

Practitioner Manual

Roadside Advertising Manual
Edition 4

Assessment Volume

December 2022

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1 Introduction

The Department of Transport and Main Roads may manage roadside advertising devices within, and outside the boundaries of, but visible from a state-controlled road (state-controlled road) and motorways where it can be demonstrated the location, placement, design and operation of the advertising device, does not adversely distract drivers or impact road safety or traffic efficiency.

1.1 Role of advertising

Advertising along roads has a role to play both for business, as suppliers of goods and services, and for the public, as consumers. Outdoor advertising reaches its audience as part of the roadside environment. Unlike newspaper, radio or television, it doesn't have to be invited into the home – and it doesn't have to provide entertainment to sustain its audience.

Outdoor advertising is a glance medium and as such messages must be brief. The advertising industry aims to serve the public by attracting their attention, then providing information. However, this can sometimes direct motorists' attention away from the driving task, which does not support the department's aims of efficiently managing traffic and providing a safe road environment.

To reduce the potential of driver distraction and manage road safety risk, the department will permit and manage advertising on state-controlled roads when it complies with certain conditions and technical standards which may include controls or restrictions on the nature, operation, design and location of advertising devices.

1.2 Role of the department

The department must consider many issues when assessing the appropriateness of any advertising device that will be visible from a state-controlled road. The demands for increased roadside advertising must be balanced against the needs and concerns of the wider community. Roadside advertising cannot be permitted to compromise the safety and efficiency of the road network.

The department does not have the statutory power to approve, or otherwise, the placement of new advertising devices outside the boundaries of state-controlled roads. Approval lies with the relevant local government. However, the department does have the power under Section 139 of the Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015 to require the removal or modification of a light or sign which may create a danger to traffic (refer Section 5). In considering an application for an advertising device outside the boundaries of, but visible from, a state-controlled road, a local government may consider the department's exercise of this power.

1.3 Policy for the management of roadside advertising

The department's *Policy for the Management of Roadside Advertising (Version 1, 2017)* (the policy) describes the department's overarching position, direction and approach to the management of roadside advertising devices within, and outside the boundaries of, but visible from state-controlled roads.

The policy must be read in conjunction with the *Roadside Advertising Manual* containing administrative, assessment and technical requirements.

1.4 Roadside Advertising Manual

The *Roadside Advertising Manual* (the manual) replaces all previous versions.

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

The manual comprises three volumes:

- *Administration Volume*: provides information for administration officers to assist in the application process and support customers' needs.
- *Assessment Volume* (this volume): information about assessment and approval standards for the management of roadside advertising.
- *Technical Volume*: provides the safety and efficiency technical standards for management of advertising device types.
- Practice notes and factsheets (for example, *Election Signs* and *Small Electronic Devices (< 4 m²) within School Zones* fact sheet) have been developed for some types of advertising devices to support customers' needs.

The policy, manual, practice notes and fact sheets are available on the Transport and Main Roads' website: www.tmr.qld.gov.au

The manual will:

- assist the department and local government to evaluate proposals for roadside advertising within and outside the boundaries, of state-controlled roads
- assist other government authorities to evaluate proposals for roadside advertising beyond the boundaries of, but visible from, state-controlled roads
- ensure roadside advertising is placed in a location that minimises negative road safety and traffic efficiency impacts
- provide a transparent, equitable and consistent framework for the management of roadside advertising, and
- provide sufficient information to potential advertisers or other interested persons to enable customers a degree of certainty of application when the advertising device type meets the standards and provisions in the manual.

There are three major issues that play an important role in this manual:

- safety and traffic efficiency issues – which impact on motorists, cyclists and pedestrians using the road (refer to the *Technical Volume*).
- future development issues – which reduce or eliminate the need for the department to resume advertising sites for road widening or other purposes.
- environmental issues – which consider the need to preserve vegetation and surrounding environs of state-controlled roads.

1.4.1 Assessment volume

This volume provides information about assessment and approval standards for the management of roadside advertising devices within the boundaries of state-controlled roads (Sections 1, 2, 3, and 6). The department's role in the management of roadside advertising devices located outside the boundaries, but visible from, state-controlled roads and motorways, is provided in Sections 1, 4, 5 and 6.

The *Assessment Volume*:

- provides the statutory framework and principles behind the regulation of roadside advertising devices
- describes procedures for compliance, enforcement and removal of unauthorised advertising devices
- gives information about fees and charges
- outlines indemnity, insurance compensation and appeal provisions, and
- provides information on conditions, fees and permits for the vegetation management associated with roadside advertising devices.

1.5 Advertising device types replacing the category system

Previous versions of this manual assigned advertising devices into one of four categories in recognition of their different administrative arrangements and potential to impact on road safety.

Due to design innovation and technological advancement, the Category system no longer caters for the diverse range of advertising devices such as sign-wavers, projection advertising, mobile advertising devices and highway service advertising signs. Increasing design variation makes new Category allocations for innovative devices problematic as technological components often appear on different types of devices (for example, variable message signs on billboards) and modes (mobile billboards on trailers and trucks).

Technical standards for each type of advertising device have been organised according to *advertising device type* in discrete parts set out in the *Technical Volume*. This improvement will ensure new types of advertising devices can be added as required without unnecessarily modifying or reviewing the entire category which may contain multiple types of devices.

1.6 Advertising content / copy

The department will generally rely upon self-regulatory controls within the advertising industry to enforce minimum advertising standards. Notwithstanding this approach, the department may take action to modify or remove any advertising device within or outside the boundaries of, but visible from, a state-controlled road that may create a danger to traffic¹.

Where the department enters into a licence agreement for advertising devices within the boundaries of state-controlled roads, the department reserves the right to apply certain controls on the advertising copy content to ensure that the content does not create a traffic hazard.

¹ Section 139 of the Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015.

Complaints regarding advertising content / copy should be directed to the Ad Standards (AS) (was Advertising Standards Bureau). Information about the AS and self-regulatory codes and initiatives can be found on their website: <https://adstandards.com.au/>

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.

