
Roadside Memorial Policy



November 2023





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Roadside Memorial Policy



Responsible Director

Responsible Officer

Functional Area

Date adopted by ELT

Review date

Director Infrastructure

Manager Infrastructure

Infrastructure

November 2023

November 2027

Purpose

To establish clear and comprehensive guidelines for the placement, maintenance, and removal of roadside memorials, several key objectives must be addressed. These guidelines aim to foster a compassionate and consistent approach, acknowledging the grief and remembrance needs of the community while also prioritising the safety of road users and minimizing potential road safety hazards.

Furthermore, these guidelines will ensure that Council's legal obligations are met, limiting the exposure to public liability risks associated with roadside memorials. Additionally, by implementing these guidelines, Council will be better equipped to effectively manage its road assets under its care and control, ensuring the overall safety and well-being of the community.

Background

A roadside memorial is an object installed at the roadside within the road reserve to commemorate or 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. Memorials also remind passers-by of the need to be vigilant of road safety issues.

Northern Grampians Shire Council recognises that some residents wish to mark the location of a fatal crash on the road network by the installation of a roadside memorial. Council will deal sensitively with requests for the installation of roadside memorials. Council has an important role in managing certain roads and roadsides. Under the Road Management Act 2004, Northern Grampians Shire Council may remove any roadside memorial where necessary.

Policy Objective

This policy will improve the social viability of the Council by providing a clear procedure on the management of roadside memorials.

- Improved the social and economic viability of the shire.
- Delivered targeted projects and core services.

Policy

The policy is established to strike a balance between the desire of individuals to remember loved ones and the broader interests of public safety, aesthetics, and legal considerations. They provide a framework for how memorials should be created, maintained, and managed to ensure that these interests are met while respecting the memory of those being commemorated.

Description of roadside memorial

A roadside memorial is a physical object denoting a memory of a person(s) killed on or near a road. Council respects that affected family members and friends that wish to erect a temporary memorial come from diverse religious denominations or may hold no religious beliefs. A few examples of roadside memorials are flowers, crosses, personalised memorial, and plaque.

A memorial must be constructed of material or installed in a way that will not cause injury if struck by a vehicle, i.e., not concreted into the ground. Where a long-lasting memorial is required which incorporates a plaque, it should ideally be placed horizontally as close to the ground as possible. When placing a roadside memorial, the memorial maker's details are encouraged to be included on the memorial for contact purposes.

Roadside memorial assistance

Council is able to provide assistance to family and friends by helping everyone understand the requirements to install a memorial at a safe location adjacent to a council managed road. These guidelines have been developed to ensure that memorials are placed in a safe location for family and friends; can be easily maintained; not cause issues for adjacent property owners and will cause minimum distraction or hazard to other road users.

Memorial requirements

Arrangements for the placement of permanent memorials shall be made with the Northern Grampians Shire Council through a Works Within Road Reserve Permit. This policy applies to Council managed roads.

Council permits the erection or placement of such memorials on its road reserves and aims to assist applicants to safely place a Memorial in an appropriate location based on the conditions set out below:

- *Placement:* Roadside memorials should only be located near the site of the accident. Their placement should not be distracting for drivers or obstruct traffic control elements.
- *Quantity:* Each accident or incident should have only one (1) roadside memorial.
- *Safety:* Memorials should not be in places that pose risks to passing traffic or hinder road maintenance. They should not exceed specific size limits, and the materials used should not be dangerous to road users.
- *Security:* Memorials must be securely anchored to prevent them from being scattered by weather conditions.
- *Access:* The placement of memorials should not unreasonably impede access for utility and emergency services.
- *Risk Reduction:* When selecting a location for a memorial, efforts should be made to minimise risks. It should not be near sharp bends, should be clear of passing traffic, have enough space for a vehicle to safely stop, and be in a safe area for a vehicle to return to the road after visiting.
- *Aesthetics:* The location of a memorial should not significantly diminish the visual appeal of the local area or the expected quality of life for nearby residents and the public.

Location

A memorial should be in a position where it will not distract drivers' attention from the driving task or interfere with the role of any traffic control item. VicRoads Supplement to the AustRoads Guide to Road Design will be used to assess this. A memorial should be in a position where it will not be hazardous to passing traffic or prevent

appropriate maintenance of the road reserve. Roadside memorials are to be placed in a location that enables people to visit safely.

Time frame

Erection of a memorial is to be temporary up to a maximum of 18 months from the date of installation of the memorial, after which time the memorial must be removed. Any appropriate remedial works to the site are required at the time of removal. Extension to the set timeframe would be decided on individual basis by the Council. Arrangements for the placement of permanent memorials shall be made with the Northern Grampians Shire Council through a Works Within Road Reserve Permit.

Roadside memorial maintenance

The maintenance of any memorial is the responsibility of family or friends. It is important that all visitors exercise due care and attention (e.g., park legally, stand away from the road edge etc.) and behave responsibly so as not to endanger themselves or other road users when maintaining or visiting a memorial.

Relocating or removing roadside memorials

During roadworks and maintenance, Council may need to move a roadside memorial. If this happens, we will aim to:

- identify memorials within the road area that may be affected by the work,
- contact the family and advise them about the proposed roadwork and the need to relocate the memorial, consider the family's views on how best to reinstall or relocate the memorial.
- If we find a roadside memorial is a safety hazard, we will remove, store, or relocate the memorial. We will try to contact family or friends prior to the removal, before we move a memorial.

Existing memorials

Council will treat all existing roadside memorials in a sensitive manner and will address each one on an individual basis with the aim of making all roadside memorials compliant with this guideline.

Dispute resolution

Any objection or complaint from 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.

All disputes in regard to this guideline will be referred to the Director Infrastructure and Amenity in the first instance. In the event that an agreement cannot be reached, the matter will be submitted to council for decision.

Memorials on State Government roads

Your nearest Head Transport for Victoria office (VicRoads) should be contacted for information about roadside memorials on state-controlled road network. Council officers are able to advise if a road is state controlled.

Legislation and Standards

- Road Management Act 2004

Responsibilities

The Manager Infrastructure will be responsible for ensuring the policy and procedures are implemented and maintained.

Review

This policy will be evaluated and reviewed on a regular basis to monitor its progress towards achieving the intended outcomes. This policy will be reviewed every four years unless it is required to be updated sooner to ensure it remains current with the Council's goals, processes, aims and requirements.

Communication and implementation

This policy will be available to the public via the Northern Grampians Shire Council website and circulated to Infrastructure staff, so they are aware of the policy.

References

- Council Plan 2021-2025
- VicRoads – Roadside Memorial Policy 2015
- Vic Roads Supplement to the AustRoads Guide to Road Design
- Road Management Act 2004
- Local Government Act 1989
- Victorian Charter of Human Rights and Responsibilities 2006

Compliance

Local Government Act 2020

Local Government Act 1989

[Gender Equality Act 2020](#)

Child Safety Act 2015

[Privacy and Data Protection Act 2014](#)

Equal Opportunity Act 2010

Fair Work Act 2009

[Charter of Human Rights and Responsibilities Act 2006](#)

Health Records Act 2001

Freedom of Information Act 1982

Climate Change Act 2017

Other

Privacy and Data Protection compliance

These have been determined to be not relevant to this policy.

Gender Equality compliance

These have been determined to be not relevant to this policy.

Charter of Human Rights compliance

It is considered that this policy does not impact on any human rights identified in the Charter of Human Rights & Responsibilities Act 2006.

Review history

Date	Review details	Action
20 November 2023	Review with minor changes only	Adopted by ELT