

Currawong Panel

Opening Remarks by Panel Chair John Whitehouse, Wednesday 4 June 2008

Ladies and Gentlemen,

My name is John Whitehouse. My colleagues were Mr Stephen Davies and Mr Martin Hill. We have been appointed under Section 35 of the *Heritage Act 1977* as a Ministerial Review Panel to provide advice on a recommendation by the Heritage Council for listing on the State Heritage Register of the site known as Currawong.

The terms of reference for the Ministerial Review are to provide advice in relation to key issues raised in the recommendation to list the site on the State Heritage Register. Issues to be considered by the Review Panel include:

- Previous presentations to the Heritage Council on the proposed heritage listing, and previous submissions;
- The development proposal in the context of the proposed heritage listing;
- Public debate about appropriate future uses for the site; and
- The proposed listing curtilage.

The Review Panel has also been appointed to constitute an independent expert panel under Section 75G of the *Environmental Planning and Assessment Act 1979* to assess the project application for development on the site.

The terms of reference for the expert panel are:

1. consider and advise on the:
 - (a) impacts of the project on the following issues:
 - both Aboriginal and non-Aboriginal heritage conservation;
 - sensitive ecological areas, including the adjacent Ku-ring-gai Chase National Park and Pittwater waterway;
 - public access to coastal and recreation areas, and appropriate ownership and management regimes;
 - visual amenity both on the site and from surrounding public areas;

- coastal development best practice, including matters for consideration required under State Environmental Planning Policy No.71 Coastal Protection;
 - bushfire;
 - geotechnical risk;
 - water supply, water quality, drainage and flooding;
 - utilities; and
 - traffic, parking (both on- an off-site) and access.
- (b) relevant issues raised in submissions in regard to the above impacts; and
- (c) adequacy of the proponent's response to the issues raised in submissions, and
2. identify and comment on any other related significant issues raised in submissions or during the panel hearings.

This public hearing constitutes public hearings for both panels.

A schedule for presentation has been issued and is publicly available. I would appreciate the co-operation of all parties in adhering to this schedule to ensure that all presenters can provide the Panel with their input at their scheduled time. Presenters who run over time will be reminded of the time and requested to wind up.

Under the Environmental Planning and Assessment Act the Panel is required to submit a report to the Director-General of the Department of Planning. The Panel is not subject to the direction of the Minister on the findings or recommendations on its report.

The Panel report is required to be included in the Director-General's report to the Minister on the project and is required to be considered by the Minister in his determination of the project.

Clause 8G(4) of the Environmental Planning and Assessment Regulations requires the Director-General of the Department of Planning to include on the Department's website a copy of the Panel's report.

Submissions made to the Panel will be publicly available. Mrs Poon will maintain a list of documents forming submissions to the Panel. This will be publicly available. If any presenter wishes part or all of their submission to remain confidential, they will need to make an

application to the panel with supporting reasons. However generally I expect submissions to the Panel will be public.

To assist the Panel, presenters are requested to provide the Panel with a copy of their presentation. The proceedings of the Panel are not recorded as the hearings are based on written submissions. I do not object to persons recording the proceedings for their own use, provided there is no interruption to the proceedings of the Panel.

Generally, if the Panel has questions to put to a presenter, it will do so in writing, with questions and answers included in the Panel's list of documents.

There will be no cross-examination of presenters, but parties wishing to pose questions of other parties can do so in writing lodged with Ms Poon.

The Panel hearing will commence with a presentation by Eco Villages Pty Ltd as applicant for the major project and the maker of a submission on the proposed heritage listing. This presentation is to outline their proposal. It is not a substitute for the proponent's Environmental Assessment Report or to respond to submissions made on the project application.

The Panel has requested the proponent to present at the conclusion of the Panel hearings their response to issues raised as the Panel's Terms of Reference require the Panel to consider the adequacy of the proponent's responses to issues raised in submissions.

Morning and afternoon teas have been arranged. Copies of the updated program and submission received by the Panel are available from Mrs Poon.

I would remind people that the starting time for Thursday 5 June is 9.05am and for Friday 13 June is 9.00am.

I would request all present to check to ensure any mobile phones are switched off while people are within the hearing.