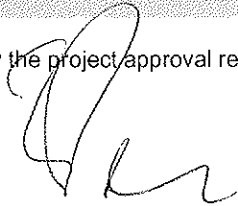


Notice of Modification

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, I modify the project approval referred to in schedule 1, subject to the conditions in schedule 2.



Richard Pearson
Deputy Director-General, DASP

Sydney

30/6/

2009

SCHEDULE 1

The project approval (MP 05_0117) for the Moolarben coal mine, which was granted by the Minister for Planning on 6 September 2007.

SCHEDULE 2

1. Delete the definition of EA in the Definitions and replace with:

EA The report titled *Moolarben Coal Project Environmental Assessment, Volumes 1-5*, dated September 2006, as modified by the Preferred Project Report submitted to the Department in December 2006, the response to submissions, the *Environmental Assessment* prepared by Coffey Natural Systems, dated December 2008 and the *Document in Support of the Balloon Loop* prepared by Wells Environmental Services, April 2009.

2. Delete Condition 2 of Schedule 2 and replace with:

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
- EA;
 - statement of commitments; and
 - conditions of this approval.

Notes:

- The general layout of the project is shown in Appendix 2.
- The statement of commitments is reproduced in Appendix 3 (excluding the commitments which are directly reflected in, or inconsistent with, the conditions of this approval).

3. Delete Condition 41(a) of Schedule 3 and replace with:

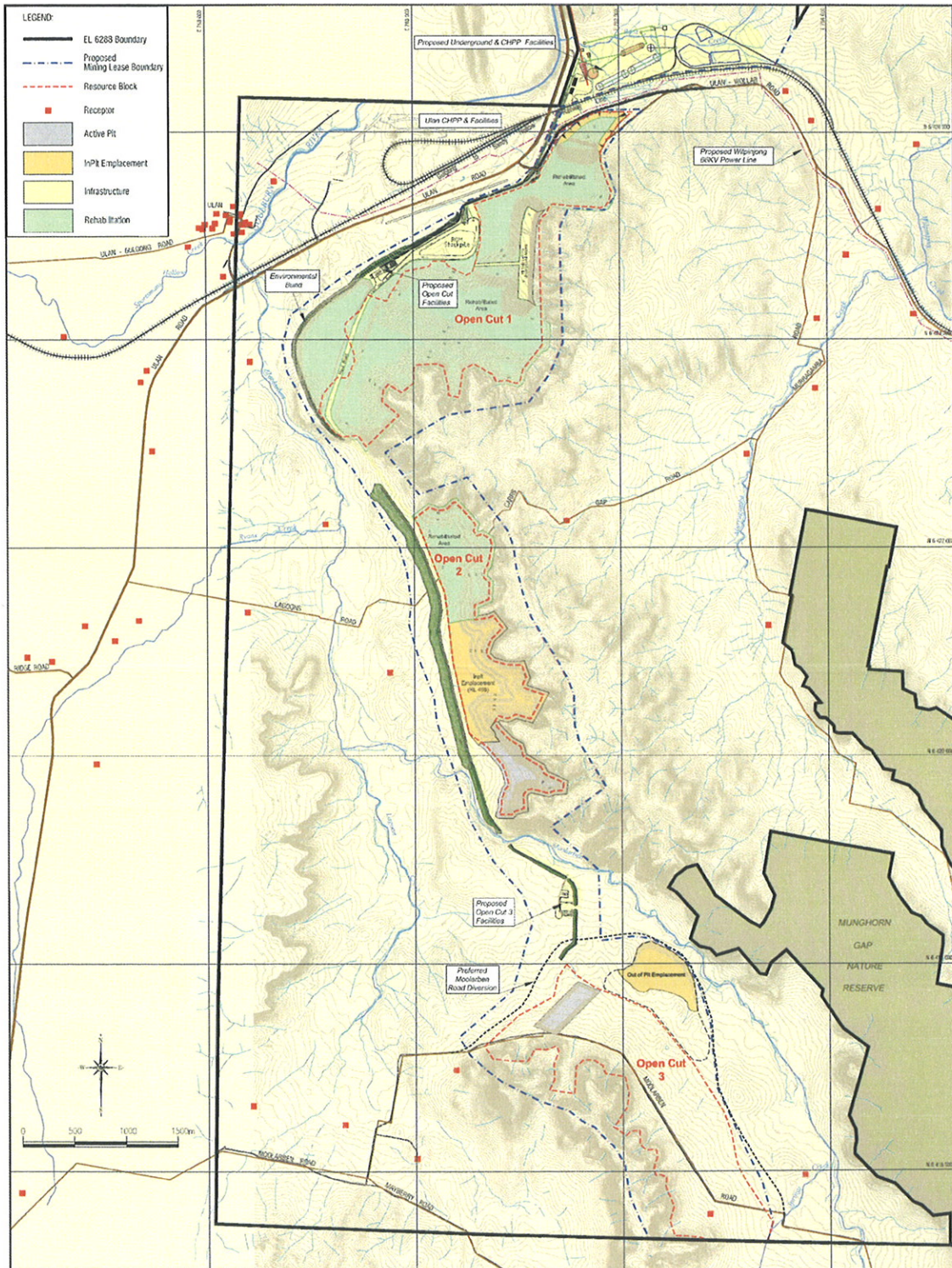
41. Within 12 months of this approval, the Proponent shall make suitable arrangements to:
- transfer at least 135 hectares of the White Box Yellow Box Blakely's Red Gum Woodland endangered ecological community to the Minister for Climate Change, Environment and Water to offset, on a "like for like" basis, the 65 hectares that would be cleared by the project at an offset ratio of 2:1; and