1.7 Implementation

Some changes have been made to this manual since its last revision. To allow affected parties to conform to the new requirements, the department's officers will generally try to work with and advise people and businesses of the changes and of the department's requirements.

1.7.1 Advertising outside the boundaries of, but visible from, state-controlled roads

The manual is not intended to be retrospectively applied to existing advertising devices. However existing advertising that may create a danger to traffic on a state-controlled road may be rectified, removed or relocated. This may be by agreement with the advertiser, or by direct use of the department's powers.

For all **existing** advertising devices, the department has a duty to apply the manual:

- at the time when the continued future existence of the advertising device is being reviewed, or
- where a specific advertising device(s) is brought to the department's attention, or
- where the department is invited to provide comment or approve an application.

Examples of when the department is required or invited to provide comment or approve an application for an **existing** advertising device:

- where a local government requires approval under its local laws, and its policy requires the department's input for devices proposed near a state-controlled road.
- where a device is situated on rail land and the agreement regarding the device is to be renewed.

1.7.2 Advertising within the boundaries of state-controlled roads

This manual does not apply to existing approved advertising devices (unless the approval states otherwise) and:

- the approval is renewed (for example, licences, agreements, approvals or permits expire, are reviewed or renewed), or
- they conflict with road works, or
- they create a traffic hazard.

Where advertising devices do not comply with the manual, and licences, agreements, approvals or permits expire, the department may require the device to be:

- removed, or
- relocated, or
- altered.

The department may permit the device to remain, on a temporary basis, where it does not compromise road safety or efficiency.

- Advertising which is not approved and does not comply with this manual will be rectified, relocated or removed as soon as practicable.

Temporary charity and events banner sites that no longer comply with this manual shall be phased out over a period of time determined on a local basis.

1.8 Review

The effectiveness of this manual depends on how it is implemented in a practical way. In light of experience with specific case examples, the manual may need to be reviewed at a later date.

1.9 Contacts

Contact details for district / regional offices are available on the Transport and Main Roads website: <http://www.tmr.qld.gov.au/About-us/Contact-us/In-person/Roads-offices.aspx>

2 Management of roadside advertising within the boundaries of state-controlled roads and motorways

To provide for the installation, operation and maintenance of advertising devices within state-controlled roads, the department uses administrative procedures applying to Ancillary Works and Encroachments (activities, structures or other things) (AWE) in accordance with provisions under the *Transport Infrastructure Act 1994*. Advertising devices and advertising signs are AWE requiring written approval from the chief executive (for example, Road Corridor Permit (RCP) and / or licence agreement). Application forms for RCPs (Form M4771) can be made in person at Transport and Main Roads' district office or on the Transport and Main Roads' website via the Permit for Access to Road and Corridor customer portal².

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, burning off and planting.

2.1 Conservation areas

There are certain areas where advertising may be inappropriate due to the nature of the surrounding area. Advertising is generally not permitted within the boundaries of state-controlled roads in the following areas:

- National Parks
- State Forests
- World Heritage areas
- areas classified as remnant endangered regional ecosystems
- areas classified as remnant of concern regional ecosystems
- areas of high nature conservation value, and
- areas vulnerable to land degradation.

2.2 Stock routes

Although stock routes through a state reserve may be legally defined as a road as per Section 24(5) of the *Transport Infrastructure Act 1994*, the department has no jurisdiction to approve advertising devices in these areas.

2.3 Assessment of advertising devices within the boundaries of state-controlled roads

When assessing the appropriateness of an advertising device on a state-controlled road, the department has a primary obligation with respect to the safe and efficient operation of the road. The department will permit and manage advertising on state-controlled roads where it complies with certain conditions and technical standards which may include controls and restrictions on location, placement, design and operation of the advertising device.

² Road Corridor Permit (Department of Transport and Main Roads) (tmr.qld.gov.au)

The department may approve advertising devices within the boundaries of state-controlled roads provided:

- The advertising device conforms to the provisions of the department's advertising policy titled *Policy for the Management of Roadside Advertising (Version 1, 2017)*.
- The advertising device conforms to the standards in the *Roadside Advertising Manual*.
- the local government does not have authority to approve the advertising device (for example, devices attached to transport shelters and real estate signs).

Advertising devices within the boundaries of state-controlled roads shall comply with the following:

- An advertising device shall not contravene any statutory or state controls.
- An advertising device shall accord with the general and relevant specific permission criteria (*Technical Volume*).
- Where required, an advertising device shall accord with the indemnity and insurance criteria (refer Section 2.6). Certain types of advertising devices are exempt from public liability insurance indemnity requirements (Appendix A).
- Existing advertising devices must comply with the above criteria at the time when an application is made for modification and at the renewal of permits.

2.3.1 General assessment criteria

Other criteria apply:

- for all advertising proposed within the boundaries of a state-controlled road, and
- where an advertising device is proposed to be erected on land outside the boundaries of, but visible from, a state-controlled road.

Where an advertising device is proposed within the boundaries of a state-controlled road, the department may:

- advise of the potential impact of future road, landscape or noise barrier projects on the advertising proposal
- assess the impact the proposal may have on future resumption costs (where road upgrading proposals conflict with the advertising device proposal), and
- assess the impact the proposal may have on access to the state-controlled road.

The following criteria shall also apply:

- Safe access shall be available to the advertising device for erection, maintenance and alteration activities. For devices located on land adjacent to state-controlled roads, access shall be permitted only at existing access locations where current access approval includes such use.
- The advertising device and surrounding area shall be kept in a clean and tidy condition.
- Advertising devices beyond the boundaries of, but visible from, state-controlled roads shall not be permitted access over landscaping and so on within the boundaries of state-controlled roads.

- The undertaking of clearing, trimming, slashing and burning off within the boundaries of state-controlled roads to enhance the visibility of an advertising device (irrespective of location) shall be subject to departmental approval and an application fee (refer Appendices B and C).
- Unauthorised clearing, trimming, slashing, burning off or otherwise removal or destruction of vegetation on a state-controlled road may be subject to prosecution or a fine.
- Where an advertising device is proposed within the boundaries of a state-controlled road, the department shall apply RCP conditions that limit erection and maintenance activities to nominated time frames, to ensure safety of personnel and minimum disruption to traffic operations.
- All proposed alterations to approved advertising devices within the boundaries of state-controlled roads shall be referred to the responsible authority at least three weeks before the alteration, except where the responsible authority may not require advice of proposals to alter content on an advertising device (unless the approval states otherwise).

