

TENTERFIELD SHIRE COUNCIL

POLICY STATEMENT

HEADING:

Roadside Memorials / Commemorative Markers

MEETING ADOPTED AND RESOLUTION NO.:

23 August 2017
168/17

HISTORY OF DOCUMENT PREVIOUSLY ADOPTED:

24 August 2000	780/00
22 August 2012	303/12
26 August 2015	268/15

Introduction:

The purpose of this Policy is to establish guidelines for the installation, construction and maintenance, and removal of roadside memorials and/or commemorative markers.

Policy:

Definition

A **roadside memorial or commemorative marker** is any object constructed, erected or placed on the road or within the road reserve to serve as a monument to indicate a roadside fatality, or to serve as a tribute. Memorials or commemorative markers, may include items such as wooden crosses, coloured posts, flowers or any type of construction with or without plaques or inscriptions.

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

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

But, does not include a classified road under the care and control of the NSW Roads and Maritime Services (RMS).

Legislative Requirements

Council has powers pursuant to the NSW Local Government Act 1993 and NSW Roads Act 1993 to regulate the use of its road reserves. In particular, Section 138 of the Roads Act states:

(1) A person must not:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, otherwise than with the consent of the appropriate road authority.

Policy Statement No. 2.180

Date of Effect: 23 August 2017

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Review Date:

August 2020

Responsible Officer:

Chief Operating Officer

(2) A consent may not be given with respect to a classified road except with the concurrence of the RMS.

(3) If the applicant is a public authority, the roads authority and, in the case of a classified road, the RMS must consult with the applicant before deciding whether or not to grant consent or concurrence.

(4) This section applies to a roads authority and to any employee of a roads authority in the same way as it applies to any other person.

Statement of Policy

Council recognises that some members of the community, when touched by tragedy, may wish to mark the location of a fatal crash on the public road network by the establishment of a roadside memorial.

Council will deal sensitively with requests for the establishment of roadside memorials but will not encourage their placement.

Council also recognises that some members of the community wish to identify historically significant locations through the use of commemorative markers.

Applicability

This Policy applies to Council's local road network only. Proposals in respect of main roads are subject to RMS approval.

Detailed Requirements and Performance Standards

In dealing with requests from the community for a roadside memorial or commemorative marker, the following criteria will be considered.

Location

- A memorial/commemorative marker should be located in a position where it will not distract drivers' attention from the driver task or interfere with the role of any traffic control item.
- In the interest of the safety of other road users and persons installing memorials, a memorial/commemorative marker should be located in a position where it will not be hazardous to passing traffic or prevent appropriate maintenance of the road reserve. The RMS's Clear Zone Guidelines should be used to assess this.
- Applicants should be made aware of any possible risks in visiting roadside memorials/commemorative markers and should be advised of safe practices in this regard, e.g. stopping clear of traffic. Wherever possible, the location should be chosen to minimise risk.
- Only one (1) roadside memorial/commemorative marker to be installed in respect of each accident or incident.

Construction

- A memorial/commemorative marker must be constructed of material or installed in a way that will not cause injury if struck by a vehicle. Where a long lasting

memorial/commemorative marker is required which incorporates a plaque, it should ideally be placed horizontally as close to the ground surface level as possible.

Other

- Any objection or complaint from nearby residents or from road users regarding any aspect of memorials/commemorative markers, including the activity of visitors to the memorial/commemorative marker, should be carefully considered and if necessary the memorial/commemorative marker should be relocated or removed.
- Applicants should be advised that Council is not able to accept responsibility for the maintenance of memorials/commemorative markers, or any loss, damage, removal or relocation of roadside memorials/commemorative markers that may occur due to road maintenance or construction activities.
- In general, a time limit of twelve (12) months will be allowed for memorials/commemorative markers of a temporary nature.
- Arrangements for the placement of memorials/commemorative markers shall be made in accordance with these Policy Guidelines.

Relocating and removing a roadside memorial/commemorative marker

During roadworks and maintenance, Council may need to move a roadside memorial. In such cases, Council will endeavour to:

- Identify memorials that may be affected by the work;
- Contact the family, if known, and work with them to safely store the memorial until the work is complete;
- Consider the family's views on how best to re-create or relocate the memorial.

If a memorials owner cannot be located, Council will store the memorial off site for an appropriate length of time.

If Council identifies that a roadside memorial is a road safety hazard or does not comply with this Policy, it will be removed and stored or relocated. Every effort will be made to contact those concerned before this action is taken.

Key Responsibilities

Director of Engineering Services

- Assess and determine applications for temporary or permanent memorials/commemorative markers.
- Advise applicants and relevant members of the public of Council's Policy in regard to this issue.
- Direct removal/relocation of memorials/commemorative markers.

Related Technical or Policy Guidelines, Standard Specifications and Codes of Practice

RMS Road Design and Technical Directions.

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