

POLICY:	ROADSIDE TRIBUTES
DATE ADOPTED:	Director Engineering Services Report # 8.2.1 Policy 4 December 2024 Council 19 February 2025 Resolution No. POL2024-35
ORIGINAL ADOPTION:	Director Engineering Services Report #1 Policy 7 December 2011 Council 14 December 2011
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OBJECTIVE:	To establish guidelines for staff in advising on provision of, or removing, roadside tributes such as flowers and memorials within the road corridor.

The following Policy is based on the Policy of Transport for NSW “*Roadside Tributes*” and will apply to all Bathurst Regional Council local roads.

New Tributes

The placement of roadside flowers and a small cross is a matter for individual families. Council respects their wishes and will provide sympathetic advice for those seeking it.

Advice should be given that it is the responsibility of those placing it to ensure that the tribute does not become a hazard to other road users.

Council Officers should provide informal advice, if required, to assist those wishing to place a tribute to be aware of any road safety impacts in the road environment.

The erection of a tribute must factor in Section 138 of the Roads Act, which states:

- (1) A person must not:
 - (a) erect a structure or carry out 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 roads authority.
- (2) A consent may not be given with respect to a classified road except with the concurrence of TfNSW.

Advice to families should include, but not be limited to:

- As a matter of principle it is not appropriate to allow construction of any structure within a road corridor for a private or personal purpose.

- However, Council will not object to white crosses and small floral tributes within the road corridor, provided road safety is not compromised. The size of the cross or other symbolic tribute should be no larger than 50cm high / 40cm wide and be constructed of a frangible material.
- Consideration and concurrence should be given to the location of the tribute and adjoining residences, including but not limited to property accesses, visual impact and property owner wishes. It is the responsibility of the proponent to address these issues.
- More substantial structures will not be permitted within the clear zone (nominally 9 metres in a 100km / hr zone).
- Roadside areas, especially on busy roads, are generally not the most appropriate location to place tributes. There are safer places where tributes can be placed.
- Road safety should be considered when determining the location of the tribute:
 - Adequate shoulder width and / or area for a vehicle to pull off to erect / visit the cross.
 - Safe re-entry to the roadway after placing or visiting the tribute.
 - The tribute location must be outside the table drain area and the clear zone.
 - No distraction to other drivers, e.g. not on a sharp bend, no lighting or fluorescent properties etc.
 - Appropriate size and materials for the tribute.
- Roadside tributes should be removed after an appropriate period of mourning.

Council will work co-operatively with the family to encourage them to move the tribute to a more appropriate location if necessary.

Removal of Tributes

In the event that there are concerns regarding a tribute, approval for removal, relocation or modification can be given by the Director Engineering Services, who will advise on whether and in what manner any action can be taken.

This might be done to remove solid or larger tributes in the clear zone, or to re-instate line of sight for road users.

A full risk analysis is to be undertaken for each individual situation. The risk analysis is to consider:

Removal of tribute

- The family reaction to tribute removal.
- Community attitudes.
- The family cannot be contacted.
- The family requests another location for the tribute.
- The family would like to know what is happening to improve this section of the road.

Don't remove the tribute

- Potential and severity of event caused by distraction to motorists.
- Erection of the tribute contravenes the Roads Act, Section 138.
- Community perceives inconsistency of assessment of proposed tributes.

A dispute resolution mechanism may be required to resolve sensitive issues.

Tributes and New Road Work Activities

In the event that an existing tribute is located in an area where road works are planned, the following activities should be undertaken:

- The Project is to identify tributes within the road corridor that may be affected by new work. All relevant staff should be aware of the sensitivity of the tribute and its location.
- The location and details are to be included in the project documentation. Also, the location of the tribute is to be photographed and recorded.
- If the family is known:
 - Approval be sought to contact the family to advise of the proposed roadworks and reason for the removal of the tribute. The family's views on re-installation or relocation of the tribute should be determined.
 - If it is not to be re-installed or to be relocated, the tribute is to be returned to the family in a sympathetic manner as soon as it is removed from the site.
 - If requested by the family, storage and re-instatement of the tribute is to be arranged.
- If the family is unknown or cannot be contacted:
 - Record details of attempts to contact the family. Privacy legislation is to be considered.
 - Remove the tribute and store in an identified secure location and record for future recovery if necessary.