

SUBMISSION ON ADDITIONAL MATERIAL - GLENDELL CONTINUED OPERATIONS – SSD 9349 & SSD 5850 MOD 4

22 April 2022

Thank you for the opportunity to provide a further submission on the Glendell Continued Operations Project following the release of new information from the Applicant and the transcript of the IPC's meeting with Heritage NSW and the Heritage Council:

1. Applicant's response (Part 1) to questions taken on notice, plus two (2) attachments (dated 23 March 2022)
2. Applicant's response (Part 2) to questions taken on notice (dated 23 March 2022)
3. Transcript from the Heritage NSW meeting (28 March 2022)
4. DPE Response to questions on notice (30 March 2022)

Procedural fairness

We are disappointed that the IPC in its statement appears to have accepted a late submission from Glencore and then appears to have ruled out considering further comment on the Applicant's late submission, not published on the IPC's web page until Wednesday 13 April.

"The Commission has reviewed [Glencore's submission, dated April 2022, responding to the Environmental Defenders Office's Submission to the IPC](#) and is of the opinion it presents no materially new information requiring further submissions. As such, the Panel is not seeking comment on the Glencore submission."

The [Commission's statement to this effect dated 13 April](#) is not linked in the email to submitters inviting comment and it could easily be missed by a visitor to the Commission's website.

In fairness, since the Applicant's submission was made *after* the deadline for submissions, the submission should NOT have been provided to the Commission at all. Lock the Gate Alliance has provided additional information to the IPC on a number of occasions after the deadline for submission on previous mining projects, and was informed by the Secretariat that the documents would simply not be provided to the relevant Panel. We would like an explanation as to why this late submission was provided to the Panel in this case.

We note that the Commission's website states that the "deadline for written submissions" was "5pm AEDT on Monday 28 March 2022". We note that the IPC requested the Applicant's written response by 5pm Thursday 17 March, but that the Applicant's late submission was not finalised until 4 April and was not published on the IPC's web page until Wednesday 13 April.

The Applicant's submission contains allegations and misrepresentations which threaten to bias the Commission's decision. **If the Commission has indeed read the Applicant's late submission and it has been provided to them, then the Commission MUST afford procedural fairness to the Plains Clan of the Wonnarua People and other submitters by giving an opportunity to respond to the submission and its attachments. Failure to do so will irrevocably bias the process.**

Heritage meeting transcript

On review of the transcript of the Commission's meeting with Heritage NSW and the Heritage Council, Lock the Gate is of the view that it would be manifestly unreasonable for the Commission to grant consent to this project. The conversation recorded in the meeting clarifies that the previous advice provided by Heritage NSW to the Department about the impact of this project on heritage values was rendered ambiguous by being inappropriately directed to the question of whether or not the Ravensworth massacre took place at the current Ravensworth Homestead. It is clear from the responses of these two agencies to the Commission's questions that there is exceptional, irreplaceable heritage value in the intact cultural landscape of the Ravensworth Estate and the presence on those lands of the intact Ravensworth Homestead and that any relocation of the Homestead and mining of the land will irrevocably degrade and erase those values.

The agencies make clear that this value is of state and even national significance, not just to the Plains Clan of the Wonnarua People but to all of New South Wales. Indeed, the site was compared to the World Heritage convict sites in Tasmania. The agencies also indicate that a consensus of views from First Nations parties should not be expected, and that a diversity of views does not undermine the outstanding significance of the site.

Mr Meredith from Heritage NSW said:

At the start of the hearing you acknowledged country and paid respect. What are we trying to achieve by moving the building because all it will be is a building out of context. So for us – and you also mentioned earlier about the Aboriginal community isn't in sync – in unison on this but we've proven through repatriation of mungo man and mungo woman that we, in fact, had a society with laws, culture and we actually celebrate diversity of view. What one person considers to be significant might not be significant to someone else but if we take that out of context and move it you don't have the opportunity to learn and experience country.

The comparison to World War One battlefields is instructive here: these battlefields are of different historical interest for a person whose own ancestors died there, relative to someone else without that story, but the absence of such a story for one person or a group of people in no way detracts from the overall importance of the place for historical memory, storytelling and meaning.

