

LICENCE

PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:

Date Plans Provided: 26/08/2021

LMS ENERGY PTY LTD

Holder of

Licence: 81008

Issued: 20/09/2013

Last Amended: 04/03/2021

ACN: 059 428 474

Registered Address: 79 KING WILLIAM RD
UNLEY SA 5061

Premises Address: 420 WESTS RD
WERRIBEE VIC 3030

Scheduled Categories: A08 Waste to Energy

Description: This licence holder generates electrical energy from waste landfill gas at a rated capacity of 5.06 Megawatts. This licence allows for discharges to air from the operation of combustion of waste landfill gas.



BELLVILLE LESHOELE
Team Leader
Development Assessments
Delegate of the Environment Protection Authority

Issued under the *Environment Protection Act 1970*, Section 20

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PREAMBLE

Licences

Who we are: The Environment Protection Authority ("EPA") is an independent statutory authority established under the *Environment Protection Act 1970* ("the Act"). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we issue licences: EPA is responsible for preventing or controlling pollution (including noise) and improving the quality of the environment. This responsibility includes regulating activities that may present a danger to the environment. One of the tools available to EPA is the licensing of certain scheduled premises that may present a risk to the environment.

Section 20 of the Act requires the occupier of a "scheduled premises" to obtain an EPA licence to discharge, handle, treat or dispose of waste to the environment. These premises are defined in the *Environment Protection (Scheduled Premises and Exemptions) Regulations 2017* ("the Regulations").

When we issue licences: EPA will issue a licence when satisfied that an applicant has put in place measures to protect the environment. Licences allow activities to occur and set performance outcomes based on a site's environmental risk. EPA can amend, suspend or revoke a licence in response to changes in standards, site activities or licence holder performance. Licence holders must submit an annual performance statement and pay an annual fee to EPA. All licences and performance statements are publicly available.

Licence information and obligations

Interpretation: For the purposes of this licence "You" means the licence holder identified on the first page of this licence at the "premises" identified on the first page and represented in Schedule 1. Unless the contrary intention appears, words or terms used in the conditions of your licence have the same meaning as in the Act, including any regulations or policies made pursuant to the Act."

Compliance:

You must comply at all times with the Act and all policies and regulations administered by EPA. Strict penalties apply for non-compliance with any part of your licence or making a false claim on your annual performance statement.

Your licence is subject to conditions. These conditions give rise to a number of duties and obligations on you as the licence holder. Some of these are general in nature, while others require you to do (or not to do) specific things. The duties and obligations imposed by these conditions do not derogate from each other in any way, nor do they affect any other duties or obligations which you are required by law to comply with. You must fulfil all of the duties and perform all of the obligations set out in this licence or otherwise required by law. Certain conditions on your licence may require you to seek a further approval from EPA. Such approvals can be sought via written application to approvals.applications@epa.vic.gov.au. Approvals are only given in writing from the lead assessing officer.

Landfill levy: Landfills must, in accordance with the method and frequency specified in section 50SB of the Act, calculate the amount of landfill levy payable, prepare a landfill levy statement, and submit to EPA both the statement and fee payable.

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Review of decisions: If you object to any of the licence conditions, you may have the decision reviewed by applying in writing to the Registrar, Planning and Environment Division, Victorian Civil and Administrative Tribunal ("VCAT"), 7th Floor, 55 King Street, Melbourne within 21 days of the date of issue. An application fee may be applicable when lodging an appeal with VCAT. Contact VCAT on (03) 9628 9777 for further details on fees associated with an appeal. A copy of the appeal should also be forwarded to the Manager, Development Assessments Unit, Environment Protection Authority, GPO Box 4395, Melbourne, 3001, within 7 days of lodgement of the appeal.

Interested (third) parties may also appeal against the licence within 21 days of the date of issue. The Tribunal will notify you if such appeals are received. If an appeal is lodged, this licence will not come into effect.

Licence structure

Structure: Your licence has multiple parts:

- Environmental performance conditions - setting out the performance outcomes you must meet;
- Schedule 1A - locality plan of your premises, delineating the premises boundary;
- Schedule 1B - plan of premises (provided by you).

Some types of licences also contain Schedule 1C - final landfill contour plans and/or Schedule 2 - tables specifying wastes that may be accepted at the premises and the associated treatment applied to them.

