

# Policy for the management of bee hives on state-controlled roads

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# Document control sheet

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# 1. Policy Statement

The Department of Transport and Main Roads (TMR) permits bee hives and associated activities on state-controlled roads (SCRs) when it is safe for other users and for those placing or tending bee hives.

## 1.1 Policy principles

The *Policy for the management of bee hives on state-controlled roads* is to be read in conjunction with the Corridor Management Policy (CMP). The CMP is an overarching policy that informs all third-party access to road corridors to locate, construct, alter, maintain, operate or conduct any structure, thing or activity on a SCR.

The CMP outlines the policy principles which apply to all supporting policy documents. Additional specific principles regarding access to, operation, location and placement of bee hives and associated activities on SCRs include:

1. **Bee hives shall not compromise road safety or traffic efficiency.** TMR allows bee hives on SCRs in appropriate locations that do not impede road safety or efficiency.
2. **Ensuring equitable access to transport networks.** Transport networks provide commercial, hobbyists and community groups with opportunities to place bee hives on SCRs.
3. **Protection of cultural, historic, conservation and environmental areas.** When assessing applications for bee hives and associated activities, TMR considers impacts on cultural, historic, conservation and environmental areas.

## 1.2 Scope

The keeping of bees in a hive (bee keeping) is regulated by the Department of Agriculture and Fisheries pursuant to the *Biosecurity Act 2014*. However, TMR has additional requirements for bee hives and associated activities on SCRs.

This policy outlines TMR's statewide position on the management of bee hives and associated activities on SCRs including motorways. Bee hives are not permitted on franchised roads, busways, bikeways, heavy rail or light rail corridors.

## 1.3 Legislative authority

Part 5 of the *Transport Infrastructure Act 1994* is the governing legislation for management of transport infrastructure and includes amongst its objectives the need to provide community access to the (road) network.

# 2. Context

## 2.1 Purpose

The purpose of this policy is to manage beekeepers and users of SCRs by providing a transparent, equitable and consistent, statewide approach to the management of bee hives and associated activities on SCRs.

## 2.2 Background

TMR acknowledges the vital role bees play in the environment and the economy. Bees are important for crop pollination in agricultural and horticultural industries and for honey production.

TMR recognises professional and amateur beekeepers' interests in placing bee hives on SCRs<sup>1</sup>. Bee hives and associated activities may be approved provided they do not adversely impact road safety and efficiency.

## 2.3 Objectives

This policy aligns with the primary objective of the CMP, which is to allow complementary uses of transport corridors to be undertaken in a way which does not unduly compromise the safety or efficiency of the transport task. The following requirements apply to the management of bee hives and associated activities on SCRs.

## 3. Approval required

The approval of bee hives and associated activities on a SCR is administered as ancillary works and encroachments (AWE) under the *Transport Infrastructure Act 1994*. All entities applying to place bee hives on SCRs must apply for a Road Corridor Permit (RCP) through their TMR District Office.

Bee hives may be permitted on declared motorway corridors where the site is not accessed directly from the motorway or on and off ramps. Bee hives are not permitted on franchised roads.

Bee hives may be permitted on stock routes where TMR has delegated local government with the responsibility to permit bee hives on stock routes on SCRs<sup>2</sup> and will therefore be subject to the relevant local government's policy.

When TMR issues a RCP for a bee hive on a stock route not managed entirely by local government, an additional permit from the local government may be required. Please refer to the relevant TMR District Office or local government for further information.

TMR sets standard and specific conditions for bee hives and associated activities as set out in the *Road Corridor permit standard conditions and Additional information and conditions for the placement of bee hives on state-controlled roads*<sup>3</sup>. TMR takes into consideration future road maintenance, works and improvements when approving RCPs on SCRs. The applicant must bear all costs related to bee hives and associated activities. RCPs for bee hives are to be renewed annually.

### 3.1 Compliance, responsibilities and reporting

It is the responsibility of the beekeeper applying for and holding a RCP to ensure compliance with all relevant local, state and federal government requirements and legislation.

TMR has the power to ensure bee hives or associated activities do not create a traffic hazard or interfere with traffic efficiency. TMR may require bee hives or associated activities to be altered, relocated, made safe or removed if constructed, maintained, operated or conducted contrary to TMR's approval<sup>4</sup>. TMR may:

- recover costs associated with altering or relocating, making them safe or removing them<sup>5</sup>
- cause the devices to be sold or destroyed<sup>6</sup> and direct the proceeds of any sale<sup>7</sup>

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<sup>1</sup> Section 24 of the *Transport Infrastructure Act 1994*.

<sup>2</sup> Section 45 of the *Transport Infrastructure Act 1994*.

<sup>3</sup> Section 50(5) of the *Transport Infrastructure Act 1994*.

<sup>4</sup> Section 52 of the *Transport Infrastructure Act 1994*.

<sup>5</sup> Section 52(2) of the *Transport Infrastructure Act 1994*.

<sup>6</sup> Section 52(3) of the *Transport Infrastructure Act 1994*.

<sup>7</sup> Section 52(3) of the *Transport Infrastructure Act 1994*.

- apply a penalty<sup>8</sup>.

