



# Australian Pacific Coal

ASX RELEASE

3 June 2021

## Dartbrook – Modification 7 Update

Australian Pacific Coal Limited ('AQC' or 'Company') refers to its ASX Release of 27 April 2021. As previously announced AQC sought leave to appeal the decision of the Land and Environment Court to join the Hunter Thoroughbred Breeders Association (HTBA) to the proceedings the Company has commenced about the determination of its application to modify the development consent for the Dartbrook Coal Mine. The application for leave to appeal has now been decided by the NSW Court of Appeal<sup>1</sup>. The Court of Appeal has granted leave, allowed the appeal, and removed the HTBA as a party to the Land and Environment Court proceedings. It has also ordered the HTBA to pay AQC's costs of the appeal.

AQC is currently considering the Court of Appeal's judgement and its implications for the agreement it has reached with the Minister for Planning and Public Spaces under s34(3) of the Land and Environment Court Act 1979 about the 5 year extension of mining operations under the development consent for the Dartbrook Coal Mine. AQC will provide a further update on the status of the Land and Environment Court litigation and the modification once it has fully considered the judgment.

This announcement has been authorised for release by the CEO.

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<sup>1</sup> The decision can be accessed at <https://www.caselaw.nsw.gov.au/decision/179b05c338541a18ac64911d>