

Land and Environment Court supports Sandy Point Quarry

9 Feb 2017, 6 a.m.



Dismissed: The court found Sutherland Shire Council failed to prove beyond reasonable doubt all of the elements of the five charges against Benedict Industries, owners of the Sandy Point Quarry and dismissed all five charges.

The NSW Land and Environment Court has ruled that Benedict Industries was within its rights to construct a bund wall around the full perimeter of its Sandy Point Quarry in Sydney's south, and that the wall was not built to dispose of waste.

Sutherland Shire Council took Benedict Industries to court alleging the company was prohibited from building the bund wall – a large earthen mound designed to protect the site from intruders and prevent water runoff - because part of the site had not received consent for quarrying activities.

The council also asserted the bund wall was constructed to dispose of waste brought onto the land from elsewhere.

"This myth can be, upon consideration of the evidence, readily debunked," Justice Rachel Pepper wrote in her judgment delivered late last month.

The Council also unsuccessfully prosecuted Benedict for unlawfully clearing trees and bushland vegetation. That charge was also dismissed by Justice Pepper.

Co-Managing Director of Benedict Industries, Dana Dupere, said the company felt "vindicated by the Court's decision".

"We can now develop a plan to fully utilise the entire site to provide Sydney with essential resources for infrastructure and development," Ms Dupere said.

"We spent four years and a massive amount of time and resources defending ourselves against what the Court has ruled were utterly false allegations.

"The Sandy Point Quarry has been operating successfully for over 50 years and is a valuable resource for the State.

"Benedict has been operating in the local area since 1977 and we take our responsibilities to the community and environment seriously. We are proud of our environmental record," Ms Dupere said.

In her judgment Justice Pepper wrote: "all the charges brought by the prosecutor, Sutherland Shire Council against Benedict must be dismissed".

"I therefore find without any doubt whatsoever, that Benedict constructed the bund for the purpose of securing the quarry from trespass, theft, vandalism and to ensure basic site security and safety, in addition to other purposes related to the quarrying use of the land, including water management," the judge wrote.