

# City of Wagga Wagga

## ROADSIDE MEMORIALS POLICY

<b>REFERENCE NUMBER</b>			
<b>ORIGINAL APPROVAL DATE</b>			
<b>RESPONSIBLE MANAGER</b>		Manager Operations	
<b>RESPONSIBLE DIRECTOR</b>		Commercial Operations	
<p>This document is to be reviewed: every four years or in the first twelve months of the new term of Council, whichever is the earliest. Next Review Date: <input type="text"/></p>			
Revision number	Issue Date	Council Resolution	Council Meeting Date



## PART 1: INTRODUCTION

Wagga Wagga City Council acknowledges that death resulting from road accidents often generates emotional response from affected families, loved ones and the community. As a result, Council understands that placing a roadside tribute may help the grieving process for those who have lost someone to road trauma.

### 1.1 Policy Objectives

- To ensure that a compassionate and consistent approach to the placement, maintenance and removal of roadside memorials is in place.
- To ensure that roadside memorials are placed in safe areas on the road verge and do not present road safety hazards.

### 1.2 Scope of Policy

This policy provides guidance for families, the community and operational staff on the installation and removal of roadside memorials or tributes along Council's roadsides. This applies to all roads and public spaces under the care and control of Council.

This policy does not apply to pre-existing memorials on roads and public spaces under the care and control of Council.

It does not apply to Olympic, Hume and Sturt Highways. A guideline with regards to these highways is published by the Roads and Maritime Services and can be accessed at <http://www.rms.nsw.gov.au/documents/roads/using-roads/roadside-tributes-factsheet.pdf>

### 1.3 Definitions

**High-volume Road** means a road with Annual Average Daily Traffic (AADT) in excess of 1000 vehicles.

**Council** means Wagga Wagga City Council

**Roadside memorial or tribute** means any object constructed, erected or placed on the road or within the road reserve to commemorate/indicate a road fatality. They may include items such as wooden crosses, coloured pots, flowers, plaques, inscriptions.

**Sharp Bend** means a curve in the road that you cannot see around as you are driving.

### 1.4 Legislative Context

- Local Government Act 1993
- Roads Act 1993
- Environmental Planning and Assessment Act 1979

## **1.5 Related Documents**

- POL 008 – Activities on Public Road Reserves Policy
- POL 012 – Enforcement and Prosecution Policy

## **1.6 Responsibilities**

### **1.6.1 Council**

- Will review and approve placement of roadside memorials or tributes
- Will keep an inventory of roadside memorials or tributes in accordance with this policy
- Will remove roadside memorials or tributes in accordance with this policy

### **1.6.2 Owners of the memorials/tributes**

- Must comply with this policy
- Must meet the costs for installation and maintenance of the memorial

### **1.6.3 Visitors to memorials/tributes sites**

- Must ensure their own safety and that of other road users

## **1.7 Approval Arrangements**

The proponent of a memorial shall obtain Section 138 Permit under the *NSW Roads Act 1993*, to erect a memorial/tribute on a road reserve.

The proponent of a memorial shall notify Council of their proposal. The proposal shall nominate memorial type, material to be used, location, proposed date of installation, and safety considerations for visitors to the site. Council will either concur with the proposal or suggest alternatives. If appropriate a site visit may be required.

Council will erect the memorial and keep an inventory of memorials with at least the following information:

- Memorial owner's name, telephone, email and residential contact details,
- Deceased person's name and relation to the owner
- Road name and approximate GPS location of the memorial
- Date erected
- Type of memorial

## **PART 2: POLICY CONTENT**

### **2.1 General Provisions**

#### **2.1.1 Memorial/Tribute Location**

- Memorials must be located in safe areas, considering the following:
  - Must not be located on roadsides of high-volume roads
  - Must be erected outside the road clear-zone
  - Must not be erected on a sharp bend
  - Must not be placed onto trees
  - Visiting vehicles must be able to safely exit and re-enter the roadway
- Choosing the location must be done with due consideration of property access, visual impact and in consultation with surrounding property owners.

#### **2.1.2 Memorial/Tribute Installation**

- A memorial must be constructed of a material and erected in a way that will not cause injury if struck by a vehicle
- A memorial shall not be installed in a permanent manner – no digging/excavation or concrete footing deeper than 40cm
- A memorial must be made of secured non-invasive methods and materials to prevent dispersion by weather elements
- Dimensions of a memorial must not be more than 50cm high, 40cm wide and 40cm deep in the ground
- A memorial must not create distraction – no lighting or reflective material,
- A memorial must be maintained in good condition, similar to original.
- Must not contain offensive language or images

#### **2.1.3 Memorial/Tribute Maintenance**

Maintenance of a memorial/tribute is the responsibility of the owner. Council does not accept any liability for the erection, maintenance or damage of a memorial.

## **2.1.4 Memorial/Tribute Removal**

Council will consult owners of memorials that are identified for removal or relocation, prior to removal or relocation. All removed memorials will be returned to 'owner'.

Memorials whose owners are uncontactable shall be removed/relocated and/or disposed of at Council's discretion.

Memorials/Tributes will be considered for removal or relocation if any of the following issues arise:

- Memorials fall into disrepair, are damaged, burned or vandalised
- When memorials:
  - Do not comply with the guidelines in this policy, or
  - Contravene the NSW Roads Act 1993
  - May be affected by roadworks
- Objections/complaints from nearby residents or road users regarding any aspects of a memorial, including the activity of its visitors will be carefully considered and may result in the memorial being relocated or removed.

Memorials shall be removed ten (10) years from date of installation.

## **2.1.5 Visiting the Memorial/Tribute**

Visitors to memorial sites must ensure their own safety and have due regard for other road users, and nearby residents.

Visitors to the site must comply with Road Transport Legislation.