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Ancillary Works and Encroachments in State-Controlled Road Corridors

Exempt from Transport and Main Roads Approval

Relevant legislation

To maintain a safe and efficient road network, the *Transport Infrastructure Act 1994* (the Act) sets out the legislative requirements for ancillary works and encroachments on state-controlled roads. The construction, maintenance, operation and conduct of ancillary works and encroachments is covered by section 50 of the Act.

The Act requires the approval by the Chief Executive of the Department of Transport and Main Roads for ancillary works and encroachments on state-controlled roads. However, subsection 50(4)(a) exempts certain ancillary works and encroachments from the requirement to obtain the Chief Executive's approval. This factsheet lists the ancillary works and encroachments to which this exemption applies.

Note: [Schedule 6 of the Act](#) provides the definition of ancillary works and encroachments.

Who does this notice apply to?

This notice applies to any person or entity that intends to construct, maintain, operate or conduct ancillary works or an encroachment on a state-controlled road, those being constructed under a contract with the Chief Executive of the Department of Transport and Main Roads.

Definitions

The following definitions apply to the criteria contained in section 8 of this notice.

- *Ancillary works and encroachments*: Definitions of ancillary works and encroachments are provided in both the *Transport Infrastructure Act 1994* (the Act) and the subordinate *Transport Infrastructure (State-controlled Roads) Regulation 2006* (the Regulation).
- *Footpath*: Means an area open to the public that is designated for, or has as one of its main uses, use by pedestrians. It can be either a paved, unpaved or dedicated grassed area.
- *Industrial area*: Is a location where the land adjacent to the state-controlled road is classified as an 'industrial' zone in the relevant local government's planning scheme.
- *Obstruct the use of the footpath by pedestrians*: Is to obstruct a footpath in any way that would prevent a person with a wheelchair, mobility device or a pram from being able to safely use the footpath.
- *Rural area*: An area that generally contains many of the following features –
 - localised street lighting at major intersections only
 - sparse development adjacent to the road with buildings generally set a considerable distance back from the road boundary
 - land use generally associated with agriculture, forestry or passive recreational activities or industries involving large-scale operations
 - intersections widely spaced (approximately 1km minimum)
 - road traffic which has little or infrequent interaction with adjacent development
 - regulatory speeds generally 80km/h or higher.
- *Shared path*: Is an area open to the public that is designated for, or has as one of its main uses, use by both the riders of bicycles and pedestrians (as defined in section 242(2) of the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.)
- *State-controlled road*: Means a road or land, or part of a road or land, declared under section 24 of the *Transport Infrastructure Act 1994* to be a state-controlled road. A [map of the state-controlled road network](#) is available on the TMR website.

- **Urban area:** Means an area that generally contains most of the following features –
 - street lighting
 - extensive residential, commercial or industrial development or associated land uses abutting the road
 - significant interaction between adjacent development and passing traffic
 - considerable pedestrian movements
 - closely spaced intersections
 - numerous public utility services
 - regulatory speed generally 70km/h or less.

Conditions relating to exempt ancillary works and encroachments

The construction, maintenance, operation and/or conduct of some ancillary works and encroachments is considered to have a low impact on the safety and efficiency of the road network and therefore do not require the approval of the Chief Executive of the Department of Transport and Main Roads.

The ancillary works and encroachments set out in the following tables do not require the Chief Executive's approval if they:

- a) do not interfere* with a state-controlled road or its operation
- b) comply with the dimensions, locations, capacity, rigidity and other requirements specified below.

*Examples of interfering with a road or its operation include if anything –

- (1) is attached to a tree (except for roadside memorials) or road furniture (for example guardrails, guide posts, traffic signs and other Transport and Main Roads infrastructure),
- (2) interferes with the clear sight distance of motorists or pedestrians
- (3) overhangs any portion of a traffic lane for a state-controlled road
- (4) unreasonably distracts road users through illumination or movement
- (5) presents a potential hazard to road users
- (6) interferes with or restricts the movement of pedestrians or cyclists.

Further information

For further information on signs and promotional devices in a state-controlled road corridor, please contact your District Office at www.tmr.qld.gov.au/About-us/Contact-us/In-person/Roads-offices.aspx

Structures that do not require Transport and Main Roads approval

Ancillary works or encroachment	Criteria to be exempt
Mail boxes	Must: <ul style="list-style-type: none"> • be 50 litre capacity or less, and • be erected on one or two circular hollow posts that have a diameter less than 60mm and a wall thickness 3.6mm or less, and • be located 3.5m or further from the edge of the nearest traffic lane.
Rubbish & rubbish bins	Must: <ul style="list-style-type: none"> • be approved by the local government, and • be serviced by a rubbish collection service provided by a local government, and • be left for collection in a location agreed by the service provider, and • not be left permanently in the road corridor.

