



# Australian Pacific Coal

ASX RELEASE

19 July 2021

## Dartbrook – Modification 7 Update

Australian Pacific Coal Limited ('AQC' or 'Company') refers to its ASX Release of 28 June 2021. As previously announced AQC has now entered into a revised agreement with the Minister for Planning and Public Spaces under s34(3) of the *Land and Environment Court Act 1979* (LEC Act) about the 5 year extension of mining operations under the development consent for the Dartbrook Coal Mine. The revised agreement does not change the conditions proposed under the previous s34 agreement but addresses a potential jurisdictional issue arising from the judgment of the Court of Appeal which removed the Hunter Thoroughbred Breeders Association (HTBA) as a party to the Land and Environment Court proceedings.

As previously announced the HTBA, although now not a party to the litigation, made a further application the Land and Environment Court to participate in the Land and Environment Court proceedings under s38(3) of the LEC Act (to assist the Court in determining the proceedings) or as an amicus curiae (friend of the Court). Although AQC opposed HTBA's application the Land and Environment Court has permitted HTBA to a short submission on specified jurisdictional issues associated with the Court's power to impose conditions on the determination of the Mod 7 application. The submission is limited to 10 pages and must be filed by 23 July 2021. AQC will see a resumption of the s34 conference as soon as possible after the 23 July 2021 where it will be asking the Court to dispose of the proceedings in accordance with the revised s34 agreement. If the Court disposes of the proceedings on that basis it will have the effect of extending the operation of the development consent for the Dartbrook mine by 5 years.

This announcement has been authorised for release by the CEO.

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