

Permit

Environmental Protection Act 1994

Environmental authority EPPR00779613

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EPPR00779613

Environmental authority takes effect on 16 January 2023

Environmental authority holder(s)

Name(s)	Registered address
LMS ENERGY PTY LTD	79 King William Road UNLEY SA 5061 Australia

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
Prescribed ERA, ERA 15 - Fuel burning, Using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour	Lot 2/RP844932
Prescribed ERA, ERA 15 - Fuel burning, Using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour	Lot 104/RP839073
Prescribed ERA, ERA 15 - Fuel burning, Using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour	Lot 1/RP6936

Additional information for applicants

Environmentally relevant activities

The description of any environmentally relevant activity (ERA) for which an environmental authority (EA) is issued is a restatement of the ERA as defined by legislation at the time the EA is issued. Where there is any inconsistency between that description of an ERA and the conditions stated by an EA as to the scale, intensity or manner of carrying out an ERA, the conditions prevail to the extent of the inconsistency.

An EA authorises the carrying out of an ERA and does not authorise any environmental harm unless a condition stated by the EA specifically authorises environmental harm.

A person carrying out an ERA must also be a registered suitable operator under the *Environmental Protection Act 1994* (EP Act).

Contaminated land

It is a requirement of the EP Act that an owner or occupier of contaminated land give written notice to the administering authority if they become aware of the following:

- the happening of an event involving a hazardous contaminant on the contaminated land (notice must be given within 24 hours); or
- a change in the condition of the contaminated land (notice must be given within 24 hours); or
- a notifiable activity (as defined in Schedule 3) having been carried out, or is being carried out, on the contaminated land (notice must be given within 20 business days);

that is causing, or is reasonably likely to cause, serious or material environmental harm.

For further information, including the form for giving written notice, refer to the Queensland Government website www.qld.gov.au, using the search term 'duty to notify'.

Take effect

Please note that, in accordance with section 200 of the EP Act, an EA has effect:

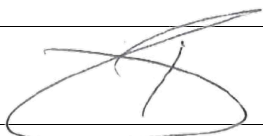
- a) if the authority is for a prescribed ERA and it states that it takes effect on the day nominated by the holder of the authority in a written notice given to the administering authority-on the nominated day; or
- b) if the authority states a day or an event for it to take effect-on the stated day or when the stated event happens; or
- c) otherwise-on the day the authority is issued.

However, if the EA is authorising an activity that requires an additional authorisation (a relevant tenure for a resource activity, a development permit under the Planning Act 2016 or an SDA Approval under the

State Development and Public Works Organisation Act 1971), this EA will not take effect until the additional authorisation has taken effect.

If this EA takes effect when the additional authorisation takes effect, you must provide the administering authority written notice within 5 business days of receiving notification of the related additional authorisation taking effect.

If you have incorrectly claimed that an additional authorisation is not required, carrying out the ERA without the additional authorisation is not legal and could result in your prosecution for providing false or misleading information or operating without a valid environmental authority.



Signature

16 January 2023

Date

Tristan Roberts
Department of Environment and Science
Delegate of the administering authority
Environmental Protection Act 1994

Enquiries:

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Privacy statement

Pursuant to section 540 of the EP Act, the Department is required to maintain a register of certain documents and information authorised under the EP Act. A copy of this document will be kept on the public register. The register is available for inspection by members of the public who are able to take extracts, or copies of the documents from the register. Documents that are required to be kept on the register are published in their entirety, unless alteration is required by the EP Act. There is no general discretion allowing the Department to withhold documents or information required to be kept on the public register. For more information on the Department's public register, search 'public register' at www.qld.gov.au. For queries about privacy matters please email privacy@des.qld.gov.au or telephone 13 74 68.

