

EUROBODALLA SHIRE COUNCIL

PUBLIC FORUM

All members of the community who have registered have been advised that they have a **maximum of seven minutes** to put their case.

Ordinary Meeting of Council on **23 May 2023**

Name	Subject/Comments	Presentation provided?	Mode of presentation
Public Forum – 10.30am			
Geoff Sharpe	GMR23/015 Congo Road North	No	In person
Johanna Weaver	GMR23/015 Congo Road North	Yes	In person
Deborah Stevenson	GMR23/015 Congo Road North	Yes	In person
Trish Hellier	GMR23/015 Congo Road North	Yes	Paper provided
Karen Harper, Congo Community Association	GMR23/015 Congo Road North	Yes	In person
Dr Brett Stevenson, A Better Eurobodalla	GMR23/015 Congo Road North	Yes	In person

Eurobodalla Shire Council
Public Forum and Council Meeting 22 May 2023
Johanna Weaver

I make this presentation as a resident of Congo, in response to the agenda item GMR23/015 Congo Road North.

It is almost a year to the day since I was last here at a Public Forum (10 May 2022).

At that time, much to the surprise of Congo residents, Councillors were being asked to vote on two extreme options to resolve closed Congo Road north:

- do nothing (and in doing so transform Congo from a two-road in/out community to a one-road in/out community), or
- spend millions, over years, to build a new road.

At the Public Forum a year ago, many of us asked for Councillors to consult with the community, and to seek an alternative, more cost effective, reasonable way forward.

I am delighted – and more than a little relieved – to be back here today, speaking in support of the recommendations before Councillors.

This solution on the table today is elegant in its simplicity. Moreover, it:

- reflects the desire of the community to reopen the road (reflected through proper consultation)
- honours the neighbouring landowners (through whose property the gazetted road traverses)
- aligns with the recommendations of the Bushfire Royal Commission (not to create one-road in/out communities)
- is cost effective, and not burdensome on Eurobodalla rate payers
- will have minimal environment impact
- will establish a gazetted public road from the north of Congo, completing the final link and the work Council commenced back in 1999.

The proposed course of action does require the removal of several trees, which were the subject of the original protest. However, that protest was never *simply* about the removal of the trees. Rather the objection was to the removal of the trees, under the authority of the Road Acts, when there was no with no gazetted public road and, therefore, no authority to remove them under the Act.

The solution on the table today addresses this, by providing a pathway to formally gazette the public road. When the road is being surveyed, I request consideration be given as to if all nine trees need to be removed, or if one or two might be able to be saved. However, I do accept that some trees will need to be removed; this is a cost I am willing to bear in exchange for a gazetted public road.

Councillors, this is my first experience engaging directly with the Local Council. To be honest, it did not start well. For reasons unfathomable to me, this issue has remained intractable for 25 years. At times, doing the right thing has taken a personal toll on members of our community.

Happily, however, my lasting impression of this issue – which I hope prevails after the vote today - is how the community of Congo has come together to support each other, and of how Councillors, Council Staff and Crown Roads have worked with us to identify this elegant solution.

My primary motivation for attending today's public forum is, therefore, to say thank you. Thank you to Councillors, to Council Staff and to Crown Roads.

I urge Councillors to vote in support of the recommendations today, and to move forward with purpose, to act and to reopen the road. Wouldn't it be great, if we could reopen the road in 6 months' time, *before* the two-year anniversary of its closure in November this year?

Thank you.

Public Forum presentation regarding Agenda Item GMR 23/015 Congo Road North 23 May 2023

Good morning. Thank you for the opportunity to address Council this morning regarding Agenda Item GMR 23/015 Congo Road North.

As a member of the community directly affected by the closure of Congo Road north and an active participant in the campaign to have it re-opened in its current location, I strongly support the recommendations in this report to formalise road access from the north to Congo along the route of the existing 'track in use' in accordance with the s. 18-21 of the Roads Act 1993.

As outlined in the report to Council, this has been a long-standing issue which has remained unresolved since at least 1998 when Council began acquiring land from property owners along the route of Congo Road north. Negotiations over the section of Congo Road north traversing the sand quarry stalled despite the landowner agreeing in principle for the 'track in use' to be acquired and dedicated as a public road. As a result, access to Congo from the north has been tenuous relying on the goodwill of the sand quarry owner. This goodwill ran out in November 2021 when Congo Road north was closed indefinitely to the public, causing hardship and presenting a safety risk to the residents of Congo, as well as considerable inconvenience to the broader community and visitors alike.

The community responded immediately to the closure of Congo Road north, holding protests and public meetings, making presentations and writing to council, contacting Crown lands, circulating media releases, speaking to their political representatives and seeking legal advice. The response from Council at that time was generally disappointing and the community felt frustrated and let down.

In January 2022, 175 members of the community from Congo and surrounding areas signed a letter to council in which they urged incoming Councillors and Eurobodalla Shire Council to act immediately to restore the public's right to access the 'track in use' and formalise it as a gazetted road reserve thereby securing long term access to Congo from the north. In that letter they suggested various means for achieving this which included negotiating with Crown Lands to transfer the undefined Crown road reserve that runs through the sand quarry, where alleged unauthorised sand extraction has taken place, to the existing 'track in use' (the same solution which is before Council today). They also requested that the community be consulted on the final design of the public road reserve given the sensitive nature of the environment through which the 'track in use' runs.

