ORANA BESS - Proponent response to Audit No.2 findings

Condition Number (ID)	Compliance Requirement	Independent Audit Finding	Independent Audit Recommendation	Proponents Proposed Action/Action taken/ Response. (as applicable)	Proposed Action Due Date
Condition B12 IA2-01	**Biodiversity Offsets** Prior to carrying out any development that could directly or indirectly impact the biodiversity values requiring offset, the Applicant must retire biodiversity credits of a number and class specified in Table 1 below. The retirement of these credits must be carried out in accordance with the NSW Biodiversity Offsets Scheme and can be achieved by: a) acquiring or retiring 'biodiversity credits' within the meaning of the Biodiversity Conservation Act 2016; b) making payments into an offset fund that has been developed by the NSW Government; or c) funding a biodiversity conservation action that benefits the entity impacted and is listed in the ancillary rules of the biodiversity offset scheme.	A Non-Compliance Notification Letter (NGH, 14 April 2025) was submitted to the Department, noting that payments made into the Biodiversity Conservation Fund—intended to satisfy the obligations under Condition B12 for the retirement of biodiversity credits—were completed in error, as they did not include Prasophyllum sp. Wybong. It indicated that the Biodiversity Conservation Trust (BCT) had advised that payments to the Biodiversity Conservation Fund can only be accepted for liabilities under the Biodiversity Conservation Act 2016 (BC Act). Prasophyllum sp. Wybong is only listed under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (and not under the Biodiversity Conservation Act 2016) and therefore the BCT cannot accept a payment for this species. DPHI, in letter dated 1/05/25, responded to the above matter indicating that the noncompliance report generally satisfied the reporting requirements of C11. DPHI acknowledged that a resolution of the issue is still underway at the time of the notification and the Proponent is working with DCCEEW to resolve this matter. It also required that withing 2 months of the DPHI letter, a report be submitted to DPHI outlining the consultations with relevant department to resolve and / or achieve compliance with Condition B12. Further to the above, prior to completing this audit report the Applicant advised that it agreed with DCCEEW and DPHI to prepare and submit a Modification of the SSI to address this non-compliance by modifying the current offset obligation (refer to Appendix A B12 for further details).	**No Recommendation** for this non-compliance required as the Proponent is currently working with the Department and Commonwealth DCCEEW to resolve the non-compliance by means of a Modification Application. The finding remains open until the Modification is submitted and then approved by DPHI.	**It has been agreed with DCEEW and DPHI that the non-compliance has been wrapped into current Orana BESS Modification #2 - currently under review and addresses non-compliance as per below.** **Modification #2 summary:** Mod 2 has been prepared to address further changes regarding connection to the adjacent Transgrid Substation and to correct a reference in the Project's offset obligation. It has been prepared by NGH Pty Ltd on behalf of Akaysha Pty Ltd (the Applicant) and is seeking planning approval under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to a State Significant Development (SSD). Section 4.55(1A) is relevant to Modifications involving minimal environmental impact. This modification application seeks to allow SSD-45242780 to: 1.Include the Transgrid Substation, to which the BESS will connect, within the consented Development Footprint. This change will ensure that works required within the Transgrid Substation	August 2025

				that are necessary for the Project are captured by the Project approval. **2.Modify the current offset obligation to replace the Species Credit for requirement *Prasophyllum sp. Wybong* with an equivalent credit requirement for *Prasophyllum sp. Petilum*. This would correct an error which has prevented the Applicant from meeting their offset obligation in full.**	
Condition C20 IA2-04	***Access to Information*** *The Applicant must:* *a) make the following information publicly available on its website as relevant to the stage of the development:* *i. the EIS;* *ii. the final layout plans for the development;* *iii. current statutory approvals for the development;* *iv. approved strategies, plans or programs required under the conditions of this consent (other than the Fire Safety Study and Emergency Plan);* *v. the proposed staging plans for the development if the construction, operation and/or decommissioning of the development is to be staged;* *vi. a comprehensive summary of the monitoring results of the development, which have been reported in accordance with the various plans and programs approved under the conditions of this consent;* *vii. how complaints about the development can be made;* *viii. any independent environmental audit, and the Applicant's response to the recommendations in any audit; and*	The project website does not include a comprehensive summary of the monitoring results for the development or the Applicant's response to the findings of Independent Audit No. 1.	Update the project website and include the monitoring results for the development and the applicant's response to the findings of Independent Audit No. 1.	Ongoing monitoring reports were uploaded incorrectly with sensitive personal information and Akaysha removed for editing prior to resubmission on the website. Akaysha is currently working through options to have sensitive information reacted prior to re-uploading monitoring reports.	August 2025

