

Your reference :  
Our reference : Doc07/16011  
Contact : Helen Davies 9995 5613

The Proper Officer  
Amaba Pty Limited  
Level 7 233 Castlereagh Street  
SYDNEY NSW 2000

**CHRONOLOGICAL  
FILE COPY**

Dear Sir or Madam

**Amaba Pty Limited Level 7 233 Castlereagh Street Sydney  
Notice requiring records to be provided under  
Section 77 of the Contaminated Land Management Act**

The Department of Environment and Climate Change (DECC) has been made aware of several sites in the Holroyd and Parramatta local government areas containing asbestos associated contamination.

The DECC's information on asbestos contamination in this area is scant and inconsistent and we therefore consider that information and records need to be provided under section 77 of the *Contaminated Land Management Act 1997* so as to augment and consolidate the information at hand.

A section 77 notice is attached, requesting you to provide all relevant information and records, as prescribed in the notice, to assist us in determining the next steps in this process of investigating and remediating these sites. We request that the information be provided within six (6) weeks of the date of this letter, as laid out in the notice.

We have approached all other relevant parties on this matter.

Should you require any further clarification regarding the above matters you are welcome to contact Helen Davies on (02) 9995 5613 or Naomi Callan on (02) 9995 5614.

Yours sincerely

*Niall Johnston* 8/6/2007

**NIALL JOHNSTON**  
**A/Manager Contaminated Sites**

Enclosure: s77 notice under the CLM Act

PO Box A290, Sydney South NSW 1232  
59-61 Goulburn St, Sydney NSW 2000  
Tel: (02) 9995 5614 Fax: (02) 9995 5930  
ABN 30 841 387 271  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

**Disclaimer**

Information in this report:

- is general information only and was released in 2012 in the public interest
- was provided by the NSW Environment Protection Authority (EPA) in connection with the EPA's role in regulating contaminated land under the Contaminated Land Management Act 1997
- was based in part on information sought from and provided by third parties to the EPA and to predecessor agencies, and
- is not advice and should not be viewed as a substitute for independent professional advice

The EPA prepared this report in good faith, and all due care and attention was exercised in order to assess and identify properties affected by legacy asbestos fill based on information available to the EPA and predecessor agencies at the time of the report's publication in 2012. The EPA accepts no responsibility for errors or omissions in this report, or for any loss or damage arising from information released in this report. No representation is made about the completeness of the information in this report or the suitability of the information for any particular purpose. If you are concerned about legacy asbestos fill on a property, you should seek specific professional advice relevant to your particular circumstances.

Department of Environment and Conservation

ENVIRONMENT PROTECTION AUTHORITY

**Requirement to provide information and records under Section 77 of the  
Contaminated Land Management Act 1997**

**ISSUED TO**

The Proper Officer  
Amaba Pty Ltd  
ACN 000 387 342  
Suite 1 Level 7  
233 Castlereagh Street  
SYDNEY NSW 2000

**By Registered Post**

The Environment Protection Authority ("EPA") requires Amaba Pty Ltd (ACN 000 387 342) to provide the information and records specified below.

The requirement to provide information is made in connection with the EPA's duty and responsibility to examine and respond to information that it receives of actual or possible contamination of land and address any significant risk of harm that the contamination presents.

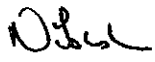
This notice is issued under section 77 of the Contaminated Land Management Act 1997.

The information and copies of records must be provided to:

**A/Manager, Contaminated Sites  
Department of Environment and Conservation  
PO Box A290  
SYDNEY SOUTH NSW 1232**

By no later than 5:00 pm on **20 July 2007**

Signed

 8/6/2007

**NIALL JOHNSTON  
A/Manager, Contaminated Sites  
Department of Environment and Conservation**

(by delegation)

## **BACKGROUND**

- A. The EPA is responsible for the administration and enforcement of environment protection legislation including the *Contaminated Land Management Act 1997* (*'the Act'*).
- B. The EPA's responsibilities and functions under the Act include:
  - a) Examining and responding to information it receives of actual or possible contamination of land; and
  - b) The assessment of whether land is contaminated.
- C. The EPA has received reports from members of the public of asbestos waste believed to have resulted from activities of Amaba Pty Ltd and/or its subsidiaries (including now deregistered companies) at various times during the period from 1940 to the present, having been deposited in the vicinity of Ruse Street, Parkes Street and Alice Street, Harris Park, New South Wales. The EPA understands that Amaba Pty Ltd and/or its subsidiaries (including now deregistered companies) may have deposited asbestos waste at these and various other sites in the local government areas that are now administered by Parramatta and Holroyd City Councils.
- D. The EPA is aware of correspondence from Amaca Pty Limited (formerly known as James Hardie & Coy Pty Limited) to Holroyd City Council dated 17 January 2003 stating that sites in Greystanes, Granville and Merrylands may have received asbestos waste materials during the 1960s and early-mid 1970s.

