


Policy Title:	Memorial Policy	
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CEO Signature:		Date: 13/12/19
Responsible Officer and Unit:	Jill Karena, Manager Community & Culture	
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Purpose / Objective:	To ensure requests for permission to place memorials on public land in the shire are assessed in a consistent and accountable way to ensure that memorials are: <ul style="list-style-type: none"> • Strategically planned • Appropriate to their context • Relevant to the local community • Supported by the local community • Of excellent quality and high aesthetic value • No danger to people or the environment 	
Background / Reasons for Policy:	<p>In 2013 Council received requests from community groups for permission to place memorials to commemorate events relating to World War I on public land in Kyneton and Romsey.</p> <p>In the absence of a policy there was no clear process for assessing the requests or guiding the scope of Council's role.</p> <p>It was therefore decided that there was a need for a Memorial Policy to cover memorials proposed for public land in Macedon Ranges Shire; including temporary roadside memorials on Council owned or managed road reserves.</p> <p>This policy sits under the Arts and Culture Strategy</p>	

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1.0	28 May 2014	Kerry Haby
Second Draft	2.1	11 June 2014	Kerry Haby
Final Draft	2.2	16 July 2014	Kerry Haby
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Revision	2.4	24 January 2017	Jodie Turner
Approval	2.5	26 September 2017	Jodie Turner
Revised & Approved	2.6	6 August 2019	Robyn Till

<p>Definitions:</p>	<p>Permanent memorial: any object designed and established specifically in memory of a person who has died, an organisation or event. Permanent memorials include artworks, gardens, trees, monuments and plaques on buildings or plinths.</p> <p>Public land: includes parks, gardens, reserves, sporting grounds, community building forecourts and road reserves owned by Council and other land under Council's care, control or management such as Crown land.</p> <p>Temporary roadside memorial: a marker within a road reserve owned by Council or under Council's care, control or management that commemorates the site where a person died in a road accident. Roadside memorials are an expression of grief from family and/or friends of the deceased and can include flowers, messages, memorabilia (often attached to existing infrastructure) and/or a cross. These memorials are temporary and are required to be removed within specified timeframes. As Council often manages the ancillary areas of the road reserve that contain temporary memorials Council has a vested interest in a consistent approach to the management of roadside memorials.</p>
<p>References:</p>	<p>Clarence Valley Council (2012) <i>Road Side Memorials Policy</i></p> <p>Local Government Association of South Australia (2006) <i>Temporary Roadside Memorials</i></p> <p>Department of Premier and Cabinet, <i>Preserving war heritage and memorabilia fact sheets</i>, www.dpc.vic.gov.au/veterans/factsheets</p> <p><i>Template - Memorial Request Submission - 2017</i></p>
<p>Related Policies:</p>	<p><i>Dja Dja Wurrung Land Use Activity Agreement (2013)</i></p> <p>Macedon Ranges Shire Council (2013) <i>Asset Management Policy</i> and (2014) <i>Asset Management Strategy</i></p> <p>Macedon Ranges Shire Council (2005) <i>Asset Protection Policy</i></p> <p>Macedon Ranges Shire Council <i>Council Plan 2017-27 incorporating Municipal Public Health & Wellbeing Plan</i></p> <p>Macedon Ranges Shire Council (2010) <i>Engineering Requirements for Infrastructure Policy</i></p> <p>Macedon Ranges Shire Council (2014) <i>Heritage Strategy</i></p> <p>Macedon Ranges Shire Council (2017) <i>Public Art Policy</i></p> <p><i>Macedon Ranges Shire Planning Scheme</i></p> <p>Macedon Ranges Shire Council (2005) <i>Street Tree Policy</i></p> <p><i>VicRoads Towards Zero 2016-2020 Road Safety Strategy</i></p> <p><i>VicRoads (2015) Roadside Memorial Policy</i></p> <p>Macedon Ranges Shire Council (2015) <i>Corporate Branding Policy and Guidelines</i></p>
<p>Related Legislation:</p>	<p>There is no legislative requirement for Council to have a policy relating to this area.</p> <p>Relevant legislation:</p> <ul style="list-style-type: none"> Local Government Act 1989 (Provisions relating to transport) Native Title Act 1993 Road Management Act 2004 (Sections 63 and 66) Road Management (General) Regulations 2005 (Section 508) <p>Relevant local law:</p> <ul style="list-style-type: none"> Macedon Ranges Shire Council (2013) <i>General purposes and amenity local law no.10</i>

