

From: [Jennifer Jarvis](#)
To: [TPC Enquiry](#)
Subject: Draft Planning Directive No 7 - Permits for Temporary Housing
Date: Wednesday, 25 March 2020 5:53:31 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)

Thank you for the notification of Draft Planning Directive No 7 – Permits for Temporary Housing.

TasRail is generally supportive of the directive and has no objection to its intent. TasRail does however have a few concerns and is seeking guidance from the Planning Commission as to how these matters will be considered.

Key concerns are as follows:

- Where the use and development of temporary housing is proposed for a zone that provides for discretionary use, such as Utilities, will the normal planning requirements apply for that zone. For example would the relevant setback provisions/solutions continue to apply?
- Would adjoining neighbours be informed prior to the development commencing?
- Will TasRail have the opportunity to review considerations such as drainage and stormwater which are not permitted to be discharged into the rail corridor or rail drains and should be connected into authorised outlets. Note TasRail has constant issues with developers/residents assuming the rail drainage system is a public system, noting that water poses significant risk to the safety and integrity of the rail formation/operations.
- Where the temporary housing has potential to impact the line of sight at a railway level crossing, will the respective Council/Planning Authority have opportunity to consider the implications or request variation of the plans. While this may be outside of the jurisdiction of this planning directive, it is a relevant consideration in terms of Rail Safety National Law and the legal obligations of TasRail (and the road owner in terms of risk assessment and compliance with AS1742. While the Rail Infrastructure Act 2007 does give TasRail (as the Rail Infrastructure Manager) certain rights with respect to clearing obstructions to lines of sight (see clause 24) these are generally limited to fences, signs or vegetation on adjoining land and the Act does not provide for a circumstance such as a building. While the primary concern is one of public and rail safety, such obstruction may also impose significant cost (as high as \$500k) to TasRail if a passively controlled crossing will require installation of electronic signals to mitigate the risk. Given the number of legacy issues where residential development has occurred in very close proximity to the rail corridor, this is a concern and applies equally to an operational and a non-operational line.
- Should excavation be required to support the temporary housing development, and that excavation is within 3 metres of the rail corridor boundary, then section 44 of the Rail Infrastructure Act 2007 requires that notice of that excavation must be given to TasRail at least 7 clear days before the starting date and the excavator must comply with any

directions from TasRail to ensure the safety of the railway. If TasRail has to carry out works to ensure the safety and operability of the railway as the direct or indirect result of the excavators failure to comply with an obligation under this section of the Act, then TasRail can recover its reasonable costs as a debt due to the railway entity from the excavator operator.

Apologies if the above is outside of The TPC's jurisdiction, but comments are offered for context and in an effort to better understand the implications of the Draft Planning Directive.

TasRail is separately seeking consultation with the Planning Policy Unit of the Tasmanian Government.

Kind regards

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