

Northern Regional Council : Application by D. Schmuck - APP. 039650. 01.01

Application by a Submitting Party - William Kearney

I live at No.24, Sir George Back Street, close by. I am Australian, previously employed as a Judge of the Supreme Court of P.N.G.(6 years), and then as Judge of the Supreme Court of the Northern Territory (17 years). I am retired. I do not need 5 minutes to speak; my submission is in writing. I respectfully ask that Ms. Larcombe be given the additional time.

I previously objected to this hearing date,17th May; that was refused, in writing. I find this conclusion, unsatisfactory.The Committee relied heavily upon the works of Mrs. Donaghy; her own report (NRC Staff Report, S.42A) is completely flawed , depending upon what is meant by "minor", or "no more than minor". These words arise frequently in her report : "minor" in paras. e.g. 99,102,134,147,283,288,311, amongst others. "No more than minor", in paras.133,136 and 137. Are not these words to be assumed, in toto, in the aggregate? Mrs. Donaghy is correct about beach dredging, the shellfish, and access - see paras.280,289 also see 310-311,and318 - but that is because they were not addressed in the application, or totally inadequately. Surely, this hearing date can be seen to be too soon? These 3 matters had to be addressed. A further additional reason why it was too soon , is given by the Committee`s Minute #2 ; para. 4 says the applicant is to present (these plans) "at the hearing along with any legal submissions". Par.5 says the "Submitters .... will have the opportunity to comment on this material". When is that? Some future date? No; they reply, in a matter of minutes, - to legal and other submissions! Par. 6 goes even further : it asks that the matters be submitted , in writing and through the Chair .

I turn to the 6 substantive people, with all of whom I agree. Maiki Marks, whose acid comment about the seawall being built "without permission",should cover us with shame. Mr. Rashbrooke, for what it is like to grapple with the Applicant, over 20 years. Ms. Jane Johnson, whose erudite (and highly qualified) appraisal - here and before - is completely damning: see her analysis of the Ecological Assessment. Mr. J. Booth, and his analysis of the deepest water. Mr. R. Hook. And Ms. M.Larcombe - especially hers, for her historical analysis.



William Kearney

16/5/2018