



TRANSCRIPT OF MEETING

RE: OPAL ST IVES COMMUNITY CARE SENIORS HOUSING
(SSD-48028209)

COMMUNITY STAKEHOLDER MEETING

PANEL: JANETT MILLIGAN (CHAIR)
KEN KANOFSKI

OFFICE OF THE IPC: KENDALL CLYDSDALE
TAHLIA HUTCHINSON
CALLUM FIRTH

COMMUNITY
STAKEHOLDERS: ROSS GUSTAFSON
ALISON UTLEY

LOCATION: ZOOM VIDEOCONFERENCE

DATE: 11:00AM – 11:30AM
THURSDAY, 3rd JULY 2025

<THE MEETING COMMENCED

5 **MS JANETT MILLIGAN:** So, good morning and welcome. Before we begin, I'd like to acknowledge that I'm speaking to you from Gadigal land and I acknowledge the traditional owners of all the lands from which we're virtually meeting today, and I pay my respects to their Elders past and present.

10 My name is Janett Milligan. I'm the Chair of the Commission Panel. Joining me today is fellow commissioner, Ken Kanofski, and we're also joined by Kendall Clydsdale, Tahlia Hutchinson, Callum Firth from the Office of the Independent Planning Commission.

15 So, welcome to the meeting today to discuss the Opal St Ives Community Care Seniors Housing State Significant Development which is currently before the Commission for determination. As you've previously made a submission to the Department of Planning, Housing and Infrastructure regarding this development, the Commission has considered it appropriate to hear your views on the application.

20 And in the interests of openness and transparency and to ensure the full capture of information of today's meeting is being recorded. So, we're recording the meeting and a complete transcript will be produced and made available on the Commission's website.

25 So, you've been allocated 10 minutes today to express your views and to allow the Commission to ask questions. So, thank you very much for doing that. And if you're happy, why don't we begin. And I begin by asking you perhaps just to do a little introduction, tell us who you are, and to tell us what you would like us to hear.

30 **MS ALISON UTLEY:** Thank you very much, Ms Milligan. I'm Alison Utley. My partner, Ross Gustafson will speak after I have. We are the residents of 6 Flinders Avenue, and our property is shared with the easternmost boundary of the proposed development. And we – well, firstly I want to say we feel very fortunate to have this opportunity and I'm just really glad to be able to speak to you face to face.

35 We do have a couple of issues that we are hoping to get some traction on to help lessen the negative impact of the proposed development on our property. Shall I just quickly try to summarise them?

40 **MS MILLIGAN:** Yes, please.

45 **MS UTLEY:** Okay. One of our really key things is that we really want the proposal to provide a boundary fence for us. The revision mentions that they have provided some screening and that the security fence that is there provides us with security. However, we really need a fence, something that looks like – in keeping with the suburb, a nice high suburban fence that will protect the appearance of our property from the street, to help make it look residential. And also to give us relief from constantly viewing the development. And also for our security.

I can go over this in more details later if anyone wants to ask questions. But essentially, the drawings don't really indicate – I mean, if you can come out, you can see that the southern half of our boundary, when the tennis court is removed, basically all of our green cover is gone. Essentially, that's the case. And that is the area with no fence.

And then further north of that we have open grid steel cyclone fencing, which is easily scalable, all the vegetation – and completely see-through. So, all of the vegetation behind that is being removed and there will be security fencing, buildings, we will be able to see all of that. And that takes us through to the back part of our property which is majorly used living area.

Our family room, kitchen, so inside rooms as well as our outdoor living area, will look straight through into – I'm calling it building EH, the one at the northernmost section that houses homes E and H. And we will be able to clearly see all of that. And so we need a fence to protect us from seeing that.

So, going back to the view from the street. Our property has a deep, a long garden coming down at the front, so there's a long length of fence. And because there is not enough cover, all you will see is the security fence and then the institutional-style buildings behind it. And our house is set higher up at the back, and this will dominate. And so we actually need a nice suburban fence to protect us from the fence visually.

