



Policy

Memorials and plaques in open spaces

2021

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Further Document Information and Relationships

Related Legislation	
Related Policies	Arts and Culture Policy 2020
Related Standards, Procedures, Statements, documents	The Burra Charter (the Australian International Charter for the Conservation of Monuments and Sites)

Note: Any reference to Legislation will be updated in the Policy as required. See website <http://www.legislation.nsw.gov.au/> for current Acts, Regulations and Environmental Planning Instruments.



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1. Objectives

This policy sets the direction for Byron Shire Council's approach to the management of requests for the installation of commemorative plaques, memorials and monuments in public spaces in the Byron Shire region, outside of cemeteries. A core objective is to avoid duplication of the memorial facilities and services provided by cemeteries in the region.

- 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 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.

2. Scope

This policy covers all plaques, memorials and monuments proposed for any public space within the Byron Shire Council area outside of cemeteries. All such plaques and memorials will be required to conform to this policy, including;

- Objects, sculptures or structures that are explicitly memorial in form that have a designer/artist in the development of the work and which are to be located on land either owned or managed by council. Such projects will be assessed through the Public Art Assessment processes but must also comply with this policy;
- Commemorative trees planted in honour or memory of a person/s, organisation or event;
- Plaques on a bench, wall or similar feature/item of furniture, established in memory of any person, organisation or event; and
- Restoration of an existing feature undertaken to commemorate a person/s, organisation, event or place in a way that contributes to the enhancement of the cultural, social, environmental and economic significance of the area in which they are located.

Any alterations to, or replacement of, an existing memorial must also comply with this policy.

This policy does not apply to:

- the naming of parks, roads, bridges, or community facilities;
- signage, advertising or sponsorships
- roadside fatality memorials and plaques
- requests for memorials on private land
- military service plaques on recognised war or defence service memorials



3. Definitions

Policy acronym	Definition
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.
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
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.

4. Statement

Requests are often received by Byron Shire 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 with time 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.

4.1 Guiding Principles

Council is committed to:

- applying a uniform, equitable and transparent process to assess all proposals for memorials;
- ensuring the subject or theme of the proposed memorial must demonstrate significance in relation to the specific site chosen for the memorial,



- ensuring the subject or theme of the proposed memorial reflects the values of the communities of interest; and
- ensuring the proposed memorial is sensitive to the local environment.

4.2 Requirements for memorials

- Design, construction and installation of any memorial on land owned or managed by council will require council approval;
- All costs associated with establishing, fabricating, installing and maintaining a memorial (but not plaques) will be met by the proponent of the memorial project for a period of 15 years, at which time a review of the condition and significance of the memorial will be undertaken.
- All costs associated with establishing, fabricating, and installing a plaque will be met by the proponent of the plaque. The maintenance program will be determined in a negotiated agreement between the proponent and council officers.
- On the 15th year, a review of the significance of the plaque and whether it will be retained will be undertaken.
- The proposed memorial, if other than a plaque, must demonstrate design merit (as assessed by the public art assessment panel) and be an original work;
- Wherever appropriate and practical, memorials will be co-located within a site of common interest;
- Proposed sites for memorials should meet the requirements of Council Plans of Management, Masterplans and regulations;
- Placement of memorials will take into account the number of existing plaques, public artworks or other objects in the vicinity of the proposed new memorial;
- Location of the memorial must not adversely affect existing use or themes of that location;
- A plaque may only be attached to publicly owned built assets, and must not to be attached to a living object, such as a tree;
- New memorials will not commemorate a person, event or place that is already memorialised in the region or community of interest;
- Memorials commemorating the death of domestic pets and animals, are not permitted on public land; and
- All approved memorials will be subject to a deaccessioning plan
- Memorials installed on public land without approval will be removed by Council.

4.3 Ownership

- All memorials placed on public land within the Byron Shire region are deemed to be under the control of council and managed in accordance with council standards.
- Council will manage and maintain memorials and plaques for a minimum of 15 years. For memorials (but not plaques), this will be at the cost of the proponent. For plaques, the maintenance will be negotiated with an agreement made between the proponent and council officers.
- On the 15th year, determination of the future of the memorial will be reviewed. Assessment criteria such as 'significance' and physical condition will be employed. It may then be retained, relocated, and/or removed.
- There may be circumstances which require a memorial to be removed from or replaced at a site before 15 years e.g., review of the use of the site, irreparable damage to the memorial. In this instance each case will be assessed on the



circumstances and either a new site found, or the memorial deaccessioned with the balance of maintenance funds returned to the proponent.

