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O/N H-1413386

**INDEPENDENT PLANNING COMMISSION**

**APPLICANT MEETING**

**GATEWAY DETERMINATION REVIEW – 79, 95 & 100 BELLS LANE AND 457  
BELLS LINE OF ROAD**

**COMMISSION PANEL:**                      **CHRIS WILSON (Chair)**

**OFFICE OF THE IPC:**                      **JANE ANDERSON**

**APPLICANT:**                                **ROBERT MONTGOMERY  
IAN HOPKINS  
JENNIE HOPKINS  
WAYNE ATTARD  
LYNDALL ATTARD**

**LOCATION:**                                    **VIA VIDEO CONFERENCE**

**DATE:**                                        **3.20 PM, FRIDAY, 12 MARCH 2021**

MR WILSON: All right. Before we begin, I would like to acknowledge all the Traditional Owners of the lands on which we virtually meet, and pay my respects to their Elders, past, present and emerging. Welcome to the meeting today where we discuss the Gateway Determination Review 79, 95, 100 Bells Lane and 457 Bells  
5 Line of Road, Kurmond. My name is Chris Wilson. I am the chair of this Commission panel. We are also joined by Jane Anderson from the Office of the Independent Planning Commission. News to motorists and transparency to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website.

10 This meeting is one part of the Commission's consideration with ..... will form one of several sources of information from which the Commission will base its advice. It is important for the Commission to ask questions of attendees, and to clarify issues whenever is considered appropriate. If you ask a question and I'm not in a position  
15 to answer please feel free to take it on notice and provide any additional information and we might even put that up the website. To ensure accuracy of the transcript I request that all members here today introduce themselves before speaking for the first time, and all members to ensure that you do not speak over the top of each other.

20 So we will now begin. So I will hand over to you to get us – I understand you have a bit of a presentation, is that correct?

MR MONTGOMERY: Yes, thank you, Mr Chairman, and thanks for the opportunity of addressing you today. What I would like to do, if it's okay with you,  
25 is provide a fairly brief introduction and the background to the proposal, and then ask my clients, the land owners, to speak to give their perspective, and the I would like to come in after them, and talk about the technical planning process if that's okay.

MR WILSON: That's fine.

30 MR MONTGOMERY: Okay. This planning proposal, as I'm sure you're aware, seeks to change the minimum lot size for four rural residential properties located at the edge of Kurmond Village, and the proposal, if it's successful, would consolidate the creation of 16 rural residential lots, or 12 additional lots to what currently exists,  
35 with the land size varying between 4,000 square metres and 1.7 hectares. The application was originally prepared in response to the Hawkesbury Local Residential Strategy which was adopted by the council in 2011.

40 Now, it's worthwhile just explaining that that strategy was unusual in that ..... certain criteria that didn't have any detailed strategies for how development might proceed. The strategy was essentially divided into two parts – three parts if you like. One part was identifying growth areas, your typical residential growth type ..... development. Another part of the strategy was identifying who is ..... development, and particularly given the constraints of the Hawkesbury relating to flooding, and the third part of the  
45 strategy, well, the relevant part of the strategy to us was a strategy to provide the

opportunity to – so a minor increase in population and housing around the existing rural villages, Kurmond being one of those.

5 And essentially what the strategy had set out was a number of sustainability criteria relating to waste-water, treatment of disposal, related ..... to access and size etcetera, and essentially the strategy said if you are within this area, which was within reasonable distances to the villages, and you can meet those criteria then we, as the council, will consider a planning proposal.

10 So I guess it was unusual in that sense that normally when we would have a strategy or a planning proposal like this you would have all the detailed strategy ..... but that didn't occur in this case, and that's why we're in the situation we're in now. We've been working with the council planners for around six years on this one, since 2015. We have revised it at least three times in response to the original Gateway  
15 Determination, and also changing council requirements in the emerging investigations and studies by the council.

20 So the original Gateway supported the proposal but it recommended some additional specialist studies, in particular relating to potential contamination, and also directed that the applicant and the council have a discussion about property lot sizes and ..... what that should be so those things happened in accordance with that original Gateway. As I've said, the council, at that stage, had not carried out any additional planning strategies to guide the development, and they were actually – I was involved in a number of these earlier proposals – the council planners were relying  
25 on the supporting information by the – by individual proposals such as this.

