

# Part 1: Protocols for Transport Corridors

**Third Party Utility Infrastructure Installation in State-Controlled Transport Corridors (Version 1.0)**

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## Purpose

The role and function of TMR, as the state road authority, is legislated for under the *Transport Infrastructure Act 1994*<sup>1</sup> (TIA 1994) and regulated under the *Transport Infrastructure (State-controlled Roads) Regulation 2006*<sup>2</sup> (TI Regulation). The TIA 1994 defines the key term 'public utility plant' as plant permitted under another Act or a Commonwealth Act to be on a road. The public utility plant provisions in the TIA 1994 and the TI Regulation enable TMR to impose requirements and conditions on the owners of utility plant located within SCR corridors.

The purpose of this document is to guide Utility Asset Owners through the permitting application and approval process for the installation of utilities in state-controlled roads. The aim is to ensure efficient and effective application processing to the mutual benefit of both the utility Asset Owner and Transport and Main Roads.

This Protocol applies to the installation of utility services by an Asset Owner or its representative within the boundaries of a State-Controlled Road (SCR) corridor declared under the *Transport Infrastructure Act 1994* (Qld).<sup>3</sup> This Protocol does not apply to the procedures for relocation or removal of utilities as part of, or in response to, road projects.

The Protocol has been written to align with the legislative rights and obligations of both Transport and Main Roads and the various Utilities.

## How to read this document

As this document applies to a number of different utilities all of which operate and function under their own specific legislation with slightly different requirements, it is not possible to stipulate a single process for all utilities. Therefore this Protocol is divided into two sections,

Part 1 – General Requirements – applicable to all Utilities

Part 2 – Utility-Specific Requirements – divided into Utility-specific information

Owners of Utilities must comply with the requirements stipulated in both Part 1 and the applicable Utility section of Part 2.

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<sup>1</sup> [www.legislation.qld.gov.au/LEGISLTN/CURRENT/T/TranstInfA94.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/T/TranstInfA94.pdf)

<sup>2</sup> [www.legislation.qld.gov.au/LEGISLTN/CURRENT/T/TranstInfSqCRR06.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/T/TranstInfSqCRR06.pdf)

<sup>3</sup> Specifically – as defined by *Transport Infrastructure Act 1994* (Qld) (TIA), Schedule 6 – public utility plant means plant permitted under another Act or a Commonwealth Act to be on a road.

# 1. Part 1 – General Requirements

## 1.1 Works Proposals

The following requirements are applicable to all Utility Installation Work Proposals:

- 1) Proposed utility services Works and detailed design plans are to be submitted by the Asset Owner to the Department of Transport and Main Roads (TMR) District Office for a written agreement or approval. The contact details for TMR District Offices can be found on the Department's web page<sup>4</sup>. PLEASE NOTE: The timeframes for the application to be submitted are detailed in the utility-specific sections.
- 2) The requirements of this Protocol process may be varied if there is a Memorandum of Understanding (MoU) between TMR and the Asset Owner, and the conditions of any such MoU supersede this Protocol.

## 1.2 Application Information Requirements (except Telecommunications)

**(NOTE: SECTION 1.2 DOES NOT APPLY TO TELECOMMUNICATIONS UTILITIES)**

In order to ensure all relevant information is included in applications the following information must be provided with a completed 'F5165 - Installation of Utility Assets in State-Controlled Roads Application' Form. The Application Form is available online on the TMR website<sup>5</sup>.

Applications to undertake Works within TMR's managed road corridor should include:

- 1) A completed 'F5165 - Installation of Utility Assets in State-Controlled Roads Application' form identifying:
  - a) Name and Australian Business Number (ABN) of the Utility Asset owner
  - b) The name of the road and the proposed location (proximity to a notable feature/ town/ nearest intersection) where Works are proposed to be conducted
  - c) Date of submission
  - d) Asset owner's project number as detailed on drawings
  - e) Proposed construction start date and finish date
  - f) Contact details including a contact person, email address, phone numbers and postal address

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<sup>4</sup> [www.tmr.qld.gov.au/About-us/Contact-us/In-person/Roads-offices.aspx](http://www.tmr.qld.gov.au/About-us/Contact-us/In-person/Roads-offices.aspx)

<sup>5</sup> <http://www.tmr.qld.gov.au/business-industry/Business-with-us/Alliances/Utilities>

- g) Detailed description of proposed Works, including:
    - i) category/type of work, i.e. overhead or underground installation
    - ii) type of asset (e.g. underground conduit, poles)
    - iii) number of conduits/poles
    - iv) material (e.g. uPVC, DICT)
    - v) envelope size (proposed to enclose the utility within the SCR corridor)
    - vi) envelope material
  - h) Any previous departmental reference numbers or correspondence relating to this activity.
- 2) RPEQ (registered professional engineer, Queensland) certified drawings from Asset Owners detailing:
- a) The type of service to be installed (including, but not limited to; size; material proposed to be used; envelope size; envelope material; pressure/kV, cable type and size) and any associated infrastructure (e.g. valves, pits, poles, manholes, thrust blocks)
  - b) Locality plan including local streets, nearest cross roads, adjoining property ID number, etc.
  - c) Scaled plan view drawings identifying not only the service installation that is being proposed but also all existing assets owned by the asset owner, with reference to cadastral (property) boundaries, footpaths and kerb lines and/or road edge lines so the suggested alignment is clearly described. This information is required to assist with identifying and confirming proposed alignments
  - d) All road crossing details including orientation, proposed installation method, load bearing capacity calculations, etc.
  - e) Typical sections identifying all trench reinstatement details including pavement reinstatement; and
  - f) All bore details including location of entry and exit points, depths, diameter, proposed pressurised grout/ flowable material, envelope size, envelope type, etc.
- NOTE:** Plans must be readable on A3 and should meet TMR [Drafting and Design Presentation Standards](#).
- 3) Correspondence confirming acceptance of the proposed Works from any other third party or Service Authority that may be impacted.
  - 4) Correspondence confirming public liability insurance of an amount not less than \$20,000,000 which indemnifies the department from risks associated with the construction, augmentation, alteration or maintenance of the plant and the presence of the plant on the road. This may be provided as a certificate of insurance annually if appended to a signed MoU between TMR and the Utility Asset Owner.
  - 5) Signed and Completed Deed of Indemnity.
  - 6) Details of any non-standard alignment proposal identifying offsets from cadastral boundary, including details of rejected options.
  - 7) Details of any additional requirements that may be required for the installation Works, i.e. proposed locations of compounds/site huts, additional land requirements for bore strings, exclusion zones, clearing requirements etc.

**PLEASE NOTE:** Failure to provide site specific detail and correct information may result in the application being rejected.

## 1.3 Approvals for Utility Works in SCRs

Once TMR has assessed the Proposed Works, if the Proposed Works are approved, TMR will provide the Asset Owner with a written approval or Permit, for the proposed Works. The approval will include:

- 1) a clear statement of any requirements or conditions requested by TMR, including compliance with technical specifications noted in Appendix B.
- 2) a statement that the Permit is only valid:
  - a. for the Asset Owner and their agent. Access to a SCR corridor cannot be granted or transferred to any other person or party.
  - b. If the Asset Owner has correspondence confirming acceptance of the proposed Works from any other third party or Service Authority that may be impacted
  - c. if the conditions contained within the Permit are complied with in full.
- 3) the permit is issued on condition that the Works detailed in the Application must commence no more than 1 year from the date of the written approval response and, unless otherwise extended, be completed within two (2) years.
- 4) notification if there is a requirement for the Asset Owner to hold an approved Traffic Control Permit before undertaking Works – [Traffic Management information](#) can be found on the TMR website.
- 5) TMR's required notification and approval processes to access the SCR corridor for the purpose of installation, augmentation or alteration of the electricity infrastructure (i.e. a copy of, or website link to, this Protocol).
- 6) TMR's communication process for notifying the Asset Owner of proposed road upgrades/realignments that may impact on the electricity infrastructure.

