

# Strathbogie Shire Council Roadside Fatality Memorials Policy

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# Roadside Fatality Memorials Policy

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Responsible Officer:	Director Sustainable Infrastructure

## **PART 1 POLICY**

### **1. PURPOSE**

Strathbogie Shire Council recognises that some members of the community wish to mark the location of a fatal crash on the Council's local road network by the establishment of a roadside memorial. Council acknowledges that the memorial identifies the place of loss of life of a loved one. Council will deal sensitively with requests for the establishment of roadside memorials however does not encourage their placement.

The purpose of this policy is to set on Council controlled roads, guidelines for the consideration for new, and maintenance of existing roadside fatality memorials.

### **2. POLICY STATEMENT**

This policy provides assistance to any family or friends, with prior family agreement, who wish to have a Roadside Memorial erected, so that the memorial is positioned in a safe manner and does not obstruct any road user, pedestrian, or cyclist.

A Roadside Memorial will only be considered for a person/s who has/have been killed as a result of a road crash within the municipality and a Memorial Register will be maintained to ensure that if contact is required, the person responsible for the erection of the memorial can be contacted.

Roadside Memorials can be erected within the municipality upon receipt of written application.

### **3. APPLICATION OF THIS POLICY**

This policy covers memorials proposed for public land within Strathbogie Shire Council including temporary roadside memorials on Council owned or managed road reserves.

Memorials proposed for privately owned spaces or spaces owned / managed by another authorities (e.g. VicRoads) are outside the scope of this policy but may be subject to the requirements of the Strathbogie Shire Council Planning Scheme and other controls including landowner consent and Native Title requirements for Crown land.

### **4. PROCEDURE**

Strathbogie Shire has adopted the 'Safe Systems' approach to managing its road network and believes it is important that roadside memorials do not increase the risk to road users. Roadside memorials are to be non-hazardous to road users and be placed in a location that enables people to visit safely. To align with the road safety principals, the following guidance may be used ensuring that roadside memorials:

- are placed in a safe location to minimise safety risks to all persons
- can be easily maintained
- do not distract driver attention or interfere with the role of any traffic control item
- do not cause issues/interference for nearby property owners and users of the area
- do not create a hazard to passing traffic, cyclists and/or pedestrians, or prevent appropriate maintenance of the road reserve.

## Location

Memorials are to be placed in locations which minimise the road safety risk to all road users, where it will not distract drivers' attention from the driving task or interfere with the role of any traffic control item or prevent appropriate maintenance of the road reserve.

Persons placing memorials must do so with the utmost consideration for their own safety, with regards to passing traffic, and ensure that they or their vehicles do not create a hazard to that passing traffic.

Persons should be made aware of any possible risks in visiting roadside memorials and should be advised on safe practices in this regard. Congregating on the roadside can be dangerous and also distracting to road users.

Austrorads Guide to Road Design and/or Road Safety including any subsequent VicRoads supplement to those guidelines should be utilised to assess the above.

## Materials

Memorials should not be made from materials or placed in such a way that would make them dangerous if involved in a crash (i.e. not concreted into the ground).

Items of a personal nature, such as flowers and mementos, are to be firmly affixed to the memorial so as not to pose a road safety hazard or maintenance issue.

Any roadside memorial presenting a safety hazard may be modified, relocated, or removed without notice; however, Council will endeavour to contact the memorial maker.

## Other Requirements

Any objection or complaint from nearby residents or from road users regarding any aspects of memorials, including the activity of visitors to the memorial, shall be carefully considered and if necessary, the memorial shall be relocated or removed.

All costs associated with the performance of these works shall be borne by the parties responsible for the establishment of the memorial.

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

In general, a time limit of 15 months will be allowed for memorials of a temporary nature.

Arrangements for the placement of permanent memorials shall be made with the Strathbogie Shire in accordance with the policy guidelines and would need to be discussed with nearby residents and VicRoads.

## 5. DEFINITIONS

Term	Meaning
Council	means the Strathbogie Shire Council
Director Sustainable Infrastructure	responsible for ensuring the policy and procedures are implemented and maintained.
Public Land	includes parks, gardens, reserves, sporting grounds, community building forecourts and road reserves

	owned by Council and other land under Council's care, control or management such as Crown land
Roadside Fatality Memorial	is any object constructed, erected, or placed on the road within the road reserve to commemorate/indicate a road fatality. Memorials may include items such as wooden crosses, coloured posts, flowers, or any type of construction with or without plaques or inscriptions.
Roadside	Strathbogie Shire Council owned and managed roads and road reserves
VicRoads	The state government agency that owns, manages, and regulates the arterial road network

## 6. RELATED POLICIES AND LEGISLATION

The following Council, State, regional and national plans and policies are relevant to this policy under each subtitle.

### Legislation

- *Road Management Act 2004*
- *Local Government Act 2020*
- Austroads Guide to Road Design Part 6B: Roadside Environment
- Victoria's Road Safety Road Rules 2009
- VicRoads Roadside Fatality Memorials Policy
- VicRoads Supplement to the Austroads Guide to Road Design Part 6B

### Council Related Documents

- Asset Management Plan
- Asset Management Policy

## 7. POLICY REVIEW

Council may review this policy at any time and at least two years from the date of adoption.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy (e.g. a change to the name of a related document, or a change in legislation).

## 8. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The *Charter of Human Rights and Responsibilities Act 2006* is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality, and dignity.