



Policy Title	Memorials and Monuments in Public Open Space
Related Documentation	Roadside Memorials Policy
Relevant Legislation	Local Government Act 1993 Copyright Act 1968
Responsible Officer	Executive Manager Open Space

This Policy provides a framework for assessing proposals for Memorials and Monuments in Public Open Space.

This Policy only applies to Public Open Spaces owned by Campbelltown City Council.

This Policy does not apply to Crown Land Reserves.

Objective

The objectives of this policy are:

1. To provide a framework for the submission, review and assessment of proposals for Memorials and Monuments in a Public Open Space within the Campbelltown Local Government Area (LGA);
2. To ensure the preservation of the desired amenity and community experience of Public Open Space and adjoining lands by managing the physical form (including the location, design, scale, materials), function and long-term maintenance and care of Memorials or Monuments;
3. To support the ongoing social, cultural and community engagement within our Public Open Space through the implementation of well-considered and appropriate Memorials or Monuments;
4. To protect the social, environmental and economic value of the Public Open Space as a sustainable asset that is appropriately maintained and managed for the benefit of future communities; and
5. To not compromise the amenity value, aesthetic integrity or character of the Public Open Space or neighbouring lands.

Policy Statement

1. Public Open Space is a very important community resource with a wide range of social, environmental and economic values that benefit the whole community.
2. Campbelltown City Council (Council) recognises that Memorials and Monuments in Public Open Space are important to the community as they hold meaning and reflect social,

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historical and/or cultural significance. In this Policy, cultural significance encompasses religion without being specific.

3. Memorials and Monuments have been an integral element of society for thousands of years. Memorials and Monuments in Public Open Space can create community, provide comfort, encourage peace, and offer respect and remembrance. Memorials and Monuments can also add value to Public Open Space by offering visual interest and amenity, and by providing a richer community experience and deeper understanding of the city and its people.
4. Proposals for Memorials and Monuments in Public Open Space must be carefully reviewed and assessed to protect the value of the Public Open Space to the broader community, and ensure the potential future benefit of the Public Open Space to the future communities, is not adversely affected.

Scope

1. This Policy applies to proposals for Memorials and Monuments in Public Open Spaces within the Campbelltown LGA.
2. This Policy does not apply to Crown Land Reserves.
3. This Policy does not apply to naming of streets, parks/reserves and community assets.
4. This Policy does not apply retrospectively to existing Memorials and Monuments and does not apply to proposals for Memorials and Monuments on Private Property.
5. This Policy does not apply to, consider or approve the spreading or placement of cremation ashes in Public Open Space.
6. Under this Policy, previous proposals and historic approvals for Memorials and Monuments in Public Open Space, the process of their approval/rejection, funding arrangements, financial responsibilities, their physical form (including the location, design, scale, materials), function and long-term maintenance and care arrangements must not be relied upon and will not be considered to be a precedent for any application for a Memorial or Monument in a Public Open Space.

Definitions

Term	Definition
Public Open Space	Public Open Space is public land which is in the ownership of Council, including road reserves, parks, reserves, bushland, golf courses and playing/sports fields.
Memorial	A Memorial is typically an element with a small footprint within an area of Public Open Space. It can take the form of an item of nature or structure (such as a historical marker or commemorative plaque) that is built to remember a deceased person or a group of people whom passed away in an important past event.

	<p>Under this Policy, the maximum dimensions of a Memorial are 1.0m wide x 1.0m long x 1.0m high.</p> <p>Commemorative Plaques, Memorial Trees, Memorial Plantings and small Historical Markers, not exceeding the maximum dimensions specified in this Policy, are all considered to be Memorials.</p> <p>The mature height of any proposed Memorial Tree and/or Memorial Plantings will be assessed on the value of its amenity, safety, site suitability and long-term maintenance requirements.</p> <p>Please note that furniture (seats) and trees associated with the memorial that support and signify the importance of the memorial that are larger than the footprint (1.0m wide x 1.0m long x 1.0m high) will be considered as part of the assessment of the memorial.</p>
Monument	<p>A Monument is typically larger than a Memorial and an element having a sizable footprint. A Monument can take the form of an item of nature or a structure or a statue that is built to honour someone notable or a special event.</p> <p>Under this Policy, the dimensions of a Monument are greater than 1.0m wide x 1.0m long x 1.0m high.</p> <p>Types of Monuments include but are not limited to; public art pieces such as sculptures, statues or structures.</p> <p>A Memorandum of Understanding (MOU) entered into between the Applicant and Campbelltown City Council is required for all Monuments in Public Open Space, prior to the final approval of the application.</p>
Non Fixed Memorial or Monument	<p>A temporary non fixed Memorial or Monument that is brought into a Public Open Space to assist in the celebration of an Event. The Memorial or Monument must be removed from the Public Open Space at the conclusion of the Event.</p>
Applicant	<p>An Applicant is a person, persons, community group or incorporated organisation that prepares and submits a formal application to Council for the review and assessment of a proposal for the design, implementation and long-term maintenance and care of a Memorial or Monument in Public Open Space.</p>

