

Please accept this objection to the proposed MACH Energy Mount Pleasant Modification 8

My objection is mostly based on climate change consequences and the validity of this application, including as a “modification”. I also object on community health grounds due to deteriorating air quality and in defence of biodiversity including for the endangered Hunter Delma, *Delma vescolineata* and raise concerns about water availability and quality. I also question the underlying approval process.

Brief Overview

MACH Energy bought the Mount Pleasant 92/97 lease from Rio Tinto in 2016, a years after the Paris Agreement and with less than 4 years left on the approval. They started work, assuming they would be granted a 6 year extension by way of a modification request to the Department of Planning. Their Modification 3 proposal was met with staunch community opposition, including from Friends of the Upper Hunter and the Hunter Thoroughbred Breeders Assoc, Hunter New England Health and Muswellbrook Shire Council and the Denman Aberdeen Muswellbrook Scone Healthy Environment Group.

On receiving the 6 year extension MACH then lodged an EIS for the Optimisation Project which would audaciously extend mining to 2048 and double production to 21Mt/yr. Climate impacts were already being experienced locally and around the world, including in the forms of heatwaves, extreme drought, extreme bushfires and extreme flooding.

DAMS HEG called for a Judicial Review of the IPC approval in the Land and Environment Court, in 2023 and lost the case in 2024. Dams Heg appealed the decision in the Court of Appeals in 2025 and won. The development consent was declared invalid for failure to consider a mandatory consideration and sent back to the Land and Environment Court to see if conditions could be applied to validate the development consent. Instead of returning to the L&E Court, MACH was granted Special Leave to Appeal in the Australian High Court.

MACH then lodged with DPIE a smaller parallel expansion proposal as Modification 8.

MACH seems indifferent to the court’s invalidation of its approval leaving the following on its website

“Activities at Mount Pleasant Operation are currently occurring in accordance with both Development Consents SSD 10418 and DA 92/97, as well as other statutory approvals.”

The 3 Court of Appeals judges unanimously declared the SSD 10418 invalid. DPIE also needed a legal reminder to update the invalidation information to its website.

DPIE is familiar with the landmark “Denman Decision”, which establishes that environmental (climate impacts) of the Scope 3 emissions are to be considered in the locality, of the project, ie here in NSW.

Similarly, the Department understands the reason NSW has Net Zero targets and that the recent Net Zero Commission *Focus on Coal* document, which points to the most effective way Australia can reduce greenhouse emissions is by not offering fossil fuel exploration licences or approving new projects or expansions.

Likewise, the 1992 Rio Earth Summit produced Agenda 21, Sustainable Development Goals for this century including SDG 7 *“Ensuring access to affordable, reliable, sustainable and modern energy for all”* as a focus of global cooperation. Thirty four years on “The phase-out of coal power generation needs to be accelerated globally” will be discussed by the Expert Group of SD7 March 2026 in Geneva, because we are likely to exceed 1.5°C and need to transition faster.

The recent historic International Court of Justice (ICJ) decision in favour of the Pacific Island students included-

“States must prevent environmental harm”

And “that climate change is not only governed by treaties like the Paris Agreement. It confirmed the existence of a customary duty to prevent harm to the climate system. This means that all states, whether or not they are a party to a climate treaty, are under a duty to take action to achieve “deep, rapid and sustained” cuts in emissions. This duty requires regulating corporations.”

The High Court is still to determine future of Mount Pleasant Optimisation Project (SSD 10418)

MACH Energy has taken the Denman Aberdeen Muswellbrook Scone Healthy Environment Group Inc to the Australian High Court to try and overturn the NSW Court of Appeals unanimous dismissal of the IPC’s approval of the Optimisation Project on climate grounds.

It seems a highly inappropriate time to lodge a modification that is a mini version of the case in court, ahead of the court decision.

The “Denman Decision” establishes that the actual impact **here** of Scope 3 emissions needs to be considered. Japan, Korea, China and Taiwan burn Australian coal and that is where those emissions are attributed. However, the climate impacts are felt globally and we will experience them disproportionately as described by Prof P Sackett.

