



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: S174/2025
File Title: MACH Energy Australia Pty Ltd v. Denman Aberdeen Musw
Registry: Sydney
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 05 Feb 2026

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

Form 27B – Appellant’s chronology

Note: see rule 44.02.3.

IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

ON APPEAL FROM THE COURT OF APPEAL OF THE SUPREME COURT OF NEW
SOUTH WALES

BETWEEN:

MACH ENERGY AUSTRALIA PTY LTD

ABN 34608495441

Appellant

and

**DENMAN ABERDEEN MUSWELLBROOK SCONE HEALTHY
ENVIRONMENT GROUP INC**

First Respondent

INDEPENDENT PLANNING COMMISSION OF NSW

Second Respondent

APPELLANT’S CHRONOLOGY

Part I: CERTIFICATION

This chronology is in a form suitable for publication on the Internet.

Part II: CHRONOLOGY OF PRINCIPAL EVENTS

DATE	EVENT	REFERENCE
22 December 1999	Development Consent (DA92/97) was granted for the Mount Pleasant Coal Mine (Mine).	CAB 10 [7], 76 [186], 165 [137]
2016	The Appellant (MACH Energy) purchased the Mine.	CAB 10 [7]
2018	MACH Energy commenced mining operations at the Mine.	CAB 10 [7], 165 [137]

19 January 2021	MACH Energy lodged State Significant Development Application SSD 10418 (SSD Application) for the Mount Pleasant Optimisation Project (Project) under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) (EP&A Act).	CAB 10 [9], 166 [138]
22 January 2021	The Environmental Impact Statement (EIS) was lodged with the Department of Planning, Industry and Environment (Department).	CAB 11 [10], 130 [7], 166 [138], 205-206 (items 5-13)
3 February 2021 – 17 March 2021	The SSD Application and the EIS were publicly exhibited, during which time the Department received public submissions.	CAB 11 [10], 131 [12]
1 July 2021	MACH Energy lodged a Response to Submissions Report with the Department.	CAB 207 (item 21)
9 September 2021	The Minister wrote to the Second Respondent, the Independent Planning Commission (IPC), requiring it to hold public hearings.	CAB 11 [11], 131 [13], 166 [139], 206 (item 15)
10 December 2021	The Climate Assessment Branch (CAS) provided advice to the Department in relation to greenhouse gas emissions (CAS Report).	CAB 166 [142], 206 (item 16)
31 March 2022	MACH Energy made a submission to the Department in response to the CAS Report.	CAB 25 [140], 206 (item 17)
31 May 2022	The Department submitted the Department Assessment Report to the IPC and recommended conditions of development consent.	CAB 11 [11], 131 [14], 166 [140]
1 June 2022	The Department finalised its whole-of-government assessment and referred the	CAB 11 [12]

	SSD Application to the IPC for determination under s 4.38 of the EP&A Act.	
4 July 2022	Legal representatives for MACH Energy provided the IPC with a submission on greenhouse gas emissions and climate change.	CAB 210 (item 40)
5 July 2022	Legal representatives for MACH Energy wrote to the IPC responding to submissions that the Project would become a stranded asset and enclosed a Coal Market Substitution Study prepared by CRU Consulting.	CAB 210 (item 41)
7-8 July 2022	Public Hearings conducted by the IPC.	CAB 133 [19], 166 [140]
20 July 2022	The First Respondent (DAMSHEG) lodged written submissions and evidence with the IPC.	CAB 133 [20], 207 (item 22)
23 to 30 August 2022	The IPC reopened public submissions.	CAB 11 [14]
6 September 2022	The IPC granted development consent for the SSD Application, being SSD-10418 (Development Consent).	CAB 9 [1], 12 [15], 128 [1], 133 [21],
6 December 2022	DAMSHEG commenced proceedings 2022/367759 in the Land and Environment Court (LEC) seeking judicial review of the decision to grant the development consent (LEC Application).	N/A
19 August, 9 September 2024	Robson J dismissed DAMSHEG's LEC Application: <i>Denman Aberdeen Muswellbrook Scone Healthy Environment</i>	CAB 111

	<i>Group Inc v MACH Energy Australia Pty Ltd</i> [2024] NSWLEC 86 (LEC Judgment).	
18 November 2024	DAMSHEG filed a notice of appeal with the Court of Appeal of the Supreme Court of New South Wales (NSWCA) appealing the LEC Judgment.	CAB 117
26 May 2025	DAMSHEG filed its amended notice of appeal with the NSWCA.	CAB 115
24 July 2025	Ward P, Adamson JA and Price AJA rejected Ground 1 but upheld Ground 2 of DAMSHEG's appeal in <i>Denman Aberdeen Muswellbrook Scone Healthy Environment Group Inc v MACH Energy Australia Pty Ltd</i> [2025] NSWCA 163 (CA Judgment).	CAB 120, 200
21 August 2025	MACH Energy filed an application for special leave to appeal from part of the CA Judgment.	N/A
4 December 2025	MACH Energy's application for special leave to appeal from part of the CA Judgment was granted by this Court.	CAB 214
18 December 2025	MACH Energy filed its notice of appeal with this Court.	CAB 215-217
2 January 2026	DAMSHEG filed its notice of contention with this Court.	CAB 218-220

Dated 5 February 2026


Michael Izzo

mizzo@elevenwentworth.com | j davidson@sixthfloor.com.au
(02) 9221 1977 (02) 8915 2625

Joanna Davidson

Sebastian Hartford-Davis

hartforddavis@banco.net.au
(02) 9376 0680

Olivia Ronan

ronan@elevenwentworth.com
(02) 8231 5008