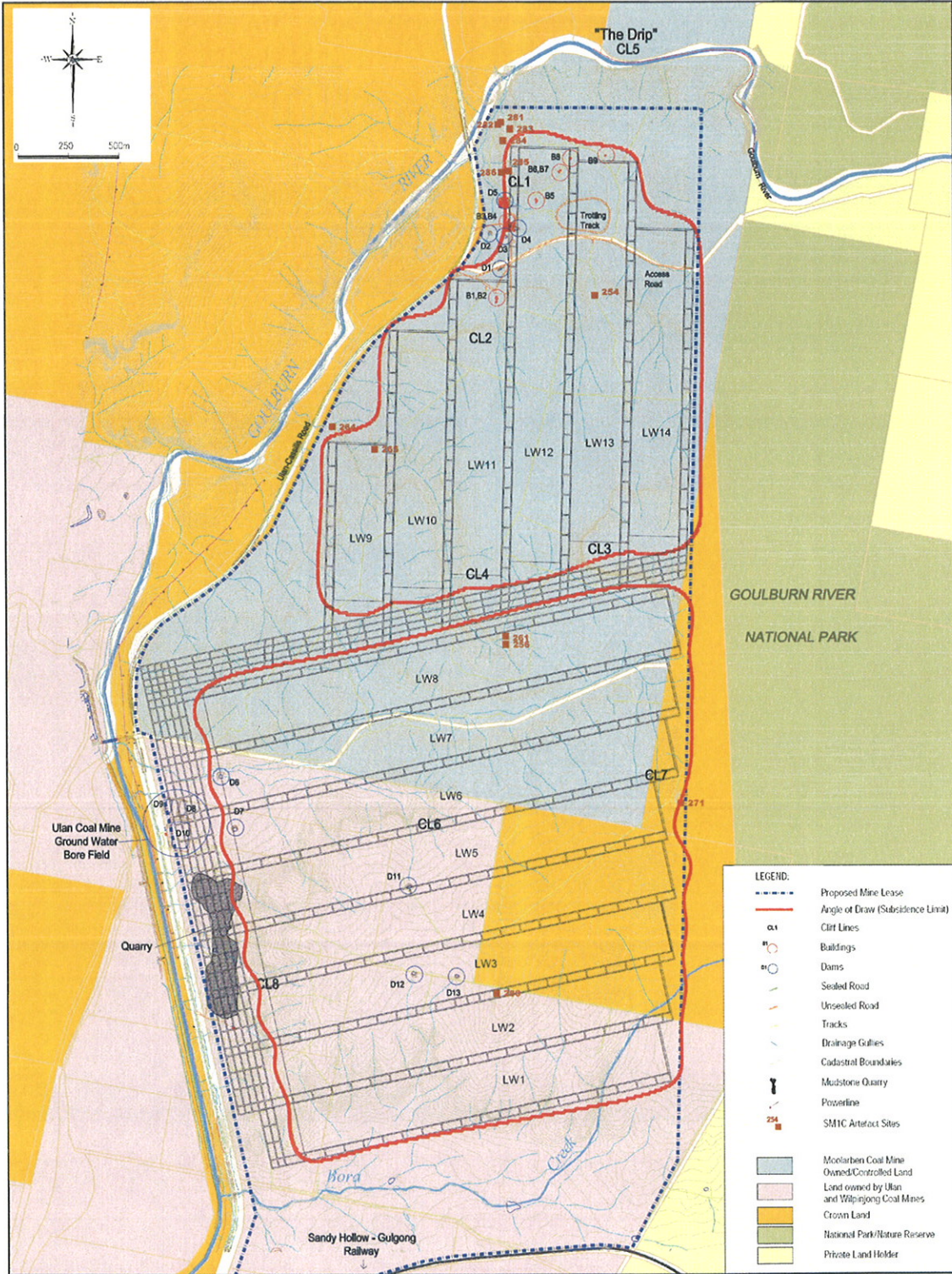
4. Delete Condition 42(b) of Schedule 3 and replace with:

