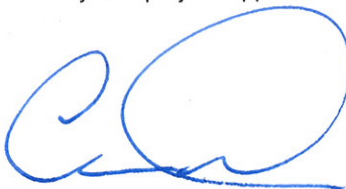


Notice of Modification

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.



Chris Wilson
Executive Director, Major DA Assessments

Sydney

11 January

2009

SCHEDULE 1

The project approval (MP 05_0117) for the Moolarben Coal Mine, granted by the Minister for Planning on 6 September 2007.

SCHEDULE 2

1. Under "Definitions", in the definition of "EA", delete all words after "December 2006" and insert "and the response to submissions."
2. Under "Definitions", after the definition of "EA", insert the following:

| | |
|------------|--|
| EA (MOD 1) | The <i>Application to Make Modifications to the Project Approval for the Moolarben Coal Project</i> , prepared by Wells Environmental Services and dated August 2008. |
| EA (MOD 2) | The <i>Environmental Assessment - Section 75W Modification Application</i> , prepared by Coffey Natural Systems and dated December 2008. |
| EA (MOD 4) | The <i>Documentation in Support of the Balloon Loop Modification</i> , prepared by Wells Environmental Services and dated April 2009. |
| EA (MOD 5) | The <i>Environmental Assessment - Section 75W Modification Application</i> , prepared by Coffey Natural Systems and dated July 2009, associated response to submissions dated August 2009, and supplementary information dated September 2009. |
| EA (MOD 6) | The <i>Environmental Assessment - Section 75W Modification Application</i> , prepared by Coffey Natural Systems and dated December 2009. |
3. Under "Definitions", in the definition of "Response to Submissions", delete all words after "July 2007".
4. In condition 2 of schedule 2, delete all words after "commitments" and insert the following:
 - (c) EA (MOD 1);
 - (d) EA (MOD 2);
 - (e) EA (MOD 4);
 - (f) EA (MOD 5);
 - (g) EA (MOD 6); and
 - (h) conditions of this approval.
5. Delete condition 3 of schedule 2 and replace with the following:

If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.

Note:

- *To remove doubt, modifications made to the statement of commitments (eg via MOD 5) prevail over all EAs submitted prior to that modification.*

6. Re-number condition 7A of schedule 2 as condition 8A, and re-order the re-numbered condition.