- If council or council in partnership with a community group/business entity is the proponent of a memorial, the same processes as for an external proponent will apply with the council or the partners being responsible for all costs associated with the memorial for 15 years.

5. Legislative and strategic context

Community Objective 2 in the 2017-2021 Delivery Program is to have infrastructure, transport and services which meet our expectations. Action 1.2.7.1 is to Develop concept plans for the upgrade of Byron Bay foreshore (action from Byron Bay Town Centre Masterplan). This Policy seeks to ensure that any future installation of memorials on the Byron Bay foreshore are restricted until they can be considered under the guidance of an adopted Masterplan.

5.1. Sustainability

The location and design of the memorial must be appropriate.

Approval for a particular site will only be granted if consistent with Council's master plan or strategic development framework for that site. If a master plan is pending or outstanding no new approvals will be granted until such masterplan has been adopted by Council. No new plaque, memorial or monument will be considered on Main Beach parklands, which includes Apex Park, Denning Park and the Clarkes Beach parklands, until adoption of Master Plan for these areas.

Byron Shire Council via resolution will provide final approval of appropriate sites and will determine the exact location of any plaque or memorial. Byron Shire 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 Byron Shire 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 Byron Shire Council Public Art Reference Group prior to formal Council consideration.

5.2. Social

Community amenity value should 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.

Requests will be assessed on the demonstrated significance of the subject of the memorial to the location and/or community in which the memorial is to be located. The definition of significance in this Policy has been based on The Burra Charter and use of the word 'significant' or 'significance' in the Policy and these Guidelines is derived from that definition.



“The Burra Charter” (the Australian International Charter for the Conservation of Monuments and Sites states that the significance of a place is embodied in:

- Its fabric and its setting
- Other evidence of its history
- Its association with the community

Accordingly, a significant person, group, organisation or event, to be considered for public commemoration in the Byron Shire Council area will be assessed as someone or something that:

- has cultural, social, environmental or historical meaning and value for the community in which it is to be placed;
- represents the aspirations of the region’s community or community sector in which it is to be placed; and
- enhances a sense of place and increases an understanding of the region and its people.

In this context, therefore, examples of the subject for any new memorial are:

- A person or group that has made a highly significant contribution to the cultural, political or social development of a community or communities of the Byron Shire area.
- An important anniversary or an event which is recognised by the community or communities of the Byron Shire as being highly significant to the history and development of the Byron Shire; and
- An historical or other culturally significant event recognised by a community as being significant and contributes to the cultural heritage of a particular site or area.

Requests from Arakwal people to have a memorial plaque for an Arakwal Elder will be given precedence on their Country. Council’s assessment process will include referral to the traditional owners of the land.

Appropriate consultation must be undertaken by the proponent. 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.

5.3. Environmental

Council has strong policy and planning to support environmental and ecological sustainability and the Shire’s natural heritage. This policy recognises the value the community place on protecting and enhancing the Shire’s natural heritage and on caring for the earth by mitigating climate change impacts. The policy supports activities that align with the community’s environmental and sustainability values and principles.

5.4. Economic

Sufficient Capital and maintenance funding must be 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.

5.5. Governance

Application and assessment process.

Requests for memorials to Byron Shire Council will be considered on a case-by-case basis by Council, following assessment by a Memorial Panel comprised of the Open Space Technical Officer, Open Space Team Leader, Community and Social Services Arts and Culture Officer.

Applications must be made in writing to the Memorials Panel, addressing the criteria outlined in sections 5.6 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.

Feedback from traditional owners of the land will be sought in relation to any proposed memorial installations.

5.6 Subject Matter of the proposed memorial

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 Byron Shire region.

In determining this contribution, the following factors will be considered:

- The length of time dedicated to the development of the Byron 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 Byron Shire 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.
 - Memorials commemorating the death of domestic pets and animals are not permitted on public land.



5.7 Maintenance and de-accessioning procedures

As it is recognized that some memorials will have a limited lifespan. Byron Shire Council does not guarantee to retain a memorial after a period of 15 years. Byron Shire Council may at any time temporarily remove the memorial for works or maintenance.

The memorial may be permanently removed before 15 years if the use of the site changes significantly. Advance notice of intended removal will be made on the site and Byron Shire Council will, where possible, 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.

5.8 Burials and scattering of ashes

Burials are not permitted on public land outside of the cemeteries in the Byron Shire Council area.

The scattering of ashes is permitted throughout the Shire, however people are requested to ensure that the general public are not impacted or affected by the ashes being scattered.