road-side memorials on local government owned land. All such plaques and memorials will be required to conform to this policy.</p>

1. BACKGROUND

Requests are often received by Cairns Regional Council from individuals and organisations for permission to place memorials or plaques to an individual, organisation or event within public spaces within the Council area.

Public open space areas are an important community resource and memorials, monuments and plaques need to be carefully considered to ensure that they do not impact negatively on these spaces.

It is recognised that a particular location may become saturated with plaques and memorials, and in that case, it would be appropriate to consider strict limitations or a moratorium of future installations at a particular location or area.

In addition to requests for permanent memorials or plaques, members of the community may also request to place temporary memorials on local government owned land as part of the grieving process following the loss of life. Commonly these memorials are road-side and the loss of life has been a result of a motor vehicle accident. These memorials can be viewed as a road safety message. While Council does not discourage the establishment of such memorials, it has an obligation to manage the road reserve to ensure such memorials do not cause a distraction to road users, present a hazard to road users or fall into disrepair and become unsightly.

A Tree Dedication Scheme, involving the placement of plaques, was discontinued in December 2009, on the basis of issues raised in a review of the scheme. These issues included maintenance, costs, aesthetic considerations and space limitations. The tree dedication scheme was part of the Partnership Cairns initiative, governed by the Inbound Sponsorship general policy.

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2. DEFINITIONS

For the purposes of this policy, the following definitions will apply:

Plaque: 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. The text may also provide historical text or information relevant to its location.

Memorial: An object established in memory of a person or event.

Monument: Similar in meaning to 'Memorial' for the purposes of this policy. May describe a statue or structure which is built for commemorative purposes.

Public Open Space: Includes community land, road reserve and operational land owned by Council and other land in Council's care, control or management.

Note: An artwork or other feature intended primarily to enhance public spaces and not designed as a memorial is not considered a memorial for the purpose of this policy.

In this policy, the term 'memorial' will be used to describe plaques, memorials and monuments.

3. PROVISIONS

3.1 Application and assessment process

Requests for memorials to Cairns Regional Council will be considered on a case-by-case basis by Council, following assessment by a panel comprised of the Manager Cultural Services, the Team Leader Creative Partnerships, the Arts and Cultural Planning and Development Officer, Project Officer, Infrastructure Services and a representative of Parks & Leisure.

Applications must be made in writing to the Memorials Panel, addressing the criteria outlined in sections 3.1.1 - 3.1.5 below and should include the preferred site or location, proposed text or images and any other pertinent information. Only sites that have relevance to the person, group or event being commemorated should be nominated.

Any existing plaque or memorial cannot be taken as a precedent for future approvals.

Applications should be addressed to:

The Memorials Panel
C/- Cairns Regional Council
Cultural Services Branch
PO Box 359
Cairns Qld 4870

The Memorials Panel will assess applications for memorials against the following criteria:

3.1.1 Community amenity value will be enhanced by the memorial

Any new memorial must be demonstrated to be of lasting value to the community for social, cultural, historical, educational or aesthetic reasons and add to the existing community amenity of the proposed location, within the context of the current use of the area.

3.1.2 The location and design of the memorial is appropriate

Approval for a particular site will only be granted if consistent with Council's master plan or strategic development framework for that site. The Cairns Regional Council has final approval of appropriate sites and will determine the exact location of any plaque or memorial.

No new plaque, memorial or monument will be considered on esplanades in the Cairns Regional Council area, including the Cairns Esplanade and Northern Beaches.

No new plaque, memorial or monument will be considered for the Cairns Botanic Gardens, which includes Flecker Gardens, Centenary Lakes, Tanks Arts Centre and Mount Whitfield Conservation Park.

The Cairns Regional Council will oversee the design, manufacture and installation of the plaque, memorial or monument. This service is inclusive in costs of the memorial as specified.

Design and wording of memorials must be approved by the Council, and will be in line with Cairns Regional Council Corporate protocols for use of the Council logo etc.

Any proposal for a memorial that incorporates sculptural reliefs or may be considered an artistic work will need to be endorsed by the Cairns Regional Council Public Art Advisory Group prior to formal Council consideration.

3.1.3 Appropriate consultation is undertaken

Applications should include evidence of community consultation on the memorial's purpose, location and design, in the form of at least three (3) letters of support from relevant or affected interest groups and organisations, including a letter of support from the appropriate divisional Councillor.

3.1.4 Sufficient Capital and maintenance funding is available

The applicant must meet all the costs associated with design, manufacture and installation of the plaque, memorial or monument. In some instances, a contribution toward maintenance will also be a condition of approval. Should the memorial be lost or vandalised, repair and replacement costs would remain the responsibility of the donor.

