

Program:	Transport and Drainage Infrastructure Planning
Date of Adoption:	27 September 2023
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Scope

To set guidelines for the installation, placement and removal of Roadside memorials ('Memorials') on roads controlled by Mackay Regional Council (MRC).

Objective

To provide for the principles in dealing sensitively with issues associated with roadside memorials within the road reserve due to the potential road safety impacts of such memorials.

Policy Statement

MRC recognises that some members of the community may wish to commemorate/indicate a road fatality by installing a Memorial. MRC also recognises that some members of the community may not wish to be reminded of road fatalities by installation of Memorials.

MRC considers that to the extent this policy engages and limits, or potentially limits, any human rights, that limitation is reasonable in that it is proportionate and justified.

This process to remain in force until otherwise determined
by Mackay Regional Council

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1.0 Principles

1.1 Memorial Location

- A memorial should be located in a position where it will not distract drivers' attention from the driving task or interfere with the role of any traffic control item.
- A memorial should be located in a position where it will not be hazardous to passing traffic and or pedestrians or prevent appropriate maintenance of the road reserve.
- Applicants are to make themselves aware of any possible risks in visiting roadside memorials as well as safe practices in this regard, e.g. stopping clear of traffic. Wherever possible, the location should be chosen to minimise risk of a road accident/incident.
- In the interests of road safety of persons installing memorials there are a number of locations where the placement of memorials is restricted. Examples of locations where memorials are not permitted include urban multi-lane arterial roads, traffic islands, medians and roundabouts or where they may interfere with any traffic control devices. Subject to applications and location details being provided by the Applicant appropriate locations can be discussed with MRC to maintain traffic, construction personnel and visitor safety.
- Applicants applying for installing a roadside memorial will not be required to provide indemnification or public liability coverage in favour of MRC.

1.1.1 *Construction*

Memorials should be contained within the following dimensions:

- Height 750 mm
- Width 500 mm
- Depth 400mm (below ground)

Memorials should in general meet the following performance requirements:

- Small in size and securely fixed
- No plastic flowers
- No heavy materials or large objects
- Not allowed within the clear zone
- Not obstructing traffic controls or creating a distraction
- Not affixed to power poles, regulatory signs/traffic lights or in medians or roundabouts
- Not impede MRC or emergency service maintenance operations
- Respect the amenity of local residents.

1.1.2 *Relocation and Removal*

- Any objection or complaint from nearby residents or from road users regarding any aspects of Memorials, including the activity of visitors to the memorial will be carefully considered and if necessary, the memorial will be relocated or removed by the applicant on direction from MRC.
- Memorials presenting a safety hazard to road and road verge users will be removed, however, every effort will be made by MRC to contact the person/s responsible for the memorial.
- There may be times when roadworks are required at the location of a Memorial. When this is required MRC will relocate the Memorial for the duration of the works and then replace it, if possible.
- Every attempt will be made by MRC to consult those affected prior to the removal or relocation of the Memorial. If the Memorial obstructs the completed roadworks, it may be removed to a different location, following contact with those affected where possible.

1.2 Other

- MRC will not accept responsibility for the maintenance of Memorials, or any loss, damage, removal or relocation of Memorials that may occur due to road maintenance or construction activities.
- In general, a time limit of twelve (12) months will be allowed for Memorials subject to renewal after which it will be the responsibility of the applicant to remove the Memorial or alternatively MRC will remove the Memorial at the applicant's expense.
- No formal application form exists however applicants should submit documentation in writing to the Manager Transport & Drainage Infrastructure Planning for approval. This application should include a background on the proposed Memorial and justification for such an installation together with location plans and photographs of the surrounding location so that it may be accurately located by MRC staff when assessing the application.

2.0 Complaints

Any complaints in relation to a decision or a service relating from this policy will be assessed and managed in accordance with MRC's Administrative Action Complaints Policy, a copy of which can be found on MRC's website.

When an individual feels that they are the subject of MRC's failure to act compatibly with human rights, they can make a complaint directly to MRC. These complaints will be assessed against the Human Rights Act 2019.

Complaints may be made as following:

In writing to
Chief Executive Officer
Mackay Regional Council
PO Box 41
MACKAY QLD 4740

Via Email - complaints@mackay.qld.gov.au

In person at the following MRC Client Services Centres:

- MRC Mackay Office – 73 Gordon Street, Mackay
- MRC Sarina Office – 65 Broad Street, Sarina
- MRC Mirani Council Office – 20 Victoria Street, Mirani

3.0 Definitions

To assist in interpretation the following definitions shall apply:

Council shall mean all elected representatives of Mackay Regional Council.

Human Rights Complaint shall mean a complaint about an alleged contravention of section 58-1 by a public entity in relation to an act or decision of the public entity.

MRC shall mean Mackay Regional Council

Roadside Memorial ('Memorial') shall mean any object placed within the road reserve to commemorate or indicate a road fatality. Memorials may include wooden crosses, coloured posts and flowers. Monuments (i.e. permanent commemorations) are not permitted within a road reserve.

4.0 Review of Policy

This policy will be reviewed when any of the following occur:

- The related documents are amended or replaced.
- Other circumstances as determined from time to time by a resolution of Council.

Notwithstanding the above, this policy is to be reviewed at intervals of no more than three (3) years.

5.0 Reference

- Local Law No. 1 (Administration);
- Local Law No. 4 (Local Government Controlled Areas, Facilities & Roads);

- Subordinate Local Law No. 1.01 (Alteration or Improvement to Local Government Controlled Areas and Roads);
 - Subordinate Local Law No. 1.16 (Carrying Out Works on a Road or Interfering with a Road or its Operation);
 - Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads).
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Version Control:

Version	Reason / Trigger	Change	Endorsed / Reviewed	Date
2	Amended content	Updated conditions and details	Council	27.01.16
3	Policy review	Minor amendments and additions	Council	27.09.17
4	Policy Review	Minor Amendments	Council	26.08.20
5	Policy Review	Minor Amendments	Council	27.09.23