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CONDITIONS

General Conditions

- LI_G1 You must ensure that waste is not discharged, emitted or deposited beyond the boundaries of the premises except in accordance with this licence or under the Act.
- LI_G2 You must immediately notify EPA of non-compliance with any condition of this licence by calling 1300 EPA VIC (1300 372 842), sending an email to contact@epa.vic.gov.au, or using the EPA Interaction Portal.
- LI_G3 By 30 September each year you must submit an annual performance statement to EPA for the previous financial year in accordance with the Annual Performance Statement Guidelines (EPA Publication 1320.3, released June 2011).
- LI_G4 Documents and monitoring records used for preparation of the annual performance statement must be retained at the premises for five years from the date of each statement, and be able to be immediately produced upon request by an officer of the Authority.
- LI_G5 You must establish and implement a risk based monitoring program that enables you and EPA to determine compliance with each condition of this licence. The monitoring program must comply with the requirements of the monitoring guidelines (EPA document 1321.2, released June 2011).

Amenity Conditions

- LI_A1 You must ensure that odours offensive to the senses of human beings are not discharged, emitted or released beyond the boundaries of the premises.
- LI_A2 You must ensure that there are no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:
- a) the environment in the area around the premises; and
 - b) the wellbeing of persons and/or their property in the area around the premises.

Waste Acceptance Conditions

Licence does not have any waste acceptance conditions.

Waste Management Conditions

Licence does not have any waste management conditions.

Landfill Conditions

Licence does not have any landfill conditions.

Air Conditions

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PLEASE NOTE: The plan/s that are being provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:

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LI_DA1 Discharge of waste to air must be in accordance with the Discharge to Air Table.

Discharge to Air Table - Maximum Discharge Rates

Discharge Point No	Description of Discharge Points	Indicator	Limit Type	Unit	Discharge Limit
GM1	Landfill Gas Generator	Carbon monoxide	Maximum	g/min	167
GM2	Landfill Gas Generator	Carbon monoxide	Maximum	g/min	167
GM3	Landfill Gas Generator	Carbon monoxide	Maximum	g/min	167
GM4	Landfill Gas Generator	Carbon monoxide	Maximum	g/min	167
GM5	Landfill Gas Generator	Carbon Monoxide	Maximum	g/min	167

g/min = grams/minute

LI_DA1.1 You must combust all landfill gas made available to the premises.

LI_DA2 Visible emissions to air other than steam must not be discharged from the premises, except as permitted by this licence.

Water Conditions

LI_DW1 You must ensure that surface water discharged from the premises is not contaminated with waste.

Land Conditions

Licence does not have any land conditions.