Apart from accommodating vehicular and pedestrian traffic, road reserves are corridors for utility services such as power, telecommunications, gas, stormwater, water supply and sewerage. The location of these services is known by other agencies with their own legislative right to install these services within the road reserve. The department does not know the accurate location of all underground services. One organisation set up to provide this type of advice is *Dial Before You Dig*³.

Advertising device owners are solely responsible for ensuring that during erection, maintenance, alteration and operation of an advertising device, the device does not conflict with services or other things within the road reserve.

2.3.2 Visual amenity

In relation to advertising devices within the road reserve, the department will have regard to advice by the local government when it may be a concern.

2.3.3 Local government management of advertising devices on state-controlled roads (not motorways)

Local government management of some types of advertising devices on state-controlled roads may be exercised through relevant local laws, local law polices and town planning provisions in their local government area. 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 agreement under Section 66 of the *Transport Operations (Road Use Management) Act 1995*. Not all local governments in Queensland have written approval from the chief executive, only those local governments that have formally requested and been granted written approval to regulate.

The types of advertising devices the department **may** devolve to local government are **strictly limited** to the following:

- charity art union prize home signs (including advance signs)
- election signs

³ <http://www.1100.com.au/#>

- footway signs
- real estate signs
- roadside vending signs (advance and vehicle mounted signs) - includes cars for sale on state-controlled roads⁴, and
- transport shelters and seats.

The department may review local government regulation of advertising devices on state-controlled roads from time to time. Local government criteria to manage advertising devices on state-controlled roads shall, at a minimum, be equivalent to Transport and Main Road's technical standards set out in the manual.

The department will consult with the relevant local government regarding advertising on state-controlled roads. While not bound by any policies of that local government, the department will endeavour to achieve consistency in the treatment of advertising on state-controlled roads and local government roads in a local government area, and to seek agreement on roadside advertising conditions.

Where it is agreed to delegate management of some types of advertising devices, local governments are encouraged to consult with the department regarding advertising applications for state-controlled roads which do not comply with departmental policy or this manual.

2.4 Fees and charges

For billboards and major advertising devices, the department requires the advertiser to pay a market fee relevant to the benefit derived by the advertiser and commensurate with market rates. Fees charged for advertising devices within state-controlled roads that do not require a licence agreement cover administrative approval costs.

2.5 Approvals and applications

Advertising devices within the boundaries of state-controlled roads shall comply with the policy and this manual. Where necessary, written approval from the department shall be obtained. Advertising devices may require a licence agreement and / or a RCP. Appendix A outlines approval requirements for each type of advertising device.

A licence or RCP issued by the department under this manual does not relieve the licensee from the duty to comply with all local laws, policies and town planning provisions pertaining to advertising devices signs and their structures.

2.5.1 Application flow charts

Application flow charts for the management of roadside advertising devices within the boundaries of state-controlled roads are provided in the *Administration Volume*.

⁴ Although the roadside vending signs may be devolved to particular local government, roadside vending activities and structures on SCRs may still be managed by the department. Contact your local Transport and Main Roads district office for further information.

2.5.2 Licence agreements

- For billboards and other high-value advertising devices within a state-controlled road, the department will establish a market fee in accordance with the *Queensland Procurement Policy* and may include a competitive tendering process for a site or length of road. For example, the department may seek expressions of interest or call for tenders.
- Expressions of interest are not required for temporary charity and events banners. An application must be lodged with the department and will require the establishment of a licence agreement with the department.
- For illuminated advertising on street name posts, an applicant requires a state-wide licence agreement with department along with a RCP for each device.
- Advertising devices attached to transport infrastructure (for example, bus shelters), require a fee if managed by the department.
- Certain low-value advertising devices – if not exempted under the *Transport Infrastructure Act 1994* – Notice under Section 50(4) – are exempt from fees by the department.

2.5.3 Road Corridor Permits

Where necessary, approval of the department shall be obtained. Applications to the department for advertising devices within state-controlled roads shall be on the RCP Form (M2373). A separate application form should be submitted for each advertising device or groups of advertising devices as specified.

Before completing the application form, applicants should read the relevant sections of the manual and assess if their application complies with requirements. Applications must be accompanied by a copy of the Technical Specifications / plans drawn to drafting standards and showing relevant construction and fixing details of the proposed advertising device, including the device's relationship to surrounding infrastructure and to the site. Part 5 of the Transport Infrastructure (State-controlled Roads) Regulation 2017 outlines specific administrative requirements associated with AWE applications.

RCP forms, information and copies of the Manual may be viewed at Transport and Main Roads' regional or District office and are available on the Transport and Main Roads' website:

www.tmr.qld.gov.au

2.5.4 Permit exemptions for roadside advertising devices within the boundaries of state-controlled roads (not motorways)

Under the *Transport Infrastructure Act 1994* – Notice under Section 50(4) (AWE Notice)⁵ some types of advertising devices are permitted on state-controlled roads without any approvals from the department, provided certain criteria are met, although local government approval may be required in some circumstances. Refer to Appendix A for information about the type of advertising device that may require local government approval.

⁵ Refer to the Transport and Main Roads [website](#) for further information.

2.5.5 Other permits

A licence, permit or approval issued by the department does not relieve the holder from the duty to comply with other state government agencies, local laws and planning provisions pertaining to advertising devices and their structures on state-controlled roads.

2.6 Public liability insurance and indemnity

An advertising device owner or licensee shall indemnify (and keep indemnified) the department against any claim, action or process for damage and / or injury that arises as a result of the installation or existence of an advertising device. Unless specifically exempted in this manual, applications for approval of advertising devices shall be supported by evidence of a current public liability policy of insurance issued in accordance with the requirements of this section. Refer to Appendix A for indemnity and public liability information about specific advertising device types.

