

Australian Pacific Coal

ASX RELEASE 8 September 2021

Dartbrook – Modification 7 Update

Australian Pacific Coal Limited ('AQC' or 'Company') refers to its ASX Release of 19 July 2021. As previously announced AQC has entered into a revised agreement 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. 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.

The Land and Environment Court has been asked to dispose of the proceedings in accordance with the revised s34 agreement. The Court has now advised the parties that it considers there is a further jurisdictional issue arising from proposed condition 2.3(c) (which prevents mining in the Piercefield seam during the proposed 5 year extension period). AQC is in further discussions with the Minister's representatives about resolution of the jurisdictional issue and will provide a further update when those discussions have been finalised.

This announcement has been authorised for release by the CEO.

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