If the proposed Works are not approved, TMR will provide the Asset Owner with a written response detailing:

- 1) the rationale for non-approval.
- 2) guidance regarding the changes required in the application to make it eligible for approval, that is, a way forward for the Asset Owner. This may include providing TMR with a detailed construction methodology (unless already provided as part of a MoU) or procedures.

## 2. Key Approval Conditions for Utility Work in SCRs

The following conditions are applicable to all Utility Works Proposals under this Protocol:

- 1) TMR's Permit and any conditions contained within the Permit for the proposed installation are valid only for the Asset Owner and their agent.
- 2) Access to a SCR corridor cannot be granted or transferred to any other person or party.
- 3) TMR's response will be issued based on the information provided by or on behalf of the Asset Owner and the Works must be undertaken in accordance with the approved design plans, conditions specified in the Permit, any relevant Departmental Technical Manuals, Policies, Specifications and Guidelines including Departmental Technical Specifications and Standard Drawings, and any third party standards including but not limited to local councils and service authorities.
- 4) Appendix B provides guidance on, and links to, relevant technical specifications for the installation of utilities in SCRs. TMR's Technical Specifications can be found on the TMR website.<sup>6</sup>
- 5) Unless otherwise directed by TMR, all new (Greenfield) installations on new or proposed SCRs must be installed on the relevant TMR standard alignment relative to the cadastral boundary line. Appendix B provides direction to TMR's standard alignment documentation. It is acknowledged that TMR's standard alignment may not be possible in Brownfield (existing SCRs) situations. TMR accepts that non-standard alignments may be required on occasions. Alignments developed in these situations will be approved on a case-by-case basis.
- 6) Approval or letter of no objection with conditions from TMR, does not represent an approval of the proposed Works under other legislation that may still be applicable.
- 7) If TMR objects to the Asset Owner's proposal, a written response (e.g. letter) detailing the objections to the proposed Works will be provided.
- 8) New utility services works must be completed within two (2) years of TMR's written agreement with conditions. Works not undertaken within two (2) years, require resubmission to TMR for agreement prior to commencement of works.
- 9) At the completion of the Proposed Works, the Asset Owner shall submit "as constructed" drawings to TMR for future reference to avoid interference with the utility.

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<sup>6</sup> [www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx](http://www.tmr.qld.gov.au/Business-industry/Technical-standards-publications.aspx)



- 10) TMR wishes to stress that at all times the Asset Owner must maintain and keep all infrastructure it installs within a SCR corridor in good order and repair and in a sound structural and safe condition at its own expense. TMR may serve notice on an Asset Owner requiring it to repair its asset if it falls into disrepair. Such notice will identify a timeframe within which repairs must be completed. It is a condition of approval that TMR may elect to undertake any identified repairs should it be deemed disrepair of the utility asset presents a significant risk to the operation and safety of the SCR corridor. All costs associated with such repairs will be claimed as a debt payable by the Asset Owner to TMR.
- 11) Prior to the expiry of a Permit (that authorises the installation of the infrastructure in the SCR corridor), it is the responsibility of the owner of the utility to resubmit an application for a new Permit. TMR provides no guarantee that a new Permit will be provided.

## 2.1 Undertaking Approved Works

- 1) All Works must be conducted in accordance with the conditions identified in this Protocol (including technical specifications identified in Appendix B) and the approval conditions detailed in the Permit issued by TMR.
- 2) The Asset Owner must ensure that a copy of the Permit, approved plans and any technical specifications are held onsite for the duration of the Works (this can be as an electronic copy) and made available on request by TMR's Inspector or representative.
- 3) The Asset Owner or its nominated approved agent (if identified) will be responsible for identifying and complying with all other laws and requirements that may apply to the Works including but not limited to:
  - a. Consultation with local government and other agencies as may be required. Other government agreements to the proposal do not constitute TMR's agreement - and vice versa. For instance, Telecommunications Asset Owners must ensure that the activity interferes as little as practicable with the operations of a public utility and public roads and paths (Telecommunications Code of Practice s2.5(c)) and if likely to affect the operations of a public utility, the carrier must make reasonable efforts to enter into an agreement with the utility that makes provision for the manner in which the carrier will engage in the activity.
  - b. Work Health and Safety: with a primary duty of care to workers at the site of the proposed Works, to road users who interact with the proposed Works and other utilities or state government staff undertaking Works on or near the site. This includes an obligation to satisfy all requirements of the current safety legislation in Queensland at all times during construction of the Works.
  - c. The Telecommunications Code of Practice s2.5(b) (and s6.8.1.1 of the Australian Communication Industry Forum standard C524:2004) requires a carrier to take all reasonable steps to protect the safety of persons and property when carrying out a land entry activity.

- d. Primary duty of care to ensure all participants and parties effectively manage risk with regards to the Queensland *Environmental Protection Act 1994*, the *Aboriginal Cultural Heritage Act 2003* and any other relevant laws as a result of the Works.<sup>7</sup>
- 4) The Asset Owner (or its nominated agent) must (unless under legislated emergency conditions) contact the 'Dial Before You Dig' service prior to any digging, in order to avoid damaging underground essential utility services (e.g. water, telecommunications, electricity cables).
- 5) It is the Asset Owner's responsibility to obtain information pertaining to TMR's infrastructure that may be installed in the area of the proposed Works. TMR's infrastructure is not identified in 'Dial Before You Dig' information and must (unless under legislated emergency conditions) be requested from the relevant District Office.
- 6) In accordance with Part 5, Division 1 of the TIA 1994, TMR may take action to prevent damage and ensure the safety of a SCR. This may exclude the Asset Owner or nominated approved agent undertaking the Works from a SCR in exceptional circumstances. These circumstances may include but are not limited to:
- a. The Works are causing a danger to the safety of the road and/or travelling public; or
  - b. There is a reasonable likelihood that damage may be caused to property within a SCR (e.g. the road surface); or
  - c. Personal injury is likely to occur; or
  - d. There is a breach of any of the technical requirements or other agreements for this Work.

In these circumstances, TMR may, after consultation, direct the Asset Owner to:

- a. Cease the Works impacting on the safe operation of the SCR, and
- b. After cessation of the Works negotiate under what conditions and alterations Works might resume.

The Asset Owner will bear all costs associated with ceasing or altering the Works.

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<sup>7</sup> Schedule 3, Part 1, Division 7, s37(2) *Telecommunications Act 1997* allows the telecommunications carrier to engage in an activity despite a law of a State or Territory about: the assessment of the environmental effects of engaging in the activity; or

- a) the protection of places or items of significance to Australia's natural or cultural heritage; or
- b) town planning; or
- c) the planning, design, siting, construction, alteration or removal of a structure; or
- d) the powers and functions of a local government body; or
- e) the use of land; or
- f) tenancy; or
- g) the supply of fuel or power, including the supply and distribution of extra-low voltage power systems; or
- h) a matter specified in the regulations.

Paragraph (2) does not apply to a law in so far as the law provides for the protection of places or items of significance to the cultural heritage of Aboriginal persons or Torres Strait Islanders.

However, a carrier must, in connection with carrying out a land entry activity, take all reasonable steps to protect the environment. (Telecommunications Code of Practice s2.5(d))

## 2.2 TMR Supervision during Works

Utility services Works must be supervised by the Asset Owner or its appointed industry specialist (specialist contractor appointed by the Asset Owner to carry out work on the utility concerned) or, in the case of privately owned installations (see section 0), by a RPEQ registered engineer engaged by the developer or owner.