2.6.1 Insurance

The licensee shall provide evidence of public liability insurance for the following types of advertising devices and associated activities located within the boundaries of state-controlled roads:

- traditional and electronic billboards
 - large free-standing devices attached to buildings or overhead infrastructure
 - trivision signs
 - temporary charity and events banners on light poles, bridges and other infrastructure
 - illuminated advertising on street name posts
 - roadside vendor signs
 - trimming / clearing of vegetation and tree clearing
 - maintenance of the advertising device, and
 - construct and design of advertising device infrastructure (contractor insurance).
- During the term and at its sole cost and expense, the licensee shall obtain and keep in full force and effect, a public liability insurance policy in joint names as insured the licensee and the department for their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons; or accidental damage to property.
 - The public liability policy of insurance shall be for an amount of no less than \$20 M for any single event (or such higher amount as may be notified in writing by the department from time to time) and shall be affected with an insurer approved in writing by the department and on terms approved in writing by the department. In exceptional cases, where the applicant can demonstrate a minimal level of risk, Transport and Main Roads may accept a reduced level of cover.
 - The public liability policy of insurance shall include a cross-liability clause in which the insurer agrees to waive all rights of subrogation or action that it may have or acquire against all or any of the persons comprising the insured.
 - The licensee shall produce evidence to the satisfaction of the department of the insurance effected and maintained by the licensee and its contractor(s) for the purposes of the second dot point above, within seven days of receiving a written request to do so from the department.

- If the licensee fails to produce evidence in accordance with the above paragraph, the department may affect and keep in force the public liability policy of insurance and pay such premiums as may be necessary for that purpose; and the amount so paid shall be a debt due from the licensee to the department and may be recovered in a court of competent jurisdiction.

2.6.2 Indemnity

A licensee / sign owner / applicant (licensee) shall be required to indemnify the department for the designated advertising device and activities, including its construction, design, operation and maintenance requirements located within the boundaries of state-controlled roads.

The licensee shall indemnify the department against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the department which arise as a result of the installation and / or operation of an advertising device.

The licensee shall keep the department indemnified against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the department which might arise from the existence of such advertising device – in accordance with the requirements of the RCP or licence agreement.

The licensee shall be required to indemnify the department for activities involving the trimming / clearing of vegetation within the boundaries of state-controlled roads required for the advertising device, irrespective of the location of the advertising device. Refer to Appendix C for the trimming / clearing of vegetation.

2.7 Work health and safety

The applicant shall abide by the requirements of the *Work Health and Safety Act 2011* and other applicable laws and obligations during construction, installation, operation and maintenance activities. The Licensee is a 'person conducting a business or undertaking' (PCBU) for the purposes of the *Work Health and Safety Act 2011*.

It is desirable to appoint the RCP proponent as the PCBU for the purposes of the *Work Health and Safety Act 2011* to ensure that there are no adverse implications for the department under Work, Health and Safety legislation.

3 Compliance and enforcement within the boundaries of state-controlled roads and motorways

The department has powers to remove or alter unauthorised advertising devices under Section 52 of the *Transport Infrastructure Act 1994*.

Transport and Main Roads' regional and district offices and local governments should be familiar with the management responsibility for advertising within state-controlled roads. In particular, staff should be alert to the existence of unauthorised advertising devices within their jurisdiction. A range of actions is available when an advertising device is observed to create a traffic hazard and does not comply with the requirements of this manual.

To ensure equity, enforcement should be applied uniformly across the state. Where a Transport and Main Roads region or district has an existing maintenance regime that includes the regular removal of unauthorised devices, this program should continue.

If a Transport and Main Roads' region or district has not routinely removed unauthorised advertising, the region or district should communicate the department's advertising signage requirements to businesses and the local community. This may involve placing advertisements in local newspapers or distributing pamphlets outlining the department's requirements. This communication should be conveyed in a helpful and informative manner. The department can charge a fee for the removal of an unauthorised and illegal advertising device on a state-controlled road (refer to Appendices A and B).

3.1 Authorised advertising devices within the boundaries of state-controlled roads and motorways

3.1.1 Devices creating a traffic hazard or obstacle to work

The following procedures apply if an authorised advertising device is either:

- a traffic hazard
- an obstacle to carrying out road works, or
- an obstacle to the construction, augmentation, alteration or maintenance of public utility plant.

3.1.1.1 Traffic hazard:

- If the advertising device is creating, or likely to create, a traffic hazard on a state-controlled road, immediate action should be taken to make safe the hazard or remove the advertising device.
- The advertising device's owner should be notified in writing as soon as practicable.

3.1.1.2 Obstacle:

- Immediately notify the advertising device owner in writing of the required action. In cases of emergency, remedial action may be undertaken without prior written notification.
- A device may be removed by the responsible authority if requested remedial action has not been satisfactorily undertaken by the owner within the specified time period. The costs for removal may be recovered from the owner (unless otherwise specified by a licence agreement or permit).

3.1.2 Breach of conditions

The following procedure applies if an authorised advertising device is in breach of a licence or permit condition:

- Notify the advertising device licensee or permit holder of the required action to remedy the breach within a specified time period.
- If remedial action has not been undertaken within the specified time period, the responsible authority for the advertising device may either cancel the licence or permit, or alter, relocate, make safe or remove the device.

Proceedings to remove an advertising device without compensation may be undertaken if a renewal fee is not received by the due date, and no alternate course of action is contained within a licence agreement or permit. The advertising device owner must be consulted before removal in such circumstances.

3.2 *Unauthorised advertising devices within the boundaries of state-controlled roads and motorways*

3.2.1 Devices creating a traffic hazard

- If the advertising device is creating, or likely to create, a traffic hazard on a state-controlled road, immediate action should be taken to make safe the hazard or remove the advertising device.
- The advertising device's owner should be notified in writing as soon as practicable.

3.2.2 Low value advertising device

Low value advertising devices may be immediately removed and disposed of. These are typically attached to guide posts, power poles, lighting columns and trees; and manufactured from low cost materials such as cardboard or corflute.