1. SUBMISSION REQUIREMENTS

- 1.1 A Proposal for a Memorial or Monument in Public Open Space must be submitted to Campbelltown City Council by way of a formal application.
- 1.2 As a minimum, the application must:
 - a. identify the name and contact details of the Applicant;
 - b. provide detailed evidence of the significance of the Memorial or Monument;
 - c. address how the Memorial or Monument affects Public Open Space benefit to community;
 - d. provide a clear and accurate written and graphic description of the proposal; and
- 1.3 adequately address the assessment criteria outlined in this Policy.
- 1.4 Applications are to be submitted to Council via electronic means.

2. APPROVAL PROCESS

- 2.1 Applications for a Memorial or Monument will be reviewed by the Executive Manager Open Space.
- 2.2 If insufficient information is received, the Executive Manager Open Space may either reject the application, or request further information from the Applicant to assist in the assessment process.
- 2.3 Council reserves the right to request the Applicant provide verification/evidence of any claim of significance for a proposed Memorial or Monument. If Council is not satisfied with the reliability of the verification/evidence provided, the Applicant may be requested to seek and provide additional information to assist in the assessment of the application.
- 2.4 Memorials and Monuments will not be permitted if any part of the proposal is deemed offensive and not in keeping with the values and expectations of the Council and its community. As representatives of the Campbelltown community, Council reserve the right to reject an application if there is any potential to offend.
- 2.5 Where the Executive Manager Open Space is assured that the application and supporting documentation satisfactorily addresses the submission requirements and assessment criteria of this Policy, a formal recommendation will be submitted to Councils Executive Group for review.
- 2.6 Following its review, the Council's Executive Group will either reject the application, request further information be provided by the Applicant, or otherwise refer the application, to Council for its decision.
- 2.7 Consultation with the broader Campbelltown LGA community needs to occur for Monument applications prior to submission of the application to Council for approval and prior to the commencement of the Development Consent process. Monuments are required to have a public exhibition period of a minimum of 28 days prior to final approvals.
- 2.8 The final decision for an application for a Memorial or Monument is to be made by way of a formal resolution of Council, and at its sole discretion.

- 2.9 Council is under no obligation (legal or otherwise) to approve the application of a Memorial or Monument in Public Open Space.

3. SEPARATE DEVELOPMENT CONSENT

- 3.1 In addition to the Approval Process outlined under this Policy, a proposal for a Memorial or Monument may require separate development consent under the Environmental Planning and Assessment Act 1979 (the Act). If separate development consent is required under the Act, the applicant will be required to lodge a separate Development Application (DA) with Council in order to gain formal development consent for the use and construction of the Memorial or Monument.
- 3.2 It is recommended that prior to the lodgement of an application for a Memorial or monument, the Applicant undertake a pre-DA lodgement meeting with Council's planning officers to assist the Applicant with an understanding of whether or not separate development consent will be required, and what information will be required in support of a DA.
- 3.3 It is important to note that the requirement for separate development consent might only be revealed during the assessment of the application for a Memorial or Monument. In this case, the Applicant will be advised accordingly.
- 3.4 A DA should not be lodged until after receipt of Council's formal approval of the proposed Memorial or Monument.
- 3.5 As the Development Application process is separate to that of the process for the application of a Memorial or Monument, additional fees and charges will apply. The Applicant is responsible for all costs and provisioning of all reports, studies, drawings and information associated with the submission of the DA if one is required.
- 3.6 If the proposed Memorial or Monument is visible from any neighbouring properties (current or proposed), public consultation in accordance with Council's Community Engagement Policy is required.
- 3.7 All communication with the broader community will be undertaken with Council support. The Council will ensure that any community engagement is equitable and reasonable.
- 3.8 It is important to note that any proposal for a Memorial or Monument in a Public Open Space that is specific or relevant to a cultural event, then support from the local community surrounding the Public Open Space needs to be provided.
- 3.9 Any costs associated with community consultation are to be covered by the Applicant.

