

Carolyn Rimmer

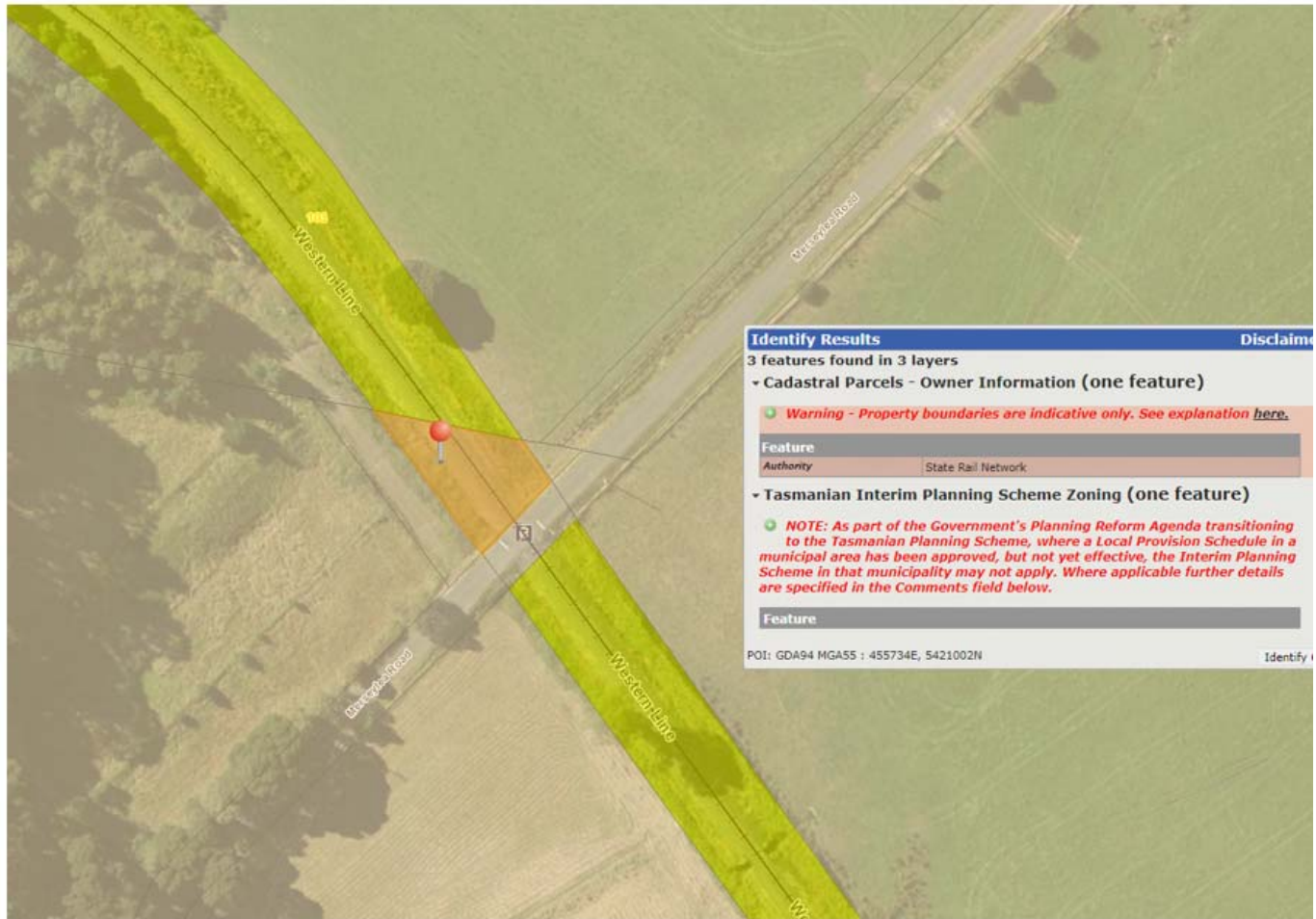
From: Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>
Sent: Friday, 7 July 2023 4:07 PM
To: LPS submissions
Subject: Kentish Draft Local Provisions Scheme (LPS)

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Thank you for notifying TasRail of the Kentish Draft Local Provisions Scheme (LPS).

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

- All State Rail Network land should be zoned Utilities and covered by the Road and Railway Assets Code.
- 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 the Road and Railway Assets Code will be adopted in the Kentish Local Provisions Scheme.
- TasRail requests that an amendment be made to the Draft Local Provisions Scheme to correct an anomaly, specifically the Section of State Rail Network land adjoining Mersey Lea Road (see below image) appears to be zoned Rural Resource. TasRail requests this be changed in the Kentish Draft LPS to the Utilities zone, consistent with the rest of State Rail Network Land within the municipality.



- TasRail notes the Kentish Draft LPS shows a change in the zoning of the Harold Park Reserve at Railton from the previous Recreation zoning to Open Space zone. In principle TasRail has no objection to this change except to highlight the potential conflict and safety risks associated with the incompatible use or development of land adjoining State Rail Network land. TasRail acknowledges the current use of this adjoining land will not be influenced by a change in zoning ,but remains concerned there is no physical barrier at the Harold Park Reserve to separate the two potentially incompatible land uses as can be seen in the below photo.



