

Appendix B

Response to Submissions

Table 1 | Agency Advice

Agency	Summary of Comments	FRV Response
Transport for NSW	<ul style="list-style-type: none"> • The revised traffic volumes represent a significant increase in the number of heavy vehicles. • The Traffic Impact Assessment (TIA) that was previously prepared by Ontoit Consulting has not be revised to assess the newly proposed traffic volumes. • TfNSW acknowledges that the existing intersection of Benambra Road and the Olympic Highway was previously constructed to a higher standard due to the reliance on this route by nearby quarries. Notwithstanding this, TfNSW notes schedule 3 condition 8 of the determination dated 27 November 2020 and requests that the intersection of Benambra Road with the Olympic Highway and its ancillary lanes be included in 8(a) to require an independent dilapidation survey and 8(b) to require repair to the intersection if the dilapidation survey identifies damage as a result of the construction of the solar farm. • TfNSW emphasises the need to minimise the impact of development on the existing public road network and maintain the level of safety, efficiency and maintenance along the road network. TfNSW advises that it would not object to the modified traffic volumes subject to inclusion of the above. 	FRV notes concerns raised by Transport for NSW, and accepts the recommendations to include the intersection of Olympic Highway and Benambra Road in the dilapidation surveys.
Biodiversity Conservation Division	<ul style="list-style-type: none"> • Section 6.15 of the Biodiversity Conservation Act 2016 requires the BDAR to be certified by the accredited assessor as complying with the BAM no earlier than 14 days before the date of submission of the development application. • Section 3.4.1 references the Biodiversity Assessment Method (BAM) 2017. BAM 2020 must be used. • The relevant NSW (Mitchell) Landscape is correctly entered into the BAM calculator but is not reported in the BDAR. • Text in Section 3.1 would be clearer presented as a summary table • Vegetation information needs to be more clearly summarised • Submitted vegetation plot information is incomplete 	<p>FRV has updated the BDAR in accordance with feedback from BCD.</p> <p>Following discussion with BCD, FRV notes that there are no specific concerns relating to the proposed modification.</p>

Agency	Summary of Comments	FRV Response
	<ul style="list-style-type: none"> Non-binding or ambiguous terminology relating to mitigation measures should be removed. 	
Transgrid	<ul style="list-style-type: none"> The modification description is mainly related to Solar Farm works and has no impact on our scope of works so I have no further comments. 	Noted.
Crown Lands	<ul style="list-style-type: none"> As no Crown land, roads or waterways are affected by the proposal, Crown Lands has no comments at this time. 	Noted.
Fire and Rescue NSW	<ul style="list-style-type: none"> FRNSW have considered the proposed modifications and deem them such, that they do not warrant providing any recommendations regarding the fire safety and emergency response management aspects of the project at this stage. 	Noted.
Heritage NSW	<ul style="list-style-type: none"> Heritage NSW is satisfied that the consultation, conclusions and recommendations provided in the Addendum Aboriginal Cultural Heritage Assessment Walla Walla Solar Farm report, are adequate and appropriate for the Aboriginal cultural heritage sites and values associated with the proposed modification. Heritage NSW has no additional comments in the relation to the proposed modification proceeding. 	Noted.
Greater Hume Council	<ul style="list-style-type: none"> There does not appear to be sufficient cause for continuing the use of the unsealed section of Benambra Road and all traffic should run through the site. This would cut down on compliance issues because nearby residents have raised concerns about the use of Benambra Road. 	Following discussion with Transgrid and Greater Hume Shire Council, and in response to community concern, FRV has committed to discontinuing use of the Substation Access for Heavy Vehicle use during the construction period.
DPE Water	<ul style="list-style-type: none"> The proponent should confirm there have been no modifications to the approved setbacks required for all watercourses on site. Works within waterfront land need to be in accordance with the Guidelines for Controlled Activities on Waterfront Land 	<p>FRV can confirm that the modification does not propose to change the approved setbacks from Back or Middle Creek. FRV will maintain a 30 m setback from Back Creek, and a 20 m setback from Middle Creek.</p> <p>FRV will ensure that the crossing over Back Creek is constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land, as is currently required by condition 28(d) of Schedule 3 of the consent.</p>

Agency	Summary of Comments	FRV Response
Department of Planning & Environment	<ul style="list-style-type: none"> Explain how the estimated number of solar panels would change from the approved project. 	<p>The original DA involved the proposed installation of 900,000 panels as part of the project. Following community submissions, this was amended to 700,000, to permit a 1.8 km setback from Orange Grove Gardens.</p> <p>Modification 1 involved the increase in height of solar panels from 4 m to 4.85 m. This increase in size resulted in a decrease to the number of solar panels used to 650,000.</p> <p>With the proposed development of an additional 15.4 ha of previously unused land within the project site, this would result in the increase in number of panels to 700,000.</p>