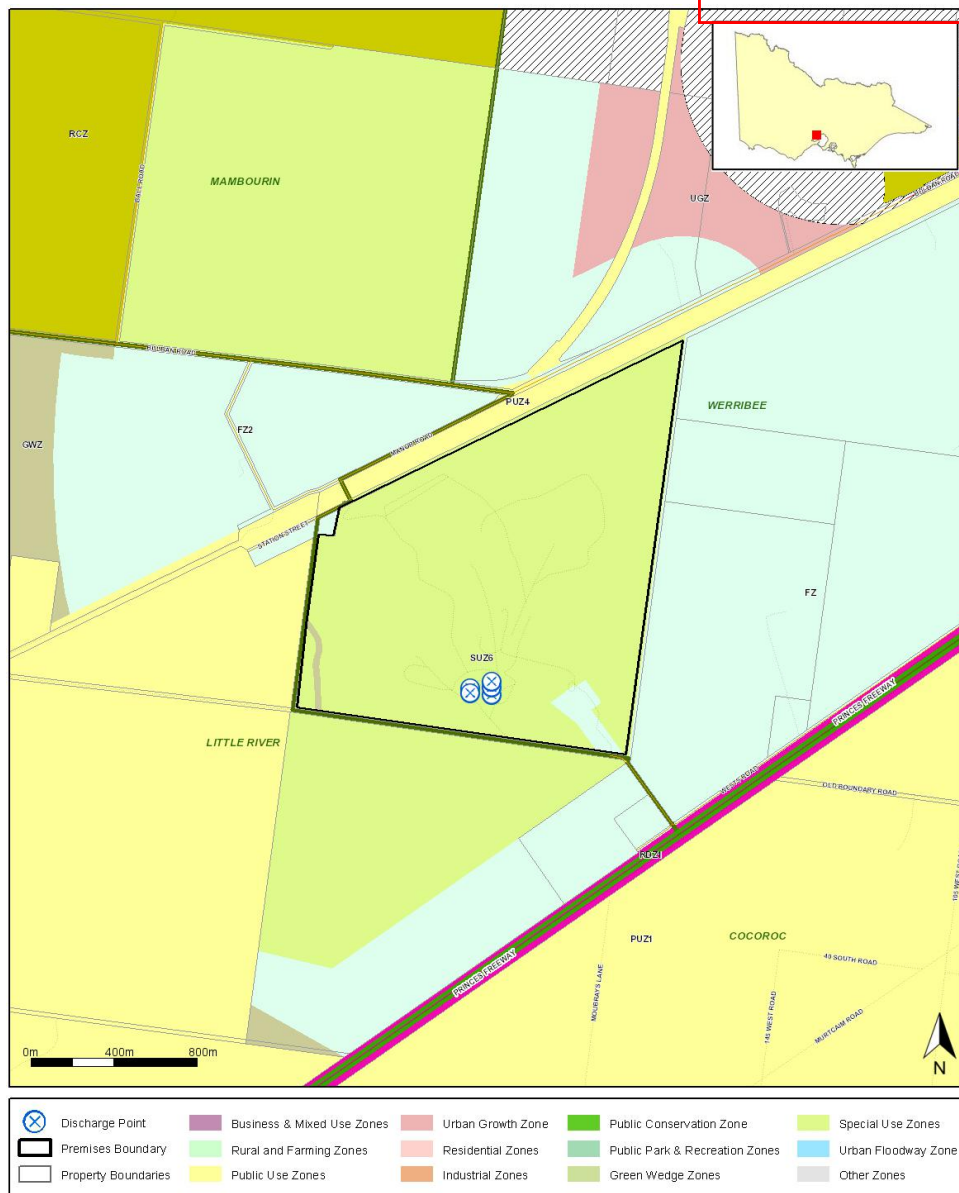
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SCHEDULE 1A - LOCALITY PLAN

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Licence:	81008
Company Name:	LMS ENERGY PTY LTD
ACN:	059 428 474
Premises Address:	420 WESTS RD, WERRIBEE VIC 3030
Issued:	20/09/2013
Last Amended:	04/03/2021
Before relying on the information in this map, users should carefully evaluate its accuracy, currency, completeness and relevance for their purposes, and should obtain any appropriate professional advice relevant to their particular circumstances.	

