

ROADSIDE MEMORIALS POLICY

LOCAL LAW POLICY



1 Scope

This policy applies to roadside memorials on roads controlled by Rockhampton Regional Council.

2 Purpose

The purpose of this policy is to set guidelines for the construction, installation, placement and removal of roadside memorials.

3 Related Documents

3.1 Primary

Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Areas and Roads) 2011

3.2 Secondary

Human Rights Act 2019

Local Government Act 2009

Local Law No. 1 (Administration) 2011

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

Roadside Memorial Notification Form

4 Definitions

To assist in interpretation, the following definitions apply:

Authorised Person	A person who is appointed under a Local Government Act to ensure members of the public comply with the relevant Local Government Acts in relation to the local government and the Region.
Council	Rockhampton Regional Council
Employee	Local government employee: (a) The Chief Executive Officer; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Responsible Person	Member/s of the community seeking to install and be responsible for a roadside memorial.

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Road	As defined in the <i>Local Government Act 2009</i> : (a) An area of land that is dedicated to public use as a road; or (b) An area of land that: (i) Is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles; and (ii) Is open to, or used by, the public; or (c) A footpath or bicycle path; or (d) A bridge, culvert, ford, tunnel or viaduct.
Roadside Memorial	Any object placed within the road reserve to commemorate or indicate a road fatality. Memorials may include wooden crosses, coloured posts and flowers. Monuments (permanent commemorations) are not permitted within a road reserve.

5 Policy Statement

Council recognises that some members of the community may wish to commemorate/indicate a road fatality by installing a roadside memorial. Council deals sensitively with issues associated with roadside memorials but does not encourage the placement of roadside memorials within a road reserve due to potential road safety impacts.

This policy ensures roadside memorials are placed in a safe location, can be easily maintained, do not cause distress to adjacent residents and will cause minimum distraction or hazard to road users and visitors to the site.

5.1 Consultation

Residents may find roadside memorials, particularly in urban settings, upsetting as they are a reminder of an incident that occurred near their property. Council therefore requests that the responsible person ensures the views of adjacent residents located within 100 metres in each direction of the proposed roadside memorial site are obtained and respected prior to proceeding with the construction and installation of any roadside memorial.

5.2 Notification

Whilst no formal application or consent from Council is necessary to construct a roadside memorial, Council requests that persons wishing to install a roadside memorial provide prior notification to Council and comply with the requirements of this policy. Such actions ensures that safety and other aspects are considered, and the responsible person can be contacted in situations where Council may need to relocate or remove a memorial.

5.3 Location

Roadside memorials must be located on the nature strip within the road reserve at a location chosen to minimise the risk to road users and visitors to the site. In the interest of the safety of persons installing a roadside memorial, and the safety of other road users, there are a number of locations where the placement of roadside memorials is restricted, including:

- (a) On the roadway surface;
- (b) On median strips, roundabouts, bridges or overpasses, culverts or other roadway infrastructure as advised by an employee;
- (c) Locations that could hinder or impede emergency services, Council or utility companies in their maintenance operations (for example, mowing) or accessing services (for example, fire hydrants);
- (d) Locations that restrict a vehicle's sight lines or creates a distraction;
- (e) Where they may interfere/obstruct with the function of any traffic control devices; and
- (f) Locations that may pose concerns for residents of adjacent properties.

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5.4 Construction and Installation

A roadside memorial must be small to ensure minimal distraction to road users, constructed of appropriate material and installed in a way that will not cause injury if struck by a vehicle.

Appropriate roadside memorials may comprise of a small:

- (a) Floral display;
- (b) Moveable structure no higher than one meter; or
- (c) Plaque.

Roadside memorials are not permitted to:

- (a) Be constructed of heavy materials (for example, concrete or stone);
- (b) Comprise of large objects;
- (c) Be reflective or illuminated (including solar lights); or
- (d) Have more than one memorial for each incident.

Installation is the responsibility of the responsible person.

5.5 Maintenance

Maintenance is the responsibility of the responsible person who must exercise due care and attention when undertaking such activities. Council does not accept responsibility for the maintenance of any roadside memorial, or the loss or damage that may occur due to road reserve maintenance, construction activities, vandalism or destructive weather events.

5.6 Relocation and Removal

In the event that Council needs to relocate or remove a roadside memorial, every attempt is made by employees to inform the responsible person prior to the removal or relocation by an authorised person. A roadside memorial may be relocated or removed due to reasons including:

- (a) When road works are required at the location of a roadside memorial. In such instances, Council will safely and carefully relocate the roadside memorial for the duration of the works and then replace it if practicable.
- (b) If the roadside memorial obstructs the completed road works, it may be moved to a new location.
- (c) When a roadside memorial becomes a safety hazard, relocation or removal occurs in a safe manner.
- (d) If the roadside memorial is not kept maintained, or Council receives any objection or complaint from nearby residents or road users regarding any aspects of a roadside memorial, including the activity of visitors to the memorial, the roadside memorial may be relocated or removed if after careful consideration an authorised person determines it necessary to do so.

5.7 Human Rights Act 2019

In creating this policy, Council has given consideration to human rights in accordance with the *Human Rights Act 2019*. Any limitation of human rights are reasonable and demonstrably justified in the circumstances in accordance with section 13 of the *Human Rights Act 2019*.

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6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Regional Services
Policy Owner	Manager Civil Operations
Policy Quality Control	Legal and Governance



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