Table 2 | Public Submissions concerning Modification 2

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
TRAFFIC			
Benambra Road and Schneiders Road should be monitored and repaired by FRV during the construction period, not just afterwards.	S-42947062	<ul style="list-style-type: none"> FRV is committed to ensuring that the project is constructed in accordance with its approved conditions of consent. Condition 10(c) of Schedule 3 of the Development Consent currently requires FRV to prepare a Traffic Management Plan, outlining measures for responding to any emergency repair or maintenance requirements along the haulage route. FRV will ensure that Benambra Road and Schneiders Road remain safe for use by local traffic for the duration of the construction period, and that any damage caused by the project's construction traffic as identified in the dilapidation survey is fully repaired upon conclusion of the construction period. 	No Action Required
All heavy vehicle traffic should use the internal road, restricting use of unsealed section of Benambra Road	S-42952553 S-42952379 S-42947062 S-42930395	<ul style="list-style-type: none"> Following feedback from the community, and after discussions with Transgrid, FRV can commit to relinquishing heavy vehicle access during construction to the Substation Access point. This means that all heavy vehicles would now enter the site via the Primary Site Access point, and travel within the site to reach the substation area. Over-dimensional vehicles transporting substation components would still need to reach the substation via Benambra Road, as the internal road would not be suitable for these vehicles. The substation access may also still be used by light vehicles and vehicles during the project's operational stage. FRV would include Benambra Road, between Weeamera Road and the Substation Access point, in its pre and post construction dilapidation surveys, and repair any damage in accordance with the conditions of consent. 	Proposed update to condition 6 of Schedule 3, to remove consent for up to 10 heavy vehicles to use the substation access point.
Concern that Benambra Road may not be able to handle the proposed traffic numbers	S-42952379 S-42860007	<ul style="list-style-type: none"> If approved, the modification would increase the number of heavy vehicles on the sealed section of Benambra Road only, between the Olympic Highway and Weeamera Road. Amendments would now result in less heavy vehicles on the unsealed section of Benambra Road. 	No Action Required

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
		<ul style="list-style-type: none"> Benambra Road currently sees an average of 134 vehicles (including 33 heavy vehicles). If this modification is approved, the project would contribute an increase of 110 heavy vehicle movements and 200 light vehicle movements per day on existing traffic volumes. The Traffic Impact Assessment prepared by Ontoit as part of the original Development Application, identified that Benambra Road has capacity for up to 600 vehicles per hour. Given the above, FRV considers that Benambra Road has sufficient capacity to accommodate the increase in vehicle numbers associated with the Modification. 	
Benambra Road should be sealed if heavy vehicles are using this road	S-42240947	<ul style="list-style-type: none"> As heavy vehicles will no longer use the unsealed section of Benambra Road, impacts on this section of road have been significantly reduced. 	No action required
Consideration of the agricultural practices conducted along Benambra Road must be given in view of the traffic increases to ensure that agricultural machinery and livestock movements can continue without disruption.	S-42947062	<ul style="list-style-type: none"> FRV notes that heavy vehicles will no longer be able to use the unsealed section of Benambra Road during construction, and this will minimise any conflict with agricultural vehicles. Over-dimensional vehicles will be scheduled and, where appropriate, will have a vehicular escort. Traffic control measures along the transport route will be further defined in the project's Traffic Management Plan. 	No action required
FRV should be required to maintain the intersection with Olympic Highway and Benambra Road	S-42930395	<ul style="list-style-type: none"> FRV considers that this is a reasonable request, and notes that Transport for NSW raised similar concerns. FRV commits to including the intersection of Olympic Highway and Benambra Road in its pre and post construction dilapidation surveys, and that any damage caused to the intersection during construction will be repaired by FRV. 	Proposed update to condition 8 of Schedule 3, to include the Intersection of Olympic Highway and Benambra Road in Pre and Post construction dilapidation surveys.
Heavy Vehicles should not be able to use Benambra Road during school pick-up and drop-off times.	S-42954963	<ul style="list-style-type: none"> FRV has committed to removing all heavy vehicles during construction from the unsealed section of Benambra Road. This means that heavy vehicles will no longer travel along the narrowest part of Benambra Road, further reducing conflict with local road users, and will not pass by any local residences. 	No Action Required