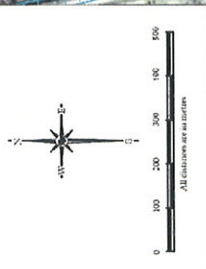
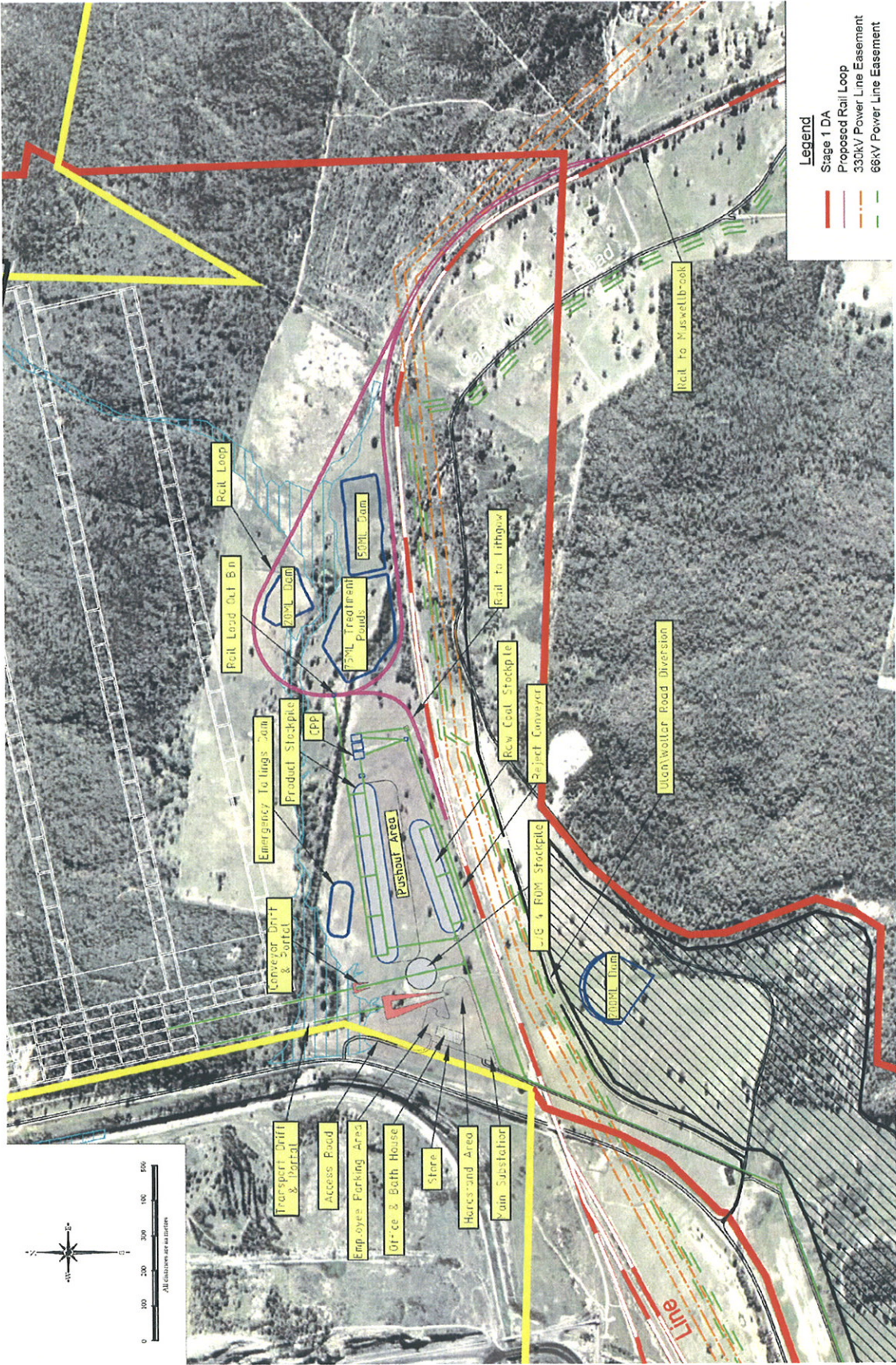
- (b) revegetate at least 149 hectares of cleared land on the "Red Hills" property (see property R14 in Appendices 5 and 8) and adjoining lands (see properties R12, R13, R15, R16, R17, R18 and R19 in Appendices 5 and 8) with suitable native vegetation to improve wildlife corridor linkages;

5. Delete Appendix 2 and replace with:

APPENDIX 2 GENERAL LAYOUT OF THE PROJECT







- Legend**
- Stage 1 DA
 - Proposed Rail Loop
 - 33kV Power Line Easement
 - 66kV Power Line Easement

- Transport Shifft & Portal
- Access Road
- Employee Parking Area
- Office & Bath House
- Store
- Horses and Area
- Van Sustainer

- Emergency To Ings. Jam
- Product Stockpile
- ICPP
- Pushout Area
- 33kV Treatment Ponds
- 50kV Dam
- Rail Loop
- Rail Load Out Bin
- Raw Coal Stockpile
- Project Converter
- Raw Coal Stockpile
- 50kV Dam
- 50kV Dam
- 50kV Dam

