

Development licence

Environment Protection Act 2017

Licence number	DL000300076
Issue date	17 October 2025
Last amended	-
Expiry date	31 December 2028
Licence holder	BARNAWARTHA NORTH ENERGY PTY LTD
ACN	682651887
Activity site(s)	141 Baxter-whelans Road, Barnawartha North, Victoria, 3691
Prescribed permission activities	G04 (Bulk storage) K01 (Power generation)

Issued under section 69(1)(a) of the *Environment Protection Act 2017* (the Act).



Richard Anthony.Hook
Team Leader, Development Licences
Delegate of Environment Protection Authority Victoria (EPA)

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Context

Environment Protection Authority Victoria (EPA) is Victoria's environmental regulator acting in accordance with the *Environment Protection Act 2017* (the Act). Our regulatory role is to work with community, industry and business to prevent and reduce the harmful effects of pollution and waste on Victoria's environment and people.

Why we issue development licences

A range of development activity types are prescribed in the Environment Protection Regulations 2021 (the Regulations) because they give rise to risks of harm to human health or the environment. We issue development licences so applicants can lawfully undertake prescribed development activities. Section 44 of the Act provides that a person must not engage in a prescribed development activity except as authorised by a development licence in respect of that activity.

When we issue development licences

EPA can issue a development licence under section 69(1) of the Act. When issuing a development licence, EPA takes into account a number of factors, including the measures an applicant has taken or proposes to take in order to comply with the Act when engaging in the prescribed permission activity.

EPA can amend, suspend or revoke a licence for a range of reasons. This can include in response to changes in activities, risks or licence holder performance. All development licence details are publicly accessible via the EPA Public Register.

Key information and obligations

Interpretation

For the purposes of this development licence "You" means the "licence holder" identified on the first page. Unless a contrary intention appears, words or terms used in the conditions of your licence have the same meaning as in the Act, and in any regulations made pursuant to the Act.

Compliance

Your licence is subject to conditions. These conditions confer legal 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 requirements of these conditions do not detract from each other in any way, nor do they affect any other duties or obligations with which you are required to comply by law. You must fulfil all duties and perform all obligations set out in this licence or otherwise required by law.

Strict penalties apply for non-compliance with any part of your development licence.

You must comply with the Act and regulations administered by EPA. This includes, but is not limited to, compliance with the general environmental duty (GED).

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Duties under the Act

Under the Act, you have legal obligations in relation to your prescribed and non-prescribed activities. These legal obligations exist to minimise risks of harm to human health and the environment from pollution and waste.

You may be committing an offence and be liable to a penalty under the Act if your actions or omissions constitute a breach of these legal obligations.

General environmental duty

The Act places the onus on you to understand the risks associated with your operation or activity and requires you to minimise the risk of harm. This is called the general environmental duty (GED).

Sections 6 and 25 of the Act provide the legal basis for the GED. These sections state that a person engaging in an activity which may give rise to risks of harm to human health or the environment from pollution or waste must eliminate or minimise those risks, as far as reasonably practicable.

Duty to notify EPA of notifiable incidents

A notifiable incident is a pollution incident that causes or threatens to cause material harm to human health or the environment or is a prescribed notifiable incident. Under section 32 of the Act, you have an obligation to notify EPA of a notifiable incident as soon as practicable after you become aware of the incident.

Duty to take action to respond to harm caused by pollution incident

Under section 31 of the Act, if a pollution incident has occurred as a result of an activity (whether by act or omission) and the pollution incident causes or is likely to cause harm to human health or the environment, a person who is engaging in that activity must, so far as reasonably practicable, restore the affected area to the state it was in before the pollution incident occurred.

Duty to notify of contaminated land

Under section 40(1) of the Act, a person in management or control of land must notify EPA if the land has been contaminated by notifiable contamination as soon as practicable after the person becomes aware of the notifiable contamination.

Notifiable contamination means contamination which is prescribed in the Regulations, or contamination for which the cost of action to remediate the land is likely to exceed \$50,000, or any other prescribed amount.

Duties relating to industrial waste, priority wastes and reportable priority wastes

Under parts 6.4 and 6.5 of the Act, a person has obligations in relation to the generation, receiving, recording, managing, transporting, and disposal of industrial, priority wastes and reportable priority wastes. These duties include:

- Duties of persons depositing industrial waste.

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- Duties of persons receiving industrial waste.
- Duty of persons involved in transporting industrial waste.
- Duties of persons managing priority waste.
- Duty to investigate alternatives to waste disposal.
- Duty to notify of transaction in reportable priority waste.
- Duty of persons transporting reportable priority waste.