I've provided all of you today an extract from the LAP lot size map, and which is the one that's this – that's the one – and you will see in white numbers I put on that map 457, 79, 95 and 100 to show the location of the four properties.

30 MR WILSON: Well, can I just query one, 457 to me seemed inappropriate ..... is that correct? I thought it was a property next door, maybe my maps indicate ..... or is it one large lot?

35 MR MONTGOMERY: 457, I think I've ..... the right property.

UNIDENTIFIED FEMALE: It's our understanding, Robert, that it's not the corner lot.

40 MR MONTGOMERY: That's the next lot.

UNIDENTIFIED FEMALE: It's the next lot.

45 MR MONTGOMERY: It's the next one, my apologies.

UNIDENTIFIED MALE: Just confirming - - -

MR MONTGOMERY: Get rid of that. So if you just go to the left of that ..... left-hand property, my apologies.

MR WILSON: Yes. That's all right. I just wanted to clarify that .....

5

MR MONTGOMERY: Thank you.

MR WILSON: Yes.

10 MR MONTGOMERY: And the reason for this map is to show that there are – well, there are five in the immediate vicinity of this type of proposal which has been right through the process, through to gazettal, and the gazettal is obviously detailed on the lot size map, and you can see right next to number 95 and on the opposite side of the road is 100, and we have 4000 square metre lots, we have two hectare lots and we  
15 have 10 hectare lots so that's just to show the proximity of the other ones that have actually been through the process. Some of them were a little bit earlier than the current one but they were all based at the same – on the same requirements.

20 Since 2015 the council has made numerous incremental policy adjustments; some of them have been implemented and some of them heading in as what I, as a planner would say, was the right direction to achieve good results but more recently they've essentially abandoned the strategy which started all this process, and have moved on with something else. And the ..... are effectively paying the price for council changing its strategies numerous times, and there's only one way to say this is true to  
25 political posturing now. I know that's not a planning argument, but it really is, I guess, from the point of the view of the applicants, and I would like to ask Jennie if you could speak now, and then Wayne and then I will - - -

30 MR WILSON: Is that – Robert, just on that matter – is that one of the reasons why you left – didn't meet the initial deadline for the planning proposal?

MR MONTGOMERY: Well, it is. The other reason is that the council had been rather slow ..... many of these applications, and there were quite a number of other ones that were in a similar situation, and I think the original deadline was nine  
35 months, and as you can imagine organising contamination reports, flora and fauna reports and bushfire reviews, and working with the council back and forth, nine months disappears fairly quickly.

40 MR WILSON: Okay. Sorry, I interrupted.

MS HOPKINS: Okay. Would you like me to talk now?

MR WILSON: Sure.

45 MS HOPKINS: Hello, Chris and hello, Jane. I have to apologise once again ..... terrible. Look, my name is Jennie Hopkins and my husband, Ian Hopkins. Look, I just want to do a quick brief of what happened, how we got into all this. This

planning development was first brought to our attention back in May 2013 when we were approached by the council that it would be ..... to have subdivision potential ..... residential ..... Hawkesbury City Council. We were told ..... around the ..... was able to be investigated ..... subdivision for large lot dwellings. This was due to the  
5 planning proposal under the New South Wales Planning legislation.

As we already had neighbours living on one acre next door, another neighbour across the road, two and a-half acres, and we can look across it, the ..... residential village that we look across to, now, we decided to proceed with planning, and so we have a  
10 large family, all married, and a total of 10 grandchildren. Currently there are 11 members living on our property of the family. We all work in – well I’m retired – but we all work and attend school within the Hawkesbury District. The problem is that my husband and I are now retired, and we would dearly love for our family to have their own houses on the property, and to do that we have to subdivide to be able  
15 ..... them to build.

The same relates to our neighbours, they also have a large family and they also have children and grandchildren that they were hoping to be able to help out. The Hawkesbury District had become too expensive for most of the young people to  
20 purchase the land acreages and therefore live ..... area, and there’s not many subdivisions ..... some of the developers around here for them to buy into, and they are asking astronomical prices.

