

EXTRAORDINARY COUNCIL MEETING

Strathfield Municipal Council

Tuesday 11 August 2015

6.30pm

Strathfield Town Hall
65 Homebush Road, Strathfield

Persons in the gallery are advised that under the Local Government Act, 1993 a person may NOT tape record the proceeding of a meeting of a council or committee without the authority of the council or committee. "Tape record" includes a video camera and an electronic device capable of recording speech.

Mobile phones must be turned off so as not to disrupt the meeting. Anyone, including Councillors, found using a mobile phone will be told to leave the meeting immediately and for the duration of the said meeting.

An audio recording of this meeting will be taken for minute taking purposes as authorised by the Local Government Act.

- 1. Prayer**
- 2. Recognition of Traditional Custodians**
- 3. Declaration of Pecuniary or Conflict of Interest (nature of interest to be disclosed)**
- 4. Apologies**
- 5. Comfort Women Statue**

I endorse the recommendations contained herein.



Director Corporate Services

Report by Jason Andrew, Group Manager Organisational Performance

RECOMMENDATION

That Council take no further action concerning a Comfort Women Memorial as the proposal does not meet the criteria of Council's Memorial Policy.

PURPOSE OF REPORT

To further consider the proposal received by Council to erect a comfort women statue.

BACKGROUND

Council received a submission (containing a petition) on 25 March 2014 in support of a proposal from the Korean Committee of United Austral Korean-Chinese Alliance. The proposal requested Council's support:

“To erect a ‘3 girls’ statue consisted of Korean, Chinese and Australian to commemorate the war sex victims of World War II in the Strathfield Square or a public place of Strathfield Council precinct where many of the descendants of Korea and China are residents.”

In response to the matter above, the comfort women proposal was reported to Council on 1 April 2014. Council was advised of the petitions received regarding the proposal for the establishment of a Comfort Women Memorial in Strathfield Square or a public place in the Strathfield Council precinct.

Council, at its meeting on 1 April 2014 concluded the following resolutions (Minute No. 64/16):

- 1. That Council note the report and petitions received concerning Comfort Women Memorial Establishment on public place of Strathfield Council precinct;*
- 2. That this matter be referred to the State and Federal Governments to obtain their position on this matter; and*
- 3. That Council, as per its community Strategic Plan, which upholds its strategy of strong community consultation and inclusiveness, consider the matter following receipt of position statements from the State and Federal Governments.*

This report has been prepared in response to the above Council Resolutions.

REPORT

In accordance with Council's Resolution 64/16, Council sought to obtain positions on this matter from the New South Wales (NSW) State and Australian Federal Governments. Responses received indicated that consideration for responding is a matter for Council to manage.

Government Responses:

Department of Foreign Affairs and Trade: “The Commonwealth has no role in local government decisions on establishing memorials. As such, the Department of Foreign Affairs and Trade is not in a position to provide the Council with official advice on this matter.”

Minister for Veterans Affairs: “The Commonwealth has no role in local government decisions on establishing memorials. The decision of whether or not to proceed rests with the Strathfield Council.”

Department of the Prime Minister and Cabinet: “The Department of the Prime Minister and Cabinet is not in a position to provide the Council with official advice on this matter.”

Minister for Planning and Minister for Women: “I can advise that planning decisions of this nature are a matter for the Council.”

Premier and Cabinet: “This matter you have raised falls within the administration of the Hon Victor Dominello MP, Minister for Citizenship and Communities and I have forwarded a copy of your correspondence to the Minister for his consideration.”

Minister of Citizenship and Communities: “Given that this issue relates to Australia’s bilateral relationship with Japan and South Korea, the NSW Government would encourage you to seek the advice of the Commonwealth Government of this issue.”

In summary both the Federal and State Government have declined to provide a position on this matter and have effectively referred the matter back to the Council.

Council’s Memorials Policy

Memorials, including statues, are governed by Council’s Memorials Policy which guides Council on the placement and installation of memorials. All memorial proposals are required to conform to this policy.

Council’s Memorials Policy states that, “Memorials and plaques will only be considered where they satisfy one of the following criteria:

- a) Commemorating a deceased individual who was a member of the Strathfield Community and has contributed significantly to the Strathfield Community.
- b) Commemorating a community association and or group that have contributed significantly to the Strathfield Community.
- c) Commemorating places or events of national, state or local significance.
- d) War Memorials.”

The following assessment of the proposal has been undertaken against the current Council Memorials Policy (refer attachment 1).

