



HIGH COURT OF AUSTRALIA

7 October 2026

MACH ENERGY AUSTRALIA PTY LTD ABN 34608495441 v DENMAN ABERDEEN
MUSWELLBROOK SCONE HEALTHY ENVIRONMENT GROUP INC & ANOR
[2026] HCA 35

Today, the High Court dismissed an appeal from a judgment of the Court of Appeal of the Supreme Court of New South Wales. The appeal concerned whether the second respondent, the Independent Planning Commission of New South Wales ("the Commission"), complied with s 4.15(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act 1979* (NSW) ("the EPA Act") in approving a development application for the extension and expansion of the Mount Pleasant coal mine, an open cut coal mine in the Hunter Valley, New South Wales.

The appellant, MACH Energy Australia Pty Ltd ("MACH"), is the owner of the Mount Pleasant coal mine. Following public hearings, the Commission approved MACH's application to extend the life of the mine by 22 years and significantly expand its operations. While "Scope 3" emissions constituted 98 per cent of the project's total predicted emissions, the Commission did not impose any conditions aimed at minimising those emissions. The first respondent, Denman Aberdeen Muswellbrook Scone Healthy Environment Group Inc ("DAMSHEG"), applied for judicial review of that decision. The Land and Environment Court of New South Wales dismissed that application, but its decision was overturned by the Court of Appeal.

The appeal raised three issues. The first issue was whether the Court of Appeal was correct to hold that the Commission failed to take into consideration the "likely impacts of that development, including environmental impacts ... in the locality", as required by s 4.15(1)(b) of the EPA Act. The second issue was whether the Court of Appeal was correct to hold that the Commission took into consideration cl 2.20(1)(c) of the *State Environmental Planning Policy (Resources and Energy) 2021* (NSW) ("the Resources SEPP"), as required by s 4.15(1)(a)(i) of the EPA Act. Clause 2.20(1)(c) required the Commission to consider "whether or not the consent should be issued subject to conditions aimed at ensuring ... that greenhouse gas emissions are minimised to the greatest extent practicable". The third issue was whether the impact of climate change is capable of being an environmental impact in the locality of the development within the meaning of s 4.15(1)(b) of the EPA Act.

The High Court unanimously held that the Commission had complied with s 4.15(1)(b) of the EPA Act and that the third issue therefore did not arise. By majority, the High Court held that the Commission had failed to consider imposing conditions to minimise to the greatest extent practicable all greenhouse gas emissions, specifically "Scope 3" emissions, as required by cl 2.20(1)(c) of the Resources SEPP and s 4.15(1)(a)(i) of the EPA Act.

This statement is not intended to be a substitute for the reasons of the High Court or to be used in any later consideration of the Court's reasons.