



Licence No. 10555

**AUSTRALIAN RAIL TRACK
CORPORATION LIMITED**

ISSUED:

01 Feb 2024

EXPIRY:

31 Jan 2029

ACN:

081 455 754

Environmental Authorisation
under Part 6 of the
*Environment Protection
Act 1993*

**South Australian
Environment
Protection Authority**
GPO Box 2607
Adelaide SA 5001
Tel: 08 8204 2004

EPA

Environment Protection Authority



LICENCE NUMBER 10555

LICENSEE DETAILS

Licence Holder: AUSTRALIAN RAIL TRACK CORPORATION LIMITED
ACN: 081 455 754
Registered Address: 11 Sir Donald Bradman Drive, MILE END SA 5031

LICENSED ACTIVITIES

The Licensee is authorised to undertake, at the location(s) shown above, the following prescribed activities of environmental significance under Schedule 1 Part A of the Act, subject to the conditions in this Licence.

7(2) Railway operations

TERMS OF LICENCE

Commencement Date: 01 Feb 2024
Expiry Date: 31 Jan 2029

PREMISES ADDRESS

Various Locations Throughout SA, SA

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Licence Explanatory Notes – Do Not Form Part of the Licence

Compliance with this licence

The EPA seeks to ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment according to the principles of ecologically sustainable development. To achieve this objective, the EPA uses a number of regulatory decision making principles and actions outlined in the 'Compliance and enforcement regulatory options and tools' document available on the EPA website.

Notification – serious or material environmental harm caused or threatened

If serious or material environmental harm from pollution is caused or threatened in the course of an activity, the licence holder must, as soon as reasonably practicable after becoming aware of the harm or threatened harm, notify the EPA (preferably on EPA emergency phone number 1800 100 833) of the harm or threatened harm, its nature, the circumstances in which it occurred and the action taken to deal with it in accordance with section 83 of the [Environment Protection Act 1993](#) (the Act). In the event that the primary emergency phone number is out of order, the licence holder should phone (08) 8204 2004.

Variations, transfers and surrender of a licence

The EPA may impose or vary the conditions of a licence by notice in writing to the licence holder in accordance with sections 45 and 46 of the Act. Public notice may be required where the variation of licence conditions results in a relaxation of the requirements imposed for the protection or restoration of the environment and results in an adverse effect on any adjoining land or its amenity.

If a licence holder wishes to vary the conditions of a licence, transfer a licence to another entity, or surrender a licence, the licence holder must submit an application to the EPA in accordance with the applicable provisions of the Act (sections 45, 49 and 56, respectively). A licence remains in effect and in its original form until such time as any proposed variation, application for surrender, or transfer has been made and approved in writing by the EPA.

Suspension or cancellation of a licence

The EPA may suspend or cancel a licence by notice in writing to the licence holder in accordance with section 55 of the Act if satisfied the licence holder has either obtained the licence improperly, contravened a requirement under the Act or if the holder is a body corporate, a director of the body corporate has been guilty of misconduct of a prescribed kind (whether in this State or elsewhere).

Responsibilities under Environment Protection legislation

In addition to the conditions of any licence, a licence holder must comply with their obligations under all State and Federal legislation (as amended from time to time) including: the [Environment Protection Act 1993](#); the [Environment Protection Regulations 2009](#); all Environment Protection Policies made under the [Environment Protection Act 1993](#); and any National Environment Protection Measures not operating as an Environment Protection Policy under the [Environment Protection Act 1993](#)

Public Register Information

The EPA maintains and makes available a Public Register of details related to its determinations and other information it considers appropriate (i.e. excluding trade processes or financial information) in accordance with section 109 of the Act. These details include, but are not limited to:

- licensing and beverage container applications and approvals
- enforcement actions
- site contamination
- serious or material environmental harm caused or threatened in the course of an activity
- environment improvement programmes and environment performance agreements
- environment assessment reports; results of testing, monitoring or evaluation required by a licence
- EPA advice or direction regarding development approvals referred to the EPA by a planning authority

Definitions

Unless the contrary intention appears, terms used in this licence that are defined in the Act (including any regulations or environment protection policies made pursuant to the Act) have the respective meanings assigned to those terms by the Act.

