



6 April 2022

Mr Stephen O'Donoghue
Director, Resource Assessments
Energy, Resources and Industry
Department of Planning and Environment

By email: Stephen.ODonoghue@planning.nsw.gov.au

Dear Mr O'Donoghue

Glendell Continued Operations Project (SSD 9349) and Mount Owen Continued Operations (SSD 5850) Modification

I refer to the applications currently before the Independent Planning Commission (**Commission**) for determination of the Project referred to above.

On 28 March 2022, you and other officers of the Department of Planning and Environment (**Department**) attended a meeting between the Commission Panel appointed to determine the applications, officers of the Office of the Independent Planning Commission, officers of Heritage NSW and Mr Frank Howarth, the Chair of the Heritage Council.

A copy of the transcript of that meeting is publicly available on the Commission's website [here](#).

At the 28 March 2022 meeting, it appeared that a consensus had developed between Heritage NSW and the Heritage Council that may reflect a development of Heritage NSW's position as described in the Department's whole-of-government assessment of the Project.

Of particular interest to the Panel in the transcript of the 28 March 2022 meeting were matters including:

- Mr Howarth's suggestion at page 8, lines 9 to 16 and Mr Smith's suggestion at page 9, lines 12 to 14 that the heritage values of the Ravensworth Homestead complex may be of national significance in addition to being of state significance;
- Mr Howarth's suggestion that the Ravensworth Homestead is '*probably close to unique*' at page 8, lines 22 to 23;
- Mr Smith's suggestion at page 9 that the Ravensworth Homestead complex is significant because of the broader story it tells about government policy, at the time, of land allocation and the assignment of convicts (lines 6 to 7), its status as the '*manifestation of colonial aggressive land acquisition breaking up the country*' (lines

16 to 17), and its status as one of the *'earliest but also the most authentic of the Hunter homesteads...so it's extremely rare for those values alone'* (lines 22 to 24);

- Mr Howarth's submission regarding the significance of the European heritage aspects of the Ravensworth Homestead complex at page 10, lines 7 to 15;
- Mr Smith's reference to the intangible values of the Ravensworth Homestead complex, beyond the archaeological aspects, on page 12, which Mr Smith submits may be lost if the heritage buildings are relocated;
- Mr Smith's reference to the authenticity and integrity of the heritage values of the Ravensworth Homestead complex on page 13, lines 1 to 13, which the Panel has taken as a submission on the value of the heritage items remaining in-situ;
- Mr Howarth's submission at page 14, lines 23 to 27, that the proposed relocation would diminish or eliminate the current state significance of the heritage values of the complex to a point where it may not meet the threshold for local listing;
- Mr Meredith's submission at page 16, line 39 to page 17, line 8 regarding the heritage impacts of relocation – particularly that relocation *'diminishes the opportunity for us to tell the truth about the history of this country by taking it out of context...'*; and
- Mr Meredith's suggestion at page 24, lines 12 to 30 that relocation of the buildings *'diminishes that opportunity for the truth-telling and it diminishes the opportunity for us to come together as Aboriginal and non-Aboriginal people that live in this country'*.

Given the matters raised at that meeting, the Commission Panel requires further assessment of the anticipated impacts of the Project on matters relating to both Aboriginal and European heritage.

That further assessment should respond to all matters raised by Heritage NSW and the Heritage Council in the 28 March 2022 meeting as well as address the following specific questions:

1. At [274] of the Assessment Report prepared for the applications, the Department stated that:

'The Department and Heritage NSW are satisfied that Glencore has explored and identified reasonable and feasible measures to minimise the Project's impacts on Aboriginal heritage value, and that the Project's residual impacts are unlikely to have a significant incremental or cumulative impact on the Aboriginal heritage values of the region.'

At the 28 March 2022 meeting, officers of Heritage NSW spoke in detail regarding the impact of the Project on both Aboriginal and European heritage values.

For example, at page 16, line 39 to page 17, line 8, Mr Meredith of Heritage NSW stated:

'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.'

As the Chair of the Heritage Council mentioned, Wonnarua countries have significant impacts over a long period of time. There is not a lot of in situ material. 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. It diminishes the opportunity for us to tell the truth about the history of this country by taking it out of context...'

The evidence given in the 28 March 2022 meeting suggests that Heritage NSW is no longer satisfied that the Project's residual impacts are unlikely to have a significant incremental or cumulative impact on the Aboriginal or European heritage values of the region.

Accordingly, the Panel requests that the Department provide further assessment clarifying how the current position of Heritage NSW affects the recommendations put forward in the Department's Assessment Report and recommended conditions of consent.

2. At [257] of its whole-of-government Assessment Report, the Department states that:

'Given the available mitigation measures, the Department does not believe that the heritage values of the homestead outweigh the social and economic benefits of the coal resource such that it would warrant retention of the heritage item in-situ...'

Given:

- what appears to be a developing position on the part of Heritage NSW and the Heritage Council regarding the heritage values of the Ravensworth Homestead complex – specifically, the value of the heritage items at the complex remaining in-situ; and
- the Department's view with respect to the cost benefit analyses, as expressed in the transcript of day one of the public hearing at page 10, lines 13 to 14, that there is *'quite an extreme sort of sensitivity range when you look at the different methodologies'*,

does the Department's view, reflective of a whole-of-government assessment, remain that the social and economic benefits of the extraction of the coal resource still outweigh the heritage values of the Ravensworth Homestead complex? It would assist the Panel if the Department could provide additional assessment on this point.

3. At the 28 March 2022 meeting, Mr Howarth of the Heritage Council stated at page 14, lines 23 to 27 that:

'Our view is that either relocation would diminish its significance so much that it would be highly unlikely to meet the threshold for state listing. It may meet the threshold for local listing. In the nearby move within Broke, I doubt that it would even meet that because just too much of its key elements of significance either diminished or eliminated [sic]'

Mr Howarth's submission does not appear to relate to the structural engineering aspects of the relocation, rather it suggests that even if any relocation of buildings is entirely successful from a structural engineering perspective, the fact of relocation in and of itself would lead to the potential diminution or elimination of the Ravensworth Homestead complex's heritage values.

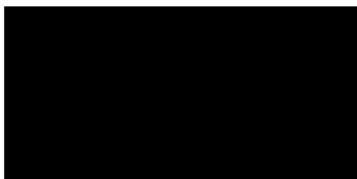
On the basis of Mr Howarth's submission, it would follow that the appropriate time for considering the listing is while the complex still retains state heritage values and before those values are potentially diminished or eliminated by relocation.

Accordingly, the Panel requests that the Department, as part of its whole-of-government assessment of the applications on behalf of the Commission, obtain clarification from the Heritage Council as to whether the currently delayed recommendation to list the complex on the State Heritage Register (per the footnote to [17] in the Assessment Report) is to be revived and if not, why not.

The Panel would be assisted by the further assessment by 22 April 2022. If additional time is required, please let the Commission know as soon as possible.

Should you require any further information please contact Ms Casey Joshua by phone [REDACTED] or email casey.joshua@ipcn.nsw.gov.au.

Yours sincerely



Stephen Barry
Planning Director