

MEMORIALS ON LOCAL GOVERNMENT OWNED LAND

Intent	To set guidelines for the installation, placement and removal of memorials on Local Government Land controlled by Hinchinbrook Shire Council.
Scope	This policy applies to all memorials, both permanent and temporary, on Local Government controlled land, with the exception of cemetery land.

PROVISIONS

Background

The establishment of memorials is an important aspect of the grieving process for many members of the community following the loss of life.

Commonly these memorials are road side and the loss of life has been a result of a motor vehicle accident. These memorials can be viewed as a road safety message. Whilst, Council does not discourage the establishment of such memorials, it has an obligation to manage the road reserve to ensure such memorials do not cause a distraction to road users, be a hazard to road users or fall into disrepair and become unsightly.

From time to time, Council is also requested to allow permanent memorials to be placed on Local Government Land, outside, such parks.

Purpose

The objectives of this policy are to:

- Provide a compassionate and consistent approach to the placement of memorials;
- Take into account the safety needs of road users, the community and the legal obligations of Local Government;
- Address any maintenance issues that may arise for Council or adjacent land owners through the placement of a memorial; and
- This policy is not retrospective.

Permanent Memorials

All requests for permanent memorials will be considered on a case-by-case basis. The decision to allow a permanent memorial to be placed on Local Government controlled land is to be made the Council.

Prior to submitting the request to Council, officers must undertake public consultation to ensure all residents; elected members and interested parties are supportive of the location and type of memorial. These details should be included in the report to Council.

Permanent monuments are not permitted within a road reserve.

Roadside memorials

Roadside memorials must be registered with Council. Applicant details must contain the names and contact details for at least two persons.

All official correspondence should be addressed to the Chief Executive Officer

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;
- Where it will not be hazardous to passing traffic, pedestrians or prevent appropriate maintenance of the road reserve;
- Applicants should be made aware of any possible risks in visiting roadside memorials and should be advised on safe practices in this regard eg. Stopping clear of the traffic; and
- Wherever possible, the location should be chosen to minimise risk.

Construction

A temporary roadside memorial must be constructed of material or installed in a way that will not cause injury if struck by a vehicle.

The memorial size should not exceed more than one cubic metre which is consistent with the Department of Transport and Main Roads requirements.

Roles and Responsibilities

Council does not accept responsibility for the maintenance of memorials, or any loss, damage, removal or relocation of roadside memorials that may occur due to road maintenance or construction activities.

Neglect or overgrown memorials should be removed by the applicant. Every effort will be made by Council to contact the person/s responsible for the memorial.

Any objection or complaint from nearby residents or from road users regarding any aspect of memorials, including the activity of visitors to the memorial should be carefully considered and if necessary, the memorial should be relocated or removed. Every effort will be made by Council to contact the person/s responsible for the memorial.

Roadside memorials presenting a safety hazard to road and road verge users will be removed.

Related Documents

- Local Government Act 2009 Chapter 3 The business of Local Governments; Part 3 Roads and other infrastructure.
- Department of Transport and Main Roads Roadside Memorials March 2009.
- Transport Operations (Road Use Management) Act 1995

To apply for a roadside memorial, please fill out Hinchinbrook Shire Council's Roadside Memorial Information Form.