

MGO

MT OWEN / GLENDELL

GLENCORE

4 April 2022

Mr Stephen Barry
Planning Director
Office of the Independent Planning Commission

Dear Stephen,

Glendell Continued Operations Project (SSD 9349) and Mount Owen Continued Operations (SSD 5850) Modification – Comments on Heritage NSW Transcript

Glencore provides the following comments in relation to the transcript of the meeting between the IPC, Heritage NSW, NSW Heritage Council and the Department of Planning and Environment on 28 March 2022. Specifically our comments relate to Ms Dianne Leeson's acknowledgement that there are conflicting views amongst registered Aboriginal parties about the significance of Ravensworth Estate, and Ms Leeson seeking examples of other sites where there are conflicting views and opinions between Aboriginal groups as to the significance of a site.¹

We note that while the transcript of this meeting also contains other issues that warrant correction and clarification those issues are generally covered elsewhere in materials submitted by Glencore.

In addressing representatives of Heritage NSW, Ms Leeson stated:

*"I think what I'm interested in is, you know, if you've had examples of sites or areas that have actually been contested amongst different Aboriginal groups themselves and how you've managed to sort of work your way through those."*²

In making submissions as to such other sites, Heritage NSW representatives referred to two sites in NSW, being the Appin massacre sites and the Bundian Way in Kosciuszko. In respect of these sites, the representatives stated (emphasis added):

1. regarding the Appin massacre sites: *"there is a certainly a more consistent view in the Aboriginal community about the preservation of that place and about the importance of conserving it to ensure that the stories, those intangible values around early settler Aboriginal community interactions are preserved and recognised and become an element of truth-telling in relation to those early interactions to acknowledge them and be able to reflect on them."*³
2. regarding the Bundian Way: *"...that's around a very significant story which Aboriginal groups can tell that story best so it's not a contest on the significance of that travelling route in that sense but it's just around*

¹ Transcript of Proceedings, P-6 [16].

² Transcript of Proceedings, P-6 [33].

³ Transcript of Proceedings, P-6 [25].

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*that engagement piece and broad engagement so that everyone that owns it can contribute to that understanding and heritage listing, a statutory protection at the end of the process."*⁴

Further, Glencore notes that the above statement that the Bundian Way's significance to Aboriginal groups is not contested is reinforced by the publicly-available [report](#) 'Independent Assessment of Cultural Landscape(s) extending from the Great Divide to Eden – Final Report – May 2021' produced by GML Heritage. That report acknowledges that there are a range of views in the Aboriginal community as to the specific contentions which together comprise 'the Bundian Way', but relevantly states:

*"All interviewees have expressed, to varying degrees, that the pathway could be representative of a network of interconnected routes, but the current SHR listed item is not an actual 'pathway' along its full length".*⁵

It is evident from the information set out above that there is unanimity in the respective Aboriginal communities that the Appin massacre sites and the Bundian Way are both significant.⁶ This unanimity stands in stark contrast to the Ravensworth Estate, where the significance of the site itself is contested between interested Aboriginal groups. This contest is expressly addressed in the Department of Planning and Environment's Assessment Report into the Glendell Continued Operations Project dated February 2022, which states:

- *"The Department notes the significance of the Ravensworth Homestead is contested by other Registered Aboriginal Parties (RAPs)."*⁷
- *"Some stakeholders, including the Heritage Council and the Plains Clan of the Wonnarua People (PCWP) Aboriginal group, suggest that Ravensworth is highly significant for its reported association with frontier conflict between European and Aboriginal people, including a reported massacre."*⁸
- *"Other Aboriginal stakeholders have presented a very different perspective, including the Wonnarua Nation Aboriginal Corporation (WNAC), which believes that there is nothing more significant about the project area than other areas. WNAC has stated that it is not aware of a massacre at Ravensworth, noting that their ancestors would have known about such an incident."*⁹

In light of the above, Glencore respectfully submits that, compared with circumstances relevant to the Ravensworth Estate, the Appin massacre sites and the Bundian Way cannot accurately be considered to be "examples" of sites or areas where the significance of those sites or areas have been contested amongst different Aboriginal groups. Accordingly, Glencore cautions against relying on these matters for the purpose of using them as examples of how to deliberate on a site – like Ravensworth – where significance itself is certainly contested.

⁴ Transcript of Proceedings, P-7 [7].

⁵ GML Heritage report, page 96 of PDF.

⁶ It is not contested that the Bundian Way is significant, more so what it is/comprises and who can speak for it.

⁷ Assessment Report, paragraph 20.

⁸ Assessment Report, paragraph 172.

⁹ Assessment Report, paragraph 173.

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Finally we note that Aboriginal Place declarations are in place for a number of Aboriginal sites in the Hunter Valley, which include Baiame Cave and St Clair Mission, with there being generally unified agreement on the significance of these sites broadly across the Aboriginal community.

Should you require any further information in relation to the above then please do not hesitate to contact the undersigned.

Yours sincerely,

A black rectangular redaction box covering the signature of Shane Scott.

Shane Scott
Coal Assets Australia, GLENCORE

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