

19 January 2015

The Department of Natural Resources and Mines  
9<sup>th</sup> Floor, Verde Tower  
445 Flinders Street  
Townsville Qld 4810

**Re: Application for Road Closure Ref 2014/006079**

Dear Sir / Madam,

I am writing to you in regards to an application for permanent road closure, file reference number 2014/006079. I would like to object to the closure due to a number of factors. The general public including myself and my family have been using Hogan Street for many years to gain entry/exit to the Stuart Creek water's edge and its surrounding nature corridor. A portable panel fence was erected across Hogan Street and along the Smail and Burdell Street boundaries of lot 1 on RP717281 soon after it was sold by Aurizon. A lot of people were reluctant to enter Hogan Street through these fence panels, fearing legal action and thinking there was no more public entry. These fence panels obstructing Hogan Street were removed on Tuesday 6th January 2015. Please find enclosed, copies of 2 photographs taken of the obstructing fence panels (Attachment 1). Hogan Street is the only safe public access for emergency personnel and members of the public to gain access into Stuart Creek and its surrounding area. At times we have wildlife/livestock and domestic animals caught within the Stuart Industrial Estate and Hogan Street acts as a funnel for them to exit into Stuart Creek and its nature corridor. This section of Hogan Street is also used by the Townsville City Council to read and inspect a water meter which is located at the Stuart Creek end of Hogan Street on lot 84 of SP 211259. Please find enclosed, copies of 2 photographs of the water meter (Attachment 2).

I would also like to object to area A in the "Drawing" (Attachment 3) to be closed, as it is used by all vehicles including emergency vehicles to turn around and exit this four meter wide section of Hogan Street in a forward motion. In the diagram of the drawing it appears that area A (about 890m<sup>2</sup>), is to be closed with plan of lot 1 (about 521m<sup>2</sup>), does this mean that a total area of 1,411m<sup>2</sup> is proposed to be closed and dissolved into private property.

Please find enclosed, a copy of the road closure application (Attachment 4) in the Townsville Bulletin on Wednesday, December 24th 2014 which only indicates about 521m<sup>2</sup> of Hogan Street to be closed.

I would also like to object to area B and area C In the diagram to be included in Stuart Creek. Area B is the walking track that is used to gain access to the Water's edge. Please find enclosed, Copies of 2 photographs (Attachment 5) showing walking track access into Stuart creek. The owner of lot 84 on SP211259 Applied to permanently close Hogan Street some years ago to which I also objected to. I was advised by the Department of Natural Resources and Water in December 2007 that a decision had been made to allow the closure of Hogan Street to proceed, subject to a four meter wide opening left for public use. Additionally the owner of lot 84: SP211259 was also issued a permit 2003 by the Department of Natural Resources and Mines to fill along the bank of Stuart Creek, which ended in a disaster. Please find enclosed copies of 12 photographs (Attachment 6a, 6b and 6c) of this Creek bank fill. If further information is required on this issue please refer to both the Department of Natural Resources and Mines and Environment Protection Agency's reports.

The appropriate authorities must also have Hogan Street access to Stuart Creek Water's edge to regularly take water Samples and visually inspect this creek bank fill for flood erosion and contamination. I have concerns that the applicant, if successful in closing plan of lot 1 and areas A, B and C may attempt to divert the natural watercourse and fill along the creek bank to acquire more land. I believe this would result in flood water backing up and flooding businesses and properties in the Stuart Industrial Estate. Lot 3 on RP 717281 and including the section of Hogan Street that is adjacent to it, act as a floodplain when Stuart Creek overflows and they must not be restricted in any shape or form.

In closing, I would like to be consulted if this issue becomes the subject of an access request under the right to information act 2009.

