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**From:** Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>  
**Sent:** Monday, 10 July 2023 2:56 PM  
**To:** Admin  
**Subject:** Attention Planning Department - Carolyn Harris  
**Attachments:** V052022 - OPERATIONAL Lines.docx; LISTmap images of encroachments.docx

**Your Reference – KPS2022003 & DA2022107 – Combined Draft Amendment to Central Coast Local Provisions Scheme (LPS) and Permit for Demolition of Buildings and Visitor Accommodation (40 Short Stay Apartment Units and 21 3-BDR Holiday Cabins); Food Services (Café/Restaurant) and Community Meeting and Entertainment Function Centre with ancillary tennis court, car parking and managers residence.**

Thank you for notifying TasRail of the above combined application which we note was subject to a Crown Landowner Consent dated 24 February 2023 (and previously 20 June 2022). TasRail has reviewed the available documentation and makes the following comments:

- The demolition plan will need to be amended to include all buildings and structures that are encroaching State Rail Network land boundaries. Using LIST Map as a guide, TasRail has endeavoured to highlight each of the obvious encroachments on the image attached to this email, noting that some of the boundary fencing is also encroaching the rail corridor. For the purpose of clarity the rail corridor comprises all the land within State Rail Network title boundaries. TasRail recommends a boundary survey be undertaken to accurately confirm the boundary line shared with the railway.
- As can also be seen from the attached image, there is existing vegetation/trees within the rail corridor land boundaries presumably planted by the previous owner/operator of the caravan park as a screen and noise buffer. Some of this legacy vegetation is encroaching the rail 'structure gauge' and is a safety concern. Whilst TasRail will not enforce removal of the vegetation by the applicant, TasRail advises the applicant that it will likely itself take action to remove this growth in the future.
- TasRail notes page 43 the application suggests further vegetation may be planted along the railway to reduce visual impacts where required. TasRail will not permit the planting of any vegetation on State Rail Network land. Should the applicant require a vegetation screen for visual amenity, this should be incorporated into the site plan to ensure such plantings are confined to the development. Consideration should be given to the type of plantings to ensure they do not have potential to obscure railway sight line and future encroachment.
- TasRail notes the Café/Restaurant and the Managers Office are to remain in the same/existing location which is in close proximity to the boundary shared with State Rail Network land, but there is no setback distance to the rail boundary shown on the plans. TasRail is seeking this detail please.

**In short, TasRail will not oppose the application but requests the following modifications be sought to the LPS Amendment and the Development Application:**

- The demolition plan be modified to include removal of all buildings and structures that are encroaching State Rail Network land boundaries.
- A landscaping plan is to be included, detailing species selection and maximum growth dimensions (height and width) to ensure no potential for encroachment or obstruction of railway sight lines
- The plans be updated to show the setback distance between the State Rail Network land boundary and the Café/Restaurant and the Managers Office; and also the proposed new sealed access road.

- TasRail recommends a 1.8m high fence be installed on the boundary shared with State Rail Network land to separate the activity from what is an operational rail corridor (i.e. to mitigate the risks associated with incompatible adjoining land use).

**TasRail also requests the following Permit Conditions:**

- No demolition works to commence until the applicant can demonstrate to Council it has secured TasRail authorisation from [property@tasrail.com.au](mailto:property@tasrail.com.au) and the separate TasRail Permit for Works has been issued (Conditions Apply).
- A separate TasRail Excavation Permit from [proeprty@tasrail.com.au](mailto:proeprty@tasrail.com.au) will be required for any excavation required to support construction works within 3 metres of the State Rail Network land boundary (Conditions Apply).
- A Part Five Agreement be registered on the title to acknowledge to the effect that acknowledges the development is located within a railway attenuation area and may be subject to exposure from train horn noise and vibration associated with the operational rail line. The agreement to acknowledge that freight rail services operate 24/7 including late at night/early hours of the morning with the train horn recognised as a safety device to be sounded twice per level crossing and at any time the train driver perceives risk.
- Stormwater or other run-off is not permitted to discharge into the rail drainage system or State Rail Network land.
- TasRail Standard Notes to be included.