The following considerations have been made based on this review:

1. Consistent with relevant Plans of Management: This memorial/ statue is not consistent with the current Community Facilities Plan of Management because it is not considered as an objective and performance target of the plan with respect to the land. The objective is required to be an appreciation and interpretation of the heritage significance of the site and structures e.g. memorials in terms of both natural and cultural components.
2. Memorial and plaque specific criteria: This statue does not correspond to any of these specific criteria.
3. Infrastructure: Not applicable.
4. Ecologically Sustainable Development: Not applicable.
5. War Memorial: The proposal does not meet this criteria due to the Council Policy's definition of the War Memorial; which is defined as a tribute to the engagement of troops central to the defence of Australia and may only be considered after conclusion of the war.
6. Financial Implications: The proposal does not meet this criteria as no funds plan has been submitted on for the establishment and ongoing cost maintenance of the statue.
7. Financial Burden: The proposal does not meet the financial criteria of the policy which will have significant financial burden that needs to be considered not only for the establishment of the memorial, but also for ongoing maintenance costs of the memorial. The proposal does not provide financial information concerning the establishment or for any future maintenance costs.
8. Existing Sites: The policy takes into account the number of existing memorials in the Local Council area. The Council has four existing Memorials Enfield War Memorial, Homebush War Memorial, Homebush West War Memorials and Strathfield War Memorial.
9. Place Names: The proposal does not meet this criteria, the name of the statue/memorial must be referred to the Geographical Names Board for approval at first stage.
10. Development Consent: The proposal does not meet this criteria, certain types of memorial may also require development consent under Strathfield Planning Scheme Ordinance. No development application was submitted in this regards.
11. Offensive Elements: Due to the sensitive and emotive nature of the proposal, the implications for various cultural communities, and the potential implications for racial vilification, this Memorial may be reasonably considered as offensive by members of the community.
12. Religion & Political Affiliations: This proposal may be considered a potential of political affiliation; which is against the Memorial Policy's purpose.

Community Consultation

A survey was undertaken of Strathfield residents by an independent external market research company to gather statistically valid data on the Comfort Women proposal. The survey was undertaken over two periods to obtain a more valid community response and ensure a better random sample was achieved.

Of a total of 605 Strathfield residents being surveyed, only 33% were in favour of the proposed statue.

Since the receipt of the proposal in April 2014 Council has also received significant amounts of unsolicited feedback and petitions supporting and objecting to the proposal.

FINANCIAL IMPLICATIONS

Funding has not been provided in the current budget for this purpose.

ATTACHMENTS

1. Memorials Policy

ATTACHMENT 1

Memorials Policy

As at 15 February 2005



	POLICY		
TITLE	Memorials Policy		
DATE ADOPTED	15 February 2005	MINUTE	38/05
REVISED	n/a	REVIEW	2011
RECORD	D/W no: 147914		
ASSOCIATED LEGISLATION	<ul style="list-style-type: none"> • Local Government Act 1993 • Geographical Names Act 1966 		
ASSOCIATED POLICIES	<ul style="list-style-type: none"> • Strathfield Council Sponsorship Policy • Strathfield Council Plans of Management • Strathfield Planning Scheme Ordinance 		

PURPOSE

To provide a policy to guide Council on the placing and installation of memorials.

SCOPE OF POLICY

- This policy is applicable to all memorials proposed to be placed in any public open space within Strathfield. All such memorials will be required to conform to this policy.
- This policy replaces any previous approval or process in regard to the installation of a memorial within Strathfield. Existing memorials or plaques cannot be employed as precedent for future approvals.
- Any alterations to an existing memorial will need to comply with this policy. This policy does not prevent maintenance or conservation of any previous memorial that does not comply with this policy.
- This policy does not include advertising or sponsorships that are covered by Strathfield Council's Sponsorship Policy.
- This Policy is not applicable to public art, unless the art is commemorative.
- This policy is not applicable to privately owned property.
- The policy is applicable to memorials installed by Council.

DEFINITIONS

Commemorate

To serve as a memento of..... Or Honour the memory of..... by solemnity or event.

Memorial

An object that is designed to preserve the memory of a person, group, association, event or occasion. This policy includes but is not limited to:

- Statues
- Monuments,
- Cenotaph
- Commemorative Plaques
- Placenames
- Building, object names
- Groves of Trees etc
- War Memorials

Public Open Space

Includes community land, road reserve and operational land owned by Council and any other land in Councils care, control or management.

