
24 September 2021

Construction company fined for poor erosion controls

South Australian building company Nevarc Constructions Pty Ltd, trading as Oakford Homes, has been convicted and fined a total of \$11,100 for environmental pollution offences.

The penalty is the outcome of an investigation by the EPA with the assistance of residents affected by the damage, which involved soil, clay, gravel or sand being discharged onto their properties and local creek.

Nevarc entered guilty pleas in July 2021 to two charges of causing an environmental nuisance by polluting the environment, and one charge of breaching an Environment Protection Order, contrary to section 82(2) and section 93(8) of the *Environment Protection Act 1993*.

In the Environment, Resources and Development Court today it was fined \$4,500 for count one and \$5,400 for the second count. It was also fined \$1,200 for breaching the environment protection order. Convictions were recorded for all three counts.

The EPA prosecuted Nevarc and its civil works contractor, DML Constructions Pty Ltd, over incidents in June 2018, when the EPA received complaints from residents living adjacent to an Oakford Homes development at Nairne.

The EPA found poor erosion control resulted in discharges of pollutants (soil, clay, gravel or sand) from the site onto neighbouring residential properties and into Nairne Creek and its tributary along Lower Nixon Street following rain events.

On 10 July 2018 the EPA issued an environment protection order to Nevarc, requiring it to cease development at the site until urgent soil erosion and sediment runoff control measures had been implemented. It failed to meet these requirements within the specified timeframes.

Judge Durrant said in his decision that Nevarc was aware that the site had caused issues in the past, as in 2015 there had been an escape of material from its development.

The case involving DML is still before the ERD Court.

Nevarc has also agreed to publish notices acknowledging the offences.