Yours Sincerely

sch4p4( 6) Personal information



(ATTACHMENT 1)

22-Dec-2014 0516 UTC | -19.339935, 146.838013  
35 Hogan Street, Stuart QLD 4811, Australia

22-Dec-2014 0513 UTC | -19.339954, 146.838074  
19-33 Hogan Street, Stuart QLD 4811, Australia



RTI/DL RELEASE - DARM



(ATTACHMENT 2)

15-Jan-2015 0421 UTC | -19.339260, 146.838989  
35 Hogan Street, Stuart QLD 4811, Australia

15-Jan-2015 0421 UTC | -19.339197, 146.838882  
35 Hogan Street, Stuart QLD 4811, Australia



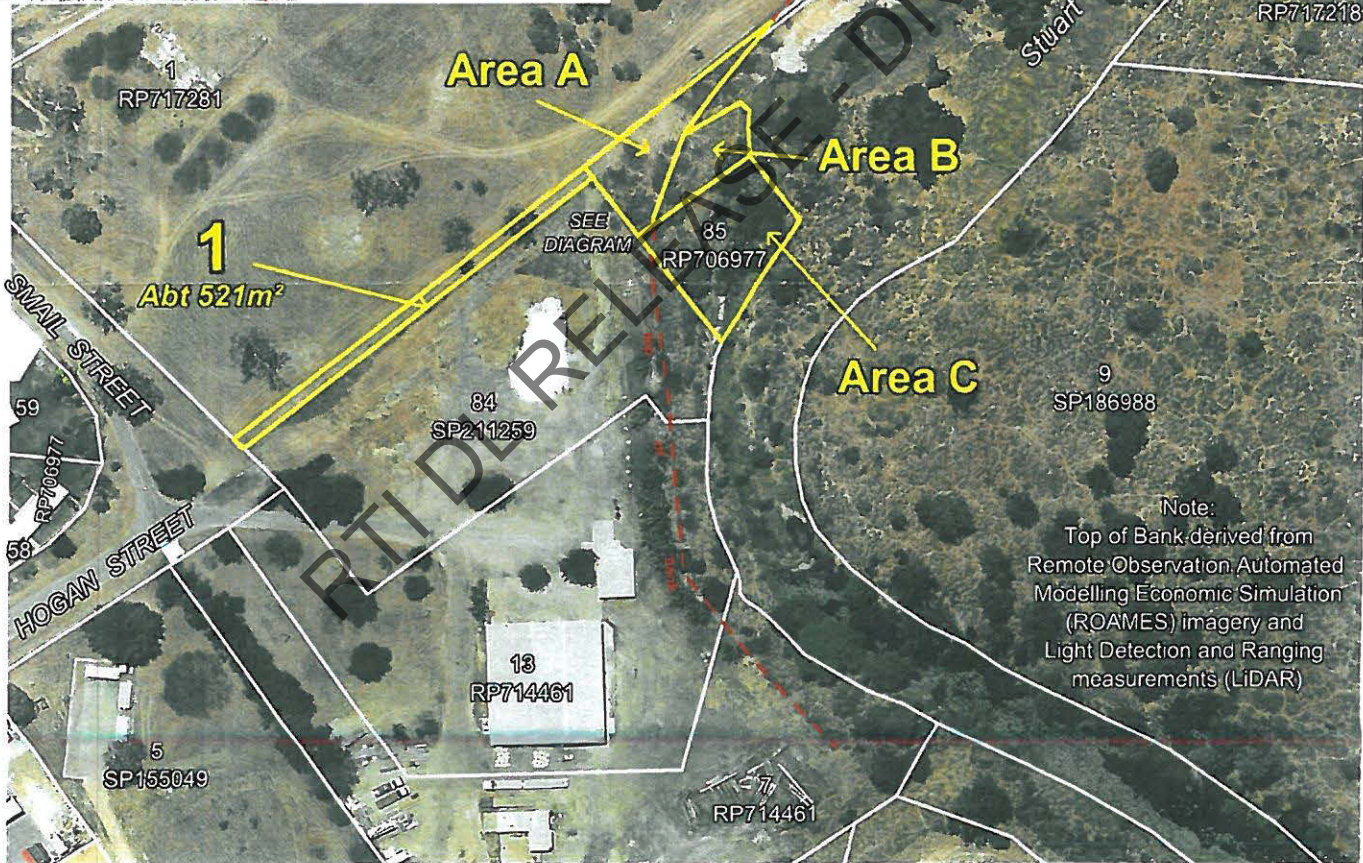
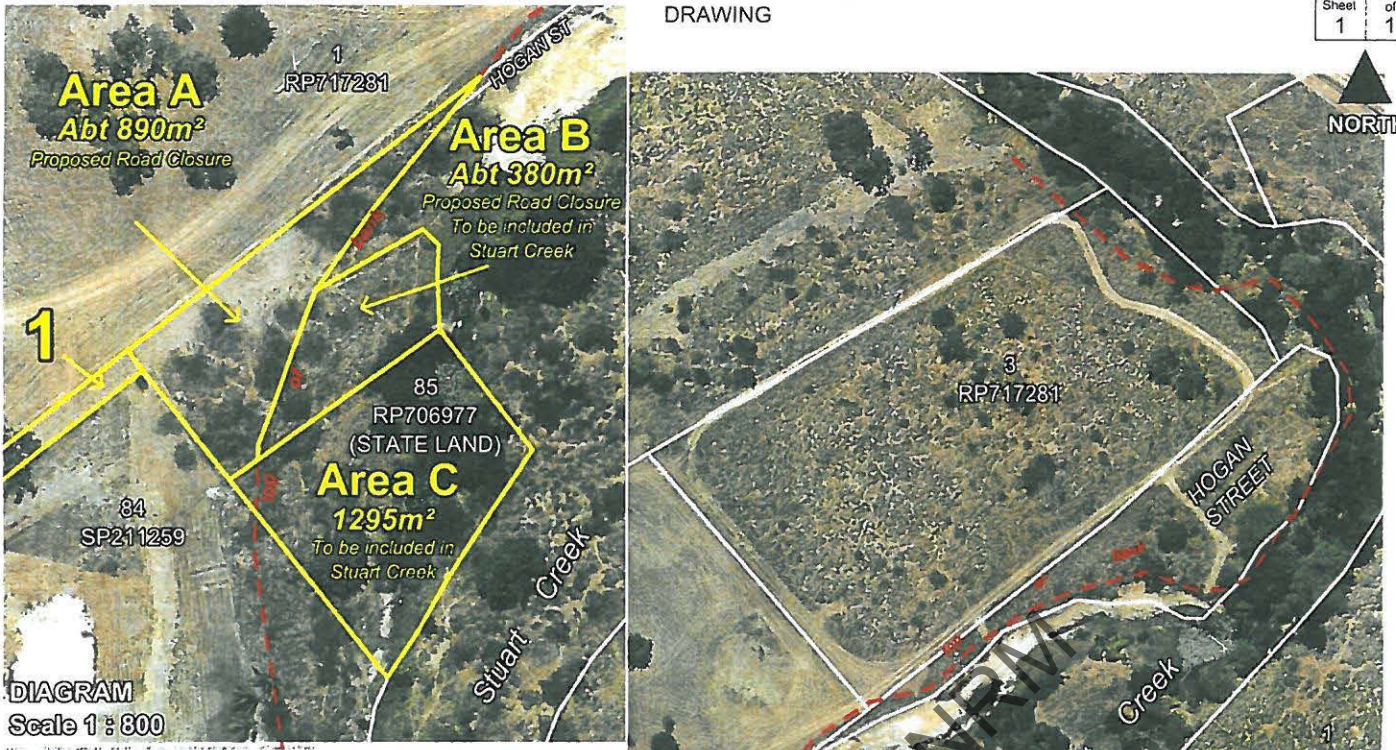
RTI DL RELEASE - DNRM



