

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-45242780 Orana Battery Energy Storage System
Applicant	Akaysha Energy Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

On 22 December 2023, the Executive Director granted consent to the development application for the Orana Battery Energy Storage System subject to conditions, under delegation from the Minister for Planning and Public Spaces and section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act).

A copy of the Department of Planning and Environment's assessment report and development consent is available [here](#).

Date of decision

22 December 2023

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2021*;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's assessment report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including:
 - enabling renewable energy to be stored and dispatched during peak demand, supporting grid stability and energy security;
 - contributing to a more diverse local economy;
 - creating up to 150 construction jobs and 6 operational jobs;
 - contributions to Dubbo Regional Council of \$3.2 million through a Voluntary Planning Agreement;
 - a capital investment of approximately \$879 million;
 - storage of energy for dispatch to the National Electricity Market; and
 - assisting in transitioning the electricity sector from coal and gas fired power stations to renewable energy.
- the project is permissible with consent, and is consistent with NSW Government policies including the *NSW Climate Change Policy Framework* (2016), *NSW Electricity Strategy* (2019), *NSW Electricity Infrastructure Roadmap*, *NSW Net Zero Plan Stage 1: 2020 – 2030* and associated *Implementation Update* and the *Central West and Orana Regional Plan 2041*;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- none of the NSW Government agencies nor Council objected to the project;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent. Engagement on the project is considered to be in line with *Undertaking Engagement Guidelines for State Significant Projects*, including the community participation objectives outlined in these guidelines; and
- weighing all relevant considerations, the project is in the public interest, subject to the strict conditions of the consent.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 17 May 2023 until 13 June 2023 (28 days) and received 27 submissions objecting to the project, one submission in support of the project and one submission commenting on the project.

The Applicant engaged with the community during the preparation of the EIS and detailed the findings of the engagement, including how it influenced the scope and design of the project, in the EIS.

The Department consulted with government agencies and Dubbo Regional Council throughout the assessment process.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include energy security, decommissioning waste and loss of agricultural land. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<i>Energy Security and resource recovery</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The project aligns with relevant Commonwealth and State policies, which identify the need to diversify the energy generation mix and reduce the carbon emissions intensity of the grid while providing energy security and reliability. • Battery storage provides 'firming capacity' by contributing to dispatchable energy availability during peak energy demands or when renewable production is low. • Importantly, the project would also contribute to energy security and reliability by providing frequency control ancillary services, meaning the project would contribute to energy supply. • On balance, the Department Considers the environmental benefit of reducing greenhouse gas emissions outweighs any manufacturing impacts. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Minimise harm to the environment.
<i>Decommissioning waste</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • All waste generated by the Proposal will be classified in accordance with the NSW Waste Classification Guidelines Part 1: Classifying Wastes (DECCW 2008). • The majority of project components are recyclable and operational waste streams will be very low given the low maintenance requirements of the BESS. • The Department considers that the battery would be suitably decommissioned at the end of the project life. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Minimise waste generated by the development, remove all waste from site as soon as practicable and ensure it is reused, recycled or sent to an appropriate facility for disposal.
<i>Loss of agricultural land</i>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Most land within the development footprint (79%) is mapped as Class 6 under the LSC mapping, meaning it is restricted to low impact uses. The remaining 21% of land is mapped as Class 3 high capability land and Biophysical Strategic Agricultural Land (BSAL). • The project is considered highly reversible in its ability to return to the pre-existing land use. Further, the existing landowner is going to continue using the remaining land for production. • Given the site context and impact, the Department does not consider the project would result in land use conflicts. <p><i>Conditions</i></p> <ul style="list-style-type: none"> • Within 18 months of the cessation of operations, infrastructure must be decommissioned and removed and land must be restored to its pre-existing use.