<p>Shop or building awning (in urban areas)</p> <p>Note: For new or replacement awnings, contact your local Transport and Main Roads office (http://www.tmr.qld.gov.au/About-us/Contact-us/In-person/Roads-offices).</p>	<p>Must:</p> <ul style="list-style-type: none"> • have been in existence prior to 2009, and • not infringe into a traffic lane, taking road cross-fall into account, and • not present a safety hazard.
<p>Roadside memorials</p>	<p>Must:</p> <ul style="list-style-type: none"> • comply with the Department of Transport and Main Roads' <i>Roadside Memorials</i> – this includes requirements on dimensions and location (http://www.tmr.qld.gov.au/Safety/Road-safety/Roadside-memorials.aspx), and • complete the <i>Roadside memorial information form</i> and submit it to the nearest Transport and Main Roads office (listed on the form).

Activities that do not require Transport and Main Roads approval

Ancillary works or encroachment	Criteria to be exempt
<p>Meetings on footpaths</p>	<p>Must:</p> <ul style="list-style-type: none"> • require participants to stand, and • not involve furniture, and • not allow participants to stand on the road pavement, and • not obstruct the use of the footpath by pedestrians, and • not be associated with a commercial activity.
<p>Fund raising and promotional activities by community based groups</p>	<p>Must:</p> <ul style="list-style-type: none"> • be conducted on a paved footpath, and • not be conducted on a shared path, and • not be conducted on a median strip, and • not be conducted within 3m of a pedestrian crossing, and • involve no furniture other than one table with a maximum diagonal length of 2m and up to two chairs, and • not obstruct the use of the footpath by pedestrians.
<p>Temporary grazing of stock</p>	<p>Must:</p> <ul style="list-style-type: none"> • have a permit from the local government approving the grazing, and • only occur during daylight hours, and • not be undertaken on roads that have kerb and channel, and • not be undertaken on a motorway, and • ensure the stock are enclosed within a portable electric fence, and • only use circular hollow fence posts that have a diameter less than 60mm and a wall thickness 3.6mm or less, and • ensure fence posts are located 3.5m or further from the edge of the nearest traffic lane.
<p>Camping</p>	<p>Must:</p> <ul style="list-style-type: none"> • not occur within 100 metres of a residence, and • not occur within 9m of the nearest traffic lane, and • must be permitted under the local government laws, and • not be prohibited by state or commonwealth regulation.

Vegetation and associated undertakings that do not require Transport and Main Roads approval

Ancillary works or encroachment	Criteria to be exempt
<p>Planting of vegetation by a landholder</p> <p>Note: This exemption only applies when kerb and channel are present.</p>	<p>Must:</p> <ul style="list-style-type: none"> • be planted by the landholder, and • occur on the footpath next to the landholder's property, and • have a mature height of 60cm or less, and • not have foliage within 60cm of the traffic lane, road shoulder or footpath, and • not use garden edging above ground level, and • not use anything that could cause a spearing hazard (such as wooden stakes or star pickets), and • not obstruct the use of the footpath by pedestrians.
<p>Minor vegetation trimming and maintenance by a landholder (including mowing)</p>	<p>Must:</p> <ul style="list-style-type: none"> • occur on the land adjacent to the landholder's property, and • not involve the clearing of any shrub or tree, and • not obstruct the use of the footpath by pedestrians.
<p>Watering vegetation (including the use of sprinklers)</p>	<p>Must:</p> <ul style="list-style-type: none"> • use a hose with a diameter of 4cm or less, and • not make the footpath or road shoulder boggy, and • not create a tripping hazard or piercing hazard, and • not obstruct the use of the footpath by pedestrians.

Signs that do not require Transport and Main Roads approval

Ancillary works or encroachment	Criteria to be exempt
<p>Election signs</p> <p>Note: Some local governments have permission to manage election signs on state-controlled roads. This exemption is not applicable if election signs are managed by the local government. Please check with your local government office.</p>	<p>Must:</p> <ul style="list-style-type: none"> • comply with the Department of Transport and Main Roads' <i>Election Signs on State-Controlled Roads</i> fact sheet – this includes requirements on when they can be erected, size, location/placement and construction (http://www.tmr.qld.gov.au/-/media/communityandenvironment/researcheducation/factsheets/electionsignage.pdf?la=en).
<p>Real estate and charity prize home</p> <p>Note: This exemption only applies when the sign cannot be viewed from the road (if located on the property).</p> <p>It does not exempt directional signs to guide customers through the road network to get to the home.</p>	<p>Must:</p> <ul style="list-style-type: none"> • be permitted under the local government laws for local roads in the area, and • be for a property situated next to the road with direct access to the road, and • be located directly next to the relevant property's boundary, and • not be attached to vegetation or Transport and Main Roads infrastructure (for example, road signs or guard rails), and • not be more than two in number – one no greater than 2.4m² and the other no greater than 0.6m², and • not be located on a motorway or freeway. <p>Note: In locations where visibility of the signs may be restricted by vegetation or large set back distances, the smaller sign (0.6m²) may be located away from the property's boundary if it meets the following requirements:</p>