3.2.3 Higher value signs

Examples of higher value advertising devices are steel framed A-signs, unregistered trailers or devices that incorporate a substantial structure.

- Where the device does not pose a traffic hazard, the owner must be advised in writing of the required action to be taken within a specified time period. The advertising device may be removed if, after reasonable effort, its owner cannot be located.
- If the advertising device owner has not satisfactorily undertaken remedial action within the specified time period, the advertising device may be altered, relocated, made safe or removed.
- Where unauthorised advertising is removed, it may be disposed of or sold after being stored for a period of one month. The owner may collect the advertising device upon payment of a fee. Appendix A provides fee related information. A minimum fee may be charged which reflects the actual costs associated with the removal, storage, disposal or sale of the unauthorised advertising device.

3.2.4 Advertising attached to a vehicle

Where a registered motor vehicle or trailer is parked on a state-controlled road for the sole purpose of advertising, the Queensland Police Service should be requested to remove the vehicle (refer to Section 6.3). Note: A current registration label or registration plate would be evidence of registration.

Where advertising is attached to a small, unregistered trailer, the trailer may be removed by the department. Before removal, the trailer's owner should be contacted (see Section 3.2.3, 'Higher Value Signs'). Where the trailer owner cannot be contacted, the local Police Station should be advised before removing the trailer.

3.2.5 Legal action

Legal proceedings or the issue of an infringement letter may be undertaken for an unauthorised advertising device (in addition to removing the device). A written warning should be issued to the owner of the offending advertising device before commencement of legal proceedings. The presence of a sign that warns about such unauthorised activities would be regarded as equivalent to a written warning. All legal proceedings should be coordinated through the department's Legal Services. Transport and Main Roads officers are encouraged to contact the Corridor Policy team before undertaking any legal action.

3.3 Relocation of existing advertising devices

Where the department does works that affect the visibility of an advertising device, the department would work with a proponent to try to identify an alternative site, but no guarantee could be given that a suitable site would be available in the vicinity. Relocation would be at the advertiser's expense. Any advertising device relocated would be treated as a new device and would therefore have to comply with the requirements of this manual.

3.4 Compensation for alteration or removal of approved advertising devices within boundaries of state-controlled roads

Should roadworks or the installation or maintenance of public utility services necessitate the removal and / or relocation of an approved advertising device within the boundaries of a state-controlled road, the licensee will carry out this work promptly. Where no advertising fees are collected by the department, the advertising device is required to be relocated at no cost to the department. Where advertising fees are collected, the department or service utility provider may be liable for the costs of removal and pro-rata refund of advertising fees only. Where an advertising sign is required to be relocated, the department cannot guarantee a suitable replacement site.

Apart from the possible payment of removal costs and a rebate on fees, the department will not provide compensation for loss of revenue or relocation of advertising devices within a state-controlled road, except where individual agreements separately address compensation or where specific clauses in this manual permit the payment of such compensation.

Section 52(7) of the *Transport Infrastructure Act 1994* provides for the department to enter into an agreement regarding a contribution towards the cost of altering, relocating, making safe or removing an approved AWE (advertising device) within the boundaries of a state-controlled road.

3.5 Compensation for alteration or removal of approved advertising devices outside the boundaries of, but visible from, state-controlled roads

The cost of removing free-standing advertising devices on private property subject to resumption may be a department responsibility, provided that:

- the advertising device was lawfully erected before notification of the intention to resume, and
- the advertising device owner can demonstrate an interest in the land under the *Acquisition of Land Act 1967*.

Evidence of the pre-existing lease agreement shall be provided to the department before receiving any compensation entitlements.

Local government should be aware of the financial burden it could place or impose on the department when approving advertising devices beyond the boundaries of, but visible from, state-controlled roads. Local government should consult with the department to determine the future possibility of road widening and land resumption before approving any advertising device adjoining a state-controlled road.

The department will not pay compensation for the removal of an advertising device which it considers may create a traffic hazard.

Compensation issues are settled in accordance with the relevant legislation, notably the *Acquisition of Land Act 1967* and the *Transport Planning and Coordination Act 1994*.

3.6 Appeals and reviews

Part 5 of the *Transport Planning and Coordination Act 1994* and Section 485 of the *Transport Infrastructure Act 1994* make provision for merit-based appeals against decisions made by the department.

3.6.1 Internal review of decisions

A person whose interests are affected by a decision relating to an advertising device, may lodge such an appeal related to a decision made under the *Transport Infrastructure Act 1994*. Before lodging an appeal, the affected person shall seek a review of the decision from the chief executive.

The department shall provide a statement of reasons for the decision. Section 196 and Schedule 2 of the *Transport Infrastructure Act 1994* identify the court to which a further appeal should be made.

3.6.2 External review of decisions

If the original decision is not the decision sought by the applicant for the review, the chief executive must give the applicant a Queensland Civil and Administrative Tribunal (QCAT) information notice for the reviewed decision. The applicant may apply for a review of the chief executive's decision, as provided under the *Queensland Civil and Administrative Tribunal Act 2009*.

3.6.3 Ombudsmen

A person whose interests are affected by a decision made under the *Transport Infrastructure Act 1994* may direct their complaint to the Queensland Ombudsman.

The Ombudsman investigates complaints about the actions and decisions of Queensland public agencies and their staff that may be unlawful, unreasonable, unfair, improperly discriminatory or otherwise wrong. More information can be found at the Queensland Ombudsman website:

www.ombudsman.qld.gov.au

4 Roadside advertising devices outside the boundaries of, but visible from, state-controlled roads and motorways

Approval for advertising devices located outside the boundaries of state-controlled roads should be sought from the relevant local government. Local governments may refer applications to the department as they deem necessary. The department will respond to enquiries relating to traffic safety and efficiency and may indicate if the area proposed for the advertising device is to be affected by future roadworks, including road upgrades or deviations, landscaping or provision of noise barriers.

An application for approval of an advertising device must be made on the relevant authority's prescribed form.

4.1 Development assessment under the Planning Act 2016

This section provides information to assist development applicants and local governments for the provision of advertising devices in proximity to state-controlled roads. It also provides an overview of the Queensland planning framework.

