

Orana Battery Energy Storage System Modification 2

State Significant Development Modification Assessment Report (SSD-45242780-Mod-2)

September 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past and present through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Executive Summary

Akaysha Energy Pty Ltd (Akaysha) has approval to develop the Orana battery energy storage system (BESS) approximately two kilometres north-east of Wellington in the Dubbo Regional local government area.

The approved project involves the development of a 400 megawatt (MW) / 1,600 megawatt-hour (MWh) BESS and associated infrastructure.

The project has been subject to a previous section 4.55(1A) modification which provided approval of an additional temporary construction laydown area and additional permanent fill batters around the southern extent of the BESS.

The proposed modification seeks to:

- amend the approved development footprint to include the area occupied by Transgrid's substation to ensure that the works required to connect the BESS to the substation are captured within the project approval; and
- modify the biodiversity credit offset obligation to enable credits to be retired for *Prasophyllum sp. Petilum* rather than *Prasophyllum sp. Wybong*, as accepted for liabilities under the *Biodiversity Conservation Act 2016*.

The application did not require exhibition due to the minor nature of the modification. The Department consulted with and received advice from Dubbo Regional Council, Heritage NSW (ACH), Conservation Programs Heritage and Regulation, and Transport for NSW.

The Department has concluded that the proposed modification would not result in significant impacts beyond those previously assessed. Additionally, the proposed modified development would be substantially the same development as the development for which consent was originally granted. Consequently, it is in the public interest and should be approved.

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1 Introduction

Development consent was granted on 22 December 2023 for the development of a 400 megawatt (MW) / 1,600 megawatt-hour (MWh) battery energy storage system (BESS), located approximately two kilometres (km) north-east of Wellington in the Central-West Orana Renewable Energy Zone (REZ).

The project has been subject to a previous section 4.55(1A) modification which allowed for the approval of an additional temporary construction laydown area and additional, permanent fill batters around the southern extent of the BESS. This first modification was approved on 26 September 2024. Construction works on the project have commenced.

2 Proposed modification

The project applicant, Akaysha Pty Ltd (Akaysha), seeks to further modify the development consent to:

- amend the approved development footprint to include the area occupied by the Transgrid substation to ensure works required to connect the BESS to the substation are captured within the project approval; and
- modify the biodiversity credit offset obligation to enable the credits to be retired for *Prasophyllum sp. Petilum* rather than *Prasophyllum sp. Wybong*, as accepted for liabilities under the Biodiversity Conservation Act 2016 (BC Act).

The modification would not change the 400 MW BESS capacity or the employment generation of the project, which would continue to support up to 150 construction jobs.

The modification is described in detail in the Modification Report (**Appendix A**).

3 Strategic context

As NSW transitions away from coal fire power, there is increasing need for increased renewable energy generation, as well as battery storage to firm these renewable energy sources.

The *NSW Electrical Strategy* (2019) notes all coal fired power plants in NSW are scheduled for closure within the next fifteen years and that firmed renewables are the lowest cost option to replace aging coal power stations. The *NSW Net Zero Plan Stage 1: 2020 – 2030* (2020) and *Implementation update* (2022) aims to achieve net zero emissions in NSW by 2050 and reduce emissions by 70% by 2035.

In addition, AEMO's 2024 *Integrated System Plan* forecasts there will be a demand for 36 gigawatt (GW) / 522 GW-hour (GWh) of energy storage capacity in the National Electricity Market by 2034-35, and 56 GW / 660 GWh by 2049-50.

4 Statutory context

4.1 Scope of modification and assessment pathway

The proposed modification is permissible with consent and the Department considers that the proposed modified development would be substantially the same development as the development for which consent was originally granted. The modification does not change the type, capacity, general configuration or operational infrastructure of the approved project. Based on the Department's assessment, the modification is of minimal environmental impact and is therefore within the scope of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

4.2 Consent authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the application, under section 4.55 (1A) of the EP&A Act. However, under the Minister's delegation to determine State Significant Development modifications, signed on 9 March 2022, the Director, Energy Assessments, may determine the application as Council did not object to the proposal, Akaysha did not make any political donations and no public objections were received.

4.3 Matters for consideration

The Department has considered the matters that must be considered in determining a modification application in accordance with Section 4.15 and 4.55 of the EP&A Act.