Road

Wentwiler Road Direction

50kV Dam

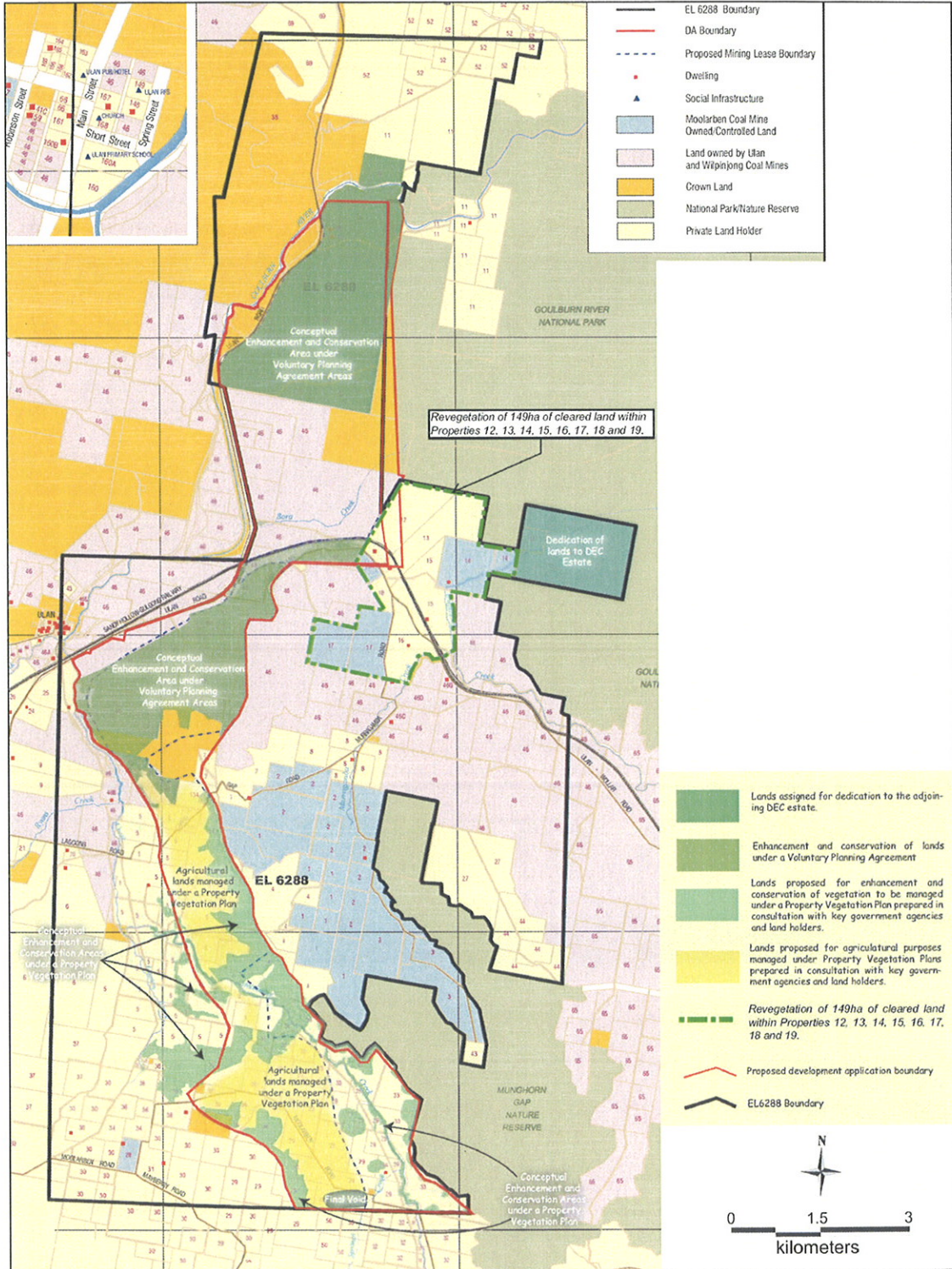
Line

Rail To Muswellbrook

Rail To Lithgow

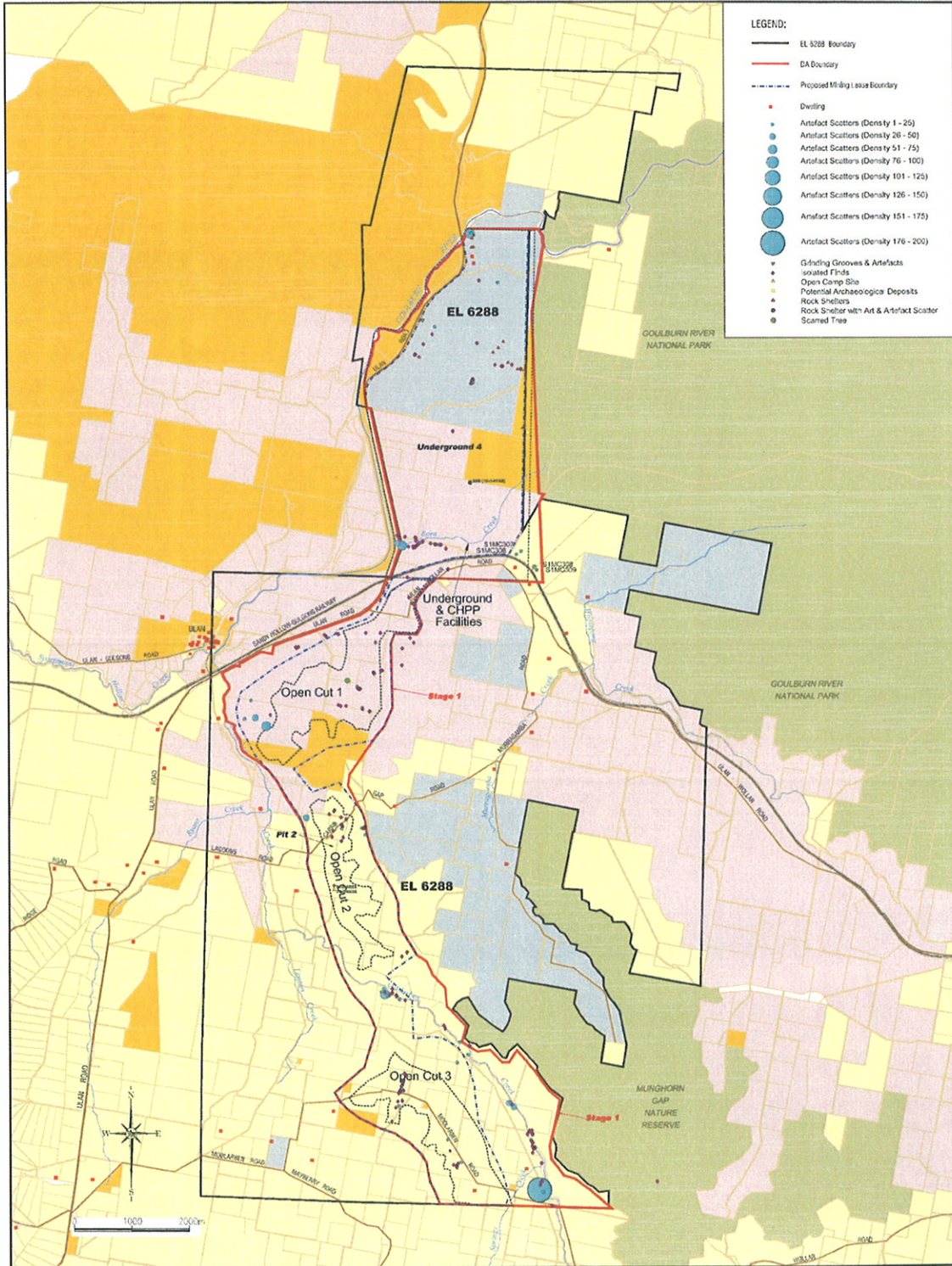
6. Delete Appendix 8 and replace with:

APPENDIX 8 REHABILITATION AND OFFSET STRATEGY



7. Delete Appendix 9 and replace with:

APPENDIX 9 ABORIGINAL HERITAGE LOCATIONS



Site Name	Site Type	X Centre	Y Centre	Artefact Density	Management Recommendation
S1MC1	Scarred Tree	760670	6424444	1	Left insitu
S1MC2	Artefact Scatter	760840	6424339	14	Surface Collection
S1MC3	Isolated Find	760846	6424309	1	Surface Collection
S1MC4	Isolated Find	760866	6424307	1	Surface Collection
S1MC5	Artefact Scatter	760867	6424306	3	Surface Collection
S1MC6	Isolated Find	760890	6424301	1	Surface Collection
S1MC7	Isolated Find	760867	6424294	1	Surface Collection
S1MC8	Isolated Find	760548	6424002	1	Surface Collection
S1MC9	Isolated Find	760508	6424018	1	Surface Collection
S1MC10	Isolated Find	760645	6424004	1	Surface Collection
S1MC11	Artefact Scatter	760924	6423968	3	Surface Collection
S1MC12	Isolated Find	760933	6423948	1	Surface Collection
S1MC13	Isolated Find	761054	6423910	1	Surface Collection
S1MC14	Isolated Find	761050	6423907	1	Surface Collection
S1MC15	Isolated Find	761252	6425269	1	Surface Collection
S1MC16	Isolated Find	761168	6425107	1	Surface Collection
S1MC17	Isolated Find	760997	6425271	1	Surface Collection
S1MC18	Isolated Find	759777	6425026	1	Conservation
S1MC19	Isolated Find	759786	6425012	1	Conservation
S1MC20	Isolated Find	759816	6425028	1	Conservation
S1MC21	Isolated Find	760296	6425214	1	Conservation
S1MC22	Isolated Find	760297	6425216	1	Conservation
S1MC23	Isolated Find	760269	6425239	1	Conservation
S1MC24	Isolated Find	760514	6425250	1	Surface Collection
S1MC25	Isolated Find	761802	6425783	1	Surface Collection
S1MC26	Isolated Find	761766	6425183	1	Conservation
S1MC27	Isolated Find	761828	6425100	1	Conservation
S1MC28	Isolated Find	761627	6425002	1	Conservation
S1MC29	Isolated Find	761619	6424707	1	Conservation
S1MC30	Isolated Find	761135	6424559	1	Surface Collection
S1MC31	Isolated Find	761132	6424567	1	Surface Collection
S1MC32	Isolated Find	761124	6424585	1	Surface Collection
S1MC33	Isolated Find	761125	6424584	1	Surface Collection
S1MC34	Isolated Find	761128	6424583	1	Surface Collection
S1MC35	Isolated Find	761125	6424584	1	Surface Collection
S1MC36	Isolated Find	761255	6424616	1	Conservation
S1MC37	Isolated Find	761255	6424616	1	Conservation
S1MC38	Isolated Find	761279	6424617	1	Conservation
S1MC39	Isolated Find	761279	6424617	1	Conservation
PAD 1	Pad 1	761452	6424581	N/A	Conservation
PAD 2	Pad 2	761265	6423464	N/A	Conservation
PAD 3	Pad 3	761265	6423392	N/A	Conservation