We need it also for our security because this – a metre – anyway, this stretch of what will be planting and stuff which will grow slowly, all this will need tending. There will have to be gardeners, maintenance people, you know, cleaners maybe for the decking and stairs at the back of building EH. All of these people will have easy access to our property. They can scale the fence and then coming down the front, they can just walk on. And it's probably very hard to understand that unless someone can come out and see this.

So, it's no longer a family living next door. It could be anyone of these people. Sorry. Moving – the other main point that we have is that regarding that back area with the intrusion visually from the fact that you can see through the cyclone fencing. The building EH is two-storey, it starts at the very high point of the land at the back of our shared boundary and is listed as two-storey. But of course, as the land slopes down and the building comes across this way to beside us, it becomes like a three-storey bulk, and that is right beside our main living area.

The protrusions of the sit-and-learn are, the fire escape, and the stairway ramp, I mean, that's 3 metres and then 2 metres from our boundary. And we're just – we're really asking if there is some way that this can be set back a little to give us some relief. I know that there have been setbacks achieved for Mona Vale Road as well as the southern cul-de-sac area of Flinders Avenue. Sorry, I'm trying to rush. But Mona Vale Road is an extremely busy road. The pedestrian traffic is purposeful, hardly leisurely and minimal compared to our residential streets.

This single thing impacts us greatly. And any lessening of it would also help with the overshadowing which is on ours, by far the most largely affected, it's a great burden on our property. And we could show more of this when you come, which we're really hoping will happen.

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I've got to wrap it up now so that Ross can say something. The only other thing is making sure that the eastern side of the balconies are actually properly screened so that they don't overlook the property. I haven't been able to doublecheck all of that, and some of it, I think, mentions planting. But I hope I've made it clear enough so that you understand that we need it for ourselves, you know. Thank you very much again, and this is Ross now. Thank you.

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MS MILLIGAN: Thank you, no, it was very clear, thank you for making those points. We understood exactly what you were saying.

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MS UTLEY: Thank you.

MS MILLIGAN: Thanks, Ross.

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MS UTLEY: Sorry, I do understand that with the setback, it's all about the number of beds to make it profitable. I really understand that. But I'm just hoping with some juggling – I could even see some juggling myself, but anyway.

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MR ROSS GUSTAFSON: We can go into more detail with a written submission before the 8th, so we don't want to spend too much time today going into too much detail.

MS UTLEY: Thank you.

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MR GUSTAFSON: Thank you, commissioners. And look, I'd just like to take a few more minutes to address what is the present likely future impact on the current form evaluation of a residential property. This is extremely important to us, and I can't over-emphasise it.

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Prior to the development proposal being made public, real estate advisers came to us and examined the property and surveyed it and came to a conclusion that at the current market, it was worth around four to four-and-a-half million dollars. And that was based on comparable sales at the time, a large amount of knock-down two-storey buildings close by, many typically now sell for well over 6 million. And it would be clear to you when you come, just anywhere up the street and in the area, there's so many now.

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Our residence is on a land square metreage of 1,328 square metres. It's in the top echelon of the area; in fact, 40% over the standard size of most of the blocks. And it's set well back from the street. It's situated in a very quiet cul-de-sac and what was always considered to be a premium in a very favoured street, blocked at each end, if you don't mind, through to through traffic. So, a very quiet, excellent for children, and a really family orientated, quiet street.

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Our house has had substantial internal renovation and external sandstone walling and paving and landscaping to provide a very attractive alfresco outdoor living/dining area in the entertaining space just directly outside our kitchen and back dining room.

5 On discovering the details of the proposal and the impact on our residence, I contacted Opal Principal of Private Healthcare in 2003, and given they had five blocks and I offered to add ours to their portfolio, Mr Mullins didn't offer us that opportunity, but I went straight to them.

10 The price that I suggested was in the region of 4 million, it seemed very reasonable, they purchased number 1 Flinders Avenue right next to us for \$7 million, so it was a fairly big discount. After following up for many weeks and in a response, I was told that they didn't have an interest, it didn't fit in their plans, but price did not seem to be the issue. It was the fact it didn't fit in their plans.

