



1.0 AUTHORITY

Our Council Plan.

2.0 INTENT

The purpose of this policy is to:

- Provide a framework for the application and installation of all public memorials whether in buildings, on footpaths, in parks, gardens, streets or other public places.
- Establish guidelines for the application and installation of public memorials.
- Define the criteria that applications must meet.
- Provide an equitable decision-making approach which is clear and transparent.
- Ensure that proposals are assessed and managed in a timely manner.
- Minimise the risks and environmental impact of memorials and memorial plaques; and
- Ensure that public open spaces serve their intended purpose and do not become dominated by memorials.

3.0 SCOPE

This policy applies to:

- Requests for public memorials made by Councillors, Shire officers, individuals and community groups.
- Applications for public memorials on Shire owned land and property; and
- Applications for public memorials on land owned by the Department of Environment, Land, Water and Planning (DELWP) of which Council is the Committee of Management. Section 15 of the *Crown Land Reserves Act 1978* refers to appointed Committees of Management that “shall manage, improve, maintain or control the land for the purposes for which it is reserved”.

4.0 GOVERNANCE PRINCIPLES

This policy gives effect to the following Governance Principles under section 9 the *Local Government Act 2020*:

- Council decisions are to be made and actions taken in accordance with the relevant law.
- priority is to be given to achieving the best outcomes for the municipal community, including future generations.

5.0 POLICY STATEMENT

Approved by: Council

Approval date: 05/04/2022

Scheduled Review Date: 05/04/2026

Document issue is correct at the time of print. For printed copies, use https://mornpen.sharepoint.com/Lists/Policies/Corporate_Policies.aspx

Page 1 of 9

Version #: 1.0



The Morrington Peninsula Shire (Shire) recognises that some members of the community wish to acknowledge the life of a deceased person or association or event by establishing a memorial in public open space on Shire owned or managed property.

In order for the Shire to ensure its public open spaces continue to serve their intended purpose and are not transformed into places of mourning, and that its assets are not impacted negatively, subjects for memorials and memorial plaques in public open space will be limited to the following:

- Deceased individuals or associations strongly linked to the Shire, who have made a significant contribution to the community for a minimum of 25 years or have been recognised for a significant achievement or event.
- A significant anniversary of an event unique to the history and development of the township or location.

The Shire will deal sensitively with all requests for the establishment of public memorials.

5.1 Policy Principles

- 5.1.1 Any person may submit a public memorial application by completing an 'Application for a Public Memorial' available on the Shire website and submitted to the Governance Team.
- 5.1.2 Applications will be assessed by the Governance Team against the policy principles in consultation with Shire officers and Ward Councillors having regard to relevant Shire policies, plans and strategies and taking into consideration the number of existing memorials or memorial plaques in the surrounding vicinity.
- 5.1.3 Approval will only be granted for individuals or associations strongly linked to the Shire who have made a significant contribution to the community for a minimum of 25 years or have been recognised for a significant achievement or event, which will need to be demonstrated. The individual or association must have left a significant tangible legacy to the community that has resonance with the broader public.
- 5.1.4 Public memorials can be considered to mark a significant or documented historical event, such as a disaster or tragedy at the site.
- 5.1.5 Applications for public memorials will generally not be considered within two years following the death of a person to allow for the development of historical perspective and for consideration of the criteria for significance.
- 5.1.6 Memorial plaques will not be attached to any existing Shire furniture.
- 5.1.7 Existing memorials or memorial plaques that predate this policy should not be considered as a precedent for future approvals.
- 5.1.8 The location proposed by the applicant must have relevance to the individual or association and cannot negatively impact the intended purpose and function of the space.



- 5.1.9 Donated memorials or acknowledgements for the promotion or advertising of commercial businesses, political or religious groups will not be considered.
- 5.1.10 Corporate branding or logos for groups or businesses will not be considered.
- 5.1.11 If required, community consultation will occur in accordance with the Community Engagement Strategy.
- 5.1.12 The Shire will manage the design, manufacture, installation and maintenance of any memorial having regard to relevant Shire policies and procedures.
- 5.1.13 All costs for the application, establishment and installation of memorials are borne by the applicant.
- 5.1.14 Any memorial or memorial plaque that has been placed without knowledge or approval from the Shire will be removed.

5.2 Assessment Criteria

- 5.2.1 All applications will be determined by the Governance Team in consultation with Ward Councillors and relevant Shire officers.
- 5.2.2 All applications must include evidence of community support and the community benefit of recognising the individual or association with a memorial must be demonstrated.
- 5.2.3 Applications made by individuals or organisations require written consent from the family of the individual to be commemorated.
- 5.2.4 Following initial assessment, if the application does not meet the policy criteria, the applicant will be provided with the opportunity to provide further supporting information and/or documentation.
- 5.2.5 Where a memorial application is not approved, the applicant will be provided with reasons in writing and will have the right to have the decision reviewed by the Manager – Legal and Governance.