THE ACT: The *Environment Protection Act 1993*

PREMISES: The whole of the land comprised in Titles Register - Certificate of Title, Crown Lease and Crown Record.

AUTHORISATION FEE PAYMENT DATE: means the anniversary of the grant or renewal of this authorisation.

ENVIRONMENTAL HARM: means the same as is defined in section 5 of the Environment Protection Act 1993.

RAILSQAD SYSTEM: means trackside equipment that records and analyses noise emissions from individual axels of rolling stock against noise algorithms.

REPEAT OFFENDER (RAIL): means rolling stock, an axle of which has registered a Wheel Squeal 1 (WS1) event for 20% or more of its passes of RailSQAD and having passed RailSQAD a minimum of eight times in a three month period.

ROLLING STOCK: means 'a vehicle (whether or not self-propelled) that operates on or uses a railway track, but does not include a vehicle designed to operate both on and off a railway track when the vehicle is not operating on a railway track' (e.g. a locomotive, carriage, rail car, rail motor, light rail vehicle train, tram, light inspection vehicle, road/rail vehicle, trolley, wagon).

WASTE: means -

1. As defined under the Environment Protection Act 1993,

1(a) any discarded, dumped, rejected, abandoned, unwanted or surplus matter, whether or not intended for sale or for purification or resource recovery by a separate operation from that which produced the matter; or

1(b) any matter declared by regulation to be waste for the purposes of this Act (following consultation by the Minister on the regulation with prescribed bodies in accordance with the regulations); or

1(c) any matter declared by an environment protection policy to be waste for the purposes of this Act,

whether or not of value.

2. However, waste does not include—

2(a) an approved recovered resource whilst it is being dealt with in accordance with the declaration of that resource—see section 4A; or

2(b) anything declared by regulation or an environment protection policy not to be waste for the purposes of this Act,

even though the resource or the thing so declared might otherwise, but for the declaration, fall within the definition of waste in subsection (1).

WHEEL SQUEAL 1 (WS1): means a wheel squeal noise event measured by RailSQAD which exceeds 105db(A).

WHEEL SQUEAL 2 (WS2): means a wheel squeal noise event measured by RailSQAD of 90 to 105db(A) inclusive.

Acronyms

EPA: means Environment Protection Authority

LAMAX: means A-weighted maximum noise level.

RAILSQAD: means Rail Squeal Acoustic Detection.

Conditions of Licence

The Licensee is authorised to conduct the prescribed activities as described in this Licence at the Premises nominated, subject to the following conditions:

1 OPERATIONAL MANAGEMENT

1.1 COMPLAINTS REGISTER (S - 1)

The Licensee must:

- 1.1.1 prepare and maintain a register of all complaints concerning environmental issues.
- 1.1.2 ensure the register includes:
 - a the date and time that the complaint was made;
 - b details of the complaint including the likely cause of events giving rise to the complaint;
 - c the contact details of the complainant (if permitted by the complainant); and
 - d details of any action taken in response to the complaint by the Licensee.

1.2 NOISE MONITORING SYSTEM (171 - 13)

The Licensee must:

- 1.2.1 operate and maintain the RailSQAD System on the 'Adelaide to Melbourne' railway line at Heathfield, South Australia;
- 1.2.2 ensure that the RailSQAD System is located at - Latitude 35 degrees, 1 minute and 16.04 seconds south & Longitude 138 degrees, 43 seconds and 2.29 seconds East

NOTES

The location coordinates for the RailSQAD System at Heathfield are verified by the Licensee and any change to the location would require written approval from the EPA.