Obligations under the Environmental Protection Act 1994

In addition to the requirements found in the conditions of this environmental authority, the holder must also meet their obligations under the EP Act, and the regulations made under the EP Act. For example, the holder must comply with the following provisions of the Act:

- general environmental duty (section 319)
- duty to notify environmental harm (section 320-320G)
- offence of causing serious or material environmental harm (sections 437-439)
- offence of causing environmental nuisance (section 440)
- offence of depositing prescribed water contaminants in waters and related matters (section 440ZG)
- offence to place contaminant where environmental harm or nuisance may be caused (section 443)

Conditions of environmental authority

Part 1 – Common conditions relevant to all sites

Environmentally relevant activity(ies)	Location(s)
ERA 15 - Fuel burning, Using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour	174 Gardner Road ROCHEDALE - Lot 2 Plan RP844932 66-114 Blackheath Road, SWANBANK – Lot 104 Plan RP839073 32 Rossmans Road STAPYLTON – Lot 1 Plan RP6936

The environmentally relevant activity(ies) conducted at the locations above must be conducted in accordance with the following site-specific conditions of approval:

General	
Condition number	Condition
G1.	All reasonable and practicable measures must be taken to minimise the likelihood of environmental harm being caused.
G2.	Any breach of a condition of this environmental authority must be reported to the administering authority within 24 hours of becoming aware of the breach and record full details of the breach and any subsequent actions.
G3.	All records must be kept for a period of at least five years and provided to the administering authority upon request.
G4.	An appropriately qualified person(s) must monitor, interpret and record all parameters that are required to be monitored, in the manner provided.
G5.	All analysis and tests required under this approval must be carried out by a laboratory that has NATA certification for such analysis and tests. The only exception to this condition is for the-situ monitoring of: • Turbidity • pH • Dissolved oxygen
G6.	The activity must be undertaken in accordance with written procedures that: 1. identify potential risks to the environment from the activity during routine operations and emergencies; and 2. establish and maintain control measures that minimise the potential for environmental harm; and 3. ensure plant, equipment and measures are maintained in a proper and effective condition; and 4. ensure plant, equipment and measures are operated in a proper and effective manner; and 5. ensure that staff are trained and aware of their obligations under the <i>Environmental Protection Act 1994</i>.

G7.	All monitoring devices must be effectively calibrated and maintained.
G8.	If you become aware of any adverse impact on an environmental value, you must notify the administering authority in writing of the full details of the adverse impact within 24 hours of becoming aware of the impact.
S9.	You must record the following details for all environmental complaints received: 1. date and time complaint was received 2. name and contact details of the complainant 3. nature of the complaint 4. investigations undertaken 5. conclusions formed 6. actions taken.
Air	
Condition number	Condition
A1.	Odours or airborne contaminants which are noxious or offensive or otherwise unreasonably disruptive to public amenity or safety must not be released to any nuisance sensitive place or commercial place.
A2.	The only fuel permitted to be used is landfill gas (biogas).
Water	
Condition number	Condition
WT1.	Other than as permitted within this authority, contaminants must not be released from the site to any waters or the bed and banks of any waters.
Land	
Condition number	Condition
L1.	Contaminants must not be released to land unless otherwise stated in this permit.
Waste	
Condition number	Condition
W1.	All waste generated in carrying out the activity must be lawfully reused, recycled or removed to a facility that can lawfully accept the waste.
Noise	
Condition number	Condition

N1.	Noise generated by the activity must not cause environmental nuisance to any sensitive place or commercial place.
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Part 2 – Common conditions relevant to Rochedale and Swanbank sites only

Environmentally relevant activity(ies)	Location(s)
ERA 15 - Fuel burning, Using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour	174 Gardner Road ROCHEDALE - Lot 2 Plan RP844932 66-114 Blackheath Road, SWANBANK – Lot 104 Plan RP839073

