



Queensland

# Transport Infrastructure (State-controlled Roads) Regulation 2006

Subordinate Legislation 2006 No. 174

made under the

*Transport Infrastructure Act 1994*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Transport Infrastructure (State-controlled Roads) Regulation 2006*.

### **2 Definitions**

The dictionary in schedule 2 defines particular words used in this regulation.

## **Part 2 Regulating traffic on roads**

### **3 Prohibition on access to motorway**

- (1) The chief executive may, by notice under subsection (2), prohibit access by all traffic to a motorway from a road, whether or not a State-controlled road.
- (2) The public must be given notice of the prohibition by a sign or barricade erected at or near where the road joins the motorway.

### **4 Prohibition on access to State-controlled road**

- (1) The chief executive may, by notice under subsection (2), prohibit access by all traffic to a State-controlled road or future State-controlled road if—
  - (a) the road is being constructed or is proposed to be constructed; or
  - (b) road works are being, or are proposed to be, carried out on the road.
- (2) The public must be given notice of the prohibition by a sign or barricade erected at each entrance, or proposed entrance, to the road.

## **5 Prohibition on types of traffic on motorway**

- (1) The chief executive may, by notice under subsection (2), prohibit a particular type of traffic being on a motorway.
- (2) The public must be given notice of the prohibition by an official traffic sign erected at each entrance to the motorway.

*Example of what the official traffic sign may state—*

No tractors beyond this point.

- (3) However, the prohibition does not apply to traffic that is a vehicle that is on another vehicle that is not prohibited on the motorway.

## **6 Prohibition on animals on non-motorway State-controlled road**

- (1) The chief executive may, by notice under subsection (2), prohibit a person—
  - (a) taking an animal onto, or allowing an animal to be taken onto, a State-controlled road other than a motorway; or
  - (b) having control of an animal on a State-controlled road other than a motorway.
- (2) The public must be given notice of the prohibition by appropriate signs erected on the State-controlled road.

*Example of what a sign may state for subsection (1)(b)—*

No animals beyond this point.

- (3) However, the prohibition does not apply if—
  - (a) the person is restraining the animal on a lead; or
  - (b) the animal is in a vehicle that is not prohibited on the State-controlled road; or
  - (c) the animal is on the road under an approval of the chief executive under section 50(2)<sup>1</sup> of the Act; or
  - (d) the State-controlled road is not a limited access road and the person is travelling the animal or grazing the animal

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<sup>1</sup> Section 50 (Ancillary works and encroachments) of the Act

under either of the following permits under the *Land Protection (Pest and Stock Route Management) Act 2002*—

- (i) a stock route travel permit;
- (ii) a stock route agistment permit.

## **7 Compliance with prohibitions**

- (1) A person given notice of a prohibition under section 3, 4, 5 or 6 must comply with the prohibition, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) However, subsection (1) does not apply if the person has the chief executive's written permission to engage in the prohibited conduct.

## **8 No animals on motorway, other than in non-prohibited vehicles**

- (1) A person must not—
  - (a) take an animal onto, or allow an animal to be taken onto, a motorway; or
  - (b) have control of an animal on a motorway.

Maximum penalty—20 penalty units.

- (2) However, subsection (1) does not apply if the animal is in or on a vehicle that is not prohibited on the motorway.

# **Part 3 Camping**

## **9 Camping**

- (1) If a conspicuous sign prohibiting camping is erected by the chief executive on or near a State-controlled road, a person

must not camp on the part of the road to which the sign relates.

Maximum penalty—20 penalty units.

- (2) If a conspicuous sign limiting camping to a stated period is erected by the chief executive on or near a State-controlled road, a person must not camp on the part of the road to which the sign relates for longer than the stated period.

Maximum penalty—20 penalty units.

- (3) In working out whether a person has camped on a road for longer than the stated period, the periods for which the person has camped on the road over a continuous 4 week period must be added together.
- (4) The chief executive may require a person to leave a State-controlled road with the person's property if the person—
- (a) contravenes subsection (1) or (2); or
  - (b) creates a nuisance on the road.
- (5) The person must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

## **Part 4**                                  **Public utility plant on State-controlled roads**

### **10 Chief executive's requirements**

The following matters in relation to public utility plant on a State-controlled road are prescribed for section 79<sup>2</sup> of the Act—

- (a) the location of the plant on the road, including the alignment and depth of the plant on the road;

<sup>2</sup> Section 79 (Chief executive's requirements for public utility plant) of the Act

- (b) traffic control while the plant is being constructed, augmented, altered or maintained;
- (c) the dates, times and location of access to the road;
- (d) construction works likely to adversely affect the road;
- (e) relocation of the plant, including who must pay the costs of the relocation;
- (f) reinstatement of the road after the plant has been constructed, augmented, altered or maintained;
- (g) public risk insurance to be held by the owner of the plant in relation to the construction, augmentation, alteration or maintenance of the plant;
- (h) the indemnification of the department from risks associated with the construction, augmentation, alteration or maintenance of the plant and the presence of the plant on the road.

