



DOC19/542730-1

Department of Planning, Industry and Environment
By email at: information@planning.nsw.gov.au

Attention: Mr Alexander Scott

09 July 2019

Dear Mr Scott

**Request for comment/conditions for the Hexham Train Support Facility
EPA response (MP 07_0117 MOD 1)**

I refer to the email from the then Department of Planning & Environment (DPE) to the Environment Protection Authority (EPA) dated 25 June 2019 seeking comments and any recommended conditions of approval for the Hexham Train Support Facility (MP 07_0117 MOD 1).

On 26 November 2018, the EPA informed DPE that the proposed development was not an activity that is listed in Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act) and will not require licensing by the EPA. However, on 05 July 2019, amendments were made to Schedule 1 of the POEO Act through the passing of the *Protection of the Environment Operations Legislation Amendment (Scheduled Activities) Regulation 2019* (the Regulation). In particular, specific changes were made regarding railway activities and rolling stock (see Clauses 33, 33A and 33B of Schedule 1 of the POEO Act). Further details of these changes can be found [here](#).

Based on our review of the information provided, it still appears that licensing by the EPA is not required and as such, Newcastle City Council will be the appropriate regulatory authority for any environmental pollution related matters under the POEO Act in respect of the proposed development. However, the EPA recommends that the Proponent be required to assess that this position is in fact correct based on the nature of the proposed development.

If you have any questions about this matter, please contact me on 02 4908 6830 or by email to hunter.region@epa.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Matthew Corradin', written over a light blue circular stamp.

MATTHEW CORRADIN
A/Unit Head Strategic Operations – Hunter Region
Environment Protection Authority

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