TMR may undertake an inspection of the Works to confirm Works are adhering to any conditions identified in the Permit and to the submitted plans. The contact details for TMR's Inspector or nominated representative will be provided in TMR's Permit for the proposed Works.

Unless otherwise approved in the Permit, TMR's Inspector must be contacted at least five (5) Business Days prior to commencement of any agreed Works to enable any necessary inspections to be carried out and must attend a prestart meeting prior to Works commencing.

Dependant on the Works being undertaken, TMR's Inspector reserves the right to specify milestones, including but not limited to, trench backfilling, pavement reinstatement, grouting of envelopers and concrete protection slabs, which must be adhered to. These milestones will be identified in the permit and further detailed timeframes will be discussed at the prestart meeting.

The Asset Owner must also contact TMR's Inspector within 48 hours of completion of its Works.

## 2.3 Non-compliance with TMR Approval Conditions

If an Asset Owner does not comply with a requirement or condition of approval, action may be able to be taken under section 33 of the TIA 1994. Under section 33, a person must not, without lawful excuse or the written approval of the Chief Executive, carry out road Works on a SCR or interfere with a SCR or its operation. In cases where the approval was subject to specific conditions, and those conditions have not been met, penalties apply.

If the Asset Owner has not complied with the requirements or conditions attached to the approval of the utility infrastructure, the Asset Owner can be held liable for additional future road work expense incurred from that non-compliance.

## 3. Part 2 – Utility-Specific Requirements

**PLEASE NOTE:** *Read only the applicable sections to your type of utility service.*

### 3.1 Electricity

#### Rights

Electricity Asset Owners<sup>8</sup> have a right to install electrical public utility plant in the SCR, with agreement from TMR, providing it does not negatively impact the safety and utility of the road corridor.<sup>9</sup>

*Electricity Act 1994* Section 102 states:

- An electricity entity may do any of the following things on a road:
  - a) build or remove, or alter (other than for maintenance or repair), its electric lines or other Works
  - b) maintain, repair or alter for maintenance or repair, its electric lines or other Works
  - c) stop obstruction or potential obstruction to, or interference or potential interference with, its electric lines or other Works.
- However, the electricity entity may do things mentioned in subsection (1)(a) only if it has the written agreement of the road authority.

In other words, electricity entities need written permission to build or remove, or alter its electric lines or other Works from TMR. Only if the Works are considered maintenance, repair or alteration (or the asset causes an obstruction which poses a risk to safety, for instance impacting traffic safety), does the electricity Asset Owner not need TMR's written agreement to undertake Works.

In order to obtain written agreement, the electricity entity must consult with TMR before installing and/or replacing the whole, or a substantial proportion (that is, not maintenance or repair), of its electric lines or other Works on a road. The object of the consultation is to identify any mutually beneficial arrangements for the installation or replacement of the Works having regard to existing development plans for the road.

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<sup>8</sup> The powers and functions of Electricity Asset Owners, electricity entities, are: legislated under the *Electricity Act 1994* [www.legislation.qld.gov.au/legisln/current/e/electrica94.pdf](http://www.legislation.qld.gov.au/legisln/current/e/electrica94.pdf), and regulated under the *Electricity Regulation 2006* [www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/ElectricR06.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/E/ElectricR06.pdf).

<sup>9</sup> Note, s77 of the TIA1994 provides that ss77-83 do not apply to public utility plant constructed under the *Electricity Act*.

## Consultation and Approval Process

An electricity entity must give at least 14 days written or oral notice<sup>10</sup> of its intention to carry out Works<sup>11</sup> in SCRs to TMR unless the notice is given in accordance with another period of notice agreed between the entities. The legislated notification of 14 days is interpreted as **14 calendar days**.

The application shall contain the information outlined in s1.2 Application Information Requirements of this Protocol. TMR requests all notifications are given in writing in order to properly assess and process applications. TMR will communicate with the Asset Owner regarding expected processing timeframes if this is likely to exceed 14 calendar days.

The application decision must be provided within a reasonable period of time. What is considered a reasonable period of time, will depend on the complexity and breadth of the electricity infrastructure under consideration.

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<sup>10</sup> Section 18(3) of the Electricity Regulation 2006 (QLD)

<sup>11</sup> As specified in 18(2) Electricity Regulation 2006 (QLD)

## 3.2 Gas

### 3.2.1 Distribution Pipelines

#### Rights

Under s78 and s79 of the Gas Supply Act 2003<sup>12</sup> a Gas distributor<sup>13</sup> may carry out gas infrastructure work on a State controlled Road (SCR) only if:

- a) TMR has given its written approval for the carrying out of the works; or
- b) the work is necessary because of an emergency. If works are carried out because of an emergency, the Asset Owner, must as soon as practicable, give the entity notice of the works.

In order to obtain written agreement, the Gas distributor must consult with TMR before undertaking non-emergency Works on a road. The object of the consultation is to identify any mutually beneficial arrangements for the installation or replacement of the Works having regard to existing development plans for the road.

#### Consultation and Approval Process

S80 of the Gas Supply Act states that the Gas distributor must provide to TMR:

- a. A description of the work and how it is proposed to be carried out
  - b. particulars of where the Works are to be carried out
  - c. relevant supporting information, reasonably required by TMR, to enable it to consider the application.
- The information required by TMR is outlined in s1.2 Application Information Requirements of this Protocol.

In accordance with s80 of the *Gas Supply Act 2003*, TMR must decide on applications from Gas distributors within **30 business days** after receiving an application, with a decision on granting or refusing approval for Works. While TMR must not unreasonably refuse to grant the approval, TMR may impose conditions on the approval it considers are reasonable.

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<sup>12</sup> Note, s77 of the TIA1994 provides that ss77-83 do not apply to excluded public utility plant.

<sup>13</sup> Gas distributors are:

identified under the Register of Queensland gas distribution authorities [www.business.qld.gov.au/industry/energy/gas/gas-regulation/register-gas-distribution-authorities](http://www.business.qld.gov.au/industry/energy/gas/gas-regulation/register-gas-distribution-authorities) legislated under the *Gas Supply Act 2003* [www.legislation.qld.gov.au/LEGISLTN/CURRENT/G/GasSupA03.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/G/GasSupA03.pdf) and relevant provisions of the *Petroleum and Gas (Production and Safety) Act 2004* [www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PetrolmGasA04.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PetrolmGasA04.pdf) regulated under the Gas Supply Regulation 2007 [www.legislation.qld.gov.au/LEGISLTN/CURRENT/G/GasSupR07.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/G/GasSupR07.pdf), and by the Energy and Water Ombudsman Queensland [www.ewog.com.au](http://www.ewog.com.au) bound by industry codes administered and enforced by the Queensland Competition Authority [www.qca.org.au](http://www.qca.org.au)

TMR will communicate with the Gas distributor regarding expected processing timeframes if this is likely to exceed 30 business days. If it is simply not possible for TMR to decide the application within 30 days, the application decision must be provided within a reasonable period of time. What is considered a reasonable period of time, will depend on the complexity and breadth of the gas infrastructure under consideration.

### 3.2.2 Petroleum and gas transmission pipelines

#### Rights

Petroleum and gas transmission pipelines are legislated for in the *Petroleum and Gas (Production and Safety) Act 2004* and s77-s83 of the TIA 1994 and as such are Public Utility Plant.

Transmission pipelines or privately owned installations of gas infrastructure<sup>14</sup> are authorised to operate and install pipelines and other plant within the SCR network under section 63 of the *Mineral and Energy Resources (Common Provisions) Act 2014* and applicants should be a 'resource authority holder' as defined under that Act. TMR can condition the Asset Owner and be compensated for the Works.