My daughter is a local teacher in the area, and she ..... classrooms are being closed  
25 down and teachers are being transferred out from lack of involvement of young students attending the schools, and ..... the villages where businesses ..... closed or changed hands due to the lack of the support. When you end up with an area of asset rich retirees and income poor retirees this will result in the area being under a lot of stress.  
30

We proceeded with the council for our development at a great cost for the development which has taken from mostly our retirement money, and we had a council meeting on 29 November 2016, we did a lot of work up to that date, but this council meeting I just wanted to mention. At the council meeting on 29 November  
35 2016 a resolution was resolved. Council continued processing the planning proposals within the investigation area and had received support by a council resolution to a Gateway Determination, any planning proposals currently lodged with the council as of November 2016 – I have all the numbers for that meeting if you wish.  
40

For the motion there were 10 councillors sitting. There was only one what was against the motion, and from that meeting, although he lodged his vote prior to the meeting, he didn’t attend one that was against us. He didn’t attend but he had already voted no but the other nine voted for us. From then onwards we have – it  
45 just kept going back and forth so we put out a lot more money, a lot more reports, and from then onwards we have gone nowhere, we’ve just continued in limbo so

you can see our frustration and why we ended up going to State Planning and Development.

5 We sat before the panel chosen by State Planning and Infrastructure, and they voted to approve the development, yet we find ourselves back now in this position. Is that what - - -

MR WILSON: ..... Planning ..... was it?

10 MS HOPKINS: Yes. We went – we sat with the panel, we paid all the extra money to do that, and they were – they were unanimous in their vote for us. The developers seemed to always ..... they would come in and get what they want but we are not big developers. We're not wishing to make big money. We have lived in the Hawkesbury area for 30 years, and we all love our homes. All we want now is to be  
15 able to make our family have homes of their own, I hope this is not too much to ask. My husband and I are in our seventies, and we are getting older and I'm just worried that if we get to the point that we have this great big lot of land that we can't give to our children, I'm worried about their futures because we – I don't know ..... aware but we ..... duplex, we have a studio, we have ..... we all love our home and we all  
20 live together so I'm just hoping that we can .....

MR WILSON: Sorry, are you 79?

MS HOPKINS: I'm 70 and my husband is 72.  
25

MR WILSON: No, no, not your age, sorry - - -

MS HOPKINS: Seventy-nine - - -

30 MR WILSON: - - - I just – if that was the case I just called you 79, sorry. No, number 79 Bells Road?

MS HOPKINS: I was thinking the camera doesn't do much justice.

35 MR WILSON: I would never ask something like that, no, sorry - - -

MS HOPKINS: No, we are 79, yes.

MR MONTGOMERY: Wayne?  
40

MR ATTARD: Yes, g'day, Rob, how are you? Can you hear me, Rob?

MR WILSON: Yes, we've got you, Wayne.

45 MR ATTARD: I think it ..... yes, thanks, Chris.

MR WILSON: .....

MR ATTARD: Jennie covered most of – all the bases there and I didn't ..... but basically what I would like to bring to your attention that seven years ago we were invited – we got a brochure in the mail inviting us to do a subdivision – a proposed subdivision – that we lived in that Kurmond vicinity and the four lots in question,  
5 they were all within that boundary, and – but at the time, you know, prior to that, seven years ago, my wife and I did a – and the family – we were thinking of planning our retirement, and ..... things with our family and when we did get that brochure in the mail that sort of changed things a little bit for us, and we – yes, we committed ourselves to doing the subdivision, and instead of investing elsewhere, and, you  
10 know, we feel that we've done everything possible, you know.

They've asked us to do the council, you know, and we've jumped through quite a few hoops, and, you know, we've had – we've had a flora and fauna hydrologist and biosecurity ..... looked at. In saying all that it's been a struggle, it's been a struggle  
15 and we're in the same – yes, we're in the same ..... as Jennie and Ian ..... Look, yes, we've only got a handful of blocks of land here, they are quite a big part of the land ..... talking over 20 acres, and we've only got a handful of blocks there, and we've got five children, and we would like to sort of give them a bit of a kick-start in life, and yes, it has been seven years and, you know, we've put our – our plans on hold;  
20 we've sort of been – sort of shackled a bit here in this corner because we – it's been like going up a greasy pole .....

