

# Policy

## Roadside memorials

|                                    |   |                         |                    |
|------------------------------------|---|-------------------------|--------------------|
| Responsible Manager (Title)        | Manager Civil Services  |                         |                    |
| Adopted by Council                 | 27 October 2020   | Minute Number 6c.20.154 |                    |
| File Reference Number              | 2163708   | Version 3.0             | Review Due Sept-22 |
| Document(s) this policy Supersedes | V2.0 – 24/06/2014 – 14.049/14   |                         |                    |
| Community Plan Linkage             | <b>2 Infrastructure</b>   |                         |                    |
|                                    | 2.1 We will have communities that are well serviced with appropriate infrastructure                                       |                         |                    |
|                                    | 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources |                         |                    |

### 1 Purpose

To provide guidelines for the erection, maintenance and removal of roadside memorials that:

- Provide a compassionate and consistent approach to the placement of roadside memorials
- Take account of the safety needs of road users, the community and the legal obligations of Council
- Limit Council's exposure to the potential road safety hazard and public liability risks of roadside tributes and memorials
- Assist Council to manage the road assets under its care and control

### 2 Definitions

A **roadside memorial** is any object to commemorate a death on a Council road and which is constructed, erected or placed within a Council road reserve. Memorials may include the affixing of items such as flowers or memorabilia to existing infrastructure.

**Public Road** means any road that is opened or dedicated as a public road under the Roads Act 1993 or any other Act or Law and includes:

- a) The land adjoining a road commonly referred to as the road verge or road side reserve,
- b) A bridge, culvert or causeway; or
- c) A laneway, walkway or cycleway,

But does not include a classified road under the control of the NSW Roads and Traffic Authority.

### **3 Background/legislative requirements**

Council has powers pursuant to the Local Government Act and Roads Act to regulate the use of its road reserves.

### **4 Policy statement**

While not encouraging the practice, but recognising the reasons for roadside memorials, Council permits the erection or placement of such memorials on its road reserves on the conditions set out below:

- 4.1** A roadside memorial can only be located within immediate vicinity to the site of the accident.
- 4.2** Only one (1) roadside memorial is to be erected in respect of each accident or incident.
- 4.3** A memorial must 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.
- 4.4** A memorial must not be located in a position where it will be hazardous to passing traffic (vehicles, bicycles and pedestrians) or prevent appropriate maintenance of a road reserve.
- 4.5** Roadside memorials must not exceed a height and width of 300mm. The material composition and location of these materials will be considered in respect to their potential risk to road users. Memorials must not be constructed of materials that may cause hazard to vehicles, bicycles and pedestrians. (eg, large metal or stone components are not permitted).
- 4.6** Memorials must be secured to prevent dispersion by weather conditions.
- 4.7** A memorial must not unreasonably restrict access for utility and emergency services.
- 4.8** Wherever possible the location of a memorial should be chosen to minimise risk. Persons erecting or visiting a roadside memorial do so at their own risk.
- 4.9** The location of a memorial should not unreasonably detract from the amenity of the local area or seriously detract from the reasonable quality of life as expected by adjacent landowners or property occupiers and other members of the public.
- 4.10** Council reserves the right to remove, without notice, any memorial that does not comply with these guidelines.

### **5 Implementation**

Persons wishing to erect a Roadside Memorial are required to complete the form "Application for Erection of a Road Side Memorial" and submit it to Council for approval prior to proceeding with the installation. Council

will issue a letter of approval provided the ten (10) conditions set out on the application form have been complied with. A copy of the application form can be found on the CVC website.