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
		<ul style="list-style-type: none"> Heavy Vehicles will now be limited to the use of the sealed section of Benambra Road, which is much wider than the unsealed section. The stretch of road is also completely straight, and there are no intersections or residences between the Olympic Highway and the Primary Site Access. As such, FRV does not consider that there is any increased safety risk to parents transporting children to and from school associated with the Modification. FRV notes that condition 10 of Schedule 3 of the Development Consent already requires FRV to develop a Traffic Management Plan (TMP) prior to construction. The TMP must demonstrate how the development will minimise potential conflict with school buses and other road users. 	
Increased heavy vehicle numbers will result in congestion at the Olympic Highway	S-42954963 S-42930395	<ul style="list-style-type: none"> The project's Traffic Impact Assessment showed that the Olympic Highway has sufficient capacity for the project's proposed construction traffic. Olympic Highway is a state road managed by Transport for NSW. TfNSW have been consulted regarding the modification, and have not raised any concern regarding the capacity along the Olympic Highway. 	No Action Required
Increased vehicles will impact road safety, including the school bus service along Benambra Road	S-42949339 S-42949339 S-42912384 S-42892585	<ul style="list-style-type: none"> Condition 10 of Schedule 3 of the Development Consent requires FRV to develop a Traffic Management Plan prior to construction, detailing how the development will minimise potential conflict with school buses and other road users. With the project amendments, heavy vehicles will no longer travel past any residences along Benambra Road, and will now only use the wider, sealed section of Benambra Road. 	
General objection to the proposed increase in heavy vehicle numbers	S-42949063 S-42905061 S-42770472 S-42240947	<ul style="list-style-type: none"> These concerns are noted. The project's Traffic Impact Assessment has shown that the transport route has sufficient capacity for the modification's proposed vehicle numbers. 	No Action Required
Increased heavy vehicle numbers will result in additional road damage along the transport route	S-42947131	<ul style="list-style-type: none"> FRV accepts that the proposed number of heavy vehicles has the potential to cause damage to local roads along the transport route, 	No Action Required

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
		<p>however FRV considers that the existing conditions are sufficient to ensure that any damage to local roads is remedied by the Applicant.</p> <ul style="list-style-type: none"> Condition 8 of Schedule 3 of the consent requires FRV to repair any damage to local roads that may occur during construction of the project. Condition 10 of Schedule 3 of the consent requires FRV to detail how it will respond to any requirements to undertake emergency repairs or maintenance along local roads, due to construction of the project. 	
The Development should not cause expense to local Council and rate payers to maintain local roads	S-42947062	<ul style="list-style-type: none"> The Applicant would be solely responsible for the cost of any repairs to Benambra and Schneiders Road that is caused by construction traffic. FRV notes that under the terms of the Voluntary Planning Agreement with Council, Council would receive a total of \$2.2 million from FRV over the life of the project, including a payment of \$700,000 at the commencement of construction for use on local projects. As a result, Council and ratepayers would not be 'out of pocket' as a result of the project or the modification. 	No Action Required
The modification will result in the banking of heavy vehicles at the intersection of the Olympic Highway and Benambra Road, as they turn into Benambra Road	S-42930395	<ul style="list-style-type: none"> The project's Traffic Impact Assessment concluded that the Olympic Highway has sufficient capacity for the project's proposed heavy vehicle numbers. Condition 10 of Schedule 3 of the consent currently requires FRV to produce a Traffic Management Plan prior to construction which would outline the measures it will take to schedule haulage vehicle movements with the aim of minimising impacts such as platoons or banking at intersections. 	
Heavy vehicles will simply use the unsealed section of Benambra Road and not the internal access Road	S-42954963 S-42952375 S-42949063	<ul style="list-style-type: none"> FRV has now committed to removing all Heavy Vehicles during construction from the unsealed section of Benambra Road. This means that no vehicles will be permitted to use the unsealed section of Benambra Road, and FRV will explicitly reference this in its driver Code of Conduct. Drivers found to be in breach of the Code of Conduct will be subject to disciplinary action. 	No Action Required

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
Increased heavy vehicle numbers will result in an increased vehicle noise to local residents	S-42892585	<ul style="list-style-type: none"> There are no residences located along the proposed transport route between Olympic Highway and the Primary Site Access. R1a is located approximately 1.4 km from the approved Primary Site Access, and R6 is located approximately 1 km from the approved transport route. R2 is located approximately 930 m from the proposed internal access track for heavy vehicle use. There will be no additional vehicles travelling to the substation access point, other than those that have been previously approved. 	No Action Required
BIODIVERSITY			
Clearing additional native vegetation will have negative impacts on flora and fauna	S-42951463 S-42912384 S-42895900 S-42892585 S-42860458 S-42859966 S-42770472	<ul style="list-style-type: none"> The modification's impacts on native flora and fauna have been fully considered within the modification's Amended BDAR. This BDAR has subsequently been updated, and can be found as Appendix D to this report. The modification's impact on biodiversity would be minimal, and all impacts would be offset in accordance with the <i>Biodiversity Conservation Act 2016</i> and the NSW Biodiversity Offsets Scheme. 	No Action Required
Native vegetation should not be cleared for the placement of additional solar panels	S-42952553 S-42949063 S-42240947	<ul style="list-style-type: none"> No native vegetation would be cleared for the placement of solar panels under modification 2, with the exception of a single paddock tree. The proposed additional area of solar array is currently cleared agricultural land, exclusively used for grazing, and contains no remnant native vegetation. A small area of native vegetation within the creek will need to be cleared to allow the construction of a vehicular creek crossing. 	No Action Required
The development should not be allowed to increase its clearing of native vegetation	S-42893061	<ul style="list-style-type: none"> The modification would result in the additional clearing of 0.137 ha of PCT 5 <i>River Red Gum open forest wetlands</i>, of which 42.7 ha will be retained within the site. The modification would result in the clearing of 0.32% of PCT 5 that occurs within the project site. 	No Action Required

