

Engineering Policy 162

Policy for the management of roadside advertising

October 2017

Copyright



<http://creativecommons.org/licenses/by/3.0/au/>

© State of Queensland (Department of Transport and Main Roads) 2017

Feedback: Please send your feedback regarding this document to: tmr.techdocs@tmr.qld.gov.au

Contents

- 1 Policy Statement1**
- 1.1 Intent 1
- 1.2 Purpose..... 1
- 1.3 Scope..... 1
- 1.4 Objectives 2
- 2 Applicability.....2**
- 3 Principles.....3**
- 4 Management of roadside advertising devices.....4**
- 4.1 Installation, operation and maintenance within the boundaries of SCRs 4
 - 4.1.1 *Compliance and enforcement*5
 - 4.1.2 *Appeals and reviews*5
 - 4.1.3 *Local government*.....5
- 4.2 Roadside advertising outside the boundaries of, but visible from, SCRs and motorways 6
 - 4.2.1 *Local government applications*.....6
 - 4.2.2 *Compliance and enforcement*6
- 4.3 Roadside Advertising Manual 6
- 4.4 New technology and design innovation 7
- 4.5 Fees and charges 7
- 4.6 Vegetation and tree clearing..... 7
- 5 Implementation and Review8**
- 5.1 Implementation 8
- 5.2 Review 8
- Glossary9**

1 Policy Statement

1.1 Intent

The Department of Transport and Main Roads recognises that roadside advertising provides a customer service to the community and commercial opportunities.

The department provides a framework within which roadside advertising may be approved where the location, placement, design and operation of the advertising device, does not distract drivers or adversely impact road safety and efficiency¹.

1.2 Purpose

The purpose of this policy is to provide a transparent, equitable and consistent, state-wide framework for the management of roadside advertising devices located:

- within the boundaries of a state-controlled road (SCR)
- outside the boundaries of, but visible from, a SCR, and
- outside the boundaries of, but visible from, a motorway.

The policy must be read in conjunction with the administrative, assessment and technical standards set out in the *Roadside Advertising Manual* (2017) (the Manual)² as amended or replaced from time to time. The Manual contains details about the permissible physical characteristics, placement, design, operational and enforcement standards for roadside advertising devices.

This policy replaces the Department of Transport and Main Roads': Policy for advertising on or near state-controlled roads.

1.3 Scope

This policy outlines the department's state-wide position on the management of roadside advertising located on SCRs or outside the boundaries of, but visible from, SCRs.

In the context of this policy, advertising means the promotion of a product, service, event or any other activity for a business or non-profit organisation or entity deriving some form of benefit (financial or otherwise) from the display of the advertising. An advertising device means any poster, hand bill, placard, projection notice or sign and the advertising structure to which such advertisement is affixed, painted on, carried or supported by (for example, three-dimensional objects including statues, sculptures and monuments). Official monuments such as war memorials, state border markers and roadside art installations, are not considered advertising devices and are not subject to this policy.

To minimise driver distraction potential, the department may regulate the physical characteristics and or operating parameters of advertising displays including (but not limited to) location, size, height, brightness, construction materials, dwell time, words, pictures, videos, moving images and three-dimensional objects. Advertising devices in whole or part must not resemble or mimic official traffic signs³.

¹ Section 3 of the *Transport Operations (Roads Use Management) Act 1995*.

² www.tmr.qld.gov.au

³ Section 75 of the *Transport Operations (Road Use Management) Act 1995*.

The department does not manage advertising standards or content (advertising copy) displayed on advertising devices. Transport and Main Roads relies upon the Advertising Standards Bureau to enforce minimum advertising standards through the self-regulatory controls within the advertising industry. Complaints regarding the content displayed on election signs are managed by the Australian Electoral Commission for federal elections and the Electoral Commission Queensland for state and local government elections. The department only intervenes if the advertising content displayed on an advertising device may create a danger to traffic.

Advertising copy displayed on advertising devices located on or visible from, a SCR, may not necessarily represent the views of the Queensland Government or Transport and Main Roads⁴.

1.4 Objectives

Transport and Main Roads key legislative objective is to ensure the safety and efficiency of the road network.

The department supports its customers by providing an equitable, transparent and consistent approach to the management of roadside advertising devices within, and outside the boundaries of, SCRs.

Roadside advertising is managed to protect, maintain and operate the road network safely.

An objective of this policy is to manage and promote agile solutions to keep pace with the rate of technological change.