Strathfield

The Municipality there of, not limited to the suburb of Strathfield.

Strathfield Community & Community

Group of people that live, belong to or share identity or interests within the Municipal Boundary of Strathfield and surrounding area.

POLICY STATEMENT

1. To provide a policy to guide Council on the placing and installation of memorials.
2. To provide a clear, open, equitable and accountable process for the placement of memorials.
3. To ensure the design and siting of memorials is consistent with community interest.
4. To ensure the placement of memorials:
 - i. Conserves the natural, heritage and cultural character and environment of Strathfield's public open space.
 - ii. Does not attract vandalism or future expenditure.
5. To ensure the placement of any memorial does not present a safety risk now and in the future.
6. To fulfil the legislative requirements in relation to the management of Community Land, Crown Land and Operational land and other land under the care, control or management of Council.

CRITERIA

1. No memorial is to be placed in Strathfield Municipality unless it is consistent with the relevant Plans of Management. If there is no plan of management it must be consistent with the lands public purpose and must not result in a change of use of the land.
2. Memorials and plaques will only be considered where they satisfy one of the following criteria:

- a. Commemorating a deceased individual who was a member of the Strathfield Community and has contributed significantly to the Strathfield Community.
 - b. Commemorating a community association and/or group that have contributed significantly to the Strathfield Community.
 - c. Commemorating places or events of national, state or local significance.
 - d. War Memorials
3. Infrastructure - Memorials can encompass all infrastructure (barbecues, buildings, shade covers, picnic shelters, retaining walls, fountains, sections of pathway, fencing, tables, chairs, playgrounds etc)
4. Ecologically Sustainable Development - The placement of memorials in Strathfield is to be consistent with the principles of ecologically sustainable development.
5. War Memorials - Tributes to the engagement of troops central to the defence of Australia may only be considered after conclusion of the war, where the labours of all involved are recognised.
6. Financial Implications - In considering approval for a memorial, Council will consider:
 - a. How the construction/installation of the memorial will be funded;
 - b. The applicants ongoing commitment to maintenance costs including responsibility for vandalism and theft; and
 - c. How the ongoing maintenance will be funded.
7. Financial Burden
 - a. Memorials that have a significant financial burden for Council will **not be considered**.
 - b. The applicant must meet all ongoing maintenance costs of the memorial including vandalism and theft, and if required the applicant must meet all replacement costs. The memorial will not be replaced at Councils expense.
 - c. In the event that a memorial is damaged or requires funding where the original applicant is no longer in existence Council may resolve to repair or remove the memorial.
8. Existing Sites- The placement of memorials will take into account the number of existing memorials, artworks or other objects in the vicinity of the proposed new memorial or park.
9. Place Names - Dedication of Placenames must be referred to the Geographical Names Board for approval and gazettal. It must be noted that not all placenames are memorials and therefore are not guided by this policy.
10. Development Consent - Certain types of memorials may also require development consent under Strathfield Planning Scheme Ordinance. The applicant is required to lodge a development application. Such consent should be sought after approval of the memorial prior to commencement of the work. The application to Council must state if the Strathfield Planning Scheme Ordinance permits the memorial and if development consent is required.
11. Offensive Elements - A memorial will not be considered if it may reasonably be considered offensive by members of the community.
12. Religion & Political Affiliations - A memorial will not be considered for the purpose of a religious or political affiliation. These elements may only be considered where the applicant can prove to the Councils satisfaction that the subject of the memorial has contributed significantly to the Strathfield Community, beyond the standard activities of office or meets the requirements of the criteria listed under point 2. This does not preclude the dedication of a memorial that is not

based on religious or political elements, by a religious or political representative or commemorative activity that may include religious elements.

APPLICATIONS

Applications must be in writing with supporting evidence demonstrating that the memorial meets the criteria of this policy.

COMMUNITY CONSULTATION

If a request for installation of a memorial meets the criteria of this policy, prior to approval Council must place the proposal on public exhibition for a period of not less than 28 days and receive written comments for a further period of 14 days. Relevant stakeholders should be invited to make comment in writing; they may include Geographical Names Board, National Trust, RSL and the Strathfield District Historical Society.

In the case of an insignificant / small memorial such as a plaque, Council may waive the Community Consultation Period.

Any public notice must describe public open space in common terms as per section 54A of the *Local Government Act 1993*.

REGISTER

Council must keep a register of memorials. This must be kept by Councils Governance section.