## **DEFINITIONS**

- E. For the purposes of this notice, "asbestos waste" means any waste that contains asbestos.
- F. For the purposes of this notice, "asbestos" is a generic name for a group of naturally occurring mineral silicates of the amphibole or serpentine series that are characterised by fibres or bundles of fine single crystal fibrils. Included in the definition are the following minerals: chrysotile, crocidolite, amosite, anthophyllite, tremolite and actinolite.
- G. For the purposes of this notice "Amaba Pty Ltd" means Amaba Pty Ltd and all companies (including now deregistered ones) which are or have been subsidiaries of Amaba Pty Ltd.

## **CONTAMINATED SITES NOT APPLICABLE TO THIS NOTICE**

- H. For the purposes of this notice Amaba Pty Ltd is not required to produce information and/or records pertaining to the following sites:
  - a) Auburn and Hardie Landfills, Sydney Olympic Park;
  - b) 1 Grand Avenue, Camellia; and
  - c) James Hardie Building Products, 10 Colquhoun Street, Rosehill.

## REQUIREMENT TO PROVIDE INFORMATION AND RECORDS

In accordance with section 77 of the Act, the EPA requires Amaba Pty Ltd to produce the following:

### INFORMATION

1. Did Amaba Pty Ltd *operate* any asbestos waste dumps and/or landfills in New South Wales at any time between 1940 to the present?

If so, provide all information relating to those operations, including but not limited to the following:

- a) the names of the companies that carried out the operations;
- b) the ABN and/or ACN numbers of those companies;
- c) if the company or companies identified in accordance with paragraphs 1(a) and 1(b) of this notice continue to be registered, the address/es of the registered office/s of the company or companies identified;
- d) for each company or companies identified in accordance with paragraph 1(a) and 1(b) of this notice, the specific location/s of any asbestos waste, any asbestos waste dump/s and/or landfill/s operated by the company or companies;
- e) details of the nature and extent of the operation/s, including (but not limited to) the periods that the operation/s were carried out by the company or companies.

2. Did Amaba Pty Ltd *deposit* or arrange the depositing of any asbestos waste at any location in New South Wales at any time between 1940 to the present?

If so, provide all information relating to those deposits, including but not limited to:

- a) who deposited the asbestos waste;
- b) on whose behalf was it deposited;
- c) the ABN and/or ACN numbers of the company or companies identified in accordance with paragraphs 2(a) and 2(b) of this notice;
- d) if the company or companies identified in accordance with paragraphs 2(a) and 2(b) of this notice continue to be registered, the address/es of the registered office of the company or companies identified;
- e) the specific location/s of where the asbestos waste was deposited;
- f) details of the nature and extent of asbestos waste deposited at the specific location/s identified in paragraph 2(e) of this notice, including (but not limited to) the periods the asbestos waste was deposited by the person or company or companies.

3. All information regarding the identity of all businesses, individuals or companies engaged by Amaba Pty Ltd to *transport* asbestos waste to:
  - a) each waste dump or landfill that is identified in accordance with paragraph 1 of this notice;
  - b) each specific location of each depositing of asbestos waste identified in accordance with paragraph 2 of this notice.
4. All information regarding whether Amaba Pty Ltd carried out (including managed or controlled) any asbestos waste disposal activities or associated activities not covered by paragraphs 1 to 3 inclusive of this notice, at a location in New South Wales at any time between 1940 to the present, including but not limited to the following information:
  - a) the names of the companies that carried out the disposal activities or associated activities;
  - b) the ABN and/or ACN numbers of those companies;
  - c) if the company or companies identified in accordance with paragraphs 4(a) and 4(b) of this notice continue to be registered, the address/es of the registered office of the company or companies identified;
  - d) details of the nature and extent of the activity or activities carried out by the company or companies identified in accordance with paragraph 4(a) of this notice, including (but not limited to) the period that the activity or activities were carried out.