For further information on waste classifications see schedule 5 of the Regulations.

Further information and resources

To aid compliance with the Act and the Regulations, Environment Reference Standards (ERS), Compliance Codes, Position Statements and Guidelines have been developed to address a range of environmental objectives, permitted and non-permitted activities and risks.

You should understand how the Victorian environment protection framework applies to you and your activity, operation or business by making yourself familiar with the Act, Regulations, Compliance Codes and other relevant guidance material.

To assist you with understanding your obligations refer to www.epa.vic.gov.au.

Amendment

You can apply at any time to EPA for an amendment to your licence under section 57 of the Act. EPA may also decide to amend a licence under its own initiative according to section 58 of the Act.

Transfer

A person may apply to EPA for the transfer of this licence to a new licence holder pursuant to section 56 of the Act.

Duration of licence and renewal

This development licence is subject to the expiry date identified on the first page of this licence. It will remain in force until that time unless it is first surrendered by the licence holder (with consent from EPA), or it is suspended or revoked by EPA. EPA may decide to extend the term of the licence under section 72 of the Act. Note that an application for a development licence renewal must be submitted to EPA before the licence expiry date.

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Development licence structure

Your development licence has multiple parts:

- Conditions
- Appendix 1 – locality plan
- Appendix 2 – activity plan
- Appendix 3 – contour plan
- Appendix 4 – waste acceptance table
- Appendix 5 – air discharge table
- Appendix 6 – water discharge table
- Appendix 7 – landfill cell table

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Conditions

General conditions

DL_G01	<p>A copy of this licence must be kept at the site and be easily accessible to persons who are engaging in an activity conducted at the site. Information regarding the requirements of the licence and the Act duties must be included in site induction and training information.</p>
DL_G02	<p>The development of the proposed Energy Facility and associated power plant related infrastructure must be conducted in accordance with the listed approved plans and documents: :</p> <ol style="list-style-type: none">1. PL10 - EPA Development Licensing Application Report - Barnawartha North Energy Facility.pdf – dated 07/2025;2. Updated - Air Impact Assessment – 640.031508.00002-R01-v3.0-20251015;3. Updated – Air Emissions RFI Response - 250902 BNPGP EPA RFI4 (AIR EMISSIONS)v0d;4. Appendix B - Noise Impact Assessment - February 2025 (SLR).pdf;5. Appendix C - Bushfire Hazard Assessment - May 2025 (Spiire)_Optimized.pdf;6. Appendix D - Stormwater Management Strategy – dated August 2025.pdf;7. Updated – Stormwater RFI response - 321294_UDv2_SWMS_REPORT_v2;8. Appendix F - Concept Plan - May 2025 (Spiire).pdf;9. Appendix G - Ecology Assessment - November 2024 (EcoAerial) v3.pdf;10. Appendix H - Landscape Schematic Layout - May 2025 (Spiire-).pdf;11. Appendix I - Sample Commissioning Checklist.pdf;12. Appendix J - Sample Generation System Model.pdf;13. Responses to RFI006622, RFI006744 and RFI007027. In the event of any inconsistency between the approved documents and the conditions of this permission, the conditions of this permission shall prevail.
DL_G03	<p>Subject to the following conditions, this development licence allows you to: In accordance with application (APP041276) and supporting information:</p> <p>Construct and commission a Fuelled Peaking Power Generation Facility with a capacity of 10-megawatt; and ancillary activities and buildings that includes:</p> <ol style="list-style-type: none">1. Five (5) containerised generator units;2. A Medium Voltage (MV) Switch room;3. A self-bunded diesel fuel storage unit;4. A SCADA (Supervisory Control and Data Acquisition) system;5. A 22 kV Transformer / Export Kiosk <p>Activities under this development licence will proceed in three (3) distinct phases:</p>

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- Phase 1: Pre-construction and construction related activities (planning and final plant designs);
- Phase 2: Post – construction related activities (construction completed/before commissioning);
- Phase 3: Post-commissioning monitoring results (Proof of Performance - reporting).

DL_G04 This permission does not take effect until a copy of any planning permit or amendment to a planning scheme required under the Planning and Environment Act 1987 (Vic) and related planning schemes has been provided to the Authority by the applicant.

