



Public Access Presentation

8 July 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).

I refer to my presentation to Councillors at the last Public Access Meeting on 10 June 2025, and the letter from the CCA President to Mayor Hatcher on 25 May 2025. The CCA has asked several questions, to which we have not yet had a response.

Since the road was closed in 2021, and more recently, since the Supreme Court judgement in August 2024 (nearly a year ago now), we have been told Council is working on solution. When we seek updates, we are told various versions of 'be patient' Council is talking to 'the Landowner'.

We remind Councillors that this issue does not affect one landowner only. It directly impacts hundreds of landowners in Congo, Meringo, Bergalia, Bingie, Moruya Heads and surrounding areas. We too deserve to be consulted on solutions and updated on actions Council is taking to reopen the road.

More specifically, the three questions to which we seek answers are as follows (the first two we have been asked previously, the third is a new).

Question One

Recognising that:

- 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 Road was transferred from Crown Roads to Council, and Council is now the Roads Authority for the Road, and
- c. as per an email from Council General Manager, Mark Ferguson, to the CCA dated 22 May 2025, '*the undefined road is already in Council ownership*'.

Councillors: how can CCA members apply to Council to exercise our right to access the Road? What is the process to apply to Council for public access the Road which is in Council ownership?

Question Two

With respect to Compulsory Acquisition:

- a. Notwithstanding the General Manager's assertion that *'the undefined road is already in Council ownership', and*
- b. noting further advice from the General Manager that *'seeking to acquire the land by agreement is a legislated precursor to any attempt to compulsorily acquire and Council has been investigating this for many years', and*
- c. noting that the legislated 6-month negotiation period required before land can be compulsorily acquired under *Land Acquisition (Just Terms Compensation) Act 1991*

Councillors: can you please confirm if the legislated 6-month negotiation period prior to compulsory acquisition has been commenced with the Landowner of Lot 197 and, if not, why not? Recalling that it has now been 26 years since the original Council resolution in 1999 to formalise Congo Road by acquiring this land.

Question Three

We understand that one of the original reasons that the Road was closed in November 2021 was because the Landowner was unable to obtain public liability insurance for the Road. During the time that the Road has been closed ownership of the Road was transferred to Council (we understand this happened in around May 2023). As such, we assume that it is now Council's responsibility to insure the Road.

Councillors, if the question of insurance is resolved, what is the reason that the Road remains closed, and on whose authority has the Road been closed?

If it is the Landowner, under what authority are they able to close the Road, which – in the words of the General Manager– is owned by Council?

If it is Council, for what reason is the Road closed and on what authority?

Could it be, for example, that is Council clarifies to the Landowner that Council now bears responsibility for insuring the Road, that the Road could be reopened?

In conclusion

We reiterate again our request for the community to be consulted on the formulation of the solution, not simply notified of the outcome.

We reiterate again the impact the Road closure is having on our community. This was highlighted yet again over the last few weeks, with flooding of Congo Creek Causeway and various trees fallen and blocking Congo Road South, many of which cleared by residents during the recent wild weather events.

We appreciate that this issue is complex and due process is required. But due process should not and does not take 26 years.

Councillors, we know you have many issues on your agenda. But this one has gone on for far too long, and leaving it unresolved is consequential on the lives of many.

We ask you to focus your attention on this issue, and to help us to resolve it: lets reopen Congo Road North.

Thank you for your time.