Memorial Policy

1. Policy statement

Macedon Ranges Shire Council (Council) receives requests from individuals and community groups for approval to erect memorials to commemorate an individual, organisation or historic event on public land within the shire.

Public land is an important community resource and as such memorials should be carefully considered to ensure a positive impact is achieved in these spaces.

2. Purpose

To ensure memorial requests on public land in Macedon Ranges Shire are assessed in a consistent and considerate manner with the aim of ensuring memorials are:

- Strategically planned regarding the location and future maintenance requirements
- Appropriate to their context, respectful in the delivery of their message and compatible with the streetscape/environment in which they are placed
- Relevant to the local community in terms of content and meaning
- Supported by the local community (its purpose/meaning as well as its specifications – design, size, location)
- Of excellent quality and high aesthetic value (made of durable materials, respectful in its design)
- No danger to the community or the environment (does not present unacceptable levels of risk)

3. Principles

Council is committed to providing a clear and compassionate approach to requests for permission to place memorials on public land whether they are permanent or temporary.

In considering memorial requests, Council will follow these guiding principles:

- **Respect and integrity** – Commemorative messages are related sensitively, accurately and respectfully. That the planning process is open and transparent and well documented and respects both the applicant and the community.
- **Sense of place** – The design and location of the memorial will respect indigenous heritage, local history, express the local identity, enhances the public space, is accessible and is compatible with the streetscape/environment. It does not present a safety risk now or in the future or interfere with the intended purposes or amenity of the shire's public land.
- **Sense of community** – That the proposal reflects community interests, expresses local identity and is relevant to the community in its intent. That community is involved in the planning and delivery of the project. In the case of war memorials, that relevant bodies such as the RSL Victorian Branch and local sub branches and local heritage advisors are supportive of the proposal.
- **Value for money and good financial management** - Avoids duplication of memorials and rather enhances/restores existing memorials where possible. The project has an adequate budget (not reliant on Council funding) to ensure quality design and implementation. The budget has considered the maintenance and repair costs of the memorial going into the future.

- **Quality Outcomes** – That the end product reflects a quality of workmanship in fitting with the significance of the commemoration purpose and of high aesthetic value. In the case of war memorials that the proposal adheres to the advice of the Department of Premier and Cabinet (found on their Veterans webpages).

4. Scope

This policy covers memorials proposed for public land within the Macedon Ranges Shire; including temporary roadside memorials on Council owned or managed road reserves.

Memorials proposed for privately-owned spaces or spaces owned/managed by another authority (e.g. VicRoads) are outside the scope of this policy but may be subject to the requirements of the Macedon Ranges Shire Planning Scheme and other controls including landowner consent and Native Title requirements for Crown land.

Some key considerations for applicants to address in their proposals include:

War Memorials

War memorials are a category of memorial covered by this policy which includes a diverse array of monuments including obelisks, pillars, cairns, cenotaphs, windows, statuary, flagstaffs, headstones, natural features and ornamental structures. In some contexts plaques, tablets and honour rolls are also considered to be war memorials. These types of objects can also be accompanied by landscaping/gardens.

War memorials are made from a wide variety of materials, often in combination:

- Stone (usually sandstone, marble, limestone, slate, bluestone or granite)
- Metal (usually bronze, brass, copper or lead)
- Gilding (gold or brass)
- Concrete
- Mortar (usually lime mortar)
- Paint
- Wood.