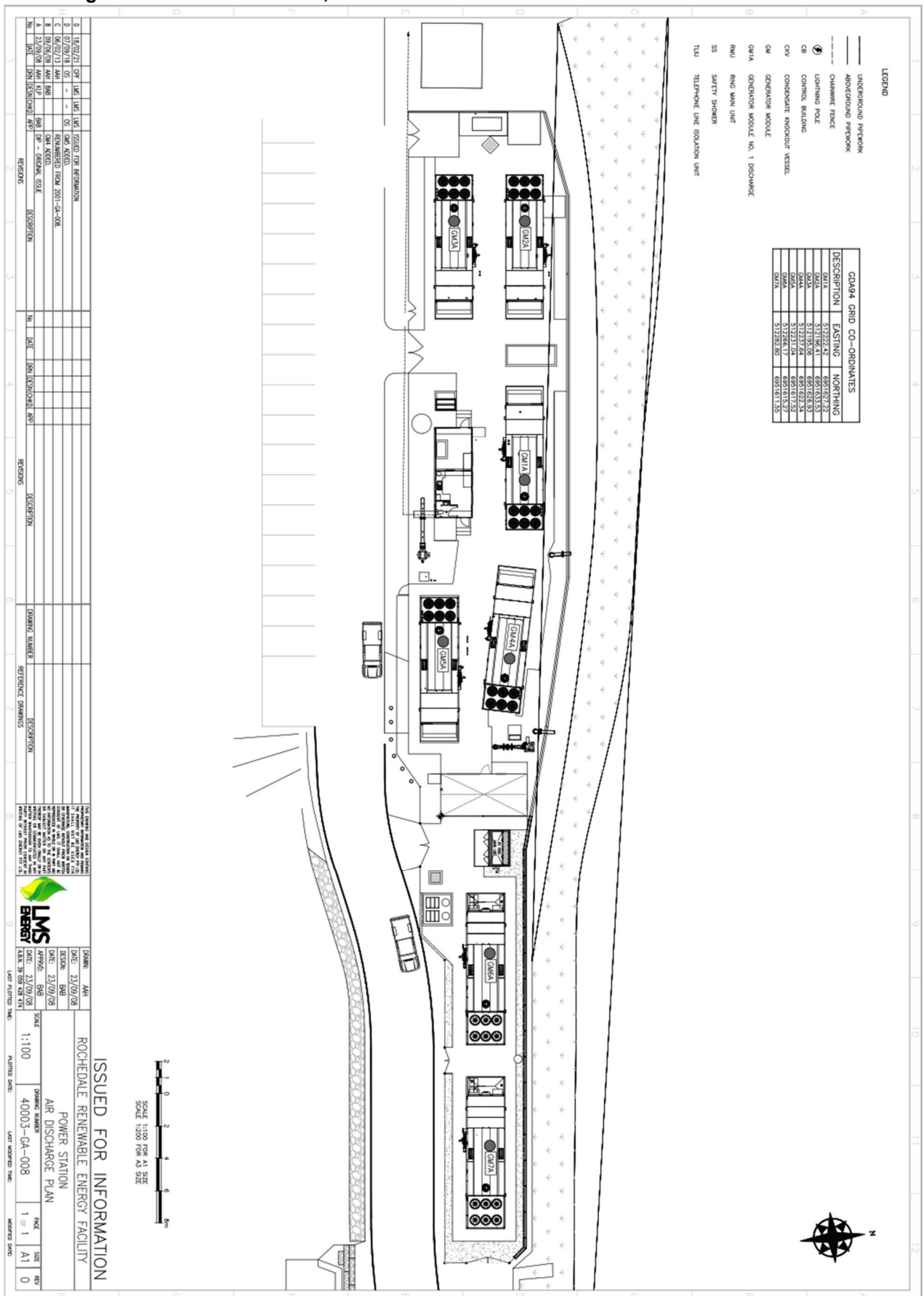
In addition to Part 1, the environmentally relevant activity(ies) conducted at the locations above must be conducted in accordance with the following site-specific conditions of approval.

Condition number	Condition							
S2.	The release of contaminants to the atmosphere must only occur in accordance with the following table and Figure 1 : Drawing 40003-GA-008 Rev 0, dated 18/2/21.							
	Rochedale - Air Contaminant Release Limits							
	Monitoring Point (as shown in diagram 40003-GA-008 Rev 0, dated 18/2/21)	Minimum release height (metres)	Minimum velocity (m/sec)	Parameter	Maximum Limit		Reference Period	Monitoring Frequency
	GM1A	7.6	8	NO _x	500mg/m ³	0.85g/s	Hourly mean	At least one point is to be monitored and recorded each year. All release points are to be monitored at least once in a four-year period.
				CO	1400mg/m ³	2.38g/s		
				Total VOCs	1000mg/m ³			
	GM2A	7.6	8	NO _x	500mg/m ³	0.85g/s		
				CO	1400mg/m ³	2.38g/s		
				Total VOCs	1000mg/m ³			
	GM3A	7.6	8	NO _x	500mg/m ³	0.85g/s		
				CO	1400mg/m ³	2.38g/s		
				Total VOCs	1000mg/m ³			
	GM4A	7.6	8	NO _x	500mg/m ³	0.85g/s		
				CO	1400mg/m ³	2.38g/s		
Total VOCs				1000mg/m ³				
GM5A	7.6	8	NO _x	500mg/m ³	0.85g/s			