You know, it's been a bit of a struggle for us but other than that there was a little bit of light there, back there a couple of years ago, where, you know, the lots – those lots  
25 were ..... with, you know, for completion so it was Gateway approval and, you know, if the council didn't put the proceedings on hold it should have been approved in 2018 or 2019 but other than that I've got nothing further to say. You know, I don't want to play the violin but, you know, it has been a struggle, and ..... and I, we're sort of, you know, we're a little bit younger than even Jennie ..... sort of thing, and now  
30 we're into our seventies, and yes, it's about all I've got to say.

MR WILSON: That's okay. Thank you. Just in terms of the brochure, did that come from council or a real estate agent or?

35 MR ATTARD: No, it came from the Hawkesbury City Council .....

MR WILSON: Okay.

MS HOPKINS: ..... document, and we sat with the panel from the New South  
40 Wales Planning Infrastructure; there was a document there given to them, and they were quite dismayed by what was given to them that it was put to us to go ahead with all of this, and – and I think they realised too that we just kept going ..... doing absolutely everything, ..... everyone, doing everything, and that's why I think it was unanimous after they saw all this documentation that they made it unanimous that  
45 they wanted to ..... Gateway and we were hoping that they would have continued on ..... going back to the council to do the development ..... that sort of thing.

MR WILSON: Okay. Well, just a question for you. The original Gateway Determination was in June 2018, the District Plan came out in March 2018, the region – sorry, the Regional Plan were adopted in March 2018; were you asked to – I think there might have been a condition on the original Gateway that said we had to  
5 ensure ..... did you give – I mean was that done at the time or it was something ..... later?

MR MONTGOMERY: Yes, it was. We were asked to consider that because, yes, there was an overlap there between that strategy coming in, and we had certainly  
10 addressed the strategy at the time.

MR WILSON: So in your mind what has changed between the first Gateway and the second Gateway in terms of the .....

MR MONTGOMERY: Well, what has changed is that the council has – in between those two periods, between the first Gateway – and I will talk to this a little bit shortly – in between the two periods of the first Gateway and second – the second amended Gateway – the only change at that point in time was that the council had completed a visual corridor study which I think is – there's a little map in your report  
20 which shows some areas of ..... and some with ..... – I think that's from that – and we were asked to address that, and in doing that we – it's probably fair to say we did comply 100 per cent with the lot sizes but the council planners agreed with us that we had done enough to satisfy them in relation to that strategy.

MR WILSON: Okay. The first – I guess what I'm alluding to is that at that time in 2018 they made a ..... determination that the District Plan – that the policies which are being relied upon now were there already - - -

MR MONTGOMERY: That's right.  
30

MR WILSON: - - - but they made a determination to proceed ..... Gateway to proceed, is that right?

MR MONTGOMERY: Well, it is, yes. The policy that was relied upon was ..... and  
35 in my submission it was still there when the alterations went up as well - - -

MR WILSON: Okay.

MR MONTGOMERY: - - - because the council, at that stage, hadn't abandoned that residential .....  
40

MR WILSON: Which has been completely abandoned now, hasn't it? I mean it seems - - -

MR MONTGOMERY: It's .....  
45

MR WILSON: - - - another resolution on 23 February which - - -

MR MONTGOMERY: Yes, that's right.

MR WILSON: Okay. And your understanding by – have you read that in the resolution? Can I just quote you what it says in the resolution:

5

*Assess the remaining individual planning proposal to be determined .....  
against the interim development which .....*

MR MONTGOMERY: Well, the council hasn't assessed this planning proposal at  
10 all, nor does it have the ability to do so now because of the process we've been  
through so I'm not quite sure where that leave us because the proposal ..... the  
council initially ..... minutes of – the regional panel initially is that the council  
refused to deal with these applications, and - - -

15 MR WILSON: Okay.

MR MONTGOMERY: - - - yes .....

MR WILSON: But council, in there – in there ..... yesterday - - -  
20

MR MONTGOMERY: Sorry?

