

235 Park Road Wallacia.

Wednesday 2MAY 2012 Rid received a call from a female person who did not wish to disclose her details.

She told officer gillis that she was aware that the property located at 235 Park Road Wallacia was having a large amount of Fill being brought onto the property. She told officer gillis the material was contaminated and it came from 23 Gertrude Street Wooli creek.

At about 11.30am 2 MAY 2012 I went to the property located at 235 Park road as I entered the property I notice a newly constructed track leading down the eastern boundrey of the property.

I had a conversation with one of the workers and ascertain where the owner of the property was.

I then went to the residence at 223 Park Road and spoke to a female who then escorted me to the site of the fill waiting the arrival of her Husband.

A short time later a male person now known and identified as Kim Nguon UNG D.O.B. [REDACTED]

I had a conversation with Mr UNG. I asked if he had and council approval for the works that were being carried-out.

Mr UNG told me that he did not realise that he need any approval he told me he was just levelling the land to allow him to produce more market garden areas to grow his produce.

I asked Mr UNG if he knew where the material came from he told me he was not sure but he assured me that the person who was helping him did.

I asked Mr UNG who he got to bring the fill onto the property. He told me Andy knew where the stuff came from.

He told me Andy was on his way to his property.

Officer Barry Ryan then arrived on the site. I introduced Mr UNG to Officer Ryan and explained to Mr UNG the reasons we were checking the site.

In the company of Mr UNG and his wife we check the material. The material was generally clean material.

At the rear of the new material it was apparent that previous fill had been deposited. I asked Mr UNG when the other material was brought onto the property. He told me that about 12 months ago his dam was dry and they cleared the dam and the material was deposited on the site. During our inspection of this area we noticed several small sections of fibro material that we suspected to be asbestos. The suspect material was pointed out to Mr. UNG and his wife. Officer Ryan then collected samples of the material.

A male person then approached us identifying himself as Angelo CANNULI contact no [REDACTED] he stated he lived at [REDACTED]

He told us that he knew the land owner Mr UNG and that he had been asked to help him level the area. He told us the material came from a site at Parramatta not sure of the address and also a site at Northmead.

I asked him if he had seen any approval for the material to be brought onto this property he said no .I asked if he any Validation certificates for the material already on site. He said no but I can get them.

Alex Bourne

From: Bourne Alex
Sent: Wednesday, 22 January 2014 2:00 PM
To: Tregoning Molly; McElwain Christopher
Subject: RE: 235 Park Road WALLACIA

Thank you.

Darren Riding called me and explained they are very keen to continue with the investigation and offences range from breaches of consent to POEO.

He did mention that council were made aware of the site a long time ago so it may be useful to include a paragraph regarding stat bar dates for waste related offences.

Alex Bourne

A/Senior Regional Operations Officer | **NSW Environment Protection Authority** |
☎: (02) 9995 5595 | 📠: (02) 9995 5930 | ✉: Alex.Bourne@epa.nsw.gov.au
Please send all official electronic correspondence to ✉: waste.operations@environment.nsw.gov.au

From: Tregoning Molly
Sent: Wednesday, 22 January 2014 1:52 PM
To: McElwain Christopher
Cc: Bourne Alex
Subject: FW: 235 Park Road WALLACIA

Hi Chris

Please see below email trail.

As I don't have ops staff, please arrange for this one to be allocated. I think that Renee F may have worked on it in the past.

Thanks

Molly

Molly Tregoning | Illegal Dumping Co-ordinator
Environment Protection Authority
Tel: (02) 9995 5738 | Mob: 0408 110 917 | Fax: (02) 9995 5930
Email: molly.tregoning@epa.nsw.gov.au
PO Box A290 Sydney South NSW 1232

From: Bourne Alex
Sent: Wednesday, 22 January 2014 12:52 PM
To: Tregoning Molly
Cc: Riding Darren (driding@penrithcity.nsw.gov.au); Hiser Kevin
Subject: FW: 235 Park Road WALLACIA

Hi Darren,

Jl is on maternity leave and will be out of action for a while.

We are undergoing a restructure which should be sorted before the end of Feb.

