

# Notice of Modification

## Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, I modify the project approval referred to in Schedule 1, as set out in Schedule 2.



David Kitto  
Executive Director  
Resource Assessments & Business Systems

Sydney 24 JULY

2015

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### SCHEDULE 1

Project Approval 10\_0121 for the Capital Solar Farm, granted by the Minister for Planning on 21 December 2010.

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### SCHEDULE 2

1. Delete the footers, and replace with "*Department of Planning and Environment*".
2. Replace the definition of the Proponent in Schedule 1 with "Capital Solar Farm Pty Limited".
3. Replace the definition of the Project in Schedule 1 with "Capital Solar Farm".
4. Delete the definitions for "Act, the", "Conditions of Approval", "DECCW", "Department, the", "DII", "Director-General, the", "Director-General's approval of the agreement or satisfaction of the Director-General", "Environmental Assessment", "LPMA", "EPA", "Minister, the", "NOW", "Reasonable and feasible", "RTA", and "Submissions Report", and insert the following in alphabetical order:

Conditions of this approval  
Crown Lands

Department  
DPI  
EA

EPA  
Feasible

Fisheries NSW  
Minister  
NOW  
OEH  
Reasonable

The conditions in Schedule 2  
Crown Lands division, within the Department of Trade & Investment

Department of Planning and Environment  
Department of Primary Industries  
*Capital Solar Farm Environmental Assessment* prepared by NGH Environmental Ltd and dated 20 October 2010 and *Capital Solar Farm Submissions Report* prepared by NGH Environmental Ltd, dated December 2010, as modified by:

- Modification application 10\_0121 MOD 1 and supporting letter from Infigen Suntech Pty Limited, dated 24 July 2014; and
- Modification application 10\_0121 MOD 2 and supporting letter reports from Capital Solar Farm Pty Limited, dated 19 June 2015, 9 July 2015 and 13 July 2015.

Environment Protection Authority  
Relates to engineering considerations and what is practical to build

Fisheries division within DPI  
Minister for Planning, or delegate  
NSW Office of Water  
Office of Environment and Heritage  
Relates to the application of judgement in arriving at a

RLLS decision, taking into account mitigation benefits, cost of  
RMS mitigation versus benefits provided, community views and  
Secretary Riverina Local Land Services  
nature and extent of potential improvements  
Roads and Maritime Services  
Secretary of the Department, or nominee

5. Delete all references to "DECCW" and replace with "OEH".
6. Delete all references to "DII" and replace with "DPI".
7. Delete all references to "DII (Fisheries)", and replace with "Fisheries NSW".
8. Delete all references to "Director-General" and replace with "Secretary".
9. Delete all references to "LPMA" and replace with "Crown Lands".
10. Delete all references to "Murrumbidgee CMA", and replace with "RLLS".
11. Delete all references to "RTA" and replace with "RMS".
12. Delete condition A1, and insert the following:
  - A1. The Proponent shall carry out the project generally in accordance with the:
    - (a) EA; and
    - (b) conditions of this approval.

*Note: The general layout of the project is shown in Appendix 1.*
13. Delete condition A2 and insert the following:
  - A2. In the event of an inconsistency between the above documents, the most recent document shall prevail to the extent of any inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
14. Delete condition A4, and replace with:
  - A4 This project approval shall lapse on 21 December 2019 unless work on the project has been physically commenced on or before that date.
15. After condition A8, insert the following:

**Revision of Strategies, Plans and Programs**

  - A9. Within 3 months of a modification to the conditions of this approval, (unless the conditions require otherwise), the Proponent shall review, and if necessary revise, the approved strategies, plans, and programs required under this approval in place prior to the modification, to the satisfaction of the Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review, the revised document must be submitted to the Secretary for approval.

*Note: This condition ensures that strategies, plans and programs are updated on a regular basis, and incorporate any additional measures to improve the environmental performance of the project.*
16. Delete condition C5.
17. In condition C16(h), delete "documents referred to under conditions A1(b) and A1(c) of this approval" and replace with "EA".
18. In condition E2(g), delete "documents referred to under conditions A1(b) and A1(c) of this approval" and replace with "EA".
19. Delete condition F1 and replace with:
  - F1. The Proponent shall ensure that the operational noise generated by the project does not exceed the criteria in Table 1.