Site Name	Site Type	X Centre	Y Centre	Artefact Density	Management Recommendation
S1MC40	Artefact Scatter	760441	6421958	12	Test Excavations and Salvage
S1MC41	Isolated Find	760384	6421732	1	Test Excavations and Salvage
S1MC42	Isolated Find	760408	6421838	1	Test Excavations and Salvage
S1MC43	Artefact Scatter	760558	6421874	9	Test Excavations and Salvage
S1MC44	Isolated Find	760550	6421657	1	Test Excavations and Salvage
S1MC45	Isolated Find	760582	6421721	1	Test Excavations and Salvage
S1MC46	Isolated Find	760547	6421941	1	Test Excavations and Salvage
S1MC47	Isolated Find	760637	6422033	1	Test Excavations and Salvage
S1MC48	Isolated Find	760569	6421916	1	Test Excavations and Salvage
S1MC49	Isolated Find	760543	6422069	1	Test Excavations and Salvage
S1MC50	Isolated Find	760340	6422126	1	Test Excavations and Salvage
S1MC51	Isolated Find	760434	6422195	1	Test Excavations and Salvage
S1MC52	Isolated Find	760422	6422175	1	Test Excavations and Salvage
S1MC53	Artefact Scatter	759942	6422062	39	Conservation
S1MC54	Artefact Scatter	760966	6421764	3	Conservation
S1MC55	Rockshelter&Artefacts	760964	6421902	8	Conservation
S1MC56	Rockshelter&Artefacts	760936	6421882	1	Conservation
S1MC57	Artefact Scatter	760906	6421882	16	Conservation
S1MC58	Artefact Scatter	761241	6419040	10	Conservation
S1MC59	Artefact Scatter	761274	6419089	8	Conservation
S1MC60	Artefact Scatter	761555	6418906	12	Conservation
S1MC61	Isolated Find	761650	6418891	1	Conservation
S1MC62	Isolated Find	761503	6418958	1	Conservation
S1MC63	Isolated Find	761502	6418979	1	Conservation
S1MC64	Isolated Find	761502	6418979	1	Conservation
S1MC65	Isolated Find	761382	6418984	1	Conservation
S1MC66	Artefact Scatter	761345	6418974	24	Conservation
S1MC67	Artefact Scatter	761298	6418996	52	Conservation
S1MC68	Isolated Find	761300	6419026	1	Conservation
S1MC69	Isolated Find	761300	6419031	1	Conservation
S1MC70	Isolated Find	761427	6419023	1	Conservation
S1MC71	Isolated Find	761427	6419023	1	Conservation
S1MC72	Isolated Find	761421	6419023	1	Conservation
S1MC73	Isolated Find	761429	6419089	1	Conservation
S1MC74	Isolated Find	761687	6419730	1	Conservation
S1MC75	Isolated Find	761683	6419722	1	Conservation
S1MC76	Isolated Find	761683	6419722	1	Conservation
S1MC77	Isolated Find	761597	6419653	1	Conservation
PAD 4	Pad 4	761685	6419735	N/A	Conservation

Site Name	Site Type	X Centre	Y Centre	Artefact Density	Management Recommendation
PAD 5	Pad 5	761685	6419735	N/A	Conservation
PAD 6	Pad 6	761341	6420748	N/A	Conservation
36-3-0222	Artefact Scatter	760420	6420820	6	Intensive Recording and Salvage
36-3-0223	Isolated Find	760420	6420880	1	Intensive Recording and Salvage
S1MC78	Artefact Scatter	761628	6417183	12	Test Excavations and Salvage
S1MC79	Isolated Find	761592	6417154	1	Test Excavations and Salvage
S1MC80	Isolated Find	761535	6417281	1	Surface Collection
S1MC81	Isolated Find	761547	6417308	1	Surface Collection
S1MC82	Isolated Find	761563	6417309	1	Surface Collection
S1MC83	Isolated Find	761557	6417330	1	Surface Collection
S1MC84	Artefact Scatter	761580	6417360	6	Surface Collection
S1MC85	Isolated Find	761613	6417323	1	Surface Collection
S1MC86	Isolated Find	761612	6417508	1	Surface Collection
S1MC87	Isolated Find	761615	6417500	1	Surface Collection
S1MC88	Isolated Find	761608	6417465	1	Surface Collection
S1MC89	Isolated Find	761591	6417421	1	Surface Collection
S1MC90	Isolated Find	761579	6417403	1	Surface Collection
S1MC91	Isolated Find	761631	6417624	1	Surface Collection
S1MC92	Isolated Find	761659	6417596	1	Surface Collection
S1MC93	Isolated Find	761659	6417588	1	Surface Collection
S1MC94	Artefact Scatter	761638	6417728	3	Surface Collection
S1MC95	Isolated Find	762537	6415994	1	Surface Collection
S1MC96	Isolated Find	762530	6416009	1	Surface Collection
S1MC97	Isolated Find	762523	6416029	1	Surface Collection
S1MC98	Isolated Find	762475	6416038	1	Surface Collection
S1MC99	Isolated Find	762553	6416059	1	Surface Collection
S1MC100	Isolated Find	762414	6416282	1	Surface Collection
S1MC101	Isolated Find	762415	6416282	1	Surface Collection
S1MC102	Artefact Scatter	762379	6416477	3	Surface Collection
S1MC103a	Artefact Scatter	762693	6416081	2	Surface Collection
S1MC103	Artefact Scatter	763978	6415601	184	Conservation
S1MC104	Artefact Scatter	764042	6415564	4	Conservation
S1MC105	Isolated Find	763996	6415683	1	Conservation
S1MC106	Isolated Find	764013	6415735	1	Conservation
S1MC107	Isolated Find	766017	6415739	1	Conservation
S1MC108	Isolated Find	764026	6415756	1	Conservation
S1MC109	Isolated Find	764023	6416068	1	Conservation
S1MC110	Isolated Find	764118	6416246	1	Conservation
S1MC111	Isolated Find	764135	6416310	1	Conservation
S1MC112	Isolated Find	764136	6416312	1	Conservation
S1MC113	Isolated Find	764140	6416326	1	Conservation
S1MC114	Isolated Find	764148	6416337	1	Conservation
S1MC115	Isolated Find	764124	6416425	1	Conservation
S1MC116	Isolated Find	764114	6416357	1	Conservation
S1MC117	Isolated Find	764095	6416462	1	Conservation