#### Consultation and Approval Process

When proposing to undertake Works in the SCR, the Asset Owner shall contact TMR to apply for:

- a) A Conduct and Compensation agreement – A Conduct and Compensation Agreement should be developed between the Asset Owner and TMR's Strategic Property Management division for privately owned installations of gas infrastructure; and
- b) A permit for the Works within the SCR – A permit application shall be submitted by the Asset Owner to the relevant TMR District Office, to ensure that TMR has information on its location and the installation adheres to TMR's engineering and technical requirements. The application shall contain the information outlined in s1.2 Application Information Requirements of this Protocol.

Further information may be sought from the utility, including a detailed construction methodology or procedures. Some of this information may already be available as part of a MoU between TMR and the utility.

Additionally, details of the design regarding an installation that is to carry combustible liquids/gases or flammable liquids/gases shall be negotiated on a case by case basis with the District Director. The requirements for the installation of such utility services will be dependent on the pressure and volume of liquid/gas that is to be carried.

While there is no legislative timeframes applicable to the application process, TMR will endeavour to process permit applications within 12 weeks – this timeframe will depend on the complexity of

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<sup>14</sup> Transmission pipelines or privately owned installations of gas infrastructure are: legislated under the *Petroleum and Gas (Production and Safety) Act 2004* [www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PetrolmGasA04.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PetrolmGasA04.pdf) and *Mineral and Energy Resources (Common Provisions) Act 2014* <https://www.legislation.qld.gov.au/LEGISLTN/ACTS/2014/14AC047.pdf> regulated under the *Petroleum and Gas (Production and Safety) Regulation 2004* [www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PetrolmGasR04.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/P/PetrolmGasR04.pdf), and by the *Energy and Water Ombudsman Queensland* [www.ewoq.com.au](http://www.ewoq.com.au) bound by industry codes administered and enforced by the Queensland Competition Authority [www.qca.org.au](http://www.qca.org.au)

the installation. It should be noted that additional time periods and information may be required for the review of applications identifying the installation of a service proposed to carry combustible liquids/gases or flammable liquids/gases.

Once approval is obtained and Agreement reached, the Asset Owner will be required to comply with each of the Conduct and Compensation Agreement, the Permit Conditions and this Protocol.

### 3.2.3 Mineral and Energy ‘resource authority holders’<sup>15</sup>

#### Rights

Coal seam gas mining infrastructure (for example, gas wells and gathering pipelines) is legislated for by the *Mineral Resources Act 1989*<sup>16</sup> and s77-s83 of the TIA 1994 and as such is Public Utility Plant. Installations of gas infrastructure for mining purposes<sup>17</sup> are authorised to operate and install pipelines and other plant within the SCR network under section 63 of the *Mineral and Energy Resources (Common Provisions) Act 2014* and applicants should be a ‘resource authority holder’ as defined in that Act. TMR can condition the Asset Owner and be compensated.

#### Consultation and Approval Process

When proposing to undertake Works in the SCR, the Asset Owner shall contact TMR to apply for:

- c) A Conduct and Compensation agreement – A Conduct and Compensation Agreement should be developed between the Asset Owner and TMR’s Strategic Property Management division for privately owned installations of gas infrastructure; and
- d) A permit for the works within the SCR – A permit application shall be submitted by the Asset Owner to the relevant TMR District Office, to ensure that TMR has information on its location and the installation adheres to TMR’s engineering and technical requirements. The application shall contain the information outlined in s1.2 Application Information Requirements of this Protocol.

Further information may be sought from the Asset Owner, including a detailed construction methodology or procedures. Some of this information may already be available as part of a MoU between TMR and the Asset Owner.

Additionally, details of the design regarding an installation that is to carry combustible liquids/gases or flammable liquids/gases shall be negotiated on a case by case basis with

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<sup>15</sup> As defined by s10 of the *Mineral and Energy Resources (Common Provisions) Act 2014*

<sup>16</sup> See s6(2)(c) of the *Mineral Resources Act*.

<sup>17</sup> Mining gas infrastructure are:

- legislated under the *Mineral Resources Act 1989*  
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/M/MineralReA89.pdf> and *Mineral and Energy Resources (Common Provisions) Act 2014* <https://www.legislation.qld.gov.au/LEGISLTN/ACTS/2014/14AC047.pdf>
- regulated under the *Mineral Resources Regulation 2013*  
<https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/M/MineralReR13.pdf>



the District Director. The requirements for the installation of such utility services will be dependent on the pressure and volume of liquid/gas that is to be carried.

While there is no legislative timeframes applicable to the application process, TMR will endeavour to process permit applications within 12 weeks – this timeframe will depend on the complexity of the installation. It should be noted that additional time periods and information may be required for the review of applications identifying the installation of a service proposed to carry combustible liquids/gases or flammable liquids/gases.

Once approval obtained and Agreement reached, the Asset Owner will be required to comply with both the Conduct and Compensation Agreement, the Permit Conditions and this Protocol.

## 3.3 Private / Commercial Installations

### Rights

Privately owned or commercial installations that are not specified in this document are not Public Utility Plant. The Asset Owner must submit an application for a permit for an ancillary works and encroachment under the TIA 1994 if:

- a privately owned installations (that is, assets that do not comply with any other categories in this protocol), requesting to be located within the boundaries of SCRs, or
- the infrastructure needs to be installed by a developer within the boundaries of a SCR but has not been handed over to the final Asset Owner.

The owner of these installations have no explicit or implicit right to install infrastructure in the state-controlled transport corridor. Approval for these privately owned, commercial or transport related installations are entirely at the discretion of TMR (e.g. private telecommunications, private water pipelines).

### Consultation and Approval Process

The Applicant must submit a written application to TMR with the information outlined in s1.2 Application Information Requirements in this Protocol.

A Conduct and Compensation agreement may also be undertaken by TMR's Strategic Property Management branch for privately owned installations. Upon receiving an application, the relevant TMR District(s), and TMR's Strategic Property Management Unit, will work together to establish if a Conduct and Compensation agreement is required, manage the application and communicate with the applicant.

#### 3.3.1 Further provisions and information

- In addition to the standard application information requirements, further information may be sought from the Asset Owner, including a detailed construction methodology or procedures.
- The owner shall remove or protect the infrastructure, as required by TMR, at the owner's expense during any rebuilding or maintenance operation on TMR's road infrastructure, unless otherwise negotiated or specified in legislation.
- Permission for the installation of the infrastructure is not transferable. A new owner must obtain a new Permit.
- The District Director, or delegate, may withdraw this Authority at any time by giving 30 calendar days' notice, in writing, and if so required, the owner shall remove the installation at his own expense.
- If the owner fails to remove the installation within the time specified, the District Director, or delegate, may instruct for the infrastructure to be removed and costs incurred for this work will be recovered from the owner.

## 3.4 Telecommunications

### Rights

Telecommunication Asset Owners<sup>18</sup> have a right under the Telecommunications Act 1997 to install telecommunication public utility plant in the SCR in the circumstances described in that Act.

The *Telecommunications Act 1997*, Schedule 3, Part 1, Division 3, clause 6 (Installation of facilities) states the purposes for which Carriers may install plant in SCR:

- 1) A carrier may, for purposes connected with the supply of a carriage service, carry out the installation of a facility if:
  - a. the carrier is authorised to do so by a facility installation permit,<sup>19</sup> or
  - b. the facility is a low impact facility (as defined by subclause (3)); or
  - c. the facility is a temporary facility for use by, or on behalf of, a defence organisation for defence purposes.

Note: If the installation of a facility is not authorised by this clause, the installation may require the approval of an administrative authority under a law of a State or Territory.