4.1.1 Development process overview

The *Planning Act 2016* provides the legislative framework for planning and development assessment in Queensland.

The Planning Regulation 2017 (the Planning Regulation) establishes where development must be referred to the state for assessment. Development that may impact on the safety or efficient operation of state transport infrastructure, state transport corridors (including state-controlled roads), or future state transport corridors is triggered under the Planning Regulation and referred to the State Assessment and Referral Agency (SARA) for assessment.

SARA is an agency within Queensland Treasury. Queensland Treasury is responsible for administering the Planning Act, and for assessing development applications in relation to state interests, as outlined in the Planning Regulation.

SARA, in consultation with the department, will assess a referred application against planning legislation and state planning instruments, including the State Development Assessment Provisions (SDAP).

SDAP contains 'state codes' stipulating the assessment criteria which referred development applications must comply with to be approved by the State. SDAP is structured in a performance-based code format to demonstrate that a development appropriately manages any impacts on a matter of state interest, and / or protects a development from impacts of matters of state interest.

SDAP State code 1: Development in a state-controlled road environment contains the assessment criteria for applications referred due to their proximity to state-controlled roads or future state-controlled roads.

4.1.2 Development assessment for advertising devices

Operational work is development that is assessed under the *Planning Act 2016* and means – work, other than building work or plumbing or drainage work, in, on, over or under premises that materially affects premises or the use of premises. Placing an advertising device on a premise is regarded as operational work and is therefore development for the purposes of the Planning Act. However, development applications are only referred to the State when required under Schedule 9 or 10 of the Planning Regulation. If an advertising device is associated with a development application which requires referral to the State for assessment, the application is assessed against *SDAP State code 1: Development in a state-controlled road environment*.

4.2 Advertising devices outside the boundaries of state-controlled road, but visible from motorways

Section 43 of the *Transport Infrastructure Act 1994* allows local government to obtain written approval from the department where the local government intends to approve an advertising device outside the boundaries of, but visible from, a motorway. Provisions also allow the department to make guidelines and permission criteria, including conditions, for these devices.

If a local government refers to the department an application for the placement of an advertising device outside the road boundary, the department limits its comments to issues of traffic safety and efficiency. However, there may be times where it would be helpful for the department to provide advice on future roadworks, planning schemes and vegetation management issues within the road reserve that may impact on the proposed advertising device to be located outside the boundaries of state-controlled roads.

4.3 Application flow charts

Application flow charts for the management of roadside advertising devices outside the boundaries of, but visible from, state-controlled roads are provided in the *Administration Volume*.

4.4 General assessment criteria

General assessment criteria set out in Section 2.3.1 apply to advertising devices located outside the boundaries of, but visible from, state-controlled roads.

4.4.1 Visual amenity

For advertising devices outside the boundaries of state-controlled roads, visual amenity will not form the basis of assessment by the department.

5 Compliance and enforcement for advertising devices outside the boundaries of, but visible from, state-controlled roads

The department may issue a notice to the owner of a light or sign that is, or could create, a danger to traffic, requiring the light or sign to be altered or removed. The notice should be issued under Section 139 of the Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015. Certain departmental officers are delegated these powers by the chief executive.

Alternatively, the department may ascertain from the relevant local government whether the advertising device has been approved or complies with local government approval. Where the advertising device does not comply with local government approval requirements, the department may request or assist local government to enforce its requirements.

Where the advertising device is visible from a state-controlled road and the local government did not refer the application to the department before the approval, the department should address this procedural matter with local government.

6 Other statutory controls

6.1 Attaching advertising devices to electricity works

The *Electricity Act 1994* Section 230 states that a person must not wilfully and unlawfully interfere with an electricity entity's works (for example, attaching something to an electricity entity's works).

6.2 Facsimile of an official traffic sign

The *Transport Operations (Road Use Management) Act 1995* Section 75 prohibits the unlawful installation of official traffic signs. The advertising device must not be a facsimile of an official traffic sign. Advertising devices may not be displayed if they:

- may be mistaken for, confused with, any official traffic sign
- reduce the clarity or effectiveness of any official traffic sign, and
- encourage traffic to move contrary to an official traffic sign.

6.3 Hand-held and vehicle mounted advertising devices

Section 126 of the *Traffic Regulation Act 1962* outlines offences in relation to hand-held and vehicle-mounted advertising devices on roads without a permit from the department or the Queensland Police Service (QPS). Normally, QPS is not expected to issue permits for the conduct of such activities on state-controlled roads. Section 126B of the *Traffic Regulation Act 1962* provides for carrying signs on roads.

6.4 Vegetation and tree clearing to improve visibility of an advertising devices outside the boundaries of, but visible from, state-controlled roads

Section 47 of the *Transport Infrastructure Act 1994* states that "a person must not, without lawful excuse, damage, remove or interfere with naturally occurring materials" on a state-controlled road. Section 49(5) of the *Transport Infrastructure Act 1994* provides for such approval to be subject to conditions, including the payment of fees and charges. Refer to Appendix C for vegetation and tree clearing permit conditions and Appendix A and B for permit and fee information.

In approving an AWE, the department cannot approve the taking of a protected plant that is restricted by Section 89 of the *Nature Conservation Act 1992*. A protected plant is a plant that is prescribed under the *Nature Conservation Act 1992* as threatened, rare, near threatened or least concern wildlife. The Nature Conservation (Wildlife) Regulation 2006 identifies threatened, rare and common wildlife that must be protected.

For information regarding clearing of any native vegetation please contact the Department of Natural Resources, Mines and Energy as a permit may be required. A person who clears trees from a road without a tree clearing permit, or damages, removes or interferes with a naturally occurring material within the road reserve may be liable for prosecution. Other government permits may also be required.

6.5 Electoral Act

Election signs on state-controlled roads must comply with the *Electoral Act 1992*.