I have referred this to MT for allocation/action.

Please continue to use me to liaise with the EPA.

NSW ICAC EXHIBIT

Cheers,

Alex Bourne

A/Senior Regional Operations Officer | **NSW Environment Protection Authority** |

☎: (02) 9995 5595 | 📠: (02) 9995 5930 | ✉: Alex.Bourne@epa.nsw.gov.au

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From: Riding Darren [<mailto:driding@penrithcity.nsw.gov.au>]

Sent: Wednesday, 22 January 2014 11:52 AM

To: Ingham Jacqueline; Bourne Alex

Subject: 235 Park Road WALLACIA

Jacqueline,

I have been allocated a job from Penrith City Council in respect to property - **Lot 12 Sec B DP 1452 – 235 Park Road WALLACIA NSW 2745** in which a large quantity of imported fill has been deposited onto the property. I have issued a Clean Up Notice/Prevention Notice on the owners in respect to the premise. Copy attached as reference.

There is currently a Development Application with Council seeking approval for fill material to be imported and deposited on the property but no consent has been granted.

Through enquiries it has been ascertained that in excess of 500,000 tonnes of fill has been imported onto the property over an 18 month period. Within that fill broken asbestos fibro material was found which has been tested and confirmed to be Chrysotile and Amosite, (Brown and White Asbestos).

Source sites have also been identified through my enquiries.

As I have a working history with the owners and the developers, I am requesting to continue with this investigation even though the threshold has been exceeded.

If this is the case, I require a letter of authority from your department to continue having the waste removed and monitoring the situation.

Your assistance in this matter would be very much appreciated.

Thank you for your time.

Yours Faithfully,

D.W. Riding JP

Darren Riding JP
Investigator



**DARREN RIDING JP | INVESTIGATOR
REGIONAL ILLEGAL DUMPING SQUAD
WESTERN SYDNEY**

Level 1, 207-209 Queen Street ST MARYS NSW 2760

PO Box 60 PENRITH NSW 2751

Tel: 02 4732 7446 | **Fax:** 02 4732 7400

MB: 0419 011 964

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**Help deter illegal dumping in your area, contact the RID Squad on 4732 7446
OR the EPA Hotline on: 131 555.**

NSW ICAC EXHIBIT

*·Bankstown ·Fairfield ·Holroyd ·Liverpool ·Parramatta ·Penrith ·The Hills
· Office of Environment & Heritage - Environment Protection Agency - EPA.*

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Our reference: DOC14/49138

The General Manager
Penrith City Council
PO Box 60,
PENRITH NSW 2750

Email & Standard Post

10 April 2014

Dear Sir/Madam,

**Request for Council to Remain the ARA under Section 212C of the POEO Act for
Alleged Offences at Lot 12 Sec B DP 1452 – 235 Park Road WALLACIA NSW 2745**

We refer to Darren Riding's request dated 22 January 2014 to the Environment Protection Authority ("EPA") regarding action taken by Penrith City Council ("Council") in relation to a property at Lot 12 Sec B DP 1452 – 235 Park Road WALLACIA NSW 2745 (the "Property").

I understand that Council is investigating a range of environmental offences at Property including the application of waste to land, and that Council plans to take action under the *Protection of the Environment Operations Act 1997* (the "Act") based on that investigation.

I note that the EPA may be the appropriate regulatory authority (ARA) under the Act to take action in relation to the activities undertaken at the Property.

The EPA does not propose to exercise any powers under section 212C(3) of the POEO Act in relation to this matter.

The activity at the Property is not authorised or controlled by an environment protection licence.

In light of the above, the EPA's position is that it is appropriate for Council to continue to pursue the current investigation and take or require action, including clean up action or commencing or continuing any prosecutions or civil enforcement proceedings under the POEO Act and that Council is able to do so as if it were the ARA pursuant to subsections 212C(2) and 212C(5) of the POEO Act.

If you have any questions regarding the above matters, please call me on (02) 9995 5649.

Yours sincerely

CHRIS MCELWAIN
Senior Manager Waste Compliance
Environment Protection Authority

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