#### **RECORDS**

5. All records (including map/s) identifying the specific location/s of each asbestos waste dump or each landfill identified in accordance with paragraph 1 of this notice.
6. All records (including map/s) identifying each specific location/s where asbestos waste was deposited identified in accordance with paragraph 2 of this notice.
7. All records relating to the arrangements (including any agreements) between Amaba Pty Ltd and any other person, as to the ownership, management and maintenance of the asbestos waste dumps and/or landfills identified in accordance with paragraph 1 of this notice.
8. All records relating to the arrangements (including any agreements) between Amaba Pty Ltd and any other person, as to the ownership, management and maintenance of the specific sites where asbestos waste was deposited at the locations identified in accordance with paragraph 2 of this notice.
9. All records relating to the information provided in accordance with paragraph 3 of this notice, including but not limited to:
  - a) delivery dockets and any other disposal documentation in relation to the transport of asbestos waste;
  - b) the amounts and types of asbestos waste that was transported.

10. All records relating to the information provided in accordance with paragraph 4 of this notice.

## **OTHER INFORMATION AND RECORDS**

11. The name, address, position title and contact telephone number of an individual or individuals suitably qualified to answer any questions relating to the information and records provided under this notice.
12. If any of the records relevant to this notice are not in the possession of or within your power to lawfully obtain:
- a) in whose possession or control are those records?; and
  - b) if any of the records have been destroyed (including for example as a part of routine record management procedures or as a result of a fire) or lost, information as to when and where the documents were destroyed or identified as lost.

### **WARNING**

It is an offence against the Contaminated Land Management Act 1997 not to comply with this notice unless you have a lawful excuse for not complying. It is also an offence to provide information under this notice knowing that the information is false or misleading.

However if you are a natural person (that is, an individual rather than, for example, a company or other incorporated body) you may object to providing information that this notice requires you to provide on the ground that the information might incriminate you.

This warning is given for the purpose of s.90 of the Act.

There is important information at the end of this notice that you should read about self-incriminating information and/or records that you provide in compliance with this notice.

### **INFORMATION ABOUT THIS NOTICE**

#### **Type of information and records to be provided**

This notice only requires you to furnish

- information within your knowledge, or
- records that are in your possession or that are within your power to lawfully obtain (see section 80(1) of the Act).

#### **Records to be provided in written form unless otherwise provided**

Unless this notice otherwise provides, records are to be provided in written form (see section 80(3) of the Act).

#### **Penalty for not complying with this notice**

The maximum penalty that a court may impose on a corporation for not complying is \$137,500, with a further \$66,000 for each day the offence continues. The maximum penalty that a court may impose on an individual for not complying is \$66,000, with a further \$33,000 for each day the offence continues (see s.89 of the Act).

#### **Self-incriminating information and/or records**

The fact that the **information and/or records** that this notice requires you to provide might incriminate you or make you liable to a penalty does not excuse you from having to comply with the notice.

**The fact that a record provided by you in compliance with this notice might incriminate you does not make that record inadmissible against you in criminal proceedings.**

Your reference : your/ref  
Our reference : DOC01/16011  
Contact : Helen Davies 9995 5613

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Amaca Pty Limited  
Level 7 233 Castlereagh Street  
SYDNEY NSW 2000

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The DECC's information on asbestos contamination in this area is scant and inconsistent and we therefore consider that information and records need to be provided under section 77 of the *Contaminated Land Management Act 1997* so as to augment and consolidate the information at hand.

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Yours sincerely

 8/6/2007

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**A/Manager Contaminated Sites**

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ENVIRONMENT PROTECTION AUTHORITY

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*Contaminated Land Management Act 1997***

**ISSUED TO**

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Amaca Pty Ltd  
ACN 000 035 512  
Suite 1 Level 7  
233 Castlereagh Street  
SYDNEY NSW 2000

**By Registered Post**

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Department of Environment and Conservation  
PO Box A290  
SYDNEY SOUTH NSW 1232**

By no later than 5:00 pm on 20 July 2007

Signed

 8/6/2007

**NIALL JOHNSTON  
A/Manager, Contaminated Sites  
Department of Environment and Conservation**

(by delegation)



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- d) for each company or companies identified in accordance with paragraph 1(a) and 1(b) of this notice, the specific location/s of any asbestos waste, any asbestos waste dump/s and/or landfill/s operated by the company or companies;
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