

10 March 2020

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Attention: Janelle Townsend  
 Planning Adviser  
 Tasmanian Planning Commission  
 GPO Box 1691  
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**Re: Burnie Draft Local Provisions Schedule**

Dear Janelle

Thank you for your correspondence dated 25 February 202 in relation to the Burnie draft Local Provisions Schedule.

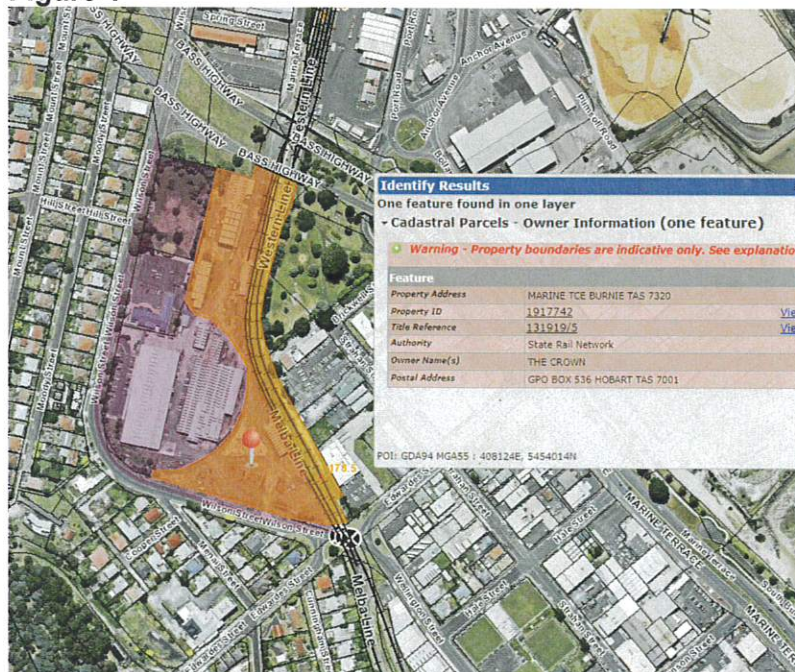
TasRail appreciates the invitation to appear at the hearing scheduled for Tuesday 17 March commencing at 10.00am at Burnie City Council Chambers, and I enclose the form confirming my intention to attend.

TasRail also appreciates the opportunity to provide this written submission setting out the requested information as follows:

- (a) *The location of any TasRail infrastructure or facilities that have not been included in the Utilities Zone or have been inaccurately zoned;*

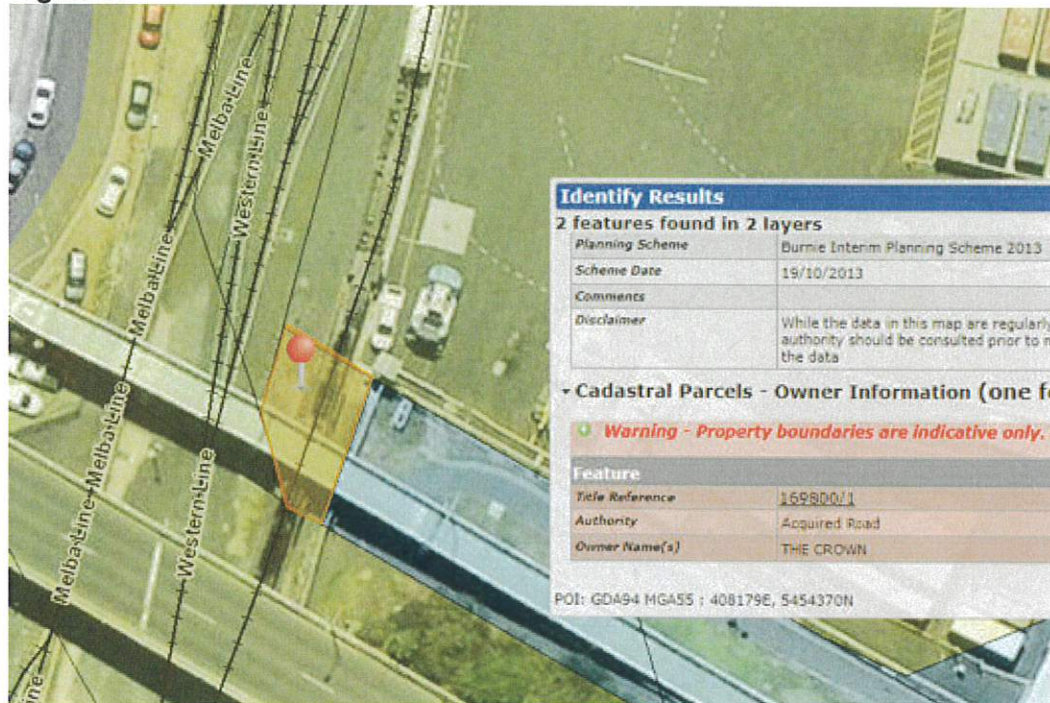
TasRail believes that Figure 1 below identifies an area of land (as shaded in orange) that is currently zoned General Residential. The land is State Rail Network land and should be zoned Utilities under the Burnie LPS.