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
		<ul style="list-style-type: none"> All impacts to biodiversity would be offset in accordance with the relevant NSW legislative and policy requirements. The clearing is necessary and cannot be avoided, as the existing crossing does not provide a feasible path for heavy vehicles within the site. 	
The loss of Hollow Bearing Trees (HBTs) within the creek crossing is unacceptable	S-42947131	<ul style="list-style-type: none"> No HBTs exist within the area that would be cleared for the creek crossing. 	No Action Required
Increased vehicle movements will increase the likelihood of weeds and pests being transported into the site	S-42892585	<ul style="list-style-type: none"> FRV is aware that weed control is a key concern of the local community and, in particular, the project's neighbours. Condition 16 of Schedule 3 requires FRV to develop a Biodiversity Management Plan prior to construction, to the satisfaction of the Secretary, which outlines procedures that will be adopted for controlling weeds, pest and pathogens. FRV will implement weed control measures for heavy vehicles to minimise the transport of weeds into and out of the site. These measures will include cleaning tyres that have visible mud or dirt present before entering or leaving the site. 	No Action Required
CONTAMINATION AND REHABILITATION			
The Development's encroachment on Back Creek may result in waste being transported to neighbours	S-42952379	<ul style="list-style-type: none"> Condition 28 of Schedule 3 of the consent requires that all works in the vicinity of the creek are undertaken in accordance with the <i>Guidelines for Controlled Activities on Waterfront Land</i> (NRAR, 2018). These guidelines require FRV to provide a buffer of at least 30 m for all project infrastructure from Back Creek. The modification would not result in the solar array being constructed any closer to Back Creek than the development consent currently allows. Condition 33 of Schedule 3 of the consent requires FRV to remove all waste from the site as soon as practicable, and prevent waste being stored on site. As such, FRV considers that the modification would not increase the likelihood of waste being transported to neighbouring properties. 	No Action Required

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
The use of large-scale batteries creates contamination	S-43057095	<ul style="list-style-type: none"> Large-scale batteries are not permitted under condition 1 of Schedule 3 of the consent. However, there is no evidence to suggest that large-scale batteries create contamination. 	No Action Required
Adding 50,000 panels will increase problems in decommissioning	S-42240947	<ul style="list-style-type: none"> The additional panels represent an approximate increase of 7% to the approved number of solar panels and this will not create any additional issues during the project's decommissioning phase. Condition 35 of Schedule 3 of the consent requires FRV to develop a <i>Decommissioning and Rehabilitation Plan</i> within 3 years of operation, which must be to the satisfaction of the Secretary. 	No Action Required
LAND USE			
Arable land should not be used for electricity production	S-42947131	<ul style="list-style-type: none"> The modification seeks to increase the project's development footprint by a total of 15.4 ha. This additional 15.4 ha is not currently suitable for crop production due to waterlogging and has historically only been used for grazing. It is not considered arable land. 	No Action Required
The increase of the development footprint takes away more valuable farming land	S-42951463 S-42933405 S-42912384 S-42860458 S-42859966	<ul style="list-style-type: none"> The additional 15.4 ha that would be developed for the solar array is currently used for grazing. Condition 13 of Schedule 3 requires FRV to maintain grazing within the site, where possible. Grazing will continue throughout the site once the solar farm is operational and groundcover is re-established. 	No Action Required
There will be impacts to the land from heavy vehicles moving within the site	S-42770472	<ul style="list-style-type: none"> All impacts associated with transportation of heavy vehicles within the site have been considered in the Modification Application. The internal roads will be constructed as all-weather, gravel roads, and will be capable of transporting heavy vehicles weighing up to 40 tonnes. 	No Action Required
VISUAL			
The modification will result in an increase to the visual impacts on the community	S-42770472	<ul style="list-style-type: none"> The greater community would only have visibility of the solar farm from Benambra Road and Schneiders Road. Visual impacts to road users were considered as part of the original Development Application. FRV notes that solar panels would not be placed any closer to Benambra Road or Schneiders Road, and as such, it is not 	No Action Required