In November 2022, Council held a community workshop to discuss options for re-opening Congo Road north. The 70 members of the community who attended that workshop voted overwhelmingly in support of re-opening Congo Road along the existing 'track in use'. Community members came away from that workshop feeling that they had been listened to at last and there was a general sense of optimism about the future of Congo Road north. Today, some 6 months after the workshop and 18 months after Congo Road north was closed by the owner, with the assistance of Council, we have a sensible solution to what has been viewed as an intractable problem for the last 25 years.

Given what the residents of Congo and surrounding areas have had to deal with following the closure of Congo Road north back in 2021 and acknowledging that some members of the community have spent considerable resources of their own pursuing this matter at a cost to both themselves and their families, it is a relief to finally move towards a resolution of this matter.

Consequently, I urge councillors to vote to adopt all 3 recommendations that have been put forward in the report to this agenda item and I look forward to ongoing meaningful consultation between Council and the affected community on progress with the survey work and final design of the road to ensure that the special biodiversity values of this area are not compromised.

Thank you

Deborah Stevenson

Good Morning Councillors, General Manager, Staff, Gallery and us that are comfortable zooming from home my name is Patricia Hellier from Batemans Bay.

GMR23/015 CONGO ROAD NORTH – for sometime now I have watched with interest this issues I had read a number of items on a online Media outlet from concerned residents of this area. The view I gained from the media reports and photos was of the residents deep concerns over the loss of a number of trees.

I note in the report it states “to seek endorsement for Council to proceed with actions to define the boundaries of Congo Road North under sections 18-21 of the Roads Act 1993”.

I note that late last year the issue was work shopped with approximately 70 residents of the area.

The Congo issue has been a complex issue to say the least, it could appear perhaps a “rabbit has been pulled out of a hat” that being that the unsurveyed Crown Road does not form part of Lot 197 but is owned by the Crown.

In recent weeks in Council we have heard of a review in finances and this is due to the credit of the General Manager and last night I along with others attended the Community Forum Meeting held at the Batemans Bay Library on the Operation Plan 2023-24 and one of the factor I took on bord was perhaps “some grant money may have to be given back due to the fact that works may not be able to be completed”.

On returning home I sat down at my computer and re read GMR23/015 that I had registered to speak on earlier in the day.

I note in this report that Crown Lands have offered to fund half of the survey cost. I note that it also states “other costs associated with progressing with the registration can be met within existing budgets” I question if this will be achieved by the forgoing of other much needed works in this shire? How much office and outdoors staff’s time will be allocated to this project? As we all know most projects go over budget.

I also note that if the survey of the road is registered it is estimated that a budget of \$50,000 would be required in order to remove a number of trees, grade and make good the road prior to opening to the public – I have to question “what is the length of this proposed road”? - “to what standard will this road represent – will it be a graded road that may wash away in heavy rain or a sealed road ? will it be a road that Council will have ongoing maintenance costs”?

Councillors you maybe wondering why I am raising these points the reason being is this issue is not sitting well with me as I believed this issue was raised due to residents of Congo concerns about the removal of 10 trees according to the many on line media reports since November 2021 and a public demonstration on the steps of Council in December 2021.

Currently Congo Road is like many other road in Eurobodalla one road in one road out – I like a number of people live on one of these roads, therefore will Council provide a 2nd exit for all the other one road in one road out areas in Eurbobodalla? – when our road was taken over by Council we were told that once a year Council would mow the media strip outside our fences – to date this has not occurred I believe due to financial constraints .

Councillor as I previously said this issue is not sitting well with me was this issue about the removal of trees or was it about a community gaining a 2nd access road?

Patricia Hellier

FINAL PRESENTATION



Dear Mayor Hatcher and Councillors,

I am presenting to you as a representative of the Congo Community Association. I am the Secretary of the Association. Our association was incorporated in February 2022 and advocates on a range of community issues on behalf of our membership. The CCA has respectfully communicated with Council on the closure of Congo Road north, emphasising the critical impacts and ongoing concerns for our Congo community's well being and safety.

The decision to close the road in November 2021 was sudden. It occurred during the caretaker period of council prior to the Council elections in December 2021, when no elected representatives were appointed at Council. The community was concerned that due process was not being followed. If endorsed today, the plan before Council will be enacted under legal protocols. The community understands the unfortunate but necessary removal of the nine trees identified in the Report. The community is aware that alternative route options provided at the Council's Tuross Head workshop indicated the possibility of far greater tree removal and ecological destruction than the nine trees identified in this Report.

The closure of Congo Road north is significantly and overwhelmingly negative to most of our Congo Community Association's 85 members.

It has significant **safety and emotional well-being** impacts.

There are the psychological effects of living in a bushfire-prone community that has gone from having two evacuation routes to being a 'one road in and one road out community'. The closure means no viable evacuation route to the north. It has increased the risk associated with bushfires to those living in Congo village and those residents north of the causeway. The closure has also impacted the response of emergency services.