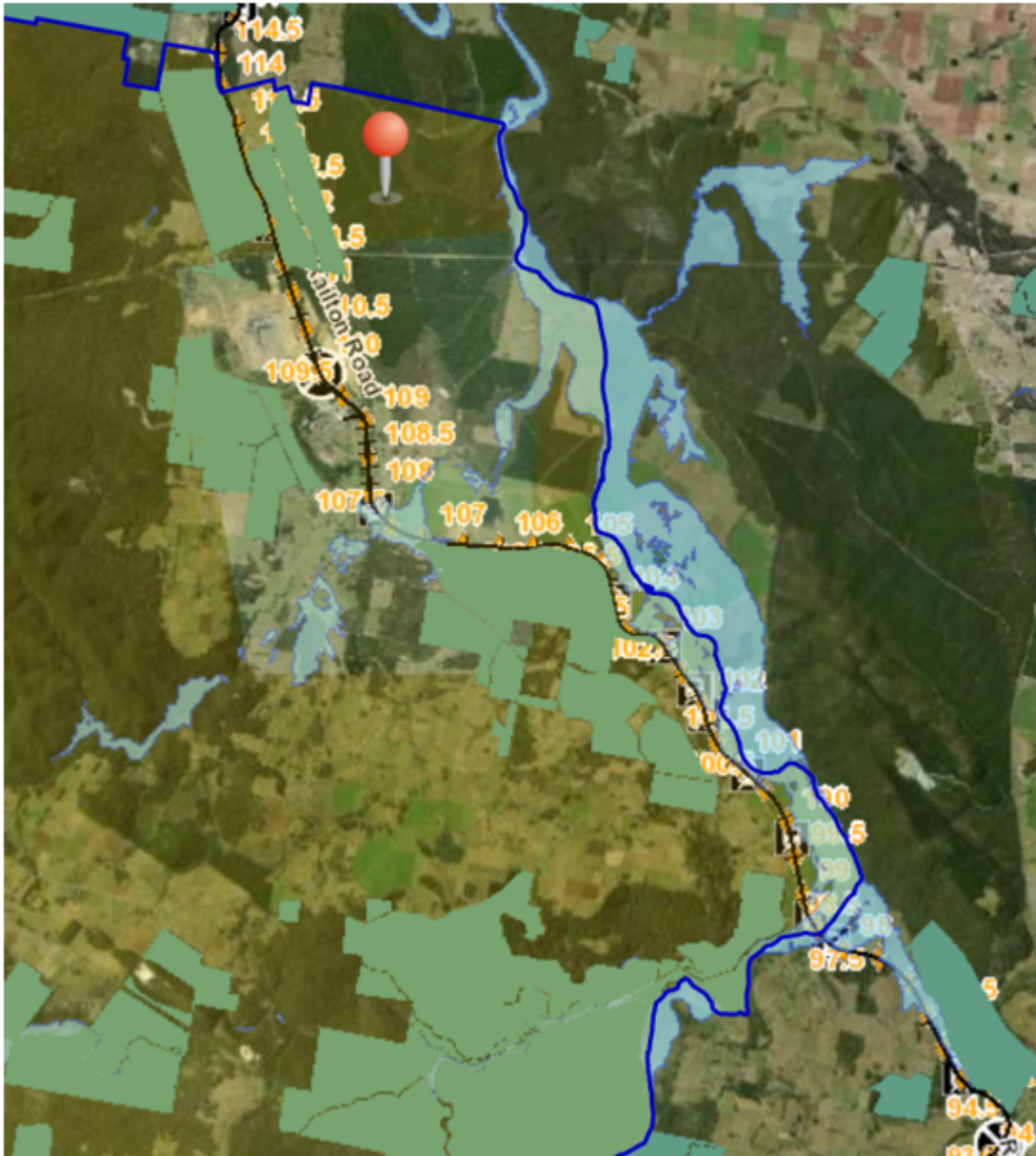
- As a comment, TasRail's acknowledges the commentary on page 102 of the Kentish Draft LPS in relation to the declaration of land as Private Timber Reserves and notes the Draft LPS has allocated the Rural Zone to land designated a Private Timber Reserve if adjoined by other land user for forestry purposes. TasRail is concerned to avoid future scenarios whereby an approved Private Timber Reserve can be located in a known Flood Zone as is currently the case in the Kimberley Region (see below image extracted from LIST Map). As was witnessed in June 2016 when unprecedented volumes of tree/log debris amassed against road and rail bridges caused an incredible amount of damage to, and in some cases the destruction of, critical transport infrastructure. TasRail acknowledges the work of Councils, including Planning Authorities and the TPC since that time, particularly in terms of guidance for managing and defining areas of flood risk for existing and built developments, including zoning of land.

Private Timber Reserves & 2016 Flood Survey & Flood Extent Survey

Green = Private Timber Reserves

Light Blue = 2016 Flood Survey & Flood Extent Survey

Dark Blue Line = Kentish Boundary



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

Kind regards

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