



Contact: Anna Summerhayes
[REDACTED]

Mr Brendan Dobbie
Acting Principal Solicitor
EDO NSW

Email: [REDACTED]

Dear Mr Dobbie

Ministerial Request to Review Recommendation for Heritage Listing of Varroville Curtilage

I refer to your letter dated 30 November 2018 in relation to the confidentiality of the Curtilage Study prepared by Orwell and Peter Phillips dated May 2016 (the Study).

The Independent Planning Commission (the Commission) appreciates your clients' concerns.

The Commission does not consider it appropriate to have regard to the separate matter in the NSW Civil & Administrative Tribunal in carrying out its obligations in respect of the review.

The Commission does not take issue with your clients' position in relation to the statutory requirements.

The Commission does consider that maintaining the confidentiality of the Study is inconsistent with the Commission's objective of transparency and fairness of process, if the Commission is to have regard to the Study in its review. The Commission will allow interested parties the opportunity to consider and make submissions on the substance of the material relied on by the Commission in its review.

It is a matter for your clients as to whether the Commission has regard to the Study in its entirety, a partially redacted form, or not at all.

As you know, the Commission is prepared to limit disclosure of the Study, in whichever form your client wishes it to be considered, to interested parties' legal advisers and heritage experts. This measure is intended to minimise your clients' concerns regarding risk of harm or destruction of areas of significant heritage value.

For these reasons, the Commission does not intend to reconsider its position.

Given the hearing on Monday 3 December 2018, it would be of most assistance to the Commission if your clients would make submissions regarding the form of the Study to be considered by the Commission in its review, as soon as possible.

Should you require any further information please contact Anna Summerhayes, A/Director Secretariat on [REDACTED]

Yours faithfully

Holly Stjernqvist

A/Counsel assisting the Independent Planning Commission

30/11/18