MR WILSON: - - - didn't they – we met with council yesterday; they didn't say  
25 that they were ..... any way.

MR MONTGOMERY: Well, what happened was, and look, to – this is the  
background that you need to know – but as I say it's not entirely relevant, but this, if  
you like, when the strategy was adopted, the majority of the council were ..... and it  
was their strategy. About 12 months later was the council election, and the council  
30 shifted to the left.

MR WILSON: Okay. All right. So let's - - -

MR MONTGOMERY: - - - and .....

35 MR WILSON: - - - there has been a change of policy, correct?

MR MONTGOMERY: Yes, and ever since that time there has been a condemnation  
of ..... the elected council to try and kill all of these things, and there has been the  
40 council planners, to give them their due, of trying to be – have tried to navigate that  
process by putting forward what they consider to be a ..... strategies to control  
development, and so that's - - -

MR WILSON: Okay.  
45

MR MONTGOMERY: - - - the position that we've found ourselves in with  
satisfying the council components but the council, obviously taking the political

posturing, and back in the time before – immediately before we went to the Regional Panel – the council wrote to all of the applicants – because there’s probably a dozen of these on foot – and said, “You’ve got some options. You can either withdraw and go away, you can ask us to determine but the way the council is thinking at the moment it’s not going to be a determination that you like, or you can - - -

MR WILSON: Okay.

MR MONTGOMERY: - - - ..... and we will deal with them when we get to them. So on that basis we used the – I think it was a 90 day trigger at the time – for a Gateway Review to go to the local planning ..... yes.

MR WILSON: I understand. Just – who – are you entitled to talk on behalf of .....

MR MONTGOMERY: .....

MR WILSON: No, who owns 100 – property 100, they’re not here today?

MR MONTGOMERY: One hundred – Mr and Mrs Ghattard owned that when we started this process but it’s actually since been sold, and we’ve had no contact with that owner.

MR WILSON: Okay.

MR MONTGOMERY: Sorry, Wayne, did you have something to say about that?

MR ATTARD: No. Well, no, Chris, 100 hasn’t been sold.

MR MONTGOMERY: Sorry. I beg your pardon. I beg your pardon.

MR ATTARD: That’s .....

MR MONTGOMERY: It’s 100 .....

MR WILSON: Yes, the fourth line in the planning proposal.

MR MONTGOMERY: Yes, the fourth line - - -

MR WILSON: The one the Department has recommended to take .....

MR MONTGOMERY: Yes. I’m certainly in a position to speak on behalf of that, and look, that property, of all properties, probably has the most constraints and that’s why it ended up in the planning proposal with quite large lots all well in excess of one hectare, and significant riparian protection.

45

MR WILSON: Okay. You also mention in your report, in your submission, that you felt the Department's application of the one hectare in the altered Gateway Determination ..... talked about .....

5 MR MONTGOMERY: Well, yes, look, this is some inconsistencies. It's – I mean they've picked up the one hectare, I guess, from the - - -

MR WILSON: Investigation - - -

10 MR MONTGOMERY: - - - visual study - - -

MR WILSON: I'm sorry, yes.

15 MR MONTGOMERY: - - - I acknowledge that. But when it comes to other matters there is some inconsistencies in that Gateway Determination as reported in the report to you, and just in relation to 100, on page 5 of the Department's report to you it's stated that the proposals for 95 and 100 Bells Lane were partially consistent with the minimum lot size of one hectare. But then further along on page 5 it says that 100  
20 Bells Lane was removed from the proposal as it is not close enough to be a logical expansion.

Now, 100 Bells Lane is consistent with the one hectare minimum lot size so I think it's a bit misleading, that statement that puts it in with 95, and says it's partially compliant if 100 is - - -

25 MR WILSON: If they are saying – but even if we asked this question of the Department as well, Robert, we ..... I think their thinking is that, you know, the other properties might be somewhat continuous ..... not; that's maybe – I think it's a spacial thing as opposed to it being one hectare.