2 Applicability

The policy applies to the regulation of roadside advertising on SCRs under the statutory control of the department. Regulation includes the construction, maintenance, operation⁵ and enforcement⁶ of advertising devices within and in some circumstances, outside the boundaries of, but visible from, SCRs and Motorways⁷

The policy applies to franchised roads⁸. Although stock routes through a state reserve may be legally defined as a road, the department has no jurisdiction to approve advertising devices in these areas⁹.

Advertising devices regulated by the department are detailed in the *Roadside Advertising Manual*.

⁴ Section 139 of the Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015.

⁵ Section 50 of the *Transport Infrastructure Act 1994*.

⁶ Section 52 of the *Transport Infrastructure Act 1994*.

⁷ Section 43 of the *Transport Infrastructure Act 1994* and Section 139 of the Transport Operations (Road Use Management Accreditation and Other Provisions) Regulation 2015.

⁸ Schedule 3 of the *Transport Infrastructure Act 1994*.

⁹ Section 24(5) *Transport Infrastructure Act 1994*.

Signs that are not advertising devices are managed by different legislation, standards and / or guidelines. This policy **does not apply** to:

- official traffic signs¹⁰
- variable message traffic management signs utilising the features and functions of a variable message signs (VMS) to provide information to drivers about traffic management, road safety or efficiency¹¹
- signs associated with activities road authorities are required to manage (for example, Adopt-A-Road and anti-litter campaigns signs)
- official monuments such as war memorials, state border markers and roadside art installations
- information on official traffic signs providing directional advice even though it may provide ancillary benefits to business
- tourist and service signs¹²
- welcome signs¹³
- service centre and petrol station signs¹⁴
- non-standard official traffic control devices (for example, fatigue zone signs with trivia questions)¹⁵, and
- departmental major project signs and banners on light poles and infrastructure¹⁶.

3 Principles

Roadside advertising on, or outside the boundaries of, SCRs provide business opportunities for the outdoor advertising industry and promotes local businesses in small rural communities. Outdoor advertising promotes Queensland businesses by providing information about products, services and activities. At times, advertising devices can also assist drivers to navigate and locate businesses and services.

The department's roadside advertising principles on SCRs include:

1. **Roadside advertising shall not compromise road safety or traffic efficiency.** Roadside advertising devices have the potential to distract drivers. The department seeks to minimise the potential to distract by applying placement, location, design and operational standards based on engineering and safety in design principles.

¹⁰ [*Manual of Uniform Traffic Control Devices.*](#)

¹¹ [*Traffic and Road Use Management Manual.*](#)

¹² [*Guideline for Tourist Signs for Commercial Tourist Attractions on State-Controlled Roads.*](#)

¹³ [*Welcome Signs.*](#)

¹⁴ [*Third Party Road Use Guideline: Roadside Service Centres.*](#)

¹⁵ [*Traffic and Road Use Management Manual.*](#)

¹⁶ [*Manual of Uniform Traffic Control Devices.*](#)

2. **Roadside advertising is supported through equitable access to transport networks.**
Transport networks provide services to the community and commercial opportunities for the department, the outdoor advertising industry, local businesses, community and charitable organisations. The department supports roadside advertising devices in appropriate locations where road safety and efficiency standards are met.
3. **Roadside advertising devices are compatible with local and visual amenity.** The department supports high quality advertising displays with a deliberate absence of advertising clutter and sign saturation to preserve market value and the amenity of the local area. The department may set conditions for the spacing of roadside advertising devices and protect lines of sight to preserve roadside vistas.
4. **Placement and operation of roadside advertising devices protect cultural, historic, conservation and environment areas.** When assessing the placement and operation of advertising devices on SCRs, the department may not approve advertising devices within the boundaries of SCRs in the following areas¹⁷:
 - Cultural and historic sites
 - National parks
 - State Forests
 - Areas classified as remnant endangered ecosystems
 - Areas classified as remnant of concern regional ecosystems
 - Areas of high nature conservation value
 - Areas vulnerable to land degradation

4 Management of roadside advertising devices

4.1 Installation, operation and maintenance within the boundaries of SCRs

The safe and efficient operation of the road network is the department's primary obligation when assessing the appropriateness of a particular advertising device on a SCR. Transport and Main Roads must balance the community's needs for safe and efficient roads with the desires and aspirations of business and industry, community and local government.