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
		<p>considered that there would be any increase to the visual impact of the modification, above what has previously been assessed.</p> <ul style="list-style-type: none"> The additional solar array areas would not be visible from any other key public viewpoints or vantages due to distance, topography and intervening vegetation. The modification represents a 7% increase to the total area of solar panels within the site, which FRV does not consider constitutes a significant increase in the total area of solar array. 	
Visual impacts to neighbours have not been properly considered	S-42952379 S-42860458 S-42949106 S-42947131 S-42832985 S-42905061	<ul style="list-style-type: none"> Due to distance, topography and retained vegetation in and around the site, no new areas of solar array would be visible from neighbouring properties. As such, there would be no increase to the visual impact of the development on any neighbouring receiver, including Orange Grove Gardens. 	No Action Required
WATER			
The removal of trees and construction of a creek crossing may impact neighbours	S-42952379	<ul style="list-style-type: none"> Removal of vegetation within the creek crossing associated with this modification would not result in any discernible long-term impacts to neighbours. 	No Action Required
Construction of the vehicle crossing will result in irreversible destruction of riparian land within Back Creek	S-42770472	<ul style="list-style-type: none"> The crossing over Back Creek would be constructed in accordance with the <i>NSW Guidelines for Controlled Activities on Waterfront Land</i> (NRAR, 2018), and in accordance with <i>Managing Urban Stormwater: Soils and Construction</i> (Landcom, 2004). Any impact on vegetation have been assessed and will be offset in accordance with the <i>Biodiversity Conservation Act 2016</i>. 	No Action Required
Will the increase in heavy vehicle movements result in an increase to the water usage associated with dust suppression?	S-42947062	<ul style="list-style-type: none"> The project's water usage would not increase, as dust suppression measures within the site were always proposed to occur regularly throughout the day, rather than in response to individual movements. Water usage associated with the development would likely decrease, as FRV would no longer provide dust mitigation to the unsealed section of Benambra Road. 	Dust would no longer be managed along the unsealed section of Benambra Road.
The vehicle crossing over Back Creek may pose an increase flooding risk	S-42240947 S-42947062	<ul style="list-style-type: none"> The crossing over Back Creek would be constructed in accordance with the <i>NSW Guidelines for Controlled Activities on Waterfront Land</i> (NRAR, 2018). 	No Action Required

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
		<ul style="list-style-type: none"> In accordance with these guidelines, the crossing would be constructed in such a way to minimise impacts on water flow and flooding. 	
HAZARDS			
Clearing an additional 0.137 ha of vegetation will worsen the impacts of a Photovoltaic Heat Island	S-42949106 S-42947131	<ul style="list-style-type: none"> While FRV understands that there is a fear held by some members of the community that the solar farm may result in significant changes to ambient air temperatures, there is no evidence that this is likely to occur. Nonetheless, the modification would result in the clearing of less than 0.32% of the 60.4 ha of native vegetation retained within the site. The vegetation would be removed from Back Creek, which is central to the site, and not the perimeter. As such, the removal of vegetation would have no impact on any potential heat island effect. 	<ul style="list-style-type: none"> No Action Required
DUST			
The modification will produce an increase in dust from vehicles within the site	S-42947131 S-42947062	<ul style="list-style-type: none"> FRV notes that there are no receivers within 1 km of the proposed internal heavy vehicle access road. The nearest receivers are R2 at 1.1 km and R1a at approximately 1.4 km. In its original development application, FRV proposed to implement dust control measures, such as the use of water carts for internal roads. FRV maintains these commitments. FRV considers that established dust control measures will be sufficient at controlling dust, and would not result in significant increases in dust to nearby receivers, particularly given the proposed distances from internal roads. Condition 20 of Schedule 3 of the consent currently requires FRV to minimise dust generated by the development. 	No Action Required
CLIMATE CHANGE			
An increase in solar panels will result in increased CO ₂ emissions, associated with the manufacture of panels	S-42860458	<ul style="list-style-type: none"> It is acknowledged that additional heavy vehicles will produce a minor increase in CO₂ generated during the construction phase, however the project will result in a significant net saving on CO₂ emissions over the life of the project. 	No Action Required

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
		<ul style="list-style-type: none"> Whilst the maximum capacity of the project would not exceed 300 MW_{AC}, the additional solar array would allow the project to produce up to 300 MW_{AC} of renewable energy for greater periods of time, particularly during 'shoulder periods', during overcast weather and during winter months. 	
An increase in heavy vehicles will increase CO ₂ emissions from the development	S-42949106	<ul style="list-style-type: none"> It is acknowledged that the production of solar panels has its own carbon footprint, however the project will result in a significant net saving on CO₂ emissions over the life of the project. Whilst the maximum capacity of the project would not exceed 300 MW_{AC}, the additional solar array would allow the project to produce up to 300 MW_{AC} of renewable energy for greater periods of time, particularly during 'shoulder periods', during overcast weather and during winter months. 	No Action Required
MODIFICATION / PLANNING			
Frequent modifications are damaging to the good faith of the local communities	S-42859966 S-42952553 S-42952375	<ul style="list-style-type: none"> Whilst FRV's proposed modification has been lodged correctly, and in accordance with the NSW EP&A Act, FRV accepts that modifications to the development can cause consultation fatigue and uncertainty in the community. Unfortunately, as the project has progressed through detailed design and construction planning, unavoidable and unforeseeable changes to the approved development have been required. The situation has been exacerbated by impacts surrounding the COVID-19 pandemic, such as changes to supply chains and construction costs. 	No Action Required
Consultation with the community was selective	S-42919470	<ul style="list-style-type: none"> FRV is committed to ongoing engagement with interested and impacted members of the community, but can appreciate that after several years of consultation, community can experience 'consultation fatigue'. For this reason, FRV focused consultation on members of the community that: <ul style="list-style-type: none"> have subscribed to updates of the project neighbour the project; or had potential to be impacted by the modification. 	No Action Required