(ATTACHMENT 3)

DRAWING

Sheet 1 of 1



Scale: 1:1500



Notings Data Base reference:  
14N2383



Prepared by:  
SPATIAL INFORMATION  
SERVICES NORTH  
(TOWNSVILLE OFFICE)  
NORTH REGION

9th Floor Verde Building  
445 Flinders Street  
Townsville Q 4810

**Plan of Lot 1 and Areas A to C**

Lot 1 - Proposed Permanent Road Closure  
Areas A to C - Being Multitenure Actions over Hogan Street and Lot 85 on RP706977  
Separating Lot 1 on RP717281 and Lot 84 on SP211259  
PARISH : STUART COUNTY : ELPHINSTONE  
LOCALITY : STUART LOCAL AUTH : TOWNSVILLE CC

File Ref : eLVAS2014/006079

Prepared by: Bill Sales

Date: 26/11/2014

DRAWING

NOTE: Original size A3

**TSV2014-46**

5 of 11 version 2.1  
ortho



(ATTACHMENT 4)

WEDNESDAY DECEMBER 24 2014 TOWNSVILLEBULLETIN.COM.AU

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Notices

Public Notices

NOTICE OF INTENTION TO APPLY FOR GRANT

After 14 days from today an application for a grant of Probate of the Will dated 2 September 2013 of ERIC JOHN MCKENZIE late of 248 Ross River Road, Aitkenvale deceased, will be made by Roderick James Mackenzie to the supreme Court at Townsville. You may object to the grant by lodging a caveat in that Registry.

Any creditor or other person who has a claim on the estate of the deceased is required to send particulars of that claim to the applicant's solicitors named below within 6 weeks of the date of this notice. At the end of that period, the applicant will distribute the assets of the deceased among the persons entitled to those assets. In doing so, and relying on Section 67 of the Trusts Act 1973, the applicant will have regard only to the claims which have been notified to them.

Lodged by Groves and Clark Solicitors  
254 Ross River Road AITKENVALE QLD 4814

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ATTENTION is directed to an application for Permanent Road Closure of an area of about 521m2 being part of Hogan Street intersecting Lot 84 on SP211259 & Lot 1 on RP717581 and shown as Lot 1 on Drawing TSV2014-46, in the manner specified in the government gazette of 12 December 2014.

A copy of the notification and of the drawing in illustration may be viewed at the Townsville City Council, 103 Walker Street, Townsville and the Department of Natural Resources and Mines (DNRM), Level 9, 445 Flinders Street, Townsville.

Objections to the application must be in writing and submitted to the DNRM Townsville Office, no later than 22 January 2015.

Any objections received may be viewed by other parties interested in the proposed road closure under the provisions of the Right to Information Act 2009.

If you lodge an objection, please include in your objection letter whether you would like to be consulted if this issue becomes the subject of an access request under the Right to Information Act 2009.

For further details contact the DNRM Cairns Office, on (07) 4222 5427 quoting reference number 2014/006079.



(ATTACHMENT 5)

15-Jan-2015 0416 UTC | -19.339075, 146.839218  
35 Hogan Street, Stuart QLD 4811, Australia



