

POLICY NAME

Roadside Memorials

POLICY NUMBER

Parks 004

DATE ADOPTED

30 July 2012

COUNCIL MINUTE NUMBER

PRC 49

ECM NUMBER

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POLICY TYPE

Council

REVIEW DATE

April 2020

RESPONSIBLE DEPARTMENT

Parks

RELATED DOCUMENTS

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Purpose

The intent of this policy is to ensure that a compassionate and consistent approach to the placement of roadside memorials is in place. The policy also aims to ensure that roadside memorials on local roads are placed in a safe area on a road verge and do not obstruct the use of the road or road verge by pedestrians, cyclists or road users.

Policy Statement

In the preparation of this policy for Roadside Memorials, Penrith City Council acknowledges that the death of a family member or loved one due to road trauma is very distressing and understands that a roadside tribute may assist in the grieving process.

Scope

This Policy applies to all councillors, council staff, property owners and interested parties in roadside memorials.

POLICY:

1. Introduction:

In the preparation of this policy for Roadside Memorials, Penrith City Council acknowledges that the death of a family member or loved one due to road trauma is very distressing and understands that a roadside tribute may assist in the grieving process.

With that in mind, the purpose of this policy is to provide information to the public on the conditions under which a roadside memorial can be erected on local roads.

For information regarding the erection of roadside memorials on Roads and Maritime Service (RMS) roads please refer to the RMS website at www.rms.nsw.gov.au. Please refer to appendix 1 for a full list of RMS roads. For the purpose of this policy roads not listed in appendix 1 are Council managed roads and referred to in this policy as local roads.

NOTE: RMS roads may change from time to time.

2. Scope

The intent of this policy is to ensure that a compassionate and consistent approach to the placement of roadside memorials is in place. The policy also aims to ensure that roadside memorials on local roads are placed in a safe area on a road verge and do not obstruct the use of the road or road verge by pedestrians, cyclists or road users.

The views of the property owners adjacent to the memorial and the family of the deceased are also acknowledged and will be considered by Council and may result in the removal or relocation of the memorial.

Whilst Council does not discourage the establishment of memorials, it has an obligation to manage the road reserve to ensure such memorials do not cause a distraction to road users, be a hazard to road users or fall into disrepair and become unsightly.

3. Definition

A roadside memorial is any object placed within the road reserve to commemorate a death or indicate the site of a road fatality. Memorials may include religious items, flowers or other gestures. Monuments (i.e. permanent commemorations) are not permitted within the road reserve.

4. Policy

- Location
- A memorial 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.
- Only 1 (one) memorial is to be erected in respect of each fatality.
- A memorial can only be located within the immediate vicinity to the site of the accident.
- Memorials should not be placed:
 - in close proximity to residential dwellings where they may cause concern to the occupants
 - on landscaped verges
 - on traffic islands, medians or roundabouts
 - within 30 metres of traffic signals
 - on any roadside structure (e.g. street signs, directional arrows, chevron boards, guard rails, advisory/warning signage)
 - within 1 (one) metre from the edge of any public access way of footpath

5. Memorial Construction

- A memorial must be constructed of a material or installed in a way that will not cause injury if struck by a vehicle.
- Memorials must not be installed in a permanent manner, i.e., no concrete footings, no digging or excavation.
- Memorials must be secured to prevent dispersion by weather conditions, i.e., secured with tape, tent peg or similar non invasive method.
- Roadside memorials may vary in size but should not be greater than 1 (one) metre high and should not pose any safety hazard to the public in the views of Penrith Council.
- Construction of any structure within a road corridor for a private or personal purpose is not permitted, i.e., permanent memorial.

6. Maintenance

Council does not accept responsibility for the maintenance of any roadside memorial, or any damage to the memorial due to damage or vandalism.

7. Removal

- Memorials that fall into disrepair, are damaged, vandalised or burned will be removed at the discretion of Council.
- Council reserves the right to remove a memorial should it impede road maintenance or construction activities.
- Council reserves the right to remove, without notice, any memorial that does not comply with the guidelines of this policy.
- Any objection of complaint from nearby residents or from road users regarding any aspects of memorials, including the activity of visitors to the memorial, will be carefully considered and if necessary may result in the memorial being relocated or removed.
- Council reserves the right to remove any memorial that contravenes the NSW Roads Act.

8. Other

- Council does not accept any liability that may arise out of the erection or maintenance of any roadside memorial.
- Persons erecting or visiting a roadside memorial do so at their own risk.
- Provided that these policy guidelines are followed, no consent is required from Council for the erection of a roadside memorial.