

ROADSIDE MEMORIALS PROCEDURE

1. Scope

The Roadside Memorial Procedure (this 'Procedure') applies to all roads under the jurisdiction of Livingstone Shire Council.

2. Purpose

The intention of this Procedure is to provide direction for the management of roadside memorials on Council controlled roads.

3. Related Documents

Primary

Road Related Management and Functions Policy

Legislative reference

Local Government Act 2009 s 60

4. Definitions

To assist in interpretation, the following definitions shall apply:

Council	Livingstone Shire Council.
Road	As defined in the <i>Local Government Act 2009</i> .
Memorial	Any object placed within the road reserve that is intended to commemorate or indicate the location of a fatal crash site. Memorials may take a range of forms, but are typically wooden crosses, flowers or wreaths.

5. Procedure

A memorial will be permitted to remain within the road reserve provided it does not present a safety hazard or conflict with any works proposed by Council.

5.1 Application

An application to install a memorial must be made in writing to Council and include:

- 1) A description of the memorial and proposed location; and
- 2) A copy of written consent from the occupier of the property in front of which the memorial is intended to be located.

5.2 Approval

The Manager Engineering Services may approve an application to install a frangible memorial if:

- 1) The occupier of the property in front of which the memorial is to be located has consented in writing; and

- 2) The memorial is located where it will not distract road users, become a hazard or interfere with road maintenance activities or traffic control devices.

5.3 Removal

- 1) Council will remove a memorial where any of the following applies:
 - a) It is located where it:
 - i) is likely to distract road users;
 - ii) is likely to be a hazard to road users (including visitors and persons installing the memorial);
 - iii) interferes with the effectiveness of a traffic control device; or
 - iv) impedes road maintenance activities.
 - b) It is constructed/installed in a manner such that it is likely to cause injury if struck by a road user; or
 - c) Regular correspondence about the memorial is received from local stakeholders (residents, local bodies, road users).
- 2) Prior to removing a memorial, Council will make all reasonable efforts to contact the person who installed it.
- 3) As an alternative to removal, the Manager Engineering Services may approve relocation of the memorial to a suitable alternate site.

5.4 General

- 1) Council will not be responsible for maintenance of memorials and will not accept liability for losses arising as a result of their removal or relocation due to road maintenance or construction activities.
- 2) Non-frangible memorials are not permitted within the road reserve due to the potential hazard they pose to other road users.

6. Changes to this Procedure

This Procedure is to remain in force until otherwise amended/replaced by the Director Infrastructure Services.

7. Repeals/Amendments

Version	Date	Action
1.0	21/12/2021	New Procedure – content derived from former/repealed policy of same name. Approved by Executive Director and endorsed by Council.

MICHAEL KRIEDEMANN
EXECUTIVE DIRECTOR INFRASTRUCTURE