

# Representation No. 6

**From:** Jennifer Jarvis  
**Sent:** Sun, 5 Jul 2020 15:21:38 +1000  
**To:** Circular Head Council  
**Subject:** Attention Planning Department

**Re: Circular Head Draft Local Provisions Schedule (LPS)**

Dear Planning Department

Thank you for notifying TasRail of the Circular Head Draft Local Provisions Schedule (LPS). TasRail has reviewed the documentation and requests the Circular Head Draft LPS be amended so that:

- All State Rail Network land and including attendant rail infrastructure be zoned Utilities and covered by the Road and Rail Assets Code
- The area shown below be amended from Rural Resource to Utilities, recognising that the Black River Rail Siding is part of the State Rail Network for which TasRail is the designated Rail Infrastructure Manager and Rail Infrastructure Owner under the *Rail Infrastructure Act 2007 (Tas)*.



#### Certificate of Title Volume 235442 Folio 1

Area highlighted in orange is currently zoned Rural Resource. Under the proposed LPS this highlighted must be recognised as State Rail Network land and zoned Utilities. Note rail sidings are within the definition of rail infrastructure as per the Rail Infrastructure Act 2007.

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

- The Rail Network consists of the railway corridors set out 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

0169

- 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 acknowledges that the railway land and assets within the Circular Head municipality are current non-operational. Notwithstanding, the Utilities Zoning should still apply to all State Rail Network land and the attendant rail infrastructure , with these strategic assets further protected by the Road and Rail Assets Code.

As the Rail Infrastructure Manager and Rail Infrastructure Owner, TasRail is responsible to ensure that State Rail Network land is managed in accordance with its obligations under the legal and regulatory framework that governs its operations and activities. This includes working with planning authorities to limit the potential for proposed development to limit, obstruct or impede future use of rail land and operations and ensuring that all service and infrastructure installations on rail land comply with AS4799 being the Australian Standard for Installation of Underground Utilities, Services and Pipelines with Railway Boundaries.

Should the State Government determine that any part of the non-operational rail corridor and attendant infrastructure within the Circular Head municipality be declared a Strategic Infrastructure Corridor in the future in accordance with the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016 (Tas)*, it is important that the Utilities Zoning continue to apply to the corridor.

Where a SIC declaration occurs, responsibility for management of the corridor land would transfer from TasRail to a new Corridor Manager appointed by the Crown. However under the SIC Act that Corridor Manager is required to consider all planning applications in the same context as if the corridor land was an operational railway, irrespective of the approved interim use of that land corridor. In other words, the SIC must ensure that its decisions also do not limit, impede or obstruct future of the corridor land for future rail or other strategic use.

TasRail notes that Circular Head Draft LPS does not include an overlay 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**



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

0170