

# MEMORIAL TREE PLANTING IN PUBLIC OPEN SPACE POLICY

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**PREPARED BY:  
ASSET SERVICES UNIT**



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SUTHERLAND SHIRE

## 1. PURPOSE

- To provide members of the Community with the opportunity to create a memorial to a loved one through tree planting in Council's public open space.
- To support Council's aim of managing, promoting and enhancing our tree canopy in urban and natural areas.

## 2. APPLICATION

This policy applies to requests from the Community for a Memorial Tree to be planted in memory of loved ones. Memorials for groups of people or events (such as War Memorials) are not covered by this Policy.

## 3. PRINCIPLES

### 3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

3.2 Tree planting is considered to be Council's acceptable form of memorial for community members to remember loved ones in public open space.

3.3 Memorial Trees are an asset of Sutherland Shire Council, not the applicant. Council has the right to remove any Memorial Tree at a future time and will endeavour to advise the applicant where reasonable.

3.4 Tree planting locations will be determined by consultation between the Applicant and an Officer from the Asset Services Unit. Council Officers are under no obligation to accept the Applicant's preferred location, and need to consider all public open space users and future works within its reserves.

3.5 Council has the right to refuse a memorial application should the assessment find that the person who the memorial is commemorating does not represent the values that Council wishes to promote within the community.

3.6 The cost of providing a Memorial Tree does not include maintenance to minimise the cost to the Applicant. Applicants will be encouraged to visit their trees periodically and, during periods of no rain, water their tree.

## 4. RESPONSIBILITIES

### 4.1 Responsible Officer

The Team Leader Open Space is the Responsible Officer for this Policy and is responsible for overseeing the Memorial Tree Planting Program.

### 4.2 Council

In accordance with the *Local Government Act 1993*, Council is responsible for engaging with the community, providing the Memorial Tree and engaging the landscape contractor.

#### **4.3 Chief Executive Officer**

Council has delegated the Chief Executive Officer the authority to approve the Memorial Tree Planting.

#### **4.4 Directors**

Directors are responsible for ensuring their Division adheres to the requirements of this Policy and providing guidance in respect of achievement of the strategic objectives of the Policy within their division and the organisation.

#### **4.5 Staff**

Staff must adhere to the requirements of this Policy and operate within the authorities of their delegations.

### **5. MONITORING**

Customers are required to complete an application form, which includes a checkbox that the person memorialised has not been convicted of a crime.

### **6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY**

Council adheres to and complies with the *NSW State Records Act 1998* and *Privacy and Personal Information Protection Act 1998* through its Enterprise Content Management Policy and Privacy Policy.

### **7. BREACHES OF POLICY**

Breaches of this Policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and/or Director Shire Infrastructure via the Manager Asset Services.

### **8. RELATED DOCUMENTS**

- Community Strategic Plan

### **9. RELEVANT LEGISLATION AND REGULATIONS**

- *Local Government Act 1993 (NSW)*
- *State Records Act 1998 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Protection of the Environment Operations Act 1997 (NSW)*

### **10. DEFINITION OF TERMS**

<b>Term</b>	<b>Meaning</b>
Applicant	The person who completes the online application form and liaises with Council in respect to the Memorial Tree.

<b>Term</b>	<b>Meaning</b>
Community	A group of people living in the same place or having a particular characteristic in common.
Criminal conviction	The outcome of a criminal prosecution which concludes in a judgment that the defendant is guilty of the crime charged.
Memorial	Something designed to preserve the memory of a person, or event.
Memorial Tree	A tree planted in Council public open space on behalf of a Shire resident to commemorate a loved one.
Memorial Tree Certificate	A Certificate, signed by the CEO and Mayor, issued after planting to the family and including the name of the person being commemorated, planting date, tree species, public open space name and GPS location.
Public Open Space	Any parcel of land under the care, control and management of Sutherland Shire Council, regardless of tenure.

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