The quality of the materials used reinforce the significance and sacred nature of war memorials for communities and the intention for them to be long lasting.

Plaques are often made from the same material as war memorials. They are flat factual or ornamental plates or tablets fixed to a stand, wall or other surface, used to commemorate a significant event, person or group of people.

Proposed variations from the above design standards (sourced from the Department of Premier and Cabinet/Veterans website) are not likely to be approved by Council.

Public Art requests

Public art requests are covered by Council's separate but aligned Public Art Policy (D16-3906), however this policy may be referenced if the memorial includes a public art installation.

Memorial plaques on streetscape infrastructure

From time to time, Council receives requests from individuals wishing to donate an item such as a park bench to be placed in a designated location with a plaque attached to commemorate an individual who has died. While these requests do not require a full Memorial Policy Submission, interested parties are encouraged to approach Council and share the details of their proposal.

Council's Parks or Recreation team (depending on the location) will consider the request, take into account all necessary regulatory obligations and reach a decision about the suitability of the proposal. All proposals are based on the premise that the item must be installed by Council at the applicants cost with a maximum Council maintenance period of five years, after which the plaque and item may be retired without consultation with the donor.

In the case of a tree planting requests, the tree type and precise location must be agreed by Council, it must be planted by Council at the applicants cost and no responsibility is borne by Council should the tree not survive. Tree planting requests involve standalone trees that are not accompanied by a plaque.

Should future council works require the removal of the tree/plaque/memorial, Council may remove or relocate the memorial to complete the works. Council will take no responsibility if the memorial is damaged in the removal/relocation process.

Each request will be considered on a case by case basis and approval for one such request does not set a precedent for future requests to be approved.

Streetscape/Environmental Enhancements

Streetscapes and environmental surrounds are an essential part of a pleasant functioning environment and therefore their values need to be protected and enhanced by requests for new memorials.

Enhancing streetscapes/surrounds through memorial projects means designing the right memorial for the right place. To achieve this one must consider:

- Appropriate design and form
- Appropriate scale of the memorial in its context
- Consideration of where there is space for people to naturally gather, or stop and rest as determinant of its location
- How it aligns with the existing dominant theme of the streetscape/environment
- How its design mitigates impact to existing assets including but not all drains, paths, roads, services, trees etc
- How it enhances the existing character of the streetscape/environment or adds to the identity of the precinct (through its shape, colour, form and scale)
- How it enhances and protects heritage values including indigenous culturally sensitive sites (where appropriate)
- How its design mitigates risk to people and the environment including that it does not obstruct sight clearances at intersections or vehicle/pedestrian crossings
- No use of reflective materials if located within a road reserve
- Any required permits/approvals the site may trigger

Placement of memorials on Road Reserves

VicRoads have current policies restricting the placement of new/additional solid objects (such as memorials) on road reserves as a way of reducing hazards in the road environment.

This forms part of the Safer System Roads Infrastructure Program embedded in their Towards Zero Road Safety Strategy which affirms that road infrastructure plays a vital role in helping reduce crashes and minimising the severity of injuries if an accident occurs.

Applicants should be mindful of this when selecting their preferred location for a memorial. Proposed sites on declared arterial road reserves are subject to VicRoads approval in the first instance.

5. Process

Requests for memorials will be considered on a case by case basis. Any existing memorial cannot be taken as a precedent for future approvals. Council may remove a memorial that does not comply with the assessment criteria.

The complexity of the memorial proposal, the diversity of its stakeholders, and its likely political/community consequences will inform the level of detail required in a formal submission to Council. Requests for enhancements to existing memorials for example may be less complex than a new memorial proposal.

The process for gaining Council permission can be summarised as the following steps:

1. Gain landowner approval/ in principle support
2. Obtain any required permits/approvals related to the proposed site
3. Submit a proposal to Council using the Council template (attaching required approvals/permits)
4. Obtain approval from Council
5. Proceed to project implementation

Memorials proposed for land owned/managed by another authority (e.g. VicRoads or the Department of Environment, Land, Water and Planning) are subject to a two tiered approval process.