Site Name	Site Type	X Centre	Y Centre	Artefact Density	Management Recommendation
S1MC118	Isolated Find	764026	6416575	1	Conservation
S1MC119	Isolated Find	764027	6416566	1	Conservation
S1MC120	Isolated Find	764095	6416601	1	Conservation
S1MC121	Isolated Find	764111	6416632	1	Conservation
S1MC122	Isolated Find	764066	6416619	1	Conservation
S1MC123	Isolated Find	764064	6416622	1	Conservation
S1MC124	Isolated Find	764070	6416630	1	Conservation
S1MC125	Isolated Find	764058	6416612	1	Conservation
S1MC126	Isolated Find	764056	6416612	1	Conservation
S1MC127	Isolated Find	764121	6416573	1	Conservation
S1MC128	Isolated Find	764161	6416333	1	Conservation
S1MC129	Isolated Find	764118	6416557	1	Conservation
S1MC130	Artefact Scatter	762600	6418163	23	Conservation
S1MC131	Isolated Find	762763	6418104	1	Conservation
S1MC132	Artefact Scatter	763451	6417107	33	Conservation
S1MC133	Artefact Scatter	763477	6417119	7	Conservation
S1MC134	Isolated Find	763507	6417086	1	Conservation
S1MC135	Artefact Scatter	763535	6417042	32	Conservation
S1MC136	Artefact Scatter	762737	6417948	5	Conservation
S1MC137	Isolated Find	762338	6418398	1	Conservation
S1MC138	Isolated Find	762315	6418451	1	Conservation
S1MC139	Artefact Scatter	762549	6417807	23	Test Excavations and Salvage
S1MC140	Artefact Scatter	761278	6416854	4	Conservation
S1MC141	Isolated Find	761409	6416796	1	Test Excavations and Salvage
S1MC142	Isolated Find	761479	6417036	2	Test Excavations and Salvage
S1MC143	Artefact Scatter	761535	6417066	3	Test Excavations and Salvage
S1MC144	Isolated Find	761519	6417142	1	Test Excavations and Salvage
PAD 8	Pad 8	761478	6421053	0	Conservation
PAD 9	Pad 9	761552	6421040	0	Conservation
PAD 10	Pad 10	761551	6421051	0	Conservation
PAD 11	Pad 11	761426	6420964	0	Conservation
PAD 12	Pad 12	761318	6420832	0	Conservation
S1MC225	Isolated Find	761752	6425887	1	Conservation
S1MC226	Isolated Find	761726	6426232	1	Conservation
S1MC227	Isolated Find	761825	6426206	1	Conservation
S1MC228	Artefact Scatter	762428	6426370	13	Conservation
S1MC229	Isolated Find	762430	6426375	1	Conservation
S1MC230	Artefact Scatter	761640	6426786	69	Test Excavations and Salvage
S1MC231	Isolated Find	761907	6426804	1	Test Excavations and Salvage
S1MC232	Isolated Find	761926	6426825	1	Test Excavations and Salvage

