



Hon Andrew Cripps MP
Member for Hinchinbrook



Minister for Natural Resources
and Mines

CLLO/12028

12 JUN 2012

Mr Neil Laurie
The Clerk of Parliament
Parliament House
Cnr George and Alice Streets
BRISBANE QLD 4000

Dear Mr Laurie *Neil*

Thank you for your letter of 28 May 2012, forwarding for response petition 1805-11 as tabled in the Legislative Assembly on 17 May 2012.

With regard to Item 1 of the petition, I am advised that the former Minister for Environment did not have legislative responsibility for the administration of the *Land Act 1994* (Land Act) that facilitates the opening and closing of a road used by the public, and managed by local councils. The Minister for Natural Resources and Mines is now responsible for administration of the Land Act.

In considering applications under the Land Act to close roads, I must determine whether the road is needed. In this regard, significant consideration is given to the views and advice of the local authority, as the manager, controller and regulator of most roads. The Surfers South Oceanway is a Gold Coast City Council initiative with the first stage, between Fern and Clifford Streets, having received all statutory approvals in accordance with the *Coastal Protection and Management Act 1995* and the *Sustainable Planning Act 2009*.

In its proposal, the council has demonstrated that it recognises the significant environmental values of the area by complying with the relevant legislation, yet allowing the public to traverse community land. In addition, the Department of Natural Resources and Mines has developed a policy—PUX/901/237 *Roads: Permanent and Temporary closure* that states that a road is still needed when the road contains some historically or socially significant feature or flora and fauna that should be protected in the state's interest or where the land protects other land, for example beachfront dunes. Accordingly, I believe that retention of the area as road can continue to provide effective management of its environmental values.

I acknowledge that local residents are concerned with the issue of public safety, and I can assure you that the government is committed to ensuring the safety of the community. However in this case, I do not believe that closure of the road would be appropriate having regard to the views and decisions of the local authority, the approvals already provided, and the protection still afforded the area as road.

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The department will continue to monitor construction of the Surfers South Oceanway along the foreshore to ensure compliance with the statutory approvals.

Any enquiries regarding this response can be referred to Mr Ken Rogers, Principal Land Officer, South Region, Department of Natural Resources and Mines, on telephone 3884 8069.

Yours sincerely

A handwritten signature in black ink, appearing to read "Andrew Cripps". The signature is written in a cursive, slightly slanted style.

Andrew Cripps MP
Minister for Natural Resources and Mines