

Date : 4/12/2019 4:38:59 PM

From : [sch4p4(6) Personal information]

To : "SLAM - Warwick"

Subject : Road Closure Application

Attachment [sch4p4(6) Personal information]

ATTENTION ♦ Jannene Horne

Road Closure - *Objections to Proposed Road Closure Notice (No 41) 2019*

- Area of 2150 m 2 (unnamed road) adjoining Eastern Boundary of Lot 2 of RP156472

[sch4p4(6) Personal information] seek to advise the following information.

[sch4p4(6) Personal information]

Information Requested

[sch4p4(6) Personal information]

To date [sch4p4(6) Personal information] has not received any notice of this closure [sch4p4(6) Personal information]

[sch4p4(6) Personal information]

[sch4p4(6) Personal information]

[sch4p4(6) Personal information] I request that you determine if the relevant enquiries were undertaken and notice given and if so could you please provide me with a copy of that notice.

Attached

[sch4p4(6) Personal information]

Thanks you

[sch4p4(6) Personal information]

Date : 16/12/2019 4:49:42 PM

From : sch4p4(6) Personal information

To : "SLAM - Warwick"

Subject : Objection to Road Closure Application -Moogerah Area

Attachment : ObjectionLetter- Includes MGD006V2.pdf;Objection p5signed.pdf sch4p4(6) Personal information

ATTENTION Jannene Horne

Road Closure - *Objections to Proposed Road Closure Notice (No 41) 2019*

- Area of 2150 m² (unnamed road) adjoining Eastern Boundary of Lot 2 of RP156472 (Moogerah)

I sch4p4(6) Personal information hereby lodge an objection to the proposed Road Closure as set out in the attached letter .

Attached

1. Notification of Objection to Road Closure
2. Signed copy of p5 of objection notification

sch4p4(6) Personal information

sch4p4(6) Personal information

Attention: – Jannene Horne
DNRME
PO Box 2
Warwick QLD 4370

16/12/2019

Objection to Road Closure – Reference Number 2019/004134

Land Subject to Road Closure Application

Road	An area of about 2150 m2 being an unnamed road adjoining the eastern boundary of Lot 2 on RP156472 (locality of Moogerah) Drawing 19/4134 (2019/004134)
Notice	<i>Land Act 1994</i> -Objections to Proposed Road Closure Notice (No 41) 2019
Reference	2019/004134

Objector's Details

sch4p4(6) Personal information

sch4p4(6) Personal information

sch4p4(6) Personal information

Objection Views/ Reasons

The objector notes the following policy published by Department of Natural Resources, Mines and Energy:

- *Land dedicated as road is an area set aside for the present or future use of the travelling public. Unless authorised under an Act, the use of a road for any other purpose must not lessen the primary purpose of public passage.*
- *A road may be used for travelling and access purposes by means of a vehicle, walking, horse, etc. unless it is restricted under the provisions of an Act. The fact that a road is not constructed does not diminish its status as road and therefore may still be available for use by the public for that purpose.*

3.1.3 A road is still needed when

A road is considered still needed when:

- *it gives the only practical access to a parcel of land whether or not there is some other dedicated access to such land; or*

- *it is the only dedicated access to a parcel of land (whether or not the owner of the parcel agrees to the closure); or*
- *it is used by the public for road, including in connection with the Bicentennial National Trail (see section below) or stock route purposes (see separate section below) and is expected to continue to be required for such purposes; or*
- *the road provides access to the coast, a watercourse or a lake.*

3.2.1.5 Access to watercourses and coastal land

Land below high water mark is the property of the state, as well as the bed and banks of a non-tidal boundary watercourse and lake. There is a longstanding policy for provision of public access to beaches and watercourses. Consequently, an application to close a road that provides access to a boundary water course or coastal land is not supported

Objection to closure

It is the objector's view that the closure of the unnamed road adjoining the eastern boundary of Lot 2 on RP156472 will have the following impacts on public access.

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- Lake Moogerah Road is a bitumen road with a speed limit of 100 km/hr which make it unsafe for mustering and or travelling cattle.
- The unnamed road provides access to Lake Moogerah. (It is noted that according to Department of Natural Resources, Mines and Energy Guidelines "*an application to close a road that provides access to a boundary water course or coastal land is not supported*".)