DL_G05 This permission expires:
(a) on the issue or amendment of an operating licence or permit relating to all activities covered by this permission;
(b) when the Authority advises in writing that all activities covered by this permission have been satisfactorily completed and the issue or amendment of an operating licence or permit is not required; or
(c) on the expiry date listed on the front page of this permission.

DL_G07 You must:
(a) develop and maintain a decommissioning plan that is in accordance with the current decommissioning guidelines published by the Authority;
(b) provide the decommissioning plan to the Authority upon request;
(c) supply to the Authority an updated detailed decommissioning plan 45 business days prior to commencement of decommissioning, if you propose to divest a section of the licensed site, cease part or all of the licensed activity or reduce the basis upon which the licence was granted to a point where licensing is no longer required; and
(d) decommission the licensed site in accordance with the detailed decommissioning plan, to the satisfaction of the Authority and within any reasonable timeframe which may be specified by the Authority.

Standard conditions

DL_C01 Commissioning activities must be undertaken in accordance with the commissioning plan approved by the Authority.

DL_C02 You must immediately notify the Authority by calling 1300 EPA VIC (1300 372 842) in the event of:
a) A discharge, emission or deposit which gives rise to, or may give rise to, actual or potential harm to human health or the environment;
b) A malfunction, breakdown or failure of risk control measures at the site which could reasonably be expected to give rise to actual or potential harm to human health or the

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environment; or
c) Any breach of the licence.

DL_C05

1. You must develop a risk management and monitoring program for your activities which:
 - (a) identifies all the risks of harm to human health and the environment which may arise from the activities you are engaging in at your activity site;
 - (b) clearly defines your environmental performance objectives;
 - (c) clearly defines your risk control performance objectives;
 - (d) describes how the environmental and risk control performance objectives are being achieved;
 - (e) identifies and describes how you will continue to eliminate or minimise the risks in 1(a) (above) so far as reasonably practicable; and
 - (f) describes how the information collated in compliance with this clause, is or will be disseminated, used or otherwise considered by you or any other entity.
 2. The risk management and monitoring program must be:
 - (a) documented in writing;
 - (b) signed by a duly authorised officer of the licensed entity
 - (c) made available to the Authority on request.
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Within 90 days of the completion of the approved activities, you must provide to EPA a written report that summarises the activities undertaken and includes:

1. A summary demonstrating that all conditions from Phase 1 and Phase 2 of this licence have been met.

*Phase 3:

2. A Proof of Performance report (PoPR) prepared by an experienced environmental practitioner acting in an independent verification capacity to analyse results/ tests undertaken during the Commissioning Phase of the project, that includes inter alia:

DL_C07

- 2.1 Air Emissions PoPR, which must:
 - (a) Provide the results of stack emission testing conducted by a NATA-accredited body.
 - (b) Demonstrate that emissions from each generator stack comply with the following limits:
 - Oxides of Nitrogen (NO_x as NO₂): 4.7 g/sec
 - Particulate Matter (PM): 0.1 g/sec
 - Carbon Monoxide (CO): 0.65 g/sec
 - (c) Include an updated air dispersion model using the verified stack data to confirm compliance with ambient air quality standards at all sensitive receptors.
 - 2.2 Noise Emissions PoPR, which must:
 - (a) Provide the results of attended noise monitoring conducted at the nearest sensitive
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receptors.

(b) Demonstrate compliance with all relevant noise limits in accordance with EPA Publication 1826.

(c) Include a specific assessment to verify that low-frequency noise is not problematic.

(d) Provide evidence of the effectiveness of all installed noise mitigation measures.

2.3 Stormwater and Containment PoPR, which must:

(a) Provide the results of the post-construction stormwater monitoring program.

(b) Verify that the stormwater system has been constructed in accordance with the approved designs.

(c) Include a Bund Integrity Assessment (e.g., hydrostatic test results) for all banded areas.

(d) Results of the water quality testing at the final discharge point.

2.4 Fire and Emergency Systems PoPR, which must:

(a) Verify the installation and functionality of all fire detection, suppression, and emergency shutdown systems.

(b) Verify that the as-built firewater containment system meets its design requirements.

(c) Include a copy of the final Emergency Management Plan, as endorsed in writing by the Country Fire Authority (CFA), including firewater containment systems have been installed as per the approved designs.

2.5 Greenhouse Gas (GHG) Emissions PoPR, which must:

(a) Provide a calculation of the facility's total GHG emission intensity (in kgCO₂e per kWh), total fuel consumed, and total hours of operation for the preceding financial year.