15 So following that, we decided we had no choice but we went to the market, we had an extensive pre-sale campaign and in preparing the property for selling, we went to auction at the beginning of May 2024. The auction was of course declared about the Opal Healthcare development, but it was apparent that this was not unknown to the
20 proponents or the bidders or potential interested parties anyway.

So, the market-based estimation of our property, it became quite clear at that auction, the auctioneer was unable to extract a bid. Can I just emphasise that. We were unable to extract any bid whatsoever.

25 And as Alison explained that this was very severely impacted by this proposal clearly. In its current form, the development dominates the project with very-near monolithic three-storey, 11.5-metre-tall building structures. With it so close to our boundary and not buffered at all by any greenery that's going to be retained. We haven't got room to
30 plant, given the location of our house to the boundary.

So, in summary, the structure of these buildings and balconies so close to our property, severely invades our privacy and the outdoor vista that we've enjoyed for over 20 years. We've developed what we thought, and I can assure you you'd feel the same – a
35 very warm, general living amenity in the area, but we can only plead with you now as commissioners to please come to our property, see for yourselves the areas we've highlighted as the most serious issues affecting us by this impingement of these buildings on us.

40 Look, we can appreciate it's hard to see from architectural drawings alone the full impact of the proposal on our property. We're very grateful to the Commission for its protocols to give us this opportunity to clearly define them. And which we see as most damaging to the value of our property, and making it very difficult to sell.

45 Once demolitions and excavations start, the timeframe to completion, given our experience of two nearby developments, both the Estia development and the Thompson development nearby within short walking distance, they took over three to five years to finish. And here we have demolition, excavation and development which

would have to be similar, because this is larger, some substantial amount larger, so that's a very generous expectation.

Plantings growth which is being proposed as perhaps future green canopy buffers will of course – even if they were to be somewhat ultimately successful, would take many, many years to grow. I'm age 73 and we're looking at another three to five years of development excavation, and then the growing of that plantation. It's a very long timeframe for us not to be able to sell the property. And once that starts, we just don't know what to do.

We're now looking, if we may, to yourselves, the commissioners, to help us negotiate a better outcome for ourselves and the future of our property to maintain, if possible, some value. If this is approved in its current form, it imprints a substantial negative legacy over the property and diminishes its value and saleability for us.

As a retired couple, this is our major asset. We need, if possible, to secure its value, even if at a discount, and help to secure our future. It's so important to us. Once approved, the plants can't be undone, they can't be reversed, but if we work with the IPC and the Opal proponents, we feel that we can negotiate with your help, a better outcome for us on some of the setbacks and some of the privacy issues that are so dominating us.

We're not looking to stop the proposal. We're just looking for you to assist us in ameliorating some of these very strong impacts on us.

MS MILLIGAN: Thank you, thank you very much. Thank you for your clear statements. Can I just respond to two of the issues you've raised, and you've explained them very clearly. But there are two issues that in fact are outside our jurisdiction and we cannot sort of investigate or have an opinion on.

The first one I'll deal with, the last one, the value of property is not a planning issue.

MR GUSTAFSON: No, we realise that.

MS MILLIGAN: Yes.

MR GUSTAFSON: We just wanted to add, the impact of the proposal has made the property for us at the moment virtually unsaleable. So, I know that you can't affect the valuation, and it's not in your auspice to deal with that, but we feel if we can negotiate with the proponents, we can ameliorate some of these impacts and bring the property some value back. At the moment, it's hard to ascertain what it is.

MS MILLIGAN: Exactly. So, I was just making sure that that was clear. Of course, we're very interested in the impacts, but in terms of property value, that's something that we cannot comment or have an opinion on.

Interestingly enough, we do not have jurisdiction department over fencing. However, I wanted to ask you a couple of things. In the consultation leading up to the

development, the Applicant has told us there has been consultation. I was just wondering, have you had any opportunity to speak with the Applicant during this long planning process and raised the issue of the fence?