## Part 5                      **Ancillary works and encroachments**

### **11      Declaration of ancillary works and encroachments**

- (1) Encroachments, other than public utility plant, that are not things or activities mentioned in the Act, schedule 6, definition *ancillary works and encroachments* are ancillary works and encroachments for the purpose of that definition.
- (2) Without limiting subsection (1), the things or activities mentioned in schedule 1 are also ancillary works and encroachments.

## **12 Application for approval for ancillary works and encroachments**

- (1) This section applies to a person who wants to apply under section 50(2)<sup>3</sup> of the Act for approval to construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road.
- (2) The application must be written and give full particulars of the proposed location, nature and use of the ancillary works and encroachments.

## **13 Information to decide application for approval**

- (1) The chief executive may—
  - (a) require the application to be accompanied by the plans, specifications or other documents the chief executive considers are reasonably needed to decide the application; or
  - (b) require the applicant to give the chief executive the additional information the chief executive considers is reasonably needed to decide the application within a stated reasonable time of at least 28 days.
- (2) The chief executive may refuse the application if—
  - (a) the application is not accompanied by the plans, specifications or other documents required under subsection (1)(a); or
  - (b) the applicant fails, without reasonable excuse, to give the additional information required under subsection (1)(b) within the stated reasonable time.

## **14 Construction to be according to approved plans and specifications and approval conditions**

A person given approval under section 50(2) of the Act to construct ancillary works and encroachments must construct the ancillary works and encroachments according to—

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<sup>3</sup> Section 50 (Ancillary works and encroachments) of the Act



- (a) the plans and specifications approved by the chief executive in giving the approval; and
- (b) any conditions fixed under section 50(5) of the Act to which the approval is subject.

Maximum penalty—20 penalty units.

## Part 6 **Chief executive's powers in association with road works**

### 15 **Chief executive's powers**

- (1) In association with road works on a State-controlled road or proposed State-controlled road, the chief executive may—
  - (a) survey or investigate land; and
  - (b) set up trigonometrical stations, survey instruments, survey pegs, marks or poles (*survey equipment*); and
  - (c) inspect, alter, repair or remove survey equipment; and
  - (d) dig or bore into land to decide the nature of the land; and
  - (e) take samples of the land; and
  - (f) set out the lines of road works on land.
- (2) A person must not, unless the person has a reasonable excuse—
  - (a) obstruct a person acting under subsection (1); or
  - (b) alter, damage, remove or otherwise interfere with survey equipment.

Maximum penalty for subsection (2)—20 penalty units.

## **Part 7                      Repeal and transitional provisions**

### **16      Repeal**

The Transport Infrastructure (State-controlled Roads) Regulation 1994 SL No. 300 (the *repealed regulation*) is repealed.

### **17      Transitional provision for applications for approval for ancillary works and encroachments**

- (1) This section applies if—
  - (a) an application has been made under section 17<sup>4</sup> of the repealed regulation for ancillary works and encroachments; and
  - (b) the application has not been decided before the commencement of this section.
- (2) The application may be decided, and the ancillary works and encroachments must be constructed, as if section 17 of the repealed regulation had not been repealed.

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<sup>4</sup> Section 17 (Approval for ancillary works and encroachments) of the repealed regulation

**Schedule 1      Encroachments that ancillary  
works and encroachments  
include**

section 11(2)

Beehives  
Construction activities  
Crushing and sorting rock  
Demolition activities  
Earthworks  
Excavations  
Extracting water, gravel or other natural resources  
Fossicking  
Graffiti removal  
Grazing of stock  
Painting  
Promotional activities, for example, by a radio station  
Property name signs  
Retaining walls  
Roadside refurbishment  
Sidewalk activities, for example, conducting a cafe  
Solar panels  
Stays  
Structural anchors  
Wind generators

## Schedule 2      Dictionary

### section 2

*future State-controlled road* see section 42(11)<sup>5</sup> of the Act.

*official traffic sign* see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.<sup>6</sup>

*State-controlled road* includes—

- (a) for part 2—a temporary deviation from a State-controlled road; or
- (b) for part 3—land under the chief executive’s control.

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#### ENDNOTES

- 1 Made by the Governor in Council on 6 July 2006.
- 2 Notified in the gazette on 7 July 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Main Roads.

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5 Section 42 (Impact of certain local government decisions on State-controlled roads) of the Act

6 *Transport Operations (Road Use Management) Act 1995*, schedule 4 (Dictionary)