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Other factors

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- As detailed below it appears that the intended use of the unnamed road is as a motorcycle / bike track. Use for this purpose does not appear to have been disclosed as the advice from Department of Natural Resources, Mines and Energy is the intention is to use the land for domestic use or grazing.

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- There has been no prior consultation with the objector or the objector's representatives about this road closure proposal.

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The objector considers that the Minister should refuse the road closure application as the closure has impacts on the present and future use reducing public access to various land parcels.

Additional Comments on Land Subject of closure application

Details of the current use of road

- The unnamed road has been closed / fenced off by unknown person/s excluding access to the public road by persons other than the owner /occupier of 2 RP156472. The objector is not aware of there being any existing authority granted to close / fence off the road.
- A motorcycle/ bike track has been constructed on the road including construction of several raised embankments
- The road closure fencing and construction of the embankments prevent access and use of the road by other persons (Attachment B)

sch4p4(6) Personal information

Proposed future Use of the land

- Construction of motorcycle / bike track on the land and discussions with other parties in the area tend to indicate the use of the land in the future could be for the purpose of motorcycle/bike activities by the owner occupier or other third parties
- It is noted the intended use of the land as indicated by the applicant is for domestic use and grazing. The objector has no knowledge of whether the applicant has the relevant authority to undertake grazing under the *Biosecurity Act 2014*.

Statement in relation to an application under the Land Act 1994 over State land

- It is not known whether the Road Manager (Scenic Rim Regional Council) has lodged the [Form LA30 Part C \(PDF, 127KB\)](#) – Statement in relation to an application under the Land Act 1994 over state land.
- Scenic Rim Regional Council has NOT consulted with any of the surrounding land holders in relation to this issue.
- Scenic Rim Regional Council may not be aware of individual land use and access arrangements with apply in the immediate area.

Right to Information Disclosure

The objector requests that consultation occur if any request for a copy of or any information regarding this objection is made under the *Right to Information Act 2009*.

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Attachment B – Southern entry unnamed road



Fence – Southern End unnamed Road



Fence - Motorcycle / Bike Track embankments visible in background

Additional Comments on Land Subject of closure application

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sch4p4(6) Personal information

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Statement in relation to an application under the Land Act 1994 over State land

- It is not known whether the Road Manager (Scenic Rim Regional Council) has lodged the Form LA30 Part C (PDF, 127KB) – Statement in relation to an application under the Land Act 1994 over state land.
- Scenic Rim Regional Council has NOT consulted with any of the surrounding land holders in relation to this issue.
- Scenic Rim Regional Council may not be aware of individual land use and access arrangements with apply in the immediate area.

Right to Information Disclosure

The objector requests that consultation occur if any request for a copy of or any information regarding this objection is made under the *Right to Information Act 2009*.

sch4p4(6) Personal information

Date : 17/12/2019 8:57:48 AM

From : [sch4p4(6) Personal information]

To : "SLAM - Warwick"

Subject : Reference - 2019/004134 - Objection to Road Closure

To ?the case Officer?

I, [sch4p4(6)] wish to object to the application for permanent road closure as noted in correspondence received on 15th November 2019 (Reference Number 2019/004134). My objections are founded on three main points (to be further explained below) which are: maintaining access to SEQ water flood margin land; [sch4p4(6) Personal information] and the proposed future use of the land described as ?unnamed road?.

1. Maintaining access to SEQ water flood margin land Lot 226 RP215404

[sch4p4(6) Personal information]

[sch4p4(6)] The road which is proposed for closure (unnamed road) is the only access/egress to the land that is independent of private property. [sch4p4(6) Personal information]

[sch4p4(6) Personal information]

[sch4p4(6) Personal information]

3. Proposed future use of the land identified as ?unnamed road?
I have reason to believe that the applicant for the road closure intends to use the land as access to, or part of, a motocross style bike track. [sch4p4(6) Personal information]

[sch4p4(6)] I feel that this is an inappropriate use of land deemed to be for agricultural/grazing use.

Further to these points, I would like to be consulted if this issue becomes subject of an access request under the RIT Act.

Thanks and if you have any queries please contact me either via phone or email.

Regards,

[sch4p4(6) Personal information]