



28 February 2019

Ms Jacqui Kirkby

[REDACTED]  
[REDACTED] 2566

Dear Ms Kirkby

I refer to our telephone conversation at 3.30pm on Monday, 11 February 2019, and your letter of 25 February 2019 regarding the Varroville Heritage Review that was before the Commission.

Firstly, as noted in your letter, in our phone conversation we discussed my letter of 7 February 2019 to Mr Anthony Whealy of Mills Oakley. In that letter I advised Mr Whealy that his letter to the Commission dated 25 January 2019 regarding access arrangements to the *Varro Ville Curtilage Study* (the Curtilage Study), dated May 2016, had been provided to yourself as the owner of the Curtilage Study for comment, and that you had responded via telephone on 4 February 2019.

I can confirm that the Commission does have a record of the 4 February 2019 telephone conversation between yourself and Mr David Koppers, Team Leader, Independent Planning Commission, and that you also provided a written response to the Mills Oakley letter on the same day. This letter was provided to the members of the Commission panel considering the Varroville Heritage Review for their consideration.

Secondly, you will have received a response yesterday from the Chair of the Commission, Professor Mary O’Kane, to your letter of 8 February 2019. In the interests of openness and transparency, I can advise you that I have asked the Commission’s Secretariat officers to ensure all correspondence in relation to this matter is published on the Commission’s website in a timely manner.

Thirdly, I note your offer to provide additional information the Panel may need in regard to the Curtilage Study if it is required. You would now be aware that the Commission has finalised its consideration of the Varroville Heritage Review and provided its report to the NSW Minister for Heritage, the Hon Gabrielle Upton MP. The Commission understands that Minister Upton will make the Commission’s report publicly available once she has made her final (gazetted) determination on the matter. As outlined in our letter to you of 16 November 2018, once the Minister has made a final determination, all documents considered during the review may be made publicly available in their entirety, including the Curtilage Study.

The Commission prides itself on its open and transparent approach to the assessment and determination of State significant development. As a consent authority, the Commission is committed to public consultation to understand the issues of concern to those affected by particular development applications. The Commission routinely holds town hall-style forums to listen carefully to the community’s views as part of its decision-making process.

The community is also provided an opportunity to provide written comments in relation to specific cases.

On occasion, the Commission may be asked to provide advice to a Minister or the Department on any other planning-related matter. The Commission is not required to hold a public meeting or public hearing for such matters.

In relation to the Varroville Heritage Review, the Commission's review was conducted in accordance with the *Heritage Act 1977* (the Act). Under the Act key stakeholders are entitled to appear before the Commission in conducting its review. As you are aware, the key stakeholders, including yourself, appeared before the Commission on 14 January 2019 and a transcript of that hearing is available on the Commission's website.

Finally, I note your concerns about the content of the submission provided by Florence Jacquet, the landscape designer of the Varroville Crown Cemetery Development, in regard to the Varroville Heritage Review. The Commission has not redacted this submission because it does not appear to be defamatory, rather a discrepancy of facts.

Yours sincerely

A handwritten signature in black ink, appearing to be 'SMcLean', written over a light grey grid background.

Samantha McLean  
**Executive Director**  
**Independent Planning Commission NSW**