30 MR MONTGOMERY: And the thing about distance, well, you know, it has been through the studies which have now been abandoned - - -

35 MR WILSON: Yes.

MR MONTGOMERY: - - - the studies that were relevant at the time. 100 was certainly within the correct distance or the acceptable distance from ..... and indeed, when you look at the lot size that I presented earlier, you know, there are properties that have gone ahead that are even further away from the ..... so I just think that's a  
40 little misleading .....

MR WILSON: Why is that, Robert; why are there properties that are outside ..... they may be outside the investigation area but judging by ..... they are outside the investigation - - -

45 MR MONTGOMERY: Again - - -

MR WILSON: - - - is that the interim principle; is that what is – because the interim principle seemed to be site specific?

MR MONTGOMERY: The way it occurred is when the strategy was released the  
5 distance criteria was within reasonable distance of the village, and in talking with the  
council planners in the very early days, and the planning director in particular, you  
know, we said, well, what's a reasonable distance, and they said, well, it's a radius of  
a kilometre. And then, of course, we started drawing one kilometre radiuses to  
10 determine whether or not these properties were in or out, and it turned out that some  
of the properties were caught by the radius, and some of them were part-in and part-  
out, and then there were issues – and I remember addressing the council on this – as  
where do you measure the kilometre from; do you measure it from the Post Office,  
do you measure it from the centre of the residential zoning or do you measure it from  
15 one edge of the village or the other, and so in response to that, that was the, I guess,  
the beginning of the Kurrajong ..... Investigation Area where they took that one  
kilometre radius, and they effectively squared it off where – and so where properties  
were cut by the radius they were included rather than the whole ..... was

MR WILSON: Okay.  
20

MR MONTGOMERY: So I guess that's just another example of how, in hindsight,  
this strategy was not particularly well thought through even though - - -

MR WILSON: It was certainly 100 Bells Lane - - -  
25

MR MONTGOMERY: - - - there's debate - - -

MR WILSON: - - - 100 Bells Lane must be an important property ..... that one?

MR MONTGOMERY: Yes, sorry, I didn't quite catch that?  
30

MR WILSON: 100 Bells Lane would be more than a kilometre from Kurmond,  
wouldn't it?

MR MONTGOMERY: It's less than a kilometre.  
35

MR WILSON: Is it?

MR MONTGOMERY: It's 800 metres.  
40

MR WILSON: Wow.

MR MONTGOMERY: Yes.

MR WILSON: It seemed further than that yesterday, anyway. That's interesting.  
45

MR MONTGOMERY: This is .....

MR WILSON: Okay. Thanks ..... There's some commentary about the secondary position in relation to – I think it's, Ian and Jennie, it might be your land in relation to having the 900 – 9000 square metre ..... something .....? Again, I'm sorry if I'm .....

5

MR MONTGOMERY: Yes. No, that's okay, that was Ian and Jennie's land, number 79.

MR WILSON: Okay.

10

MR MONTGOMERY: And they, in talking and discussing it with them, they said, well, you know, with one hectare we – it's really just not worth doing anything because that's two lots but if we were to get 9000 then we could at least have three lots in the subdivision, and that's where that came from. You know, they felt that if 15 that could be a – could break the deadlock so to speak – then they would - - -

MR WILSON: Yes.

MR MONTGOMERY: - - - put that forward.

20

MR WILSON: Yes, okay. I understand that. So then basically back ..... though, at the moment you – you got me out here, Jane, but there was five lots on your land, Ian and Jennie; is that right - - -

25 MS HOPKINS: Yes, there was.

MR WILSON: - - - proposed? It hasn't .....

MS HOPKINS: .....

30

MR WILSON: Sorry?

MS HOPKINS: Sorry, there's two .....

35 MR WILSON: I'm sorry - - -

MS HOPKINS: - - - ..... thousand square metre blocks, and then three .....

40 MR WILSON: Here it is, 79, okay. Yes, all right. So you've got three ..... and you've got access, and then you've got the two lots at the back, yes?

MS HOPKINS: That's right.

45 MR WILSON: Okay. And then the other one which is ..... 95; how does it go from 79 to 95 if you're almost next to each other?

MS HOPKINS: Next door to us there is one acre.

MR WILSON: Right, in between?

MS HOPKINS: Yes, there's another one acre and a house in between .....

5 MR WILSON: And - - -

MS ANDERSON: ..... proposed four lots.