To provide for the installation, operation and maintenance of advertising devices within SCRs, the department uses administrative procedures applying to Ancillary Works and Encroachments (activities and structures) (AWE)¹⁸. Advertising devices and advertising signs are AWE requiring written approval from the Chief Executive (for example, Road Corridor Permit [RCP] and / or licence agreement).

¹⁷ Also refer to [Transport and Main Roads' Significant Environmental Areas Policy 2011](#)

¹⁸ Part 5 of the *Transport Infrastructure Act 1994* and Schedule 6 of the *Transport Infrastructure (State-controlled Roads) Regulation 2006*.

In addition to written approval for advertising devices, other types of AWE requiring written approval may include activities associated with the installation, operation and maintenance of an advertising device including (but not limited to) vegetation clearing, landscaping, slashing, removing trees, roadside vending, burning off and planting¹⁹.

Certain minor advertising devices such as signs installed on business premises on the boundaries of private properties and SCRs and on awnings and footways on SCRs, are exempt from requiring departmental approval if they comply with the standards in the AWE Gazette notice²⁰ and meet the requirements outlined in the Manual.

4.1.1 Compliance and enforcement

The department may require an advertising device to be altered, relocated, made safe or removed if an advertising device is constructed, maintained, operated or conducted contrary to the statutory provisions for AWE²¹. For activities associated with the advertising devices or other AWE, the department may direct activities to be altered or cease to be conducted²². The department may:

- recover costs associated with altering or relocating, making them safe or removing them²³
- cause the devices to be sold or destroyed²⁴ and direct the proceeds of any sale²⁵
- apply a penalty²⁶.

4.1.2 Appeals and reviews

Internal and external reviews and appeals are available for persons affected by decisions made about roadside advertising²⁷. The issues resolution process for appeals and reviews is documented in the Manual.

4.1.3 Local government

Local government management of some types of advertising devices (for example, real estate, roadside vending, bus shelter and election signs) on SCRs may be exercised through relevant local laws, local law polices and town planning provisions in their LGA²⁸. Local government may make local laws with respect to the regulation of advertising upon any road of any business with the chief executive's written agreement²⁹. Not all local governments in Queensland have written approval, only those who have formally requested the power to regulate.

The department may review local government regulation of advertising devices on SCRs from time to time.

¹⁹ Schedule 6 of the *Transport Infrastructure Act 1994*.

²⁰ *Ancillary Works and Encroachments Notice (No. 3) 2017*.

²¹ Section 50 of the *Transport Infrastructure Act 1994*.

²² Section 52 of the *Transport Infrastructure Act 1994*.

²³ Sections 52 of the *Transport Infrastructure Act 1994*.

²⁴ Section 52(2) of the *Transport Infrastructure Act 1994*.

²⁵ Section 52(3) of the *Transport Infrastructure Act 1994*.

²⁶ Section 52(5) *Transport Infrastructure Act 1994*.

²⁷ Part 5 of the *Transport Planning and Coordination Act 1994* and sections 485, 485A and 485B of the *Transport Infrastructure Act 1994*.

²⁸ Section 66 *Transport Operations (Road Use Management) Act 1995*.

²⁹ Section 66 *Transport Operations (Road Use Management) Act 1995*.

Local government criteria to manage advertising devices on SCRs shall, at a minimum, be equivalent to departmental technical standards set out in the Manual.

4.2 Roadside advertising outside the boundaries of, but visible from, SCRs and motorways

4.2.1 Local government applications

Local government regulate advertising devices outside the boundaries of, but visible from, SCRs and motorways in accordance with their local laws³⁰ or development applications³¹. When an advertising device is located outside the boundaries of, but visible from, a motorway and where it is reasonably likely to create a traffic hazard for the motorway, local government must refer applications to the department for conditions on the device's installation, alteration and operation³². Transport and Main Roads limits its comments to issues of traffic safety and efficiency.

The department does not have the statutory power to approve, or otherwise, the placement of advertising devices outside the boundaries of, but visible from, SCRs (other than motorways). This includes advertising devices located on private property, local government roads, rail corridors and roads and rail links under airport jurisdiction.

4.2.2 Compliance and enforcement

Transport and Main Roads has the power to ensure roadside advertising devices, beyond the boundaries of, but visible from, a motorway, do not create a traffic hazard³³.

When considering an application for an advertising device outside the boundaries of, but visible from, a SCR, local government should consider the department's powers to remove or modify a light or sign in, on, or near a road, or attached to a building or other structure in the vicinity of a road, that may create a danger to traffic³⁴.