Summary of Issue Raised	Submitters	FRV Response	Proposed Action
		<ul style="list-style-type: none"> We note that this submitter resides approximately 770 km from the project site. Whilst this would have resulted in the submitter falling outside of FRV's scope of targeted consultation for the modification, any member of the community may subscribe to receive updates on the project via FRV's project newsletter. 	
The project is too big and shouldn't be expanded	S-42981800 S-42763611	<ul style="list-style-type: none"> The project's capacity would not increase, and all additional areas of solar array are fully contained within the existing development footprint. 	No Action Required
FRV has intentionally withheld information from the DA	S-42919470	<ul style="list-style-type: none"> No information was withheld from the original DA. The DA and subsequent modifications have each been assessed and determined on their merits, and in accordance with the <i>Environmental Planning and Assessment Act 1979</i>. 	No Action Required
ABORIGINAL HERITAGE			
The significance of PADs has been downgraded from original DA, and the areas should not be developed	S-42954963	<ul style="list-style-type: none"> The significance of the Potential Archaeological Deposits (PADs) was unknown at the time that the original DA was lodged, as it was determined that a program of test excavation would be required to ascertain the importance of the PADs. Time constraints prevented this test excavation from occurring during the original DA and, as such, the development proposed to avoid these areas. Since the project received development consent, FRV has undertaken a program of test excavation in consultation with registered Aboriginal parties (RAPs) to determine the significance of the PADs. This program identified that the PADs were not scientifically or culturally significant, and that impacts to the PADs could be appropriately managed. Heritage NSW confirmed that the consultation, conclusions and recommendations provided as part of the modification are adequate and appropriate for the Aboriginal cultural heritage sites and values associated with the proposed modification. 	No Action Required

Table 3 | Public Submissions concerning the approved project

Summary of Issue Raised	Submitters	FRV Response
TRAFFIC		
The existing Benambra Road crossing over Back Creek is dangerous, floods regularly and is closed in wet weather	S-42947062	<ul style="list-style-type: none"> The use of Benambra Road for construction traffic was assessed by the Department as part of the original DA and Mod 1. As part of Mod 2, FRV has committed to discontinuing use of the unsealed section of Benambra Road for Heavy Vehicles during construction. Light vehicles and over-dimensional vehicles would still need to use the Substation Access. Any damage would be repaired in accordance with the conditions of consent.
An updated Traffic Impact Assessment for the unsealed section of Benambra Road should be provided	S-42947062	<ul style="list-style-type: none"> A Traffic Impact Assessment for the unsealed section of Benambra Road was provided as part of Mod 1. As there is no additional impact to this part of Benambra Road, an updated TIA is not required.
FRV should upgrade Benambra Road	S-42949339	<ul style="list-style-type: none"> FRV considered upgrading Benambra Road for use by Heavy Vehicles, however it was not considered feasible due to time constraints. FRV has since committed to removing all heavy vehicles during construction from the unsealed section of Benambra Road.
Unsealed section of Benambra Road is unsuitable for Heavy Vehicles and is in extremely poor condition	S-42954963 S-42952375 S-42949063 S-42947062	<ul style="list-style-type: none"> Benambra Road is already used by Heavy Vehicles, including the unsealed section west of Weeamera Road. Mod 1 included a Traffic Impact Assessment examining the suitability and impact of Heavy Vehicles on the unsealed section of Benambra Road. FRV has now committed to removing all heavy vehicles from the unsealed section of Benambra Road, during construction.
BIODIVERSITY		
Biodiversity offsets will never replace the flora and fauna lost.	S-42947131 S-42949106	<ul style="list-style-type: none"> Biodiversity impacts have been avoided wherever possible, and there would be 60.4 ha of native vegetation within the site. Where impacts to biodiversity are unavoidable, FRV has minimised and offset these impacts in accordance with relevant NSW legislation and government policy. Any submissions concerning the suitability of the NSW Biodiversity Offsets Policy is best addressed by the NSW Government.