TMR may monitor bee hive sites to ensure road safety or efficiency is not compromised. TMR will keep a record of all permit details including the location and conditions of the permit. Beekeepers must ensure a digital or hardcopy of the permit is made available to TMR officers upon request.

## 3.2 Fees and charges

TMR may apply fees and charges to AWEs<sup>9</sup>. At this time, TMR does not apply fees and charges for bee hives and associated activities on SCRs.

## 3.3 Vegetation and tree clearing

Vegetation and trees may be cleared on SCRs for the purposes of bee hives and associated activities if permitted by vegetation and tree clearing laws. TMR does not have jurisdiction to provide permits for vegetation and tree clearing on SCRs as it is regulated by other departments.

# 4. Transitional Arrangements

This policy is applied retrospectively to existing RCPs for bee hives on SCRs. Non-compliant bee hives that do not have a written approval from TMR will need to go through an application process and seek approval as sites are brought to TMR's attention.

# 5. Appeals and Review

Internal and external reviews and merit-based appeals are available for persons affected by decisions made about bee hives or associated activities on SCRs<sup>10</sup>. More detail can be found in the CMP.

# 6. Implementation and Revision

The Executive Director (Transport System Management) is the policy owner and is responsible for this policy, supporting conditions for bee hives and associated activities on SCRs. This policy and the supporting conditions for bee hives are endorsed by the Statewide Corridor Management Steering Committee and implemented by Program Delivery and Operations Branch. The policy will be revised on an as needs basis.

# 7. Industry Engagement

TMR engages with the industry through the Bee Industry Consultative Committee (BICC). The Terms of Reference of the BICC are to:

- establish and maintain formal links between state bee keeping organisations and relevant Queensland Government departments

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<sup>8</sup> Section 52(5) *Transport Infrastructure Act 1994*.

<sup>9</sup> Section 50(5) of the *Transport Infrastructure Act 1994*

<sup>10</sup> Part 5 of the *Transport Planning and Coordination Act 1994* and sections 485, 485A and 485B of the *Transport Infrastructure Act 1994*.

- provide a forum for discussion amongst relevant Queensland Government departments and the Apiary Industry on issues strategic to the future of that industry
- encourage coordination and cooperation between relevant Queensland Government departments and the Apiary Industry on industry matters.

## **8. Associated Policy Documents**

Associated policy documents include:

- *Corridor management policy*
- *Road corridor permit standard conditions*
- *Additional information and conditions for the placement of bee hives on state-controlled roads.*

## 9. Glossary

Term, abbreviation or acronym	Description
Ancillary works and encroachments (AWE)	<p>Ancillary works and encroachments are activities and structures within the boundaries of state-controlled roads and are regulated by:</p> <ul style="list-style-type: none"> <li>Part 5 and Schedule 6 of the <i>Transport Infrastructure Act 1994</i>.</li> <li>Part 5 and Schedule 1 of the <i>Transport Infrastructure (State-controlled roads) Regulation 2017</i>.</li> <li><i>Transport Infrastructure Act 1994, Ancillary Works and Encroachments notice (No.2) 2017</i>.</li> </ul>
Bee	A bee means a honey bee ( <i>Apis mellifera</i> ), or another genus or species declared under a regulation to be a bee. Definition taken from the <i>Biosecurity Act 2014</i> .
Bee hive	A bee hive means a receptacle for housing living bees that contains moveable frames in which the combs are built, and which may be separately and readily removed from the receptacle for examination. Definition taken from the <i>Biosecurity Act 2014</i> .
<i>Corridor Management Policy</i>	<p>The CMP is an overarching policy that informs all third-party access to road corridors to locate, construct, alter, maintain, operate or conduct any structure, thing or activity on a SCR be they:</p> <ol style="list-style-type: none"> <li>proximal to and beside, below, on or above a state-controlled road, railway, busway or bikeway infrastructure</li> <li>public utility plant</li> <li>a major event</li> <li>for profit or not-for-profit.</li> </ol>
Franchised roads	Refer to Division 3 and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> .
Motorway	A state-controlled road that is declared under section 27 of the <i>Transport Infrastructure Act 1994</i> , or a road or land that is intended to become a motorway (and TMR has notified the local authority in writing of this intention). <b>Motorways</b> form part of the main links between primary regional centres (capital cities), or between primary regional centres and principal regional centres (major cities), carrying long-distance freight and passenger traffic. These roads provide a consistently high standard of driving conditions, with divided carriageways, typically four or more traffic lanes, with sealed shoulders and line markings that are easily visible in all weather conditions. Motorways carry high volumes of traffic (often 80,000+ AADT), have a speed environment of 80-110km/h.
Road Corridor Permit (RCP)	Road Corridor Permits are approvals under the <i>Transport Infrastructure Act 1994</i> for third party applicants to undertake activities, conduct works or erect structures within the road network.
State-controlled road (SCR)	A road or route, or part of a road or route, declared by gazette notice to be a State-controlled road under Section 24 (1) of the <i>Transport Infrastructure Act 1994</i> .
TMR/Department	The Department of Transport and Main Roads, or any future department that may undertake the responsibilities of the provisions under the <i>Transport Infrastructure Act 1994</i> referred to in this document.