Environmental Authority EIT Ref: 70010

				CO	1400mg/m ³	2.38g/s		
				Total VOCs	1000mg/m ³			
				NO _x	500mg/m ³	0.85g/s		
	GM6A	7.6	8	CO	1400mg/m ³	2.38g/s		
				Total VOCs	1000mg/m ³			
				NO _x	500mg/m ³	0.85g/s		
	GM7A	7.6	8	CO	1400mg/m ³	2.38g/s		
				Total VOCs	1000mg/m ³			
S3.	The only contaminants to be released to waters are those from the Humeceptor, in accordance with Figure 2: Drawing 40003-GA-009, Rev 0, dated 25/2/21.							
S4.	The release of contaminants from the Humeceptor system must be in accordance with the following qualitative characteristics.							
Contaminant release limits to water								
Monitoring Point		Quality Characteristics		Release Limit		Monitoring Frequency		
Humeceptor discharge point (as identified in Figure 2: Drawing 40003-GA-009, Rev 0, dated 25/2/21)		pH		6.5		8.5		Biannually (when releasing).
		Suspended solid		-		50 mg/L		
		Dissolved Oxygen		80 – 90%		Upper Limit		
		Oil & Grease		No visible film No detectable odour		-		
		Floating matter		None visible		-		

Figure 1: Diagram 40003-GA-008 Rev 0, dated 18/2/21



Part 4 – Conditions relevant to Swanbank site only

Environmentally relevant activity(ies)	Location(s)
ERA 15 - Fuel burning, Using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour	66-114 Blackheath Road, SWANBANK – Lot 104 Plan RP839073

In addition to Parts 1 & 2, the environmentally relevant activity(ies) conducted at the location above must be conducted in accordance with the following site-specific conditions of approval.

