

VARRO VILLE

25 February 2019

Ms Sam McLean
Director Secretariat,
NSW Independent Planning Commission
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000

Sent by email to ipcn@ipcn.nsw.gov.au

Dear Sam:

Re: Varro Ville Homestead & Estate curtilage expansion review ('Review') – pending issues

Two weeks have passed since our phone conversation on Monday 11 February where I raised a number of matters which remain outstanding. As these are matters that could prejudice the outcome of this Review, I outline these below and add some other concerns that have arisen since:

1. A letter from the Independent Planning Commission ('**Commission**') of 7 February to the lawyer for the Catholic Metropolitan Cemeteries Trust ('**CMCT**'), Mills Oakley, stated the Commission had '*provided your letter of 25 January to the owner of the Curtilage Study for comment, who responded via telephone on 4 February 2019*'.

As discussed, the Commission provided Mills Oakley's letter to us on 31 January 2019 with a request that we provide any comment by 3.00pm on 4 February 2019, which we duly did *in writing*. We presume that this letter was notified to the Panel.

2. Until we found correspondence on the Commission's website on Monday 11 February, we were unaware that the CMCT and its consultants had been given a two-week extension to 15 February 2019 to make submissions. You confirmed that this was for comments on the curtilage study only. You also confirmed that the extension of time was to ensure that the CMCT and its consultants were afforded procedural fairness. To this end we have no quarrel. However we were not informed of the agreement and, despite our asking for an 'extension of time' ourselves – mainly to compensate for delays by the Commission in listing the transcript and the errors contained within it - we were not granted this. We are concerned that there remains an issue of procedural fairness in this *for us*: notably that while the CMCT and its consultants have been given an extension of time to 15 February 2019 to lodge critiques of our study, we and our consultants have been given no right of reply. You indicated that you would discuss this with your team but we have heard nothing further.

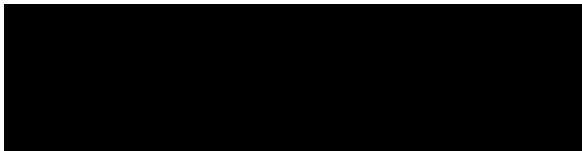
7. Finally we wish to reiterate that, following the Commission's provision of advice to the Minister, our curtilage study is not to be published by the Commission. We draw your attention to the exchange of letters between EDONSW, acting for us in this matter, regarding the Commission's obligations versus the Minister for Heritage.

Consistent with our prior statements:

- a. We do not want the curtilage study published until the land to which it pertains comes under the protection the *Heritage Act 1977*. If the Minister decides to *not* approve the curtilage expansion then this process may be extended via the courts.
- b. If and when the study *is* eventually published we have requested that it comply with the copyright agreements in place between the OEH and ourselves, i.e. '*limited to a resolution unsuitable for publication-quality printing*'.

We ask that this letter be forwarded to the Panel Chair.

Yours sincerely

A large black rectangular redaction box covering the signature area of the letter.

For: Jacqui Kirkby and Peter Gibbs