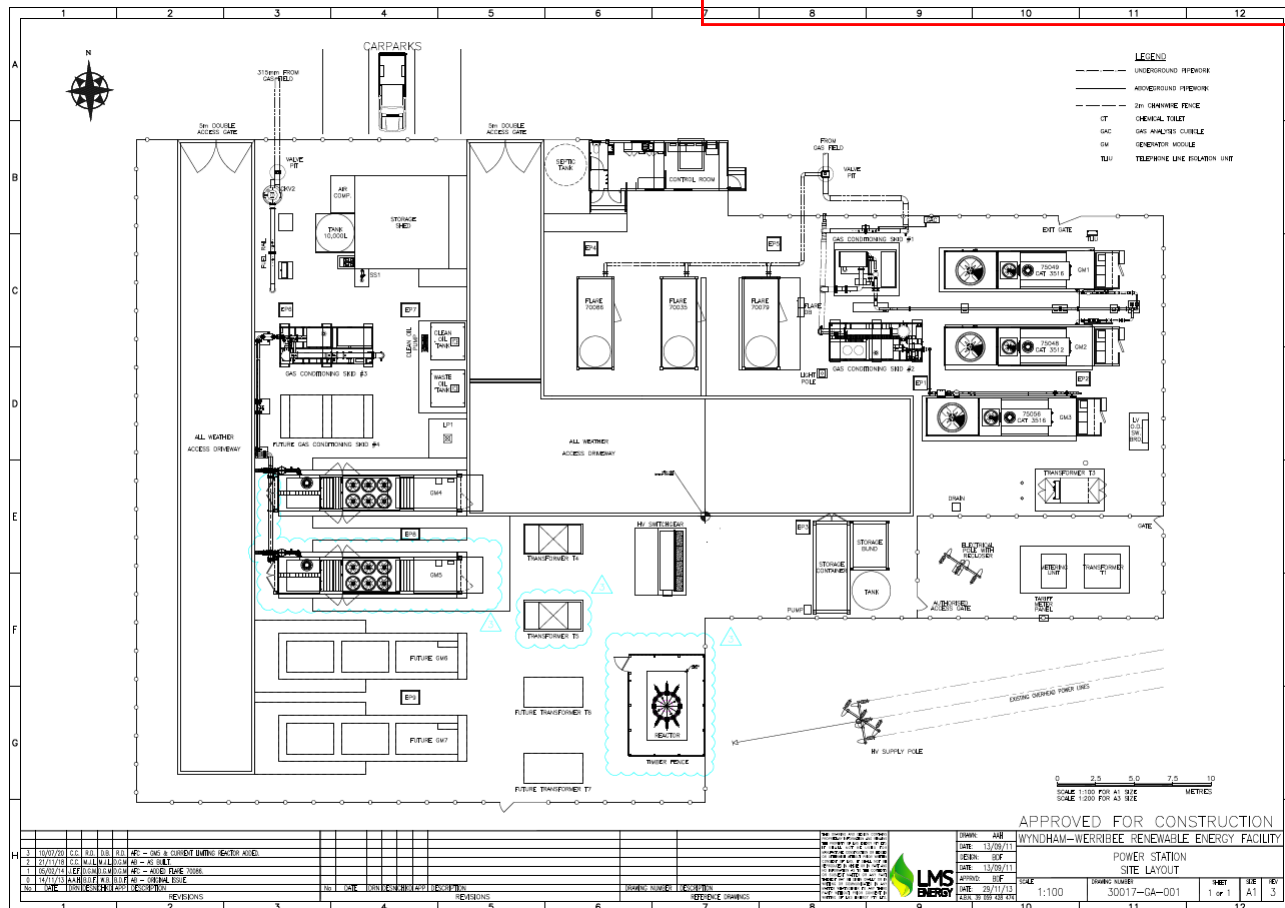
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SCHEDULE 1B - PREMISES PLAN

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Licence:	81008
Company Name:	LMS ENERGY PTY LTD
ACN:	059 428 474
Premises Address:	420 WESTS RD, WERRIBEE VIC 3030
Issued:	20/09/2013
Last Amended:	04/03/2021
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Date Plans Provided: 26/08/2021

13 June 2014

Danielle Kearney – Senior Town Planning Officer
Wyndham City Council
45 Princes Hwy
WERRIBEE VIC 3030

Dear Danielle,

**Wyndham Renewable Energy Facility
Werribee Refuse Disposal Facility, 420 Wests Road, Werribee**

LMS Energy Pty Ltd (LMS) owns and operates the Wyndham Renewable Energy Facility (the REF), located within the Werribee Refuse Disposal Facility, 420 Wests Road, Werribee (WRDF). The REF was first commissioned by Energex Limited in 2003 and was subsequently purchased by LMS in 2011. The Facility currently has an installed generation capacity of 1.8MW and is currently flaring landfill gas in excess of this capacity.

To accommodate the current (and predicted increasing) gas volumes from the WRDF, LMS proposes to allow for the progressive expansion of REF capacity, potentially to 9 MW in the future. This ancillary development of the existing gas management system is consistent with the landfill gas management hierarchy of the EPA Victoria's Best Practice Environmental Management, Siting, Design, Operation and Rehabilitation of Landfills (EPA Publication 788) and the Werribee Refuse Disposal Facility's Waste Discharge Licence.

We note that Clause 62.02-1 of the Wyndham Planning Scheme exempts "Buildings or works which are a modification necessary to comply with...a Waste Discharge Licence...under the Environment Protection Act 1970" from the requirement to obtain a permit.

Based on the information above, LMS seek confirmation this project will not require a planning permit.

Please do not hesitate to contact Oliver Scheidegger on (08) 8291 9044 or email compliance@lms.com.au if you require any additional information.

