



New South Wales

Protection of the Environment Operations Amendment (Railway Systems Activities) Regulation 2001

under the

Protection of the Environment Operations Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,

Minister for the Environment

Explanatory note

Schedule 1 to the *Protection of the Environment Operations Act 1997* lists activities that are “scheduled activities” for the purposes of that Act. Such activities are required by sections 47, 48 and 49 of the Act to be licensed.

The object of this Regulation is to amend the description of “Railway systems” activities in Schedule 1 as a result of the restructuring of the State Rail Authority and the transfer of certain responsibilities to the Rail Infrastructure Corporation.

This Regulation is made under the *Protection of the Environment Operations Act 1997*, including section 5 (Scheduled activities).

2001 No 190

Clause 1 Protection of the Environment Operations Amendment (Railway Systems Activities) Regulation 2001

**Protection of the Environment Operations
Amendment (Railway Systems Activities)
Regulation 2001**

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations Amendment (Railway Systems Activities) Regulation 2001*.

2 Amendment of Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Schedule 1 Schedule of EPA-licensed activities

Omit the matter relating to **Railway systems** from Part 1.

Insert instead:

Railway systems activities

(1) A railway systems activity is any one or more of the following:

- (a) installation of track,
- (b) on-site repair of track,
- (c) on-site maintenance of track,
- (d) on-site upgrading of track,
- (e) construction or significant alteration of any of the following, but only if it is connected with an activity listed in paragraphs (a)–(d):
 - (i) over track structures,
 - (ii) cuttings,
 - (iii) drainage works,
 - (iv) track support,
 - (v) earthworks,
 - (vi) fencing,
 - (vii) tunnels,
 - (viii) bridges,
 - (ix) level crossings,
- (f) operation of rolling stock on track.

(2) The following activities are not railway systems activities:

- (a) activities in railway workshops (including the use of fuel burning equipment),
- (b) re-fuelling of rolling stock,
- (c) activities at railway fuel depots,
- (d) repair, maintenance or upgrading of track away from the track site,

- (e) activities at railway station buildings (including platforms and offices),
- (f) loading of freight into or onto, and unloading of freight from, rolling stock,
- (g) activities at freight depots or centres,
- (h) operation of signalling, communication or train control systems.

(3) In this clause:

rolling stock means:

- (a) rolling stock used or intended to be used to transport passengers or freight for reward, or
- (b) rolling stock used or intended to be used to maintain track and equipment (whether or not for reward),

but does not include rolling stock used or intended to be used solely for heritage purposes.

track means railway track that forms part of, or consists of, a network of more than 30 kilometres of track and that is not solely used for heritage value rolling stock.

Note. The Rail Infrastructure Corporation (RIC) manages and controls track on which the State Rail Authority (SRA) operates its rolling stock. The RIC is required to be licensed under section 48 of the Act as the occupier of the premises (the track) at which the SRA's railway activities are carried on. The SRA on the other hand is not required to be licensed because it is not the occupier of the track.

Similarly, where a private person or body manages and controls track (i.e. a private railway line) and allows other persons or bodies to operate their rolling stock on that track, the manager and controller of the track is required to be licensed under section 48 of the Act as the occupier of the premises (the track). In such a case, the operator of the rolling stock is not an occupier of the track.