Could I please get an update on legal action against the Illawarra International Health Precinct? What are the costs of the proceedings to date and who will pay these costs?

Department of Planning and Infrastructure response:

The Department of Planning and Infrastructure is continuing to vigorously pursue enforcement action initiated against the proponent, La Vie Developments Pty Ltd, in the Land and Environment Court to seek the removal of a stockpile and retaining wall near homes.

Separate to this, the proponent has submitted an application to the department, seeking to modify its approval for the Illawarra International Health Precinct development. The modification is being publicly exhibited from Wednesday 30 November to Wednesday 14 December 2011.

Since receiving the modification application, the department has been working with the proponent and seeking adequate information on the modification to allow it to be exhibited.

However, as the department has not determined this application within the time limits set by the Environmental Planning and Assessment Act – namely 40 days – the proponent has lodged a merit appeal in the Land and Environment Court.

Both these legal matters are listed in court on 14 December 2011, when the court is expected to consider whether the merit appeal or the enforcement proceedings will be dealt with first.

The department is not in a position to quantify the costs of the legal action at this stage, as the legal action is still underway. The costs will be determined in the future and the department, on behalf of the Minister, will explore all legal avenues to recover costs from the proponent at the conclusion of the legal proceedings.