In addition to the policy principles, the following requirements apply to public memorial applications received by the Shire.

5.3 Bench Seats

- 5.3.1 Bench seats with a memorial plaque will not be considered.



5.3.2 A bench seat with a small motif or symbol such as a native flower, butterfly or rainbow (the motif will be at the discretion of the Governance Team) can be considered however no names or words are to be incorporated into the motif.

5.3.3 Bench seats without a motif or plaque will be referred to the Infrastructure department's Contracts Coordinator and considered outside of this policy.

5.4 Public Memorial Artwork

Applications for public memorial artwork such as a sculpture, tapestry, painting, or mural must comply with the Mornington Peninsula Shire Public Art Policy.

5.5 War Memorials

A war memorial commemorates the sacrifice of those Australians who have died during or from causes attributable to war. War memorials take many forms, but all have the intention to remind us of those we have lost to war. Applications will be considered taking into consideration the following:

- Wherever possible any war memorial should be erected at an existing war memorial site.
- The local Returned Services League Committee in the relevant area must be consulted for all war memorial applications.

5.6 Memorial/Commemorative Trees and Plantings

In determining a request for the planting of memorial/commemorative trees or plants in any appropriate street, park, garden or reserve within the Shire, the following applies:

- The request complies with any existing Master Plan or planting design in that location and the nursery standards are in accordance with the Shire's *Street Tree Vegetation Policy* and the *Private Works on Nature Strip Reserves Policy*.
- Determination of the species, location and planting of any tree will be managed by the Shire.
- Applicants must consider the establishment of the tree and watering schedule.
- No special care or guarantee of replacement is given; and
- To ensure that trees are protected from damage and public risk is minimised, plaques will not be installed on or around trees.

5.7 Roadside Memorials

The Shire recognises that some members of the community may wish to mark the location of a fatal accident on a road by the placement of a roadside memorial on or near a road.

All roadside memorials must be registered with the Shire. The 'Roadside Memorial registration form' is available on the website and must be completed when a roadside memorial is established.



Roadside memorials will be considered having regard to the following:

- The wishes and needs of the family will take precedence over those of friends of the deceased.
- Alterations to a public road must not be made.
- Memorials must not be hazardous to road or footpath users and will be placed in a location that enables people to visit safely (refer to *VicRoads Roadside Memorial Policy 2015*, Road Safety Principle for guidance).
- Memorials must be constructed of material and installed in a way that will not cause injury if struck by a vehicle.
- Memorials must not be placed or constructed in a way that it will distract drivers in any way. *VicRoads Supplement to the AustRoads Guide to Road, Design Part 6: Roadside, safety and barriers* should be used to assess this.
- Memorials must not hinder appropriate maintenance of a road or road reserve and must not unreasonably restrict access for utility and emergency services.
- The location of the memorial should not detract from the amenity of the local area or impact the quality of life of adjacent landowners, property occupiers or other members of the public.
- The Shire does not accept responsibility for the maintenance of roadside memorials, or any loss, damage, removal or relocation of roadside memorials that may occur due to road maintenance or construction activities.
- Flowers may be considered as a temporary memorial and placed in line with all policy principles. Plastic or other wrapping materials that may be dangerous to wildlife or become litter are discouraged.
- Crosses or similar may be considered in line with all policy principles.
- Unique and personal memorials are to align with all policy principles.

The Shire will remove a roadside memorial where it does not comply with the above criteria.

Removal of the memorial will be at the Shire's discretion and officers will take all reasonable measures to contact the person who initiated the memorial prior to its removal.

A time limit of 15 months will be allowed for roadside memorials.

This Policy applies to Shire managed roads. All requests for memorials on VicRoads managed roads are to be referred to VicRoads. The ongoing management of these memorials is undertaken by VicRoads in line with the *VicRoads Roadside Memorial Policy 2015*.

5.8 Cremated remains

Requests to scatter cremated remains are considered under the *Burial and Operations Policy* through the Cemeteries Administration Office directly.

There is no provision for a memorial plaque to be installed at the site where cremated remains are scattered.



5.9 Ownership and Life of Memorials

All memorials placed on Shire owned or managed property are deemed to be assets of the Shire (except for roadside memorials) and managed in accordance with the Shire's policies and procedures.

The Shire will manage and maintain a memorial for the life of the asset (except for roadside memorials) in accordance with the Shire's *Asset Management Plan*, after which time, determination of the future of the memorial will be at the Shire's discretion, which may include the relocation, removal, and/or decommissioning as required. It is envisaged that it will remain for a maximum of 10 years from the date of installation with the following exceptions:

- The area is to be redeveloped.
- The use of the site changes significantly in character and the memorial or memorial plaque is not deemed suitable for that area.
- If it becomes unsightly or unsafe it will be removed.