External assessment managers are encouraged to consult with Transport and Main Roads and consider the impact of future road works and land resumptions, landscaping programs, vegetation and tree growth, existing advertising devices and traffic signs, may have on the advertising device prior to its installation or modification.

4.3 Roadside Advertising Manual

The *Roadside Advertising Manual* (the Manual) replaces the *Roadside Advertising Guide* (2009-2017). All current and compliant advertising devices assessed and approved under the *Roadside Advertising Guide* and the earlier *Guide to the Management of Roadside Advertising* (1994-2009) are considered lawful until the end of the agreed term.

³⁰ Pursuant to the relevant local law in accordance with provisions in the *Local Government Act 2009*.

³¹ *Planning Act 2016*.

³² Section 43(6) of the *Transport Infrastructure Act 1994*.

³³ Section 139 of the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015*.

³⁴ Section 139 of the *Transport Operations (Road Use Management Accreditation and Other Provisions) Regulation 2015*.

The department develops the technical aspects (locational, placement, design and operational) of roadside advertising devices in line with safety in design philosophy and driver distraction principles and research outcomes. The department's primary concern is with road safety and traffic efficiency, and is reflected in the warrants and controls developed and applied to the various types of advertising devices outlined in the Manual. The Manual also contains assessment and administrative standards, procedures and processes.

The Manual is available on the Transport and Main Roads' website: www.tmr.qld.gov.au

4.4 New technology and design innovation

The department is responsive to opportunities arising from technological and innovative advancement in roadside advertising device design and operation. Industry's need for innovation is considered when practicable and when road safety and traffic efficiency is not compromised. New technical standards may be developed as required and will be established on engineering principles, safety in road design principles and sound engineering judgement.

4.5 Fees and charges

Transport and Main Roads has a number of high value sites on heavily trafficked road corridors suitable for installing outdoor advertising devices. As the department identifies sites, they are offered to market in accordance with the Queensland Procurement Policy and the department's goods and service procurement framework³⁵.

For large format advertising devices, Transport and Main Roads requires the advertiser to pay a fee or charge³⁶ relative to the benefit derived by the advertiser and commensurate with current market rates. Not all advertising devices attract a fee or charge. Fees and charges are subject to annual adjustments in accordance with the Government Index Policy.

The department may waive the market advertising fee for approved signs located on SCRs for community and registered local charitable and not-for-profit organisations as the department's contribution to the charity in recognition of the service provided.

4.6 Vegetation and tree clearing

A person may not, without lawful excuse, damage, remove or interfere with naturally occurring materials on a SCR³⁷. Vegetation clearing, landscaping, slashing, removing trees, burning off and planting activities to improve the visibility of an advertising device within the boundaries of SCRs, requires a RCP³⁸ (refer to Section 4.1). It is the responsibility of the applicant to comply with all environmental legislation.

Advertising devices located outside the boundaries of, but visible to, a SCR (including motorways) rely on the business generated from traffic flow. Consequently, written approval for vegetation and tree clearing may be issued by the department to improve visibility of the device. However, the department is not obligated to improve or protect the visibility of advertising devices located outside the road network and applications for clearing are assessed on a case-by-case basis.

³⁵ [Queensland Procurement Policy, 2013.](#)

³⁶ Section 50(5) of the *Transport Infrastructure Act 1994*.

³⁷ Section 47 of the *Transport Infrastructure Act 1994*.

³⁸ Section 52 of the *Transport Infrastructure Act 1994*.

Local governments and advertisers are encouraged to consider the impact that the department's landscaping programs³⁹ and vegetation management obligations within the road network may have on future sign visibility prior to the installation of the advertising device outside the boundaries of SCRs. Advertising devices shall be located to minimise the requirement for trimming of trees and vegetation within the road network.

5 Implementation and Review

5.1 Implementation

The policy is not applied retrospectively to existing written approvals for advertising devices. Non-conforming advertising devices will be gradually phased out as opportunities arise.

Non-conforming advertising devices that do not have a written approval from the relevant authority may need to go through an approval and application process as sites are brought to the department's attention.

Where there is a road safety or traffic efficiency impact, advertising devices that do not have written approval from another entity (for example, local government) at the commencement of this policy, may need to be rectified, removed or relocated as required.