4. ASSESSMENT CRITERIA

- 4.1 An application for a Memorial or Monument in a Public Open Space must satisfactorily address the following assessment criteria:
- a. Relevance to the Campbelltown LGA

- b. A proposal for a Memorial or Monument must outline the purpose of the item (typically in remembrance of a person, event or milestone) and clearly demonstrate its relevance, significance and direct association with the Campbelltown LGA.
- c. In addition, a proposal for a Memorial or Monument must provide clear evidence to, and satisfy the Council of, compliance with the following criteria:
 - i. If relevant to a person: the person was or currently is a resident within the Campbelltown LGA, and it can be demonstrated that the person has made a significant individual contribution toward the betterment of the Campbelltown area and its community.
 - ii. If relevant to an association: it must be demonstrated that the association has made a significant and positive contribution toward the betterment of the Campbelltown area and the cultural or social aspects of the Campbelltown area and its community.
 - iii. The person or association must have demonstrated more than 20 years dedicated service to the people of the Campbelltown LGA, or more than 20 years of not-for-profit work on a community or social cause, such as education, arts & culture, sport or providing assistance to vulnerable communities (These contributions are to be independently verified by a reputable and suitably qualified source/sources).
 - iv. The Memorial or Monument must commemorate an important anniversary of an event significant to the history of the Campbelltown LGA.
 - v. If relevant to a cultural event, figure, or movement, the Memorial or Monument should be relevant to a substantial portion of the local community (Evidence is to be provided to support the applicant's position including information and statistics relevant to Campbelltown's current demographic and/or projected future demographic).

4.2 Relationship with the Public Open Space

- a. A proposal for a Memorial or Monument must clearly demonstrate a strong connection and direct relationship between the purpose of the item and the nominated Public Open Space or its surrounding locality.

4.3 Open Space Amenity

- a. The proposal must not compromise the amenity value, aesthetic integrity or character of the site on which the Memorial or Monument is proposed.

4.4 Physical Form

- a. A proposal for a Memorial or Monument must include detailed information regarding the physical form and location in order for Council to undertake an assessment of the application. Detailed information of the physical form for both Memorial and Monument includes:
 - i. Context Plan;
 - ii. Site Plan;
 - iii. Dimensions (height, width, length);
 - iv. Materials and Finishes.

- b. In addition, a proposal for a Monument must include the following additional information that must be prepared by a suitably qualified consultant or organisation:
 - i. Site Analysis Plan including existing and proposed views to and from the Monument, pedestrian and vehicular access points, drainage assessment, shadow diagrams;
 - ii. Services and Utilities Plan;
 - iii. Landscape and Pavement Plan;
 - iv. Levels and Drainage Plan;
 - v. Furniture and Fencing Plan;
 - vi. Planting Plan;
 - vii. Walling (Retaining and Free-Standing Walls) Plan;
 - viii. Note: Walls greater than 600mm in height will need structural certification and consent under the Environmental Planning and Assessment Act 1979.
 - ix. Structural Design Plan and Certifications (registered structural engineer);
 - x. Footing Designs and Certifications (registered structural engineer);
 - xi. Geotechnical and Soil Assessment;
 - xii. Traffic Impact Assessment for parking (where it is expected that the proposed Monument will attract large gatherings, services or spectators);
 - xiii. Lighting Plan (if applicable);
 - xiv. Details of security measures;
 - xv. Typical Details including construction materials of Pavements, Walls, Planting, Lighting, Furniture, Fencing etc.
 - xvi. Maintenance Management Plan;
 - xvii. Lifespan and Asset Replacement Plan.
- c. At its sole discretion, Council may require additional information to that listed above.

4.5 Primary Purpose of Public Open Space

- a. A proposal for a Memorial or Monument must clearly outline the proximity of the item to the various facilities within the Public Open Space (such as sportsfields, recreational facilities, community facilities) and determine the potential impacts of the proposal on the primary purpose of Public Open Space.
- b. The primary purpose of Public Open Space must not be compromised or inhibited by the proposal for a Memorial of Monument. As an example, the primary purpose of a sporting ground is sports activities and therefore sports activities and activities ancillary to the primary activity, are not to be compromised.
- c. Applicants must provide supporting evidence to this effect as part of their application.

4.6 Function of the Memorial or Monument in Public Open Space

- a. A proposal for a Memorial or Monument must clearly outline the intended function and type of patronage anticipated, including the frequency and expected number of patrons at any function. Any significant dates or events that are intended to be held must be identified in the proposal with an assessment of the impacts on the primary purpose and daily operation of the Public Open Space.

4.7 Plan of Management

- a. A proposal for a Memorial or Monument in Public Open Space must clearly respond to the requirements of the relevant Plan of Management including the land use permissibility identified in the relevant Plan of Management.

4.8 Cost Estimate

- a. All costs associated with the design, management and installation of any proposed Monument or Memorial is to be borne solely by the Applicant.
- b. A proposal for a Memorial or Monument must be accompanied by a cost estimate from a suitably qualified consultant. Cost estimates are to be inclusive of 30% construction contingency. This estimate will be checked by Council to ensure the cost estimate is accurate.

4.9 Benefit to the Broader Community

- a. A proposal for a Memorial or Monument must clearly state the anticipated benefits to the broader community.