**Figure 1**



TasRail believes the area of land shown in Figure 2 (as shaded in orange) should also be zoned Utilities. This section of land is currently identified on LIST Map as 'Acquired Road' and is zoned Port and Marine. However, as can be seen from Figure 2 image the shaded land is clearly part of the State Rail Network as is the rest of this particular rail line that is currently zoned Utilities. It makes no sense for this shaded area which is part of the same rail line be zoned differently. TasRail can provide confirmation that this piece of rail line is State Rail Network land if required.

**Figure 2**



Other than Figure 1 and Figure 2, TasRail agrees with the Burnie LPS zoning of State Rail Network land.

(b) *TasRail preferred application of the Road and Rail Assets Code overlay.*

TasRail's understanding of the term 'road or railway attenuation zone' means a road or railway attenuation zone shown on an overlay map in the relevant LPS or if not shown, an area within 50 metres of the boundary of the rail network or a future railway.

TasRail is of the view that the Road and Rail Assets Code overlay should therefore be applied to all State Rail Network land within the area covered under the Burnie Local Provisions Schedule. In other words, all State Rail Network land within the LPS should be zoned Utilities and have the overlay applied.

TasRail concedes the overlay may not be necessary for the Road and Rail Assets Code to apply but for the avoidance of doubt we ask that it be applied for ease of identification. It is TasRail's view that an overlay map showing a road or railway attenuation area provides a good visual indicator to landowners or other interested stakeholders who may not be as aware or informed of how the LPS operates, or of how land adjoining or in the vicinity of their own land is zoned. This would help with awareness and education, particularly when purchasing or developing land. It would also serve to reinforce to the planning authority that the Road and Rail Assets Code applies.

## Other

TasRail acknowledges that its interactions with at least 17 different planning authorities across the state can at times cause difficulties or confusion due to inconsistencies with the application of various interim planning schemes and staggered adoption of LPS. The adoption of a Statewide Planning Scheme is therefore seen as beneficial.

TasRail's primary concern continues to be the protection of the safety and efficiency of the railway network, assets and operations and to reduce conflicts between sensitive uses and the rail network. This is consistent with the purpose of the Road and Rail Assets Code.

Importantly, TasRail also strives to achieve compliance with ever changing rail legislation and rail safety accreditation obligations. Rail operations are governed by a complex legislative and regulatory framework. Rail Safety National Law is a particular example. This Law sets out obligations for both the rail operator and road operators with respect to shared or interfacing assets such as railway crossings (vehicle and pedestrian), bridges footpaths etc. These obligations also extend to planning decisions, for example to ensure that developments do not impact or obstruct rail safety particularly railway crossings. In the case of subdivisions, consideration must be given to the requirement for rail crossings, developments in proximity to the rail line, drainage, railway line of sight, access etc are all taken into account. For clarification, a road owner is generally the local government authority but can also include the Department of State Growth as well as other shared asset owners and private landowners that require a railway crossing either for access into a property or to cross livestock over the railway line.

TasRail is hopeful that by attending the hearing in Burnie on 17 March, it will be able to clarify the future operation of the Burnie LPS, particularly with regard to applicable referrals and notifications to TasRail (as the appointed Rail Infrastructure Manager and Rail Infrastructure Owner as per the *Rail Infrastructure Act 2007*) or a notification under section 57 of the LUPA.

TasRail is also seeking clarification about 'permitted uses' within the Road and Rail Assets Code and what notification or referral process applies to ensure that the intent of the Code can be applied to planning decisions.

Yours sincerely



Jennifer Jarvis  
**Manager – Group Property and Licencing**