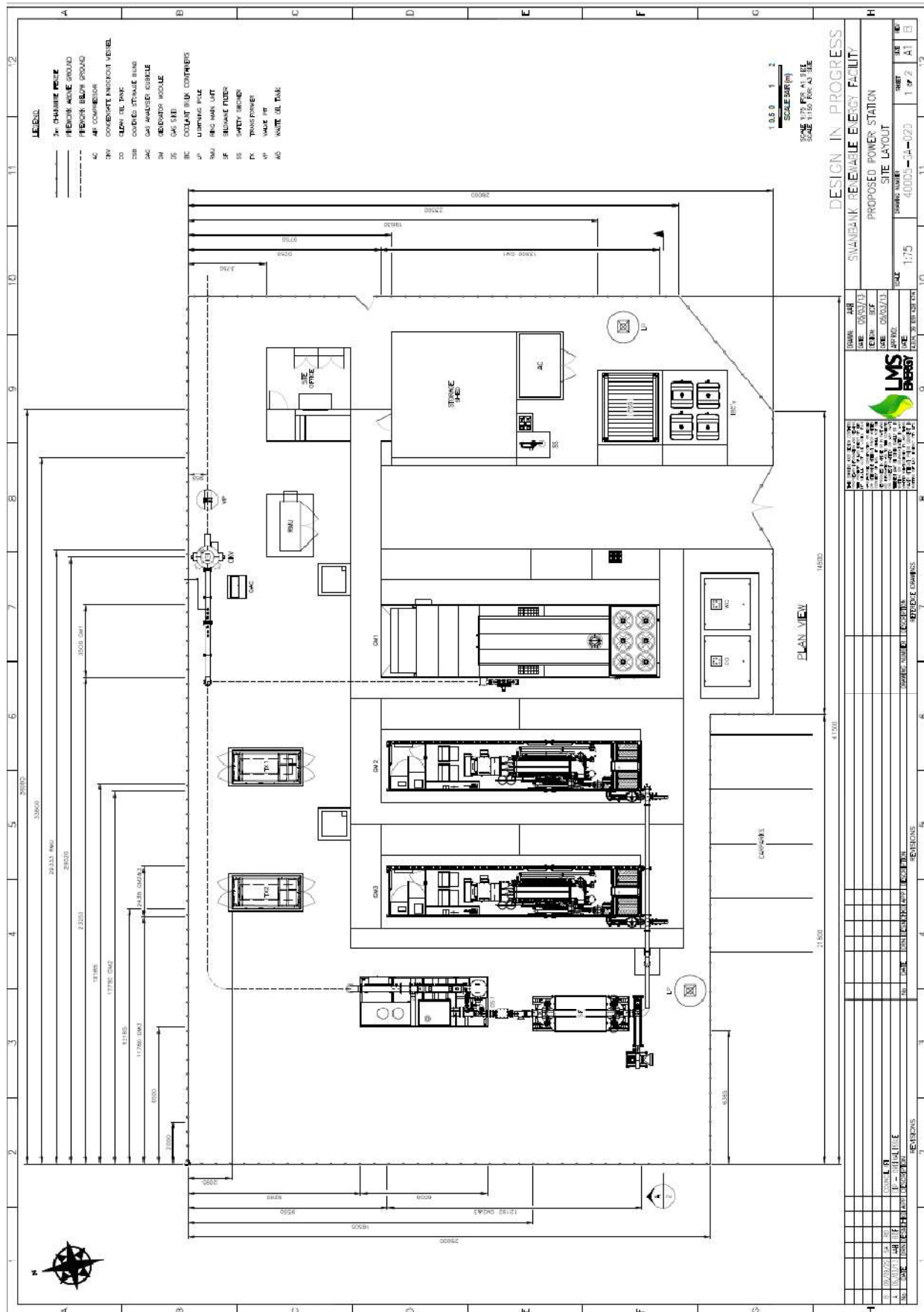
Condition number	Condition							
S5.	The release of contaminants to the atmosphere must only occur in accordance with the following table:							
	Swanbank - Air Contaminant Release Limits							
	Monitoring Point (as identified in Figure: Drawing 40005-GA-020)	Minimum release height (metres)	Minimum velocity (m/sec)	Parameter	Maximum Limit		Reference Period	Monitoring Frequency
	GM1	7.6	10	NOx	500mg/m³	0.85g/s	Hourly mean	Annually
				CO	1400mg/m³	2.38g/s		
				Total VOCs	1000mg/m³			
	GM2	7.6	10	NOx	500mg/m³	0.85g/s		
				CO	1400mg/m³	2.38g/s		
				Total VOCs	1000mg/m³			
	GM3	7.6	10	NOx	500mg/m³	0.85g/s		
				CO	1400mg/m³	2.38g/s		
				Total VOCs	1000mg/m³			
	FL1A	8.5	5	NOx	150mg/m³	0.37g/s	Hourly mean	Annually or less
				CO	700mg/m³	4.6g/s		
				Total VOCs	10mg/m³			
				Temperature	Minimum >500°C			
	FL2A	8.5	5	NOx	150mg/m³	0.37g/s		
				CO	700mg/m³	4.6g/s		
				Total VOCs	10mg/m³			
				Temperature	Minimum >500°C			

Environmental authority EPT/RO07/0010

	FL3A	8.5	5	NOx	150mg/m ³	0.37g/s		frequently as prescribed by conditions S6
				CO	700mg/m ³	4.6g/s		
				Total VOCs	10mg/m ³			
				Temperature	Minimum >500°C			
	FL4A	8.5	5	NOx	150mg/m ³	0.37g/s		
				CO	700mg/m ³	4.6g/s		
				Total VOCs	10mg/m ³			
				Temperature	Minimum >500°C			
S6.	If the monitoring results demonstrate that the release of contaminants measured at a monitoring point marked as FL1A, FL2A, FL3A or FL4A does not exceed 80% of any release limit (as prescribed in condition S5), the subsequent monitoring for this monitoring point is permitted to be conducted every four years.							
S7.	If the contaminant release monitoring at a monitoring point marked as FL1A, FL2A, FL3A or FL4A is conducted every four years and the release of contaminants from this point exceeds 80% of any release limit, the remaining monitoring points must be tested to confirm compliance with the release limits as soon as practicable.							
S8.	The holder of this environmental authority must notify the administering authority in writing before any monitoring frequency change for the monitoring points FL1A, FL2A, FL3A or FL4A. The written notification is to include all relevant monitoring results.							
L2	Before applying to surrender this environmental authority, the site ¹ must be rehabilitated to achieve a safe, stable and non-polluting landform.							

