

From: [Jennifer Jarvis](#)
To: [Break O Day Office Admin](#)
Subject: Break O'Day Council Draft Draft Local Provisions Scheme
Date: Friday, 10 December 2021 4:29:33 PM
Attachments: [image001.png](#)
[TasRail Response - Attachment A.pdf](#)

Apologies, this time with attachment.

From: Jennifer Jarvis
Sent: Friday, 10 December 2021 4:28 PM
To: admin@bodc.tas.gov.au
Subject: Break O'Day Council Draft Draft Local Provisions Scheme

Thank you for notifying TasRail of the Break O'Day Council Draft Local Provisions Scheme.

TasRail has taken the opportunity to review the available information and makes the following comments:

- 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). 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 your advice that significant public infrastructure including the railway and railway assets is protected through the Utilities Zoning consistent with the State Planning Provisions, including adoption of the Road and Rail Assets Code.
- Of the new Specific Area Plans (SAP) being introduced under the Draft LPS, we note one is for Stormwater Management covering areas of Fingal and permitting General Residential, Community Purpose, Village and General Industrial Zones. The majority of the land within this SAP is prone to frequent flood events which also poses a significant risk to the safety, operability and integrity of rail infrastructure and assets. TasRail therefore supports the adoption of an Acceptable Solution that requires future development of lots to be capable of connecting to a public stormwater system or on-site stormwater management system., with the planning authority able to impose conditions and restrictions on a permit as set out in the Draft LPS.
- TasRail has noted your advice that zones from the Interim Planning Scheme have been transferred into the draft LPS to deliver a 'like for like' transition where possible. However, TasRail has identified a total of two areas of State Rail Network land that appear to have the incorrect zoning and/or where the Draft LPS proposes a zoning other than Utilities. Please refer to Attachment A (attached to this email) for details. TasRail requests these land parcels be zoned Utilities.

Please don't hesitate to contact property@tasrail.com.au should you have any questions re the above.

Kind regards

Jennifer Jarvis

Manager Group Property & Compliance | Property
 Phone: 03 6335 2603 | Mobile: 0428 139 238
 11 Techno Park Drive, Kings Meadows, Tasmania, 7249
Jennifer.Jarvis@tasrail.com.au

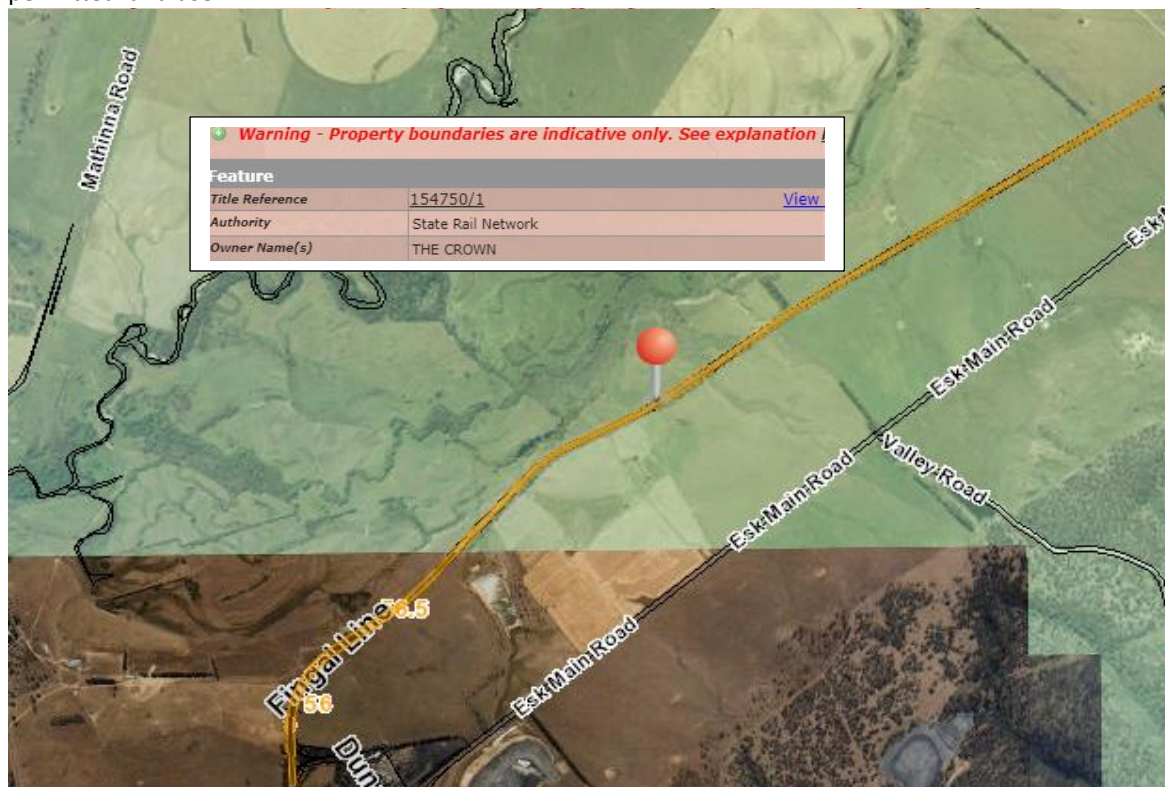
This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorised and may be illegal. Opinions, conclusions, views and other information in this message that do not relate to the official business of the Tasmanian Railway Pty Ltd are the views of the individual sender and shall be understood as neither given nor endorsed by Tasmanian Railway Pty Ltd.

ATTACHMENT A

Item 1

The land area highlighted in yellow below shows title reference 154750/1 as being part of the operational Fingal Rail Line which comprises part of the State Rail Network as defined in Schedule One of the *Rail Infrastructure Act (Tas) 2007*. TasRail therefore objects to the current zoning of this corridor which appears in the Interim Planning Scheme as an Environmental Management Zone and under the Draft LPS it is proposed to be zoned Agriculture.

TasRail requests that its rail corridor land be zoned as Utilities, consistent with the rest of State Rail Network land and its permitted land use.



Item 2

The land area highlighted in yellow below shows title reference 6/744 as being part of the operational Fingal Rail Line which comprises part of the State Rail Network as defined in Schedule One of the *Rail Infrastructure Act (Tas) 2007*. TasRail therefore objects to the current zoning of this corridor which appears in the Interim Planning Scheme as an Environmental Management Zone and under the Draft LPS it is proposed to be zoned Agriculture.

TasRail requests that its rail corridor land be zoned as Utilities, consistent with the rest of State Rail Network land and its permitted land use.