3.1.5 The subject matter of the proposed memorial is appropriate

Subjects for memorials will be considered appropriate if they fit one or more of the following criteria:

- An individual or association that has contributed significantly to the cultural, political or social aspects of the development of the Cairns region. In determining this contribution, the following factors will be considered:
 - The length of time dedicated to the development of the Cairns region in a particular industry.
 - The extent of not-for-profit work on a community or social cause, such as sport, education, arts, culture, youth, mature age.
 - The relevance of the person or organisation to the proposed site.
- A significant anniversary of an event unique to the region's history and development.
- Historical or other information relevant to the site/location of the memorial.
- No new memorial will be considered which commemorates a person, event or occasion that is already the subject of a memorial in the Cairns Regional Council area unless there are exceptional circumstances.
- An application will not be approved if, in the opinion of Council, the memorial is considered offensive or has the potential to offend.
- A commemorative plaque will not be approved where there is a religious or political affiliation.

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3.2 Maintenance and de-accessioning procedures

As it is recognized that some memorials will have a limited lifespan, Cairns Regional Council does not guarantee to retain a memorial after a period of 10 years.

Cairns Regional Council may at any time temporarily remove the memorial for works or maintenance.

The memorial may be permanently removed if the use of the site changes significantly. Where possible, Cairns Regional Council will consult with the original donor.

In the event the memorial is damaged or requires repair and the original donor is not able to be contacted, the memorial may be repaired or removed.

3.3 Burials and scattering of ashes

Burials are not permitted outside of the cemeteries in the Cairns Regional Council area.

The scattering of ashes may be permitted in public spaces within the Cairns Regional Council area, with approval from the memorials panel. Letters of request should be directed to the memorials panel at the aforementioned address.

All requests for burials, scattering of ashes and memorials are to be handled in a compassionate manner.

3.4 Tree dedications

Cairns Regional Council no longer has a process for dedicating trees and placing plaques in public open spaces.

However, there may be occasions when approval may be granted for a family to request that a newly planted tree be dedicated to a loved one, in consultation with the relevant Council manager or team leader. The location would be determined by Council staff, and may be part of a Council revegetation project. A memorial plaque would not be permitted and Council would not be held responsible for loss or damage to the tree. The tree would be planted by Council staff, but family members would be welcome to have a private ceremony at the site of the newly planted tree.

If the tree is part of the Cairns Botanic Gardens, the only person to determine the type and location of the tree would be the Botanic Gardens Curator.

3.5 Temporary road-side memorials on local government owned land

Roadside memorials must be registered with Council. Applicant details must contain the names and contact details of at least two persons. Decisions regarding the lifespan of the temporary road-side memorial will be made on a case-by-case basis depending on the site location.

3.5.1 Location

A memorial should be located in a position:

- Where it will not distract drivers' attention from the driving task or interfere with the role of any traffic control item.
- Where it will not be hazardous to passing traffic, pedestrians or prevent appropriate repair and maintenance of the road reserve.
- Applicants must be aware of potential risks in visiting roadside memorials and should be aware of safe practices in this regard e.g. stopping clear of the traffic.
- Wherever possible, the location should be chosen to minimise risk.

3.5.2 Construction

A temporary roadside memorial must be constructed of material and installed in a way that will not cause injury if struck by a vehicle. The memorial size should not exceed more than one cubic metre which is consistent with the Department of Transport and Main Roads requirements.

3.5.3 Roles and Responsibilities

Council does not accept responsibility for the maintenance of memorials, or any loss, damage, removal or relocation of roadside memorials that may occur due to road maintenance or construction activities.

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Neglected or overgrown memorials should be removed by the applicant. Every effort will be made by Council to contact the person/s responsible for the memorial.

Any objection or complaint from nearby residents or from road users regarding any aspect of memorials, including the activity of visitors to the memorial will be carefully considered and if necessary, the memorial will be relocated or removed. Every effort will be made by Council to contact the person/s responsible for the memorial.

Roadside memorials presenting a safety hazard to road and road verge users will be removed.

3.6 Exemptions

For some Partnership Cairns agreements, a community member will provide the costs of new infrastructure and a plaque to recognise their donation. In these cases the request for the plaque will not be subject to the memorial assessment process in this policy. Where the plaque includes a memorial or dedication statement, however, an application must be made to the memorials panel.

4. RELATED DOCUMENTS AND PLANS

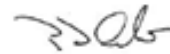
Public Art General Policy
 Naming of Bridges General Policy
 Inbound Sponsorship General Policy
 Naming of Parks/Reserves General Policy
 Structures within the Road Reserve Including Subdivision in Strata General Policy
 Department of Transport and Main Roads Roadside Memorials

This policy is to remain in force until otherwise determined by Council.

General Manager Responsible for Review:

Community, Sport & Cultural Services

ORIGINALLY ADOPTED: 10/11/2010
 CURRENT ADOPTION: 10/07/2015
 DUE FOR REVISION: 10/07/2019
 REVOKED/SUPERSEDED:



Peter Tabulo
 Chief Executive Officer

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