¹ The site means the location of the activity at 66-114 Blackheath Road, SWANBANK – Lot 104, Plan RP839073
Page 12 of 19
Department of Environment and Science

Figure: Drawing 40005-GA-020– Swanbank Renewable Energy Facility – Proposed Power Station Site Layout



Part 5 – Conditions relevant to Stapylton site only

Environmentally relevant activity(ies)	Location(s)
ERA 15 - Fuel burning, Using fuel burning equipment that is capable of burning at least 500kg of fuel in an hour	32 Rossmans Road STAPYLTON – Lot 1 Plan RP6936

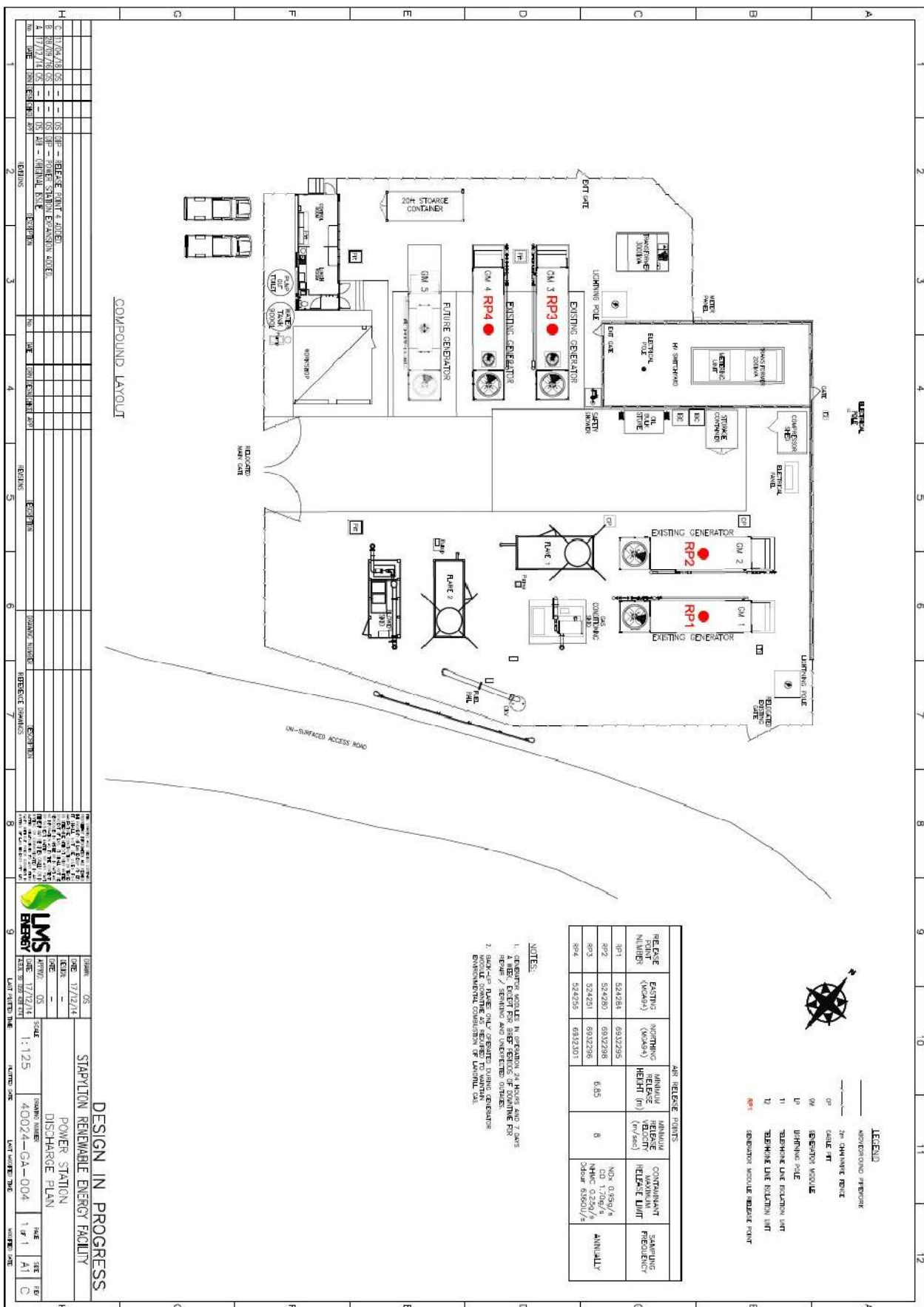
In addition to Part 1, the environmentally relevant activity(ies) conducted at the location above must be conducted in accordance with the following site-specific conditions of approval:

S9.	The release of contaminants to the atmosphere from a point source must only occur from those release points identified in the following Table - Air and must be directed vertically upwards without any impedance or hindrance:				
	Table – Air				
	Release point number	Minimum release height (meters)	Minimum release velocity (m / sec)	Contaminant release	Maximum release limit
	GM1	6.85	8	Oxides of nitrogen (NOx)	0.95 g/s
				Carbon monoxide	1.70 g/s
				Non-methane hydrocarbons (NMHC)	0.25 g/s
	GM2	6.85	8	Oxides of nitrogen (NOx)	0.95 g/s
				Carbon monoxide	1.70 g/s
				Non-methane hydrocarbons (NMHC)	0.25 g/s
	GM3	6.85	8	Oxides of nitrogen (NOx)	0.95 g/s
				Carbon monoxide	1.70 g/s
				Non-methane hydrocarbons (NMHC)	0.25 g/s
	GM4	6.85	8	Oxides of nitrogen (NOx)	0.95 g/s
				Carbon monoxide	1.70 g/s

				Non-methane hydrocarbons (NMHC)	0.25 g/s	
	Associated Monitoring Requirements 1. Release locations must be in accordance with plan Stapylton Renewable Energy Facility, Power Station Discharge Plan, Figure 4: Drawing Number 40024-GA-004 version C dated 17/12/14 attached in Schedule 1 - Approved plans. 2. Air monitoring must be in accordance with the current edition of the administering authority's Air Quality Sampling Manual. 3. Monitoring must be undertaken any time the activity is in operation. 4. Monitoring must be taken when emissions are expected to be representative of actual operating conditions for the sample frequency period.					
S11.	Contaminants must be released to the atmosphere from a release point at a height and flow rate not less than the corresponding height and velocity stated for that release point in condition S9 Table - Air.					
S12.	Contaminants must be released to the atmosphere from a release point at a mass emission rate, as measured at a monitoring point, in excess of that stated in condition S9 Table - Air.					
S13.	Contaminants must be monitored not less frequently as prescribed in condition S9 Table - Air.					
S14.	Monitoring of any releases to the atmosphere required by a condition of this approval must be carried out in accordance with the following requirements: 1. Monitoring provision for the release points listed in condition S9 - Air must comply with the Australian Standard AS 4323.1 1995 Stationary source emissions Methods 1. Selection of sampling positions (or more recent editions). 2. The following test must be performed for each required determination specified in condition S11- Air: i. gas velocity and volume flow rate; ii. temperature; and iii. water vapour concentration (moisture content). 3. Where practicable, samples must be taken when emissions are expected to be at maximum rate. 4. During the sampling period the following additional information must be gathered: i. production rate at the time of sampling; ii. raw material used; iii. number of equipment and mixing vessels operating; iv. operating or mixing temperature; v. product made; and vi. reference to the actual test methods					
S15.	Noise from the activity must not exceed the limits identified in the following table when measured in accordance with the associated monitoring requirements at any sensitive place or commercial place.					