Summary of Issue Raised	Submitters	FRV Response
CONTAMINATION AND REHABILITATION		
Solar panels are a huge environmental threat	S-42832985	<ul style="list-style-type: none"> The suitability of solar at the development site was demonstrated in the original development application, which showed that solar panels do not pose a significant environmental threat.
The solar farm will result in the contamination of Back Creek and the Riverina Murray Catchment	S-42949106 S-42947131 S-42892585 S-42832985 S-42912384 S-42905061	<ul style="list-style-type: none"> The solar farm will not contain any substances that with the potential to cause contamination within the Riverina Murray Catchment. Whilst some thin-film solar panels do contain heavy metals, those solar panels are rarely used within Australia will not be used in this project. The solar panels that will be used at Walla Walla are predominantly made of Silicon dioxide (SiO₂), which is essentially the same material as beach sand. The solar panels also contain extremely small amounts of inert materials such as silver, copper, zinc and aluminium. These materials are entirely encased within the panels and exist in such small quantities that they would not pose a risk of contamination. These materials are also commonly found in existing agricultural buildings, such as in roofs, machinery and electrical equipment.
Land will not be suitable for food production following decommissioning	S-42785586	<ul style="list-style-type: none"> The solar farm would not cause any contamination of the soil, and FRV is required to return the land to the same classification following decommissioning.
The solar farm will cause heavy metals to leach into the soil from damaged or broken panels	S-42912384 S-42832995 S-42832985 S-42785586 S-42770472 S-42607798 S-42240947 S-42949106 S-42947131 S-42892585	<ul style="list-style-type: none"> Whilst some thin-film solar panels do contain heavy metals, those solar panels are rarely used within Australia will not be used in this project. The solar panels that will be used at Walla Walla are predominantly made of Silicon dioxide (SiO₂), which is essentially the same material as beach sand. The solar panels also contain extremely small amounts of inert materials such as silver, copper, zinc and aluminium. These materials are entirely encased within the panels and exist in such small quantities that they would not pose a risk of contamination. These materials are also commonly found in existing agricultural settings, such as in roofs, machinery and electrical equipment.
Fears that toxins will leaking from the joints and wiring of undamaged solar panels	S-42892585	<ul style="list-style-type: none"> There is no evidence to suggest that undamaged solar panels or wiring will cause contamination to the soil.
Decommissioning of the project and land rehabilitation have not been properly considered	S-42240947 S-42607748	<ul style="list-style-type: none"> Decommissioning and Rehabilitation of the development site were considered by both the Department of Planning and the Independent Planning Commission in their assessment of the original Development Application

Summary of Issue Raised	Submitters	FRV Response
		<ul style="list-style-type: none"> Condition 35 of Schedule 3 requires FRV to develop a Decommissioning and Rehabilitation Plan, to the satisfaction of the Secretary, outlining how FRV will meet its Rehabilitation Objectives when the solar farm is decommissioned.
There is no detail on who will remove the solar panels once the project is decommissioned	S-42240947	<ul style="list-style-type: none"> The Proponent will be fully responsible for the removal of solar panels once the project is decommissioned. Condition 35 of Schedule 3 requires FRV to develop a Decommissioning and Rehabilitation Plan, to the satisfaction of the Secretary, outlining how FRV will meet its Rehabilitation Objectives when the solar farm is decommissioned.
Query raised as to how panels would be disposed of	S-42832995 S-42832985	<ul style="list-style-type: none"> Condition 35 of Schedule 3 requires FRV to develop a Decommissioning and Rehabilitation Plan, to the satisfaction of the Secretary, outlining how FRV will meet its Rehabilitation Objectives when the solar farm is decommissioned. FRV will investigate the reuse or recycling of solar farm infrastructure in the preparation of its Decommissioning and Rehabilitation Plan.
The soil won't be the same quality once the project is decommissioned	S-42240947	<ul style="list-style-type: none"> The solar farm would not cause any contamination of the soil, and FRV is required to return the land to the same classification following decommissioning.
LAND USE		
Objection to the use of prime agricultural land for electricity production	S-42981800 S-42895900 S-42895829 S-42947131	<ul style="list-style-type: none"> This matter was considered by both the Department of Planning and the Independent Planning Commission in their assessment of the original Development Application. Grazing of livestock would continue within the solar farm, once it is operational. Much of the project site is not suitable for cropping, and is not considered prime agricultural land.
FRV has provided no evidence that agriculture and solar can co-exist on its existing farms	S-42860458	<ul style="list-style-type: none"> There are numerous successful examples of the co-location of solar farms with livestock grazing. FRV successfully grazes sheep on its operational Clare and Royalla Solar Farms, and many other examples can be found within the Clean Energy Council's guide to agrisolar for large-scale solar: https://www.cleanenergycouncil.org.au/resources/resources-hub/australian-guide-to-agrisolar-for-large-scale-solar-1
the land mapping for the original project was incorrect	S-42240947	<ul style="list-style-type: none"> The capability of the land was considered based on regional-scale mapping undertaken as part of the <i>Land and Soil Capability Mapping in NSW</i> (OEH). The land was not mapped as Biophysical Strategic Agricultural Land (BSAL) and is not mapped as part of a Critical Industry Cluster. Regional-scale mapping was complemented by soil studies within the site, to determine the quality of the land. These soil studies were included with FRV's original Development Application.

