

Notice of Modification

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

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



Frank Sartor MP
Minister for Planning

Sydney

4th June

2007

File No: S97/00573

SCHEDULE 1

The project approval (05_0065) granted by the Minister for Planning for open cut mining operations at the Invincible Colliery on 7 September 2006.

SCHEDULE 2

1. Delete condition 2 of schedule 2 and replace with:

The Proponent shall carry out the project generally in accordance with:

- (a) Project Application 05_0065;
- (b) EA titled *Environmental Assessment – For Proposed Extension of Invincible Open Cut Mine and Rehabilitation Activities*, dated March 2006 and prepared by Craven, Elliston & Hayes (Lithgow) Pty Limited;
- (c) Modification application (05_0065-MOD-1) and accompanying EA titled *Application to Allow Washing of Coal Recovered from the Invincible Open Cut Coal Mine Extension*, dated March 2007; and
- (d) conditions of this approval.

2. Delete condition 3 of schedule 2 and replace with:

If there is any inconsistency between the above documents, the latter document shall prevail over the former to the extent of the inconsistency. However, the conditions of this consent shall prevail over all other documents to the extent of any inconsistency.

3. In condition 7 of schedule 2, replace the words "shall not" with "may".