1. Firstly an applicant must obtain evidence of 'in-principle' support from the public land owner, then
2. The applicant can proceed to Council and follow the process outlined below.

In addition to this process, some memorial requests may also be subject to the requirements of the Macedon Ranges Shire Planning Scheme and other controls triggered by the proposed location of the memorial.

If the proposed memorial is on Crown land, land owners consent from the state government and assessment of Native Title requirements will be required; a cultural heritage site assessment may also be required. State government policy will apply to proposals.

We encourage people to discuss their proposal with the Coordinator Community Places & Partnerships who will refer the proposed site and memorial concept to Council's Local Laws, Building and Statutory Planning Units. They can then make the determination what, if any, permits are required. In the case these are required, the Coordinator Community Places and Partnerships will outline the additional process the applicant will be required to go through.

Initial contact with Council – statutory approvals process

The first point of contact for discussing a proposed memorial is the Coordinator Community Places & Partnerships. Initial discussions will clarify the process for obtaining approval based on the proposed location.

In cases where the site for the proposed memorial encompasses land owned/managed by another party, the applicant will first need to negotiate permissions with that land-owner/manager. Council must obtain evidence of 'in-principle support from the landowner before proceeding further with the memorial request. Should the site for the proposed memorial be Council owned/managed land leased to another party, the applicant will also need to negotiate permissions with that lessee.

Memorials proposed for public land are subject to the requirements of the Macedon Ranges Shire Planning Scheme and other controls depending on the proposed location (for example Crown land may require additional processes including negotiations with the relevant Registered Aboriginal Party). There may be specific user groups impacted by the proposed location and these groups will be identified at this time and referred to the community consultation process.

When required, the Coordinator Community Places & Partnerships will refer the proposed site and memorial concept to Council's Local Laws, Building and Statutory Planning Units. They can then make the determination what, if any, permits are required. When required, the Coordinator Community Places and Partnerships will outline the additional process the applicant will be required to undertake and if other authorities need to be consulted (e.g. Heritage Victoria, Registered Aboriginal Party).

These permits/approvals will need to be obtained before the applicant proceeds to the next step. There is no guarantee a planning permit or other approval will be granted and in the case were a required permit is refused, the proposal cannot proceed.

The Coordinator Community Places & Partnerships will facilitate discussions with other relevant Council Units (e.g. Cultural Development, Engineering, Local Laws, Strategic and Statutory Planning and Environment) as required.

At the end of this stage applicants will have obtained all required approvals/permits and Council officers will have a broad understanding of the memorial being proposed.

Please note that groups wishing to fund the memorial via a grant need to have initiated the memorial policy process seeking approval for their proposal, before securing grant funding (to ensure support for the proposal is in place before engaging with a funding body and assuming Council support).

Development of the proposal

After discussing the proposed memorial with the Coordinator Community Places & Partnerships and obtaining the required permits/approvals, a proposal and supporting documentation will need to be prepared by the applicant.

A proposal must use the Council template and adequately address the assessment criteria listed on pages nine to eleven and also reflect the scope, purpose and principles listed within the policy. Supporting documentation should also be gathered as evidence of addressing the criteria where appropriate.

Of particular note is the need to develop an agreed consultation plan to be conducted by the applicant that ensures relevant stakeholders are given the opportunity to share their views on the proposal and demonstrate their support or otherwise. Council officers will support the applicant in its preparation, identifying stakeholders and developing the tools/methods of consultation for stakeholders. The scale of this plan will reflect the complexity of the proposal.

Council's Coordinator Community Places & Partnerships can offer support to individuals/groups wishing to develop a proposal and in interpreting the policy.

Council assessment of the proposal and decision making

Proposals (including evidence of the required permits/approvals) received by Council will be assessed initially by Council's Community Wellbeing area and other internal Council officers with relevant technical expertise (determined on a case by case basis).