Summary of Issue Raised	Submitters	FRV Response
		<ul style="list-style-type: none"> The Department of Planning and Independent Planning Commission concluded that the project represents an effective and compatible use with the land.
RENEWABLE ENERGY		
General Objection against the use and suitability of Solar Power in Australia	S-42895900 S-42832995 S-42785586 S-42770472 S-42947131 S-42905061	<ul style="list-style-type: none"> Australia's landscape is well placed and well suited for large-scale solar, which will play an increasingly important role in Australia's gradual decarbonisation of the energy sector. The project was developed in accordance with relevant government guidance, including the Department of Planning's <i>Large-Scale Solar Energy Guideline</i>.
Australia should not approve additional solar farms, and should preferentially build nuclear power	S-43057095	<ul style="list-style-type: none"> It is not accepted that nuclear power is a reasonable substitute for renewable energy. Solar is currently the cheapest form of energy, and will play an increasingly important role in Australia's gradual decarbonisation of the energy sector. In any event, nuclear energy is currently prohibited by Commonwealth legislation, and any potential project would need to be assessed on its own merits by the relevant consent authority.
HAZARDS		
Objection to the use of Lithium batteries	S-42949106	<ul style="list-style-type: none"> The solar farm does not currently propose to include a battery of any kind, and batteries are not permitted under condition 1 of Schedule 3 of the development consent.
Objection to the project on the basis of a potential Heat Island	S-42905061 S-42947062	<ul style="list-style-type: none"> While FRV understands that there is a fear held by some members of the community that the solar farm may result in significant changes to ambient air temperatures, there is no evidence that this is likely to occur. This issue was considered at length by both the Department of Planning and Independent Planning Commission, which found that there would be no discernible difference to air temperatures at a distance of 30 m from solar panels, and that any potential impact would be even further reduced by vegetation.
The project will cause toxic fumes in the event of a fire, preventing fire crews from attending.	S-42949106	<ul style="list-style-type: none"> The solar farm has been designed to avoid the risk of bushfire, including allowing 10 m of defendable space around the perimeter of all infrastructure, for use as an Asset Protection Zone. In its assessment of the Development Application, the Department of Planning was satisfied that fire risks could be suitably controlled through the implementation of standard fire management procedures.

Summary of Issue Raised	Submitters	FRV Response
		<ul style="list-style-type: none"> Condition 32 of Schedule 3 requires FRV to develop an Emergency Plan, to the satisfaction of Fire and Rescue NSW and the Rural Fire Service, before it is able to commence construction of the project.
ETHICS		
Objection to the use of Uyghur labour in the production of solar panels	<ul style="list-style-type: none"> S-42949106 S-42832995 	<ul style="list-style-type: none"> FRV has a zero-tolerance approach to modern slavery and is committed to acting ethically and with integrity in all business dealings and relationships. FRV has internal systems and controls to ensure that modern slavery or forced labour is not taking place anywhere in its own business or in any of its supply chains. FRV operations are fully compliant with relevant guidance, including but not limited to the United National Universal Declaration of Human Rights 1948, the United Nations Convention on the Rights of the Child 1989 and the International Covenant on Civil and Political Rights 1976, the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the ILO Convention (No. 182). As such, FRV can say with confidence that the project will not be constructed with materials or equipment that have been manufactured with forced labour from the Xinjiang Uighur Autonomous Region.
Conflict of Interest as the FRV Development Manager previously worked for DPIE	S-42947131 S-42905061 S-42763611 S-42763611	<ul style="list-style-type: none"> The Project's initial development application was recommended for approval by the Director of Energy Assessments and the Executive Director of Resources and Energy Assessments at the Department of Planning. This recommendation was ultimately accepted by the Independent Planning Commission in accordance with the EP&A Act and associated Regulation, following its own consideration of the environmental, social, and economic impacts of the development. It is noted that the IPC's process included a site visit, meetings with community members and a public meeting where members of the public were invited to speak. Consent for the project was provided on the project's own merit. With the above in mind, it is not considered that there has been any conflict of interest, but the Proponent can appreciate these concerns within the community.
PLANNING		
The area is not suitable for a large-scale solar project	S-42981800	<ul style="list-style-type: none"> The development application, which was approved in November 2020, demonstrated that on balance, the project site is suitable for a large-scale solar development.

Summary of Issue Raised	Submitters	FRV Response
Objection to solar being built near residential properties.	S-42982980 S-42979935	<ul style="list-style-type: none"> • The land surrounding the development site is zoned as RU1 – Primary Production, and would not be constructed near residential properties. • The nearest residentially zoned land is located within the Walla township, approximately 4 km from the southwest corner of the site.