- 2) If subclause (1) authorises a carrier to carry out a particular activity, the carrier may, for purposes in connection with the carrying out of that activity:
  - a. enter on, and occupy, any land; and
  - b. on, over or under the land, do anything necessary or desirable for those purposes, including, for example:
    - i. constructing, erecting and placing any plant, machinery, equipment and goods; and
    - ii. felling and lopping trees and clearing and removing other vegetation and undergrowth; and
    - iii. making cuttings and excavations; and
    - iv. restoring the surface of the land and, for that purpose, removing and disposing of soil, vegetation and other material; and
    - v. erecting temporary workshops, sheds and other buildings; and

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<sup>18</sup> Telecommunication Asset Owners are: identified under the Register of licensed carriers and nominated carrier declarations under section 84 of the *Telecommunications Act 1997* (Cwth) ([www.acma.gov.au/Industry/Telco/Carriers-and-service-providers/Licensing/register-of-licensed-carriers-licensing-i-acma](http://www.acma.gov.au/Industry/Telco/Carriers-and-service-providers/Licensing/register-of-licensed-carriers-licensing-i-acma)) legislated under the *Telecommunications Act 1997* (Cwth) ([www.legislation.gov.au/Series/C2004A05145](http://www.legislation.gov.au/Series/C2004A05145)), regulated under the Telecommunications Regulations 2001 ([www.legislation.gov.au/Series/F2001B00124](http://www.legislation.gov.au/Series/F2001B00124)),

<sup>19</sup> A facility installation permit is required by carriers for activities that are not deemed low-impact and this can only be issued by the Australian Communications and Media Authority (ACMA)

- vi. levelling the surface of the land and making roads.

Schedule 3 also specifies that a carrier must take all reasonable steps to act in accordance with good engineering practice, to protect the safety of persons and property, and to ensure that the activity interferes as little as practicable with public roads and paths, the movement of traffic, and the use of land (Schedule 3, Part 1, Division 5, clause 10 *Telecommunications Act 1997* (Cwth)).

Facilities explicitly excluded from being a low-impact facility for SCRs, for the purpose of clauses 1 and 2 above, include:

- A designated overhead line
- A submarine cable
- A tower (unless attached to a building or does not exceed 5 metres).<sup>20</sup>

Additionally, except for nbn, TMR bridges are not low impact facilities.

### Notification Process

For Telecommunication Asset Owners proposing Works in the SCR there are 2 main processes to follow:

- 1) Low-Impact Facility
- 2) Non Low-impact Facility.

#### Low-Impact Facility

When undertaking installation of a low-impact facility, the Telecommunication Asset Owner (or carrier) must give TMR 10 business day's written notice of its intention to undertake an activity before closing, diverting or narrowing a road or bridge; or installing a facility on, over or under a road or bridge. This written notification takes the form of a Land Access Activity Notification (LAAN). (Schedule 3, Part 1, Division 5, clause 19 *Telecommunications Act 1997* (Cwth)) Information required from the Telecommunications carrier for a LAAN is outlined in below. The LAAN shall be submitted by the Asset Owner to the local TMR District.

In addition to a LAAN, and to ensure the safety and utility of the road is maintained TMR requires carriers to apply for a Traffic Control Permit for an installation, for permission to perform any required lane closures and traffic control upon the nominated SCRs (see Appendix B for more information). The Traffic Control Permit assists in satisfying the requirement in Schedule 3 (clause 10(a)-(c)) of the Telecommunications to take all reasonable steps to act in accordance with good engineering practice and safety requirements.

Upon receiving application for a LAAN, TMR shall communicate with the Asset Owner regarding expected processing timeframes if this is likely to exceed **5 business days**. Written notification of objection with conditions, or no objection with conditions, must also be provided within a reasonable period of time. What is considered a reasonable period of time, will depend on the complexity and breadth of the telecommunications infrastructure under consideration.

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<sup>20</sup> See clauses 6(4), (4A) and (5) of Schedule 3.

The process for administering low impact facilities are defined by the Telecommunications Industry Ombudsman (TIO) Land Access Guidelines and the Austroads Telecommunications in Road Reserves: Administrative Guidelines for Road Authorities.

### Information Requirements for a LAAN

According to the *Telecommunications Act 1997*, Schedule 3, Part 1, Division 5, clause.17, spells out the requirements for a LAAN. It must:

- specify the purpose for which the carrier intends to engage in the activity.
- contain a statement to the effect that, if a person suffers financial loss or damage in relation to property because of anything done by the carrier in engaging in the activity, compensation may be payable under the *Telecommunications Act 1997* clause 42 of Schedule 3.

These requirements are further detailed in the Telecommunications Industry Ombudsman's 'Guidelines on the Installation and Maintenance of Low-Impact Facilities' which states in section 5:

The Notice must:

- specify the purpose of the proposed activities;
- detail the activities the Carrier expects to perform;
- specify the dates on which the Carrier is proposing to conduct the activities;
- advise the Landowner/occupier that compensation may be payable for any financial loss or damage
- in relation to the property as a result of the activities; and
- include a statement about how the Landowner/occupier can object to the proposed activities (including the deadline for lodging an Objection, and how the Land owner/occupier should submit the Objection e.g. address details).
- The Carrier should ensure that the description of the proposed installation activities is accurate and consistent throughout the Notice. If the Notice is not sufficiently tailored to properly reflect the particular facts, or if there are inconsistencies in the Notice (for example, if the drawings contradict the written description of the activities), this may result in the Notice being invalid.
- Including drawings/plans: The TIO expects Carriers to include drawings and plans in any Notice to explain how and where the proposed activities will be conducted.
- The drawings should also (when viewed together with the other materials in the Notice) provide the Landowner/occupier with sufficient information to:
  - understand what activities the Carrier wants to perform on the land, e.g. in order to install a Low-Impact Facility;
  - determine whether a proposed facility is a Low-Impact Facility; and
  - determine whether there are any valid grounds for objection to the proposed activities.

Further, the Guideline states; "good practice is demonstrated where the drawings are of a sufficient standard such that a person is able to understand the location and dimensions of any facility the Carrier proposes to install without reference to other documents."

Additionally, if the Carrier's activity is likely to affect the operations of another public utility (including a SCR), then the Carrier is required (under Schedule 3, Part 1, Division 5, clause.11) to make 'reasonable efforts' to enter into an agreement with TMR that makes provision for the manner in which the Carrier will:

- engage in an inspection of TMR's land (Division 2, clause.5)
- install facilities (Division 3, clause 6), and
- maintain facilities (Division 4, clause.7).

The Telecommunications Code of Practice also states that Carriers must:

- provide details of the actions that the Carrier expects to take, as part of the land entry activity, on land affected by the activity (s2.26(1)(a)); and
- provide a statement explaining the arrangements under Chapter 2 for making objections to the activity(s2.26((1)b)).
- act in accordance with good engineering practice (s2.5(a))

*Telecommunications Act 1997*, Schedule 3, clause 37 allows Carriers to undertake activities despite a State law regarding planning, design, siting, construction, alternation or removal of a structure. The Transport Infrastructure (State-controlled Roads) Regulation 2006, Section 10 (which specifies regulations associated with 79 of the TIA 1994<sup>21</sup>) does not apply in this instance. TMR can therefore condition Carriers on the following matters (which are matters that go to public safety, or liability – matters not excluded by clause 37):

- traffic control while the plant is being constructed, augmented, altered or maintained if it interferes with traffic flow or safety;
- the dates, times and location of access to the road;
- public risk insurance to be held by the owner of the plant in relation to the construction, augmentation, alteration or maintenance of the plant;
- the indemnification of the department from risks associated with the construction, augmentation, alteration or maintenance of the plant and the presence of the plant on the road.