We provide below some excerpts below from the transcript to highlight the weight of matters before the Commission and to reiterate the extraordinary significance of Ravensworth Estate and the surrounding area as clearly presented to you by the Heritage Council and Heritage NSW.

The significance of the values at stake

The Chair of the Heritage Council compared the significance of the massacre site on the Ravensworth Estate to World War I battle site *"where there may be a physical site that's documented but what's*

more, it has a great deal more weight put on it are the stories and recollections of the people that were there...”

Further to this, the Chair reflected on what we consider to be the unreasonable, discriminatory, differentiation of value placed on Aboriginal heritage, storytelling and value in comparison to European heritage, storytelling and value:

This assessment is echoed by Heritage NSW, whose representative Mr Smith told the Commission that Ravensworth is one of a small number of foundational colonial properties that:

“speak to much broader heritage values than just the Hunter or just New South Wales, they tell a national story of government policy around land use, settler ownership of land, the assignment of convicts from the Commissioner Biggs’ policy and Government of Brisbane and they are the absolute, you know, manifestation of that policy change which had that causal link to conflict and dispossession. So Ravensworth is up there with the top one, two or three of those properties in the state, and, therefore, in the country and in my mind we deal with convict sites serialists (sic) in world heritage convict sites.”

Several times during the meeting, the stark disparity in the treatment of Aboriginal and European heritage was highlighted by representatives of the Heritage Council and Heritage NSW. The Aboriginal community expressed to Mr Meredith that Aboriginal heritage is not properly valued and the contrast between the huge expense being proposed to move the Homestead compared to the dismissive treatment of Aboriginal stories and history present at the place. He said *“I was speaking to Aboriginal people on the weekend and they were talking about they will spend a lot of money to move the building but basically everybody believes that Aboriginal cultural heritage isn’t significant and, you know, can just be destroyed for a short term economic gain.”*

As Mr Howarth points out *“If we were discussing the potential relocation of Hyde Park Barracks, similar age buildings probably a bit better constructed, I think everyone would run screaming from the room at the thought of that”.*

The Chair also described the Ravensworth Homestead as *“first among equals”* of the remaining Hunter Valley colonial homesteads, and described its H plan, in particular as *“probably close to unique among those homes”.*

And of the Homestead’s state heritage significance, Howarth says *“it certainly is significant enough to be state heritage listed at the moment where it is but almost certainly not under either of the relocation options”.*

The effects of relocation

As Mr Meredith expressed at the meeting (*“I can’t understand what we are trying to achieve by moving a building”*) to experience, understand and relate to heritage, *“you have to be on country to understand and learn the songs and stories of country.”* This is why people make roadside memorials, visit historic battlefields and immerse themselves in the convict World Heritage sites in Tasmania.

The Chair of the Heritage Council said that moving the homestead would be *“converting Ravensworth from a full story in place to a museum piece. It’s taking it from being part of the landscape with everything around it and the story that can be told there and stood on to (sic) an object in another place.”*

Relocation is *“as the Burra Charter says, it’s the absolute last resort and the council in no way endorses either relocation option”*.

The heritage meaning of Ravensworth Homestead inheres, as Mr Smith makes clear, in its location, and *“what Ravensworth tells and its story is very much around place, it’s around its setting, how it presents in the landscape, why it was built there”* and *“any relocation will have an impact to the ability to retain or tell those stories because you cannot recover a hundred percent of what Ravensworth is now.”*

The meeting raised serious concern about whether relocation in fact was actually possible, but Howarth says that the construction methods of the homestead, *“make it highly doubtful in the council’s mind about whether, notwithstanding the good intentions of Glencore and moving intact that could actually happen”*.

In any case, the practicalities of moving the building would damage its original fabric in the view of Heritage NSW and that compromises *“its originality and its authenticity”* and *“you will lose integrity and materiality of that 1830s building”*.

“We’re talking about an incredibly complex structure of very early primal materials and a range of materials with the vernacular building that make up the complex and, you know, the footings, you know, all of that is part of the intactness of the place and nothing of that scale has been successfully undertaken or even contemplated even in the Australian context that I’m aware of.”