Yours sincerely,



Jon Varcoe
Environment & Compliance General Manager

CORPORATE HEAD OFFICE

79 King William Road
Unley, South Australia 5061
T (08) 8291 9000
F (08) 8291 9099

2/48 King William Road
Goodwood, South Australia 5034
T (08) 8291 9030
F (08) 8357 2700

2/269 Abbotsford Road
Bowen Hills, Queensland 4006
PO Box 54, Albion, 4010
T (07) 3257 4949
F (07) 3257 4939

1/132 Ross Court
Mills Road, Werribee
PO Box 48, Cleveland
T (07) 3821 7687
F (07) 3821 7689



RESPONSE TO APPLICATION FOR INFORMATION ON PLANNING CONTROLS

File Reference #: 65/211/Wests Road
Application Number: PIR1277/14

Applicant: LMS Energy Pty Ltd
2/48 King William Street
GOODWOOD SA 5034

Date of Issue: 22nd August 2014

PROPERTY DETAILS

LEGAL ADDRESS:	V 9875 F 733 L 1 TP 138161 Mambourin Parish
PROPERTY ADDRESS:	420 Wests Road WERRIBEE VIC 3030

The proposal is considered as (this describes the proposal in planning terms):

Expansion to the Wyndham Landfill Gas to Energy Renewable Energy Facility

THE FOLLOWING INFORMATION IS PROVIDED:

I refer to your Planning Information Request regarding the above matter. The site is zoned Special Use Zone (SUZ6) and is marginally affected by an Environmental Significance Overlay (ESO1) under the Wyndham Planning Scheme. It is noted that the existing Landfill Gas to Energy Facility currently operates under Planning Permit WYP1072 and Waste Discharge Licence Number 12483.

Pursuant to Clause 37.01-4 of the Wyndham Planning Scheme a permit is required to construct a building or carry out works unless the schedule to the zone specifies otherwise. Point 2 of Schedule 6 to the Special Use Zone (Earth and Energy Resources Industry) states that the requirement for a permit does not apply to the construction of a building or the construction or carrying out of works which are a modification necessary to comply with a direction or licence under a Waste Discharge Licence.

In addition, Clause 62.02-1 of the Wyndham Planning Scheme identifies buildings and works not requiring a planning permit. Where buildings and works are a modification necessary to comply with a direction or licence under a Waste Discharge Licence, no permit is required. Your letter outlines the expansion of the facility is required under a direction (Condition L5) of the Waste Discharge Licence number 12483.

Continued over page

Disclaimer: Unless this Planning Inquiry is submitted with a current zoning certificate obtained from the Department of Planning and Community Development, the accuracy of the information provided cannot be guaranteed.

Please Note: It is the responsibility of the applicant and/or owner to check the title for all covenants, restrictions, agreements, caveats, instruments and encumbrances.

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In light of the above, it is Council's understanding that a planning permit is not required for the expansion of the Wyndham Landfill Gas To Energy Facility. The plans required being provided to you comply with the Waste Discharge Licence.

If you have any queries regarding this matter please contact Danielle Kearney of Council's Town Planning Department on 9742 0795.

Yours faithfully



Dean Rochfort
Director Sustainable Development

Receipt No: 5663470

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13 August 2021

Clara Lam
Team Leader – Established Team
Planning & Building Department
Wyndham City Council
PO Box 197
Werribee VIC 3030

Dear Clara,

Planning Permit Application: WYP1072.03

Further to your letter of 05/08/2021, requesting further information under Section 54(1) of the Planning and Environment Act 1987, LMS are pleased to provide the following:

1. Updated plans are attached which show:
 - a. Location relative to the proposed lease boundary, and title boundary
 - b. Setbacks to nearest boundaries
 - c. Access arrangements
 - d. Details of carparking in accordance with the design standards for car parking in Clause 52.06-9 of the Wyndham Planning Scheme.
 - e. Details of existing site conditions. The existing conditions on site have been updated since the latest endorsed plan, please see below history of events regarding the facility.
 - f. Updated elevations showing exterior materials and finishes.
 - g. Dome roof structure covering the modules
2. LMS have engaged Mr Richard Francis from Abzeco Pty Ltd in relation to advice concerning native grasses on the site location. Advice from Mr Francis states that a Weed Management Plan was completed by Abzeco for the site in 2013 which reported that they “didn’t find any native vegetation on that area or anywhere near it”, and that “it is highly unlikely that something would have changed that would alter [their] findings”. LMS have engaged Abzeco to provide an updated assessment.