Based on the material above, Telecommunications Asset Owners are requested to provide the following information in a LAAN to undertake Works within TMR's managed road corridor:

- 1) Covering letter identifying:
  - a) Name and ABN of the Telecommunication Asset Owner/Carrier
  - b) The name of the road and the proposed location (proximity to a notable feature/ town/ nearest intersection) where Works are proposed to be conducted

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<sup>21</sup> s79 TIA 1994 Chief executive's requirements for public utility plant

(1) The chief executive may, by written notice to the owner of public utility plant on a State-controlled road, make requirements about matters prescribed under a regulation in relation to the plant.

(2) The requirements may include the imposition of conditions, including conditions about the payment of a fee or other charge fixed by the chief executive.

- c) Date of submission
  - d) Project number as detailed on drawings
  - e) Proposed construction start date and finish date
  - f) Contact details including a contact person, email address, phone numbers and postal address
  - g) Detailed description of proposed Works (the purpose of the activity), including:
    - i) category/type of work, i.e. overhead or underground installation
    - ii) type of asset (e.g. fibre to the node, underground conduit, fibre to the premises)
    - iii) number of conduits/ node boxes/ poles /other asset types
    - iv) material (e.g. uPVC, DICL)
    - v) enveloper size (if underground)
    - vi) enveloper material (if underground).
- 2) Correspondence confirming acceptance of the proposed Works from any other third party or Service Authority that may be impacted.
  - 3) Correspondence confirming public liability insurance of an amount not less than \$20,000,000 which indemnifies the department from risks associated with the construction, augmentation, alteration or maintenance of the plant and the presence of the plant on the road. This may be provided as certificate of insurance annually if appended to a signed MoU between TMR and the Asset Owner.
  - 4) Completed and signed Deed of Indemnity in favour of TMR.
  - 5) Details of any non-standard alignment proposal identifying offsets from cadastral boundary, including details of rejected options.
  - 6) Details of any additional requirements that may be required for the installation of the Works, i.e. proposed locations of compounds/site huts, additional land requirements for bore strings, exclusion zones, clearing requirements etc.

**Additional information TMR requests Telecommunication Asset Owners to include in a LAAN**

Additional information required for TMR to undertake a proper assessment of the LAAN to undertake Works within TMR's managed road corridor includes:

- 7) Additional information in the covering letter identifying:
  - a) Any previous departmental reference numbers or correspondence relating to this activity
- 8) Design drawings from Asset Owners detailing:
  - a) The type of service to be installed (including, but not limited to; size; material; enveloper size; enveloper material; pressure/kV, cable type and size) and any associated infrastructure (e.g. valves, pits, poles, manholes, thrust blocks)
  - b) Locality plan including local streets, nearest cross roads, adjoining property ID number, etc. with impacted SCRs clearly marked

- c) A scaled or schematic diagram identifying the depth of cover, proximity to structures, proximity to other services or associated infrastructure and proximity to stormwater drainage including table drains.
- d) All road crossing details including orientation, proposed installation method, load bearing capacity calculations, etc.
- e) Typical sections identifying all trench reinstatement details including pavement reinstatement; and
- f) All bore details including location of entry and exit points, depths, diameter, proposed pressurised grout/ flow able material, envelope size, envelope type, etc.

If a design drawing cannot be supplied for items 8c to 8f above, the Carrier should instead provide a document or report that outlines the proposed:

- i. depth of cover, proximity to structures, proximity to other services or associated infrastructure and proximity to stormwater drainage including table drains
- ii. all road crossing details including orientation, proposed installation method, load bearing capacity calculations, etc., and
- iii. as constructed bore details including location of entry and exit points, depths, diameter, pressurised grout/ flowable material, envelope size, envelope type, and any trench reinstatement details.

**NOTE:** Plans must be readable on A3 and should meet TMR [Drafting and Design Presentation Standards](#).

Telecommunications carriers are not legislatively required by the *Telecommunications Act 1997* (Cwth) to provide the additional information specified in items 7 and 8 above.

However, noncompliance with this requirement which itself leads to TMR damaging the telecommunications plant, or increasing the cost of roadworks by TMR to deal with the plant, are matters for which TMR is indemnified under s. 82(1)(c) and s.82(2)(c) of the TIA 1994<sup>22</sup>.

Failure to provide site specific detail and correct information may result in TMR raising an objection to the LAAN on the grounds that the proposed activity is not sufficiently defined.

## TMR Decision Process

### Agreement after Notice (Installation)

Where TMR has no objection to the installation, TMR will inform the Carrier in writing of the required conditions under which the carrier can access and install the telecommunications asset. This will be undertaken through a written notification using the Administrative Guidelines for Road Authorities and will include an agreement with terms and conditions. This Agreement after Notice for Installation (AANI) will include:

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<sup>22</sup> There is nothing in the Telecommunications Act 1997 (Cwth) which precludes this consequence.



1. a clear statement of any requirements or conditions requested by TMR, including compliance with technical specifications noted in Appendix B. Note that the effect of Schedule 3 of the *Telecommunications Act* is that a Carrier has the legal authority to install telecommunications facilities without the approval of TMR (subject to the objection process described below). However, TMR's powers in the TI Act have the effect that if the Carrier does not comply with TMR requirements, then the Carrier will be liable for damage to damaged telecommunication plant, or additional costs of roadworks, because of the non-compliance with TMR requirements.
2. a statement that the AANI is only valid:
  - a. for the Asset Owner and their agent. Access to a SCR cannot be granted or transferred to anyone other person or party.
  - b. If the Asset Owner has correspondence confirming acceptance of the proposed Works from any other third party or Service Authority that may be impacted
  - c. if the conditions contained within the ANNI are complied with in full.
3. a condition that the AANI is issued for the Works detailed in the LAAN must commence no more than 1 year from the date of the written approval response and, unless otherwise extended, be completed within two (2) years.
4. notification if there is a requirement for the Asset Owner to hold an approved Traffic Control Permit before undertaking Works – [Traffic Management information](#) can be found on the TMR website.
5. TMR's required notification and approval processes to access the SCR for the purpose of installation, augmentation or alteration of the telecommunications infrastructure (i.e. a copy of, or website link to, this Protocol).
6. TMR's communication process for notifying the Asset Owner of proposed road upgrades/realignments that may impact on the telecommunications infrastructure.

#### **No Agreement, Inadequate Notice or Objection after Notice**

If TMR have concerns relating to the installation, in the **first five (5) of the ten (10) business days** from when a written LAAN is received from the Telecommunications Asset Owner/Carrier of its intention to undertake an activity, TMR has an opportunity to send the Carrier one of the following letters:

- Objection after Notice (Installation)
- Inadequate Notice (Installation)
- No Agreement (Installation)
- Refer to TIO.

If an objection is raised, the Carrier must try to resolve the objection by agreement, and if there is no agreement, the objection can be referred to the Telecommunications Industry Ombudsman (TIO) (Schedule 3, Part 1, Division 5, clause 17(4) *Telecommunications Act 1997*).

An informal issue resolution process may be entered into prior to referral to TIO for formal dispute resolution. Wherever possible, TMR supports informal issue resolution. For some Telecommunication Asset Owners, this informal process may be specified in a Memorandum of Understanding (MoU) or other mutually developed and endorsed documentation.

Under s2.30 of the Telecommunications Code of Practice, an objection by TMR may relate only to all or any of the following matters:

- a. using the objector's land to engage in the activity;
- b. the location of a facility on the objector's land;
- c. the date when the Carrier proposes to start the activity, engage in it or stop it;
- d. the likely effect of the activity on the objector's land;
- e. the Carrier's proposals to minimise detriment and inconvenience, and to do as little damage as practicable, to the objector's land.