(b) Include a final statement confirming how the as-built facility's performance aligns with the Greenhouse Gas BATT Assessment submitted in Phase 1.

DL_W03	You must notify the Authority when the construction associated with the development activities covered by this approval has been completed.
DL_W04	You must not commission or use the operating components of the development activities without the written approval of the Authority.

Specific conditions

DL_C03	Construction and commissioning must not cause or result in any breach of any permission issued by the Authority for the permission activity, except where authorised by a condition of this licence.
DL_G06.02	You must: (a) provide the Authority with a financial assurance in a form and for an amount determined by the Authority, by a date specified by the Authority; and

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(b) maintain such financial assurance (including any part of such assurance) so that it can be claimed on, utilised or realised by the Authority as and when required.

At least 45 business days before the commencement of any commissioning, you must provide to the Authority reports that include(s): .

Phase 2:

1. A Construction Assessment Report prepared by an EPA-appointed auditor or an alternative expert approved by the EPA in writing' demonstrating that the facility has been built in accordance with the development licence and all endorsed reports provided under DL_W01 and DL_R04 (Phase 1).
2. A Commissioning Plan must be developed based on the final design to demonstrate compliance with this licence and the General Environmental Duty (GED). This plan must detail at a minimum the following information:
 - A full schedule of commissioning and monitoring plans/activities.
 - Clear criteria and performance indicators for the successful completion of commissioning.
 - A Trigger Action Response Plan (TARP) detailing the specific actions to be taken if emission limits or other environmental performance standards are exceeded during testing.

DL_R01

This plan must incorporate the following specific sub-plans:

2.1 For Air Emissions include the procedures for stack emission testing for all relevant pollutants, including Nitrogen Oxides (NO_x), Particulates (PM_{2.5}), Carbon Monoxide (CO), and Greenhouse Gases (GHG), to verify the performance of the generation units as specified or equivalent.

2.2 For Noise Emissions , include a measurement program, using 1/3 octave band analysis, to verify that all acoustic objectives, including for low-frequency noise at the nearest sensitive receptors.

2.3 A Stormwater Management and Maintenance Plan (SMMP) that includes:

- The as-built verification report for the entire stormwater system.
- An ongoing maintenance schedule for the swales and detention basin, including triggers for sediment removal and vegetation management. for the as-built verification report for the entire stormwater system.

2.4 The Chemical and Waste Management Plan that include:

- the final procedures for the safe storage and handling of all liquids, spill response, and the management of all waste streams in accordance with the waste hierarchy.
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DL_R02	<p>You must not commence commissioning of the operating components of the development activities until you have received the Authority's written approval of the Construction Assessment Report and the Commissioning Plan which is required pursuant to condition(s) DL_R01.</p>
DL_R04	<p>At least 45 days before the commencement of any construction, you must provide to the Authority reports` that include(s): .</p> <p>Phase 1:</p> <ol style="list-style-type: none">1. A Hazard Identification (HAZID) Study that considers all potential hazardous events and operations risk assessment, including a Hazard Operability Study (HAZOP), that considers all process and environmental, risks for all operating conditions.2. An updated Fire Management Plan (FMP), Emergency Plan (EP), and Firewater Containment Plan. These plans must:<ol style="list-style-type: none">(a) Be developed in direct consultation with, and be formally endorsed in writing by, the Country Fire Authority (CFA);(b) Include the final, detailed engineering designs for all fire suppression and firewater containment infrastructure.3. A Dangerous Goods (DG) Management Report detailing the final design for the storage and handling of all liquids, demonstrating compliance with the Dangerous Goods (Storage and Handling) Regulations 2022 and EPA Publication 1698.
DL_W01	<p>At least 60 days to commencing construction of the following components of the development activity, you must provide to the Authority for approval:</p> <p>.</p> <ol style="list-style-type: none">1. A Construction Environmental Management Plan (CEMP) that details the on-site methods for managing environmental risks during construction, and includes specific sub-plans for:<ol style="list-style-type: none">(a) Erosion and Sediment Control.(b) Construction Waste Management (including hazardous materials).(c) Dust and Construction Noise Management.(d) Unexpected Finds Protocol for the management of any contaminated land discovered during site works.(e) A plan detailing how the community will be kept informed during construction and how complaints will be managed.2. The Final Environmental Design Reports, that include:<ol style="list-style-type: none">2.1 An updated Air Quality Report based on the final detailed design that includes:<ol style="list-style-type: none">(a) The final nominated engine selection for the project(b) A detailed emission inventory and quantification based on final design details, fuel types, and operating scenarios.