5 **MS UTLEY:** Well, the thing is, this is my recollection, if I can just start.

MR GUSTAFSON: The plans weren't clear and didn't address some of the –

10 **MS UTLEY:** No, no, no, can I just start please. Because in the last lot of meetings which I was part of, I said, “We really want to see what you're doing for a fence.” And then they came back with a bit of a rejigged proposal and there was no fence, right.

15 I don't know how much of this has sprung from – I mean, the fence is really, really vital to us. And is there any way that we can address it? Because all I can think of is that at the very early meeting at the beginning, which I wasn't able to attend, and Ross went to, he was very upfront with them and said about how there's a big water issue with water that flows down ...

20 **MR GUSTAFSON:** Water easement issue.

MS UTLEY: ... the boundary and that that's a big thing. And he also mentioned that we aren't able to put a fence there because there is a covenant on our property from the neighbours when this was subdivided ...

25 **MR GUSTAFSON:** Fifty-six years ago.

30 **MS UTLEY:** ... in the '60s, to leave the fence as it was. And I understand that that is possible to get that removed, but we just were hoping to, I mean, in actual fact, we just thought it's a normal part of any proposal of this size that a fence would be provided, because it is so enormous. Is there any way we can get recourse? I'm so sorry to interrupt.

MR GUSTAFSON: The boundary's 120 metres long.

35 **MS MILLIGAN:** Yes, we see that.

MR GUSTAFSON: The need for a fence would seem to be part of the proposal that would almost be generic, if you like, rather than specifically focusing on one bit here, bit here, that bit. It needs to enclose the whole development property.

40 **MS MILLIGAN:** So, the Commission, as I've said, the Commission does not have jurisdiction over the fence. However, we have actually advised the Applicant that this issue is important to you, and so they are aware ...

45 **MS UTLEY:** Right.

MS MILLIGAN: ... of your concerns, and the fact that the fencing is a really important issue for you. So, probably can't sort of say much more about the fencing.

But can I just come back and say, you've raised – basically, the issues about setback and overshadowing, and then their flow-on to valuation, which we've already dealt with. So, thank you for describing those. You talked about the balcony screening and we're questioning whether all the balconies were screened. Our understanding is that –

MR GUSTAFSON: They're not all screened at the moment.

MS UTLEY: No, you don't – no, no, I haven't had a chance to go back and check everything in the drawings.

MS MILLIGAN: So, thank you for raising that. We will doublecheck.

MS UTLEY: Thank you.

MS MILLIGAN: So, our understanding is that they are screened, but thank you for raising it, we will go back in detail and doublecheck that.

MS UTLEY: Oh, thank you.

MS MILLIGAN: So, we probably sort of have used our allocation of time, but I just wanted to ask you is there anything else you wanted to raise? Before you say that, we do note your request that we visit the property, so we will consider that and come back to you in the next couple of days on that issue. And is there anything else you wanted to say to us while we're here?

MR GUSTAFSON: Well, just – if I may just make a note. When we're talking setbacks, three-and-a-half metres at the moment is very, very close. There are other setbacks that have been amended in areas that aren't as sensitive as ours, to much more substantial setbacks. If we could achieve anything similar to that which was agreed to for like Mona Vale Road and the western boundaries, we would be more than satisfied that we'd been dealt with fairly.

MS UTLEY: May I please, I know that this is beside it, but as you don't deal with fencing, and as the SSDA appears to have signed off on it as it is, do we have any recourse to approach them?

MS MILLIGAN: To approach the Applicant?

MS UTLEY: To approach the SSDA who – they didn't look at anything in our submission about fencing at all. Like, we haven't ...

MR GUSTAFSON: The SSDA have said they are prepared to approve the proposal subject to schedule 2. And schedule 2 is the detail of all the plans and landscaping etc., that's been available. And when we go through that, we haven't seen any adjustment to address our concerns.

MS UTLEY: There's nothing for a fence.