A site visit was conducted on 13/08/2021, and the resulting report will be provided to Council as soon as possible.

3. LMS confirm that the proposed works are NOT a modification necessary to comply with a direction or licence under the Dangerous Goods Act 1985 or a Waste Discharge Licence. Works App provided to you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:
- Date Plans Provided: 26/08/2021**

4. LMS confirm that under clause 66.02-7 (Industry, Utility Installation or Warehouse) of the Wyndham Planning Scheme, the proposed works are not listed in the table to Clause 53.10-1 as an activity with potential adverse impacts. Further, the proposed works associated with the Data Centre do not involve the use, storage or handling of dangerous goods, and do not require notification under the Occupational Health and Safety Regulations 2017.
5. LMS duly request an extension of time to provide any required additional information to ensure adequate time to obtain information.
6. With respect to the application relating to Council's land, LMS understand that Council have progressed discussions with Holcim Australia Pty Ltd regarding the approval and provision of new leases between the parties and Council for their respective use of the land, and that consent from the Strategic Property Department will be provided.
7. In relation to referral to the EPA Victoria, please note that LMS is the holder of a Licence (81008) under the Environment Protection Act 1970, under Scheduled Category A08 (Waste to Energy) for the generation of electrical energy from waste landfill gas at a rated capacity of 5.06MW for this site. Please see attached licence.
8. History of events regarding the Facility are detailed below:

In 2002 Energex obtained planning approval to build a Landfill Gas to Energy facility consisting of two generator modules at the site under planning permit WYP1072, reflected in the image below.

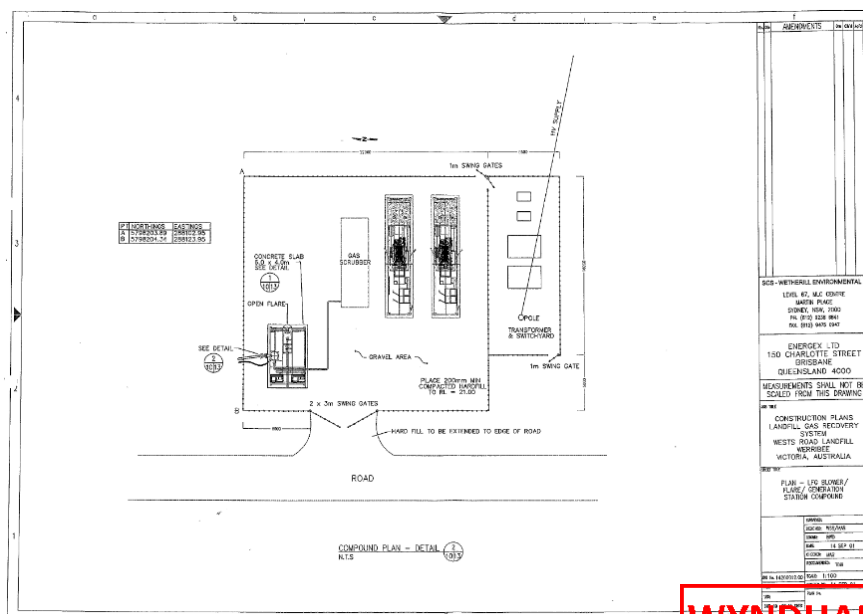


Image 1 – Energex Site Plan (WYP1072)

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In 2011 LMS purchased this facility from Energen. At that time, only one of the generator modules had been installed.

On 11/04/2013 LMS applied to Council under Planning Permit Amendment Application WYP1072.1 to update the plans to reflect the actual site conditions. LMS subsequently withdrew the Planning Amendment and submitted a Secondary Consent Application on 15/07/2013 on Council's advice, as the changes did not result in a transformation of the original proposal, did not require primary consent, were of no consequence having regard to the purpose of the planning control under which the original permit was granted and were not contrary to any specific requirements within the permit. On 30/07/2013 Council granted consent approval to the amended plans via Secondary Consent to update the existing site conditions, reflected in the below image, under Planning Permit WYP1072.2.