Modification 8 is an expansion of the coal currently mined by MACH Energy, it is also an increase in duration of mining, leading to an intensification of the air pollution problem, the landscape desecration and the obliteration of horizons by mountains of overburden.

Appendix F, Landscape and Visual Impact Assessment, reveals a substantial deviation from the established horizons of Mod 3. The ATTACHMENT A VISUAL MAGNITUDE GRID TOOL VIEWPOINT

ANALYSIS captures some of the closing in of the near horizon to a view of very high overburden mountains and concurrently blocking out the far horizon by those overburden mountains, from various viewing points. This is far from substantially the same outcome as Mod 3 or 4.

Mod 8 is an expansion, it is not substantially the same. The second pit will result in a second final void. If approved, the approval is likely short step to another Mod for another 6 years, if the High Court upholds the Court of Appeal's "Denman Decision".

This company needs to act with the global community, addressing climate change, and not be an active underminer of all such action.

That the company chose to proceed with the development of a massively expensive and destructive road project and start ground works north of Castle Rock Rd when its relinquished Mod 3 extension has been further extended by Planning, beyond Feb 2026, by an unspecified amount of time (presumably to Dec 2026) means the Department might look to be partial to the project without respect of the legal process and possible consequences.

So, when MACH Energy puts up a Modification proposal ahead of this case, presumably in case it loses, to extend the mine for a further **6 years** and even **increase its production rate by 19%**, it looks like a cynical undermining of the approval processes.

Problematic Process

MACH Energy's big spend of ~\$70M on the Castlerock Link Road and north of Castlerock Rd earthworks beyond its Feb 2026 approval and with a nod from DPIE is at least incautious and raises concern at the blatant disregard of the process and potential outcome of both the High Court hearing and this Modification 8 application. The proponents are not taking the legal process or climate change seriously and it is worrying if they seem to be being facilitated by the DPIE.

There is a clear history of intimidation by this industry, notably the public campaign against Kevin Rudd's Super Tax Profit, effectively destabilizing the Australian government. The EU has laws to prevent Strategic Litigation Against Public Participation (SLAPP) suits like Santos used against the Tiwi Island Community and ultimately the Environmental Defenders Office. The intimidating effect of that case rippled through to organisations and philanthropists, even though they would like Australia to be a more responsible player in combatting Climate Change.

Climate Change

Climate change is with us and wreaking havoc in the Hunter, in NSW, in Australia and around the world. The costs are cumulative, compounding and continuous, if unpredictable in nature. The argument for continued mining is around jobs and royalties, the benefit of which does not meet the climate mitigation needs now and can certainly not prevent the ongoing disasters into the future, well after the money is spent and the coal is burnt. The economic benefits provided by the mine will end with mining. The climate impacts will last for centuries. Many coal miners have trades to which they can return, there is a general worker shortage so that retraining needs to be made a viable option for workers experiencing the transition.

I know many people in NSW who have lost their homes in different flood and fire events. 10 years ago, I didn't know anyone in those circumstances. Climate change impact via severe droughts, extended heatwaves, extreme flooding events with flow on consequences to health, physical and mental, income and enjoyment of life. Roads and bridges have washed out and local councils lack the capacity to meet the challenges of these major events, for example the 200m 2m wide and deep washout of Dorset Rd on the way to my place (during the Lismore floods) took one year to be repaired, despite state disaster funding being made almost immediately.

Larger scale, but only locally reported, was the Glennies Creek Spillway, which carried so many boulders downstream as to block the creek and flood the upstream causeway, necessitating difficult rescues for local elderly people across fast flowing water. Residents were unable to get home for weeks. Backed up septic systems overflowed. Hunter Water is said to be unable to afford full remediation.

Similarly, while the news was focussed on the devastation in Taree, back flooding from storm water and sewage was also a trauma for families in Newcastle and 15 homes were condemned in New Lambton because of land slips.

Roads and bridges are still being repaired and people remain homeless from the Lismore floods. These are a couple of examples of our ill preparedness to deal with climate consequences administratively and the scale of costs that have not been considered when talking economic benefit of the project.