	<p>(a) if it is made of light frangible materials (for example, corflute erected on a timber stake that is no bigger than 50mm x 25mm), it must be located at least 3.5m from the edge of the nearest traffic lane on roads with a speed limit of 80km or less, or at least 6m from the edge of the nearest traffic lane on roads with a speed limit greater than 80km,</p> <p>(b) If made from heavier materials, the signs must not be in the 'clear zone' as defined in Austroads 'Guide to Road Design - Part 6: Roadside Design, Safety and Barriers'. Please see your local Transport and Main Roads District Office (http://www.tmr.qld.gov.au/About-us/Contact-us/In-person/Roads-offices) for more information.</p> <p>While meeting (a) or (b) above, the sign must be located as close as practicable to the property boundary.</p>
<p>Property name signs – for example 'Upson Downs'</p> <p>Note: This exemption only applies to properties that are situated next to the road and have direct access to the road. It does not apply to residential blocks.</p>	<p>Must:</p> <ul style="list-style-type: none"> • be erected on one or two circular hollow posts that have a diameter less than 60mm and a wall thickness 3.6mm or less, and • not be located within 9m of the nearest traffic lane.
<p>Neighbourhood Watch signs</p>	<p>Must:</p> <ul style="list-style-type: none"> • be permitted under the local government laws for local roads in the area, and • be located on street name sign posts, and • not be higher or wider than 225mm (unless mutually agreed by the Queensland Police Service, the Department of Transport and Main Roads and the local government for the area), and • not be located on a motorway or freeway.
<p>Queen's Baton Relay signs for the 2018 Commonwealth Games</p> <p>Note: These signs can only be displayed from 1 January 2018 until 7 days after the Queen's Baton has passed the location.</p>	<p>Must:</p> <ul style="list-style-type: none"> • comply with the Department of Transport and Main Roads' <i>Queen's Baton Relay Signs on State-Controlled Roads</i> fact sheet – this includes requirements on when they can be erected, construction, location and placement (Queen's Baton Relay signs).

Roadside advertising that does not require Transport and Main Roads approval

Ancillary works or encroachment	Criteria to be exempt
<p>Business advertising on awnings (excluding motorways and freeways)</p>	<p>Must:</p> <ul style="list-style-type: none"> • have a clearance under the sign of at least 2.5m, and • not move/rotate/change the image/message being displayed, and • not flash (but may be illuminated), and • be permitted under the local government laws for local roads in the area, and • not infringe into a traffic lane (taking road fall into consideration), and • only display advertising that relates to the business names or products/services available from the building to which the awning is attached.
<p>Signs relating to products or services available at a business premises – in urban areas (excluding motorways and freeways)</p>	<p>Must:</p> <ul style="list-style-type: none"> • be permitted under the local government laws for local roads in the area, and • only be displayed during trading hours, and

	<ul style="list-style-type: none"> • be limited to one A-frame footpath sign with no moving or rotating elements or attachments, with a maximum height of 1m and a maximum width of 0.6m and a maximum depth of 0.6m, and • be located directly outside the building in which the products or services are available, and • be located as close as practicable to the building, and • not obstruct the use of the footpath by pedestrians.
<p>Signs relating to products or services available at a business premises – in rural and industrial areas (excluding motorways and freeways)</p>	<p>Must:</p> <ul style="list-style-type: none"> • not obstruct sight lines for drivers at intersections or driveways, and • be permitted under the local government laws for local roads in the area, and • only be displayed during trading hours, and • not be more than two A-frame signs with no moving or rotating elements or attachments, with a maximum height of 1.5m and a maximum width of 1m and a maximum depth of 1m, and • be located directly outside the building in which the products or services are available, and • be located as close as practicable to the property boundary, and • not obstruct the use of the footpath by pedestrians. <p>In addition to the above:</p> <ul style="list-style-type: none"> • If the sign is made of light frangible materials (for example, corflute erected on a timber stake that is no bigger than 50mm x 25mm), it must be located at least 3.5m from the edge of the nearest traffic lane on roads with a speed limit of 80km or less, or at least 6m from the edge of the nearest traffic lane on roads with a speed limit greater than 80km. • If made from heavier materials, the signs must not be in the 'clear zone' as defined in Austroads 'Guide to Road Design - Part 6: Roadside Design, Safety and Barriers'. Please see your local Transport and Main Roads District Office (http://www.tmr.qld.gov.au/About-us/Contact-us/In-person/Roads-offices) for more information.