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(c) An updated air dispersion model demonstrating compliance with all relevant Applicable Air Pollution Assessment Criteria (APAC) as outlined in EPA guideline 1961 Guideline for Assessing and Minimising Air Pollution in Victoria
The report must be conducted in accordance with EPA Guideline 1961: Guideline for assessing and minimising air pollution.

2.2 An updated Acoustic Design Report that details:

(a) The final selection and guaranteed acoustic performance of all equipment to be installed.

(b) A detailed design of all noise mitigation measures, including enclosures and silencers.

(c) A final predictive noise assessment demonstrating compliance with the Noise limit and assessment protocol at any noise sensitive area, and demonstrate that the selected equipment satisfy the General Environmental Duty (GED).

The report must be conducted in accordance with:

- Noise Protocol (Publication 1826.4): Noise limit and assessment protocol for commercial, industrial, trade premises, and entertainment venues
- Technical Guide (Publication 1997): Measuring and analysing industry and music noise.

2.3 The Stormwater collection, treatment and Drainage Management design that includes:

(a) The final stormwater drainage and water quality treatment design, including MUSIC modelling to demonstrating that the final design meets Best Practice Environmental Management (BPEM) water quality targets and the impervious area sensitivity analysis.

(b) The final bunding and containment design for all liquid storage areas.

(c) The final Firewater Containment Strategy, including containment volume calculations endorsed by the CFA.

(d) A plan for managing and lawfully disposing of any contaminated stormwater captured within bunded areas.

The report must be prepared in accordance with EPA Publication 1698 and AS 1940.

2.4 An Erosion and Sediment Control Plan (ESCP) that includes drainage layout, soil type, vegetation cover, and slope stability and runoff.

2.5 A Waste Management Plan that identifies all potential construction waste streams and detail the procedures for their segregation, storage, and lawful disposal in accordance with the waste hierarchy.

2.6 A GHG Emissions Benchmark Memorandum considering final design specifications.

2.7 A consolidated report that includes the findings of the final Hazard Identification (HAZID) study, HAZOP analysis.

DL_W02

You must notify the Authority in writing when the development activity authorised by this permission has commenced.

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You must install :

1. All energy generation units, transformers, and liquid storage facilities must be constructed:
(a) on concrete pads with a minimum finished surface level of 161.65 m AHD; or
(b) in impermeable bunds with a minimum bund wall height of 161.65 m AHD so as to provide a 300mm freeboard to the local flood level

DL_W08

2. The stormwater drainage system must be equipped with a mechanism (e.g., a shut-off valve) at the final discharge point that allows for the complete isolation of the site's drainage from the external environment during a major spill or fire event. This system must be maintained in a fully operational state at all times. .

You must undertake the following actions :

3. The total operating hours of all energy generation units on the premises must not exceed 500 hours in any 12-month period.

4. You must maintain a verifiable log of all operating hours for the facility.

DL_W09

You must install all exhaust stacks so that provisions for sampling are included in accordance with "A Guide to the Sampling and Analysis of Air Emissions and Air Quality" (EPA Publication 440.1, released December 2002).

DL_W10

You must implement all liquid storage containment and handling measures in accordance with "Liquid storage and handling guidelines" (EPA Publication 1698, released June 2018).

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Appendices

Appendix 1 – locality plan

BARNAWARTHA NORTH ENERGY PTY LTD SITE CONTEXT PLAN



- LEGEND**
- SITE BOUNDARY
 - WATERWAY
 - REALIGNED WATERWAY (DIRECTED TO DRAINAGE BASIN)
 - MINERALS PIPELINE
 - OVER-HEAD POWERLINES

- LIMITATION OF PLAN**
- ▶ This is a baseline concept plan that provides an indicative layout for the site using information outline by the client.
 - ▶ Alternatives would need to be discussed with Council and/or the relevant authorities.
 - ▶ This document is indicative only and not for marketing purposes without permission.
 - ▶ Data has been collated from <https://www.data.vic.gov.au/> and other publicly accessible information.
 - ▶ This plan has been based on MGA 2020 Zone 55.
 - ▶ Traffic advice needs to be sought for vehicle grade surfaces, site access and roads.

