

Monday, 23 December 2019

Earthmover fined for dumping soil in wetland

A Murray Bridge East earthmoving contractor who dumped up to 5400 tonnes of waste soil into the Tobalong Wetland at White Sands has been convicted and fined a total of \$29,000 in the Environment, Resources and Development Court.

The prosecution was a joint operation between the Environment Protection Authority and the Rural City of Murray Bridge.

Stewart Morgan, 38, pled guilty to causing environmental harm to the Tobalong Wetland, failing to comply with the requirements of an EPA clean-up order, filling land in a flood zone without development approval, and failing to remove the fill when directed by the council.

He was fined \$11,000 for causing environmental harm, \$4,000 for failing to comply with the EPA clean-up order, \$9,000 for fill land in a flood zone and \$2,000 for not removing the fill, plus \$2,200 in prosecution costs and \$960 for the Victims of Crime Levy.

He will also be required to remediate the wetland at his own expense, and the EPA will seek reimbursement of its costs of \$45,000 for engaging experts to assess the damage to the site.

Environment Protection Authority Director, Regulation, Peter Dolan, said Mr Morgan's actions had turned a high-conservation wetland habitat into a degraded terrestrial environment.

"It's extremely disappointing to see a functioning ecosystem damaged like this due to ignorance and a lack of respect for the environment," he said.

"Tobalong is one of the last remaining wetlands between Mannum and Wellington, and it provides vital habitat for water birds and a range of aquatic life, as well as playing an important role in the health of the River Murray."

In December 2015, Mr Morgan's company, SA Morgan Pty Ltd, bought a property on Jervois Road at White Sands that included part of the western section of the wetland.

Between 22 and 26 February 2016, he excavated a road to improve access to the river, dumping the soil into the wetland, which was dry at the time but vegetated with reeds.

EPA officers attended the site after a report from a member of the public, and ordered Mr Morgan to stop work. He had already spread between 2000 and 5400 tonnes of soil, smothering more than 6,000m² of floodplain – about 3 per cent of Tobalong Wetland – to depths of between 50cm and 1m.

Experts described the affected area as highly disturbed, degraded and compacted, and said there had been a negative impact on native fauna and flora, and local waters.

The EPA issued a clean-up order requiring Mr Morgan to engage an environmental consultant, remove the soil and restore the site to wetland habitat, and the Rural City of Murray Bridge also required him to remove the fill. He did not comply with either order, instead proposing to leave the fill in place and revegetate the area with terrestrial plants.

In sentencing, Judge Jack Costello said that while he accepted Mr Morgan had not been aware he was causing environmental harm or that he required development approval, ignorance of the law was no excuse.

Mr Dolan said he would encourage anyone planning to spread fill or undertake works on a river property to seek advice from their local council before beginning work.

"A phone call could not only prevent damage to the environment, but also save you thousands of dollars," he said.