Proposals will then be presented to Council's Place Making Group (a cross-organisational group) and a recommendation made to Council's Executive Management Group, who will determine if the request needs to progress to Council.

Should there be insufficient time for the request to be heard by the Place Making Group the matter will be referred directly to Council's Executive Management Group. Groups will be notified of the outcome of their request in writing. Permission may be granted with attached conditions and these will be outlined to the applicant.

In the event a proposal is not granted approval, Council will outline the grounds of their decision. Please note that the Council decision is final and no further correspondence can be entered into.

Timeline

Requests will be considered at any time. The time it takes to process and assess formal applications will vary depending on the complexity of the request/land ownership details and where applicable the timing of the request in relation to Council's budget planning and meeting cycle. The Coordinator Partnerships & Places will provide an indicative timeframe during initial discussions.

Completed proposals can be sent by post to:
Coordinator Community Places & Partnerships - Memorials
Macedon Ranges Shire Council
PO Box 151
KYNETON VIC 3444

Or by email to: mrsc@mrsc.vic.gov.au
Subject: Attn: Coordinator Community Places & Partnerships – Memorials

6. Criteria

Council's Place Making Group and Executive Management Group will assess requests for memorials against the following criteria (refer to the Council template)

Permanent memorial

Criterion	Evidence required
<p>Applicant details</p>	<p>Written explanation covering:</p> <ul style="list-style-type: none"> - Purpose of group or individual - Involvement in similar projects (demonstrating project management skills)
<p>Community interest - the memorial will be of lasting value to the community for social, cultural, historical, educational or aesthetic reasons.</p>	<p>Written explanation of how the proposed memorial will be of lasting value to the community and how it relates to the local community (250 words)</p>
<p>Community consultation - the memorial's purpose, location and design has broad community support obtained through an agreed consultation program.</p> <p>Council will work with the applicant to design a consultation plan that identifies relevant stakeholders and proposed ways of consultation.</p>	<p>Written evidence that the applicant has implemented the consultation plan and can demonstrate broad community support. For example:</p> <ul style="list-style-type: none"> - Letters of support - Results from community survey - Report from community meeting - Petition <p>Evidence needs to demonstrate support for all of the following elements of the plan:</p> <ul style="list-style-type: none"> - The memorial's purpose - The proposed location - The design (including pictorial representations, the materials used to create it, its position in the surrounding landscape)
<p>Avoiding duplication – Council will support the restoration or enhancement of an existing memorial or feature over proposals to erect a new structure (e.g. new garden around an existing memorial, addition of new plaques or reinstatement of deteriorated features).</p>	<p><i>Either</i></p> <p>A description of the enhancement works to be undertaken on an existing memorial</p> <p><i>OR</i></p> <p>Written explanation of why the proposed commemoration cannot be achieved through restoration or enhancement of an existing memorial (250 words)</p>
<p>Location and design - the location and design of the memorial is appropriate to its purpose and does not present a safety risk or interfere with the intended purposes of the shire's public land.</p> <p>The memorial will enhance the streetscape/ environment, is in keeping with the cultural identity of the town (e.g. heritage values) and will enhance the aesthetic value of the public space where it's located.</p>	<p>Provision of:</p> <ul style="list-style-type: none"> - scaled plans and elevations of the proposed structure (including measurements); - description of proposed materials including their source (e.g. local) and how it will be built; - assessment of its durability, including plans for securing it via footings; - site map of its location;