It has a significant **financial** impact.

Given the rising cost of living and the increased cost of fuel, there is an additional and significant financial impact on the Congo community. The closure has made community access to basic essential services in Moruya far more arduous, costly and difficult.

It has a significant negative impact on the **social connection** of Congo residents.

There are elderly people who cannot drive with a restricted licence on the highway. There are young people and families in Congo who see fewer of their friends in Broulee and South Head and beyond due to the road closure. The Bingi Road intersection with the Princes Highway is dangerous for motorists to negotiate. Residents are now more socially isolated and experience greater difficulty accessing public services and social activities.

The CCA and those residents and landholders we advocate on behalf of, sincerely appreciate the time and energy this issue has taken. We'd like to thank the ESC staff for their diligent effort in finding a cost-effective plan to re-open Congo Road north.

Councillors' endorsement to support this plan presents an important opportunity to resolve a complex and neglected problem since the late 1990s. Council passed a motion then to formalise a permanent northern public access route, but this never occurred.

The CCA would like to thank Mayor Hatcher, councillors and ESC staff, with particular note to General Manager Mr Warwick Winn. You all have listened to the community and worked hard to take action, seek a resolution and find a suitable and practical solution to open up the northern access of Congo Road.

Additionally, the CCA would like to thank Council and staff for their communication with and inclusion of both CCA members and Congo residents through written correspondence, the community workshop last November, CCA's face-to-face meetings with Mayor Hatcher and General Manager Mr Winn and the information provided to all residents on the ESC's designated Congo webpage. The open, approachable manner of Council to listen and respond to community members in a timely and informative way has been greatly appreciated.

Presented by Karen Harper on behalf of CCA Executive 2023

Karen Harper, CCA Secretary

Geoff Sharpe, CCA President

Markus Lessing, CCA Treasurer and Communications

Belinda Bain, CCA Public Officer

ABE Public Forum Presentation Regarding GMR23/015 Congo Road

23 May 2023

Good morning and thank you for the opportunity to address Council and the community regarding GMR23/015 Congo Road North.

I am presenting as Co-Convenor of A Better Eurobodalla (ABE), a community forum dedicated to having open and inclusive government in our region. ABE expects that before governments, at any level, make decisions that will impact their communities, they will undertake broad and meaningful consultation, listen to and share expert advice, and proceed using a transparent decision-making process so that the community understands who makes decisions, when and why.

ABE has applied these principles to GMR23/015 Congo Road, resulting in strong endorsement for the recommended course of action outlined in GMR23/015.

The recommendations under consideration today involve :

1. Council applying to Crown Lands to transfer the undefined Crown Road that dissects Lot 197 DP752151 to Council so that Council becomes the Roads Authority.
2. After the undefined Crown Road has been transferred to Council, commencing the process to identify the boundaries of the public road over the formed "track in use" in accordance with sections 18-21 of *the Roads Act 1993* (including causing surveys to be carried out to identify the boundaries of the public road and publishing notice of the proposed boundaries).
3. Receiving a further report on the matter following public notification of the proposed boundaries to enable the Council to consider any submissions received as required by section 20 of the *Roads Act 1993* and to make a decision under section 21 of the *Roads Act 1993* whether to approve the survey plan, either with or without alteration.

This course of action is logical, cost effective and will ultimately restore Congo's dual access, which is absolutely vital for emergency services and bushfire evacuations, as well as facilitating better access and mobility for its residents, particularly older people with restricted driving licences. It is also the option which was overwhelmingly supported at Council's Congo Road North Community Workshop held at Kyla Hall on the 17th November 2022. ABE members attended this workshop, which was a well attended and professionally conducted process that has made a significant contribution to the course of action detailed in GMR23/015.

It is not apparent why this course of action could not have been pursued more than a decade ago, but it is pleasing to see that the current Councillors and senior staff have developed this way forward in 2023.

It is notable that this recommendation has arisen from an extended process which incorporated significant and meaningful community consultation at its core, and this aspect needs to be maintained throughout the implementation phase which will follow endorsement of this agenda item.

In particular, the survey details to identify the boundaries of the new public road over the former "track in use" will need to be made available for public analysis and feedback as part of the public exhibition required under relevant provisions of the Roads Act 1993. Given the presence of endangered species and endangered ecological communities in the Congo area, any proposed tree removal will need to be rigorously justified and consistent with contemporary legislative requirements and design guidelines, such as the *Austrroads Guide to Road Design Part 6: (Roadside Design, Safety and Barriers)*. Council should replicate the previous consultation process applied during the completion of Congo Road South, where members of the Council project team walked the surveyed route with interested community members to clarify or explain the works proposed before they were undertaken. A similar process should be adopted for Congo Road North.

This presentation concludes by reiterating ABE's strong support for GMR23/015, and commending Councillors and Staff involved in this initiative regarding Congo Road North. ABE now looks forward to participating in the subsequent public consultation process required for realization of this proposal.

Yours sincerely,

Dr Brett Stevenson

*Co-Convenor
A Better Eurobodalla
23 May 2023*