
From: Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>
Sent: Friday, 12 June 2020 6:55 PM
To: Devonport City Council
Subject: Fwd: Devonport Draft LPS
Attachments: image001.jpg; ATT00001.htm; TasRail requested Amendments.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>
Date: 12 June 2020 at 5:22:00 pm AEST
To: "council@devonport.tas.gov.au" <council@devonport.tas.gov.au>
Subject: Devonport Draft LPS

Resending this email as previous email did not include the attachment.

Dear Planning Department

Re: Devonport Draft Local Provisions Schedule (LPS)

Thank you for notifying TasRail of the Devonport Draft Local Provisions Schedule (LPS). TasRail has reviewed the documentation and notes there are omissions in relation to (1) the acknowledgement of rail infrastructure and (2) the zoning of the State Rail Network (rail infrastructure) within the Devonport Municipality.

TasRail therefore requests that the Devonport Draft LPS be amended so that:

- **all State Rail Network land be zoned Utilities and covered by the Road and Railway Assets Code.**
- **where State Rail Network Land or attendant rail infrastructure is currently covered under a different zoning, then a split zoning must be applied. For example where a TasRail rail track or siding may be currently zoned Port and Marine.**
- **all attendant rail infrastructure be recognised as State Rail Network land in accordance with the Rail Infrastructure Act, and zoned Utilities and covered by the Road and Rail Assets Code.**
- **all attendant rail infrastructure, irrespective of the ownership of the adjoining land be recognised as State Rail Network land in accordance with the Rail Infrastructure Act, and be subject to a split zoning.**

The attached PDF sets out each of the seven specific omissions where TasRail has identified either an incorrect zoning, or the need for a split zoning. TasRail requests that Devonport Draft LPS be amended as requested on each of the seven identified omissions.

For the avoidance of doubt, the relevant sections of the Rail Infrastructure Act 2007 are as follows:

- The Rail Infrastructure Act 2007 (Tas) is one part of the legal and regulatory framework that governs rail assets and operations in Tasmania. Under this Act, TasRail is the Rail

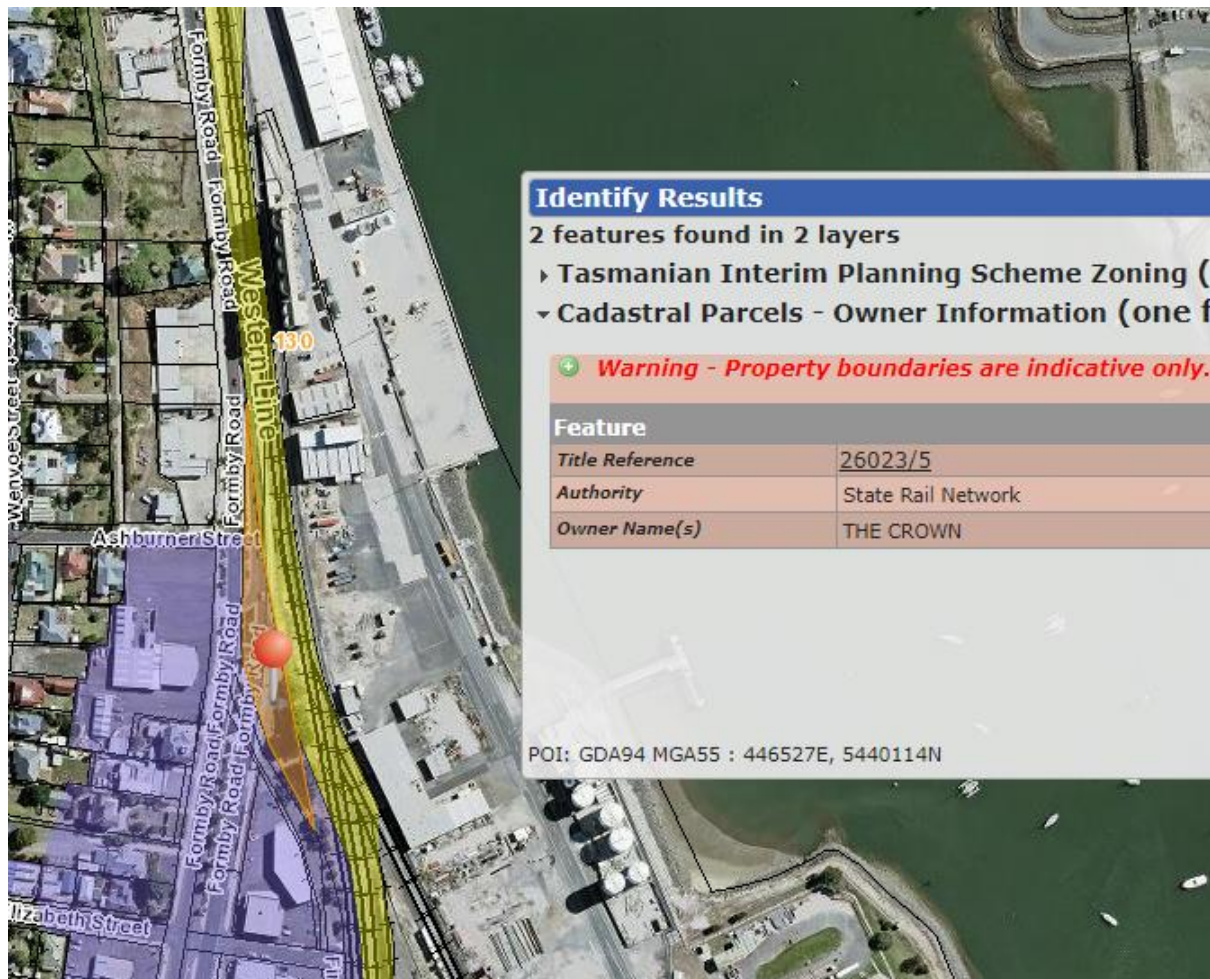
Infrastructure Owner (RIO) and the Rail Infrastructure Manager (RIM) of the State Rail Network (and all of the attendant rail infrastructure)

