

CP 12 Roadside Fatality Memorial Guidelines Policy

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Policy Objective

The purpose of this policy is to provide a guideline for the establishment and maintenance of roadside fatality memorials.

Procedure

A fatality memorial is any object constructed, erected or placed on the road, or within the road reserves or in any Park, Reserve or other Council controlled land, to commemorate/indicate a fatality. Memorials may include items such as wooden crosses, coloured posts, flowers or any type of construction with or without plaques or inscriptions.

Benalla Rural City recognises that some members of the community wish to mark the location of a fatal crash/incident on the road network or public reserve under the control of Council by the establishment of a fatality memorial.

Benalla Rural City will deal sensitively with requests for the establishment of fatality memorials but will not encourage their placement.

Detailed requirements and Performance Standards

In dealing with requests, the following criteria will be considered.

Location

Roadside

- A memorial should be located in a position where it will not distract driver's attention from the driver 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 or prevent appropriate maintenance of the road reserve.
- Applicants should be made aware of any possible risk in visiting roadside memorials and should be advised on safe practices in this regard e.g. stopping clear of traffic. Wherever possible, the location should be chosen to minimise risk.

Other Sites - Public Parks and Reserves

- A memorial should be located in a position where it will not distract the driver's attention from the driver 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 the public or prevent appropriate maintenance of the Public Park, Open Space or Reserve.

Construction

- A memorial must be constructed of material or installed in a way that will not cause injury if struck by any vehicle or plant. Where a long-lasting memorial is required which incorporates a plaque, it should ideally be placed horizontally as close to the surface level as possible.

Other Issues

- Any objection or complaint from nearby residents, road users or public park visitor regarding any aspects of memorials, including the activity of visitors to the memorial, should be carefully considered and if necessary, the memorial should be relocated or removed.
- Applicants should be advised that Benalla Rural City Council is not able to accept responsibility for the maintenance of memorials, or any loss, damage, removal or relocation of roadside memorials that may occur due to road or park maintenance or construction activities.
- In general, a time limit of twelve months will be allowed for memorials of a temporary nature.

Applications Approval Process

- Applications for the placement of temporary or permanent memorials shall be made to the Chief Executive Officer and will be considered in accordance with these policy guidelines.

Review

This policy may be reviewed at any time by the Council to accommodate changes in legislation, regulations, policy gaps, new technology or systems, as well as remain consistent with industry best practice.

Related legislation

Local Government Act 2020

Crown Land Reserves Act 1978

Planning and Environment Act 1987

Heritage Act 1995