5 Engagement

In accordance with Part 5 Division 2 of the *Environmental Planning & Assessment Regulations 2021* (EP&A Regulation), the application did not require exhibition, however the Department sought comments from Council and relevant government agencies and the application was made publicly available on the Department's website. The Department received advice from Dubbo Regional Council, Heritage NSW (ACH), Conservation Programs Heritage and Regulation (CPHR) Group and Transport for NSW (TfNSW).

Dubbo Regional Council agreed that the biodiversity related element of the proposed modification is a clerical correction and therefore would not result in a reduction in credits or a dispute thereof.

CPHR noted the proposed expansion of the development footprint was previously assessed in the original Biodiversity Development Assessment Report (BDAR) for the approved project. CPHR confirmed the land contains non-native vegetation and was excluded from the vegetation zones assessed in the Biodiversity Assessment Method. As a result, the expansion of the development footprint to include this area would not result in a change to biodiversity impacts and does not trigger the requirement for an updated BDAR. Regarding the biodiversity credit offset, CPHR supports the replacement of *P. sp. Wybong* with *P. petilum* in the development consent as this would not alter the credit obligations of the project and would enable the retirement of the identified credits.

Heritage NSW (ACH) confirmed that the proposed additional areas of the development footprint were already assessed as part of the Aboriginal Cultural Heritage Assessment Report (ACHAR) accompanying the Environmental Impact Statement (EIS) for the Orana BESS project. As such, the expansion of the approved development footprint would not result in any additional Aboriginal cultural heritage impacts beyond those already accounted for in the original development assessment. Additionally, no changes are required to existing Aboriginal heritage mitigation measures in place for the approved project.

TfNSW raised no concerns in relation to the proposed modification and noted that the expansion of the development footprint would not change the traffic volumes or vehicular access points approved by the development consent. The proposed modification would therefore not result in additional traffic impacts beyond those already assessed under the original Orana BESS project.

6 Assessment

The Department's consideration and assessment of issues relating to the proposed modification are provided in **Table 1**. The Department has also taken the opportunity to make administrative updates to the consent as described in **Appendix F**, which Akaysha has agreed to.

Table 1 | Assessment of issues as a result of the proposed modification

Biodiversity

- The proposed development footprint increase would occupy an additional 4 hectares (ha) of land which is already located within the project site. This includes a road, car parking, operational substation facility and fencing. A dam to the south of the substation would not be impacted. No trees or shrubs would be impacted by the activities proposed.
- The BDAR prepared for the project, has undertaken a comprehensive biodiversity risk assessment of all land within the project site.
- The nature of this additional land within the project site, which is already heavily disturbed, is such that there would be no increased biodiversity impact as a result of the proposed modification application. The proposed development footprint increase requires no additional site surveys or mitigation measures to be prepared.
- CPHR was consulted for comment on the proposed modification, who advised that both components of the proposed modification would not result in additional biodiversity impacts and a revised BDAR is not required.
- Akaysha's assessment concluded that the modified project was not likely to result in significant impacts to species or communities listed under the EPBC Act and as such determined that referral to the Commonwealth Minister is not necessary.
- The Department considers that the proposed modification is unlikely to result in a significant impact on biodiversity values.

Aboriginal heritage

- The ACHAR prepared for the EIS stage of the project included an assessment of the project site, which includes the additional 4 ha of land proposed as part of the modification application.
- No Aboriginal sites or areas of potential archaeological deposit (PAD) are located directly within or adjacent to the increased area.
- Akaysha notified all Registered Aboriginal Parties (RAPs) of the modification application via letter. Two responses were received, both thanking Akaysha for the update with no further comments.
- Heritage NSW (ACH) advised that the proposed modification would not give rise to any additional Aboriginal cultural heritage impacts beyond those already accounted for in the approved project. Additionally, no changes are required to the existing Aboriginal heritage mitigation measures in place.
- Therefore, the proposed modification would result in minimal risk to Aboriginal cultural heritage values and would not require additional mitigation measures beyond those required in the Chance Finds Protocol in the existing consent.

Noise

- The activities to take place in the additional area of development footprint have previously been assessed for noise impacts during the original EIS stage of the approved project, and therefore Akaysha has confirmed there would be no additional noise impacts as a result of the proposed modification.
- As such, the Department is satisfied that there are no additional operational or construction noise impacts arising from the proposed modification.