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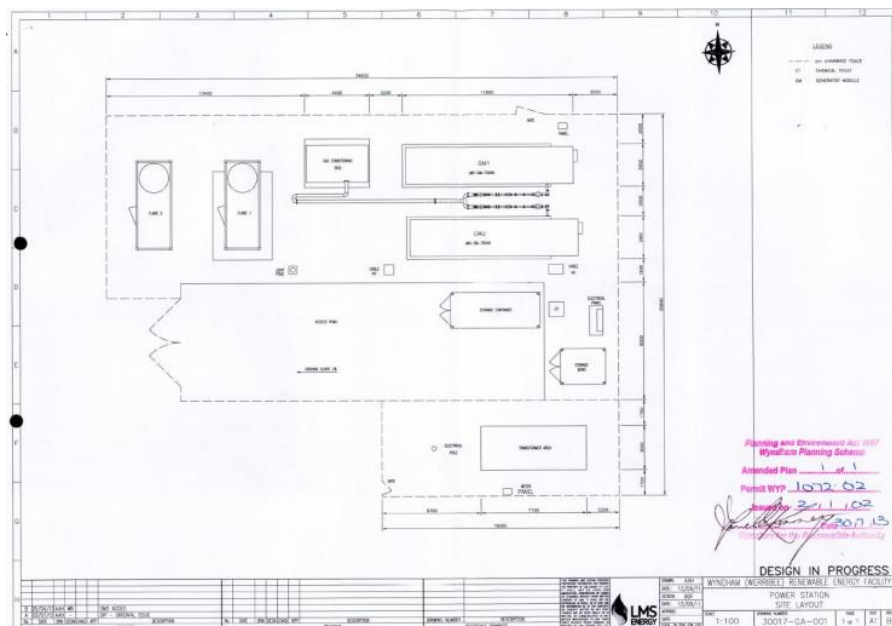


Image 2 – LMS Site Plan (WYP1072.2)

On 22/10/2013 the second generator module was commissioned on site by LMS. A Works Approval was granted by the EPA Victoria (77937), increasing total output to 1.8MW.

On 13/06/2014 LMS wrote to Council regarding its plans to upgrade the facility from the current installed capacity of 1.8MW (2 generator modules) to 9MW, seeking clarification of the requirement to obtain a planning permit since the works were a modification necessary to comply with a direction under a Waste Discharge Licence (12483). Please refer attached letter.

On 22/08/2014 Council wrote to advise LMS that a planning permit was not required for the expansion of the Wyndham Landfill Gas to Energy Facility, since it was required to comply with the Waste Discharge Licence. Please refer attached letter.

On 11/10/2018 the third generator module was commissioned on site by LMS. An exemption from Works Approval was granted under the Environment Protection Act 1970 by the EPA on 09/02/2017.

On 16/12/2018 the fourth generator module was commissioned on site by LMS. An exemption from Works Approval was granted under the Environment Protection Act 1970 by the EPA on 07/06/2018.

On 15/03/2021 the fifth generator module was commissioned on site by LMS. An exemption from Works Approval was granted under the Environment Protection Act 1970 by the EPA on 03/03/2021.

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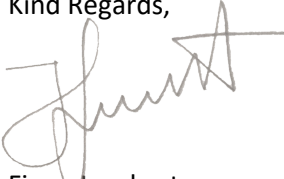
As part of supporting the plan/circular being provided to you, LMS Energy is providing this information. Since you may not reflect what is ultimately approved by Council however they are the most recent version as at the date shown below:

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LMS are proud of our strong partnership with the Wyndham City Council and the collective efforts to provide positive environmental outcomes from the Wyndham RDF as part of supporting the plan/circular being provided to you. Since commissioning in 2011, the Renewable Energy Facility has abated over 1.2 million tonnes of CO₂e, making it a significant contributor to emissions reductions in Victoria.

Please don't hesitate to contact me if you require any further information or clarification.

Kind Regards,



Fiona Lambert

PROJECT DEVELOPMENT & COMPLIANCE GROUP MANAGER

Attachments:

- Plan Drawing 30017-GA-022 Rev E – Lease Plan General Arrangement (3 pages)
- Plan Drawing 30017-GA-023 Rev 0 – Data Centre Layout Proposal
- Plan Drawing R40_12A_S3 General Arrangement (Dome Roof Structure)
- Letter from LMS Energy dated 13/06/2014
- Letter from Wyndham City Council dated 22/08/2014
- EPA Licence 81008

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