MS MILLIGAN: So, that report is prepared by the Department of Planning, Housing and Infrastructure. They assess the proposal for us on our behalf. They do not have jurisdiction over fencing. So, no, it's not an issue you can take to them, to the Department.

MS UTLEY: No, okay.

MR KENDALL CLYDSDALE: Excuse me, Chair. Do you mind if I make a comment on the dividing fences?

MS MILLIGAN: No, please do. Kendall Clydsdale from the Office of the Independent Planning Commission.

MR CLYDSDALE: How are you both? Just on dividing fences. So, when there's two neighbours in discussions about a fence which divides two properties, that comes under the Dividing Fences Act. So, as a landowner who is seeking to erect a fence, you can approach the owners of the adjoining land to enter into discussions about a dividing fence. And so that's where it sort of gets a little bit outside of the Commission's jurisdiction because it's administered under that Act.

So, you do have the right to seek a dividing fence through that process. We would recommend that if you do want to enter into discussions about a dividing fence, you do talk to the Applicant about that.

MS UTLEY: Oh, thank you. Thank you for that information, I really appreciate it.

MR GUSTAFSON: We're just a bit surprised that it's a matter of protocol, it's not part of the proposal which is on the full development for enclosure of their development.

MS UTLEY: It doesn't – Ross, it's irrelevant.

MR CLYDSDALE: Yes, and look, it may be something that they're considering and may even approach you about it. It's probably just something that's – yes, like you said, it's just not forming part of this process, but it can be dealt with under a different process.

MS UTLEY: Thank you for your information and thank you for your help.

MR GUSTAFSON: Thank you, Kendall.

MS MILLIGAN: The Applicant has been made aware that it is a concern of yours.

MS UTLEY: Thank you. Thank you very much.

MR GUSTAFSON: Thank you, Commissioner.

MS MILLIGAN: Not at all. So, are there any other last comments you'd like to leave us with?

5 **MR GUSTAFSON:** We will follow up in more detail that we couldn't cover today, in a written submission attachment. We know that you have the original submission that we put to the Department of Planning. But we'll add up an addendum if you like to that and I'll try and update some of the more recent concerns that have become clearer. But look, I can't emphasise enough, we are pleading with you to please come and look – which hasn't been done before – look from our side of the property and see our
10 concerns from our perspective, and what's going to emerge once this development starts. That would be – we would be so grateful if you could manage that.

15 **MS UTLEY:** Yes, especially for the bulk of the building and the overshadowing. But also, just – sorry to take up more time – but does that mean with our covering letter that we add to send in by the 8th of July, that we should really just ignore all of my stuff about fencing that I've done, I will just write a sentence and not put anything in about fencing, because it is irrelevant, yes.

20 **MS MILLIGAN:** So, a couple of things. So, thank you for the invitation for us to visit the property. As I say, we will consider that and come back to you very soon. And thank you for noting that submissions are open and close next Tuesday. We probably can't advise you what to and what not to put in your submission.

25 **MS UTLEY:** Oh, okay.

30 **MS MILLIGAN:** So, I mean, if you put material in that can't be considered by us, obviously we won't consider it. But whether you put it in or not is completely up to you. Yes. And I also just, in finishing, would like to say the meeting has been recorded and a transcript will go on our website. And if you have any material, any additional material that you'd like also to be published on our website, you can email a copy through to the Commission.

35 **MS UTLEY:** Thank you. Thank you all for your time and information, we really appreciate it. Thank you.

MS MILLIGAN: Well, thank you for yours. Thank you very much for the submission.

40 **MR KEN KANOFSKI:** Thank you, it was a very clear submission of your issues, so thank you.

MS UTLEY: Well, that's nice to hear.

45 **MR GUSTAFSON:** That's nice to hear, because we've been very frustrated by getting heard. Thank you so much.

MS UTLEY: Thank you.

MS MILLIGAN: Yes, we can hear that. So, thank you very much for the conversation.

MS UTLEY: Okay. And have a good day. All right. Thank you.

MR GUSTAFSON: Thank you indeed.

>THE MEETING CONCLUDED