

**Media Release**

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## **Land and Environment Court rules Sandy Point Quarry bund wall legal; does NOT contain waste**

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 run-off) 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.

**ENDS**

For more information, interested locals should head along to the quarry's website at [www.sandypointquarry.com.au](http://www.sandypointquarry.com.au).

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### **About Benedict**

Established in 1966, this Australian family owned and operated company grew from being a haulage contractor to become the largest independent producer and reseller of quarried, recycled and landscape products in NSW. Benedict's vision and track record is to restore and improve the land it occupies to a better standard than we found it.

### **Main points from Justice Pepper's ruling**

- The bund wall was built principally to keep trailbike riders and other potential trespassers out of the quarry premises and away from the dangerous quarry cliff face, and to protect and secure the site from vandals and thieves.
- Critically, the bund wall was not built unlawfully in order to dispose of waste.
- The bund wall was lawfully built and the vegetation removed for its construction was lawfully cleared.
- All the charges brought by Sutherland Shire Council against Benedict must be dismissed.
- The Council could not prove that a development consent had not been issued for quarrying on Lot 2 of the site.