1.3 RAIL OPERATOR ENGAGEMENT (U - 985)

The Licensee must:

- 1.3.1 develop and implement an Engagement Strategy for use by all operators of Rolling Stock using the Adelaide to Melbourne Railway Line that includes, but is not limited to;
- a a training program for new operators of Rolling Stock to enable access and utilisation of the RailSQAD System located on the Adelaide to Melbourne Railway Line;
 - b the provision and maintenance of an online database for rail operators which permits identification of all Repeat Offender rolling stock with respect to wheel squeal; and
 - c the co-ordination of a workshop every twelve months with operators of Rolling Stock and EPA Authorised Officers to identify:
 - i changes required to the RailSQAD System located on the Adelaide to Melbourne Railway Line,
 - ii trends of wheel squeal cause and remedial actions, and
 - iii actions to address any other environmental matters relevant to The Act.

NOTES

This condition is for licence 10555 (Australian Rail Track Corporation Ltd). It is an updated version of existing condition of licence 171-14 but alters the frequency and content of the workshop required to be undertaken.

2 MONITORING AND REPORTING

2.1 QUARTERLY RAILSQAD REPORT (171 - 15)

The Licensee must, for all rail operators using the 'Adelaide to Melbourne' railway line:

- 2.1.1 provide a quarterly RailSQAD report to the EPA within 28 days of the period ending 31 March, 30 June, 30 September and 31 December in each year, which includes a graph displaying:
- a the L(A)max noise level for each day of monitoring, including a line of 'best fit';
 - b the number of measured events (expressed as a percentage of total axles) which fall within the category of a Wheel Squeal 1 (WS1) event for each month
 - c the number of measured events (expressed as a percentage of total axles) which fall within the category of a Wheel Squeal 2 (WS2) event for each month; and
 - d the number of Repeat Offenders, as determined at the end of each month of monitoring; and
- 2.1.2 The number (expressed as a percentage of total tags) of unreadable tags passing RailSQAD each month.

3 ADMINISTRATION

3.1 ANNUAL RETURN AND PAYMENT OF ANNUAL FEES (A - 4)

For the purposes of section 48(2)(a) of the Act, the date in each year for the lodgement of the Annual Return is no later than 90 days before the anniversary of the grant or renewal of the Licence; and

- 3.1.1 For the purposes of section 48(2)(b) of the Act, the date in each year for the payment of Annual Authorisation Fee is the anniversary of the grant of the Licence.

3.2 APPROVAL OF OPERATING PROCESSES (A - 6)

The Licensee must not undertake changes to operating processes conducted pursuant to the Licence at the Premises without written approval from the EPA, where such changes:

- 3.2.1 have the potential to increase emissions or alter the nature of pollutants or waste currently generated by, or from the licensed activity; or
- 3.2.2 have the potential to increase the risk of environmental harm; or
- 3.2.3 would relocate the point of discharge of pollution or waste at the Premises.

3.3 APPROVAL OF WORKS (A - 5)

The Licensee must not construct or alter a building or structure, or install or alter any plant or equipment, for use of an activity undertaken pursuant to the Licence at the Premises without written approval from the EPA, where such changes:

- 3.3.1 have the potential to increase the emissions or alter the nature of pollutants or waste currently generated by, or from the licensed activity; or
- 3.3.2 have the potential to increase the risk of environmental harm; or
- 3.3.3 would relocate the point of discharge of pollution or waste at the Premises.

3.4 CHANGE OF LICENSEE DETAILS (A - 3)

If the Licensee's name or postal address (or both) changes, the Licensee must inform the EPA within 28 days of the change occurring.

3.5 LICENCE RENEWAL (A - 2)

For the purposes of section 43(3) of the Act, an application for Renewal of the Licence must be made no later than 90 days before the expiry date of the Licence.

3.6 OBLIGATIONS TO EMPLOYEES, AGENTS AND CONTRACTORS (A - 1)

The Licensee must ensure that every employee, agent or contractor responsible for undertaking any activity regulated by the Licence, is informed as to the conditions of the Licence.

Attachments

There are no documents attached to this licence.