They not reflect the horror of loss of life, homes or livestock in the major catastrophic flood and fire events happening so frequently in Australia and around the world, but they do speak to the real economic cost and our incapacity to keep up, now. Climate change is locked in for the while, what is variable is the degree.

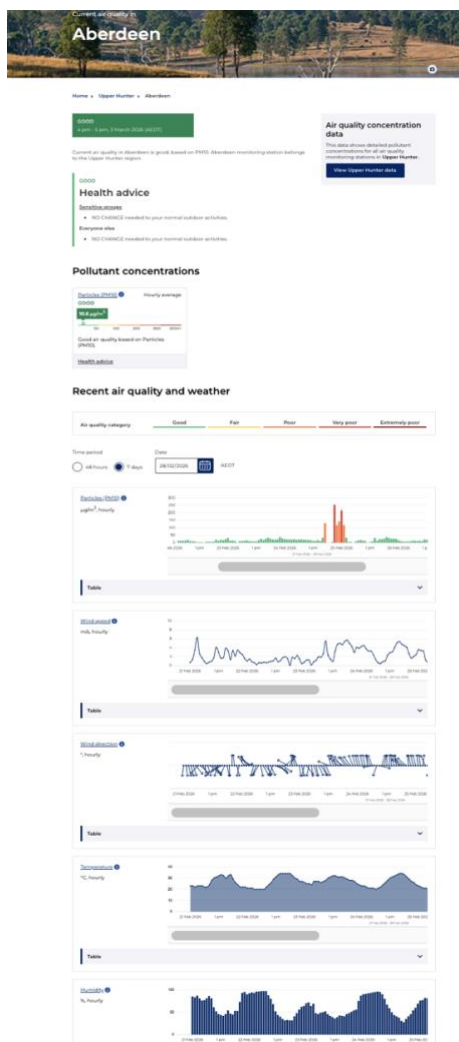
The recent climate signature disasters include this year's flooding in Northern Territory, Queensland and Central Australia, NSW and Victoria, with bushfires and drought immediately preceding these disasters for too many people.

The scale and frequency of these events outstrip current capacity and the events are cascading and will predictably increase and intensify. Even if we could stop all CO₂ and other greenhouse gas emissions today, everywhere, we will continue to suffer these catastrophic events. We need to phase out fossil fuels as quickly as is possible. The scientists tell us every 0.1°C rise wreaks significantly more havoc and conversely every 0.1°C avoided translates as significantly less consequent suffering.

Air Quality

MACH Energy has had the good fortune to have had the wettest five years on record to develop their high impact and dusty project 3 km upwind of Muswellbrook. While PM 10 monitors have been frequently sending health alerts in this period, the unusually wet weather has provided a lot of dust suppression. This summer however, has been hot and dry, and the PM 10 alerts have been occurring more frequently. Increased PM 10 levels trigger asthma, a particularly distressing (and potentially fatal) illness especially when it requires hospitalisation of young children and the elderly.

Hunter New England Health opposed the SSD Optimisation application, reasoning that PM2.5 and PM10 levels **already exceeded** NEPM standards.



This is a recent bad air event awaiting investigation by the EPA 25th Feb 2026 for Aberdeen.

The Loss of our Natural Heritage

Many Australians grieve the already degraded Great Barrier Reef and Ningaloo, sacrificed to inaction on global warming, yet more marine horrors are unfolding as seen these last 12 months in South Australia.

Closer to home, the Hunter has its own species of legless lizard, the Hunter Delma, *Delma vescolineata*, of which there are six known populations, with one being on the mine site. 4 survey sites on an adjacent property revealed just one of these endangered species.

It is shocking to see millions of years of evolution being extinguished, on our watch.

When the Department tallies the “for” vs the against” numbers and location of the participants, please remember that anybody that has a contract or lease with MACH Energy has signed a “gag order” to not complain about anything, including air pollution, no matter their or their family’s health, asthma etc.

Yours sincerely

Wendy Wales

The only *Delma vescolineata* found on one of 4 survey sites on our property in Kayuga

