



ROADSIDE MEMORIALS / COMMEMORATIVE MARKERS

Summary:

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

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Department	Engineering / Infrastructure Services
Policy Custodian	Manager Asset & Program Planning
Superseded Documents	Roadside Memorials / Commemorative Markers (Policy 2.180) 23 August 2017 - Minute 168/17
Related Legislation	NSW Roads Act 1993 NSW Local Government Act 1993
Delegations of Authority	Nil

1. Overview

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

2. Policy Principles

Compliance with legislative requirements for road management while providing appreciation to the sensitive nature of roadside memorials.

3. Policy Objectives

The objectives of the Policy are to guide appropriate installation of roadside memorials and/or commemorative markers within the shire road network.

4. Policy Statement

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 Transport for NSW (TfNSW) 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 TfNSW'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.

5. Scope

The scope of this policy relates to public roads within the Tenterfield Shire.

6. Accountability, Roles & Responsibility

Elected Council

- Council Endorsement

General Manager, Executive and Management Teams

- 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.

Management Oversight Group

- Review and Monitoring

Individual Managers

- Implementation of policy requirements

7. Definitions

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 Transport for NSW (TfNSW).

8. Related Documents, Standards & Guidelines

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.

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

(3) If the applicant is a public authority, the roads authority and, in the case of a classified road, Transport for NSW 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.

TfNSW Road Design and Technical Directions.

9. Version Control & Change History

Version	Date	Modified by	Details
V1.0	24/08/00	Council	Adoption of Original Policy (Res No. 780/00)
V2.0	22/08/12	Council	Review/Amended (Res No. 303/12)
V3.0	26/08/15	Council	Review/Amended (Res No. 268/15)
V4.0	23/08/17	Council	Review/Amended (Res No. 168/17)
V5.0	27/10/21	Council	Review/Amended (Res No. 189/21)
V6.0	21/12/22	Council	Re adoption of Policy (Res No. 248/22)