SITE CONTEXT PLAN
Baxter-Whelans Road
BARNAWARTHA NORTH

DATE: 06/09/2025
REV: 06
SCALE: LP
AUTH: TP

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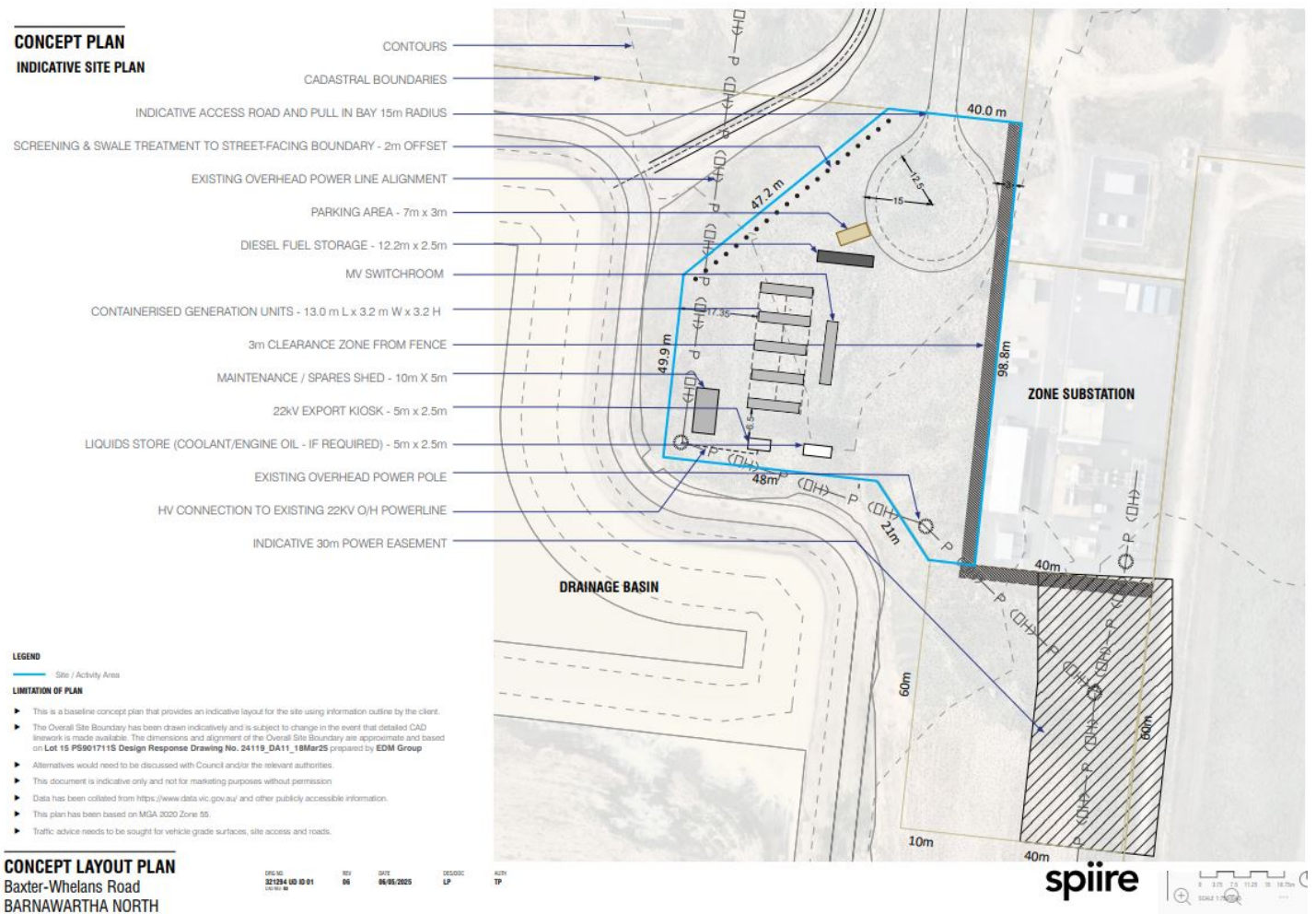


Before relying on the information in this map, carefully evaluate its accuracy, currency, completeness and relevance. Obtain appropriate professional advice before using this information.

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Appendix 2 – activity plan



Before relying on the information in this map, carefully evaluate its accuracy, currency, completeness and relevance. Obtain appropriate professional advice before using this information.

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Appendix 3 – contour plan

There is no contour plan for this licence.

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Appendix 4 - waste acceptance table

There is no waste acceptance for this licence.

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Appendix 5 – air discharge table

There are no air discharge points for this licence.

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Appendix 6 – water discharge table

There are no water discharge points for this licence.

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Appendix 7 – landfill cells

There are no landfill cells for this licence.