Mr Meredith’s statement that the preservation even of a *“reduced area ... still affords the opportunity for the stories to be told and shared. “By just removing the building and basically mining the landscape it diminishes that opportunity for ... truth-telling and it diminishes the opportunity for us to come together as Aboriginal and non-Aboriginal people that live in this country and it doesn’t offer us that chance for reconciliation.”*

The future of Ravensworth and the Hunter

The Commission is being asked to consider the impacts of this particular project, but has inquired about the fate of the Homestead if the project does not proceed, and Glencore’s neglect allows it to degrade.

In response to the Commission’s questions about this, the Chair envisages that keeping the Homestead in place in a post-mining landscape of pit lakes leaves *“Ravensworth as one of the key anchor points that might just be able to tell the story of what that landscape was largely like before those deep lakes came into being...”*

“Ravensworth could be built into a very interesting cultural tourism anchor point that tells the rural and contact and complex story with other places in the Hunter and could add to the economic growth of the Hunter effectively forever against a short term benefit”

Mr Howarth invites the Commission to consider a positive future for this place:

“I’m active in the cultural tourism space and cultural tourism in its broadest sense is the fastest and most lucrative area of growth for tourism.”

Upon reading this material, it is clear that the loss of this place would be a nationally-significant tragedy and a huge blow to the movement for recognition and reconciliation. It would also destroy the enormous potential of this place to play a key role in the future, post-coal diversification of the

local economy. If saved, Austalians and international visitors would - in future - visit this place to experience its cultural heritage and learn from its landscape and stories. People would not make the same journey if the offering was to walk a degraded landscape, stripped of its history and meaning.

GHG emissions

We hope Table 1 below gives the Commission pause for thought. Should the Commission decide to approve this development, then the cumulative annual Scope 1 and 2 GHG footprint of new coal mine approvals since the IPC was re-badged in March 2018, will **exceed 5 Mt CO₂-e per annum** (your Panel would be responsible for ~270,000 t CO₂-e per annum of this growing problem).

Adding in excess of 5 Mt CO₂-e per annum to the NSW GHG inventory at a time when government policy is to halve emissions by 2030 is obviously going to make the abatement challenge more difficult for all other sectors of the NSW economy. It will also create an ongoing emissions reduction problem that future governments will have to solve and which current and future generations will be impacted by.

It is also extremely sobering to note that approval of this Project would take total new coal project GHG emissions (Scope 1, 2 and 3) approved by the Commission to **almost 2 gigatonnes**, with this Project being responsible for ~12% of this total. We note that the Australian Academy of Science, the former Chief Scientist for Australia Prof. Penny Sackett, the UN Secretary General, the International Energy Agency and many others of equal standing are all urging decision makers to move in the opposite direction. They are calling for rapid and sustained cuts in emissions, with no new approvals for coal, oil or gas.

Table 1: Cumulative GHG emissions of new coal mine approved by the NSW IPC

Project	Determination	Date	Total Scope 1 GHG (Mt CO ₂ -e)	Scope 1 GHG (Mt CO ₂ -e per annum)	Total Scope 2 GHG (Mt CO ₂ -e)	Scope 2 GHG (Mt CO ₂ -e per annum)	Total Scope 3 GHG (Mt CO ₂ -e)	Total GHGs - life of project (Mt CO ₂ -e)
Glendell COP	Pending	?	6.47	0.253	0.45	0.019	220.37	226.87
Narrabri U/ground Stage 3	Approved	1/4/22	31.19	1.36	2.79	0.12	455.62	479.57
Mangoola	Approved	26/04/21	3.3	0.41	0.4	0.005	104.3	107.9
Tahmoor South	Approved	23/04/21	19.3	1.61	1.2	0.10	65.8	86.4
Maxwell Underground	Approved	22/12/20	9.9	0.38	1.1	0.04	326	337
Russell Vale	Approved	8/12/20	1.4	0.284	0.1	0.02	9.6	11.1
Vickery Coal Project	Approved	12/08/20	3.1	0.12	0.8	0.03	366	369.9
Rix's Creek South Mine	Approved	12/10/19	0.8	0.04	0.2	0.01	71.45	72.4
United Wambo	Approved	29/08/19	5.8	0.25	0.8	0.04	259.3	265.9
TOTAL COAL MINE GHG EMISSIONS APPROVED BY NSW IPC			74.80	4.46	7.40	0.37	1,658.11	1,730.19
TOTAL COAL GHG EMISSIONS IF IPC APPROVES Glendell			81.26	4.71	7.85	0.39	1,878.48	1,957.06
NSW IPC established		1/03/18						

Scope 1 and 2 GHG emissions

We note the additional commentary in the various documents about the predicted GHG emissions from this development and the Applicant's statement about what it will do, may do and won't do.