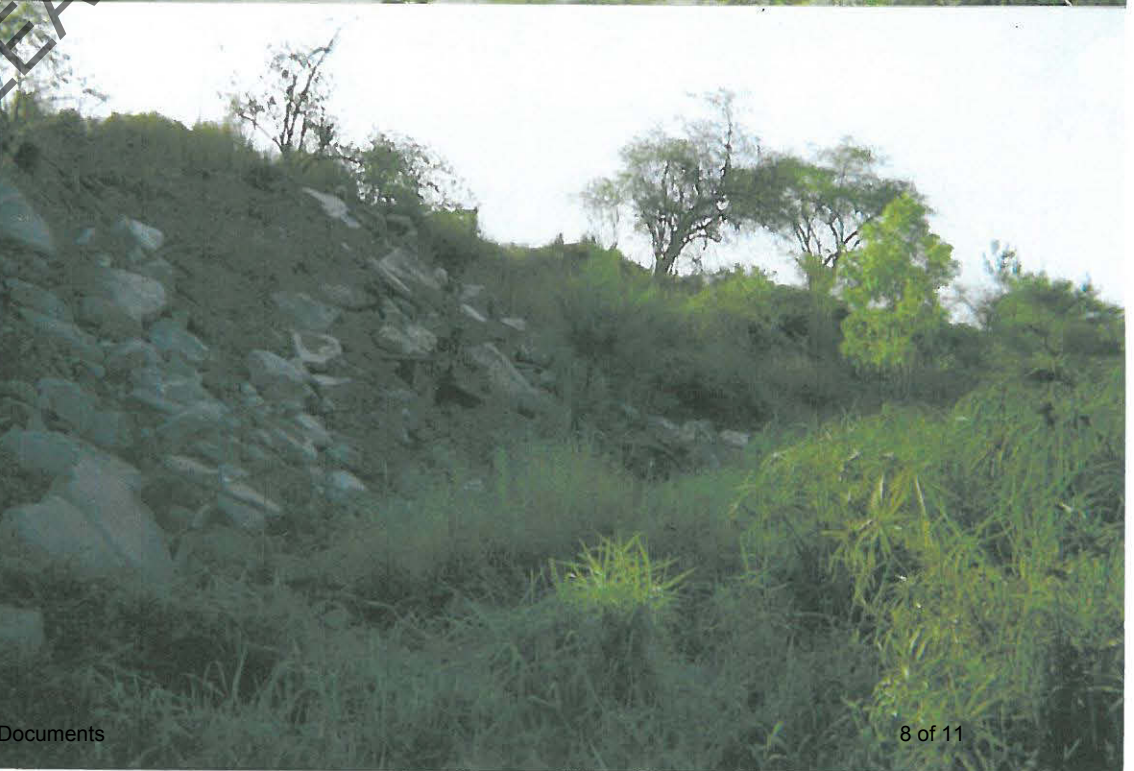
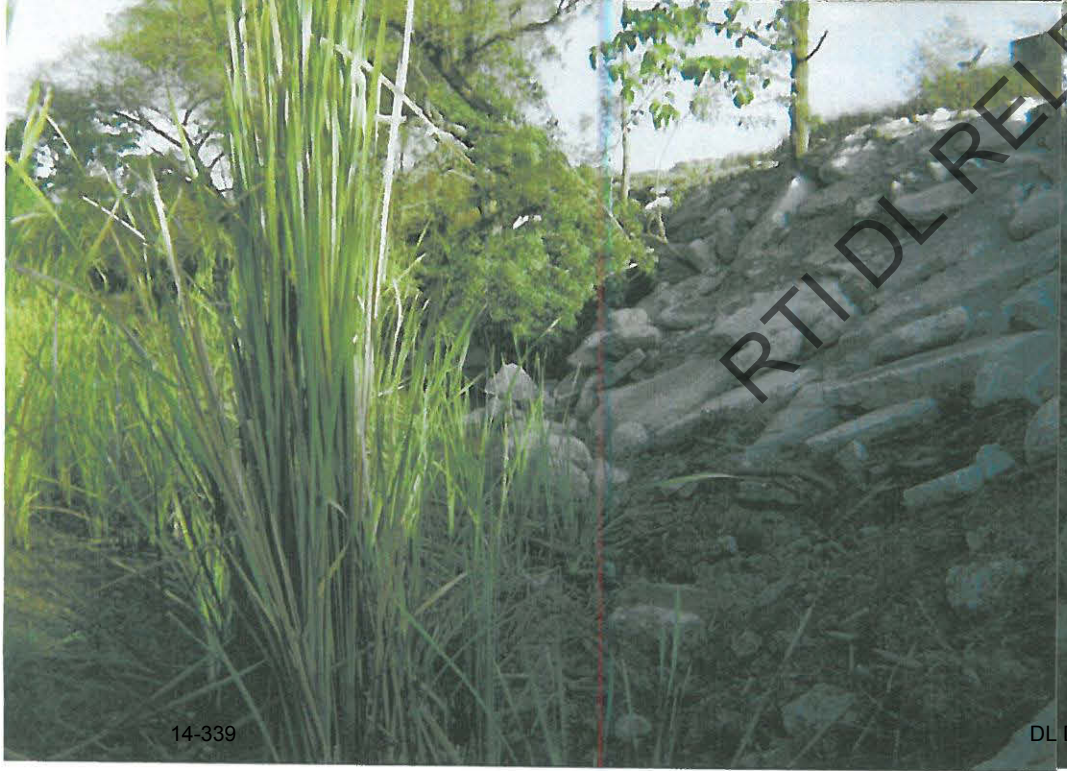
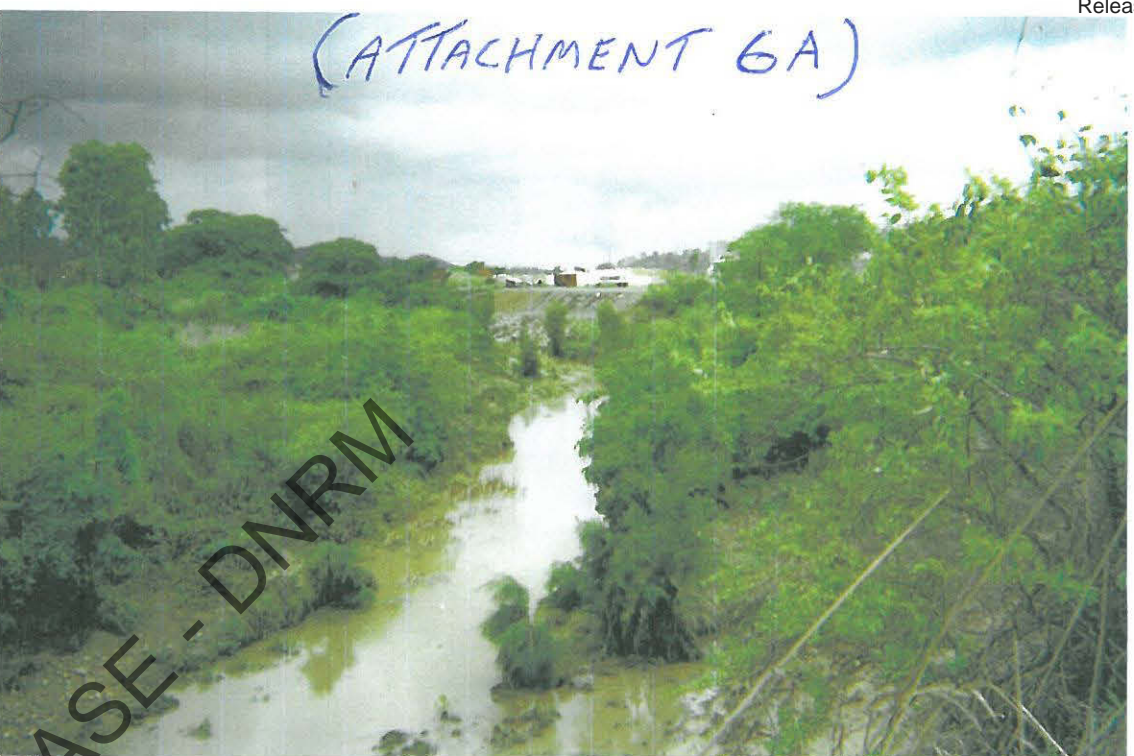
15-Jan-2015 0415 UTC | -19.339170, 146.839188  
35 Hogan Street, Stuart QLD 4811, Australia



