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Stuart and Sylvia Low  
37 Goolagong Street  
Penrose NSW 2530\

3 December 2011

Ph. 02 4262 0392

Re. MP08\_0156 MOD 3

NSW Government.  
Planning and Infrastructure

Attention of Mr Ben Eveleigh.

**Re; Modification Request for the Illawarra International Health Precinct, Penrose, 2530**

Dear Sirs,

We have now examined the proposal for modification to the above project at the Dapto library and on the website and wish to make a number of comments.

1. As I believe it, the work carried out on the site is illegal and has not been approved by the Department of Planning. I, therefore, find it hard to understand how La Vie Developments (La Vie) can seek to vary an illegal act. If this is the case La Vie should remove the **whole** of the deposited stockpile and rock retaining wall and not just vary it. Maybe they should seek a modification to the original approval to deposit all the excavated material on an area of the site away from the local residents - maybe near the junction of Avondale and Huntley Roads.
2. Unless La Vie are liable to upgrade the Avondale and Huntley Roads I cannot see where they will require the amount of excavated rock they say they require. After 50 years in the building industry I don't know of a situation where the developer is liable to carry out road works off site. I would consider this to be the work of the local council or the RTA. I have also been told, correct or not, that the Huntley Mine development is liable for Huntley Road.
3. It seems La Vie wish to maintain a stockpile on site regardless of it being legal or not. The apparent aim is to crush the rock for road base. I have had experience of concrete crushing machines and the noise and dust in crushing blue metal will be far worse than any dust experienced in the excavation process. As this was not part of the original proposal it should **not** be allowed now. It is unlikely that any of the stockpile material will be allowed to be used for road base as it is now "contaminated" with top soil and other matter.
4. In La Vie's original proposal it was stated that there would be consultation with the local residents. This latest proposal states the same thing. However, over the period of work so far there has been minimal consultation or information and in fact the last "Information sheet" was received on the 17th September 2011 and informed us of ONE action taken by



the company in April this year - hardly current.. If La Vie have not kept us informed to date how can we trust them to do so in future?

5. It has taken La Vie 8 or 9 months to breakout, excavate and deposit the stockpile material on site .Why then should it take as long as 6 months to move the rock wall and part of the stockpile? After all the material is now loose and won't require breaking out. An adequate supply of water from one or maybe two water carts would keep the dust to a minimum. The strong winds that La Vie are concerned about and which might cause a problem come from the West in August/September. Are we, therefore, to expect that this work won't be carried out until late next year.?
6. Shortly after the project started Dr. Gooley admitted to a resident's meeting on site that he couldn't afford to take the material off site. A suggestion was made to him that there was an alternative to stockpiling by shifting the excavated material to the Huntley Mine project at a reasonable price. Whether or not this suggestion was followed up I don't know but if La Vie could not afford to move the material off site then why should we be expected to believe he will be able to afford it at a later date. In any event it is the most uneconomical way of working by double handling material.
7. It is our belief that La Vie have never really considered building the whole of this project and having obtained a fait accompli with the stock pile they could walk away from the site and leave it there after completing only some of the work..
8. La Vie may believe that they need approx..95,000cm of material for use on site in roads, car parks etc but what are they going to do with the material they excavated for the reduced levels for those areas?
9. The so called sound barrier mound which is just another way of saying an additional stockpile, is apparently top soil which is going to be used in garden beds and planting areas. Local residents do not believe that this sound barrier mound is top soil only but also contains rocks which will not be suitable for planting areas. Perhaps it should be checked for suitability.
10. In all dealings in the past with Dr. Gooley he has been less than forthcoming and in fact generally evasive in his answers to questions either verbal or written. He has just carried on with his own agenda regardless of resident's questions. He glibly states that he has grassed the stockpile to prevent dust problems. We now have knee high grass and weeds blowing seed and pollen throughout the area. I can't understand how he can be proud of himself by perpetuating and justifying something which shouldn't be there in the first place.
11. From the company records it seems, and admitted by him, that Dr. Gooley is the sole director and secretary of the company. One of our concerns is that if he were to go bankrupt or even, Heaven forbid, drop dead during the construction of this site we would be left with an eyesore that not only devalues our amenity and enjoyment of escarpment views but also devalues our properties by some tens of thousands of dollars.
12. I would make it clear that we do not object to the construction of the hospital and expected interruptions to our views of the escarpment but we never envisaged a total obliteration of the view for 15 years.

In summary we do not agree that La Vie should be allowed to vary what they have done to suit themselves. We do not doubt that these proposals would probably reinstate our escarpment views and alleviate the problems associated with the stone wall adjacent to Nos 36 and 40 Goolagong Street but just because WE would benefit from it does not make the actions legal and certainly won't help residents further up Goolagong Street.

We, therefore, submit that these Modifications be refused and that the illegal work be totally removed back to the original approvals for Stage One only.

Yours faithfully

Stuart Low

Sylvia Low