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### **Department of Planning and Infrastructure takes court action over huge dirt mound at West Dapto**

The NSW Department of Planning and Infrastructure has commenced legal action against the developer of an Illawarra hospital precinct over the construction of a large stockpile and retaining wall close to homes at Penrose.

The Department has lodged proceedings in the Land and Environment Court against La Vie Developments Pty Ltd for what the Department claims are unauthorised works on the Illawarra International Health Precinct.

The Department will be seeking Court orders that the stockpile and wall be permanently removed.

The Department's legal action allows approved construction work to continue on the first stage of the project – a specialist surgical centre – and instead focuses only on the removal of the stockpile and retaining wall at this stage.

In addition to the Court proceedings, however, the Department continues to closely monitor ongoing work on the site to ensure that it complies with relevant approvals.

The Department's Deputy Director-General Richard Pearson said La Vie Developments Pty Ltd had been directed on numerous occasions to stop stockpiling, but that this unauthorised activity had continued nonetheless.

Mr Pearson said the Department's attempts to negotiate a good outcome with the developer had also failed.

"The Department sent a final letter of demand to the developer on 11 August stating that if the Department's requirements were not met, legal action would be taken," Mr Pearson said.

"The responses from the developer have not satisfactorily addressed the Department's concerns.

"As such, the Department has been left with no option but to go to court."

During construction works on the West Dapto site, the developer has created a major stockpile of dirt and other excavated material along one of the site boundaries which backs onto a number of homes.

An associated dry rock retaining wall, approximately 180 metres long and some 4.5 metres high, has also been constructed in front of the homes.

“While the Department recognises the potential economic and social value of this development to the Illawarra, we need to ensure it is constructed in accordance with its conditions of approval,” Mr Pearson said.

“The stockpile has been causing significant dust and visual impacts for nearby residents as well as sediment run-off in the storm water.

“Since the complaints have come to our attention, we have been working to try to resolve the issue and the Department appreciates the ongoing assistance and support from local residents.”

The Department is also working closely with Wollongong City Council on this issue. The council has enforcement powers relating to run-off and dust issues related to the development and has been inspecting the site regularly.

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