RTI DL RELEASE - DNRM



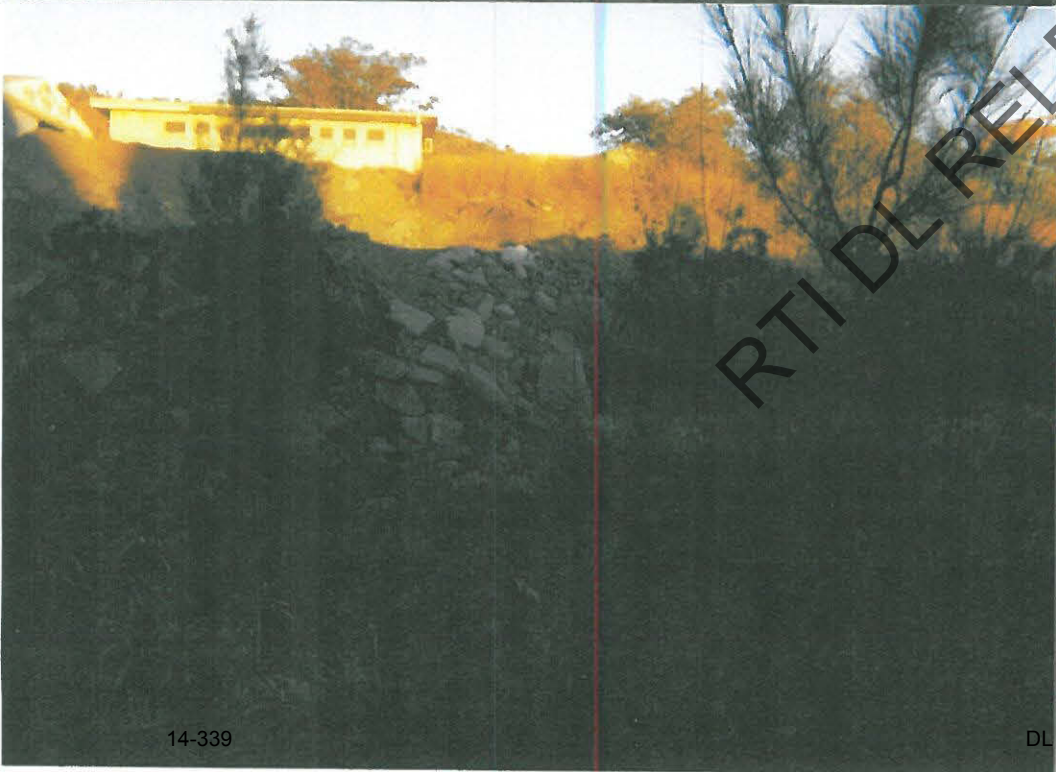
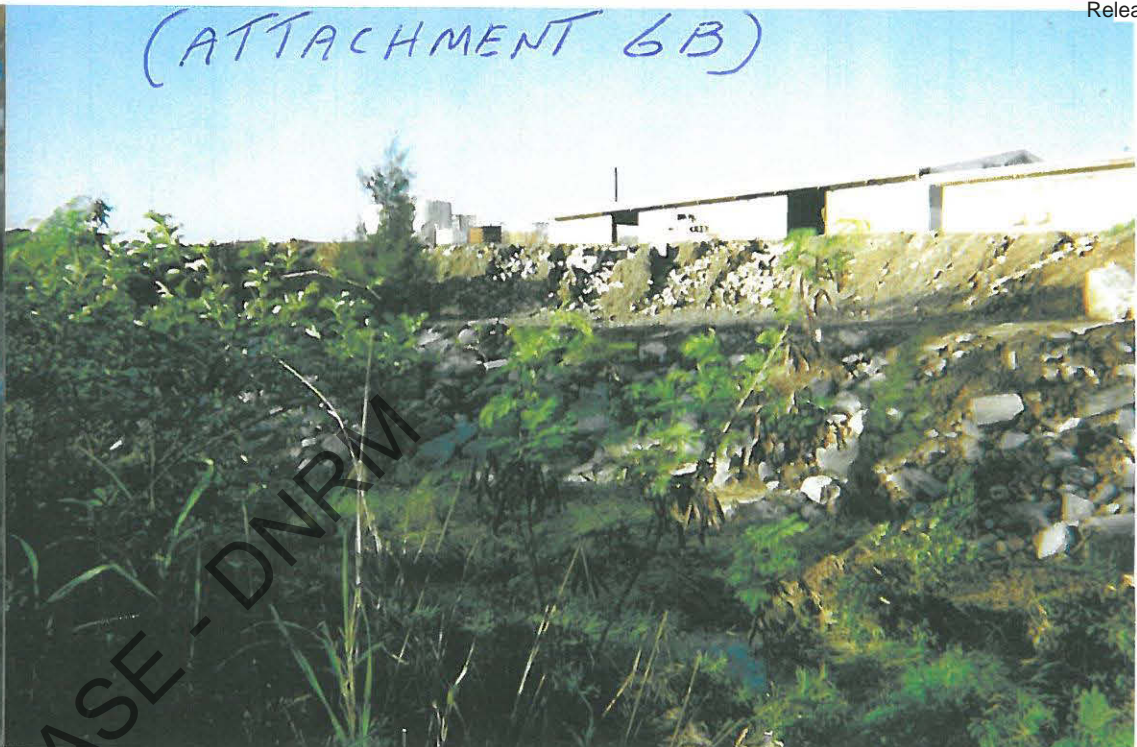
(ATTACHMENT 6A)