- **There is no plan to meaningfully abate diesel emissions.** There is no commitment to electrify mine vehicles. In their discussion of diesel abatement measures Umwelt state - on behalf of Glencore - that “[b]iodiesel products may be considered” but there is no commitment to use it over conventional diesel.
- **There is no plan to meaningfully abate methane emissions.** Production of these is portrayed as a cost of doing business
- **There is no commitment to purchase renewable energy** even though this is a simple abatement measure that may even lower the Project’s electricity bills. Further to this, we note that DPE’s proposed conditioning of electricity emissions currently recommends that Glencore: “Minimise CO₂-e emissions by using electricity generated by renewable or carbon neutral energy sources where reasonable and feasible.” Inclusion of “where reasonable and feasible” in this sentence renders this draft condition ineffective.
- **We are not aware that Glencore has proposed any voluntary carbon offsets.** The comment below from Glencore to the IPC is - in our view - an accurate reflection of the company’s commitment to GHG emissions reduction.

Is Glencore considering any voluntary carbon offsets on top of the level proposed?

Glencore are not considering any additional voluntary carbon offsets as part of the Project. As mentioned in response to Question 6 above, if the Safeguard Baseline is exceeded in any given year, the Project will be required to surrender Australian Carbon Credit Units (ACCUs) at a rate of one ACCU for each tonne of CO₂-e above the Baseline.

- **We have found no mention in any of the new material of any plan to abate or offset Scope 3 emissions** from this development.

We note that with proposed mitigation measures, there will be very little mitigation of Scope 1 and 2 emissions, with zero mitigation proposed for Scope 3 emissions. Further, we note that the Department and the NSW Government have failed to develop any guidelines (see DPE’s recent Narrabri underground Stage 3 Assessment Report) that might aid the Commission in its task of assessing ‘reasonable and feasible’ mitigation measures or the imposition of offsets where mitigation is not feasible. The discussion about diesel emissions in the additional materials is a case in point. The opportunity cost to lower coal-mine emissions becomes greater with each new Project approved, with weak and ineffective conditions providing little incentive to coal miners to reduce their emissions.

The Commission may like to note that other coal mine applicants have promised to do more than Glencore, with the support of NSW DPE. In the June 2021 assessment of Hume Coal’s proposal, NSW DPIE set what it considered at the time to be a new benchmark for “mitigation and offsetting measures,” describing these as consistent with best or leading practice for coal mining projects in NSW”. These included:

- the use of battery-electric powered vehicles for surface activities and underground personnel transport to reduce diesel emissions
- offsetting all fugitive (Scope 1) GHG emissions through tree planting
- procurement of power supply from renewable energy sources where possible; and
- powering administration buildings with solar energy generated on site.

The Commission may also like to note that vehicle electrification opportunities are evolving rapidly. For an example, see a recent ABC online article (Feb 2022): [Lithium battery manufacturers race to develop low-emission heavy equipment for mining](#). In this article, Mining engineer and consultant Dr Peter Harrop suggests that miners are moving too slowly, choosing to wait until current equipment wears out before upgrading equipment. *"[A]ll the equipment is there ... just buy it!"* he says. *"Hitachi has big battery electric excavators, Liebherr in Germany has concrete trucks that are battery electric, Caterpillar and Komatsu are doing superb work, and Sandvik of Sweden has a complete range for deep mines."* He also thinks that hydrogen may play a role in replacing *"diesel in heavy industry in the next 10 years"*.

Finally, we would like to draw the Commission's attention to a growing global consensus that urgent action is required to dramatically reduce methane emissions. This Project would add 3.8Mt CO₂-e of fugitive emissions (mainly methane) to the atmosphere, with no meaningful abatement or offsets proposed.