Table 1: Operational Noise Criteria

<b>Property</b>	<b>Noise Criteria (day/evening/night (dB(A)<sub>L<sub>aeq</sub>15 min</sub>))</b>
Werriwa	38
All other privately-owned residences	35

Notes:

- *The limits in Table 1 do not apply if the proponent has entered into a written agreement with the relevant landowner to exceed the limits, and the Proponent has advised the Department of this agreement in writing.*
- *Noise generated by the project is to be measured in accordance with the relevant requirements and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.*

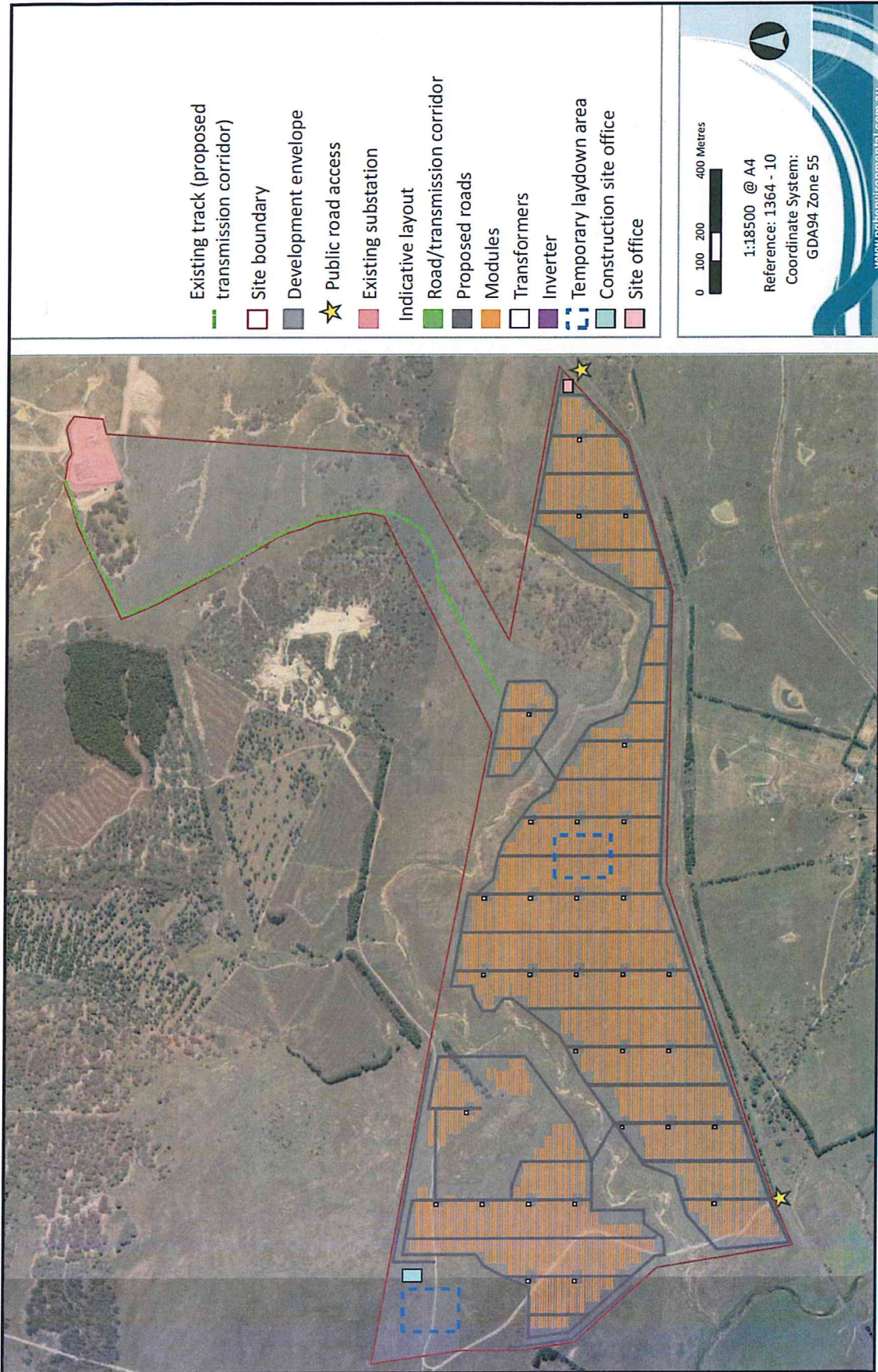
20. After condition F1, insert the following:

F2. The Proponent shall prepare a noise compliance report within 3 months of commissioning of the project. The noise compliance report must:

- (c) be prepared by a suitably qualified noise expert;
- (d) demonstrate that the project is complying with the noise criteria in condition F1; and
- (e) be submitted to the Department and the EPA within one month of receiving the report,  
to the satisfaction of the Secretary.