RTI DL RELEASE - DNRM



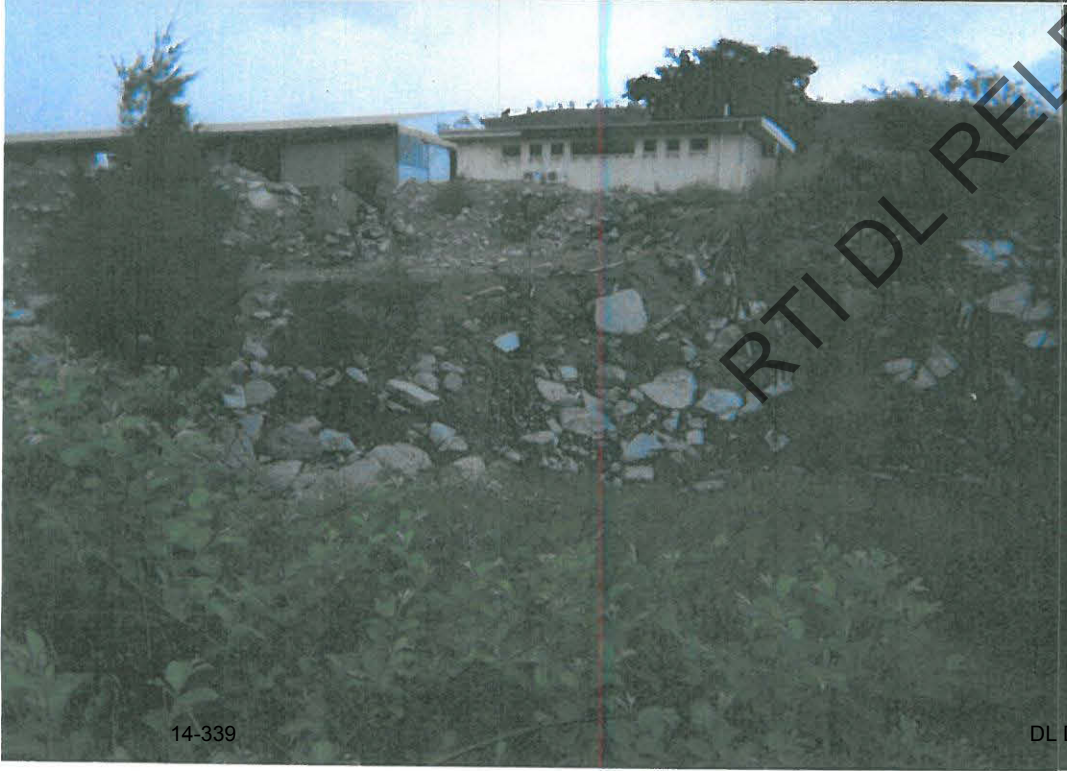
(ATTACHMENT 6B)



RTI DL RELEASE - DNR/M



(ATTACHMENT 6C)



RTI DL RELEASE - DNRM



19 January 2015

The Department of Natural Resources and Mines  
9<sup>th</sup> Floor, Verde Tower  
445 Flinders Street  
Townsville Qld 4810

**Re: Application for Road Closure Ref 2014/006079**

To whom it may concern,

I am writing to you in regards to an application for permanent road closure file reference 2014/006079. I would like to object to the road closure as I have always used Hogan Street to walk to Stuart Creek and have done so for many years. This section of Hogan Street is and void of traffic, which in other parts of Stuart can be very busy at times. A panel fence was erected across Hogan Street soon after Aurizon sold their land lot 1 and 3 on RP717281 resulting in myself not being able to access Stuart Creek and its nature corridor.

This fence across Hogan Street was finally removed on Tuesday 6th of January 2015 and people are now using Hogan Street once again. I would also like to be consulted if this issue becomes the subject of an access request under the right to information act 2009.

Yours sincerely

sch4p4( 6) Personal information