Criterion	Evidence required
<p>The design reflects the solemn and sacred nature of memorials.</p> <p>The design uses materials that are durable and will create a lasting feature worthy of its purpose.</p> <p>Compliance with relevant planning documents and considerations (e.g. town structure plans, access by Council's operations crews or emergency services vehicles) will be assessed before approval is considered.</p> <p>Wording of memorials and accompanying interpretive signage must be approved by Council and submitted at the time of the memorial proposal.</p>	<ul style="list-style-type: none"> - the preferred siting (direction its faces) at the preferred location; - proposed text or images that will accompany the memorial via plaques/signs etc; - description of how it will integrate with existing features at the preferred location (the finishes to be completed around the object); - strategies to reduce risk to community (e.g. barriers, bollards, reinforcement); - Details of who will be constructing it and installing it (and their qualifications/insurance coverage); - Details of the planned in-kind contributions that will contribute to the memorial project; - and any other relevant information; and - Record of discussions/site visits with Council's Operations Unit regarding access to location (e.g. email, letter). <p>Plans should include consideration of Council's Engineering Requirements For Infrastructure Construction Policy.</p>
<p>Planning and construction - the individual or community group can demonstrate that all aspects of design and construction have been considered and are funded.</p> <p>Demonstration that the land owner has provided approval for the proposal.</p> <p>Any permits/approvals triggered by the location have been obtained.</p>	<p>Record of discussion with Council's Local Laws, Building and Statutory Planning Units regarding permit requirements (e.g. email, letter).</p> <p>Evidence of land owner approval and copies of required permits (where appropriate).</p> <p>Budget plan for funding the memorial including budget for design works, statutory approvals, professional drawings (if required), construction and installation costs.</p>
<p>Maintenance - the responsibility for maintenance and repair costs of memorials is clear.</p> <p>There must be no ongoing maintenance costs to Council (unless otherwise decided by Council resolution).</p> <p>When proposing a war memorial, maintenance regimes must follow the guidelines provided by Dept. Premier and Cabinet/Veterans.</p>	<p>Written explanation of plans for funding the ongoing maintenance of the memorial including graffiti removal and general repair.</p> <p>Adherence to Veterans guidelines regarding the ongoing maintenance of war memorials.</p>
<p>Financial Management - Financial capacity to deliver the project to the expected standard of quality and workmanship without a reliance on Council funds.</p> <p>Confirmation of funding sources. In the case of seeking grant money, approval for the proposal needs to be in place before seeking Council support for a grant to fund the project.</p>	<p>Evidence of income to complete the project (e.g. sourced via a grant, individual's contributions etc).</p> <p>Provision of a detailed budget for:</p> <ul style="list-style-type: none"> - Design - Construction - Installation - Maintenance

Criterion	Evidence required
Budget breakdown detailing all planned costs for delivering the project.	Provision of quotes to support your budget figures

Temporary roadside memorial on Council owned or managed road reserves

Criterion	Evidence required
Location and design - the location and design of the memorial does not present a safety risk and must be approved by Council. See below for specific location and design considerations.	Drawing of location and design of proposed memorial.
Timeframe - the memorial removal date (within 6 months of construction) must be approved by Council	Record of approved removal date (e.g. email, letter)
Neutral cost - the memorial does not impact negatively on the expenditure of Council.	Demonstrated capacity of individual or community group to fund the proposed memorial including budget for planning, construction and removal

Temporary roadside memorial location and design considerations¹:

- a. A roadside memorial can only be located in the immediate vicinity to the accident site.
- b. Only one memorial is to be erected in respect of each incident.
- c. The placement of a roadside memorial must not distract drivers' attention, be hazardous to road users (vehicles, bicycles and pedestrians) or interfere with traffic control measures.
- d. The placement of a roadside memorial must not interfere with maintenance of the road reserve.
- e. The roadside memorial must not restrict access for utility or emergency services.
- f. Roadside memorials must not exceed a height and width of 300mm. The material composition and location of these memorials will be considered in respect to their potential risk to road users.
- g. Memorials must be secured to prevent dispersion by wind or rain.
- h. Persons erecting or visiting a roadside memorial do so at their own risk.
- i. The location of a memorial should not detract from the amenity of the local area for adjacent landowners or tenants and other members of the public.
- j. Council may remove, without notice, any roadside memorial that does not comply with these considerations or is past the approved timeframe.

¹Copied with permission from Clarence Valley Council's Road Side Memorials Policy, with minor text changes (permission requested 28.5.14)