

Public Access Presentation
10 June 2025
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I make this presentation in the public interest in my capacity as the public officer of the Congo Community Association (the CCA).

Quick recap of the facts

- a. The title to Lot 197 DP 752151 (480 Congo Road) *"excludes the road show in the title diagram"* (the Road).
- b. In mid-2023, the undefined Road was transferred from Crown Roads to ESC, and ESC is now the Roads Authority for the Road.
- c. There is an extractive industry licence on Lot 197
 - a. It is unclear if this licence covers the entirety of the property
 - b. In any event, the licence covers to Lot 197, and title to Lot 197 *excludes* the road reserve.
- d. The public is currently unable to exercise its right to access the Road, which is imposing significant safety, health, social, and economic costs on residents of Congo, Meringo, Bergalia, Bingie and surrounding areas.

Myth Busting

Myth 1: this is about the trees. False: this is about restoring the public's legitimate right to access the Road. If trees need to be removed to permanently reopen the Road, CCA members support the removal of the trees.

Myth 2: this is about 5minutes or 5km. False: this is about safe access to Moruya on a route that doesn't require travelling on the highway. It is also about creating an alternative route in the event the highway or Congo road north is blocked.

Myth 3: CCA members hold animosity towards the landowner of Lot 197. False: CCA members are committed to amicably working with all parties to find a solution to reopen the Road. We stand ready for good-faith negotiation.

Myth 4: there is not strong support to reopen the Road. False: In 2023, in response to an ESC proposal to reopen the road, ESC received 83 submissions: 2 were objections, 72 were supportive submissions, and 9 were not categorically for or against the proposed boundaries. At the 2024 CCA Annual General Meeting, there was unanimous support for CCA to continue to advocate for the Road to be reopened.

Myth 5: the Landowner of Lot 197 is the Landowner most impacted. False: in 1999 ESC Councillors approved a resolution to formalise Congo Road by acquiring three portions of land (traversing Lot 24, 181 and 197). Acquisition of the portions of Lots 24 and 181 was finalised within the negotiation period provided for under the *Land Acquisition (Just Terms Compensation) Act 1991*. A public road was dedicated on both acquired portions. In contrast, acquisition of the portion of the Lot 197 was not finalised, and the Road is now inaccessible. As a result, at least one of the Landowners who had their land acquired and landowners to the west of Lot 197 are now unable to use the Road to enjoy access to Congo village and beach, and residents of Congo, Meringo, Bergalia and Bingie are unable to use the Road to access Moruya.

How can Residents Access the Road Reserve?

CCC respects the Landowner of Lot 197, and their property rights.

We note recent correspondence from Council General Manager Mark Ferguson, the undefined road reserve traversing Lot 197 is *'already in Council ownership'*.

As you know, the title to Lot 197 *"excludes the road shown in the title diagram"*. Put another way, the road reserve that traverses Lot 197 is not owned by the Landowner of Lot 197, it is owned by the Crown and managed by Council (as the road authority).

CCA formally requests Councillors to advise how CCA members can exercise our right to access the road reserve traversing Lot 197 Congo Road. On 25 May 2025, the CCA formally submitted a request to Council for access to the road reserve. We ask that this access be granted by Council as a matter of priority, noting CCA's longstanding safety concerns which have been well documented in previous submission to Council.

It is notable that since CCA last met with Councillors, Congo Road South has been blocked by fallen trees on 2 separate occasions. In both instances, due to the quick work of locals and council the blockage was cleared within an hour.

We note however that in one hour:

- A flight from Moruya (with ongoing international connections) can be missed
- School buses can be blocked and kids late for school
- Family members can be unable to make food deliveries to elderly relatives.

None of this would happen if Congo Road North was open – and Congo had an alternative access route. And that is putting aside concerns about what happens in an emergency or the dangers of the Bingie Road intersection etc.

I reiterate again that this is not just about Congo residents. The closure of Congo Road North is imposing significant safety, health, social, and economic costs on residents of Congo, Meringo, Bergalia, Bingie and surrounding areas.

Compulsory Acquisition

We last met Councillor when I spoke before the last Council meeting that approved unanimously LAND ACQUISITION FOR ROAD WIDENING - PART LOT 15 POTATO POINT ROAD BODALLA- BORANG CREEK BRIDGE UPGRADE, inter alia that:

Specifically you

- Approved the acquisition of the land
- If the acquisition of part Lot 15 DP752131 cannot be negotiated by agreement, Council make application to the Minister for Local Government and Governor to acquire part Lot 15 DP752131 by compulsory process for road widening pursuant to the Land Acquisition (Just Terms Compensation) Act 1991. 4.
- Once acquired, the land be dedicated as public road in accordance with the provisions of the Roads Act 1993.

CCA welcomes and supports this acquisition and asks why Council has not taken similar measures with respect to Lot 197?

A similar resolution was made by Council in 1999 to formalise Congo Road by acquiring three portions of land (traversing Lot 24, 181 and 197). Acquisition of the portions of Lots 24 and 181 was finalised within the negotiation period provided for under the *Land Acquisition (Just Terms Compensation) Act 1991*. A public road was dedicated on both acquired portions. In contrast, acquisition of the portion of the Lot 197 has not yet been finalised, and the road reserve is now inaccessible to the public.

CCA ask Councillors to confirm if the 6-month negotiation period required before land can be compulsorily acquired under *Land Acquisition (Just Terms Compensation) Act 1991* has been commenced for Lot 197 Congo Road and, if not, why not?

Consultation with the Community

Finally, I refer to recently communication from General Manager Mark Ferguson that CCA will be able to review the Council's report on Congo Road North when it is published 1 week before the relevant Council meeting. With due respect to Mr Ferguson, this is not consultation (rather it is a repeat of what happened in 2022, which we were assured would not happen again).

We repeat CCA's request that the Congo Community be consulted before the options are finalised and a report is put to Council to resolve this issue. We accept that the Landowner of Lot 197 is one "interested party", but reiterate again that CCA members are also "interested parties" directly impacted by the ongoing road closure.

CCA asks Councillors to confirm, as per previous undertakings, and in line with due process, that CCA will be consulted on the options being considered before Council's report is finalised and put to Councillors for decision. It may be that CCA can help identify additional cost-effective options to reopen the road. We want to be part of the solution.

We reiterate our invitation for Mayor Hatcher to visit Congo to brief CCA members on actions Council is taking and options Council is considering to reopen the road. CCA also stands ready to meet with General Manger.

In closing, CCA reminds councillors that inaction is not a decision to do nothing. It is a decision by Council to turn Congo from 2-road in, 2-road- out community into a 1 road-in, 1 road-out community, in contravention of the black summer bush fire royal commission. We stand ready with work with you to resolve this issue.

We thank you for your time and for Council's ongoing efforts to reopen Congo road north.