Visual

- The activities to take place in the additional area of the development footprint have previously been assessed for visual impacts during the original EIS stage.
- The closest receivers of relevance to the proposed project modification are R4, R5, and R8.
- Notwithstanding this, the proposed inclusion of the additional development footprint area is enclosed within the existing substation and would therefore not give rise to any additional visual amenity impacts beyond those already assessed as part of the original project's determination.
- The Department is satisfied there are no additional visual impacts arising from the proposed modification.

The proposed expansion of the development footprint would not change the traffic volumes or vehicular access points approved by the development consent. TfNSW were consulted for comment on the proposed modification and raised no concerns. The proposed modification would therefore not result in additional traffic impacts beyond those already assessed under the existing development consent.

The Department is satisfied that the proposed modification would not result in impacts beyond those already approved as part of the original development consent, including biodiversity, heritage, noise, visual or traffic.

7 Evaluation

The Department has assessed the modification application and considered the advice received from relevant government agencies and Council. The Department has also considered the relevant provisions of sections 4.55 (3) and 4.15 of the EP&A Act.

The proposed modification seeks to:

- amend the approved development footprint to include the area occupied by the Transgrid substation to ensure that the works required to connect the BESS to the substation are captured within the project approval; and
- modify the biodiversity credit offset obligation to enable the credits to be retired for *Prasophyllum sp. Petilum* rather than *Prasophyllum sp. Wybong*, as accepted for liabilities under the BC Act.

The Department considers the proposed modification is compatible with the existing land use and that the potential impacts are negligible. The Department is satisfied that the proposed modification would not result in impacts beyond those already approved as part of the original development consent, including biodiversity, heritage, visual, and traffic.

The modification is minor in nature and achieves an appropriate balance between improving the constructability of the project, whilst minimising the potential impacts on surrounding land uses and receivers.

In summary, the Department's assessment has found that the proposed modification would not result in any significant impacts beyond those that were assessed and approved under the existing consent. The Department is satisfied that the proposed modification is in the public interest and is approvable, subject to the recommended conditions.

8 Recommendation

It is recommended that the Director, Energy Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report;
- **determines** the application for the Orana Battery Energy Storage System Modification 2 (SSD-45242780-MOD-2) falls within the scope of section 4.55(1A) of the EP&A Act;
- **accepts and adopts** the findings and recommendations in this report as the reasons for making the decision to approve the modification;
- **modify** the consent for Orana Battery Energy Storage System (SSD-45242780); and
- **signs** the attached instrument of modification (**Appendix C**).

Recommended by:



3/9/2025

Kirsty Vogel

Senior Environmental Assessment Officer
Energy Assessments

Recommended by:



3/9/2025

Andrew McIntyre

Team Leader
Energy Assessments

9 Determination

The recommendation is **adopted** by:



3/9/2025

Iwan Davies

Director
Energy Assessments

Appendices

Appendix A – Modification Report

Appendix B – Submissions and government agency advice

Appendix C – Instrument of Modification

Appendix D – Consolidated Consent

Appendices A to D are available at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/orana-battery-energy-storage-system-modification-2>

Appendix E – Statutory considerations

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) of relevance to the development. The below table identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification. The table represents a summary for which additional information and consideration is provided in other sections of this report.

Section 4.15(1) Matters for consideration	The Department's assessment
(a)(i) any environmental planning instrument	The modified proposal complies with the relevant legislation as addressed in Section 4 .
(a)(ii) any proposed instrument	
(a)(iii) any development control plan	
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2021</i> , including the procedures relating to applications (Part 5), the requirements for notification (Part 5, Division 2) and fees (Part 13) (refer to Section 4)

Section 4.15(1) Matters for consideration	The Department's assessment
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers the proposed changes to be minor and would not result in adverse environmental impacts (refer to Section 6).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 3 and 6 .
(d) any submissions	The proposed modification was not exhibited. The Department has sought agency advice which was summarised and considered in Sections 5 and 6 .
(e) the public interest	The Department considers the modified project to be in the public interest as it would achieve an appropriate balance between improving the constructability of the project and minimising the potential impacts on surrounding land users and the environment.

Appendix F – Summary of Minor and Administrative Changes to Conditions

Condition Number	Minor and Administrative Changes	Reason for Change
Definitions	Remove the definition of “BSC” and replace with “CPHR”.	To reflect change in name and current practice.
Definitions	Update the definition of “EIS”.	To include the Modification Report and additional information provided to the Department in the assessment of the modification application.
Condition B14	Remove reference to “BCS” and replace with “CPHR”.	To reflect current practice.