In practice, this might also be interpreted to include:

- the activity will affect the safety or utility of the road corridor (s2.30(a) and s2.22(2))
- there is insufficient information provided to make a proper assessment (s2.30(e))
- the number of LAAN submitted by a Carrier for assessment in 10 business days are of an unreasonable number or complexity to review in that timeframe (s2.30(c))

The Carrier is required to take all reasonable steps to ensure that the Carrier causes as little detriment and inconvenience, and does as little damage, as practicable in engaging in the activity (*Telecommunications Act 1997*, Schedule 3, Part 1, Division 5, clause8)

If a Carrier gives notice to TMR of its intention to engage in a land entry activity, TMR may give the Carrier a written objection to the activity and this must include reasons for the objection (Telecommunications Code of Practice s2.29) All objections will be communicated in a way which ensures that the timeframes for assessment and action to be taken by the Carrier are clear to the Telecommunications Asset Owner.

If TMR does raise an objection, TMR will provide written notification to the Carrier that specifies:

1. the rationale for the objection
2. guidance regarding the changes required in the application to make it acceptable to TMR, that is, a way forward for the Asset Owner. This may include providing TMR with a detailed construction methodology or procedures – unless already provided as part of a MoU.

The Carrier must make reasonable efforts to consult with TMR about the objection within 20 business days after receiving TMR's objection. (Telecommunications Code of Practice s2.33(1))

As stated in the TIO's [Land Access Guidelines](#), the Landowner/occupier and Carrier have 20 business days (starting when the Carrier receives the Objection) to discuss the Objection and try to resolve it. During this period the Carrier must make reasonable efforts to resolve the Objection.

### **Non Low-Impact Facility**

Where the Asset Owner intends to access and install an asset which is determined to be non low impact, the Carrier must consult and negotiate with TMR to reach an agreement which will be documented as an installation-specific "licence agreement".

Information to be provided for application for a non-low impact facility is the same as for a LAAN, however the consultation and approval processes also include commercial elements that are negotiated on a case-by-case basis.

### 3.4.1 Non-compliance with TMR conditions/requirements

If the Carrier has not complied with the requirements or conditions TMR have specified in its correspondence or licence agreement, the Carrier can be held liable for future road work expense incurred from that non-compliance under sections 79-83 of the TIA 1994.

### 3.4.2 Further provisions and information

- 1) For information on Telecommunication Asset Owner's maintenance of facilities, see chapter 6 of the Telecommunications Code of Practice.
- 2) The Carrier must keep and maintain records of the kind and location of overhead lines, telecommunications transmission towers and underground facilities, and for the latter, records on the capacity of the facility to hold further lines. (Part 6, Schedule 1, s41 *Telecommunications Act 1997* (Cwth))
- 3) RPEQ certified plans, while preferred, cannot be required by TMR of Telecommunication Asset Owners/Carriers as the Carrier would need to obtain the services of a RPEQ supervising the work and Carriers are exempt from the application of such a State law under 37(2)(d) of Schedule 3 of the *Telecommunications Act 1997* (Cwth).
- 4) The Carrier must take all reasonable steps to ensure that the land is restored to a condition that is similar to its condition before the activity began and that restoration begins within 10 business days after the completion of the first mentioned activity.<sup>23</sup>

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<sup>23</sup> *Telecommunications Act 1997* (Cwth) Schedule 3, clause 9.

## 3.5 Water and Sewage

For ease of reference, the use of the terms 'water' or 'water asset' will include sewage or sewerage asset in this section.

### 3.5.1 Registered Water Service Provider Infrastructure

#### Rights

Registered Water Service Providers<sup>24</sup> may carry out water infrastructure work on SCRs if they have written approval from TMR. TMR may impose conditions on the approval it considers are reasonable.<sup>25</sup>

This applies to water service providers that provide water and wastewater services to the local residences (that is, registered water service providers).<sup>26</sup>

In accordance with section 10 of the Transport Infrastructure (State-controlled Roads) Regulation 2006, when authorising access to the SCR, TMR may apply conditions and/or requirements that relate to:

- a. the location of the plant on the road, including the alignment and depth of the plant on the road
- b. traffic control while the plant is being constructed, augmented, altered or maintained
- c. the dates, times and location of access to the road
- d. construction Works likely to adversely affect the road
- e. relocation of the plant, including who must pay the costs of the relocation
- f. reinstatement of the road after the plant has been constructed, augmented, altered or maintained

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<sup>24</sup> Registered Water Service Provider are: identified by the Department of Energy and Water Supply [www.dews.qld.gov.au/water/your](http://www.dews.qld.gov.au/water/your) legislated for under the *Water Act 2000* [www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WaterA00.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WaterA00.pdf) and *Water Supply (Safety and Reliability) Act 2008* [www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WaterSupSRA08.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WaterSupSRA08.pdf) regulated under the *Water Regulation 2002* [www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WaterR02.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WaterR02.pdf) and by the *Energy and Water Ombudsman Queensland* [www.ewog.com.au](http://www.ewog.com.au) bound by industry codes administered and enforced by *Water (Bulk Water Supply Code) Notice 2012* [www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WaterBWSCN12.pdf](http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/W/WaterBWSCN12.pdf)

<sup>25</sup> Registered Water Service Provider are considered, as a matter of TMR policy, to provide a Public Utility Plant as per Schedule 6 of the *Transport Infrastructure Act 1994* (TI Act). Division 3 of Part 5 of Chapter 6 of the TI Act contains requirements concerning Public Utility Plant located within state-controlled roads. Section 79 of TI Act enables TMR to unilaterally impose requirements and conditions upon water service providers. These conditions are detailed in section 10 of the *Transport Infrastructure (State-controlled Roads) Regulation 2006* (TI Reg.)

<sup>26</sup> In relation to the land (the intervening land) between the proposed point of taking and the applicant's land and for the purpose of taking the water and delivering it to the applicant's land, and to the extent the intervening land is a State-controlled road under the *Transport Infrastructure Act 1994*, the requirements of section 50 of that Act have been complied with in relation to any necessary ancillary works and encroachments under that section(s50 TI Act).

- g. public risk insurance to be held by the owner of the plant in relation to the construction, augmentation, alteration or maintenance of the plant
- h. the indemnification of the department from risks associated with the construction, augmentation, alteration or maintenance of the plant and the presence of the plant on the road.

### Consultation and Approval Process

In accordance with these rights, TMR requires an Asset Owner to provide written notification regarding construction, augmentation, alteration or maintenance of a water asset on a State-controlled road (s.80-s.81 TIA 1994). The written application must comply with section 1.2 Application Information Requirements of this Protocol. Upon receiving written notification, TMR will consider the proposed Works within the allowed **28 calendar days**.<sup>27</sup>

TMR may place conditions or other requirements on the approval of the water infrastructure, as per section 79 of TIA 1994. TMR is allowed to impose conditions on the above activities, as per sections 80(1) and 80(2) of the TIA 1994. Any conditions must be provided by TMR in writing as part of the Permit.

TMR is to communicate with the Asset Owner regarding expected processing timeframes if this is likely to exceed 28 calendar days.<sup>27</sup> The Permit must be provided within a reasonable period of time. What is considered a reasonable period of time, will depend on the complexity and breadth of the water infrastructure under consideration.

## 3.5.2 SEQ Water Infrastructure

### Rights

SEQ Water Infrastructure Asset Owners (distributor-retailers)<sup>28</sup> have the right to carry out water infrastructure work on SCRs if they have written approval from TMR. TMR may impose conditions on the approval it considers are reasonable.

SEQ Water Infrastructure Asset Owners must apply to TMR in writing for approval for water infrastructure work. The application must:

- a. describe the work and how it is proposed to be carried out; and
- b. give particulars of the location of the proposed work; and
- c. be supported by other relevant information, reasonably required by the entity, to enable it to consider the application.

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<sup>27</sup> In the absence of another statutory timeframe, 28 days is specified as the reasonable time it takes to process an application under s13(1)(b), Part 5 of the Transport Infrastructure (State-controlled Roads) Regulation 2006.

