
From: Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>
Sent: Thursday, 24 September 2020 2:46 PM
To: Compliance Admin
Subject: West Coast Council Draft Local Provisions Schedule (LPS)

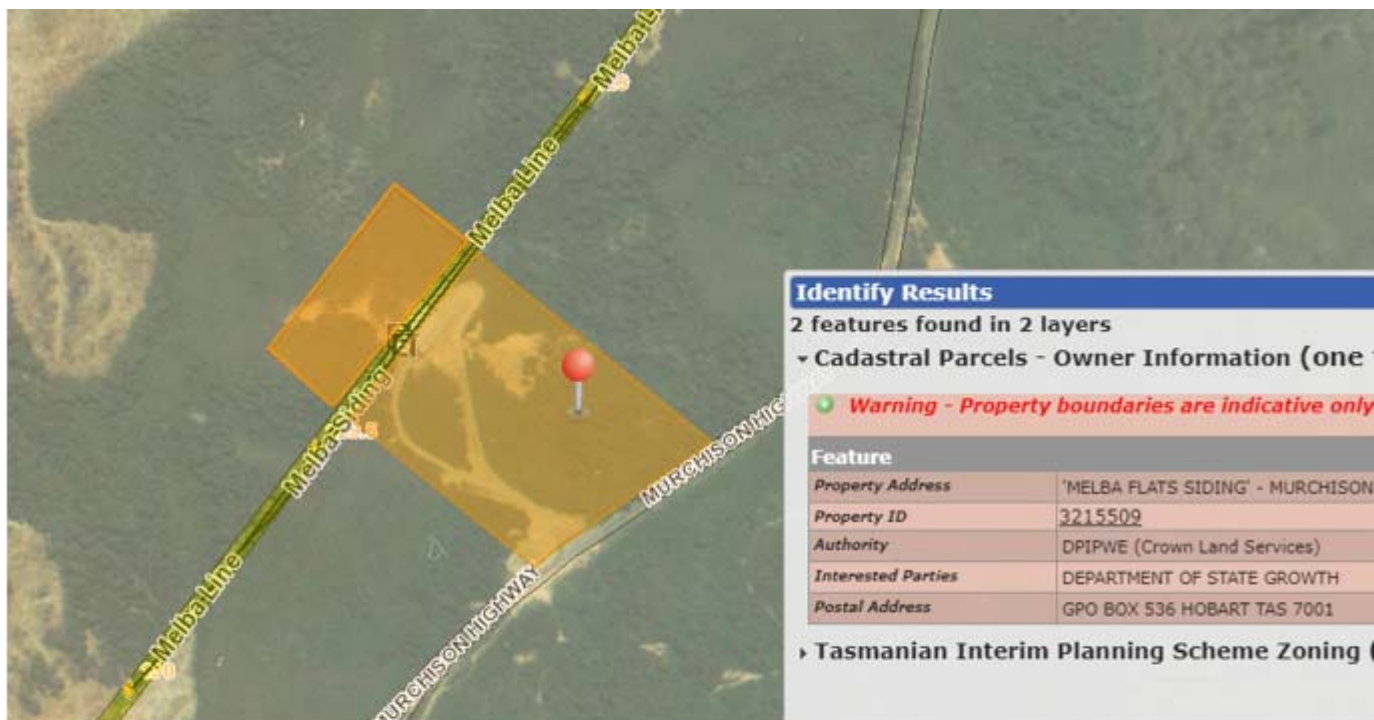
To whom it may concern, thank you for notifying TasRail of the West Coast Council Draft Local Provisions Schedule (LPS).

TasRail has reviewed the available documentation and provided the following comments:

State Rail Network

- The Rail Infrastructure Act 2007 (Tas) forms part of the legal and regulatory framework that governs rail assets and operations in Tasmania. Under this Act, TasRail is the Rail Infrastructure Owner (RIO) and the Rail Infrastructure Manager (RIM) of the State Rail Network (and all of the attendant rail infrastructure). TasRail holds a Rail Corridor Lease with the Crown for State Rail Network land. This lease is administered by the Department of State Growth.
- The Rail Network consists of the railways specified in Schedule One of the Act. Of interest to the WCC Draft LPS is the Melba Line (formerly known as “Emu Bay Railway”) being the railway running from the port at the City of Burnie on Emu Bay to Melba Flats; TasRail also operates a number of rail sidings along these sections of the State Rail Network.
- It is important to read Schedule One in conjunction with the definition of rail infrastructure and subsection (2) of the Act. Subsection (2) states” ‘In this Act, unless the contrary intention appears, a reference to a railway is taken to be a reference to the track of the railway, the land corridor along which the track of the railway is laid and all of the attendant rail infrastructure. *Rail infrastructure* is defined as being:
 - (a) Rail lines and fastenings; and
 - (b) Crossing loops, sidings, switches and points; and
 - (c) Sleepers and ballast; and
 - (d) Drains and culverts; and
 - (e) Bridges, cuttings, tunnels and embankments; and
 - (f) Poles and pylons; and
 - (g) Structures and supports; and
 - (h) Overhead lines; and
 - (i) Platforms and railway stations; and
 - (j) Rail yards; and
 - (k) Freight sheds, workshops and associated buildings; and
 - (l) Electrical substations; and
 - (m) Signs and signalling equipment; and
 - (n) Train control and communication systems; and
 - (o) Traffic control devices that are capable of being automatically activated by trains; and
 - (p) Plant, machinery and other fixed equipment;.
- TasRail has noted an omission in the zoning as set out in the WCC Draft LPS, the omission being a section of the State Rail Network land known as the Melba Flats Siding – Property ID 3215509 (See below image).
- TasRail acknowledges that LIST Map shows the authority over the land to be the Department of State Growth but TasRail confirms the Melba Flats Siding is part of the State Rail Network as per the definitions under the Rail Infrastructure Act and the Melba Flats Siding is included in TasRail’s Corridor Lease with the Crown. TasRail

therefore requests the WCC Draft LPS be amended to recognise this by changing the zoning of the Melba Flats Siding from Rural Resource to Utilities.



Property Address: “Melba Flats Siding” Murchison Highway West Coast – PID 3215509

Area highlighted in orange is currently zoned Rural Resource. Under the proposed LPS, this highlighted area must be identified as State Rail Network and TasRail requests that this be changed to Utilities zoning. Note rail sidings are within the definition of rail infrastructure as per the *Rail Infrastructure Act*

Should you have any questions related to the above please don't hesitate to contact me.

Kind regards

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