10 MR WILSON: Okay. There's one at the back? Yes, I see. It's – yes, I've got you. All right ..... and that's reduced significantly with the Department's decision for the current Gateway, yes? The Department ..... Gateway would .....

MR MONTGOMERY: Well, ..... yes, that would be right.

15 MR WILSON: And what about 457, Rob; who owns that and what's .....

MR MONTGOMERY: That's Wayne and Lyndall Attard, and that's probably out of all the properties perhaps the least – or perhaps the most ..... if I can put it that way.

20

MR WILSON: Right. Okay.

MR MONTGOMERY: - - - by the revised .....

25 MR WILSON: Sorry, so you own both of them – Wayne and Lyndall, you own both 95 and 457, is that right?

MR ATTARD: Yes, 457 Chris and 100 Bells Lane.

30 MR MONTGOMERY: When we started this proposal, Wayne and Lyndall also owned 95 but they have since sold that property so we've left that in the proposal because – well, that's the lady whose proposal was put forward .....

35 MR WILSON: Sure. Okay. So hang on, I'm a bit confused now. So 95 is owned by someone who is not here today?

MR MONTGOMERY: Correct.

40 MR WILSON: 79 is owned by ..... Wayne and Jennie?

MR MONTGOMERY: Ian and Jennie.

MS HOPKINS: Ian and Jennie.

45 MR WILSON: Ian and Jennie, and 100 and 457 is owned by?

MS HOPKINS: Wayne and Lyndall.

MR WILSON: Wayne and Lyndall, okay. I've got it. Thank you. All right. Okay. Look, Jane, do you have anything to ask at this stage?

5 MS ANDERSON: Nothing from me, I think, Chris. Robert, were you finished with your presentation or - - -

MR MONTGOMERY: Yes.

10 MR WILSON: I've interrupted, please - - -

MR MONTGOMERY: No, no, no, that's okay, and but I would much rather you - - -

15 MR WILSON: I lose things out of my head quickly sometimes.

MR MONTGOMERY: - - - I would much rather you ask those questions, and most of the things that I was going to say really have been covered in my answers to those questions. I just probably would like to just point out a couple of things; the specialist investigations that we carried out in response to the original Gateway  
20 seemed to have almost been dismissed in – since that time although everyone accepted the council's ..... because the council ..... certainly accepted those but – and really, I think, I would really ask the Commission when it's making its recommendation to take on board that the proposal really is a victim of a process that has been delayed and stretched out on both accounts by the Department of Planning  
25 and even an indication of the second Gateway. I mean there was, I think, six months between the council asking for an extension and the amended Gateway being issued so, you know, when you've got a government authority giving you deadlines, like, nine months, and that same authority takes six months to do something it, you know, it just makes me question the equitable treatment of my clients so that's really what I would like to say, and, of course, that the strategies at the time the amended Gateway  
30 was issued, supported this proposal, and the three – the last three decisions which are quoted in the report to you – have occurred since that date by determination was issued, and over six years we have been able to respond to every change of policy of the council, and satisfy the council staff but this one we can't because they've  
35 effectively abandoned the whole thing.

MR WILSON: ..... shouldn't ask but at 42 – the decision made on 42 ..... I mean what differences do you see between that one and this – these – I mean you're obviously aware of the .....  
40

MR MONTGOMERY: Sorry, I missed that?

MR WILSON: So you were aware of the decision on 42 Bells Lane last year?

45 MR MONTGOMERY: 42 Bells Lane?

MR WILSON: Yes, there was a rezoning .....

MR MONTGOMERY: Yes, I'm not familiar with that then.

MR WILSON: Okay. Well, we won't discuss that.

5 MR MONTGOMERY: Yes.

MR WILSON: All right. Just that it did not get past Gateway .....

MR MONTGOMERY: Yes.

10

MR WILSON: I mean you might want to have a look at that but I'm just trying to understand .....

That's okay. We can – it's – we will .....

MR MONTGOMERY: Yes, all right then.

15

MR WILSON: Well, you know – do you know – sorry .....

do you have ..... say something else in relation to the proposal?

MS HOPKINS: I would like to ..... like to say .....