7 References

Departmental manuals and standards are available on the Transport and Main Roads website: www.tmr.qld.gov.au

- *Acquisition of Land Act 1967*
- *AWE notice: Transport Infrastructure Act 1994 – Notice under Section 50(4)*⁶
- *Electricity Act 1994*
- Nature Conservation (Animals) Regulation 2020
- Nature Conservation (Plants) Regulation 2020
- *Nature Conservation Act 1992*
- *Planning Act 2016*
- *Queensland Civil and Administrative Tribunal Act 2009*
- Department of Transport and Main Roads Queensland *Manual of Uniform Traffic Control Devices*
- *Traffic Regulation Act 1962*
- *Transport Infrastructure Act 1994*
- Transport Infrastructure (State-controlled Roads) Regulation 2017
- Transport Operations (Road Use Management Accreditation & Other Provisions) Regulation 2015
- *Transport Planning and Coordination Act 1994*
- *Work Health and Safety Act 2011*

Australian and New Zealand Standards are available on the SAI Global website: www.saiglobal.com

⁶ Available on the Department of Transport and Main Roads' website.

8 Definitions

For the purposes of the *Roadside Advertising Manual* and its use, refer to the *Technical Volume* for a comprehensive list of definitions.

Appendix A – Departmental and local government management of roadside advertising devices within the boundaries of state-controlled roads.

	Road Corridor Permit required*	TMR approval NOT required if criteria are met in AWE Notice**	Management may be shared between the TMR and LG	LG approval required	Public Liability Insurance and indemnity required	Licence agreement required	Annual Fee apply	Application Fee apply	Fees apply	Refer application to Strategic Property Management
Advertising devices attached to mechanical devices or mannequins	x	x	x	x	x	x	x	x	x	x
Advertising devices attached to other supporting structures (not free-standing)	✓	x	x	x	✓	✓	✓	x	✓	✓
Advertising on road surfaces, traffic islands or medians	x	x	x	N/A	x	x	x	x	x	x
Billboards > 4 m ²	✓	x	x	x	✓	✓	x	x	x	✓
Billboards < 4 m ²	✓	x	x	x	✓	✓	x	x	x	✓
Charity art union prize home signs	x	✓	✓	✓	x	x	x	x	x	x
Charity art union prize home signs - advance signs	✓	x	✓	✓	✓	x	x	x	x	x
Devices attached to overhead transport infrastructure	✓	x	x	x	✓	✓	x	x	x	✓
Election signs	x	✓	✓	x	x	x	x	x	x	x
Electricity connection fee	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
Footway signs (rural areas and industrial estates)	x	✓	✓	✓	x	x	x	x	x	x
Footway signs (urban areas)	x	✓	✓	✓	x	x	x	x	x	
Illuminated advertising on street name posts	✓	x	x	x	✓	✓	✓	✓	✓	✓
Illuminated multi-scrolling advertising devices	Not permitted on state-controlled roads									
Inflatable advertising devices	✓	x	x	x	✓	✓	✓	x	✓	✓
Large free-standing devices	✓	x	x	x	✓	✓	x	x	x	✓
Neighbourhood Watch Signs	✓	x	✓	✓	x	x	x	x	x	x
On premise advertising devices on awnings (large)	✓	x	x	✓	x	x	x	x	x	✓
On premise advertising devices on fences	x	x	✓	✓	x	x	x	x	x	✓
Passenger transport shelters and seats (for example. bus shelters)	✓	x	x	✓	✓	x	x	x	x	x
Phone booths and payphone advertising	✓	x	x	✓	✓	x	x	x	x	x
Projections onto flat surfaces (not road surfaces, traffic islands or medians)	✓	x	x	x	✓	✓	✓	x	✓	✓
Real estate signs	x	✓	✓	✓	x	x	x	x	x	x
Real estate signs (advance signs)	x	✓	✓	✓	x	x	x	x	x	x
Removal of unauthorised advertising device	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	✓	N/A
Road Service Club signs (RACQ)	✓	x	✓	x	x	x	x	x	x	x
Roadside vendor signs - advance warning signs***	✓	x	✓	✓	✓	x	x	x	x	x
Roadside vendor signs - vehicle mounted***	✓	x	✓	✓	✓	x	x	x	x	x
Rotating advertising devices****	Not permitted within the boundaries of state-controlled roads									
Safety House signs	✓	✓	✓	✓	x	x	x	x	x	x

	Road Corridor Permit required*	TMR approval NOT required if criteria are met in AWE Notice**	Management may be shared between the TMR and LG	LG approval required	Public Liability Insurance and indemnity required	Licence agreement required	Annual Fee apply	Application Fee apply	Fees apply	Refer application to Strategic Property Management
Service Organisation signs (for example, Lions, Apex)	✓	x	✓	✓	x	x	x	x	x	x
Temporary charity and events banners	✓	x	x	✓	✓	x	x	x	x	✓
Trivision signs (>4m ²)****	x	x	x	N/A	x	x	x	x	x	x
Trivision signs (<4m ²)	✓	x	x	N/A	✓	✓	✓	x	✓	✓
Utility service signs	✓	✓	✓	x	x	x	x	x	x	x
Variable Message Signs (VMS)****	x	x	x	N/A	x	x	x	x	x	x

General notes:

* Approval under Section 50 of the *Transport Infrastructure Act 1994*.

** Does not require approval if conforms with criteria in the *Transport Infrastructure Act 1994* – Notice under Section 50 (4)

*** Also refer to the department's Roadside Vending Policy and Guideline (www.tmr.qld.gov.au).

**** Not permitted within the boundaries of state-controlled roads.

Appendix B – Fees and charges

Advertising device annual fee

Fees associated with advertising devices and trimming vegetation permits are subject to the Goods and Services Tax (GST, annual review and increase in line with the Government Index Policy (GIP)). Contact your Transport and Main Roads' regional or district office for details on current rates for fees and charges. For internal staff, details are on the Corridor Management SharePoint site. Also, refer to Appendix A.

Where the department has delegated the management responsibility for certain types of advertising devices to local government, and local government has in turn agreed to accept that responsibility, and subject to the conditions set out in this manual, then local government shall be solely responsible for setting the relevant licence fees for those types advertising devices (for example advertising devices on bus shelters).