<sup>28</sup> South-East Queensland Water (Distribution and Retail Restructuring) Act 2009.

## Consultation and Approval Process

SEQ Water shall provide TMR with a written application containing the information outlined in section 1.2 Application Information requirements of this Protocol. Upon receiving the written application TMR must decide to grant or refuse approval to the SEQ Water Infrastructure Asset Owner within **20 business days** after receiving an application and must not unreasonably refuse to grant the approval. (South-East Queensland Water (Distribution and Retail Restructuring) and Other Legislation Amendment Act 2010 Part 2, s53BI, s53BJ and s53BK).

TMR may impose conditions on the approval it considers are reasonable. However, a condition about an alignment for water infrastructure on, or proposed to be built on, a road must ensure the alignment is located to ensure reasonable protection for the infrastructure; and if practicable, on the footpath or verge of the road. (*South-East Queensland Water (Distribution and Retail Restructuring) and Other Legislation Amendment Act 2010* Chapter 2B, Part 2 s53BK).

TMR is to communicate with the Asset Owner regarding expected processing timeframes if this is likely to exceed 20 business days.

The Permit must be provided within a reasonable period of time. What is considered a reasonable period of time, will depend on the complexity and breadth of the water infrastructure under consideration.

Furthermore the approval will be conditional on the distributor-retailer complying with the requirements of the SEQ Water legislation<sup>29</sup> to:

- a. complete the work as soon as practicable; and
- b. restore, as nearly as practicable, the relevant part of the place to the condition it was in before the work started; and
- c. remove any rubbish or surplus earth caused by the work; and
- d. comply with—
  - i. the conditions of any relevant public entity approval; and
  - ii. any relevant provisions of the water legislation and any other relevant law.

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<sup>29</sup> South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 Chapter 2B, Part 2 s53BO

## Appendix A: Definitions and Acronyms

Agent	Any person or organisation acting on behalf of the asset owner irrespective of their relationship (e.g. sub-contractor, delivery partner).
Asset Owner	<p>Organisation or individual (either public or private) that is the owner of a Utility Service, network or infrastructure. This is the term that will be used to refer to both Public Utility Providers (those permitted to install plant under legislation) and Private Utility Service Owners.</p> <p>Note: This does not apply to assets under the mineral resources suite of legislation for example, wholesale gas pipelines.</p>
Asset Owner Legislative Obligations	<p>Relevant state and federal government legislative obligations may include:</p> <ul style="list-style-type: none"> <li>• Native Title (Commonwealth) Act 1993</li> <li>• Native Title (Queensland) Act 1993</li> <li>• Environment Protection and Biodiversity Conservation Act 1999</li> <li>• Queensland Heritage Act 1992</li> </ul> <p>which must be addressed prior to application for a Permit from TMR.</p>
Brownfield	Previously used land or sections of industrial or commercial facilities that are to be upgraded. For road transport infrastructure projects this can better be defined as locations on existing roads where work proposals are based on retaining the existing formation to the greatest degree feasible.
Business Day	A day that is not a Saturday, a Sunday or a public holiday. Of note is that the Department of Transport and Main Roads (TMR) also have a two week Christmas closure period commencing on the 24 December. This period is therefore not considered as 'Business Days'.
Greenfield	Land that lacks any constraints imposed by prior work.
Land Access Activity Notification (LAAN)	The Telecommunication Asset Owner (or carrier) must give TMR 10 business day's written notice of its intention to undertake an activity before closing, diverting or narrowing a road or bridge; or installing a facility on, over or under a road or bridge. This written notification takes the form of a Land Access Activity Notification (LAAN). (Schedule 3, Part 1, Division 5, s.19 <i>Telecommunications Act 1997</i> (Cwth))
Maintenance	<p>Maintenance Works for assets may include but not be limited by the following Works:</p> <ul style="list-style-type: none"> <li>• access track maintenance</li> <li>• customer services and connections</li> <li>• underground cable, joint bays, pits and equipment maintenance and repairs</li> <li>• overhead power line equipment &amp; component maintenance, repairs &amp; replacement</li> <li>• communication asset maintenance</li> </ul>

	<ul style="list-style-type: none"> <li>• power and street light pole maintenance &amp; replacement</li> <li>• cross-arm maintenance &amp; replacement</li> <li>• street light conductor and equipment maintenance &amp; replacement</li> <li>• power pole and overhead equipment deliveries</li> <li>• vegetation management and removal</li> </ul>
Parties	Persons or organization that install a utility service in a state road corridor.
Permit	A conditioned agreement provided from TMR pertaining to the access, installation, maintenance, upgrade and removal of a Utility Service within a SCR corridor (including future transport corridors). For telecommunications, this was historically called a ‘Letter of no objections with conditions’.
Plant	For the purposes of this document, plant means “The equipment, including the fixtures, machinery, tools, etc., and often the buildings, necessary to carry on any industrial business” (Macquarie Dictionary)
Public Utility Plant	Means plant permitted under another Act or a Commonwealth Act to be on a road.
Public Utility Provider	<p>For the purpose of this document only, this means an entity that owns Public Utility Plant. Specifically:</p> <ul style="list-style-type: none"> <li>a) the State or another entity representing the State; or</li> <li>b) the Commonwealth or another entity representing the Commonwealth; or</li> <li>c) a local government; or</li> <li>d) a person authorised by law to provide a public utility service; or</li> <li>e) a person authorised under an Act to provide a particular public utility service</li> <li>f) an entity approved by the Minister as suitable to provide infrastructure for use by another entity in the provision of a particular public utility service; or</li> <li>g) a person approved by the Minister as suitable to provide a particular Public Utility Service</li> </ul> <p>Note: This definition does not supersede applicable legislation.</p>
Private Utility Service	A service connection, such as water, electricity, communication, etc. that will be utilised by an individual property owner and not authorised by an Act to be in the SCR corridor. These property owners do not have the same rights as Public Utility Providers often have to install plant in a SCR corridor.
Service Authority	A business organization, subject to governmental regulation, that provides an essential commodity or service, such as water, sewerage, gas, electricity, transportation, or communication, to the public.



State Controlled Road Corridor (SCR Corridor or SCR)	A State Controlled Road corridor is a road (or land intended to become a State-controlled road) which is “owned/managed” by the state and declared under sections 24 and 25 of the <i>Transport Infrastructure Act 1994</i> .
Road infrastructure or furniture	Includes but is not limited to bridges, gantries, traffic lights, pole mounted cameras, noise barriers, etc.
Third Party Access	Provision for a party other than the Department to gain access to a State Controlled Road Corridor to install a Utility Service that will not be owned by the Department.
TIA 1994	<i>Transport Infrastructure Act 1994</i> (Qld)
TMR	The Department of Transport and Main Roads
Transmission Service	Utility Service network that connects point of supply to the distribution network. Generally high pressure or higher kV networks.
Trunk Water Main	Generally large diameter water mains that transfer water from one area to another acting as a transmission service.
Utility Service	A publicly, privately or jointly owned and operated asset, located on either public or private property, the purpose of which is to transport for either the public or a private party a service or commodity such as electricity, communications, gas, light, oil, power, television, water, wireless signals and waste by means of cables, conduits, ducts, fibre optics, pipes and wires and includes related objects, such as access chambers, pits, valves, towers and other appurtenances.
Works	All tasks required and associated with the installation of infrastructure in a SCR corridor.

## Appendix B: Technical Specifications

Technical specifications and requirements for installation of utility infrastructure are available on the TMR website.

The Public Utility Plant specific technical requirements are 'TN163 Third Party Utility Infrastructure Installation in State Controlled Roads Technical Guidelines' and are available at;  
<http://www.tmr.qld.gov.au/business-industry/Technical-standards-publications/Technical-Notes/Road-design>