Kind regards

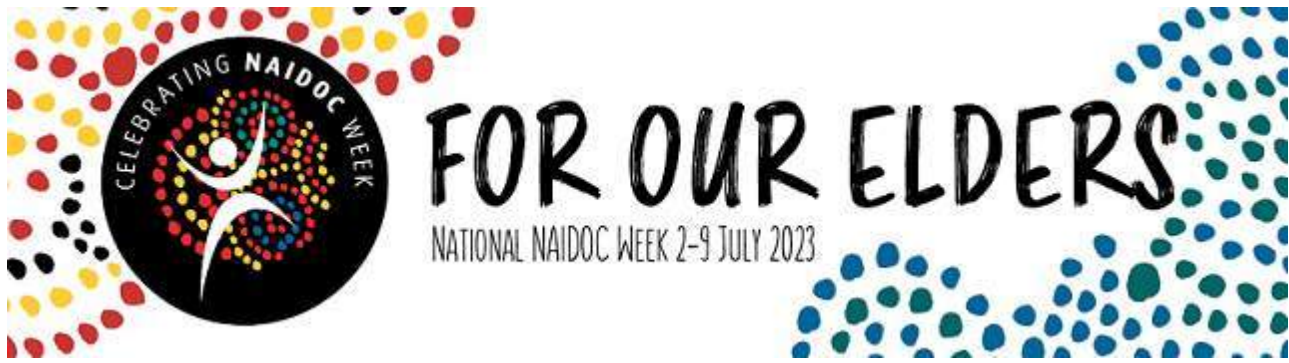
**Jennifer Jarvis**



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## TasRail Standard Notes

1. Where a building or other development is proposed to be located at a setback distance less than 50 metres from the boundary of the rail corridor, the occupants are likely to be exposed to train horn noise and vibration, noting that TasRail Freight Rail Services operate 24/7 and the configuration, frequency and time of these services is subject to change at any time.
2. Landowners, builders/developers and prospective residents should undertake appropriate due diligence to ensure they are aware of potential exposure to train horn noise and vibration, particularly in relation to building design, material specifications and lifestyle. The train horn is a safety device that is required to be sounded twice per level crossing being on approach and on entry. The minimum duration of each train horn blow is one second. The train driver also has the discretion to sound the horn at any time he/she perceives a risk.
3. Using or creating an unlicensed railway crossing or stock crossing is unsafe and strictly prohibited. Rail Safety National Law requires all private crossings to be subject to an interface agreement (licence). Where a privately owned property interfaces with a rail crossing and/or State Rail Network land please contact [property@tasrail.com.au](mailto:property@tasrail.com.au) to discuss the necessary authorisations and licencing process.
4. Stormwater or effluent is not permitted to be discharged onto rail land or into the rail drainage system. Should there be a requirement for a service or asset to be installed on rail land in order to connect into an authorised stormwater or other outlet, a separate TasRail Permit is required and will only be approved subject to terms and conditions (costs apply). A Permit Application Form is available by contacting [property@tasrail.com.au](mailto:property@tasrail.com.au)
5. Any excavation within 3 metres of the rail boundary line requires a separate TasRail Permit from [property@tasrail.com.au](mailto:property@tasrail.com.au) in accordance with s44 of the *Rail Infrastructure Act 2009*. A minimum of seven (7) business days notice is required, but earlier engagement is recommended
6. Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals etc. Dumping of rubbish including green waste into the rail corridor is not permitted.
7. No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing, inspections etc. Consideration should also be given to the orientation and siting of above ground structures on adjoining land as well as landscaping to ensure there is no potential to obscure or obstruct the line of sight with respect to a railway crossing.
8. As per the *Rail Infrastructure Act 2007*, the Rail Infrastructure Manager (TasRail) may remove and dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain if applicable any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.
9. No persons should enter rail land without formal authorisation from TasRail in the form of a TasRail Permit issued by [property@tasrail.com.au](mailto:property@tasrail.com.au)
10. Rail Corridors are exempt from the Boundary Fences Act meaning that TasRail is not required to contribute to the cost of boundary fencing.

# 6 Johnsons Beach Road – Caravan Park

## Encroachments





### Identify Results

One feature found in one layer

▾ Cadastral Parcels - Owner Information (one feat

⊕ *Warning - Property boundaries are indicative only. See*

#### Feature

Authority	State Rail Network
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