Site Name	Site Type	X Centre	Y Centre	Artefact Density	Management Recommendation
S1MC233	Artefact Scatter	761954	6426840	2	Test Excavations and Salvage
S1MC234	Isolated Find	761990	6426858	1	Test Excavations and Salvage
S1MC235	Isolated Find	762126	6426823	1	Test Excavations and Salvage
S1MC236	Artefact Scatter	762199	6426811	14	Test Excavations and Salvage
S1MC237	Isolated Find	762202	6426805	1	Test Excavations and Salvage
S1MC238	Isolated Find	762211	6426803	1	Test Excavations and Salvage
S1MC239	Isolated Find	762220	6426805	1	Test Excavations and Salvage
S1MC240	Artefact Scatter	762231	6426802	7	Test Excavations and Salvage
S1MC241	Artefact Scatter	762272	6426800	10	Test Excavations and Salvage
S1MC242	Isolated Find	762291	6426800	1	Test Excavations and Salvage
S1MC243	Isolated Find	762310	6426800	1	Test Excavations and Salvage
S1MC244	Artefact Scatter	761552	6426828	30	Conservation
S1MC245	Isolated Find	761747	6426767	1	Test Excavations and Salvage
S1MC246	Isolated Find	761820	6426775	1	Test Excavations and Salvage
S1MC247	Isolated Find	761831	6426745	1	Test Excavations and Salvage
S1MC248	Isolated Find	761863	6426758	1	Test Excavations and Salvage
S1MC249	Isolated Find	761863	6426771	1	Test Excavations and Salvage
S1MC250	Isolated Find	761860	6426773	1	Test Excavations and Salvage
S1MC252	Isolated Find	761867	6426779	1	Test Excavations and Salvage
S1MC253	Isolated Find	761870	6426772	1	Test Excavations and Salvage
S1MC254	Artefact Scatter	763332	6431357	2	Conservation
S1MC255	Isolated Find	763332	6431357	1	Conservation
S1MC256	Artefact Scatter	762878	6429620	23	Monitor subsidence
S1MC257	Artefact Scatter	762850	6429600	4	Conservation
S1MC258	Artefact Scatter	762865	6429652	2	Conservation
S1MC259	Isolated Find	762889	6429671	1	Conservation
S1MC260	Isolated Find	762849	6429605	1	Conservation
S1MC261	Rockshelter&Artefact	762876	6429660	2	Conservation
S1MC262	Isolated Find	762876	6429676	1	Conservation
S1MC263	Isolated Find	762177	6430458	1	Conservation
S1MC264	Grinding Grooves & Artefacts	762010	6430705	78	Monitor subsidence: intensive recording.
S1MC265	Artefact Scatter	762224	6430592	3	Conservation
S1MC266	Isolated Find	763000	6431393	1	Conservation
S1MC267	Rockshelter&Artefact	761945	6430063	10	Monitor subsidence

Site Name	Site Type	X Centre	Y Centre	Artefact Density	Management Recommendation
S1MC268	Isolated Find	761875	6430102	1	Conservation
S1MC269	Isolated Find	761882	6430110	1	Conservation
S1MC270	Isolated Find	762024	6430287	1	Monitor subsidence
S1MC271	Rockshelter&Artefacts	763749	6428829	8	Monitor subsidence
S1MC272	Artefact Scatter	763827	6428747	2	Conservation
S1MC273	Isolated Find	762660	642864	1	Conservation
S1MC274	Isolated Find	761580	6426932	1	Conservation
S1MC275	Isolated Find	761878	6426869	1	Conservation
S1MC276	Isolated Find	761877	6426917	1	Conservation
S1MC277	Isolated Find	761862	6426931	1	Conservation
S1MC278	Isolated Find	761688	6426940	1	Conservation
S1MC279	Isolated Find	761551	6426963	1	Conservation
S1MC280	Rockshelter&Artefacts	762822	6427883	45	Monitor subsidence: Intensive recording.
S1MC281	Artefact Scatter	762865	6432219	11	Monitor subsidence
S1MC282	Artefact Scatter	762851	6432207	65	Monitor subsidence
S1MC283	Rockshelter&Artefacts	762912	6432185	6	Monitor subsidence
S1MC284	Rockshelter&Artefacts	762877	6432127	8	Monitor subsidence
S1MC285	Rockshelter&Artefacts	762905	6431976	2	Monitor subsidence
S1MC286	Rockshelter&Artefacts	762868	6431969	28	Monitor subsidence
S1MC287	Rockshelter&Artefacts	763240	6430143	28	Monitor subsidence: Intensive recording.
S1MC288	Rockshelter&Artefacts	763336	6430223	1	Monitor subsidence: Intensive recording.
S1MC289	Rockshelter&Artefacts	763795	6429838	9	Monitor subsidence: Intensive recording.
S1MC290	Rockshelter&Artefacts	763739	6429835	5	Monitor subsidence: Intensive recording.
S1MC291	Isolated Find	763726	6429853	1	Monitor subsidence: Intensive recording.
S1MC292	Isolated Find	763406	6429904	1	Monitor subsidence: Intensive recording.
S1MC293	Isolated Find	763385	6429901	1	Monitor subsidence: Intensive recording.
S1MC294	Rockshelter&Artefacts	763673	6429849	2	Monitor subsidence: Intensive recording.
S1MC295	Isolated Find	763273	6429928	1	Monitor subsidence: Intensive recording.
S1MC296	Rockshelter&Artefacts	763503	6429961	12	Monitor subsidence: Intensive recording.
S1MC297	Rockshelter&Artefacts	763420	6430329	5	Monitor subsidence: Intensive recording.
PAD 7	Pad 7	763846	6428750	0	Conservation
S1MC298	Artefact Scatter	759258	6423654	75	Test Excavation & Salvage
S1MC299	Isolated Find	759331	6423850	1	Surface Collection
S1MC300	Artefact Scatter	759071	6423798	41	Intensive Recording & Surface Collection
S1MC301	Artefact Scatter	758997	6424100	10	Surface Collection
S1MC302	Artefact Scatter	758881	6423779	20	Surface Collection

Site name	Site Type	CX Centre	Y Centre	Artefact Density	Management Recommendation
SIMC 306	Isolated find	763630	6426632	1	Surface Collection
SIMC 307	Isolated find	763714	6426587	1	Surface Collection
SIMC 308	Artefact Scatter and PAD	763945	6426408	2 and PAD	Test excavation and salvage
SIMC 309	Isolated Find	763991	6426357	1	Surface Collection