	Noise level dB(A) measured as	Monday to Saturday			Sundays and public holidays		
		7am - 6pm	6pm - 10pm	10pm - 7am	9am - 6pm	6pm - 10pm	10pm - 9am
		Noise measured at a 'Noise sensitive place'					
	LA10, adj, 10 mins	Bkg*+5	Bkg+5	Bkg+0	Bkg+5	Bkg+5	Bkg+0
	LA1, adj, 10 mins	Bkg+10	Bkg+10	Bkg+5	Bkg+10	Bkg+10	Bkg+5
		Noise measured at a 'Commercial place'					
	LA10, adj, 10 mins	Bkg+10	Bkg+10	Bkg+5	Bkg+10	Bkg+10	Bkg+5
	LA1, adj, 10 mins	Bkg+15	Bkg+15	Bkg+10	Bkg+15	Bkg+15	Bkg+10
	*Bkg means background noise level <u>Associated monitoring requirements</u> Any monitoring must be in accordance with the most recent version of the administering authority's Noise Measurement Manual.						
S16.	When required by the administering authority, noise monitoring must be undertaken to investigate any complaint of noise nuisance, and the results notified within 14 days to the administering authority. Monitoring must include: - LAmax, adj, T; - LAN, T (where N equals statistical levels of 1, 10, 50, 90 and 99); - Max LpA, T; - LAeq, T; - the level and frequency of occurrence of any impulsive or tonal noise; - atmospheric conditions including wind speed and direction; - effects due to extraneous factors such as traffic noise; and - location, date and time of recording.						

Figure 4: Stapylton Renewable Energy Facility, Power Station Discharge Plan



Definitions

Applicants should note that where a term is not defined, the definition in the *Environmental Protection Act 1994*, its regulations or environmental protection policies must be used. If a word remains undefined it has its ordinary meaning.

Activity means the environmentally relevant activities, whether resource activities or prescribed activities, to which the environmental authority relates.

Administering authority means the Department of Environment and Science or its successor.

Appropriately qualified person(s) means a person or persons who has professional qualifications, training, skills or experience relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance relative to the subject matter using the relevant protocols, standards, methods or literature.

Background noise level means either

- L A90,T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes, using Fast response measured in the absence of the noise under investigation; or
- L Abg, T being the arithmetic average of the minimum readings measure in the absence of the noise under investigation during a representative time period of not less than 15 minutes using Fast response

Commercial place means a place used as a workplace, an office or for business or commercial purposes and includes a place within the curtilage of such a place reasonably used by persons at that place.

Environmental nuisance (the Act) is unreasonable interference or likely interference with an environmental value caused by—

- a) aerosols, fumes, light, noise, odour, particles or smoke; or
- b) an unhealthy, offensive or unsightly condition because of contamination; or
- c) another way prescribed by regulation.

Environmental value (the Act) is—

- a) a quality or physical characteristic of the environment that is conducive to ecological health or public amenity or safety; or
- b) another quality of the environment identified and declared to be an environmental value under an environmental protection policy or regulation.

LA10, adj, 15mins means the A-weighted sound pressure level, (adjusted for tonal character and Impulsiveness of the sound) exceeded for 10 percent of any 15-minute measurement period, using Fast response.

LA1, adj 15mins means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1 percent of any 10-minute measurement period, using Fast response.

LA, max, adj T means the A-weighted sound pressure level, (adjusted for tonal character and impulsiveness of the sound) exceeded for 1 percent of any 10-minute measurement period, using Fast response.

LAeq, adj 15 mins means an A-weighted sound pressure level of a continuous steady sound, adjusted for tonal character that within a period of 15 minutes, has the same mean square sound pressure of a sound that varies with time.

Land does not include waters

Measures has the broadest interpretation and includes plant, equipment, physical objects, monitoring, procedures, actions, directions and competency.

Noxious means harmful or injurious to health or physical well-being.

Offensive means causing offence or displeasure; is unreasonably disagreeable to the sense; disgusting, nauseous or repulsive.

Records include breach notifications, written procedures, analysis results, monitoring reports and monitoring

programs required under a condition of this authority.

Sensitive place includes the following and includes a place within the curtilage of such a place reasonably used by persons at that place:

- a) a dwelling, residential allotment, mobile home or caravan park, residential marina or other residential premises; or
- b) a motel, hotel or hostel; or
- c) a kindergarten, school, university or other educational institution; or
- d) a medical centre or hospital; or
- e) a protected area under the *Nature Conservation Act 1992*, the *Marine Parks Act 2004* or a World Heritage Area; or
- f) a public thoroughfare, park or gardens; or
- g) for noise, a place defined as a sensitive receptor for the purposes of the *Environmental Protection (Noise) Policy 2008*.

You means the holder of the environmental authority.

Waters includes any river, stream, lake, lagoon, pond, swamp, wetland, unconfined surface water, unconfined water natural or artificial watercourse, bed and bank of any waters, dams, non-tidal or tidal waters (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

END OF ENVIRONMENTAL AUTHORITY