Where the department has not delegated the management to local government, or where the local government has not agreed to accept that responsibility, then the department shall apply an annual licence fee for those advertising devices.

The fees include inspection costs, but not the cost of the advertising device nor the erection and/or maintenance costs. The appropriate fee shall be paid in advance.

Unauthorised advertising device fee

The department applies a fee for the collection of an unauthorised advertising device removed from a state-controlled road (Appendix A).

Electricity connection fee

Where an applicant requires electricity for an advertising device, and the department approves the connection to its Rate 3 road lighting circuit, a minimum connection will be charged (Appendix A). A Rate 3 circuit applies to road lighting installations owned and maintained by the department. Refer to the *Technical Volume* for electrical connection conditions.

Fee information for trimming permits

The road verges and the remaining area of land that extends to the property boundary of a state-controlled road may contain important remnant vegetation, significant environmental areas and cultural heritage sites. Trees and scrubs play an important role in soil conservation, contribute to the visual amenity of the road scape and enhance the driving experience. In this regard, the department may not approve applications to trim vegetation to maintain visibility of advertising outside the boundary of a state-controlled road. Each application will be judged on its merits. The granting of approvals for trimming may not be influenced by previous permits issued for the same site.

Where approval for trimming is given, administrative fees apply for trimming permits. Refer to Table B for trimming fee information.

Table B – Trimming fee information

Type of Trimming	Description
Grass and Shrub	Term permit
Grass and Shrub	“One-off” permit
Tree trimming	Work performed by departmental personnel
Tree trimming	Work performed by applicant “one-off” permit only
Tree removal	Work performed by departmental personnel only

General Notes:

- Trimming fees includes preparation of permit and inspections of the site to ensure compliance with the conditions of the permit. Site inspection is at the sole discretion of the District Director.
- Departmental quotes include an administrative fee plus the cost of trimming and processing of trimmed vegetation.
- The permit fee covers the term of the permit. That is, two years.
- All fees include GST and are subject to the GIP.

Appendix C – Permits for the trimming of vegetation within state-controlled roads to enhance visibility of advertising devices located outside the boundaries of, but visible from, state-controlled roads

The road reserve often contains significant environmental areas, cultural heritage and historic sites.

The department has no obligation to permit the trimming of vegetation or trees to ensure the visibility of advertising devices or other features outside the boundaries of state-controlled roads. Each application will be judged on its merits. The granting of approvals for trimming will not be influenced by previous permits issued for the same site.

AWE provisions within the *Transport Infrastructure Act 1994* regulate trimming of vegetation within the boundaries of state-controlled roads by issuing a RCP. In addition to the RCP, it is the sole responsibility of the applicant to determine and obtain all other necessary permits and approvals from other Queensland Government and Commonwealth agencies prior to undertaking vegetation clearing on state-controlled roads.

The responsibility for issuing of RCPs for the trimming of vegetation within state-controlled road reserves lies with Transport and Main Roads' regional or district directors.

Scope

This Appendix is provided to give guidance when assessing applications to clear vegetation within a state-controlled road to promote visibility of advertising devices or things either outside or inside a state-controlled road.

RCP conditions for advertising devices may also incorporate conditions for trimming and landscaping. Conditions do not address issues regulated by other legislation such as planning and environmental considerations. Applicants must be aware that it is their responsibility to investigate and obtain other relevant approval from federal, state and local government entities and that AWE provisions do not authorise these activities.

The department issues two types of permit are issued for trimming vegetation associated with existing advertising devices. The two permits are for the trimming of:

- grass and shrubs, or
- trees.

Trimming permits for grass and shrubs may apply for a period of up to two years (“term permit”) from the date of approval, subject to cancellation by the department or on a “one-off” basis.

Permits for the trimming of trees shall be on a “one-off” basis and shall apply for a period of one calendar month from the date of approval.

Removal of trees shall only be performed by the department (or appropriate person) and subject to quotation by the department on a case-by-case basis.

Breach of permit conditions

Where the conditions for trimming of vegetation are breached, the permit holder is liable for prosecution or fine and permits may be cancelled. The issue of a permit for trimming does not imply future applications for such permit will be approved.

Guidelines for the issue of permits

The following procedures give guidance when assessing applications to clear vegetation within a state-controlled road to promote visibility of advertising devices or things either outside or inside a state-controlled road.

Applications to clear vegetation may be associated with existing or proposed advertising devices. Vegetation growth or regrowth may be obstructing the visibility of the device, or existing vegetation may compromise the visibility of a proposed advertising device. Guidelines in the decision-making process are outlined as follows.

- It is a requirement that traffic, and environmental officers be involved with the assessment of applications to clear vegetation within a state-controlled road. Officers must provide advice and special conditions for the section of road reserve that is subject to a vegetation clearing application as follows:
 - Significance of vegetation within a Transport and Main Road's Significant Environmental Area.
 - Significance of the vegetation and the impact of clearing in the context of the surrounding landscape (aesthetics, perceived noise attenuation, fauna corridor, potential for introduction of weeds, and so on).
 - Impact of the vegetation and advertising device with respect to traffic safety.
 - Scope of clearing and visibility limits in relation to traffic and the advertising device.
 - Impact of the advertising device in the context of the surrounding landscape.
 - Availability of other viable locations for such advertising.
 - The views of the relevant local government should be sought in relation to the application for clearing. Particular regard must be given to any local laws and vegetation protection orders or maintenance agreements.
 - Where approved, a RCP will be issued together with relevant conditions and subject to payment of the prescribed fee (refer Appendix A).
 - All persons carrying out such work are also required to produce evidence of their insurance in respect of claims arising out of their operations (refer Section 2.6).
 - The costs of trimming, clean up and removal of vegetation and any associated works within the boundaries of state-controlled roads shall be borne entirely by the applicant.
 - Trimming shall not be permitted on medians or on traffic islands, significant environmental areas, or where planted reserves have been established. Landscaped areas, parkway and bush land buffer strips, scenic areas, outlooks, rest areas, recreation areas, public parks, Transport and Main Roads designated significant environmental areas and historic sites are examples of “planted reserves”.