4.10 Safety by Design Principles

- a. A proposal for a Memorial or Monument in Public Open Space must clearly consider the safety of the community and respond appropriately to the principles of Safety By Design.

5. DELIVERY

- 5.1 It is Council's responsibility to deliver approved Monuments or Memorials in Public Open Space once all relevant approvals are granted and Council has received the funds from the Applicant.
- 5.2 The Applicant must pay the proposed cost of the Monument or Memorial to the Council in accordance with the estimate. This includes the 30% construction contingency.
- 5.3 Unspent funds will be returned to the Applicant at the completion of works.
- 5.4 Where the Memorial or Monument costs more than the 30% contingency, the additional costs will be borne by the Applicant.

6. OWNERSHIP

- 6.1 Ongoing ownership of all Memorials or Monuments in a Public Open Space will rest solely with Council. Applicants are to transfer all rights they may legally have to the Memorial or Monument, including any moral rights under the Copyright Act 2000, to the Council.

- 6.2 All applications must be accompanied by a declaration from the Applicant and designer/artist involved in the creation of the Memorial or Monument, transferring all rights and ownership to Council.
- 6.3 At all times, Council reserves the right to remove, replace and/or relocate any approved Memorial or Monument from or within a Public Open Space.
- 6.4 At all times, Council reserves the right to modify any or all parts of the Memorial or Monument.
- 6.5 Before any Monument or Memorial is modified, removed, replaced or relocated, Council will make all reasonable efforts to contact and consult with the original Applicant and any affected community members.
- 6.6 Applicants will not be entitled to any reimbursement of funds expended for installed Memorials or Monuments, where they have been modified, removed, replaced or relocated by Council or its authorised agent.
- 6.7 If the Memorial or Monument is an artwork, it is expected that the lifespan of the artwork will be 5 to 10 years. This will be reviewed as part of our regular asset inspections.
- 6.8 Decommissioning of a public artwork may be necessary or appropriate when:
 - a. The site is to be re-developed; or
 - b. A work becomes unsafe; or
 - c. A work deteriorates or is damaged beyond reasonable repair; or
 - d. A work is deemed to be no longer appropriate on that particular site.
- 6.9 Decisions regarding the safety of an artwork, the feasibility of its repair, or the process for its removal will be made in consultation with relevant officers of the Council.
- 6.10 A clause outlining the process for managing the decommissioning of an artwork, should be included as part of the artist's Contract. Where this has not been the case, where practicable all reasonable attempts will be made by the Council to consult with the artist in regard to decisions to dispose of the work.
- 6.11 Occasionally it is appropriate for a work to be re-located from its original site to a more appropriate site. When the work has originally been commissioned for a particular site the artist should, where practicable, be consulted regarding its re-location.

7. MANAGEMENT AND MAINTENANCE COST

- 7.1 Subject to the size, structure, material composition, and cost of the proposed Memorial or Monument, Council will request a financial contribution from the Applicant toward the ongoing maintenance of the asset.
- 7.2 For a Memorial in a Public Open Space, the proposed financial contribution for management and maintenance of the item will be determined as part of the approval process. This will be a one-off financial contribution charged to the Applicant. This contribution must be paid to Council prior to the commencement of construction.

- 7.3 Please note for monuments the contribution for the ongoing management and maintenance of the monument will be resolved as part of the finalisation of the memorandum of understanding between the applicant and Council.
- 7.4 For a Monument in Public Open Space, a signed Memorandum Of Understanding prepared by the Council (MOU) will be required to be completed between the Applicant and Council. The MOU will outline the financial contributions and expectations of the Applicant for the ongoing maintenance of the Monument.
- 7.5 The approval of the MOU is with the Council Executive.
- 7.6 The MOU will include that the Applicant must pay for:
- a. all and any inspection, planning, design, construction, rectification and maintenance costs associated with ensuring the Monument is safe and does not present a hazard or risk to the community; and
 - b. all and any security costs related to the Monument itself or any associated events held and approved by Council.
- 7.7 Irrespective of whether maintenance costs are contributed or not, Council reserves the right to collect from the Applicant a financial contribution to cover any rectification costs associated with future property damage, or dilapidation of the Memorial or Monument, indefinitely. This aspect will be finalised as part of the MOU.
- 7.8 The maintenance of approved Memorial or Monuments must be undertaken by Council and/or its authorised agents. Applicants are not to attempt repairs, rectification or maintenance without the formal written approval of the Council.
- 7.9 Council reserves the right to remove or relocate any approved Memorial or Monument, where at any time the Memorial or Monument is deemed to be unsafe, poses a risk or becomes a hazard to public safety. This action will be undertaken in consultation with the Applicant.

END OF POLICY STATEMENT