



Injunction granted to save the environment

Date : October 10, 2013

The Land & Environment Court in *Blacktown City Council v The Penetrators Pty Limited* [2013] NSWLEC 169 has determined that the balance of convenience favours the granting of an injunction in circumstances where a company has continued to use a site located within the Blacktown Local Council area as a waste resource transfer station without a development consent. The company's director did not demonstrate any willingness to cease the breach of the *Environmental Planning & Assessment Act 1979* (NSW). Further it was determined that use of the land is potentially hazardous to the environment and to human health insofar as the materials may contain asbestos and other contaminants, the material is uncovered, and the material is, in some places, stored in close proximity to power lines presenting an attendant fire risk. These dangers are exacerbated when consideration is given to the fact that the site is situated near to residential dwellings.

To read this case click [here\(link is external\)](#)

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