21. Insert the following after Schedule 2:

**APPENDIX 1  
GENERAL ARRANGEMENT OF THE PROJECT**



**Figure 1: General arrangement**

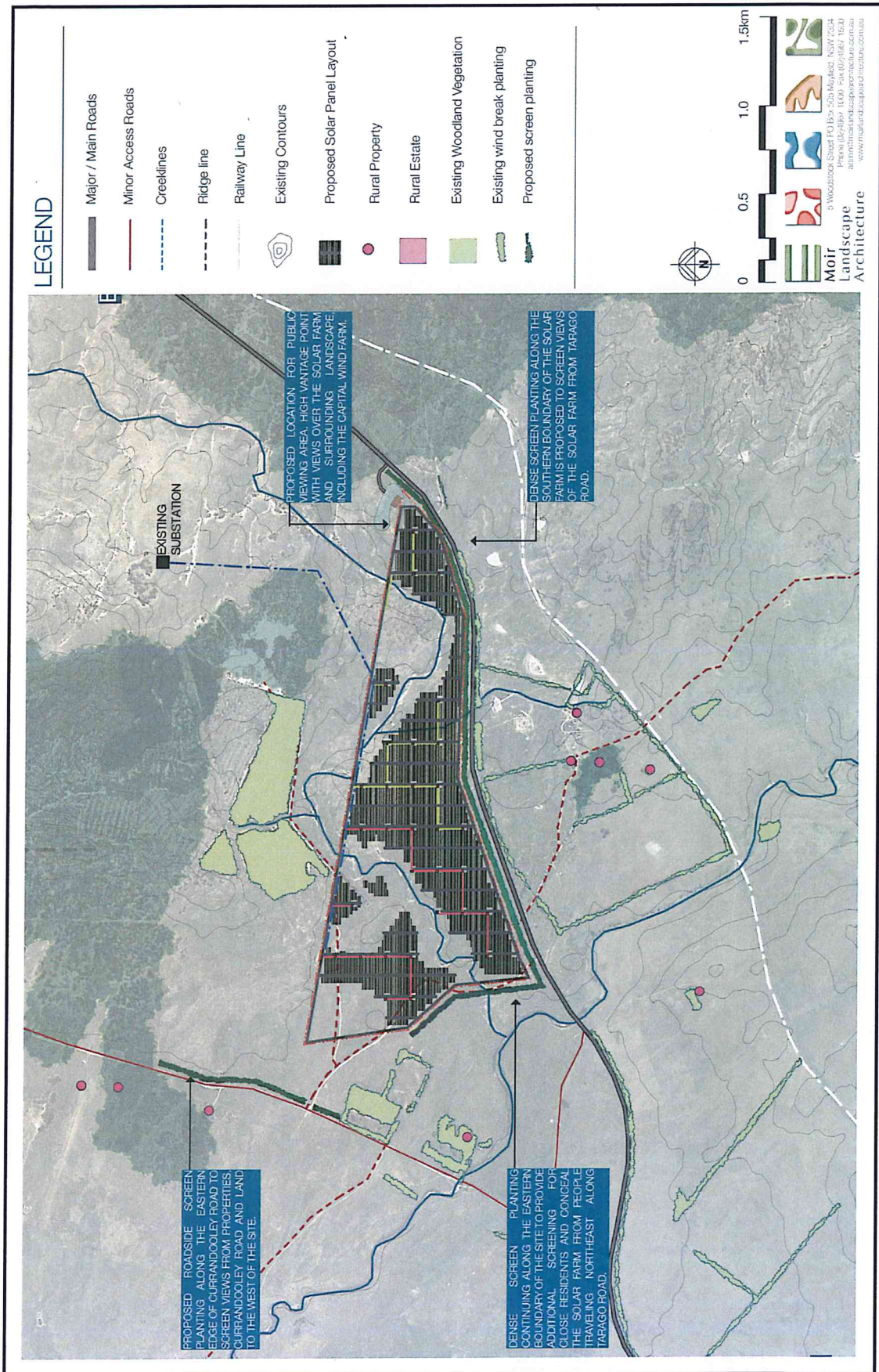


Figure 2: Visual impact mitigation