Where the condition of the memorial is poor or the site is no longer appropriate, Shire officers will take all reasonable measures to contact the person who initiated the memorial prior to its removal or relocation.

Where a Memorial or plaque is removed for any reason, every attempt will be made to return the plaque to the applicant or family.

5.10 Fees and Charges

Unless otherwise specified, all costs for memorials and memorial plaques are to be borne by the applicant/donor, including any additional costs specific to the installation which may include, but are not limited to:

- Any community or stakeholder consultation processes.
- Any development approval requirements.
- Design, engineering, or artist fees.
- Construction, manufacture, and installation fees (including site preparation); and
- Purchase of park furniture associated with the memorial.

5.11 Review of decision

Applicants can request a review of the decision be undertaken and investigated.

A request to review a decision must be made in writing and include supporting information which should be forwarded to the Manager – Legal and Governance via the following:

Email: governanceteam@mornpen.vic.gov.au

Approved by: Council

Approval date: 05/04/2022

Scheduled Review Date: 05/04/2026

Document issue is correct at the time of print. For printed copies, use https://mornpen.sharepoint.com/Lists/Policies/Corporate_Policies.aspx



Mail: Mornington Peninsula Shire Council
Private Bag 1000
Rosebud
VIC 3939.

6.0 HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with *the Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

7.0 ASSOCIATED DOCUMENTS

- Our Council Plan
- Asset Management Policy
- Burial and Operations Policy
- Naming Rules for Places in Victoria, Statutory Requirements for naming roads, features and localities 2016
- Private Works on Nature Strips and Reserves Policy
- Public Art Policy
- *Road Management Act 2004*
- Signage Policy
- Street Tree and Vegetation Policy
- VicRoads – Roadside Memorial Policy 2015
- VicRoads Supplement to the Austroads Guide to Road Design – Part 6: Roadside design, safety and barriers

8.0 DEFINITIONS

Memorial	Any object in public open space for the purpose of acknowledging a deceased person or recognising an association or event.
Memorial Feature	Is defined for the purposes of this policy as a tree or plant, public artwork, war memorial or a bench seat.
Plaque	A flat tablet of metal or other durable material which includes text and/or images to commemorate an individual, association or event.
Roadside Memorial	Any object constructed, erected or placed on the road or within the road reserve to commemorate/indicate a road fatality. Memorials may include items such as wooden crosses, coloured posts, flowers or a personalised memorial. Unique and personal memorials are to align with all criteria.



Significant Contribution

A deceased individual or association that has gone above and beyond what would reasonably be expected through their dedication, exemplary service or voluntary contribution to the Shire or has left a tangible legacy to the municipality as part of their life's achievements for a minimum of 25 years.

9.0 POLICY SPONSOR

The Policy is endorsed and approved by the Council. The Manager – Legal and Governance is responsible for overseeing the application and review of this policy.

10.0 DOCUMENT CONTROLS

Council will review this policy within four years or earlier as required.

Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, the change to an existing policy or document referred to in this policy, and minor updates to legislation and the like which does not have a material impact. However, any change or update which materially alters the document must be by resolution of Council.



ATTACHMENT 1: PROCEDURE FOR CONSIDERING PUBLIC MEMORIAL APPLICATIONS

The consideration of public memorial applications should generally occur in accordance with the following steps:

- Step 1: All requests for public memorials are to be submitted to the Governance Team using the Public Memorial Application form available on the Shire website for initial assessment and acknowledgement response to the applicant.
- Step 2: The Governance Team to undertake an initial assessment of the application. The following is required before considering the application further:
- Supporting material to demonstrate that the individual or association is suitable for commemoration and meets the definition of 'Significant Contribution'.
 - Evidence connecting the individual to the proposed location.
 - Written confirmation that the family has provided their approval (if the applicant is not a member of the deceased's family).
 - Evidence of community support and details of the community benefit of commemoration of the individual.
- Step 3: Determine whether the proposed site is Shire owned or managed property. If the Shire is not the property owner or Committee of Management (CoM), refer the applicant to the relevant organisation or CoM.
- Step 4: Research and consult with relevant Shire officers and Ward Councillor/s to determine suitability of the request having regard to the policy principles. Shire officers to provide specialist information and detail as to whether the application meets the relevant policy criteria as well as recommendations on whether further information is required to make a decision.
- Step 5: If it is determined that the application meets the policy criteria, an approval notice to be sent to the applicant, then referral to the relevant team to liaise with the applicant directly to determine a suitable location, establish and install the memorial.
- Step 6: If it is determined that the application does not meet the policy criteria, the decision will be given in writing providing appeal rights.
- Step 7: All approved memorials and memorial plaques that are installed will be recorded on the Asset Register.
- Step 8: Approved applications to be recorded on the Public Memorials register for reference. This is not a public register as it contains applicant details.