- The Rail Network consists of the railways specified in Schedule One of the Act. 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 notes that Devonport Draft LPS does not include an overlap map to inform the application of the various codes, but acknowledges that a request for an overlap map is therefore unlikely to be supported by the Council.

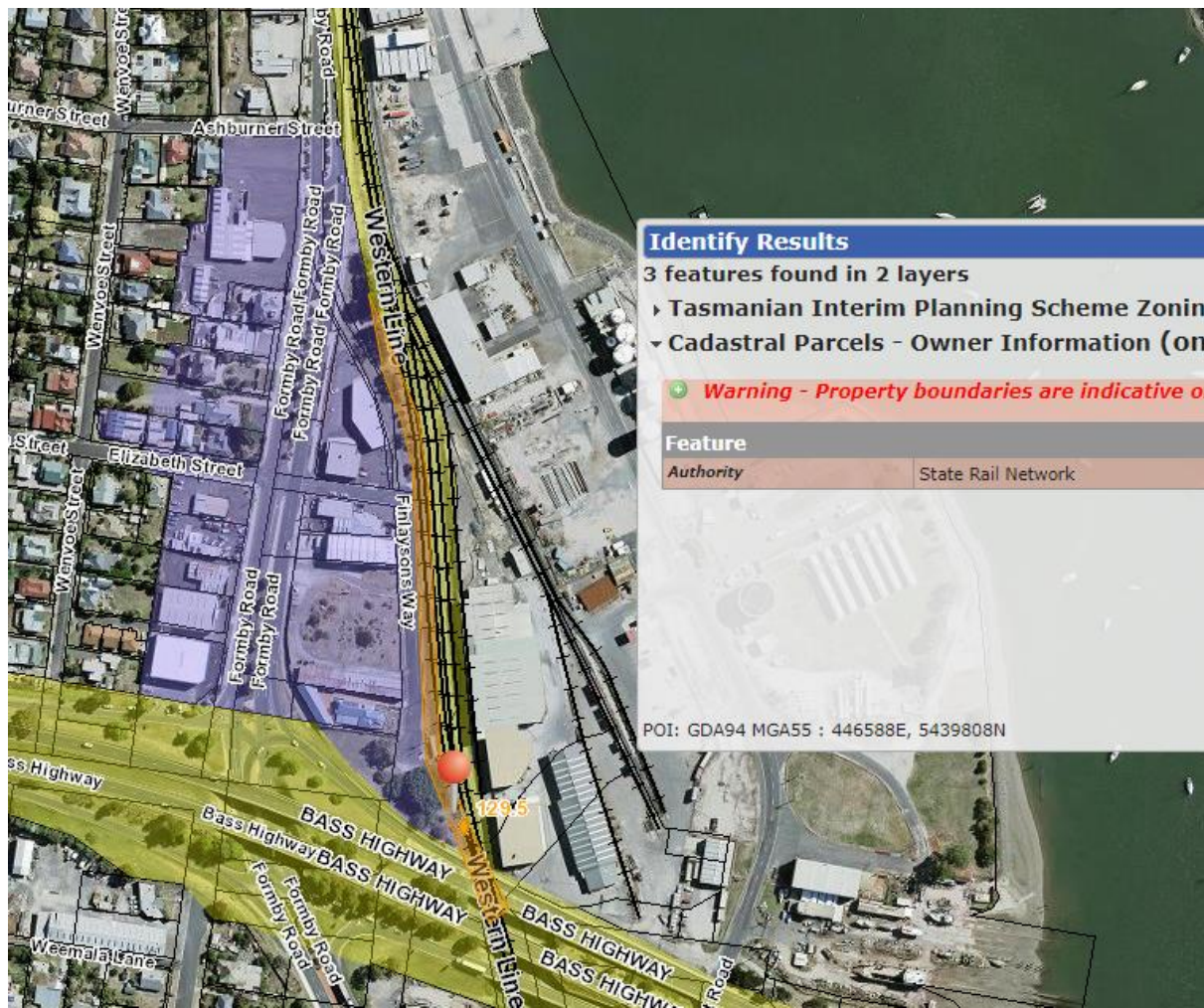
Should you have any questions in relation to these representations please don't hesitate to contact me.

Jennifer Jarvis



Certificate of Title Volume 26023 Folio 5

Area highlighted in orange is currently zoned commercial. This is State Rail Network land and must be changed to Utilities zoning.



Area highlighted in orange (Off Finlaysons Way No Title Reference) is currently zoned commercial. This is State Rail Network land and must be changed to Utilities zoning



1 Devonport Road Devonport – Multiple titles – part of CT 230641/1, CT 78162/1, CT203089/1, CT 203204/1, CT 33075/1, CT 33075/2 – PID 7506135

All the above land titles (as highlighted in orange) should be recognised as State Rail Network land. Therefore all of this land must be zoned Utilities or be subject to a split zoning of Utilities and Port and Marine.

Note these buildings are within the definition of rail infrastructure as per the Rail Infrastructure Act 2007. .



Refer Coles Beach Road (rail crossing).

- 1) The State Rail Network (railway track) runs over Coles Beach Road and is covered under Subsection 2 of the Rail Infrastructure Act. Therefore this rail corridor should be subject to a Utilities zoning.
- 2) TasRail notes that the Devonport Draft LPS shows Coles Beach Road as zoned 'open space'
- 3) TasRail queries why Coles Beach Road (as a public road) is not zoned Utilities and covered by the Road & Rail Assets Code



The rail track highlighted in red above is rail infrastructure as per the Rail Infrastructure Act and therefore needs to be recognised as State Rail Network and subject to a split zoning of Utilities and Port and Marine.

Note subsection 2 of the Rail Infrastructure Act states 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 a railway is laid and all of the attendant rail infrastructure.



The rail track highlighted in red above is rail infrastructure as per the Rail Infrastructure Act and therefore needs to be recognised as State Rail Network and subject to a split zoning of Utilities and Port and Marine.

Note subsection 2 of the Rail Infrastructure Act states 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 a railway is laid and all of the attendant rail infrastructure.