20

MR WILSON: Can you speak up a bit?

MS HOPKINS: Yes. I would like to say that Wayne and Lyndall and Ian and I, we were the only ones that ..... aim to go ahead ..... doing this, and the others that came on, came on much later, and didn't put any money into studies or do anything, and I know they were knocked back at that stage, but they heard we got Gateway, and then they heard we got Gateway from New South Wales Planning and Infrastructure, and that's when they started thinking, oh, well, we're going to do this too. But then the elect council started to change everything, and I think that's when a lot of them got knocked back, they ended up following our plan, and going to New South Wales Planning and Infrastructure but I think things were changing too dramatically ..... were told that to sit and wait until they had done – the council had done all their strategies and planning for the area.

25

30

35 MR WILSON: Okay. Fair enough. All right. Well, I think that's – I really appreciate your time today, and I understand your submission. I understand the challenges you've faced.

MR ATTARD: And Chris, could I say something?

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MR WILSON: Sure.

MR ATTARD: Chris - - -

45 MR WILSON: This whole process – today's meeting is about you guys and talking to us, ..... in relation to your proposal today so say what you need to say, I'm not going to hurry you up.

MR ATTARD: The things is that, look, it's just one that's been sort of – been hitting around for the last little bit – the thing is that at 95 Bells Lane no longer belongs to us, and it – you know, I would, you know, I would rather sacrifice that than lose 100 Bells Lane because the thing is I know it was part of the contract  
5 originally but the thing is there's no – there's no life there for us, there's no substance there for ..... 95 ..... might just – might just make that statement for Chris and Jane.

10 MR WILSON: No, no, I appreciate that.

MR ATTARD: But look, also on ..... and I appreciate the time that we've got ..... and myself, but ..... even in the areas since '88 the family growing up, we got into primary school and high school but also Chris and Jane, we've also got businesses in the Hawkesbury area, and we've invested a lot of money in the Hawkesbury, you  
15 know, we employ a lot of people, you know, 30 odd people, and the thing is, you know ..... when you put these DAs in, it also creates what you can ..... creates income and jobs and ..... people throughout the area but other than that I appreciate your time and listening.

20 MR WILSON: That's okay.

MS HOPKINS: I just want to say one more thing. As a mother and a grandmother, and now about to become a great grandmother, this means the world to us to be able to help our children, and I feel we ..... because we're getting older. Now, if we can  
25 subdivide into larger lots where we can have a few homes on this ..... it leaves us in a much better place to be able to retire ..... understand .....

MR WILSON: Okay.

30 MS HOPKINS: Thank you.

MR WILSON: I understand. Robert, anything else?

MR MONTGOMERY: No. Look, I think I've said everything I needed to say, and probably just highlight the point again that unfortunately Lyndall and Wayne and Ian and Jennie have been cut-off at the knees by this process, and also by the political  
35 carryings-on as well where they have been a victim of that, but even if you put that aside, that time that the Gateway alteration was made, they were still compliant with the relevant strategies at that time.

40

MR WILSON: Okay. I understand that point. That's come through loud and clear so look, nice to meet you all.

45 MS HOPKINS: Thank you. Thank you, very much.

MR WILSON: Thank you for your time.

MR MONTGOMERY: Thank you.

MR ATTARD: Thank you.

5 MR WILSON: All the best. We – I don't know, Jane, what's our timeframe?

MS ANDERSON: I guess we'll just note, Robert, if we do have any more questions we will get back to you in the next week or so, but we do have a short timeframe for determination, and so when we do send the advice back to the Department I'm sure they will be touch - - -  
10

MR WILSON: And you need to be aware that the review – that we're not in a position to make a determination. We can only make recommendations and advice to the Department on what they should or should not have done, and ..... so that's how it works so - - -  
15

MS ANDERSON: But I would encourage you to look on our website, and you will see the advice there too when it is made available.

20 MR MONTGOMERY: Well, thank you, ..... chair, thanks, Jane.

MR WILSON: No worries. Have a good weekend everybody.

MR ATTARD: Thank you, you too.  
25

MS ANDERSON: Thank you, everyone.

**MEETING CONCLUDED**

**[4.04 pm]**