5.2 Review

The Executive Director, Transport System Management is the policy owner and responsible for the review of the policy and supporting administrative and technical standards including, but not limited to, the Manual. The policy should be reviewed, at a minimum, every five years. Minor changes may be made to the policy between review intervals when necessary.

³⁹ *Road Planning and Design Manual.*

Glossary

Term	Description
Advertising	Advertising means the promotion of a product, service, event or any other activity for a business or non-profit organisation or entity deriving some form of benefit (financial or otherwise) from the display of the advertising.
Advertising Content	Advertising content is the actual advertisement, includes all words, shapes, colours and images portrayed on an advertising device. May also be referred to as advertising copy.
Advertising device (or sign)	An advertising device means any poster, hand bill, placard, notice or sign and the advertising structure to which such advertisement is affixed to, painted on, or supported by.
Ancillary works and encroachments (AWE)	Ancillary works and encroachments are activities and structures within the boundaries of state-controlled roads and are regulated by: <ul style="list-style-type: none"> • Section 50 and Schedule 6 of the <i>Transport Infrastructure Act 1994</i> • Part 5 and Schedule 1 of the Transport Infrastructure (State-controlled roads) Regulation 2006 • <i>Transport Infrastructure Act 1994, Ancillary Works and Encroachments notice (No.1) 2016.</i>
Franchised roads	Declaration of franchised roads – Schedule 3 of the <i>Transport Infrastructure Act 1994</i> .
<i>Guideline for tourist signs for commercial tourist attractions on state-controlled roads</i> , 2013	Guideline to provide assistance to applicants, Transport and Main Roads and Regional Tourist Organisations in the application and assessment process and administrative arrangements for the installation of tourist signs on state-controlled roads in Queensland.
Important Official Traffic signs	Important Official Traffic signs that are signs placed or installed in accordance with the <i>Manual of Uniform Traffic Control Devices</i> that require a driver decision to be made, or if missed, may pose a safety hazard. A non-exhaustive list of Important Official Traffic Signs (and what are not Important Official Traffic Signs) can be found in the Manual.
<i>Manual of Uniform Traffic Control Devices</i>	The <i>Manual Of Uniform Traffic Control Devices</i> contains the design of, and the methods, standards and procedures in relation to every sign, signal, marking, light or device, installed on a road.
Motorway	A motorway is state-controlled road that is declared by gazette notice as a motorway, or a road or land that is intended to become a motorway (and the department has notified the relevant local authority in writing of this intention). Declaration of Motorways refer to Section 27 of the <i>Transport Infrastructure Act 1994</i> .
<i>Queensland Procurement Policy</i>	The <i>Queensland Procurement Policy</i> is the government's overarching policy for the procurement of goods and services, including construction. It is principal driven and its purpose is to deliver excellence in procurement outcomes for Queenslanders.
<i>Roadside Advertising Manual</i>	Roadside advertising administrative, assessment and technical practitioners' manual, as it changes from time to time.
Road Corridor Permit (RCP)	Road Corridor Permits are approvals under the Transport Infrastructure Act 1994 for third party applicants to undertake activities, conduct works or erect structures within the road network.

Term	Description
<i>Road Planning and Design Manual (2nd Edition)</i>	The <i>Road Planning and Design Manual (2nd edition)</i> provides the approved framework for the planning and design of roads in Queensland.
Significant Environmental Area	Significant Environmental Area (SEA) refers to an area within government supported transport infrastructure, containing significant ecological / environmental values, unique environmental character / feature or has special conservation characteristics, that is protected from impacts of transport construction, operational and / or maintenance activities and other uses of the transport corridor / asset and requires management to ensure the values or characteristics persist and / or are improved.
State-controlled roads	Declaration of state-controlled roads – Section 24 of the <i>Transport Infrastructure Act 1994</i> .
Third party road use policy: roadside service centres guideline	Signage guidelines for roadside service centres and petrol stations on state-controlled roads in Queensland.
<i>Traffic and Road Use Management Manual</i>	Contains supplements to the Austroads' guides (Guide to Traffic Management, and Guide to Road Safety) on matters specific to Queensland and guidelines vary from national practice (or are not adequately covered in the Austroads' guides).
Transport and Main Roads' Region and Districts	Refer to the departmental website for information about Transport and Main Roads' Regions and Districts.
<i>Welcome signs, 2015</i>	Guideline to assist in the application and assessment process and administrative arrangements, for the installation of various types of Welcome signage on state-controlled roads in Queensland.

