

Council Policy



Policy Title:	Roadside and Reserve Memorials
Policy Number:	13.5
Focus Area:	PP3 Working Together
Responsibility:	Infrastructure and Environment
Meeting Adopted:	21 September 2021 [Resolution 210921/14]

OBJECTIVE

To limit Council's exposure to the potential road safety hazard and public liability risks of roadside tributes and memorials.

POLICY

This policy provides guidelines for the erection, maintenance, or removal of roadside memorials that:

- provide a compassionate and consistent approach to the placement of roadside and reserve memorials.
- take in to account the safety requirements of road and reserve users, the community, and the legal obligations of Council and other authorities (Roads and Maritime Services).
- limit Council's exposure to the potential road safety hazard and public liability risks by the placement of tributes and memorials.
- assist Council to manage the road and reserve assets under its care and control.
- maintain the amenity and quality of life in the local surrounding area.

1. Policy Statement

While not encouraging the practice, but recognising the reasons for roadside and reserve memorials, Council is willing to permit the erection or placement of such memorials on its roadsides and reserves subject to the conditions set out below:

1. A roadside memorial can only be located within the immediate vicinity to the site of the accident provided that all other requirements for the safety of road users are considered.
2. Only one memorial is to be erected in respect of each accident or incident.
3. A memorial must be located in a position where it will not distract a driver(s) attention from the driving task, interfere with the role of any traffic control item or present a risk to a person using the reserve.
4. No Memorial can be illuminated and must not be reflective.
5. 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.

6. Roadside memorials must not be constructed of materials that may be a hazard to vehicles, bicycles and pedestrians (e.g. large metal or stone components or glass of any type or size is not permitted) and have dimensions of not more than:
 - 500mm high
 - 400mm wide
 - 400mm in ground depth
7. Reserve memorials may be larger; however, the material composition and location of these memorials will be considered in respect to their potential risk to reserve users and the local amenity.
8. Memorials must be secured to prevent dispersion by weather conditions.
9. A memorial must not unreasonably restrict access for utility and emergency services.
10. 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.
11. 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.
12. Council reserves the right to remove any memorial that does not comply with these guidelines, is/or becomes a hazard or creates other problems for which Council has a responsibility to manage. Council will endeavour to contact the family, if known, and notify them of the need to remove a memorial.
13. Council reserves the right to remove any memorial that attracts complaints from the general public or adjacent property owners. Council will endeavour to contact the family, if known, and notify them of the need to remove a memorial.
14. Council reserves the right to remove any memorial that attracts unruly or antisocial behaviour. Council will endeavour to contact the family, if known, and notify them of the need to remove a memorial.
15. During road works and maintenance, Council may need to remove a roadside memorial. In such cases, Council will:
 - a) endeavour to identify memorials that may be affected by the work;
 - b) contact the family, if known, and work to safely store the memorial until work is completed; and
 - c) consider the family's views on how best to recreate or relocate the memorial.
16. If the owner or family associated with a memorial cannot be located/contacted, then Council will store the memorial off-site for an appropriate length of time.

17. Roadside memorials can be temporary in nature and a transitional approach may be appropriate. Time frames may vary however some memorials may be removed after a period of 60 days.
18. In all instances Council will endeavour to contact the owner or family associated with the memorial to discuss/arrange removal.

2. Community Wellbeing

1. Should a member of the community contact Richmond Valley Council to express their concern regarding a specific roadside memorial, Council will work with the affected parties to address the concerns in a sensitive and sympathetic manner.
2. Where the memorial does not align with RVC policy principles the memorial maker may be required to modify or relocate the memorial.
3. Where the memorial does align with the policy principles, but the affected parties cannot reach an agreement on a memorial, they may elect to pursue mediation through council.
4. Where mediation is unsuccessful, and the parties cannot reach an agreement Richmond Valley Council may make a decision regarding the memorial.
5. Where there are community concerns regarding the timeframe of a memorial which aligns with all the policy principles, refer to Policy Condition 15 for further guidance.

3. Definitions

A **roadside or reserve memorial** is any object to commemorate a person or group which is constructed, erected, or placed within a Council road or park reserve. Memorials may include the affixing of items such as flowers, crosses, 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",

Note: It does not include a classified road under the control of the TfNSW (Transport for New South Wales formally RMS and RTA).

4. Legislative Requirements

Council has powers under the *Local Government Act 1993* and *Roads Act 1993* to regulate the use of its road reserves. Provided that these guidelines are followed, no consent is required from Council for the erection of a roadside memorial, however, the person erecting the memorial should advise Council in writing of the intention to erect the memorial and should include their name, address and other contact details as well as provide an accurate description of the memorial and its intended location.

REVIEW

This policy will be reviewed by Council at the time of any relevant legislative changes, compliance requirements or at least every four years.

Version Number	Date	Reason / Comments
1	25/6/2019	New policy
2	21/9/2021	Review with minor updates only