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	ix. any other matter required by the Planning Secretary; and *b) keep this information up to date.*				
Condition B28 IA2-05	***Fire Safety Study*** *Prior to commencing construction of the battery storage, the Applicant must prepare a Fire Safety Study for the development, to the satisfaction of FRNSW and the Planning Secretary in writing. The study must:* *a) be consistent with the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline;* *b) describe the final design of the battery storage;* *c) include reasonable worst-case bush fire scenario to and from the battery storage and the associated bush fire management; and* *d) identify measures to eliminate the expansion of any fire incident including:* *i. adequate fire safety systems and appropriate water supply;* *ii. separation and / or compartmentalisation of battery units; and* *iii. strategies and incident control measures specific to the battery storage design.* *Following approval by the Planning Secretary, the Applicant must implement the measures described in the Fire Safety Study.* *Note: 'to the satisfaction of FRNSW' above means confirmation in writing from FRNSW that the Study meets the requirements of FRNSW as required by the Department's Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study' guideline.*	**Observation**: The Fire Safety Study (FSS) required under CoA B28 is yet to be endorsed by FRNSW and approved by the Planning Secretary. The interpretation of the timing of this condition made by the Applicant is that approval is required prior to the installation of the Battery Storage (noting that the timing in other conditions is "prior to construction" and not referring specifically to a project item). The auditor notes that the FSS is an operational related plan and that no batteries have been installed to date. Upon request from Akaysha FRNSW indicated on the 13 June 2025 that it supports in-principle the staging of the FSS to allow FRNSW endorsement of the FSS prior to energisation of the Project as long the BESS units are stored in accordance with FRNSW Position Station.	**Recommendation**: discuss with the Department and agree on the timing of FRNSW endorsement and Department's approval of the FSS	Orana BESS Fire safety study has been endorsed on Friday 25th July. Endorsement from both FRNSW and DPHI was received post receipt of Final IEA report.	25/07/2025

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Condition B34 IA2-06	***Accommodation and Employment Strategy*** *Prior to commencing construction, the Applicant must prepare an Accommodation and Employment Strategy for the development in consultation with Council and Mid-Western Regional Council. This strategy must:* *a) propose measures to ensure there is sufficient accommodation for the workforce associated with the development;* *b) consider the cumulative impacts associated with other State significant development projects in the area;* *c) investigate options for prioritising the employment of local workers for the construction and operation of the development, where feasible; and* *d) include a program to monitor and review the effectiveness of the strategy over the life of the development, including regular monitoring and review during construction.* *The Applicant must provide a copy of the Accommodation and Employment Strategy to the Planning Secretary prior to commencement of construction, and implement the plan throughout construction.*	**Observation**: Project records indicate that the Applicant has not implemented some of the commitments of the Accommodation and Employment Strategy (AES) during the reporting period. There are no records of monthly meetings with Councils, or evidence of attendance to community meetings and liaison with local businesses during the reporting period.	**Recommendation:** Ensure that the AES is implemented during the entire construction period.	Akaysha continues to engage Dubbo Regional Council to fulfill it's requirements of the A&E strategy reporting update. Council has not responded to the multiple requests for a meeting to update. Akaysha's Principal contractor (CPP) reports on the A&E strategy implementation against relevant KPI's on a monthly basis.	Ongoing.